SENATE—*Wednesday, June 16, 1999*

The Senate met at 10 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, help us to see our work here in Government as our divine calling and mission. Whatever we are called to do today, we want to do our very best for Your glory. Our desire is not just to do different things but to do some of the same old things differently: with freedom, joy, and excellence. Give us new delight for matters of drudgery, new patience for people who are difficult, new zest for unfinished details. Be our lifeline in the pressures of deadlines, our rejuvenation in routines, and our endurance whenever we feel enervated. May we spend more time talking to You about issues than we do talking to others about issues. So may our communion with You give us such deep convictions that we will have the high courage to defend them. Spirit of the living God, fall afresh on us so that we may serve You with renewed dedication today. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will begin now 10 minutes of debate on S. 1205, the military appropriations construction bill, followed by 20 minutes of debate on S. 331, the work incentives legislation. Votes on passage of those two bills will begin at approximately 10:45. Following those votes, the Senate will begin debate on the motion to invoke cloture on the House-passed Social Security lockbox legislation for 1 hour, with that vote to begin after all time has expired or been yielded back.

It is expected that the Senate will complete the energy and water appropriations bill during today's session of the Senate as well as resume consideration of H.R. 1664 regarding the steel, oil, and gas revolving loan.

I presume the vote on the Social Security lockbox legislation will occur around 12:30 or so. So we have two votes then, at approximately 10:45 and another one at 12:30, and then we probably will have at least one more, maybe two, with regard to the energy and water appropriations bill, and then we will go back to the oil and gas revolving fund.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, leadership time is reserved.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1205 which the clerk will report.

The legislative assistant clerk read as follows:

A bill (S. 1205) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate equally divided in the usual form with an additional 5 minutes for the Senator from Arizona, Mr. MCCAIN.

The distinguished Senator from Montana is recognized.

Mr. BURNS. Mr. President, I will have to ask some of the staff but I think Mr. MCCAIN will not be present to make his statement this morning. I will make mine, and then we will work that out later.

I am pleased to bring before the Senate the military construction appropriations bill and report for fiscal year 2000. The bill reflects a bipartisan approach that the ranking member, Senator MURRAY of the State of Washington, and I have tried to maintain regarding military construction and this subcommittee.

This isn't the first year we have put this bill together. We are getting to be old hands at it. But I want to say personally it is a pleasure to work with the Senator and her staff. It seems as if we have a lot of luck in working out some of the problems some people would run into before we ever get the bill to the floor. So those problems are taken care of. I appreciate the attitude and manner in which we have worked together on this bill.

This bill was reported out of the full Appropriations Committee on June 10 by a unanimous vote of 28 to nothing. The bill recommended by the full Committee on Appropriations is $8,273,820,000.

The administration submitted the fiscal year 2000 military construction budget with all of the military construction and family housing projects incrementally funded over a 2-year period. We are finding that some of that is working and some of it is not, and we will probably be looking at this in a different light in another year.

To have proceeded in this manner would have demonstrated a poor financial stewardship on the part of the Senate and placed the Department's 2000 military construction program in great jeopardy. That is the reason we are taking a look at it. The subcommittee rejected that recommendation and provided full funding for all of the construction projects.

Accordingly, the bill is $2.8 billion over the budget request, but the bill is still $176 million less than what was appropriated just a year ago. However, more important, the legislation reflects a reduction of $1.7 billion from just 3 years ago.

We have sought to recommend a balanced bill to the Senate. We believe it addresses key military construction requirements for readiness, family housing, barracks, quality of life, and of course we do not want to forget our Guard and our Reserve components.

This bill honors the commitment we have to our Armed Forces. It helps ensure that the housing and infrastructure needs of the military are given proper recognition.

Also, I am pleased to report to the Senate that the bill is within the committee's 302(b) budget allocations for both budget authority and outlays.

This bill has some points I want to mention. We have added $485 million above the budget request to provide better and more modern family housing for our service personnel and their families.

Just less than a month ago, we opened a new housing unit at Malmstrom Air Force Base in Montana. I said at that time, and I still mean it, there is no better way to send a strong message to our fighting men and women than to provide them with good housing in a good atmosphere and the greatest way we can say we care.

On another quality of life measure, we added substantially to the budget request for barracks construction projects, some $587 million for 47 projects throughout the United States and overseas.

I say right now to the American people, we have American troops deployed in over 70 countries around the world.

This funding will provide single service members a more favorable living environment wherever they are stationed.

The committee also fully funds the budget request of $245 million for funding 25 environmental compliance projects.

We also addressed the shortfalls that continue to plague our reserve components.

I continue to be greatly alarmed that the Department of Defense takes no responsibility for ensuring that our reserve components have adequate facilities.

Their lack of disregard for the total force concept very much concerns me and a number of our colleagues.

This comes at a time when our country is so heavily dependent on the Guard and Reserve to maintain our presence around the world.

For example, the President's budget requested funding of only $77 million for all of the Reserve components and the National Guard.

Recognizing this chronic shortfall, we have again lent support by adding $560 million to these accounts.

In each case, the funds will help satisfy essential mission, quality of life or readiness requirements.

We fully funded the budget request for the base realignment and closure account by providing $706 million to continue the ongoing brac process.

All of the projects that we have recommended were thoroughly screened to ensure that they meet a series of defensible criteria and that they were authorized in the defense authorization bill.

We will work very closely with the Senate Armed Services Committee, as we put together a conference package for military construction.

There are many other issues that I could speak about at this time. I urge the Members of the Senate to support this bill and move it forward expeditiously.

I yield the floor for the ranking member.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

Mr. President, I am very pleased to join my colleague, Chairman BURNS, in recommending the fiscal year 2000 military construction bill to the Senate for approval.

I begin by thanking him and his staff for being so great to work with. He is right, we are old hands but not that old; and it is great to work with him.

This bill, which was reported with the unanimous approval of the Senate Appropriations Committee last week, bears little resemblance to the spending structure proposed by the administration last winter. The administration, in what I consider to be a misguided effort to free up more money for defense spending, proposed a buy-now, pay-later military construction bill. The subcommittee carefully analyzed the administration's plan. We had numerous briefings as well as two subcommittee hearings. Our conclusion was that split funding not only would set a dangerous precedent but also would jeopardize the integrity of the entire military construction program.

At the recommendation of the Military Construction Subcommittee, the Appropriations Committee wisely rejected the administration's proposal for incremental funding. With the help of our chairman and ranking member, Senator STEVENS and Senator BYRD, we were able to fully fund our Military Construction Program. Moreover, we were able to surmount the woefully inadequate amounts of funding that the administration sought to spread over the full 2-year construction program. In the end, we increased construction funding for active duty components by $278 million over the administration's total request, and for reserve components by nearly $388 million over the request.

We achieved these increases by judicious reductions in other accounts, such as the base realignment and closure account, without jeopardizing the pace of ongoing work. Senator BURNS and his staff deserve a great deal of credit for the thoughtful and careful approach that they took in the drafting of this bill. As always, they have worked hard to produce a balanced, bipartisan product that takes into account both the concerns of the Senate and the needs of the military.

In particular, they have done a superb job of continuing to shine the spotlight on the quality of life projects that are so important to our men and women in uniform, and to their families. At a time when military enlistment and retention are in free fall, and the services cannot hope to match the financial incentives of the private sector, quality of life issues are magnified in importance. They do not diminish the importance of readiness projects, but they are a factor in recruiting and retaining our military personnel.

Within the budget constraints that we are all forced to operate this year, this bill attempts to meet the most urgent and most timely of the military construction projects available. All of the major construction projects that we have funded have been authorized. In addition, we have ensured adequate funding for family housing and barracks construction, and we have suggested that the Department of Defense revisit the issue of housing privatization to determine if it is a workable solution to our military housing needs.

Even so, this bill is $176 million below the military construction bill enacted last year. This continues the recent, and troubling, downward spiral in military construction investment. During a year in which the Congress has made great strides toward addressing the need to enhance defense readiness and military personnel spending, it is disappointing—and in my opinion, shortsighted—to see defense infrastructure needs struggling to keep pace.

This is an extremely important bill for our Nation and our military forces. I again commend Senator BURNS and his staff for their excellent work in producing the bill, and I urge the Senate to approve it.

Mr. MCCAIN. Mr. President, as United States military forces deploy into war-torn Kosovo for another protracted, costly stay of indeterminate duration and of considerable potential risk, I am left wondering why, with all of the readiness and modernization problems that are well-established matters of record, we felt compelled to add over $6 million in this bill for a new Visiting Officers Quarters at Niagara Falls. Is this really the message we want to send to our military personnel and to the American taxpayer. I think not.

The propensity of members of Congress to devote enormous time and energy to adding items to spending bills for primarily parochial considerations remains one of our most serious weaknesses. The implications for national defense, however, are no laughing matter. Those of us who serve on the Armed Services Committee have heard a great deal of testimony from the Joint Chiefs of Staff, as well as from regional and functional commanders in chief, of the impact extraordinarily high operational tempos are having on both near- and long-term military readiness. And we hear it directly from troops in the field. They are tired; repeated deployments and declining quality of life has taken a toll. A vicious cycle has emerged wherein the impact of high deployment rates and shrinking force structure are exacerbated by the flight of skilled personnel out of the service as a result of those trends.

So I have to wonder why, given the scale of the problems documented, we are adding $12 million to the budget for new visitors quarters at Dover Air Force Base, $12 million for a Regional Training Institute in Hawaii, $3 million for a Marine Corps Reserve Center in Louisiana, $8.9 million for a C–130J simulator facility in Mississippi, $8 million for the Red Butte Dam in Utah, and $15 million for an Armed Forces Reserve Center in Oregon. None of these projects—none of them—were requested by the Department of Defense, and none of them are on the services' Unfunded Priority Lists. Unrequested projects totaling $985 million—almost $1 billion—was added to this bill, on top of the $5 billion in member-adds included in the defense appropriations bill passed last week.

I have asked rhetorically on the floor of the Senate many times when we are going to stop this destructive and irresponsible practice of adding projects to the defense budget primarily for parochial reasons. I have yet to receive an

answer. Certainly, the practice has neither stopped nor slowed. The last minute insertion in the defense appropriations bill of $220 million for four F–15 fighters not requested by the Air Force solely for the purpose of appeasing hometown constituencies was one of the more disgraceful acts I've witnessed since, well, since we went through the same exercise last year. The total in unrequested items between the defense and military construction appropriations bills is almost $6 billion. That is serious money.

As American pilots continue to patrol the skies over Iraq, maintain a tenuous peace in Bosnia, and proceed into uncharted terrain in Kosovo, we would do well to consider the ramifications of our actions. I'm under no illusions, however, that such contemplation will occur. It is apparently, and sadly, not in our nature.

Mr. President, I ask unanimous consent that the accompanying list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MILCON appropriations adds for FY 00

[In millions of dollars]

ALABAMA	
Maxwell AFB: Off. Transient Student Dormitory	10.6
Anniston AD: Ammo Demilitarization Facility	7.0
Redstone Arsenal: Unit Training Equip. Site	8.9
Dannelly Field: Med. Training & Dining Facility	6.0
ALASKA	
Fort Wainwright: Ammo Surveillance Facility	2.3
Fort Wainwright: MOUT Collective Trng. Facility	17.0
Elmendorf AFB: Alter Roadway, Davis Highway	9.5
ARKANSAS	
Pine Bluff Arsenal: Chemical Defense Qual. Facility	18.0
Pine Bluff Arsenal: Ammo. Demilitarization Facility	61.8
CALIFORNIA	
Fresno ANG: Ops Training and Dining Facility	9.1
COLORADO	
Pueblo AD: Ammo. Demilitarization Facility	11.8
CONNECTICUT	
West Hartford: ADAL Reserve Center	17.525
Orange ANG: Air Control Squadron Complex	11.0
DELAWARE	
Dover AFB: Visitor's Quarters	12.0
Smyrna: Readiness Center	4.381
FLORIDA	
Pensacola: Readiness Center	4.628
GEORGIA	
Fort Stewart: Contingency Logistics Facility	19.0
NAS Atlanta: BEQ–A	5.43

MILCON appropriations adds for FY 00—Continued

[In millions of dollars]

HAWAII	
Bellows AFS: Regional Training Institute	12.105
IDAHO	
Gowen Field: Fuel Cell & Corrosion Control Hgr	2.3
INDIANA	
Newport AD: Ammo. Demilitarization Facility	61.2
Fort Wayne: Med. Training & Dining Facility	7.2
IOWA	
Sioux City IAP: Vehicle Maintenance Facility	3.6
KANSAS	
Fort Riley: Whole Barracks Renovation	27.0
KENTUCKY	
Fort Campbell: Vehicle Maintenance Facility	17.0
Blue Grass AD: Ammo. Demilitarization Facility	11.8
Blue Grass AD: Ammo. Demilitarization Support	11.0
LOUISIANA	
Fort Polk: Organization Maintenance Shop	4.309
Lafayette: Marine Corps Reserve Center	3.33
NAS Belle Chase: Ammunition Storage Igloo	1.35
MARYLAND	
Andrews AFB: Squadron Operations Facility	9.9
Aberdeen P.G.: Ammo. Demilitarization Facility	66.6
MASSACHUSETTS	
Hansen AFB: Acquisition Man. Fac. Renovation	16.0
MICHIGAN	
Camp Grayling: Air Ground Range Support Facility	5.8
MINNESOTA	
Camp Ripley: Combined Support Maintenance Shop	10.368
MISSISSIPPI	
Columbus AFB: Add to T–1A Hangar	2.6
Keesler AFB: C–130J Simulator Facility	8.9
Miss. Army Ammo Pl.: Land/Water Ranges	3.3
Camp Shelby: Multi-purpose Range	14.9
Vicksburg: Readiness Center	5.914
Jackson Airport: C–17 Simulator Building	3.6
MISSOURI	
Rosencrans Mem APT: Upgrade Aircraft Parking Apron	9.0
MONTANA	
Malmstrom AFB: Dormitory	11.6
Great Falls IAP: Base Supply Complex	1.4
NEVADA	
Hawthorne Army Dep.: Container Repair Facility	1.7
Nellis AFB: Land Acquisition	11.6
NEW HAMPSHIRE	
Portsmouth: Waterfront Crane	3.850

MILCON appropriations adds for FY 00—Continued

[In millions of dollars]

Pearl Trade Part ANG: Upgrade KC–135 Parking Apron	9.6
NEW JERSEY	
Fort Monmouth: Barracks Improvement	11.8
NEW MEXICO	
Kirtland AFB: Composite Support Complex	9.7
Cannon AFB: Control Tower	4.0
Cannon AFB: Repair Runway #2204	8.1
NEW YORK	
Niagara Falls: Visiting Officer's Quarters	6.3
NORTH CAROLINA	
Fort Bragg: Upgrade Barracks D-Area	14.4
NORTH DAKOTA	
Grand Forks AFB: Parking Apron Extension	9.5
OHIO	
Wright Patterson: Convert to Physical Fitness Ctr.	4.6
Columbus AFB: Reserve Center Addition	3.541
Springfield: Complex	1.77
OKLAHOMA	
Tinker AFB: Repair and Upgrade Runway	11.0
Vance AFB: Upgrade Center Runway	12.6
Tulsa IAP: Composite Support Complex	10.8
OREGON	
Umatilla DA: Ammo. Demilitarization Facility	35.9
Salem: Armed Forces Reserve Center	15.255
PENNSYLVANIA	
NFPC Philadelphia: Casting Pits Modification	13.320
NAS Willow Grove: Ground Equipment Shop	0.6
Johnstown ANG: Air Traffic Control Facility	6.2
RHODE ISLAND	
Quonset: Maintenance Hangar and Shops	16.5
SOUTH CAROLINA	
McEntire ANG: Replace Control Tower	8.0
SOUTH DAKOTA	
Ellsworth AFB: Education/library Center	10.2
TENNESSEE	
Henderson: Organization Maintenance Shop	1.976
TEXAS	
Dyess AFB: Child Development Center	5.4
Lackland AFB: F–16 Squadron Ops Flight Complex	9.7
UTAH	
Salt Lake: Red Butte Dam	8.0
Salt Lake City IAP: Upgrade Aircraft Main. Complex	9.7
VERMONT	
Northfield: Multi-purpose Training Facility	8.652

MILCON appropriations adds for FY 00—Continued

[In millions of dollars]

VIRGINIA	
Fort Pickett: Multi-purpose Training Range	13.5
WASHINGTON	
Fairchild AFB: Flight Line Support Facility	9.1
Fairchild AFB: Composite Support Complex	9.8
WEST VIRGINIA	
Eleanor: Maintenance Complex	18.521
Eleanor: Readiness Center	9.583
Total	985

Mr. DOMENICI. Mr. President, the pending Military Construction Appropriations bill provides $8.3 billion in new budget authority and $2.5 billion in new outlays for Military Construction and Family Housing programs and other purposes for the Department of Defense for fiscal year 2000.

When outlays from prior-year budget authority and other completed actions are taken into account, the outlays for the 2000 program total $8.8 billion.

Compared to 1999 appropriations, this bill is $385 million lower in budget authority, and it is $622 million lower in outlays.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the active forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The bill is within the revised section 302(b) allocation for the Military Construction Subcommittee. I commend the distinguished subcommittee Chairman, the Senator from Montana, for bringing this bill to the floor within the subcommittee's allocation.

The bill provides an important and necessary increase in budget authority above the President's request for 2000. Most of the $2.8 billion increase fully funds projects that the President's request only partially funded. Because the bill supports appropriate full funding budgeting practices and because it funds highly important quality of life programs for our armed services, I urge the adoption of the bill.

Mr. President, I ask unanimous consent that a table showing the relationship of the bill to the subcommittee's section 302(b) allocation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1205, MILITARY CONSTRUCTION APPROPRIATIONS, 2000, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2000, in millions of dollars]

Category	General purpose	Crime	Mandatory	Total
Senate-reported bill:				
Budget authority	8,274	.....	.....	8,274
Outlays	8,789	.....	.....	8,789
Senate 302(b) allocation:				
Budget authority	8,274	.....	.....	8,274
Outlays	8,789	.....	.....	8,789
1999 level:				
Budget authority	8,659	.....	.....	8,659
Outlays	9,411	.....	.....	9,411
President's request:				
Budget authority	5,438	.....	.....	5,438
Outlays	8,921	.....	.....	8,921
House-passed bill:				
Budget authority	.....	.....	.....	.....
Outlays	.....	.....	.....	.....
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	.....	.....	.....	.....
Outlays	.....	.....	.....	.....
1999 level:				
Budget authority	(385)	.....	.....	(385)
Outlays	(622)	.....	.....	(622)
President's request:				
Budget authority	2,836	.....	.....	2,836
Outlays	(132)	.....	.....	(132)
House-passed bill:				
Budget authority	8,274	.....	.....	8,274
Outlays	8,789	.....	.....	8,789

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions. Prepared by SBC Majority Staff, 06/14/99.

Mr. HUTCHINSON. Mr. President, I rise today to express my strong support for the speedy passage of S. 1205, the fiscal year 2000 military construction appropriations bill. I compliment both Chairman BURNS and the ranking member, Senator Murray, for their excellent work in producing a bill that won the unanimous endorsement of the subcommittee. I am sure the bill will receive a similar degree of support from the entire Senate. I must also commend Senators BURNS and MURRAY for rejecting the President's premature and irresponsible attempt to incrementally fund these essential projects. The Congress must continue to send this President the clear and consistent message that his fiscal negligence toward our Armed Forces will not be tolerated.

I would like to take a moment to highlight two of the four important military construction projects for Arkansas included in this bill. The first is an $8.7 million project for Little Rock Air Force Base. This project is comprised of three new facilities, and the renovation of a fourth, that will greatly enhance the mission capabilities of the 189th Airlift Wing, Arkansas National Guard. The new Communications, Vehicle Maintenance and Civil Engineering/Medical Services facilities along with the renovated Aircraft Support building will stand as visible reminders of the Federal Government's commitment of Little Rock Air Force Base's bright future as an essential component of our nation's security.

The other military construction project I would like to highlight is one that the Subcommittee wisely added to the President's insufficient proposal. I am speaking about the inclusion of an $18 million Chemical Defense Quality Evaluation Facility to be constructed at the Pine Bluff Arsenal.

Pine Bluff Arsenal presently serves as the Department of Defense's primary maintenance and certification facility for chemical and biological defense equipment such as gas masks for our soldiers and air filters for M–1 tanks. The Department of Defense describes the present facility as:

operating at maximum capacity, beyond levels consistent with good laboratory practice, with no space for [expansion].

According to the Department of Defense:

if this project is not provided, inadequate . . . stockpile surveillance testing will continue, with an undefined chance that defective, deteriorated or damaged protective equipment or components could be accepted or retained in stock for issue. This risk directly endangers the worker in a toxic chemical environment or the soldier facing toxic chemicals in a combat situation. [DOD] cannot ensure reliability of [chemical and biological] equipment without . . . a suitable test facility.

The construction of this new Chemical Defense Quality Evaluation Facility will reaffirm that defense against Weapons of Mass Destruction remains a national priority, and that the Pine Bluff Arsenal remains at the forefront of America's efforts in that endeavor.

I will finish by again complimenting the subcommittee for its efforts in producing this legislation, and urge my colleagues to vote for its quick adoption.

Mr. BINGAMAN. Mr. President, I rise to state my concern about a provision in the Military Construction Appropriations Bill for Fiscal Year 2000 that the Senate is considering today. I am very concerned about the potential effects of Section 129 of the bill relating to the chemical weapons demilitarization program planned for the Bluegrass Army Depot.

My concern, simply stated, is that Section 129 could delay the chemical demilitarization process beyond the deadline for destroying all our chemical weapons under the Chemical Weapons Convention (CWC). This provision, which would levy additional requirements before demilitarization work can begin at the depot, could prevent the United States from complying with its obligations under the CWC.

The Administration shares my concern and strongly opposes this provision of S. 1205. In fact, their opposition is stated in the first item listed in the Statement of Administration Policy regarding this bill. Here's what the Administration has to say about this matter:

The Administration strongly opposes Section 129, which would require the demonstration of six alternative technologies to chemical weapons incineration before construction of the Chemical Demilitarization facility at Bluegrass, Kentucky could begin. Prompt construction of the Bluegrass site is critical to ensuring U.S. compliance with the deadline for chemical weapons destruction agreed to under the Chemical Weapons Convention. The Department of Defense has

demonstrated three alternative technologies, one more than required by P.L. 104–208, the Omnibus Consolidated Appropriations Act of 1997. This provision would delay construction of the Bluegrass site by at least one year, resulting in a breach of the Chemical Weapons Convention deadline.

The President of the United States signed the Chemical Weapons Convention and the Senate provided its advice and consent to ratification of that treaty. The treaty is now in force and the United States is a party to it, so we are bound by its terms and requirements. I am very disturbed and dismayed that the United States is not in compliance with this treaty, a situation that could worsen if legislation such as contained in Section 129 is enacted into law.

I remind my fellow Senators that the United States has still not gathered and declared information regarding U.S. industrial chemical facilities that is required by the treaty. In addition, the U.S. has not complied with treaty provisions governing inspections of military facilities authorizing the use of treaty-approved inspection equipment. Finally, the implementing legislation for the CWC contains provisions that are antithetical to treaty provisions. Should the President exercise the option approved in the implementing legislation to refuse a challenge inspection, such action would directly contravene both the intent and the letter of the treaty that entered into force. I urge my fellow Senators to be aware of these problems and to support efforts to resolve them so that the United States can become compliant with its international treaty obligations and assume the leadership needed in order to make this treaty effective.

One of the central requirements of the Chemical Weapons Convention is that parties must destroy their chemical weapons stockpile within 10 years of the date of entry into force of the treaty. That means that the United States must destroy all its chemical weapons by April 29, 2007. I am concerned that Section 129 of this bill would prevent the United States from meeting its legal obligation to destroy all its chemical weapons before this deadline. I believe it would be both unwise and unnecessary to enact legislation that would have the effect of preventing the United States from meeting one of its treaty obligations.

To be specific, Section 129 would prevent the obligation or expenditure of any funds made available by the Military Construction Appropriations Act or any other Act for the purpose relating to construction of a facility at Bluegrass Army Depot in Kentucky for demilitarization of chemical weapons until the Secretary of Defense reports to the Congress on the results of evaluating six alternative technologies to the current baseline incineration process for destroying chemical weapons.

While this may sound quite reasonable, it poses a problem that I want to highlight. It would effectively delay the chemical demilitarization process at Bluegrass to the point that we would likely not be able to meet the Chemical Weapons Convention. This is because it would add a new requirement to demonstrate and evaluate three additional alternative destruction technologies, and for the Secretary of Defense to report to the Congress on those additional technologies before any demilitarization construction funding could be used at the Bluegrass Depot.

There are currently three alternative technologies being considered by the Defense Department under the Assembled Chemical Weapons Assessment (ACWA) program. This program was established in law several years ago, but the law required the Department to evaluate at least two alternative technologies—-not six. Section 129 would add the requirement to evaluate four additional technologies which will take additional time and money. That will result in a one-year delay in starting the chemical demilitarization process at Bluegrass which would prevent the U.S. from destroying all the chemical weapons there before the CWC deadline.

I note that the Armed Services Committee, of which I am a member, has no provision in the Defense Authorization Bill for Fiscal Year 2000 that places any restriction on the chemical demilitarization program. In fact, the Subcommittee on Emerging Threats and Capabilities, on which I serve as the Ranking Member, included report language that emphasizes the importance of meeting our CWC Treaty obligation to destroy all of our chemical weapons by the treaty deadline. Moreover, the Defense Authorization bill which passed the Senate on May 27, 1999, fully funds the Defense Department's request for funds for the chemical demilitarization program.

I do not believe that it is the intent of this provision or of its sponsors to prevent the United States from meeting its treaty obligations under the Chemical Weapons Convention, or to force the U.S. to violate the treaty. Therefore, I urge my fellow Senators during the forthcoming conference on the Military Construction Appropriations bill to support modifications to Section 129 so that the bill will not have this unintended effect. I'm certain that my colleagues agree that it is essential for the Senate to take all actions necessary to ensure that we uphold our treaty obligations just as we would demand of other states. Modification of Section 129 would constitute such an action.

Mr. MCCONNELL. Mr. President, I rise today in support of S. 1205, the Military Construction Appropriations bill. I congratulate Chairman BURNS and the ranking member, Senator MURRAY, for crafting a spending bill which addresses the critical priorities of America's soldiers in a prudent and effective manner.

This year's Administration submission made the task of the Committee more difficult than at any time since I have been a member of the Senate Appropriations Committee. By suggesting that Congress incrementally fund all military construction programs, the Administration charted a course for failure and left Senators BURNS and MURRAY to clean up the mess. They have done so admirably and I am proud to support their efforts.

While I strongly support the entire bill before the Senate today, I would like to take just a moment of the Senate's time to explain a particular section of the bill. Section 129 of this measure was included at my request and deals with the construction of chemical demilitarization facilities at the Bluegrass Army Depot in Kentucky. Specifically, this provision would prohibit such construction until the Secretary of Defense reports on the completed demonstration of 6 alternatives to baseline incineration as a means of destroying America's chemical weapons stockpile.

I think it is important to state first what this amendment does not do. This language will have no impact on any proposed funding in the FY00 military construction bill. The reason is that the prohibition on spending for construction at Bluegrass Army Depot applies only to facilities which are technology specific. This means that construction for buildings which will be necessary regardless of the method of destruction employed at Bluegrass is permitted. This allows for progress on necessary components for eventual demilitarization activities such as administrative facilities, but prohibits construction of the actual treatment facility to be deployed in Kentucky until the Secretary certifies that demonstration of the six alternatives is complete.

It is also not my intent to delay or avoid destruction of the stockpile in Kentucky. My sole purpose is to ensure that when the weapons stored in Kentucky are destroyed only the safest most effective method is utilized. Once the Secretary certifies that all six alternative technologies have been demonstrated—and this can occur in the very near future—technology specific efforts at Bluegrass may begin. I supported ratification of the Chemical Weapons Convention and believe that the United States should do everything it can to meet the April 2007 deadline. The language contained in Section 129 should have no adverse impact on the U.S. being able to satisfy its Chemical Weapons Convention obligations.

Now that I have offered an explanation as to what this language will not do, let me describe what I hope it will accomplish. Quite simply, this is a

continuation of my efforts to push the military to recognize that public safety should be the top priority as America eliminates its chemical weapons in compliance with the CWC. The Army's selection of incineration as their preferred technology dates all the way back to 1982—almost 20 years ago. It is unreasonable, and in fact irresponsible, to assume that there have been no technological advancements since that time which could lead to improved methods of disposal. Only ten years ago few would have predicted the dynamic nature of the Internet would provide Americans instant access to information around the globe. Given that example, why has the department chosen to ignore potential strides in chemical weapons destruction? Why then has the safety of those Americans who live near chemical weapons destruction sites taken a back seat to fiscal and calendar concerns?

In an effort to force the Department to consider the possibility of alternatives to incineration, I offered and the Senate accepted an amendment to the FY97 Defense Appropriations bill which established the Assembled Chemical Weapons Assessment program. As I previously stated, this program identified a total of six technologies as suitable for demonstration. Unfortunately the Department has chosen to fund only three. As a result of the Department's decision to not fully test each technology, much of the good will established by the program has eroded. Continued DOD intransigence will lead to well deserved skepticism regarding the eventual report issued by ACWA. The citizens who are counting on the federal government's honest assessment of how to proceed deserve the security of knowing that all viable options were appropriately considered.

I have outlined the hypocrisy of the Department's argument in a floor statement I made on June 8, 1999, and so I will not repeat myself at this point. Regardless of the Department's contention that funding for further testing is limited, I believe the interests of public safety far outweigh any limited fiscal concerns. This is not a case of one Senator screaming that the ''sky is falling.'' Rather, this is an effort to hold the Department of Defense accountable for what should have always been its first priority—the safety of potentially impacted citizens. I will continue to press for full testing and accountability.

I thank my colleagues and urge their support for the Military Construction bill.

WORK INCENTIVES IMPROVEMENT ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 331, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 331) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Work Incentives Improvement Act of 1999''.

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

SEC. 2. FINDINGS AND PURPOSES.

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

(1) Health care is important to all Americans.

(2) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, and are at great risk of incurring very high and economically devastating health care costs.

(3) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Personal assistance services (such as attendant services, personal assistance with transportation to and from work, reader services, job coaches, and related assistance) remove many of the barriers between significant disability and work. Coverage for such services, as well as for prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(4) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(5) Individuals with disabilities who are beneficiaries under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(6) Currently, less than ½ of 1 percent of social security disability insurance and supplemental security income beneficiaries cease to receive benefits as a result of employment.

(7) Beneficiaries have cited the lack of adequate employment training and placement services as an additional barrier to employment.

(8) If an additional ½ of 1 percent of the current social security disability insurance (DI) and supplemental security income (SSI) recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds in cash assistance would total $3,500,000,000 over the worklife of the individuals.

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

(1) To provide health care and employment preparation and placement services to individuals with disabilities that will enable those individuals to reduce their dependency on cash benefit programs.

(2) To encourage States to adopt the option of allowing individuals with disabilities to purchase medicaid coverage that is necessary to enable such individuals to maintain employment.

(3) To provide individuals with disabilities the option of maintaining medicare coverage while working.

(4) To establish a return to work ticket program that will allow individuals with disabilities to seek the services necessary to obtain and retain employment and reduce their dependency on cash benefit programs.

TITLE I—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

SEC. 101. EXPANDING STATE OPTIONS UNDER THE MEDICAID PROGRAM FOR WORKERS WITH DISABILITIES.

(a) IN GENERAL.—

(1) STATE OPTION TO ELIMINATE INCOME, ASSETS, AND RESOURCE LIMITATIONS FOR WORKERS

WITH DISABILITIES BUYING INTO MEDICAID.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XIII), by striking ''or'' at the end;

(B) in subclause (XIV), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(XV) who, but for earnings in excess of the limit established under section 1905(q)(2)(B), would be considered to be receiving supplemental security income and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish;''.

(2) STATE OPTION TO PROVIDE OPPORTUNITY FOR EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY TO BUY INTO MEDICAID.—

(A) ELIGIBILITY.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as amended by paragraph (1), is amended—

(i) in subclause (XIV), by striking ''or'' at the end;

(ii) in subclause (XV), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(XVI) who are employed individuals with a medically improved disability described in section 1905(v)(1) and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish, but only if the State provides medical assistance to individuals described in subclause (XV);''.

(B) DEFINITION OF EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

''(v)(1) The term 'employed individual with a medically improved disability' means an individual who—

''(A) is at least 16, but less than 65, years of age;

''(B) is employed (as defined in paragraph (2));

''(C) ceases to be eligible for medical assistance under section 1902(a)(10)(A)(ii)(XV) because the individual, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be eligible for benefits under section 223(d) or 1614(a)(3); and

''(D) continues to have a severe medically determinable impairment, as determined under regulations of the Secretary.

''(2) For purposes of paragraph (1), an individual is considered to be 'employed' if the individual—

''(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

''(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the State and approved by the Secretary.''.

(C) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (x), by striking ''or'' at the end;

(ii) in clause (xi), by adding ''or'' at the end; and

(iii) by inserting after clause (xi), the following:

''(xii) employed individuals with a medically improved disability (as defined in subsection (v)),''.

(3) STATE AUTHORITY TO IMPOSE INCOME-RELATED PREMIUMS AND COST-SHARING.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), by striking ''The State plan'' and inserting ''Subject to subsection (g), the State plan''; and

(B) by adding at the end the following:

''(g) With respect to individuals provided medical assistance only under subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii), a State may (in a uniform manner for individuals described in either such subclause)—

''(1) require such individuals to pay premiums or other cost-sharing charges set on a sliding scale based on income that the State may determine; and

''(2) require payment of 100 percent of such premiums in the case of such an individual who has income that exceeds 250 percent of the income official poverty line (referred to in subsection (c)(1)) applicable to a family of the size involved.''.

(4) PROHIBITION AGAINST SUPPLANTATION OF STATE FUNDS AND STATE FAILURE TO MAINTAIN EFFORT.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking the period at the end of paragraph (18) and inserting ''; or''; and

(B) by inserting after such paragraph the following:

''(19) with respect to amounts expended for medical assistance provided to an individual described in subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii) for a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the level of State funds expended for such fiscal year for programs to enable working individuals with disabilities to work (other than for such medical assistance) is not less than the level expended for such programs during the most recent State fiscal year ending before the date of enactment of this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4) is amended in the matter preceding subparagraph (A) by inserting ''1902(a)(10)(A)(ii)(XV), 1902(a)(10)(A)(ii)(XVI)'' after ''1902(a)(10)(A)(ii)(X),''.

(2) Section 1903(f)(4) of such Act, as amended by paragraph (1), is amended by inserting ''1902(a)(10)(A)(ii)(XIII),'' before ''1902(a)(10)(A)(ii)(XV)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 1999.

(2) RETROACTIVITY OF CONFORMING AMENDMENT.—The amendment made by subsection (b)(2) takes effect as if included in the enactment of the Balanced Budget Act of 1997.

SEC. 102. CONTINUATION OF MEDICARE COVERAGE FOR WORKING INDIVIDUALS WITH DISABILITIES.

(a) CONTINUATION OF COVERAGE.—

(1) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended—

(A) in the third sentence of subsection (b), by inserting '', except as provided in subsection (j)'' after ''but not in excess of 24 such months''; and

(B) by adding at the end the following:

''(j) The 24-month limitation on deemed entitlement under the third sentence of subsection (b) shall not apply—

''(1) for months occurring during the 10-year period beginning with the first month that begins after the date of enactment of this subsection; and

''(2) for subsequent months, in the case of an individual who was entitled to benefits under subsection (b) as of the last month of such 10-year period and would continue (but for such 24-month limitation) to be so entitled.''.

(2) CONFORMING AMENDMENT.—Section 1818A(a)(2)(C) of the Social Security Act (42 U.S.C. 1395i–2a(a)(2)(C)) is amended—

(A) by striking ''solely''; and

(B) by inserting ''or the expiration of the last month of the 10-year period described in section 226(j)'' before the semicolon.

(b) GAO REPORT.—Not later than 8 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines the effectiveness and cost of subsection (j) of section 226 of the Social Security Act (42 U.S.C. 426); and

(2) recommends whether that subsection should continue to be applied beyond the 10-year period described in the subsection.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to months beginning with the first month that begins after the date of the enactment of this Act.

(d) TREATMENT OF CERTAIN INDIVIDUALS.—An individual enrolled under section 1818A of the Social Security Act (42 U.S.C. 1395i–2a) shall be treated with respect to premium payment obligations under such section as though the individual had continued to be entitled to benefits under section 226(b) of such Act for—

(1) months described in section 226(j)(1) of such Act (42 U.S.C. 426(j)(1)) (as added by subsection (a)); and

(2) subsequent months, in the case of an individual who was so enrolled as of the last month described in section 226(j)(2) of such Act (42 U.S.C. 426(j)(2)) (as so added).

SEC. 103. GRANTS TO DEVELOP AND ESTABLISH STATE INFRASTRUCTURES TO SUPPORT WORKING INDIVIDUALS WITH DISABILITIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall award grants described in subsection (b) to States to support the design, establishment, and operation of State infrastructures that provide items and services to support working individuals with disabilities.

(2) APPLICATION.—In order to be eligible for an award of a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

(3) DEFINITION OF STATE.—In this section, the term ''State'' means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) GRANTS FOR INFRASTRUCTURE AND OUTREACH.—

(1) IN GENERAL.—Out of the funds appropriated under subsection (e), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State infrastructures described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such infrastructures.

(2) ELIGIBILITY FOR GRANTS.—

(A) IN GENERAL.—No State may receive a grant under this subsection unless the State—

(i) has an approved amendment to the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that provides medical assistance under such plan to individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)); and

(ii) demonstrates to the satisfaction of the Secretary that the State makes personal assistance services available under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to the extent necessary to enable individuals described in clause (i) to remain employed (as determined under section 1905(v)(2) of the Social Security Act (42 U.S.C. 1396d(v)(2))).

(B) DEFINITION OF PERSONAL ASSISTANCE SERVICES.—In this paragraph, the term ''personal assistance services'' means a range of services,

provided by 1 or more persons, designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(3) DETERMINATION OF AWARDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine a formula for awarding grants to States under this section that provides special consideration to States that provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XVI) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XVI)).

(B) AWARD LIMITS.—

(i) MINIMUM AWARDS.—

(I) IN GENERAL.—Subject to subclause (II), no State with an approved application under this section shall receive a grant for a fiscal year that is less than $500,000.

(II) PRO RATA REDUCTIONS.—If the funds appropriated under subsection (e) for a fiscal year are not sufficient to pay each State with an application approved under this section the minimum amount described in subclause (I), the Secretary shall pay each such State an amount equal to the pro rata share of the amount made available.

(ii) MAXIMUM AWARDS.—No State with an application that has been approved under this section shall receive a grant for a fiscal year that exceeds 15 percent of the total expenditures by the State (including the reimbursed Federal share of such expenditures) for medical assistance for individuals eligible under subclause (XV) and (XVI) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as estimated by the State and approved by the Secretary.

(c) AVAILABILITY OF FUNDS.—

(1) FUNDS AWARDED TO STATES.—Funds awarded to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) FUNDS NOT AWARDED TO STATES.—Funds not awarded to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for awarding by the Secretary.

(d) ANNUAL REPORT.—A State that is awarded a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the percentage increase in the number of title II disability beneficiaries, as defined in section 1148(k)(3) of the Social Security Act (as amended by section 201) in the State, and title XVI disability beneficiaries, as defined in section 1148(k)(4) of the Social Security Act (as so amended) in the State who return to work.

(e) APPROPRIATION.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to make grants under this section—

(A) for fiscal year 2000, $20,000,000;

(B) for fiscal year 2001, $25,000,000;

(C) for fiscal year 2002, $30,000,000;

(D) for fiscal year 2003, $35,000,000;

(E) for fiscal year 2004, $40,000,000; and

(F) for each of fiscal years 2005 through 2010, the amount appropriated for the preceding fiscal year increased by the percentage increase (if any) in the Consumer Price Index for All Urban Consumers (United States city average) for the preceding fiscal year.

(2) BUDGET AUTHORITY.—This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under paragraph (1).

(f) RECOMMENDATION.—Not later than October 1, 2009, the Secretary, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the grant program established under this section should be continued after fiscal year 2010.

SEC. 104. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF WORKERS WITH POTENTIALLY SEVERE DISABILITIES.

(a) STATE APPLICATION.—A State may apply to the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') for approval of a demonstration project (in this section referred to as a ''demonstration project'') under which up to a specified maximum number of individuals who are workers with a potentially severe disability (as defined in subsection (b)(1)) are provided medical assistance equal to that provided under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) to individuals described in section 1902(a)(10)(A)(ii)(XV) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(b) WORKER WITH A POTENTIALLY SEVERE DISABILITY DEFINED.—For purposes of this section—

(1) IN GENERAL.—The term ''worker with a potentially severe disability'' means, with respect to a demonstration project, an individual who—

(A) is at least 16, but less than 65, years of age;

(B) has a specific physical or mental impairment that, as defined by the State under the demonstration project, is reasonably expected, but for the receipt of items and services described in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), to become blind or disabled (as defined under section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))); and

(C) is employed (as defined in paragraph (2)).

(2) DEFINITION OF EMPLOYED.—An individual is considered to be ''employed'' if the individual—

(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined under the demonstration project and approved by the Secretary.

(c) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) TERMS AND CONDITIONS OF DEMONSTRATION PROJECTS.—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) ELECTION OF OPTIONAL CATEGORY.—The State has elected to provide coverage under its plan under title XIX of the Social Security Act of individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(B) MAINTENANCE OF STATE EFFORT.—Federal funds paid to a State pursuant to this section must be used to supplement, but not supplant, the level of State funds expended for workers with potentially severe disabilities under programs in effect for such individuals at the time the demonstration project is approved under this section.

(C) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section—

(I) for fiscal year 2000, $70,000,000;

(II) for fiscal year 2001, $73,000,000;

(III) for fiscal year 2002, $77,000,000; and

(IV) for fiscal year 2003, $80,000,000.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) the aggregate amount of payments made by the Secretary to States under this section exceed $300,000,000; or

(ii) payments be provided by the Secretary for a fiscal year after fiscal year 2005.

(C) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States based on their applications and the availability of funds. Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) of expenditures in the quarter for medical assistance provided to workers with a potentially severe disability.

(d) RECOMMENDATION.—Not later than October 1, 2002, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2003.

(e) STATE DEFINED.—In this section, the term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

TITLE II—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

SEC. 201. ESTABLISHMENT OF THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding after section 1147 (as added by section 8 of the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998 (Public Law 105–306; 112 Stat. 2928)) the following:

''TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

''SEC. 1148. (a) IN GENERAL.—The Commissioner shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary's choice and

which is willing to provide such services to the beneficiary.

''(b) TICKET SYSTEM.—

''(1) DISTRIBUTION OF TICKETS.—The Commissioner may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

''(2) ASSIGNMENT OF TICKETS.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary's choice which is serving under the Program and is willing to accept the assignment.

''(3) TICKET TERMS.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner's agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may provide to the beneficiary.

''(4) PAYMENTS TO EMPLOYMENT NETWORKS.—The Commissioner shall pay an employment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

''(c) STATE PARTICIPATION.—

''(1) IN GENERAL.—Each State agency administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 may elect to participate in the Program as an employment network with respect to a disabled beneficiary. If the State agency does elect to participate in the Program, the State agency also shall elect to be paid under the outcome payment system or the outcome-milestone payment system in accordance with subsection (h)(1). With respect to a disabled beneficiary that the State agency does not elect to have participate in the Program, the State agency shall be paid for services provided to that beneficiary under the system for payment applicable under section 222(d) and subsections (d) and (e) of section 1615. The Commissioner shall provide for periodic opportunities for exercising such elections (and revocations).

''(2) EFFECT OF PARTICIPATION BY STATE AGENCY.—

''(A) STATE AGENCIES PARTICIPATING.—In any case in which a State agency described in paragraph (1) elects under that paragraph to participate in the Program, the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973.

''(B) STATE AGENCIES ADMINISTERING MATERNAL AND CHILD HEALTH SERVICES PROGRAMS.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

''(3) SPECIAL REQUIREMENTS APPLICABLE TO CROSS-REFERRAL TO CERTAIN STATE AGENCIES.—

''(A) IN GENERAL.—In any case in which an employment network has been assigned a ticket to work and self-sufficiency by a disabled beneficiary, no State agency shall be deemed required, under this section, title I of the Workforce Investment Act of 1998, title I of the Rehabilitation Act of 1973, or a State plan approved under such title, to accept any referral of such disabled beneficiary from such employment network unless such employment network and such State agency have entered into a written agreement that meets the requirements of subparagraph (B). Any beneficiary who has assigned a ticket to work and self-sufficiency to an employment network that has not entered into such a written agreement with such a State agency may not access vocational rehabilitation services under title I of the Rehabilitation Act of 1973 until such time as the beneficiary is reassigned to a State vocational rehabilitation agency by the Program Manager.

''(B) TERMS OF AGREEMENT.—An agreement required by subparagraph (A) shall specify, in accordance with regulations prescribed pursuant to subparagraph (C)—

''(i) the extent (if any) to which the employment network holding the ticket will provide to the State agency—

''(I) reimbursement for costs incurred in providing services described in subparagraph (A) to the disabled beneficiary; and

''(II) other amounts from payments made by the Commissioner to the employment network pursuant to subsection (h); and

''(ii) any other conditions that may be required by such regulations.

''(C) REGULATIONS.—The Commissioner and the Secretary of Education shall jointly prescribe regulations specifying the terms of agreements required by subparagraph (A) and otherwise necessary to carry out the provisions of this paragraph.

''(D) PENALTY.—No payment may be made to an employment network pursuant to subsection (h) in connection with services provided to any disabled beneficiary if such employment network makes referrals described in subparagraph (A) in violation of the terms of the agreement required under subparagraph (A) or without having entered into such an agreement.

''(d) RESPONSIBILITIES OF THE COMMISSIONER.—

''(1) SELECTION AND QUALIFICATIONS OF PROGRAM MANAGERS.—The Commissioner shall enter into agreements with 1 or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation and employment services.

''(2) TENURE, RENEWAL, AND EARLY TERMINATION.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior terms. Such performance standards shall include—

''(A) measures for ease of access by beneficiaries to services; and

''(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

''(3) PRECLUSION FROM DIRECT PARTICIPATION IN DELIVERY OF SERVICES IN OWN SERVICE AREA.—Agreements under paragraph (1) shall preclude—

''(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager's agreement; and

''(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager's agreement.

''(4) SELECTION OF EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

''(B) ALTERNATE PARTICIPANTS.—In any State where the Program is being implemented, the Commissioner shall enter into an agreement with any alternate participant that is operating under the authority of section 222(d)(2) in the State as of the date of enactment of this section and chooses to serve as an employment network under the Program.

''(5) TERMINATION OF AGREEMENTS WITH EMPLOYMENT NETWORKS.—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

''(6) QUALITY ASSURANCE.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services by employment networks. The Commissioner shall solicit and consider the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure that the periodic surveys of beneficiaries receiving services under the Program are designed to measure customer service satisfaction.

''(7) DISPUTE RESOLUTION.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks, between program managers and employment networks, and between program managers and providers of services. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

''(e) PROGRAM MANAGERS.—

''(1) IN GENERAL.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner's duties in administering the Program.

''(2) RECRUITMENT OF EMPLOYMENT NETWORKS.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager's agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

''(3) FACILITATION OF ACCESS BY BENEFICIARIES TO EMPLOYMENT NETWORKS.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks for good cause, as determined by the Commissioner, without being deemed to have rejected services under the Program. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make

such lists generally available to the public. The program manager shall ensure that all information provided to disabled beneficiaries pursuant to this paragraph is provided in accessible formats.

''(4) ENSURING AVAILABILITY OF ADEQUATE SERVICES.—The program manager shall ensure that employment services, vocational rehabilitation services, and other support services are provided to beneficiaries throughout the geographic area covered under the program manager's agreement, including rural areas.

''(5) REASONABLE ACCESS TO SERVICES.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving services under the Program has reasonable access to employment services, vocational rehabilitation services, and other support services. Services provided under the Program may include case management, work incentives planning, supported employment, career planning, career plan development, vocational assessment, job training, placement, followup services, and such other services as may be specified by the Commissioner under the Program. The program manager shall ensure that such services are available in each service area.

''(f) EMPLOYMENT NETWORKS.—

''(1) QUALIFICATIONS FOR EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity that assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b).

''(B) ONE-STOP DELIVERY SYSTEMS.—An employment network serving under the Program may consist of a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998.

''(C) COMPLIANCE WITH SELECTION CRITERIA.—No employment network may serve under the Program unless it meets and maintains compliance with both general selection criteria (such as professional and educational qualifications (where applicable)) and specific selection criteria (such as substantial expertise and experience in providing relevant employment services and supports).

''(D) SINGLE OR ASSOCIATED PROVIDERS ALLOWED.—An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.

''(2) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—

''(A) serve prescribed service areas; and

''(B) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans meeting the requirements of subsection (g).

''(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.

''(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network. The program manager shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.

''(g) INDIVIDUAL WORK PLANS.—

''(1) REQUIREMENTS.—Each employment network shall—

''(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subparagraph (C);

''(B) develop and implement each such individual work plan in partnership with each beneficiary receiving such services in a manner that affords the beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal;

''(C) ensure that each individual work plan includes at least—

''(i) a statement of the vocational goal developed with the beneficiary;

''(ii) a statement of the services and supports that have been deemed necessary for the beneficiary to accomplish that goal;

''(iii) a statement of any terms and conditions related to the provision of such services and supports; and

''(iv) a statement of understanding regarding the beneficiary's rights under the Program (such as the right to retrieve the ticket to work and self-sufficiency if the beneficiary is dissatisfied with the services being provided by the employment network) and remedies available to the individual, including information on the availability of advocacy services and assistance in resolving disputes through the State grant program authorized under section 1150;

''(D) provide a beneficiary the opportunity to amend the individual work plan if a change in circumstances necessitates a change in the plan; and

''(E) make each beneficiary's individual work plan available to the beneficiary in, as appropriate, an accessible format chosen by the beneficiary.

''(2) EFFECTIVE UPON WRITTEN APPROVAL.—A beneficiary's individual work plan shall take effect upon written approval by the beneficiary or a representative of the beneficiary and a representative of the employment network that, in providing such written approval, acknowledges assignment of the beneficiary's ticket to work and self-sufficiency.

''(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—

''(1) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).

''(B) NO CHANGE IN METHOD OF PAYMENT FOR BENEFICIARIES WITH TICKETS ALREADY ASSIGNED TO THE EMPLOYMENT NETWORKS.—Any election of a payment system by an employment network that would result in a change in the method of payment to the employment network for services provided to a beneficiary who is receiving services from the employment network at the time of the election shall not be effective with respect to payment for services provided to that beneficiary and the method of payment previously selected shall continue to apply with respect to such services.

''(2) OUTCOME PAYMENT SYSTEM.—

''(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

''(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network in connection with each individual who is a beneficiary for each month during the individual's outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual because of work or earnings.

''(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—

''(i) the payment for each of the 60 months during the outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs; and

''(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.

''(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—

''(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

''(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for 1 or more milestones with respect to beneficiaries receiving services from an employment network under the Program that are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure that provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.

''(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome-milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.

''(4) DEFINITIONS.—In this subsection:

''(A) PAYMENT CALCULATION BASE.—The term 'payment calculation base' means, for any calendar year—

''(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable under section 223 for all beneficiaries for months during the preceding calendar year; and

''(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) for months during the preceding calendar year to all beneficiaries who have attained age 18 but have not attained age 65.

''(B) OUTCOME PAYMENT PERIOD.—The term 'outcome payment period' means, in connection with any individual who had assigned a ticket to work and self-sufficiency to an employment network under the Program, a period—

''(i) beginning with the first month, ending after the date on which such ticket was assigned to the employment network, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity; and

''(ii) ending with the 60th month (consecutive or otherwise), ending after such date, for which such benefits are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity.

''(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

''(A) PERCENTAGES AND PERIODS.—The Commissioner shall periodically review the percentage specified in paragraph (2)(C), the total payments permissible under paragraph (3)(C), and the period of time specified in paragraph (4)(B) to determine whether such percentages, such permissible payments, and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter such percentage, such total permissible payments, or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner's review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

''(B) NUMBER AND AMOUNTS OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments established by the Commissioner pursuant to this section to determine whether they provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, or other reliable sources.

''(i) SUSPENSION OF DISABILITY REVIEWS.—During any period for which an individual is using, as defined by the Commissioner, a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review or other review under section 221 of whether the individual is or is not under a disability or a review under title XVI similar to any such review under section 221.

''(j) ALLOCATION OF COSTS.—

''(1) PAYMENTS TO EMPLOYMENT NETWORKS.—Payments to employment networks (including State agencies that elect to participate in the Program as an employment network) shall be made from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as appropriate, in the case of ticketed title II disability beneficiaries who return to work, or from the appropriation made available for making supplemental security income payments under title XVI, in the case of title XVI disability beneficiaries who return to work. With respect to ticketed beneficiaries who concurrently are entitled to benefits under title II and eligible for payments under title XVI who return to work, the Commissioner shall allocate the cost of payments to employment networks to which the tickets of such beneficiaries have been assigned among such Trust Funds and appropriation, as appropriate.

''(2) ADMINISTRATIVE EXPENSES.—The costs of administering this section (other than payments to employment networks) shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

''(k) DEFINITIONS.—In this section:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means a title II disability beneficiary or a title XVI disability beneficiary.

''(3) TITLE II DISABILITY BENEFICIARY.—The term 'title II disability beneficiary' means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

''(4) TITLE XVI DISABILITY BENEFICIARY.—The term 'title XVI disability beneficiary' means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

''(5) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term 'supplemental security income benefit under title XVI' means a cash benefit under section 1611 or 1619(a), and does not include a State supplementary payment, administered federally or otherwise.

''(l) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Commissioner shall prescribe such regulations as are necessary to carry out the provisions of this section.

''(m) REAUTHORIZATION OF PROGRAM.—

''(1) IN GENERAL.—The Program established under this section shall terminate on the date that is 5 years after the date that the Commissioner commences implementation of the Program.

''(2) ASSURANCE OF OUTCOME PAYMENT PERIOD.—Notwithstanding paragraph (1)—

''(A) any individual who has initiated a work plan in accordance with subsection (g) may use services provided under the Program in accordance with this section; and

''(B) any employment network that provides services to such an individual shall receive payments for such services,

during the individual's outcome payment period (as defined in paragraph (4)(B) of subsection (h), including any alteration of such period in accordance with paragraph (5) of that subsection).''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE II.—

(A) Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) is amended by adding at the end the following:

''(5) For suspension of reviews under this subsection in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).''.

(B) Section 222(a) of the Social Security Act (42 U.S.C. 422(a)) is repealed.

(C) Section 222(b) of the Social Security Act (42 U.S.C. 422(b)) is repealed.

(D) Section 225(b)(1) of the Social Security Act (42 U.S.C. 425(b)(1)) is amended by striking ''a program of vocational rehabilitation services'' and inserting ''a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services''.

(2) AMENDMENTS TO TITLE XVI.—

(A) Section 1615(a) of the Social Security Act (42 U.S.C. 1382d(a)) is amended to read as follows:

''SEC. 1615. (a) In the case of any blind or disabled individual who—

''(1) has not attained age 16, and

''(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.''.

(B) Section 1615(c) of the Social Security Act (42 U.S.C. 1382d(c)) is repealed.

(C) Section 1631(a)(6)(A) of the Social Security Act (42 U.S.C. 1383(a)(6)(A)) is amended by striking ''a program of vocational rehabilitation services'' and inserting ''a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services''.

(D) Section 1633(c) of the Social Security Act (42 U.S.C. 1383b(c)) is amended—

(i) by inserting ''(1)'' after ''(c)''; and

(ii) by adding at the end the following:

''(2) For suspension of continuing disability reviews and other reviews under this title similar to reviews under section 221 in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).''.

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following 1 year after the date of enactment of this Act.

(d) GRADUATED IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(C) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments. Subsection (c) shall apply with respect to paragraphs (1)(C) and (2)(B) of subsection (b) without regard to this subsection.

(2) REQUIREMENTS.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) FULL IMPLEMENTATION.—The Commissioner shall ensure that the ability to provide tickets and services to individuals under the Program exists in every State as soon as practicable on or after the effective date specified in

subsection (c) but not later than 3 years after such date.

(4) ONGOING EVALUATION OF PROGRAM.—

(A) IN GENERAL.—The Commissioner shall design and conduct a series of evaluations to assess the cost-effectiveness of activities carried out under this section and the amendments made thereby, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) CONSULTATION.—The Commissioner shall design and carry out the series of evaluations after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation and individuals using tickets to work and self-sufficiency under the Program and consulting with the Work Incentives Advisory Panel established under section 201(f), the Comptroller General of the United States, other agencies of the Federal Government, and private organizations with appropriate expertise.

(C) METHODOLOGY.—

(i) IMPLEMENTATION.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall ensure that plans for evaluations and data collection methods under the Program are appropriately designed to obtain detailed employment information.

(ii) SPECIFIC MATTERS TO BE ADDRESSED.—Each such evaluation shall address (but is not limited to)—

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of providers whose services are provided within an employment network under the Program;

(VII) the extent (if any) to which employment networks display a greater willingness to provide services to beneficiaries with a range of disabilities;

(VIII) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system;

(IX) measures of satisfaction among beneficiaries in receipt of tickets under the Program; and

(X) reasons for (including comments solicited from beneficiaries regarding) their choice not to use their tickets or their inability to return to work despite the use of their tickets.

(D) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the Commissioner's evaluation of the progress of activities conducted under the provisions of this section and the amendments made thereby. Each such report shall set forth the Commissioner's evaluation of the extent to which the Program has been successful and the Commissioner's conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(5) EXTENT OF STATE'S RIGHT OF FIRST REFUSAL IN ADVANCE OF FULL IMPLEMENTATION OF AMENDMENTS IN SUCH STATE.—

(A) IN GENERAL.—In the case of any State in which the amendments made by subsection (a) have not been fully implemented pursuant to this subsection, the Commissioner shall determine by regulation the extent to which—

(i) the requirement under section 222(a) of the Social Security Act for prompt referrals to a State agency, and

(ii) the authority of the Commissioner under section 222(d)(2) of the Social Security Act to provide vocational rehabilitation services in such State by agreement or contract with other public or private agencies, organizations, institutions, or individuals,

shall apply in such State.

(B) EXISTING AGREEMENTS.—Nothing in subparagraph (A) or the amendments made by subsection (a) shall be construed to limit, impede, or otherwise affect any agreement entered into pursuant to section 222(d)(2) of the Social Security Act before the date of enactment of this Act with respect to services provided pursuant to such agreement to beneficiaries receiving services under such agreement as of such date, except with respect to services (if any) to be provided after 3 years after the effective date provided in subsection (c).

(e) SPECIFIC REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) SPECIFIC MATTERS TO BE INCLUDED IN REGULATIONS.—The matters which shall be addressed in such regulations shall include—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to beneficiaries pursuant to section 1148(b)(1) of the Social Security Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program (and revoke such an election) pursuant to section 1148(c)(1) of the Social Security Act and provision for periodic opportunities for exercising such elections (and revocations);

(D) the status of State agencies under section 1148(c)(1) at the time that State agencies exercise elections (and revocations) under that section;

(E) the terms of agreements to be entered into with program managers pursuant to section 1148(d) of the Social Security Act, including—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1148(d)(3) of the Social Security Act;

(ii) standards which must be met by quality assurance measures referred to in paragraph (6) of section 1148(d) and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1148(e); and

(iii) the format under which dispute resolution will operate under section 1148(d)(7);

(F) the terms of agreements to be entered into with employment networks pursuant to section 1148(d)(4) of the Social Security Act, including—

(i) the manner in which service areas are specified pursuant to section 1148(f)(2)(A) of the Social Security Act;

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1148(f)(1)(C) of the Social Security Act in selecting service providers;

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1148(f)(3) of the Social Security Act; and

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1148(f)(4) of the Social Security Act;

(G) standards which must be met by individual work plans pursuant to section 1148(g) of the Social Security Act;

(H) standards which must be met by payment systems required under section 1148(h) of the Social Security Act, including—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1148(h)(1)(A);

(ii) the terms which must be met by an outcome payment system under section 1148(h)(2);

(iii) the terms which must be met by an outcome-milestone payment system under section 1148(h)(3);

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1148(h) of the Social Security Act or the period of time specified in paragraph (4)(B) of such section 1148(h); and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

(f) WORK INCENTIVES ADVISORY PANEL.—

(1) ESTABLISHMENT.—There is established within the Social Security Administration a panel to be known as the ''Work Incentives Advisory Panel'' (in this subsection referred to as the ''Panel'').

(2) DUTIES OF PANEL.—It shall be the duty of the Panel to—

(A) advise the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, and the Commissioner of Social Security on issues related to work incentives programs, planning, and assistance for individuals with disabilities, including work incentive provisions under titles II, XI, XVI, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1301 et seq., 1381 et seq., 1395 et seq., 1396 et seq.); and

(B) with respect to the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act—

(i) advise the Commissioner of Social Security with respect to establishing phase-in sites for such Program and fully implementing the Program thereafter, the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems, and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program;

(ii) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to section 302;

(iii) advise the Commissioner on the development of performance measurements relating to quality assurance under section 1148(d)(6) of the Social Security Act; and

(iv) furnish progress reports on the Program to the Commissioner and each House of Congress.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Panel shall be composed of 12 members appointed by the Commissioner of Social Security in consultation with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

(B) REPRESENTATION.—All members appointed to the Panel shall have experience or expert knowledge in the fields of, or related to, work incentive programs, employment services, vocational rehabilitation services, health care services, and other support services for individuals with disabilities. At least 7 members of the Panel shall be individuals with disabilities or representatives of individuals with disabilities, except that, of those 7 members, at least 5 members shall be current or former title II disability beneficiaries or title XVI disability beneficiaries (as such terms are defined in section 1148(k) of the Social Security Act (as added by subsection (a)).

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of enactment of this Act.

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the Commissioner at the time of appointment, of the members first appointed—

(I) 6 of the members appointed under subparagraph (A) shall be appointed for a term of 2 years; and

(II) 6 of the members appointed under subparagraph (A) shall be appointed for a term of 4 years.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) BASIC PAY.—Members shall each be paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(E) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) QUORUM.—Eight members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the Commissioner. The term of office of the Chairperson shall be 4 years.

(H) MEETINGS.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) DIRECTOR AND STAFF OF PANEL; EXPERTS AND CONSULTANTS.—

(A) DIRECTOR.—The Panel shall have a Director who shall be appointed by the Commissioner and paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) STAFF.—Subject to rules prescribed by the Commissioner, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commissioner, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) STAFF OF FEDERAL AGENCIES.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this subsection.

(5) POWERS OF PANEL.—

(A) HEARINGS AND SESSIONS.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this subsection.

(C) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) REPORTS.—

(A) INTERIM REPORTS.—The Panel shall submit to the President and Congress interim reports at least annually.

(B) FINAL REPORT.—The Panel shall transmit a final report to the President and Congress not later than 8 years after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislation and administrative actions which the Panel considers appropriate.

(7) TERMINATION.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) ALLOCATION OF COSTS.—The costs of carrying out this subsection shall be paid from amounts made available for the administration of title II of the Social Security Act (42 U.S.C. 401 et seq.) and amounts made available for the administration of title XVI of that Act (42 U.S.C. 1381 et seq.), and shall be allocated among those amounts as appropriate.

Subtitle B—Elimination of Work Disincentives

SEC. 211. WORK ACTIVITY STANDARD AS A BASIS FOR REVIEW OF AN INDIVIDUAL'S DISABLED STATUS.

Section 221 of the Social Security Act (42 U.S.C. 421) is amended by adding at the end the following:

''(m)(1) In any case where an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)) has received such benefits for at least 24 months—

''(A) no continuing disability review conducted by the Commissioner may be scheduled for the individual solely as a result of the individual's work activity;

''(B) no work activity engaged in by the individual may be used as evidence that the individual is no longer disabled; and

''(C) no cessation of work activity by the individual may give rise to a presumption that the individual is unable to engage in work.

''(2) An individual to which paragraph (1) applies shall continue to be subject to—

''(A) continuing disability reviews on a regularly scheduled basis that is not triggered by work; and

''(B) termination of benefits under this title in the event that the individual has earnings that exceed the level of earnings established by the Commissioner to represent substantial gainful activity.''.

SEC. 212. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS.

(a) OASDI BENEFITS.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

''Reinstatement of Entitlement

''(i)(1)(A) Entitlement to benefits described in subparagraph (B)(i)(I) shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of such entitlement shall be in accordance with the terms of this subsection.

''(B) An individual is described in this subparagraph if—

''(i) prior to the month in which the individual files a request for reinstatement—

''(I) the individual was entitled to benefits under this section or section 202 on the basis of disability pursuant to an application filed therefore; and

''(II) such entitlement terminated due to the performance of substantial gainful activity;

''(ii) the individual is under a disability and the physical or mental impairment that is the basis for the finding of disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of disability that gave rise to the entitlement described in clause (i); and

''(iii) the individual's disability renders the individual unable to perform substantial gainful activity.

''(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was entitled to a benefit described in subparagraph (B)(i)(I) prior to the entitlement termination described in subparagraph (B)(i)(II).

''(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

''(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

''(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) and (iii) of paragraph (1)(B).

''(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not entitled to reinstated benefits under this subsection.

''(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of subsection (f) shall apply.

''(4)(A)(i) Subject to clause (ii), entitlement to benefits reinstated under this subsection shall commence with the benefit payable for the month in which a request for reinstatement is filed.

''(ii) An individual whose entitlement to a benefit for any month would have been reinstated under this subsection had the individual filed a request for reinstatement before the end of such month shall be entitled to such benefit for such month if such request for reinstatement is filed before the end of the twelfth month immediately succeeding such month.

''(B)(i) Subject to clauses (ii) and (iii), the amount of the benefit payable for any month pursuant to the reinstatement of entitlement under this subsection shall be determined in accordance with the provisions of this title.

''(ii) For purposes of computing the primary insurance amount of an individual whose entitlement to benefits under this section is reinstated under this subsection, the date of onset of the individual's disability shall be the date of onset used in determining the individual's most recent period of disability arising in connection with such benefits payable on the basis of an application.

''(iii) Benefits under this section or section 202 payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

''(C) No benefit shall be payable pursuant to an entitlement reinstated under this subsection to an individual for any month in which the individual engages in substantial gainful activity.

''(D) The entitlement of any individual that is reinstated under this subsection shall end with the benefits payable for the month preceding whichever of the following months is the earliest:

''(i) The month in which the individual dies.

''(ii) The month in which the individual attains retirement age.

''(iii) The third month following the month in which the individual's disability ceases.

''(5) Whenever an individual's entitlement to benefits under this section is reinstated under this subsection, entitlement to benefits payable on the basis of such individual's wages and self-employment income may be reinstated with respect to any person previously entitled to such benefits on the basis of an application if the Commissioner determines that such person satisfies all the requirements for entitlement to such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated entitlement of any such person to the same extent that they apply to the reinstated entitlement of such individual.

''(6) An individual to whom benefits are payable under this section or section 202 pursuant to a reinstatement of entitlement under this subsection for 24 months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) and the determination, if appropriate, of the termination month in accordance with subsection (a)(1) of this section, or subsection (d)(1), (e)(1), or (f)(1) of section 202, to be entitled to such benefits on the basis of an application filed therefore.

''(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be entitled to provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under subsection (b) or (g) of section 205.

''(B) The amount of a provisional benefit for a month shall equal the amount of the last monthly benefit payable to the individual under this title on the basis of an application increased by an amount equal to the amount, if any, by which such last monthly benefit would have been increased as a result of the operation of section 215(i).

''(C)(i) Provisional benefits shall begin with the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

''(ii) Provisional benefits shall end with the earliest of—

''(I) the month in which the Commissioner makes a determination regarding the individual's entitlement to reinstated benefits;

''(II) the fifth month following the month described in clause (i);

''(III) the month in which the individual performs substantial gainful activity; or

''(IV) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

''(D) In any case in which the Commissioner determines that an individual is not entitled to reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).''.

(b) SSI BENEFITS.—

(1) IN GENERAL.—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by adding at the end the following:

''Reinstatement of Eligibility on the Basis of Blindness or Disability

''(p)(1)(A) Eligibility for benefits under this title shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of eligibility shall be in accordance with the terms of this subsection.

''(B) An individual is described in this subparagraph if—

''(i) prior to the month in which the individual files a request for reinstatement—

''(I) the individual was eligible for benefits under this title on the basis of blindness or disability pursuant to an application filed therefore; and

''(II) the individual thereafter was ineligible for such benefits due to earned income (or earned and unearned income) for a period of 12 or more consecutive months;

''(ii) the individual is blind or disabled and the physical or mental impairment that is the basis for the finding of blindness or disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of blindness or disability that gave rise to the eligibility described in clause (i);

''(iii) the individual's blindness or disability renders the individual unable to perform substantial gainful activity; and

''(iv) the individual satisfies the nonmedical requirements for eligibility for benefits under this title.

''(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was eligible for a benefit under this title (including section 1619) prior to the period of ineligibility described in subparagraph (B)(i)(II).

''(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

''(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

''(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) through (iv) of paragraph (1)(B).

''(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not eligible for reinstated benefits under this subsection.

''(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of section 1614(a)(4) shall apply.

''(4)(A) Eligibility for benefits reinstated under this subsection shall commence with the benefit payable for the month following the month in which a request for reinstatement is filed.

''(B)(i) Subject to clause (ii), the amount of the benefit payable for any month pursuant to the reinstatement of eligibility under this subsection shall be determined in accordance with the provisions of this title.

''(ii) The benefit under this title payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

''(C) Except as otherwise provided in this subsection, eligibility for benefits under this title reinstated pursuant to a request filed under paragraph (2) shall be subject to the same terms and conditions as eligibility established pursuant to an application filed therefore.

''(5) Whenever an individual's eligibility for benefits under this title is reinstated under this subsection, eligibility for such benefits shall be reinstated with respect to the individual's spouse if such spouse was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements for eligibility for such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated eligibility of the spouse to the same extent that they apply to the reinstated eligibility of such individual.

''(6) An individual to whom benefits are payable under this title pursuant to a reinstatement of eligibility under this subsection for twenty-four months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) to be eligible for such benefits on the basis of an application filed therefore.

''(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be eligible for provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under paragraph (1) or (3) of subsection (c).

''(B)(i) Except as otherwise provided in clause (ii), the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual under this title with the same kind and amount of income.

''(ii) If the individual has a spouse who was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements of section 1614(b) except requirements related to the filing of an application, the amount of a provisional benefit for a month shall equal the amount of the month benefit that would be payable to an eligible individual and eligible spouse under this title with the same kind and amount of income.

''(C)(i) Provisional benefits shall begin with the month following the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

''(ii) Provisional benefits shall end with the earliest of—

''(I) the month in which the Commissioner makes a determination regarding the individual's eligibility for reinstated benefits;

''(II) the fifth month following the month for which provisional benefits are first payable under clause (i); or

''(III) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

''(D) In any case in which the Commissioner determines that an individual is not eligible for reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).

''(8) For purposes of this subsection other than paragraph (7), the term 'benefits under this title' includes State supplementary payments made pursuant to an agreement under section 1616(a) or section 212(b) of Public Law 93–66.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1631(j)(1) of such Act (42 U.S.C. 1383(j)(1)) is amended by striking the period and inserting '', or has filed a request for reinstatement of eligibility under subsection (p)(2) and been determined to be eligible for reinstatement.''.

(B) Section 1631(j)(2)(A)(i)(I) of such Act (42 U.S.C. 1383(j)(2)(A)(i)(I)) is amended by inserting ''(other than pursuant to a request for reinstatement under subsection (p))'' after ''eligible''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of enactment of this Act.

(2) LIMITATION.—No benefit shall be payable under title II or XVI of the Social Security Act on the basis of a request for reinstatement filed under section 223(i) or 1631(p) of such Act before the effective date described in paragraph (1).

Subtitle C—Work Incentives Planning, Assistance, and Outreach

SEC. 221. WORK INCENTIVES OUTREACH PROGRAM.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 201, is amended by adding after section 1148 the following:

''WORK INCENTIVES OUTREACH PROGRAM

''SEC. 1149. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, shall establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information to disabled beneficiaries on work incentives programs and issues related to such programs.

''(2) GRANTS, COOPERATIVE AGREEMENTS, CONTRACTS, AND OUTREACH.—Under the program established under this section, the Commissioner shall—

''(A) establish a competitive program of grants, cooperative agreements, or contracts to provide benefits planning and assistance, including information on the availability of protection and advocacy services, to disabled beneficiaries, including individuals participating in the Ticket to Work and Self-Sufficiency Program established under section 1148, the program established under section 1619, and other programs that are designed to encourage disabled beneficiaries to work;

''(B) conduct directly, or through grants, cooperative agreements, or contracts, ongoing outreach efforts to disabled beneficiaries (and to the families of such beneficiaries) who are potentially eligible to participate in Federal or State work incentive programs that are designed to assist disabled beneficiaries to work, including—

''(i) preparing and disseminating information explaining such programs; and

''(ii) working in cooperation with other Federal, State, and private agencies and nonprofit organizations that serve disabled beneficiaries, and with agencies and organizations that focus on vocational rehabilitation and work-related training and counseling;

''(C) establish a corps of trained, accessible, and responsive work incentives specialists within the Social Security Administration who will specialize in disability work incentives under titles II and XVI for the purpose of disseminating accurate information with respect to inquiries and issues relating to work incentives to—

''(i) disabled beneficiaries;

''(ii) benefit applicants under titles II and XVI; and

''(iii) individuals or entities awarded grants under subparagraphs (A) or (B); and

''(D) provide—

''(i) training for work incentives specialists and individuals providing planning assistance described in subparagraph (C); and

''(ii) technical assistance to organizations and entities that are designed to encourage disabled beneficiaries to return to work.

''(3) COORDINATION WITH OTHER PROGRAMS.—The responsibilities of the Commissioner established under this section shall be coordinated with other public and private programs that provide information and assistance regarding rehabilitation services and independent living supports and benefits planning for disabled beneficiaries including the program under section 1619, the plans for achieving self-support program (PASS), and any other Federal or State work incentives programs that are designed to assist disabled beneficiaries, including educational agencies that provide information and assistance regarding rehabilitation, school-to-work programs, transition services (as defined in, and provided in accordance with, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)), a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998, and other services.

''(b) CONDITIONS.—

''(1) SELECTION OF ENTITIES.—

''(A) APPLICATION.—An entity shall submit an application for a grant, cooperative agreement, or contract to provide benefits planning and assistance to the Commissioner at such time, in such manner, and containing such information as the Commissioner may determine is necessary to meet the requirements of this section.

''(B) STATEWIDENESS.—The Commissioner shall ensure that the planning, assistance, and information described in paragraph (2) shall be available on a statewide basis.

''(C) ELIGIBILITY OF STATES AND PRIVATE ORGANIZATIONS.—

''(i) IN GENERAL.—The Commissioner may award a grant, cooperative agreement, or contract under this section to a State or a private agency or organization (other than Social Security Administration Field Offices and the State agency administering the State medicaid program under title XIX, including any agency or entity described in clause (ii), that the Commissioner determines is qualified to provide the planning, assistance, and information described in paragraph (2)).

''(ii) AGENCIES AND ENTITIES DESCRIBED.—The agencies and entities described in this clause are the following:

''(I) Any public or private agency or organization (including Centers for Independent Living established under title VII of the Rehabilitation Act of 1973, protection and advocacy organizations, client assistance programs established in accordance with section 112 of the Rehabilitation Act of 1973, and State Developmental Disabilities Councils established in accordance with section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)) that the Commissioner determines satisfies the requirements of this section.

''(II) The State agency administering the State program funded under part A of title IV.

''(D) EXCLUSION FOR CONFLICT OF INTEREST.—The Commissioner may not award a grant, cooperative agreement, or contract under this section to any entity that the Commissioner determines would have a conflict of interest if the entity were to receive a grant, cooperative agreement, or contract under this section.

''(2) SERVICES PROVIDED.—A recipient of a grant, cooperative agreement, or contract to provide benefits planning and assistance shall select individuals who will act as planners and provide information, guidance, and planning to disabled beneficiaries on the—

''(A) availability and interrelation of any Federal or State work incentives programs designed to assist disabled beneficiaries that the individual may be eligible to participate in;

''(B) adequacy of any health benefits coverage that may be offered by an employer of the individual and the extent to which other health benefits coverage may be available to the individual; and

''(C) availability of protection and advocacy services for disabled beneficiaries and how to access such services.

''(3) AMOUNT OF GRANTS, COOPERATIVE AGREEMENTS, OR CONTRACTS.—

''(A) BASED ON POPULATION OF DISABLED BENEFICIARIES.—Subject to subparagraph (B), the Commissioner shall award a grant, cooperative agreement, or contract under this section to an entity based on the percentage of the population of the State where the entity is located who are disabled beneficiaries.

''(B) LIMITATIONS.—

''(i) PER GRANT.—No entity shall receive a grant, cooperative agreement, or contract under this section for a fiscal year that is less than $50,000 or more than $300,000.

''(ii) TOTAL AMOUNT FOR ALL GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The total amount of all grants, cooperative agreements, and contracts awarded under this section for a fiscal year may not exceed $23,000,000.

''(4) ALLOCATION OF COSTS.—The costs of carrying out this section shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

''(c) DEFINITIONS.—In this section:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).''.

SEC. 222. STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 221, is amended by adding after section 1149 the following:

''STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES

''SEC. 1150. (a) IN GENERAL.—Subject to subsection (c), the Commissioner may make payments in each State to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the purpose of providing services to disabled beneficiaries.

''(b) SERVICES PROVIDED.—Services provided to disabled beneficiaries pursuant to a payment made under this section may include—

''(1) information and advice about obtaining vocational rehabilitation and employment services; and

''(2) advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

''(c) APPLICATION.—In order to receive payments under this section, a protection and advocacy system shall submit an application to the Commissioner, at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

''(d) AMOUNT OF PAYMENTS.—

''(1) IN GENERAL.—Subject to the amount appropriated for a fiscal year for making payments under this section, a protection and advocacy system shall not be paid an amount that is less than—

''(A) in the case of a protection and advocacy system located in a State (including the District of Columbia and Puerto Rico) other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the greater of—

''(i) $100,000; or

''(ii) 1/3 of 1 percent of the amount available for payments under this section; and

''(B) in the case of a protection and advocacy system located in Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, $50,000.

''(2) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Commissioner shall increase each minimum payment under subparagraphs (A) and (B) of paragraph (1) by a percentage equal to the percentage increase in the total amount appropriated to carry out this section between the preceding fiscal year and the fiscal year involved.

''(e) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Commissioner and the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999 on the services provided to individuals by the system.

''(f) FUNDING.—

''(1) ALLOCATION OF PAYMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), payments under this section shall be made from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

''(B) LIMITATION.—Payments under this section shall not exceed $7,000,000 for fiscal year 2000, and such sums as may be necessary for any fiscal year thereafter.

''(2) CARRYOVER.—Any amounts allotted for payment to a protection and advocacy system under this section for a fiscal year shall remain available for payment to or on behalf of the protection and advocacy system until the end of the succeeding fiscal year.

''(g) DEFINITIONS.—In this section:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

''(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.).''.

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

SEC. 301. PERMANENT EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) PERMANENT EXTENSION OF AUTHORITY.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by adding at the end the following:

''DEMONSTRATION PROJECT AUTHORITY

''SEC. 234. (a) AUTHORITY.—

''(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the 'Commissioner') shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of—

''(A) various alternative methods of treating the work activity of individuals entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)), including such methods as a reduction in benefits based on earnings, designed to encourage the return to work of such individuals;

''(B) altering other limitations and conditions applicable to such individuals (including lengthening the trial work period (as defined in section 222(c)), altering the 24-month waiting period for hospital insurance benefits under section 226, altering the manner in which the program under this title is administered, earlier referral of such individuals for rehabilitation, and greater use of employers and others to develop, perform, and otherwise stimulate new forms of rehabilitation); and

''(C) implementing sliding scale benefit offsets using variations in—

''(i) the amount of the offset as a proportion of earned income;

''(ii) the duration of the offset period; and

''(iii) the method of determining the amount of income earned by such individuals,

to the end that savings will accrue to the Trust Funds, or to otherwise promote the objectives or facilitate the administration of this title.

''(2) AUTHORITY FOR EXPANSION OF SCOPE.—The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under the program established under this title with impairments that reasonably may be presumed to be disabling for purposes of such demonstration project, and may limit any such demonstration project to any such group of applicants, subject to the terms of such demonstration project which shall define the extent of any such presumption.

''(b) REQUIREMENTS.—The experiments and demonstration projects developed under subsection (a) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the disability insurance program under this title without committing such program to the adoption of any particular system either locally or nationally.

''(c) AUTHORITY TO WAIVE COMPLIANCE WITH BENEFITS REQUIREMENTS.—In the case of any experiment or demonstration project conducted under subsection (a), the Commissioner may waive compliance with the benefit requirements of this title, and the Secretary may (upon the request of the Commissioner) waive compliance with the benefits requirements of title XVIII, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and demonstration projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

''(d) REPORTS.—

''(1) INTERIM REPORTS.—On or before June 9 of each year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an interim report on the progress of the experiments and demonstration projects carried out under this subsection together with any related data and materials that the Commissioner may consider appropriate.

''(2) FINAL REPORTS.—Not later than 90 days after the termination of any experiment or demonstration project carried out under this section, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to that experiment and demonstration project.''.

(b) CONFORMING AMENDMENTS; TRANSFER OF PRIOR AUTHORITY.—

(1) CONFORMING AMENDMENTS.—

(A) REPEAL OF PRIOR AUTHORITY.—Paragraphs (1) through (4) of subsection (a) and subsection (c) of section 505 of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) are repealed.

(B) CONFORMING AMENDMENT REGARDING FUNDING.—Section 201(k) of the Social Security Act (42 U.S.C. 401(k)) is amended by striking ''section 505(a) of the Social Security Disability Amendments of 1980'' and inserting ''section 234''.

(2) TRANSFER OF PRIOR AUTHORITY.—With respect to any experiment or demonstration project being conducted under section 505(a) of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) as of the date of enactment of this Act, the authority to conduct such experiment or demonstration project (including the terms and conditions applicable to the experiment or demonstration project) shall be treated as if that authority (and such terms and conditions) had been established under section 234 of the Social Security Act, as added by subsection (a).

SEC. 302. DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

(a) AUTHORITY.—The Commissioner of Social Security shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1148(k)(3) of the Social Security Act) under which each $1 of benefits payable under section 223, or under section 202 based on the beneficiary's disability, is reduced for each $2 of such beneficiary's earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(b) SCOPE AND SCALE AND MATTERS TO BE DETERMINED.—

(1) IN GENERAL.—The demonstration projects developed under subsection (a) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(A) the effects, if any, of induced entry into the project and reduced exit from the project;

(B) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act; and

(C) the savings that accrue to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and other Federal programs under the project being tested.

The Commissioner shall take into account advice provided by the Work Incentives Advisory Panel pursuant to section 201(f)(2)(B)(ii).

(2) ADDITIONAL MATTERS.—The Commissioner shall also determine with respect to each project—

(A) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project;

(B) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project; and

(C) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

The Commissioner may include within the matters evaluated under the project the merits of trial work periods and periods of extended eligibility.

(c) WAIVERS.—The Commissioner may waive compliance with the benefit provisions of title II of the Social Security Act, and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of that Act, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

(d) INTERIM REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Commissioner of Social Security shall submit to Congress an interim report on the progress of the demonstration projects carried out under this subsection together with any related data and materials that the Commissioner of Social Security may consider appropriate.

(e) FINAL REPORT.—The Commissioner of Social Security shall submit to Congress a final report with respect to all demonstration projects carried out under this section not later than 1 year after their completion.

(f) EXPENDITURES.—Expenditures made for demonstration projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

SEC. 303. STUDIES AND REPORTS.

(a) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING DISABILITY-RELATED EMPLOYMENT INCENTIVES.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to assess existing tax credits and other disability-related employment incentives under the Americans with Disabilities Act of 1990 and other Federal laws. In such study, the Comptroller General shall specifically address the extent to which such credits and other incentives would encourage employers to hire and retain individuals with disabilities.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(b) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING COORDINATION OF THE DI AND SSI PROGRAMS AS THEY RELATE TO INDIVIDUALS ENTERING OR LEAVING CONCURRENT ENTITLEMENT.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination under current law of the disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of that Act, as such programs relate to individuals entering or leaving concurrent entitlement under such programs. In such study, the Comptroller General shall specifically address the effectiveness of work incentives under such programs with respect to such individuals and the effectiveness of coverage of such individuals under titles XVIII and XIX of the Social Security Act.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(c) STUDY BY GENERAL ACCOUNTING OFFICE OF THE IMPACT OF THE SUBSTANTIAL GAINFUL ACTIVITY LIMIT ON RETURN TO WORK.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study of the substantial gainful activity level applicable as of that date to recipients of benefits under section 223 of the Social Security Act (42 U.S.C. 423) and under section 202 of that Act (42 U.S.C. 402) on the basis of a recipient having a disability, and the effect of such level as a disincentive for those recipients to return to work. In the study, the Comptroller General also shall address the merits of increasing the substantial gainful activity level applicable to such recipients of benefits and the rationale for not yearly indexing that level to inflation.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(d) REPORT ON DISREGARDS UNDER THE DI AND SSI PROGRAMS.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Social Security 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) identifies all income, assets, and resource disregards (imposed under statutory or regulatory authority) that are applicable to individuals receiving benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

(2) with respect to each such disregard—

(A) specifies the most recent statutory or regulatory modification of the disregard; and

(B) recommends whether further statutory or regulatory modification of the disregard would be appropriate; and

(3) with respect to the disregard described in section 1612(b)(7) of the Social Security Act (42 U.S.C. 1382a(b)(7)) (relating to grants, scholarships, or fellowships received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution)—

(A) identifies the number of individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) who have attained age 22 and have not had any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution excluded from their income in accordance with that section;

(B) recommends whether the age at which such grants, scholarships, or fellowships are excluded from income for purposes of determining eligibility under title XVI of the Social Security Act should be increased to age 25; and

(C) recommends whether such disregard should be expanded to include any such grant, scholarship, or fellowship received for use in paying the cost of room and board at any such institution.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATION RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 853) is amended—

(1) in subparagraph (A), by striking ''by the Commissioner of Social Security'' and ''by the Commissioner''; and

(2) by adding at the end the following:

''(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

''(i) there is pending a request for either administrative or judicial review with respect to such claim, or

''(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

''(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) of the Social Security Act shall not apply to such redetermination.''.

(b) CORRECTION TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF SOCIAL SECURITY BENEFICIARIES WHO ARE DRUG ADDICTS

AND ALCOHOLICS.—Section 105(a)(5)(B) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended to read as follows:

''(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

''(i) whose claim for benefits is finally adjudicated on or after the date of enactment of this Act; or

''(ii) whose entitlement to benefits is based on an entitlement redetermination made pursuant to subparagraph (C).''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

SEC. 402. TREATMENT OF PRISONERS.

(a) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following:

''(B)(i) The Commissioner shall enter into an agreement under this subparagraph with any interested State or local institution comprising a jail, prison, penal institution, or correctional facility, or comprising any other institution a purpose of which is to confine individuals as described in paragraph (1)(A)(ii). Under such agreement—

''(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, Social Security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

''(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, $400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

''(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

''(iii) There is authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

''(iv) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any agency administering a Federal or federally assisted cash, food, or medical assistance program for eligibility purposes.''.

(2) CONFORMING AMENDMENT TO THE PRIVACY ACT.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) in clause (vi), by striking ''or'' at the end;

(B) in clause (vii), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(viii) matches performed pursuant to section 202(x)(3)(B) or 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 402(x)(3)(B), 1382(e)(1)(I));''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''during'' and inserting ''throughout'';

(B) in clause (i), by striking ''an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)'' and inserting ''a criminal offense''; and

(C) in clause (ii)(I), by striking ''an offense punishable by imprisonment for more than 1 year'' and inserting ''a criminal offense''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) CONFORMING TITLE XVI AMENDMENTS.—

(1) FIFTY PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)) is amended—

(A) in clause (i)(II), by inserting ''(subject to reduction under clause (ii))'' after ''$400'' and after ''$200'';

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(C) by inserting after clause (i) the following:

''(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).''.

(2) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking ''institution'' and all that follows through ''section 202(x)(1)(A),'' and inserting ''institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),''.

(3) ELIMINATION OF OVERLY BROAD EXEMPTION.—Section 1611(e)(1)(I)(iii) of such Act (42 U.S.C. 1382(e)(1)(I)(iii)) (as redesignated by paragraph (1)(B), is amended by striking ''(I) The provisions'' and all that follows through ''(II)''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of the Social Security Act as amended by paragraph (2) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(d) CONTINUED DENIAL OF BENEFITS TO SEX OFFENDERS REMAINING CONFINED TO PUBLIC INSTITUTIONS UPON COMPLETION OF PRISON TERM.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking ''or'' at the end;

(B) in clause (ii)(IV), by striking the period and inserting '', or''; and

(C) by adding at the end the following:

''(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.''.

(2) CONFORMING AMENDMENT.—Section 202(x)(1)(B)(ii) of the Social Security Act (42 U.S.C. 402(x)(1)(B)(ii)) is amended by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of enactment of this Act.

SEC. 403. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION FROM SOCIAL SECURITY COVERAGE.

(a) IN GENERAL.—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefore (in such form and manner, and with such official, as may be prescribed by the Commissioner of the Internal Revenue Service), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1999. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1999, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding paragraph (4) or (5) of section 1402(c) of such Code) except for the exemption under section 1402(e)(1) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1999, and with respect to monthly insurance benefits payable under title II of the Social Security Act on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

SEC. 404. ADDITIONAL TECHNICAL AMENDMENT RELATING TO COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS UNDER TITLES II AND XVI.

(a) IN GENERAL.—Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended by striking ''title XVI'' and inserting ''title II or XVI''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1464).

SEC. 405. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: '', and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such employment on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis''.

(b) TECHNICAL AMENDMENTS.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended—

(1) by striking ''(as defined in section 453A(a)(2)(B)(iii))''; and

(2) by inserting ''(as defined in section 453A(a)(2)(B))'' after ''employers'' .

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wage reports required to be submitted on and after the date of enactment of this Act.

TITLE V—REVENUE

SEC. 501. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(1) by striking ''in the second preceding taxable year,'', and

(2) by striking ''or fifth'' and inserting ''fifth, sixth, or seventh''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2001.

SEC. 502. LIMITATION ON USE OF NON-ACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Section 448(d)(5) of the Internal Revenue Code of 1986 (relating to special rule for services) is amended—

(1) by inserting ''in fields described in paragraph (2)(A)'' after ''services by such person'', and

(2) by inserting ''CERTAIN PERSONAL'' before ''SERVICES''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 503. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

''(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

''(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

''(2) other similar requests.

''(b) PROGRAM CRITERIA.—

''(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

''(A) shall vary according to categories (or subcategories) established by the Secretary,

''(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

''(C) shall be payable in advance.

''(2) EXEMPTIONS, ETC.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

''(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

''Category	*Average Fee*
Employee plan ruling and opinion	*$250*
Exempt organization ruling	*$350*
Employee plan determination	*$300*
Exempt organization determination	*$275*
Chief counsel ruling	*$200.*

''(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2006.''

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7527. Internal Revenue Service user fees.''

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

AMENDMENT NO. 671

(Purpose: To provide a complete substitute)

The PRESIDING OFFICER. The clerk will report the Roth amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 671.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.''):

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 671) was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes equally divided in the usual form.

Who yields time?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I said yesterday, ''The time has come.'' And, now finally it has. I said yesterday, ''Our friends with disabilities have waited patiently.'' I say today, They are more than patient. They are saints with tolerance for congressional schedules. Everyone here—everyone in the White House, everyone in the other body, and because of e-mail, everyone in the country—knows I am referring to our pending consideration of landmark legislation, S. 331, the Work Incentives Improvement Act of 1999.

When I came to Congress in January 1975, one of my legislative priorities was providing access to the American dream for people with disabilities.

Well, today, after 3 long years, endless hours of discussion and drafting, and redrafting, we are about to remove the biggest remaining barrier to the American dream for individuals with disabilities—access to health care if they work. What we are about to do was long in coming. It is so important.

During the process that got us to this point, I have learned a great deal. I suspect the same holds true for the 77 other cosponsors of this bill. People with disabilities want to work, and will work, if given access to health care. This bill does just that—it gives workers with disabilities access to appropriate health care—health care that is not readily available or affordable from the private sector.

People with disabilities want to work, and will work, if given access to job training and job placement assistance. This bill does just that—it gives individuals with disabilities training and help securing a job.

The work Incentives Improvement Act empowers people with disabilities to control the quality of their lives, to pay State and Federal taxes, to return the investment that society has made in them, and most of all, the bill empowers them so they can go to work.

I thank my bipartisan original cosponsors Senators KENNEDY, ROTH, and MOYNIHAN who, with me, created a sound piece of legislation to address this real problem for millions of Americans with disabilities. Their commitment represents the best of what the Senate can accomplish when sound policy is placed above partisanship and beyond who gets credit.

I also thank the additional, original 35 cosponsors of this bill and the subsequent 42 cosponsors who represent a total of over three quarters of this body, perhaps a Senate record on health care legislation.

Over the last two weeks the majority leader has been the driving force that urged us to work out policy differences that were delaying floor consideration. We did so through good faith efforts that broadened support for the bill and reduced its overall modest cost.

In particular, I want to recognize Senators NICKLES, BUNNING and GRAMM for their willingness to reach consensus with us on policy without compromising the integrity of the legislation, thus, allowing S. 331 to move forward.

I especially give a heartfelt thanks to people with disabilities who worked with us, trusted us to do the right thing. With their support, encouragement, and energy we have done the right thing.

Yesterday the President asked us to give him a bill by July 4th, or at least July 26th, the 9th anniversary of the Americans With Disabilities Act. We can. We should, with 100 votes.

I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, how much time does each side have?

The PRESIDING OFFICER. The Senator from Vermont has 6 minutes 6 seconds remaining. The Senator from Massachusetts has 10 minutes.

Mr. KENNEDY. Mr. President, I yield such time as I might use.

Mr. President, today, we will pass landmark legislation to open the workplace doors for disabled people in communities across this country. At long last, once this measure is enacted into law, large numbers of people with disabilities will have the opportunity to fulfill their hopes and dreams of living independent and productive lives.

A decade ago, when we enacted the Americans With Disabilities Act, we promised our disabled fellow citizens a new and better life in which disability would no longer end the American dream. Too often, for too many Americans, that promise has been unfulfilled. The Work Incentives Improvement Act will dramatically strengthen the fulfillment of that promise.

We know that millions of disabled men and women in this country want to work and are able to work. But they are denied the opportunity to do so, and the nation is denied their talents and their contributions to our communities.

Current laws are an anachronism. Modern medicine and modern technology are making it easier than ever before for disabled persons to have productive lives and careers. Yet current laws are often a greater obstacle to that goal than the disability itself. It's ridiculous that we punish disabled persons who dare to take a job by penalizing them financially, by taking away their health insurance lifeline, and by placing these unfair obstacles in their path.

The Work Incentives Improvement Act removes these unfair barriers to work that face so many Americans with disabilities:

It makes health insurance available and affordable when a disabled person goes to work, or develops a significant disability while working.

It gives people with disabilities greater access to the services they need to become successfully employed.

It phases out the loss of cash benefits as income rises, instead of the unfair sudden cut-off that workers with disabilities face today.

It places work incentive planners in communities, rather than in bureaucracies, to help workers with disabilities learn how to obtain the employment services and support they need.

Eliminating these barriers to work will help large numbers of disabled Americans to achieve self-sufficiency. We are a better and stronger and fairer country when we open the golden door of opportunity to all Americans, and enable them to be equal partners in the American dream. For millions of Americans with disabilities, this bill is a declaration of independence that can make the American dream come true.

We must banish the patronizing mind-set that disabled people are unable. In fact, they have enormous talent, and America cannot afford to waste an ounce of it.

Today's action is dedicated to the 54 million disabled American men and women who want to work and are able to work, but who face unfair penalties under current law if they take jobs and go to work. It is dedicated to the 12 million children and their families who will now have the chance to dream of a future of work and prosperity, and not government handouts.

Our goal is to remove the unconscionable barriers they face, and free up the enterprise, creativity, and contribution of these Americans. Now, when we say ''equal opportunity for all,'' it will be clear that we mean all.

No one in America should lose their medical coverage, which can mean the difference between life and death—if they go to work. No one in this country should have to choose between buying a decent meal and buying the medication they need.

The Work Incentives Improvement Act will remove these unfair barriers and continue to make health insurance available and affordable to people with disabilities.

Many leaders in communities throughout the country have worked long and hard and well to help us reach this milestone. They are consumers, family members, citizens, and advocates. They see every day that our current job programs are failing people with disabilities; and forcing them and their families into poverty.

We have worked together for many months to develop effective ways to right these wrongs. To all of those who have done so much, I say thank you for helping us to reach this long-awaited day. This bill truly represents legislation of the people, by the people and for the people.

Nearly a year ago, President Clinton signed an executive order to increase employment and health care coverage for people with disabilities. Today, with strong bipartisan support, the Senate is demonstrating its commitment to our fellow disabled citizens.

I especially commend Senator JEFFORDS, Senator ROTH, and Senator MOYNIHAN for their indispensable leadership on this landmark legislation. I also commend the many Senate staff members whose skilled assistance contributed so much to this achievement—Jennifer Baxendale and Alec Vachon of Senator ROTH'S staff, Kristin Testa and John Resnick of Senator MOYNIHAN'S staff, Chris Crowley, Jim Downing, and Pat Morrissey of Senator JEFFORDS' staff, and Michael Myers and Connie Garner of my own staff.

For far too long, disabled Americans have been left out and left behind. Today, we are taking long overdue action to correct the injustice they have unfairly suffered.

Mr. JEFFORDS. Mr. President, I see Senator ROTH is on the floor. I control the time. I yield to him 5 minutes.

The PRESIDING OFFICER. The distinguished Senator from Delaware is recognized for 5 minutes.

Mr. ROTH. Mr. President, this is an important day for millions of Americans with disabilities—a day that presents the Senate with an opportunity to build on the legacy of the Americans With Disabilities Act. Today, we have a chance to help disabled Americans move toward independence.

Despite the success of the Americans With Disabilities Act, there are still serious obstacles facing too many people with disabilities—obstacles that stand in the way of employment.

Senators JEFFORDS, MOYNIHAN, KENNEDY, and I want to change that. Accordingly, in January we introduced S. 331, the Work Incentives Improvement Act of 1999.

This legislation has a simple objective—to help people with disabilities go to work if they want to go to work, without fear of losing their health insurance lifeline.

S. 331 has been one of my top priorities this year, and support for the bill has been widespread. Mr. President, a total of 78 Senators now sponsor S. 331. Let me say that again—78 Senators have signed on to S. 331. That would be a remarkable total for any bill, let alone a health care proposal.

S. 331 is necessary because the unemployment rate among working-age adults with severe disabilities is nearly 75 percent. Many of these individuals want to work. S. 331 will allow disabled individuals to work without losing access to health insurance coverage.

Mr. President, we can no longer afford to deny millions of talented Americans the opportunity to contribute in the work force.

More than 300 national groups agree that it is time to act, including organizations representing veterans, people with disabilities, health care providers, and insurers.

This bill is about helping disabled Americans work—if that is what they want to do. It's about helping people reach their potential. It is not about big government—it's about getting government out of the way of individual commitment and creativity.

And this bill isn't about a distinct and separate group of disabled individuals. It is about all of us. Realistically,

we are all just one tragedy away from confronting disability in our own families.

Unfortunately, we cannot prevent all disabilities. But we can prevent making disabled individuals choose between health care and employment. Today, we can take a step toward making that goal a reality.

Before we vote, I would be remiss if I did not thank Senator JEFFORDS and Senator KENNEDY for their longstanding commitment to this important legislation. In addition, my particular thanks go to Senator MOYNIHAN for all of his assistance in moving the bill through the Finance Committee.

As I close, I would like to ask all my colleagues to join with me in voting for S. 331. By passing the Work Incentives Improvement Act today, we can help unleash the creativity and enthusiasm of millions of Americans with disabilities ready and eager to work.

Mr. President, I ask for the yeas and nays on S. 331.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, will the Senator add me as a cosponsor?

Mr. ROTH. Yes.

Mr. MOYNIHAN. Mr. President, our revered chairman of the Finance Committee has been characteristically generous in thanking the associates who have joined him in this matter.

I will take just a moment—I know he would wish me to do so—to call attention to the fact that it is our former colleague, our beloved former colleague, Bob Dole, who first proposed this matter. It was 1986. He introduced the Employment Opportunities for Disabled Americans Act to allow supplementary security income beneficiaries to continue to receive Medicaid when they return to work.

As the chairman of our committee said, this has enabled people to go to work who are disabled but not unwilling.

In a hearing before our committee on this bill, Senator Dole said:

> This is about people going to work. It is about dignity and opportunity and all the things we talk about when we talk about being an American.

I think this accounts, sir, for the overwhelming support in this body.

With that thought, and again my thanks to the chairman, I yield the floor.

I have a snippet of time that Senator KENNEDY may wish to use.

The PRESIDING OFFICER. The Senator has 1 minute 43 seconds.

Mr. KENNEDY. Mr. President, I thank all of our colleagues for the program and for their support.

Yesterday when the President was here, he indicated he would like to have this legislation on his desk by the Fourth of July. This really is a declaration of independence for the disabled. He mentioned if we were not able to meet that time limit, we ought to do it the 26th of July which will be the ninth anniversary for the Americans With Disabilities Act.

I think either date will be entirely appropriate for the celebration in this country of the Fourth of July. I can't think of a better Fourth of July for millions of our fellow Americans than the successful signing into law of this legislation.

I yield back the remainder of my time.

The PRESIDING OFFICER. The distinguished Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I thank the Senator from New York for bringing up the role that former Senator Bob Dole played in this whole process. It was his leadership and his constant reminder to me of the need to continue to go forward that I took on that role and now feel so good that tomorrow we are at the point of succeeding.

I thank the disability community. I have never seen such an effort as that provided by those in the disability community of this country to make sure we did not forget our role and our goal.

I also thank Pat Morrisey of my staff who has been an incredible workhorse on this matter. She has done a tremendous job in keeping me on the right track.

This is the final great step in assuring that the disabled community of our country has reached the goal from which they have been precluded by the mobility to get health care—to be fully reentered into life.

I yield back the remainder of my time.

The PRESIDING OFFICER. The committee substitute, as amended, is agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. ROTH. 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. GRAMM. 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. GRAMM. Mr. President, I ask unanimous consent for 5 minutes to speak on the bill that is pending, given the role that I played in reaching this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I think some explanation is due of how we came to be where we are and the circumstances under which this bill is being considered.

When the bill was reported from the Finance Committee, it was funded by changing the Tax Code in a way that would have produced additional revenues—by conventional definition, that would be a tax increase.

I felt at a time where we find it virtually impossible to control discretionary spending, at a time where in the same day—as was the case yesterday—we vote to secure in a lockbox the surplus that is coming from Social Security and then an hour later we vote to break the lockbox open and spend $270 million of Social Security money to subsidize loans to the steel industry, it was a very bad precedent to set at this point in this legislative session where we are coming closer and closer to blowing the top out of discretionary spending in the Federal Government to create a brand new entitlement, no matter how meritorious, and do it by raising taxes.

As a result, we had a series of objections to efforts to bring this bill to a vote. Many of those efforts were in the waning hours of various periods of the session before we adjourned for recesses. I have insisted on one fundamental thing which is now embodied in the unanimous-consent request that we have used to bring this bill to the floor; that is, that it be paid for, and that it be paid for by cutting another entitlement program; that it not be paid for by raising taxes.

Now, I have no objection to the bill itself. In fact, I congratulate Senator JEFFORDS. I congratulate the distinguished chairman of the Finance Committee, Senator ROTH. I congratulate the ranking member, Senator MOYNIHAN, not only for putting together a good bill but being willing to go back and refine that bill to deal with legitimate concerns that were raised, and produce a situation where I assume this bill will pass unanimously.

My objection has never been to the bill itself because the policy embodied in the legislation itself is meritorious. The problem is, there are many meritorious proposals that can be made. At a time when we cannot seem to control discretionary spending, if we start in our first new entitlement program of this session to fund it by raising taxes, I think we create a precedent that could be very harmful to the economy and could ultimately drive up interest rates and threaten the recovery.

So, what we have done is ensure that there is no tax increase or any revenue measure in this bill. We have a unanimous-consent agreement that this bill cannot come back to the Senate in this or any other bill unless it is paid for by cutting another entitlement program. So the one thing we can be guaranteed is, in meeting the goals of this meritorious bill, what we are going to be required to do is do what families would have to do if they came up with a good thing to spend money on, and that is

we have to go back and find another entitlement that is less meritorious, and we are going to have to find money from one of those other entitlements to fund this bill. I think that is the right way to do it.

I thank my colleagues for their patience. I know the bill is supported by a lot of people, and they should, because these are people with disabilities who are trying to work.

It has not been easy to stand in the way of this bill. I thought the cause was an important one. I am very happy with the final product. I urge my colleagues to vote for the bill. I assume it will get 100 votes, and I think we are doing it the right way.

I yield the floor.

Mr. HATCH. Mr. President, I commend Senators JEFFORDS, ROTH, KENNEDY, and MOYNIHAN for going the extra mile to work out the provisions of this legislation. I am sure it was not easy; dealing with Medicaid and SSDI never is.

As a veteran of many negotiations and collaborations with on disability issues, I see this legislation as a fine example of progressive policy that does not also beget more bureaucracy and irresponsible spending. I do not believe that improving life for those with disabilities and maintaining fiscal responsibility have to be mutually exclusive goals if we take the time to do it right.

That is why I appreciated the modifications made in this bill prior to its reintroduction early this spring. I know my colleagues on the Finance Committee and my former colleagues on the Health and Education Committee worked very hard to accomplish this goal, and I think that, by and large, they have succeeded. They can be proud to have produced a bill with such solid bipartisan support. I might mention that Pat Morrissey of Senator JEFFORDS' staff was particularly responsive to my earlier questions and concerns.

I would also like to acknowledge the helpful input I received from my own Utah Advisory Committee on Disability Policy. While this measure was particularly important to a number of the committee's individual members, I want to note for the record that the entire committee endorsed it and urged my support for the bill. I am pleased to be able to demonstrate that support today with an ''aye'' vote.

Mr. GRASSLEY. Mr. President, I rise today in support of legislation sponsored by Senators JEFFORDS, KENNEDY, ROTH and MOYNIHAN. I commend my colleagues for their dedication to improving the way federal programs serve persons with disabilities. Continuing my support for this effort from last Congress, I became an original co-sponsor this year of S. 331, the Work Incentives Improvement Act of 1999.

This bill addresses one of the great tragedies of our disability system. The tragedy is forcing many people with disabilities to choose between working and maintaining access to health care. The intent of our system was never to demoralize Americans who are ready, willing and able to work. It is critical that we overturn today's policies of disincentives toward work and replace them with thoughtful, targeted incentives that will enable many individuals with disabilities to return to work.

By removing barriers to necessary health care, the Work Incentives Improvement Act gives the disabled population the green light to join the work force. It is smart public policy that will help alleviate the tight labor market, increase the tax base for the Social Security trust fund and address employer concerns. Many employers are wary of adding a high-cost employee to their company's insurance pool.

Most of all, this bill is the right thing to do. By providing disabled workers a better opportunity to earn a living, this bill reinforces our nation's strong work ethic. Earning one's own way in the world helps foster personal responsibility and self-esteem.

Over the years I have heard from Iowans who have been forced to leave the work force because of a disability. More than 40,000 Iowans receive federal disability benefits, but fewer than 20 percent of these Iowans hold a job. Most are discouraged form seeking employment because of the fear of losing critical health benefits covered by Medicare and Medicaid.

For example, Tim Clancy of Iowa City has his Bachelor of Arts from the University of Iowa. He is an active individual and participates in a number of city and county government activities. Tim lives with cerebral palsy and relies on personal assistants for morning and evening help. Recently, he became employed by Target in Coralville, Iowa, but does not have health insurance through his employer. After he completes his trial work period and extended period of eligibility, he will lose his health insurance. The Work Incentives Act would allow Tim—and many others—to continue receiving the same health coverage as he has now.

I look forward to the passage of this legislation. It will unlock the doors to employment for thousands of invaluable citizens.

Mr. BIDEN. Mr. President, I am delighted that the Senate has agreed to pass S. 331, the Work Incentives Improvement Act of 1999, and I am proud to be a cosponsor of this important legislation.

This bill helps maintain the autonomy and self-worth of some of our most vulnerable citizens, the disabled, by removing barriers that prevent them from returning to work. Disabled citizens in Delaware and elsewhere almost uniformly state that their most important goal is to return to work, not only for the income but for the need to be productive. However, because our laws currently put many obstacles in the way of disabled individuals who want to return to work, they often discover that they are better off financially and medically if they remain unemployed.

The Work Incentives Improvement Act helps tear down some of these perverse provisions of law that block the disabled from achieving their goal of becoming productive, taxpaying citizens. First, and probably most important to the disabled, this bill helps them maintain appropriate health insurance through extensions and expansions of the Medicare and Medicaid programs. Most employer-sponsored insurance does not provide the specific types of coverage that the disabled need to enable them to return to work.

Second, the Work Incentives Improvement Act helps the disabled obtain appropriate employment and vocational rehabilitation services through the Ticket To Work and Self-Sufficiency program, which extends access to such services provided by the private sector.

Finally, this bill continues the demonstration project that allows the disabled who return to work to keep a portion of their cash payments as their work income increases; currently, the abrupt loss of these payments when income reaches a specific threshhold has been a severe disincentive for the disabled to return to work.

Mr. President, I am honored to be a cosponsor of this important legislation that helps restore the disabled citizens of Delaware and throughout the United States to their rightful places as equal participants in our society, and I applaud its passage by the Senate.

Mr. MACK. Mr. President, I rise today to speak on behalf of the Work Incentives Improvement Act of 1999. This bill was introduced by Senator JEFFORDS and co-sponsored by 77 members. The primary purpose of this legislation is to expand the availability of health care coverage under the Social Security Act for working individuals with disabilities. This bill establishes a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to make available meaningful work opportunities for the disabled.

Some months ago, in Florida, I met a woman who does not have the use of her arms. This woman is an accomplished artist who uses her feet to create beautiful works of art. She spoke with me about the difficulty she has had over the years obtaining health insurance for routine medical care and asked me to support this bill. It is with her in mind and the many other talented, hard-working disabled Americans that I support this act which will make it possible for them to obtain health coverage and lead productive working lives.

This bill allows states to offer Medicaid coverage to workers with disabilities beyond what is currently available to them under the Balanced Budget Act of 1997. It creates two new optional eligibility categories and allows states to offer buy-ins for the working disabled so that they can maintain health care coverage, work, and have as much independence as their disability allows. One option permits states to offer a Medicaid buy-in to people with disabilities who work and have an earned income above 250% of poverty with specified levels for assets, resources and unearned income set by the state in which they reside. This is important to many of the disabled who have income or assets that exceed the current level and have an earned income that has exceeded $500 per month during the past year. The state can and should impose a sliding scale of cost-sharing of the premium, up to 100% of the premium, based on the income of the individual. This will allow many of the disabled who simply cannot get health insurance because they have income or assets above a certain level, to obtain health coverage. With the passage of this legislation, a person with disabilities who may be an artist, computer programmer or run a telephone answering service can now be successful at work and have no fear of being unable to obtain health coverage.

The second option allows states that elect to participate in the first option to also cover people who have a severe impairment but can lose eligibility for Supplemental Security Income or Social Security Disability Insurance because of medical improvement. In certain cases, the only reason a person improves is because they receive medical treatment. This bill prevents a person from losing their health care coverage when their health improves due to medical treatment. The state can allow this type of person to buy into the state Medicaid program at a premium set by the state. This is a blessing to persons with disabling conditions which are amenable to treatment such as rheumatoid arthritis, Crohn's disease, depression, or sickle cell anemia. It allows people who can work to work and receive treatment for what may be a chronic disease and have no fear of losing their health coverage.

An additional benefit of this bill provides for the continuation of Medicare coverage for working individuals with disabilities. An extended period of eligibility will allow people who receive Social Security Disability Insurance (SSDI) to continue to receive Part A Medicare coverage without payment for up to six years after returning to work. At present, disabled people may receive Medicare coverage for nine months followed by 36 months of extended eligibility but after that, they have to pay the Part A premium in full. Often, people returning to work following a period of coverage by SSDI, work part time so they are ineligible for health insurance or they cannot obtain insurance through their employer or from the private market. This bill would permit them to receive Part A coverage and have coverage they could not otherwise obtain.

I join with my colleagues in support of this legislation to help the disabled help themselves.

Mr. DODD. Mr President, I rise today to lend my strong support to important legislation that will enable millions of individuals with disabilities to achieve greater independence and financial security. The Work Incentives Improvement Act of 1999 offers Americans with disabilities the opportunity to achieve greater independence and financial security without the threat of losing the important protections provided by health insurance coverage.

Mr. President, currently more than 75 percent of all individuals with disabilities are unemployed. Further, less than one-half of one percent of the 7.5 million persons receiving federal disability payments go to work each year. Yet a 1999 Harris Survey determined that 74 percent of Americans with disabilities want to work. However, many individuals with disabilities who work face the significant loss of their health insurance coverage as they surpass certain earning limits. This loss of health coverage often presents an understandable deterrent to employment for many individuals with disabilities. While the great majority of Americans with disabilities would like to work, few can afford to lose the protection provided by their health insurance coverage. Forcing individuals with disabilities to choose between work and health insurance coverage presents a difficult choice no one should be forced to make.

S. 331 would provide incentives for persons with disabilities to return to work without losing their access to health insurance. This legislation removes barriers for disabled individuals seeking to find meaningful employment by allowing this vulnerable segment of our population to retain health insurance coverage. By removing the disincentive to work that the loss of health insurance presents to individuals with disabilities, S. 331 opens the door to greater freedom and increased earning for millions of Americans.

Mr. President, I am extremely heartened by the strong support the Work Incentives Improvement Act of 1999 has received. In support of this important legislation are the Consortium for Citizens with Disabilities, the ARC, Easter Seals, the National Alliance for the Mentally Ill, the Paralyzed Veterans of America, the United Cerebral Palsy Association, and the National Education Association. Additionally, more than three-fourths of the Members of the United States Senate presently cosponsor S. 331.

Finally, Mr. President, I would like to commend Senators JEFFORDS, KENNEDY, ROTH, and MOYNIHAN for the important role they each played in developing the Work Incentives Improvement Act of 1999. Through their tireless efforts, S. 331 will greatly expand the opportunities afforded individuals with disabilities as they enter the workforce and I look forward to its enactment.

Mr. BAYH. Mr. President today I rise as a co-sponsor of the Work Incentives Improvement Act, a bipartisan bill that removes the disincentives currently hindering those people with disabilities who wish to enter the workforce. We all owe our thanks to Senators MOYNIHAN, ROTH, and KENNEDY for their leadership on this bill.

When people want to work the federal government should not stand in their way. When people want to be productive members of our society, taxpaying citizens, the federal government should not stand in their way. Currently, 72% of Americans with disabilities want to work. However, nearly 75% of persons with disabilities are unemployed. We are sending the wrong message right now. The current set of rules make it more economically beneficial for someone with a disability to stay at home than to enter the workforce. There needs to be a transition period put in place to assist those with disabilities before we expect them to become financially independant. We do this with other programs and it is about time we apply such logic to this sector of our community. By passing this bill, if only 1% of the currently disabled Americans become fully employed, the federal savings in disability benefits would total $3.5 billion over the lifetime of the beneficiaries. Once again, investing in people creates a great rate of return.

In Indiana there are 348,000 people between the ages of 16 and 64 who have a disability. I have heard numerous stories from Hoosiers with disabilities who want to work and are able to work. They have told me how work will mean more than a paycheck for them. It is an opportunity for them to be a productive and contributing member of the community, work towards self-sufficiency, and most importantly, to have a sense of pride in being needed.

Let me tell you about Bob Neal, an employee of the Indianapolis Police Department. He is 42 years old and doesn't want to give up his job even though it would be much easier for him financially if he did. Bob has muscular dystrophy. When asked why he is still working he said ''I just figure if I stay home I'll get fatter than I am and get lazy and die earlier. I look forward to working. You gotta have a little pride somewhere. That is why I stay here, because of these people, I could go back to Illinois and never work again, but these people, they know me here.''

Bob's story displays the problem with the current predicament in which most people with disabilities find themselves. This bill will address situations similar to that of Bob Neal. It will provide access to health coverage and provide employment assistance while creating incentives to work. It is important to allow Medicare coverage for people with disabilities while they are working so their health can continue to improve. It is no surprise this bill has such overwhelming support from both sides of the aisle.

Today, I will vote in support of this bill with pride for those who take advantage of this newly created opportunity. I urge my colleagues to vote in support of this bill and send the message that people with disabilities will no longer need to chose between working and remaining healthy.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2000

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on S. 1205, which the clerk will read a third time.

The bill was read the third time.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote ''aye.''

The PRESIDING OFFICER (Mr. HUTCHINSON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—97

Abraham	Campbell	Feinstein
Akaka	Chafee	Fitzgerald
Allard	Cleland	Frist
Ashcroft	Cochran	Gorton
Baucus	Collins	Graham
Bayh	Conrad	Gramm
Bennett	Coverdell	Grams
Biden	Craig	Grassley
Bingaman	Crapo	Gregg
Bond	Daschle	Hagel
Boxer	DeWine	Hatch
Breaux	Dodd	Helms
Brownback	Domenici	Hollings
Bryan	Dorgan	Hutchinson
Bunning	Durbin	Hutchison
Burns	Edwards	Inhofe
Byrd	Enzi	Inouye
Jeffords	McConnell	Shelby
Johnson	Mikulski	Smith (NH)
Kennedy	Moynihan	Smith (OR)
Kerrey	Murkowski	Snowe
Kerry	Murray	Specter
Kohl	Nickles	Stevens
Kyl	Reed	Thomas
Landrieu	Reid	Thompson
Lautenberg	Robb	Thurmond
Leahy	Roberts	Torricelli
Levin	Rockefeller	Voinovich
Lieberman	Roth	Warner
Lincoln	Santorum	Wellstone
Lott	Sarbanes	Wyden
Lugar	Schumer	
Mack	Sessions	

NAYS—2

Feingold	McCain

NOT VOTING—1

Harkin

The bill (S. 1205) was passed, as follows:

S. 1205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2000, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,067,422,000, to remain available until September 30, 2004: *Provided*, That of this amount, not to exceed $86,414 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $884,883,000, to remain available until September 30, 2004: *Provided*, That of this amount, not to exceed $66,581,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $783,710,000, to remain available until September 30, 2004: *Provided*, That of this amount, not to exceed $32,764,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $770,690,000, to remain available until September 30, 2004: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $38,664,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $226,734,000, to remain available until September 30, 2004.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $238,545,000, to remain available until September 30, 2004.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $105,817,000, to remain available until September 30, 2004.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $31,475,000, to remain available until September 30, 2004.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts,

$35,864,000, to remain available until September 30, 2004.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $100,000,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $60,900,000, to remain available until September 30, 2004; for Operation and Maintenance, and for debt payment, $1,098,080,000; in all $1,158,980,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $298,354,000, to remain available until September 30, 2004; for Operation and Maintenance, and for debt payment, $895,070,000; in all $1,193,424,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $335,034,000, to remain available until September 30, 2004; for Operation and Maintenance, and for debt payment, $821,892,000; in all $1,156,926,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $50,000, to remain available until September 30, 2004; for Operation and Maintenance, $41,440,000; in all $41,490,000.

FAMILY HOUSING REVITALIZATION TRANSFER FUND

(INCLUDING TRANSFER OF FUND)

Notwithstanding any other provision of law, for expenses related to improvements to existing family housing; $25,000,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to family housing accounts, within this title: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same period, as the appropriation to which transferred: *Provided further*, That the funds shall not be transferred to the Department of Defense Family Housing Improvement Fund.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $25,000,000, to remain available until expended, as the sole source of funds for planning, administrative, and oversight costs incurred by the Housing Revitalization Support Office relating to military family housing initiatives undertaken pursuant to 10 U.S.C. 2883, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $705,911,000, to remain available until expended: *Provided*, That not more than $426,036,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the

construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'' to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs or to provide support for non-NATO countries.

SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term ''congressional defense committees'' means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. None of the funds appropriated in this Act or any other Acts may be used for repair and maintenance of any flag and general officer quarters in excess of $25,000 without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 125. With the exception of budget authority for ''North Atlantic Treaty Organization Security Investment Program'', ''Family Housing, Army'' for operation and maintenance, ''Family Housing, Navy and Marine Corps'' for operation and maintenance, ''Family Housing, Air Force'' for operation and maintenance and ''Family Housing, Defense-Wide'' for operation and maintenance, each amount of budget authority for the fiscal year ending September 30, 2000, provided in this Act, is hereby reduced by five per centum: *Provided*, That such reduction shall be applied ratably to each account, program, activity, and project provided for in this Act.

SEC. 126. Not later than April 30, 2000, the Secretary of Defense shall submit to the congressional defense committees a report examining the adequacy of special education facilities and services available to the dependent children of uniformed personnel stationed in the United States. The report shall identify the following:

(1) The schools on military installations in the United States that are operated by the Department of Defense, other entities of the Federal government, or local school districts.

(2) School districts in the United States that have experienced an increase in enrollment of 20 percent or more in the past five years resulting from base realignments or consolidations.

(3) The impact of increased special education requirements on student populations, student-teacher ratios, and financial requirements in school districts supporting installations designated by the military departments as compassionate assignment posts.

(4) The adequacy of special education services and facilities for dependent children of uniformed personnel within the United States, particularly at compassionate assignment posts.

(5) Corrective measures that are needed to adequately support the special education needs of military families, including such improvements as the renovation of existing schools or the construction of new schools.

(6) An estimate of the cost of needed improvements, and a recommended source of funding within the Department of Defense.

SEC. 127. The first proviso under the heading ''MILITARY CONSTRUCTION TRANSFER FUND'' in chapter 6 of title II of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31) is amended by inserting ''and to the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code'' after ''to military construction accounts''.

SEC. 128. (a) Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be used to carry out conveyance of land at the former Fort Sheridan, Illinois, unless such conveyance is consistent with a regional agreement among the communities and jurisdictions in the vicinity of Fort Sheridan and in accordance with section 2862 of the 1996 Defense Authorization Act (division B of Public Law 104–106; 110 Stat. 573).

(b) The land referred to in paragraph (a) is a parcel of real property, including any improvements thereon, located at the former Fort Sheridan, Illinois, consisting of approximately 14 acres, and known as the northern Army Reserve enclave area, that is covered by the authority in section 2862 of the 1996 Defense Authorization Act and has not been conveyed pursuant to that authority as to the date of enactment of this Act.

SEC. 129. (a) Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended for any purpose relating to the construction at Bluegrass Army Depot, Kentucky, of any facility employing a specific technology for the demilitarization of assembled chemical munitions until the date on which the Secretary of Defense submits to the Committees on Appropriations of the Senate and House of Representatives a report on the results of the completed demonstration of the six alternatives to baseline incineration for the destruction of chemical agents and munitions as identified by the Program Evaluation Team of the Assembled Chemical Weapons Assessment program.

(b) In order to provide funding for the completion of the demonstration of alternatives referred to in subsection (a), the Secretary shall utilize the authority in section 8127 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2333) in accordance with the provisions of that section.

This Act may be cited as the ''Military Construction Appropriations Act, 2000''.

Mrs. MURRAY. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WORK INCENTIVES IMPROVEMENT ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on S. 331, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 331) to amend the Social Security Act to expand the availability of health care

coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote ''aye.''

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—99

Abraham	Enzi	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Hatch	Roberts
Bryan	Helms	Rockefeller
Bunning	Hollings	Roth
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Campbell	Inhofe	Schumer
Chafee	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Voinovich
Dorgan	Lieberman	Warner
Durbin	Lincoln	Wellstone
Edwards	Lott	Wyden

NOT VOTING—1

Harkin

The bill (S. 331), as amended, was passed, as follows:

S. 331

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Work Incentives Improvement Act of 1999''.

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

SEC. 2. FINDINGS AND PURPOSES.

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

(1) Health care is important to all Americans.

(2) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, and are at great risk of incurring very high and economically devastating health care costs.

(3) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Personal assistance services (such as attendant services, personal assistance with transportation to and from work, reader services, job coaches, and related assistance) remove many of the barriers between significant disability and work. Coverage for such services, as well as for prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(4) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(5) Individuals with disabilities who are beneficiaries under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(6) Currently, less than ½ of 1 percent of social security disability insurance and supplemental security income beneficiaries cease to receive benefits as a result of employment.

(7) Beneficiaries have cited the lack of adequate employment training and placement services as an additional barrier to employment.

(8) If an additional ½ of 1 percent of the current social security disability insurance (DI) and supplemental security income (SSI) recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds in cash assistance would total $3,500,000,000 over the worklife of the individuals.

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

(1) To provide health care and employment preparation and placement services to individuals with disabilities that will enable those individuals to reduce their dependency on cash benefit programs.

(2) To encourage States to adopt the option of allowing individuals with disabilities to purchase medicaid coverage that is necessary to enable such individuals to maintain employment.

(3) To provide individuals with disabilities the option of maintaining medicare coverage while working.

(4) To establish a return to work ticket program that will allow individuals with disabilities to seek the services necessary to obtain and retain employment and reduce their dependency on cash benefit programs.

TITLE I—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

SEC. 101. EXPANDING STATE OPTIONS UNDER THE MEDICAID PROGRAM FOR WORKERS WITH DISABILITIES.

(a) IN GENERAL.—

(1) STATE OPTION TO ELIMINATE INCOME, ASSETS, AND RESOURCE LIMITATIONS FOR WORKERS WITH DISABILITIES BUYING INTO MEDICAID.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XIII), by striking ''or'' at the end;

(B) in subclause (XIV), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(XV) who, but for earnings in excess of the limit established under section 1905(q)(2)(B), would be considered to be receiving supplemental security income, who is at least 16, but less than 65, years of age, and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish;''.

(2) STATE OPTION TO PROVIDE OPPORTUNITY FOR EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY TO BUY INTO MEDICAID.—

(A) ELIGIBILITY.—Section 1902(a)(10) (A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as amended by paragraph (1), is amended—

(i) in subclause (XIV), by striking ''or'' at the end;

(ii) in subclause (XV), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(XVI) who are employed individuals with a medically improved disability described in section 1905(v)(1) and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish, but only if the State provides medical assistance to individuals described in subclause (XV);''.

(B) DEFINITION OF EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

''(v)(1) The term 'employed individual with a medically improved disability' means an individual who—

''(A) is at least 16, but less than 65, years of age;

''(B) is employed (as defined in paragraph (2));

''(C) ceases to be eligible for medical assistance under section 1902(a)(10)(A)(ii)(XV) because the individual, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be eligible for benefits under section 223(d) or 1614(a)(3); and

''(D) continues to have a severe medically determinable impairment, as determined under regulations of the Secretary.

''(2) For purposes of paragraph (1), an individual is considered to be 'employed' if the individual—

''(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

''(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the State and approved by the Secretary.''.

(C) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (x), by striking ''or'' at the end;

(ii) in clause (xi), by adding ''or'' at the end; and

(iii) by inserting after clause (xi), the following:

''(xii) employed individuals with a medically improved disability (as defined in subsection (v)),''.

(3) STATE AUTHORITY TO IMPOSE INCOME-RELATED PREMIUMS AND COST-SHARING.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), by striking ''The State plan'' and inserting ''Subject to subsection (g), the State plan''; and

(B) by adding at the end the following:

''(g) With respect to individuals provided medical assistance only under subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii)—

''(1) a State may (in a uniform manner for individuals described in either such subclause)—

''(A) require such individuals to pay premiums or other cost-sharing charges set on a sliding scale based on income that the State may determine; and

''(B) require payment of 100 percent of such premiums for such year in the case of such an individual who has income for a year that exceeds 250 percent of the income official poverty line (referred to in subsection (c)(1)) applicable to a family of the size involved, except that in the case of such an individual who has income for a year that does not exceed 450 percent of such poverty line, such requirement may only apply to the extent such premiums do not exceed 7.5 percent of such income; and

''(2) such State shall require payment of 100 percent of such premiums for a year by such an individual whose adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) for such year exceeds $75,000, except that a State may choose to subsidize such premiums by using State funds which may not be federally matched under this title.

In the case of any calendar year beginning after 2000, the dollar amount specified in paragraph (2) shall be increased in accordance with the provisions of section 215(i)(2)(A)(ii).''.

(4) PROHIBITION AGAINST SUPPLANTATION OF STATE FUNDS AND STATE FAILURE TO MAINTAIN EFFORT.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking the period at the end of paragraph (18) and inserting ''; or''; and

(B) by inserting after such paragraph the following:

''(19) with respect to amounts expended for medical assistance provided to an individual described in subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii) for a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the level of State funds expended for such fiscal year for programs to enable working individuals with disabilities to work (other than for such medical assistance) is not less than the level expended for such programs during the most recent State fiscal year ending before the date of enactment of this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4) is amended in the matter preceding subparagraph (A) by inserting ''1902(a)(10)(A)(ii)(XV), 1902(a)(10)(A)(ii)(XVI)'' after ''1902(a)(10)(A)(ii)(X),''.

(2) Section 1903(f)(4) of such Act, as amended by paragraph (1), is amended by inserting ''1902(a)(10)(A)(ii)(XIII),'' before ''1902(a)(10)(A)(ii)(XV)''.

(c) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress regarding the amendments made by this section that examines—

(1) the extent to which higher health care costs for individuals with disabilities at higher income levels deter employment or progress in employment;

(2) whether such individuals have health insurance coverage or could benefit from the State option established under such amendments to provide a medicaid buy-in; and

(3) how the States are exercising such option, including—

(A) how such States are exercising the flexibility afforded them with regard to income disregards;

(B) what income and premium levels have been set;

(C) the degree to which States are subsidizing premiums above the dollar amount specified in section 1916(g)(2) of the Social Security Act (42 U.S.C. 1396o(g)(2)); and

(D) the extent to which there exists any crowd-out effect.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 1999.

(2) RETROACTIVITY OF CONFORMING AMENDMENT.—The amendment made by subsection (b)(2) takes effect as if included in the enactment of the Balanced Budget Act of 1997.

SEC. 102. CONTINUATION OF MEDICARE COVERAGE FOR WORKING INDIVIDUALS WITH DISABILITIES.

(a) CONTINUATION OF COVERAGE.—

(1) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended—

(A) in the third sentence of subsection (b), by inserting '', except as provided in subsection (j)'' after ''but not in excess of 24 such months''; and

(B) by adding at the end the following:

''(j) The 24-month limitation on deemed entitlement under the third sentence of subsection (b) shall not apply—

''(1) for months occurring during the 6-year period beginning with the first month that begins after the date of enactment of this subsection; and

''(2) for subsequent months, in the case of an individual who was entitled to benefits under subsection (b) as of the last month of such 6-year period and would continue (but for such 24-month limitation) to be so entitled.''.

(2) CONFORMING AMENDMENT.—Section 1818A(a)(2)(C) of the Social Security Act (42 U.S.C. 1395i–2a(a)(2)(C)) is amended—

(A) by striking ''solely''; and

(B) by inserting ''or the expiration of the last month of the 6-year period described in section 226(j)'' before the semicolon.

(b) GAO REPORT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines the effectiveness and cost of subsection (j) of section 226 of the Social Security Act (42 U.S.C. 426);

(2) examines the necessity and effectiveness of providing the continuation of medicare coverage under that subsection to individuals whose annual income exceeds the contribution and benefit base (as determined under section 230 of the Social Security Act);

(3) examines the viability of providing the continuation of medicare coverage under that subsection based on a sliding scale premium for individuals whose annual income exceeds such contribution and benefit base;

(4) examines the interrelation between the use of the continuation of medicare coverage under that subsection and the use of private health insurance coverage by individuals during the 6-year period; and

(5) recommends whether that subsection should continue to be applied beyond the 6-year period described in the subsection.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to months beginning with the first month that begins after the date of the enactment of this Act.

(d) TREATMENT OF CERTAIN INDIVIDUALS.—An individual enrolled under section 1818A of the Social Security Act (42 U.S.C. 1395i–2a) shall be treated with respect to premium payment obligations under such section as though the individual had continued to be entitled to benefits under section 226(b) of such Act for—

(1) months described in section 226(j)(1) of such Act (42 U.S.C. 426(j)(1)) (as added by subsection (a)); and

(2) subsequent months, in the case of an individual who was so enrolled as of the last month described in section 226(j)(2) of such Act (42 U.S.C. 426(j)(2)) (as so added).

SEC. 103. GRANTS TO DEVELOP AND ESTABLISH STATE INFRASTRUCTURES TO SUPPORT WORKING INDIVIDUALS WITH DISABILITIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall award grants described in subsection (b) to States to support the design, establishment, and operation of State infrastructures that provide items and services to support working individuals with disabilities.

(2) APPLICATION.—In order to be eligible for an award of a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

(3) DEFINITION OF STATE.—In this section, the term ''State'' means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) GRANTS FOR INFRASTRUCTURE AND OUTREACH.—

(1) IN GENERAL.—Out of the funds appropriated under subsection (e), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State infrastructures described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such infrastructures.

(2) ELIGIBILITY FOR GRANTS.—

(A) IN GENERAL.—No State may receive a grant under this subsection unless the State—

(i) has an approved amendment to the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that provides medical assistance under such plan to individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)); and

(ii) demonstrates to the satisfaction of the Secretary that the State makes personal assistance services available under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to the extent necessary to enable individuals described in clause (i) to remain employed (as determined under section 1905(v)(2) of the Social Security Act (42 U.S.C. 1396d(v)(2))).

(B) DEFINITION OF PERSONAL ASSISTANCE SERVICES.—In this paragraph, the term ''personal assistance services'' means a range of services, provided by 1 or more persons, designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(3) DETERMINATION OF AWARDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine a formula for awarding grants to States under this section that provides special consideration to States that provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XVI) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XVI)).

(B) AWARD LIMITS.—

(i) MINIMUM AWARDS.—

(I) IN GENERAL.—Subject to subclause (II), no State with an approved application under this section shall receive a grant for a fiscal year that is less than $500,000.

(II) PRO RATA REDUCTIONS.—If the funds appropriated under subsection (e) for a fiscal year are not sufficient to pay each State with an application approved under this section the minimum amount described in subclause (I), the Secretary shall pay each such State an amount equal to the pro rata share of the amount made available.

(ii) MAXIMUM AWARDS.—No State with an application that has been approved under this section shall receive a grant for a fiscal year that exceeds 15 percent of the total expenditures by the State (including the reimbursed Federal share of such expenditures) for medical assistance for individuals eligible under subclause (XV) and (XVI) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as estimated by the State and approved by the Secretary.

(c) AVAILABILITY OF FUNDS.—

(1) FUNDS AWARDED TO STATES.—Funds awarded to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) FUNDS NOT AWARDED TO STATES.—Funds not awarded to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for awarding by the Secretary.

(d) ANNUAL REPORT.—A State that is awarded a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the percentage increase in the number of title II disability beneficiaries, as defined in section 1148(k)(3) of the Social Security Act (as amended by section 201) in the State, and title XVI disability beneficiaries, as defined in section 1148(k)(4) of the Social Security Act (as so amended) in the State who return to work.

(e) APPROPRIATION.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to make grants under this section—

(A) for fiscal year 2000, $20,000,000;

(B) for fiscal year 2001, $25,000,000;

(C) for fiscal year 2002, $30,000,000;

(D) for fiscal year 2003, $35,000,000;

(E) for fiscal year 2004, $40,000,000; and

(F) for each of fiscal years 2005 through 2010, the amount appropriated for the preceding fiscal year increased by the percentage increase (if any) in the Consumer Price Index for All Urban Consumers (United States city average) for the preceding fiscal year.

(2) BUDGET AUTHORITY.—This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under paragraph (1).

(f) RECOMMENDATION.—Not later than October 1, 2009, the Secretary, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the grant program established under this section should be continued after fiscal year 2010.

SEC. 104. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF WORKERS WITH POTENTIALLY SEVERE DISABILITIES.

(a) STATE APPLICATION.—A State may apply to the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') for approval of a demonstration project (in this section referred to as a ''demonstration project'') under which up to a specified maximum number of individuals who are workers with a potentially severe disability (as defined in subsection (b)(1)) are provided medical assistance equal to that provided under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) to individuals described in section 1902(a)(10)(A)(ii)(XV) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(b) WORKER WITH A POTENTIALLY SEVERE DISABILITY DEFINED.—For purposes of this section—

(1) IN GENERAL.—The term ''worker with a potentially severe disability'' means, with respect to a demonstration project, an individual who—

(A) is at least 16, but less than 65, years of age;

(B) has a specific physical or mental impairment that, as defined by the State under the demonstration project, is reasonably expected, but for the receipt of items and services described in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), to become blind or disabled (as defined under section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))); and

(C) is employed (as defined in paragraph (2)).

(2) DEFINITION OF EMPLOYED.—An individual is considered to be ''employed'' if the individual—

(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined under the demonstration project and approved by the Secretary.

(c) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) TERMS AND CONDITIONS OF DEMONSTRATION PROJECTS.—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) ELECTION OF OPTIONAL CATEGORY.—The State has elected to provide coverage under its plan under title XIX of the Social Security Act of individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(B) MAINTENANCE OF STATE EFFORT.—Federal funds paid to a State pursuant to this section must be used to supplement, but not supplant, the level of State funds expended for workers with potentially severe disabilities under programs in effect for such individuals at the time the demonstration project is approved under this section.

(C) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section—

(I) for fiscal year 2000, $72,000,000;

(II) for fiscal year 2001, $74,000,000;

(III) for fiscal year 2002, $78,000,000; and

(IV) for fiscal year 2003, $81,000,000.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) except as provided in clause (ii), the aggregate amount of payments made by the Secretary to States under this section exceed $300,000,000;

(ii) the aggregate amount of payments made by the Secretary to States for administrative expenses relating to annual reports required under subsection (d) exceed $5,000,000; or

(iii) payments be provided by the Secretary for a fiscal year after fiscal year 2005.

(C) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States based on their applications and the availability of funds. Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) of expenditures in the quarter for medical assistance provided to workers with a potentially severe disability.

(d) ANNUAL REPORT.—A State with a demonstration project approved under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include enrollment and financial statistics on—

(1) the total population of workers with potentially severe disabilities served by the demonstration project; and

(2) each population of such workers with a specific physical or mental impairment described in subsection (b)(1)(B) served by such project.

(e) RECOMMENDATION.—Not later than October 1, 2002, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2003.

(f) STATE DEFINED.—In this section, the term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 105. ELECTION BY DISABLED BENEFICIARIES TO SUSPEND MEDIGAP INSURANCE WHEN COVERED UNDER A GROUP HEALTH PLAN.

(a) IN GENERAL.—Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by inserting ''or paragraph (6)'' after ''this paragraph''; and

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

''(6) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226(b) and is covered under a group health plan (as defined in section 1862(b)(1)(A)(v)). If such suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to requests made after the date of the enactment of this Act.

TITLE II—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

SEC. 201. ESTABLISHMENT OF THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding after section 1147 (as added by section 8 of the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998 (Public Law 105–306; 112 Stat. 2928)) the following:

''TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

''SEC. 1148. (a) IN GENERAL.—The Commissioner shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary's choice and which is willing to provide such services to the beneficiary.

''(b) TICKET SYSTEM.—

''(1) DISTRIBUTION OF TICKETS.—The Commissioner may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

''(2) ASSIGNMENT OF TICKETS.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary's choice which is serving under the Program and is willing to accept the assignment.

''(3) TICKET TERMS.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner's agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may provide to the beneficiary.

''(4) PAYMENTS TO EMPLOYMENT NETWORKS.—The Commissioner shall pay an employment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

''(c) STATE PARTICIPATION.—

''(1) IN GENERAL.—Each State agency administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 may elect to participate in the Program as an employment network with respect to a disabled beneficiary. If the State agency does elect to participate in the Program, the State agency also shall elect to be paid under the outcome payment system or the outcome-milestone payment system in accordance with subsection (h)(1). With respect to a disabled beneficiary that the State agency does not elect to have participate in the Program, the State agency shall be paid for services provided to that beneficiary under the system for payment applicable under section 222(d) and subsections (d) and (e) of section 1615. The Commissioner shall provide for periodic opportunities for exercising such elections (and revocations).

''(2) EFFECT OF PARTICIPATION BY STATE AGENCY.—

''(A) STATE AGENCIES PARTICIPATING.—In any case in which a State agency described in paragraph (1) elects under that paragraph to participate in the Program, the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973.

''(B) STATE AGENCIES ADMINISTERING MATERNAL AND CHILD HEALTH SERVICES PROGRAMS.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

''(3) SPECIAL REQUIREMENTS APPLICABLE TO CROSS-REFERRAL TO CERTAIN STATE AGENCIES.—

''(A) IN GENERAL.—In any case in which an employment network has been assigned a ticket to work and self-sufficiency by a disabled beneficiary, no State agency shall be deemed required, under this section, title I of the Workforce Investment Act of 1998, title I of the Rehabilitation Act of 1973, or a State plan approved under such title, to accept any referral of such disabled beneficiary from such employment network unless such employment network and such State agency have entered into a written agreement that meets the requirements of subparagraph (B). Any beneficiary who has assigned a ticket to work and self-sufficiency to an employment network that has not entered into such a written agreement with such a State agency may not access vocational rehabilitation services under title I of the Rehabilitation Act of 1973 until such time as the beneficiary is reassigned to a State vocational rehabilitation agency by the Program Manager.

''(B) TERMS OF AGREEMENT.—An agreement required by subparagraph (A) shall specify, in accordance with regulations prescribed pursuant to subparagraph (C)—

''(i) the extent (if any) to which the employment network holding the ticket will provide to the State agency—

''(I) reimbursement for costs incurred in providing services described in subparagraph (A) to the disabled beneficiary; and

''(II) other amounts from payments made by the Commissioner to the employment network pursuant to subsection (h); and

''(ii) any other conditions that may be required by such regulations.

''(C) REGULATIONS.—The Commissioner and the Secretary of Education shall jointly prescribe regulations specifying the terms of agreements required by subparagraph (A) and otherwise necessary to carry out the provisions of this paragraph.

''(D) PENALTY.—No payment may be made to an employment network pursuant to subsection (h) in connection with services provided to any disabled beneficiary if such employment network makes referrals described in subparagraph (A) in violation of the terms of the agreement required under subparagraph (A) or without having entered into such an agreement.

''(d) RESPONSIBILITIES OF THE COMMISSIONER.—

''(1) SELECTION AND QUALIFICATIONS OF PROGRAM MANAGERS.—The Commissioner shall

enter into agreements with 1 or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation and employment services.

''(2) TENURE, RENEWAL, AND EARLY TERMINATION.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior terms. Such performance standards shall include—

''(A) measures for ease of access by beneficiaries to services; and

''(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

''(3) PRECLUSION FROM DIRECT PARTICIPATION IN DELIVERY OF SERVICES IN OWN SERVICE AREA.—Agreements under paragraph (1) shall preclude—

''(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager's agreement; and

''(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager's agreement.

''(4) SELECTION OF EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

''(B) ALTERNATE PARTICIPANTS.—In any State where the Program is being implemented, the Commissioner shall enter into an agreement with any alternate participant that is operating under the authority of section 222(d)(2) in the State as of the date of enactment of this section and chooses to serve as an employment network under the Program.

''(5) TERMINATION OF AGREEMENTS WITH EMPLOYMENT NETWORKS.—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

''(6) QUALITY ASSURANCE.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services by employment networks. The Commissioner shall solicit and consider the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure that the periodic surveys of beneficiaries receiving services under the Program are designed to measure customer service satisfaction.

''(7) DISPUTE RESOLUTION.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks, between program managers and employment networks, and between program managers and providers of services. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

''(e) PROGRAM MANAGERS.—

''(1) IN GENERAL.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner's duties in administering the Program.

''(2) RECRUITMENT OF EMPLOYMENT NETWORKS.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager's agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

''(3) FACILITATION OF ACCESS BY BENEFICIARIES TO EMPLOYMENT NETWORKS.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks for good cause, as determined by the Commissioner, without being deemed to have rejected services under the Program. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make such lists generally available to the public. The program manager shall ensure that all information provided to disabled beneficiaries pursuant to this paragraph is provided in accessible formats.

''(4) ENSURING AVAILABILITY OF ADEQUATE SERVICES.—The program manager shall ensure that employment services, vocational rehabilitation services, and other support services are provided to beneficiaries throughout the geographic area covered under the program manager's agreement, including rural areas.

''(5) REASONABLE ACCESS TO SERVICES.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving services under the Program has reasonable access to employment services, vocational rehabilitation services, and other support services. Services provided under the Program may include case management, work incentives planning, supported employment, career planning, career plan development, vocational assessment, job training, placement, followup services, and such other services as may be specified by the Commissioner under the Program. The program manager shall ensure that such services are available in each service area.

''(f) EMPLOYMENT NETWORKS.—

''(1) QUALIFICATIONS FOR EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity that assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b).

''(B) ONE-STOP DELIVERY SYSTEMS.—An employment network serving under the Program may consist of a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998.

''(C) COMPLIANCE WITH SELECTION CRITERIA.—No employment network may serve under the Program unless it meets and maintains compliance with both general selection criteria (such as professional and educational qualifications (where applicable)) and specific selection criteria (such as substantial expertise and experience in providing relevant employment services and supports).

''(D) SINGLE OR ASSOCIATED PROVIDERS ALLOWED.—An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.

''(2) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—

''(A) serve prescribed service areas; and

''(B) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans meeting the requirements of subsection (g).

''(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.

''(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network. The program manager shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.

''(g) INDIVIDUAL WORK PLANS.—

''(1) REQUIREMENTS.—Each employment network shall—

''(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by,

or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subparagraph (C);

''(B) develop and implement each such individual work plan in partnership with each beneficiary receiving such services in a manner that affords the beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal;

''(C) ensure that each individual work plan includes at least—

''(i) a statement of the vocational goal developed with the beneficiary;

''(ii) a statement of the services and supports that have been deemed necessary for the beneficiary to accomplish that goal;

''(iii) a statement of any terms and conditions related to the provision of such services and supports; and

''(iv) a statement of understanding regarding the beneficiary's rights under the Program (such as the right to retrieve the ticket to work and self-sufficiency if the beneficiary is dissatisfied with the services being provided by the employment network) and remedies available to the individual, including information on the availability of advocacy services and assistance in resolving disputes through the State grant program authorized under section 1150;

''(D) provide a beneficiary the opportunity to amend the individual work plan if a change in circumstances necessitates a change in the plan; and

''(E) make each beneficiary's individual work plan available to the beneficiary in, as appropriate, an accessible format chosen by the beneficiary.

''(2) EFFECTIVE UPON WRITTEN APPROVAL.—A beneficiary's individual work plan shall take effect upon written approval by the beneficiary or a representative of the beneficiary and a representative of the employment network that, in providing such written approval, acknowledges assignment of the beneficiary's ticket to work and self-sufficiency.

''(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—

''(1) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).

''(B) NO CHANGE IN METHOD OF PAYMENT FOR BENEFICIARIES WITH TICKETS ALREADY ASSIGNED TO THE EMPLOYMENT NETWORKS.—Any election of a payment system by an employment network that would result in a change in the method of payment to the employment network for services provided to a beneficiary who is receiving services from the employment network at the time of the election shall not be effective with respect to payment for services provided to that beneficiary and the method of payment previously selected shall continue to apply with respect to such services.

''(2) OUTCOME PAYMENT SYSTEM.—

''(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

''(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network in connection with each individual who is a beneficiary for each month during the individual's outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual because of work or earnings.

''(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—

''(i) the payment for each of the 60 months during the outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs; and

''(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.

''(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—

''(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

''(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for 1 or more milestones with respect to beneficiaries receiving services from an employment network under the Program that are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure that provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.

''(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome-milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.

''(4) DEFINITIONS.—In this subsection:

''(A) PAYMENT CALCULATION BASE.—The term 'payment calculation base' means, for any calendar year—

''(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable under section 223 for all beneficiaries for months during the preceding calendar year; and

''(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) for months during the preceding calendar year to all beneficiaries who have attained age 18 but have not attained age 65.

''(B) OUTCOME PAYMENT PERIOD.—The term 'outcome payment period' means, in connection with any individual who had assigned a ticket to work and self-sufficiency to an employment network under the Program, a period—

''(i) beginning with the first month, ending after the date on which such ticket was assigned to the employment network, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity; and

''(ii) ending with the 60th month (consecutive or otherwise), ending after such date, for which such benefits are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity.

''(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

''(A) PERCENTAGES AND PERIODS.—The Commissioner shall periodically review the percentage specified in paragraph (2)(C), the total payments permissible under paragraph (3)(C), and the period of time specified in paragraph (4)(B) to determine whether such percentages, such permissible payments, and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter such percentage, such total permissible payments, or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner's review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

''(B) NUMBER AND AMOUNTS OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments established by the Commissioner pursuant to this section to determine whether they provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, or other reliable sources.

''(i) SUSPENSION OF DISABILITY REVIEWS.—During any period for which an individual is using, as defined by the Commissioner, a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review or other review under section 221 of whether the individual is or is not under a disability or a review under title XVI similar to any such review under section 221.

''(j) ALLOCATION OF COSTS.—

''(1) PAYMENTS TO EMPLOYMENT NETWORKS.—Payments to employment networks (including State agencies that elect to participate in the Program as an employment network) shall be made from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as appropriate, in the case of ticketed title II disability beneficiaries who return to

work, or from the appropriation made available for making supplemental security income payments under title XVI, in the case of title XVI disability beneficiaries who return to work. With respect to ticketed beneficiaries who concurrently are entitled to benefits under title II and eligible for payments under title XVI who return to work, the Commissioner shall allocate the cost of payments to employment networks to which the tickets of such beneficiaries have been assigned among such Trust Funds and appropriation, as appropriate.

''(2) ADMINISTRATIVE EXPENSES.—The costs of administering this section (other than payments to employment networks) shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

''(k) DEFINITIONS.—In this section:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means a title II disability beneficiary or a title XVI disability beneficiary.

''(3) TITLE II DISABILITY BENEFICIARY.—The term 'title II disability beneficiary' means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

''(4) TITLE XVI DISABILITY BENEFICIARY.—The term 'title XVI disability beneficiary' means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

''(5) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term 'supplemental security income benefit under title XVI' means a cash benefit under section 1611 or 1619(a), and does not include a State supplementary payment, administered federally or otherwise.

''(l) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Commissioner shall prescribe such regulations as are necessary to carry out the provisions of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE II.—

(A) Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) is amended by adding at the end the following:

''(5) For suspension of reviews under this subsection in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).''.

(B) Section 222(a) of the Social Security Act (42 U.S.C. 422(a)) is repealed.

(C) Section 222(b) of the Social Security Act (42 U.S.C. 422(b)) is repealed.

(D) Section 225(b)(1) of the Social Security Act (42 U.S.C. 425(b)(1)) is amended by striking ''a program of vocational rehabilitation services'' and inserting ''a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services''.

(2) AMENDMENTS TO TITLE XVI.—

(A) Section 1615(a) of the Social Security Act (42 U.S.C. 1382d(a)) is amended to read as follows:

''SEC. 1615. (a) In the case of any blind or disabled individual who—

''(1) has not attained age 16, and

''(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.''.

(B) Section 1615(c) of the Social Security Act (42 U.S.C. 1382d(c)) is repealed.

(C) Section 1631(a)(6)(A) of the Social Security Act (42 U.S.C. 1383(a)(6)(A)) is amended by striking ''a program of vocational rehabilitation services'' and inserting ''a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services''.

(D) Section 1633(c) of the Social Security Act (42 U.S.C. 1383b(c)) is amended—

(i) by inserting ''(1)'' after ''(c)''; and

(ii) by adding at the end the following:

''(2) For suspension of continuing disability reviews and other reviews under this title similar to reviews under section 221 in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).''.

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following 1 year after the date of enactment of this Act.

(d) GRADUATED IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(C) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments. Subsection (c) shall apply with respect to paragraphs (1)(C) and (2)(B) of subsection (b) without regard to this subsection.

(2) REQUIREMENTS.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) FULL IMPLEMENTATION.—The Commissioner shall ensure that the ability to provide tickets and services to individuals under the Program exists in every State as soon as practicable on or after the effective date specified in subsection (c) but not later than 3 years after such date.

(4) ONGOING EVALUATION OF PROGRAM.—

(A) IN GENERAL.—The Commissioner shall design and conduct a series of evaluations to assess the cost-effectiveness of activities carried out under this section and the amendments made thereby, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) CONSULTATION.—The Commissioner shall design and carry out the series of evaluations after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation and individuals using tickets to work and self-sufficiency under the Program and consulting with the Work Incentives Advisory Panel established under section 201(f), the Comptroller General of the United States, other agencies of the Federal Government, and private organizations with appropriate expertise.

(C) METHODOLOGY.—

(i) IMPLEMENTATION.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall ensure that plans for evaluations and data collection methods under the Program are appropriately designed to obtain detailed employment information.

(ii) SPECIFIC MATTERS TO BE ADDRESSED.—Each such evaluation shall address (but is not limited to)—

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of providers whose services are provided within an employment network under the Program;

(VII) the extent (if any) to which employment networks display a greater willingness to provide services to beneficiaries with a range of disabilities;

(VIII) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system;

(IX) measures of satisfaction among beneficiaries in receipt of tickets under the Program; and

(X) reasons for (including comments solicited from beneficiaries regarding) their choice not to use their tickets or their inability to return to work despite the use of their tickets.

(D) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the Commissioner's evaluation of the progress of activities conducted under the provisions of this section and the amendments made

thereby. Each such report shall set forth the Commissioner's evaluation of the extent to which the Program has been successful and the Commissioner's conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(5) EXTENT OF STATE'S RIGHT OF FIRST REFUSAL IN ADVANCE OF FULL IMPLEMENTATION OF AMENDMENTS IN SUCH STATE.—

(A) IN GENERAL.—In the case of any State in which the amendments made by subsection (a) have not been fully implemented pursuant to this subsection, the Commissioner shall determine by regulation the extent to which—

(i) the requirement under section 222(a) of the Social Security Act for prompt referrals to a State agency, and

(ii) the authority of the Commissioner under section 222(d)(2) of the Social Security Act to provide vocational rehabilitation services in such State by agreement or contract with other public or private agencies, organizations, institutions, or individuals, shall apply in such State.

(B) EXISTING AGREEMENTS.—Nothing in subparagraph (A) or the amendments made by subsection (a) shall be construed to limit, impede, or otherwise affect any agreement entered into pursuant to section 222(d)(2) of the Social Security Act before the date of enactment of this Act with respect to services provided pursuant to such agreement to beneficiaries receiving services under such agreement as of such date, except with respect to services (if any) to be provided after 3 years after the effective date provided in subsection (c).

(e) SPECIFIC REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) SPECIFIC MATTERS TO BE INCLUDED IN REGULATIONS.—The matters which shall be addressed in such regulations shall include—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to beneficiaries pursuant to section 1148(b)(1) of the Social Security Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program (and revoke such an election) pursuant to section 1148(c)(1) of the Social Security Act and provision for periodic opportunities for exercising such elections (and revocations);

(D) the status of State agencies under section 1148(c)(1) at the time that State agencies exercise elections (and revocations) under that section;

(E) the terms of agreements to be entered into with program managers pursuant to section 1148(d) of the Social Security Act, including—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1148(d)(3) of the Social Security Act;

(ii) standards which must be met by quality assurance measures referred to in paragraph (6) of section 1148(d) and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1148(e); and

(iii) the format under which dispute resolution will operate under section 1148(d)(7);

(F) the terms of agreements to be entered into with employment networks pursuant to section 1148(d)(4) of the Social Security Act, including—

(i) the manner in which service areas are specified pursuant to section 1148(f)(2)(A) of the Social Security Act;

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1148(f)(1)(C) of the Social Security Act in selecting service providers;

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1148(f)(3) of the Social Security Act; and

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1148(f)(4) of the Social Security Act;

(G) standards which must be met by individual work plans pursuant to section 1148(g) of the Social Security Act;

(H) standards which must be met by payment systems required under section 1148(h) of the Social Security Act, including—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1148(h)(1)(A);

(ii) the terms which must be met by an outcome payment system under section 1148(h)(2);

(iii) the terms which must be met by an outcome-milestone payment system under section 1148(h)(3);

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1148(h) of the Social Security Act or the period of time specified in paragraph (4)(B) of such section 1148(h); and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

(f) WORK INCENTIVES ADVISORY PANEL.—

(1) ESTABLISHMENT.—There is established within the Social Security Administration a panel to be known as the ''Work Incentives Advisory Panel'' (in this subsection referred to as the ''Panel'').

(2) DUTIES OF PANEL.—It shall be the duty of the Panel to—

(A) advise the President, Congress, and the Commissioner of Social Security on issues related to work incentives programs, planning, and assistance for individuals with disabilities, including work incentive provisions under titles II, XI, XVI, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1301 et seq., 1381 et seq., 1395 et seq., 1396 et seq.); and

(B) with respect to the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act—

(i) advise the Commissioner of Social Security with respect to establishing phase-in sites for such Program and fully implementing the Program thereafter, the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems, and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program;

(ii) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to section 302;

(iii) advise the Commissioner on the development of performance measurements relating to quality assurance under section 1148(d)(6) of the Social Security Act; and

(iv) furnish progress reports on the Program to the Commissioner and each House of Congress.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Panel shall be composed of 12 members appointed as follows:

(i) 4 members appointed by the President.

(ii) 2 members appointed by the Speaker of the House of Representatives, in consultation with the chairman of the Committee on Ways and Means of the House of Representatives.

(iii) 2 members appointed by the Minority Leader of the House of Representatives, in consultation with the ranking member of the Committee on Ways and Means of the House of Representatives.

(iv) 2 members appointed by the Majority Leader of the Senate, in consultation with the chairman of the Committee on Finance of the Senate.

(v) 2 members appointed by the Minority Leader of the Senate, in consultation with the ranking member of the Committee on Finance of the Senate.

(B) REPRESENTATION.—All members appointed to the Panel shall have experience or expert knowledge in the fields of, or related to, work incentive programs, employment services, vocational rehabilitation services, health care services, and other support services for individuals with disabilities. At least one-half of the members described in each clause of subparagraph (A) shall be individuals with disabilities, or representatives of individuals with disabilities, with consideration to current or former title II disability beneficiaries or title XVI disability beneficiaries (as such terms are defined in section 1148(k) of the Social Security Act (as added by subsection (a)).

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of enactment of this Act.

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the Commissioner at the time of appointment, of the members first appointed—

(I) one-half of the members appointed under each clause of subparagraph (A) shall be appointed for a term of 2 years; and

(II) the remaining members appointed under each such clause shall be appointed for a term of 4 years.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) BASIC PAY.—Members shall each be paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(E) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) QUORUM.—Eight members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the President.

The term of office of the Chairperson shall be 4 years.

(H) MEETINGS.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) DIRECTOR AND STAFF OF PANEL; EXPERTS AND CONSULTANTS.—

(A) DIRECTOR.—The Panel shall have a Director who shall be appointed by the Commissioner and paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) STAFF.—Subject to rules prescribed by the Commissioner, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commissioner, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) STAFF OF FEDERAL AGENCIES.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this subsection.

(5) POWERS OF PANEL.—

(A) HEARINGS AND SESSIONS.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this subsection.

(C) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) REPORTS.—

(A) INTERIM REPORTS.—The Panel shall submit directly to the President and Congress interim reports at least annually.

(B) FINAL REPORT.—The Panel shall transmit a final report directly to the President and Congress not later than 8 years after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislation and administrative actions which the Panel considers appropriate.

(7) TERMINATION.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) ALLOCATION OF COSTS.—The costs of carrying out this subsection shall be paid from amounts made available for the administration of title II of the Social Security Act (42 U.S.C. 401 et seq.) and amounts made available for the administration of title XVI of that Act (42 U.S.C. 1381 et seq.), and shall be allocated among those amounts as appropriate.

Subtitle B—Elimination of Work Disincentives

SEC. 211. WORK ACTIVITY STANDARD AS A BASIS FOR REVIEW OF AN INDIVIDUAL'S DISABLED STATUS.

Section 221 of the Social Security Act (42 U.S.C. 421) is amended by adding at the end the following:

''(m)(1) In any case where an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)) has received such benefits for at least 24 months—

''(A) no continuing disability review conducted by the Commissioner may be scheduled for the individual solely as a result of the individual's work activity;

''(B) no work activity engaged in by the individual may be used as evidence that the individual is no longer disabled; and

''(C) no cessation of work activity by the individual may give rise to a presumption that the individual is unable to engage in work.

''(2) An individual to which paragraph (1) applies shall continue to be subject to—

''(A) continuing disability reviews on a regularly scheduled basis that is not triggered by work; and

''(B) termination of benefits under this title in the event that the individual has earnings that exceed the level of earnings established by the Commissioner to represent substantial gainful activity.''.

SEC. 212. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS.

(a) OASDI BENEFITS.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

''Reinstatement of Entitlement

''(i)(1)(A) Entitlement to benefits described in subparagraph (B)(i)(I) shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of such entitlement shall be in accordance with the terms of this subsection.

''(B) An individual is described in this subparagraph if—

''(i) prior to the month in which the individual files a request for reinstatement—

''(I) the individual was entitled to benefits under this section or section 202 on the basis of disability pursuant to an application filed therefore; and

''(II) such entitlement terminated due to the performance of substantial gainful activity;

''(ii) the individual is under a disability and the physical or mental impairment that is the basis for the finding of disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of disability that gave rise to the entitlement described in clause (i); and

''(iii) the individual's disability renders the individual unable to perform substantial gainful activity.

''(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was entitled to a benefit described in subparagraph (B)(i)(I) prior to the entitlement termination described in subparagraph (B)(i)(II).

''(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

''(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

''(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) and (iii) of paragraph (1)(B).

''(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not entitled to reinstated benefits under this subsection.

''(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of subsection (f) shall apply.

''(4)(A)(i) Subject to clause (ii), entitlement to benefits reinstated under this subsection shall commence with the benefit payable for the month in which a request for reinstatement is filed.

''(ii) An individual whose entitlement to a benefit for any month would have been reinstated under this subsection had the individual filed a request for reinstatement before the end of such month shall be entitled to such benefit for such month if such request for reinstatement is filed before the end of the twelfth month immediately succeeding such month.

''(B)(i) Subject to clauses (ii) and (iii), the amount of the benefit payable for any month pursuant to the reinstatement of entitlement under this subsection shall be determined in accordance with the provisions of this title.

''(ii) For purposes of computing the primary insurance amount of an individual whose entitlement to benefits under this section is reinstated under this subsection, the date of onset of the individual's disability shall be the date of onset used in determining the individual's most recent period of disability arising in connection with such benefits payable on the basis of an application.

''(iii) Benefits under this section or section 202 payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

''(C) No benefit shall be payable pursuant to an entitlement reinstated under this subsection to an individual for any month in which the individual engages in substantial gainful activity.

''(D) The entitlement of any individual that is reinstated under this subsection shall end with the benefits payable for the month preceding whichever of the following months is the earliest:

''(i) The month in which the individual dies.

''(ii) The month in which the individual attains retirement age.

''(iii) The third month following the month in which the individual's disability ceases.

''(5) Whenever an individual's entitlement to benefits under this section is reinstated under this subsection, entitlement to benefits payable on the basis of such individual's wages and self-employment income may be reinstated with respect to any person previously entitled to such benefits on the basis of an application if the Commissioner determines that such person satisfies all the requirements for entitlement to such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated entitlement of any such person to the same extent that they apply to the reinstated entitlement of such individual.

''(6) An individual to whom benefits are payable under this section or section 202 pursuant to a reinstatement of entitlement

under this subsection for 24 months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) and the determination, if appropriate, of the termination month in accordance with subsection (a)(1) of this section, or subsection (d)(1), (e)(1), or (f)(1) of section 202, to be entitled to such benefits on the basis of an application filed therefore.

''(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be entitled to provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under subsection (b) or (g) of section 205.

''(B) The amount of a provisional benefit for a month shall equal the amount of the last monthly benefit payable to the individual under this title on the basis of an application increased by an amount equal to the amount, if any, by which such last monthly benefit would have been increased as a result of the operation of section 215(i).

''(C)(i) Provisional benefits shall begin with the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

''(ii) Provisional benefits shall end with the earliest of—

''(I) the month in which the Commissioner makes a determination regarding the individual's entitlement to reinstated benefits;

''(II) the fifth month following the month described in clause (i);

''(III) the month in which the individual performs substantial gainful activity; or

''(IV) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

''(D) In any case in which the Commissioner determines that an individual is not entitled to reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).''.

(b) SSI BENEFITS.—

(1) IN GENERAL.—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by adding at the end the following:

''Reinstatement of Eligibility on the Basis of Blindness or Disability

''(p)(1)(A) Eligibility for benefits under this title shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of eligibility shall be in accordance with the terms of this subsection.

''(B) An individual is described in this subparagraph if—

''(i) prior to the month in which the individual files a request for reinstatement—

''(I) the individual was eligible for benefits under this title on the basis of blindness or disability pursuant to an application filed therefore; and

''(II) the individual thereafter was ineligible for such benefits due to earned income (or earned and unearned income) for a period of 12 or more consecutive months;

''(ii) the individual is blind or disabled and the physical or mental impairment that is the basis for the finding of blindness or disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of blindness or disability that gave rise to the eligibility described in clause (i);

''(iii) the individual's blindness or disability renders the individual unable to perform substantial gainful activity; and

''(iv) the individual satisfies the nonmedical requirements for eligibility for benefits under this title.

''(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was eligible for a benefit under this title (including section 1619) prior to the period of ineligibility described in subparagraph (B)(i)(II).

''(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

''(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

''(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) through (iv) of paragraph (1)(B).

''(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not eligible for reinstated benefits under this subsection.

''(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of section 1614(a)(4) shall apply.

''(4)(A) Eligibility for benefits reinstated under this subsection shall commence with the benefit payable for the month following the month in which a request for reinstatement is filed.

''(B)(i) Subject to clause (ii), the amount of the benefit payable for any month pursuant to the reinstatement of eligibility under this subsection shall be determined in accordance with the provisions of this title.

''(ii) The benefit under this title payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

''(C) Except as otherwise provided in this subsection, eligibility for benefits under this title reinstated pursuant to a request filed under paragraph (2) shall be subject to the same terms and conditions as eligibility established pursuant to an application filed therefore.

''(5) Whenever an individual's eligibility for benefits under this title is reinstated under this subsection, eligibility for such benefits shall be reinstated with respect to the individual's spouse if such spouse was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements for eligibility for such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated eligibility of the spouse to the same extent that they apply to the reinstated eligibility of such individual.

''(6) An individual to whom benefits are payable under this title pursuant to a reinstatement of eligibility under this subsection for twenty-four months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) to be eligible for such benefits on the basis of an application filed therefore.

''(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be eligible for provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under paragraph (1) or (3) of subsection (c).

''(B)(i) Except as otherwise provided in clause (ii), the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual under this title with the same kind and amount of income.

''(ii) If the individual has a spouse who was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements of section 1614(b) except requirements related to the filing of an application, the amount of a provisional benefit for a month shall equal the amount of the month benefit that would be payable to an eligible individual and eligible spouse under this title with the same kind and amount of income.

''(C)(i) Provisional benefits shall begin with the month following the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

''(ii) Provisional benefits shall end with the earliest of—

''(I) the month in which the Commissioner makes a determination regarding the individual's eligibility for reinstated benefits;

''(II) the fifth month following the month for which provisional benefits are first payable under clause (i); or

''(III) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

''(D) In any case in which the Commissioner determines that an individual is not eligible for reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).

''(8) For purposes of this subsection other than paragraph (7), the term 'benefits under this title' includes State supplementary payments made pursuant to an agreement under section 1616(a) or section 212(b) of Public Law 93–66.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1631(j)(1) of such Act (42 U.S.C. 1383(j)(1)) is amended by striking the period and inserting '', or has filed a request for reinstatement of eligibility under subsection (p)(2) and been determined to be eligible for reinstatement.''.

(B) Section 1631(j)(2)(A)(i)(I) of such Act (42 U.S.C. 1383(j)(2)(A)(i)(I)) is amended by inserting ''(other than pursuant to a request for reinstatement under subsection (p))'' after ''eligible''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of enactment of this Act.

(2) LIMITATION.—No benefit shall be payable under title II or XVI of the Social Security Act on the basis of a request for reinstatement filed under section 223(i) or 1631(p) of such Act before the effective date described in paragraph (1).

Subtitle C—Work Incentives Planning, Assistance, and Outreach

SEC. 221. WORK INCENTIVES OUTREACH PROGRAM.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 201, is amended by adding after section 1148 the following:

''WORK INCENTIVES OUTREACH PROGRAM

''SEC. 1149. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, shall establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information to disabled beneficiaries on work incentives programs and issues related to such programs.

''(2) GRANTS, COOPERATIVE AGREEMENTS, CONTRACTS, AND OUTREACH.—Under the program established under this section, the Commissioner shall—

''(A) establish a competitive program of grants, cooperative agreements, or contracts to provide benefits planning and assistance, including information on the availability of protection and advocacy services, to disabled beneficiaries, including individuals participating in the Ticket to Work and Self-Sufficiency Program established under section 1148, the program established under section 1619, and other programs that are designed to encourage disabled beneficiaries to work;

''(B) conduct directly, or through grants, cooperative agreements, or contracts, ongoing outreach efforts to disabled beneficiaries (and to the families of such beneficiaries) who are potentially eligible to participate in Federal or State work incentive programs that are designed to assist disabled beneficiaries to work, including—

''(i) preparing and disseminating information explaining such programs; and

''(ii) working in cooperation with other Federal, State, and private agencies and nonprofit organizations that serve disabled beneficiaries, and with agencies and organizations that focus on vocational rehabilitation and work-related training and counseling;

''(C) establish a corps of trained, accessible, and responsive work incentives specialists within the Social Security Administration who will specialize in disability work incentives under titles II and XVI for the purpose of disseminating accurate information with respect to inquiries and issues relating to work incentives to—

''(i) disabled beneficiaries;

''(ii) benefit applicants under titles II and XVI; and

''(iii) individuals or entities awarded grants under subparagraphs (A) or (B); and

''(D) provide—

''(i) training for work incentives specialists and individuals providing planning assistance described in subparagraph (C); and

''(ii) technical assistance to organizations and entities that are designed to encourage disabled beneficiaries to return to work.

''(3) COORDINATION WITH OTHER PROGRAMS.—The responsibilities of the Commissioner established under this section shall be coordinated with other public and private programs that provide information and assistance regarding rehabilitation services and independent living supports and benefits planning for disabled beneficiaries including the program under section 1619, the plans for achieving self-support program (PASS), and any other Federal or State work incentives programs that are designed to assist disabled beneficiaries, including educational agencies that provide information and assistance regarding rehabilitation, school-to-work programs, transition services (as defined in, and provided in accordance with, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)), a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998, and other services.

''(b) CONDITIONS.—

''(1) SELECTION OF ENTITIES.—

''(A) APPLICATION.—An entity shall submit an application for a grant, cooperative agreement, or contract to provide benefits planning and assistance to the Commissioner at such time, in such manner, and containing such information as the Commissioner may determine is necessary to meet the requirements of this section.

''(B) STATEWIDENESS.—The Commissioner shall ensure that the planning, assistance, and information described in paragraph (2) shall be available on a statewide basis.

''(C) ELIGIBILITY OF STATES AND PRIVATE ORGANIZATIONS.—

''(i) IN GENERAL.—The Commissioner may award a grant, cooperative agreement, or contract under this section to a State or a private agency or organization (other than Social Security Administration Field Offices and the State agency administering the State medicaid program under title XIX, including any agency or entity described in clause (ii), that the Commissioner determines is qualified to provide the planning, assistance, and information described in paragraph (2)).

''(ii) AGENCIES AND ENTITIES DESCRIBED.—The agencies and entities described in this clause are the following:

''(I) Any public or private agency or organization (including Centers for Independent Living established under title VII of the Rehabilitation Act of 1973, protection and advocacy organizations, client assistance programs established in accordance with section 112 of the Rehabilitation Act of 1973, and State Developmental Disabilities Councils established in accordance with section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)) that the Commissioner determines satisfies the requirements of this section.

''(II) The State agency administering the State program funded under part A of title IV.

''(D) EXCLUSION FOR CONFLICT OF INTEREST.—The Commissioner may not award a grant, cooperative agreement, or contract under this section to any entity that the Commissioner determines would have a conflict of interest if the entity were to receive a grant, cooperative agreement, or contract under this section.

''(2) SERVICES PROVIDED.—A recipient of a grant, cooperative agreement, or contract to provide benefits planning and assistance shall select individuals who will act as planners and provide information, guidance, and planning to disabled beneficiaries on the—

''(A) availability and interrelation of any Federal or State work incentives programs designed to assist disabled beneficiaries that the individual may be eligible to participate in;

''(B) adequacy of any health benefits coverage that may be offered by an employer of the individual and the extent to which other health benefits coverage may be available to the individual; and

''(C) availability of protection and advocacy services for disabled beneficiaries and how to access such services.

''(3) AMOUNT OF GRANTS, COOPERATIVE AGREEMENTS, OR CONTRACTS.—

''(A) BASED ON POPULATION OF DISABLED BENEFICIARIES.—Subject to subparagraph (B), the Commissioner shall award a grant, cooperative agreement, or contract under this section to an entity based on the percentage of the population of the State where the entity is located who are disabled beneficiaries.

''(B) LIMITATION PER GRANT.—No entity shall receive a grant, cooperative agreement, or contract under this section for a fiscal year that is less than $50,000 or more than $300,000.

''(ii) TOTAL AMOUNT FOR ALL GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The total amount of all grants, cooperative agreements, and contracts awarded under this section for a fiscal year may not exceed $23,000,000.

''(4) ALLOCATION OF COSTS.—The costs of carrying out this section shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

''(c) DEFINITIONS.—In this section:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $23,000,000 for each of fiscal years 2000 through 2004.''.

SEC. 222. STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 221, is amended by adding after section 1149 the following:

''STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES

''SEC. 1150. (a) IN GENERAL.—Subject to subsection (c), the Commissioner may make payments in each State to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the purpose of providing services to disabled beneficiaries.

''(b) SERVICES PROVIDED.—Services provided to disabled beneficiaries pursuant to a payment made under this section may include—

''(1) information and advice about obtaining vocational rehabilitation and employment services; and

''(2) advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

''(c) APPLICATION.—In order to receive payments under this section, a protection and

advocacy system shall submit an application to the Commissioner, at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

''(d) AMOUNT OF PAYMENTS.—

''(1) IN GENERAL.—Subject to the amount appropriated for a fiscal year for making payments under this section, a protection and advocacy system shall not be paid an amount that is less than—

''(A) in the case of a protection and advocacy system located in a State (including the District of Columbia and Puerto Rico) other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the greater of—

''(i) $100,000; or

''(ii) ⅓ of 1 percent of the amount available for payments under this section; and

''(B) in the case of a protection and advocacy system located in Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, $50,000.

''(2) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Commissioner shall increase each minimum payment under subparagraphs (A) and (B) of paragraph (1) by a percentage equal to the percentage increase in the total amount appropriated to carry out this section between the preceding fiscal year and the fiscal year involved.

''(e) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Commissioner and the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999 on the services provided to individuals by the system.

''(f) FUNDING.—

''(1) ALLOCATION OF PAYMENTS.—Payments under this section shall be made from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

''(2) CARRYOVER.—Any amounts allotted for payment to a protection and advocacy system under this section for a fiscal year shall remain available for payment to or on behalf of the protection and advocacy system until the end of the succeeding fiscal year.

''(g) DEFINITIONS.—In this section:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

''(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2000 through 2004.''.

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

SEC. 301. PERMANENT EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) PERMANENT EXTENSION OF AUTHORITY.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by adding at the end the following:

''DEMONSTRATION PROJECT AUTHORITY

''SEC. 234. (a) AUTHORITY.—

''(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the 'Commissioner') shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of—

''(A) various alternative methods of treating the work activity of individuals entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)), including such methods as a reduction in benefits based on earnings, designed to encourage the return to work of such individuals;

''(B) altering other limitations and conditions applicable to such individuals (including lengthening the trial work period (as defined in section 222(c)), altering the 24-month waiting period for hospital insurance benefits under section 226, altering the manner in which the program under this title is administered, earlier referral of such individuals for rehabilitation, and greater use of employers and others to develop, perform, and otherwise stimulate new forms of rehabilitation); and

''(C) implementing sliding scale benefit offsets using variations in—

''(i) the amount of the offset as a proportion of earned income;

''(ii) the duration of the offset period; and

''(iii) the method of determining the amount of income earned by such individuals,

to the end that savings will accrue to the Trust Funds, or to otherwise promote the objectives or facilitate the administration of this title.

''(2) AUTHORITY FOR EXPANSION OF SCOPE.—The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under the program established under this title with impairments that reasonably may be presumed to be disabling for purposes of such demonstration project, and may limit any such demonstration project to any such group of applicants, subject to the terms of such demonstration project which shall define the extent of any such presumption.

''(b) REQUIREMENTS.—The experiments and demonstration projects developed under subsection (a) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the disability insurance program under this title without committing such program to the adoption of any particular system either locally or nationally.

''(c) AUTHORITY TO WAIVE COMPLIANCE WITH BENEFITS REQUIREMENTS.—In the case of any experiment or demonstration project conducted under subsection (a), the Commissioner may waive compliance with the benefit requirements of this title, and the Secretary may (upon the request of the Commissioner) waive compliance with the benefits requirements of title XVIII, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and demonstration projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

''(d) REPORTS.—

''(1) INTERIM REPORTS.—On or before June 9 of each year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an interim report on the progress of the experiments and demonstration projects carried out under this subsection together with any related data and materials that the Commissioner may consider appropriate.

''(2) FINAL REPORTS.—Not later than 90 days after the termination of any experiment or demonstration project carried out under this section, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to that experiment and demonstration project.''.

(b) CONFORMING AMENDMENTS; TRANSFER OF PRIOR AUTHORITY.—

(1) CONFORMING AMENDMENTS.—

(A) REPEAL OF PRIOR AUTHORITY.—Paragraphs (1) through (4) of subsection (a) and subsection (c) of section 505 of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) are repealed.

(B) CONFORMING AMENDMENT REGARDING FUNDING.—Section 201(k) of the Social Security Act (42 U.S.C. 401(k)) is amended by striking ''section 505(a) of the Social Security Disability Amendments of 1980'' and inserting ''section 234''.

(2) TRANSFER OF PRIOR AUTHORITY.—With respect to any experiment or demonstration project being conducted under section 505(a) of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) as of the date of enactment of this Act, the authority to conduct such experiment or demonstration project (including the terms and conditions applicable to the experiment or demonstration project) shall be treated as if that authority (and such terms and conditions) had been established under section 234 of the Social Security Act, as added by subsection (a).

SEC. 302. DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

(a) AUTHORITY.—The Commissioner of Social Security shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1148(k)(3) of the Social Security Act) under which each $1 of benefits payable under section 223, or under section 202 based on the beneficiary's disability, is reduced for each $2 of such beneficiary's earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(b) SCOPE AND SCALE AND MATTERS TO BE DETERMINED.—

(1) IN GENERAL.—The demonstration projects developed under subsection (a) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(A) the effects, if any, of induced entry into the project and reduced exit from the project;

(B) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act; and

(C) the savings that accrue to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and other Federal programs under the project being tested.

The Commissioner shall take into account advice provided by the Work Incentives Advisory Panel pursuant to section 201(f)(2)(B)(ii).

(2) ADDITIONAL MATTERS.—The Commissioner shall also determine with respect to each project—

(A) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project;

(B) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project; and

(C) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

The Commissioner may include within the matters evaluated under the project the merits of trial work periods and periods of extended eligibility.

(c) WAIVERS.—The Commissioner may waive compliance with the benefit provisions of title II of the Social Security Act, and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of that Act, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

(d) INTERIM REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Commissioner of Social Security shall submit to Congress an interim report on the progress of the demonstration projects carried out under this subsection together with any related data and materials that the Commissioner of Social Security may consider appropriate.

(e) FINAL REPORT.—The Commissioner of Social Security shall submit to Congress a final report with respect to all demonstration projects carried out under this section not later than 1 year after their completion.

(f) EXPENDITURES.—Expenditures made for demonstration projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

SEC. 303. STUDIES AND REPORTS.

(a) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING DISABILITY-RELATED EMPLOYMENT INCENTIVES.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to assess existing tax credits and other disability-related employment incentives under the Americans with Disabilities Act of 1990 and other Federal laws. In such study, the Comptroller General shall specifically address the extent to which such credits and other incentives would encourage employers to hire and retain individuals with disabilities.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(b) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING COORDINATION OF THE DI AND SSI PROGRAMS AS THEY RELATE TO INDIVIDUALS ENTERING OR LEAVING CONCURRENT ENTITLEMENT.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination under current law of the disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of that Act, as such programs relate to individuals entering or leaving concurrent entitlement under such programs. In such study, the Comptroller General shall specifically address the effectiveness of work incentives under such programs with respect to such individuals and the effectiveness of coverage of such individuals under titles XVIII and XIX of the Social Security Act.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(c) STUDY BY GENERAL ACCOUNTING OFFICE OF THE IMPACT OF THE SUBSTANTIAL GAINFUL ACTIVITY LIMIT ON RETURN TO WORK.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study of the substantial gainful activity level applicable as of that date to recipients of benefits under section 223 of the Social Security Act (42 U.S.C. 423) and under section 202 of that Act (42 U.S.C. 402) on the basis of a recipient having a disability, and the effect of such level as a disincentive for those recipients to return to work. In the study, the Comptroller General also shall address the merits of increasing the substantial gainful activity level applicable to such recipients of benefits and the rationale for not yearly indexing that level to inflation.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(d) REPORT ON DISREGARDS UNDER THE DI AND SSI PROGRAMS.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Social Security 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) identifies all income, assets, and resource disregards (imposed under statutory or regulatory authority) that are applicable to individuals receiving benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

(2) with respect to each such disregard—

(A) specifies the most recent statutory or regulatory modification of the disregard; and

(B) recommends whether further statutory or regulatory modification of the disregard would be appropriate; and

(3) with respect to the disregard described in section 1612(b)(7) of the Social Security Act (42 U.S.C. 1382a(b)(7)) (relating to grants, scholarships, or fellowships received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution)—

(A) identifies the number of individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) who have attained age 22 and have not had any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution excluded from their income in accordance with that section;

(B) recommends whether the age at which such grants, scholarships, or fellowships are excluded from income for purposes of determining eligibility under title XVI of the Social Security Act should be increased to age 25; and

(C) recommends whether such disregard should be expanded to include any such grant, scholarship, or fellowship received for use in paying the cost of room and board at any such institution.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATION RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 853) is amended—

(1) in subparagraph (A), by striking ''by the Commissioner of Social Security'' and ''by the Commissioner''; and

(2) by adding at the end the following:

''(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

''(i) there is pending a request for either administrative or judicial review with respect to such claim, or

''(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

''(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) of the Social Security Act shall not apply to such redetermination.''.

(b) CORRECTION TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF SOCIAL SECURITY BENEFICIARIES WHO ARE DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5)(B) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended to read as follows:

''(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

''(i) whose claim for benefits is finally adjudicated on or after the date of enactment of this Act; or

''(ii) whose entitlement to benefits is based on an entitlement redetermination made pursuant to subparagraph (C).''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

SEC. 402. TREATMENT OF PRISONERS.

(a) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following:

''(B)(i) The Commissioner shall enter into an agreement under this subparagraph with any interested State or local institution comprising a jail, prison, penal institution, or correctional facility, or comprising any other institution a purpose of which is to confine individuals as described in paragraph (1)(A)(ii). Under such agreement—

''(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, Social Security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

''(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, $400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

''(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

''(iii) There is authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

''(iv) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any agency administering a Federal or federally assisted cash, food, or medical assistance program for eligibility purposes.''.

(2) CONFORMING AMENDMENT TO THE PRIVACY ACT.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) in clause (vi), by striking ''or'' at the end;

(B) in clause (vii), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(viii) matches performed pursuant to section 202(x)(3)(B) or 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 402(x)(3)(B), 1382(e)(1)(I));''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''during'' and inserting ''throughout'';

(B) in clause (i), by striking ''an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)'' and inserting ''a criminal offense''; and

(C) in clause (ii)(I), by striking ''an offense punishable by imprisonment for more than 1 year'' and inserting ''a criminal offense''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) CONFORMING TITLE XVI AMENDMENTS.—

(1) FIFTY PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)) is amended—

(A) in clause (i)(II), by inserting ''(subject to reduction under clause (ii))'' after ''$400'' and after ''$200'';

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(C) by inserting after clause (i) the following:

''(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).''.

(2) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking ''institution'' and all that follows through ''section 202(x)(1)(A),'' and inserting ''institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),''.

(3) ELIMINATION OF OVERLY BROAD EXEMPTION.—Section 1611(e)(1)(I)(iii) of such Act (42 U.S.C. 1382(e)(1)(I)(iii)) (as redesignated by paragraph (1)(B), is amended by striking ''(I) The provisions'' and all that follows through ''(II)''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of the Social Security Act as amended by paragraph (2) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(d) CONTINUED DENIAL OF BENEFITS TO SEX OFFENDERS REMAINING CONFINED TO PUBLIC INSTITUTIONS UPON COMPLETION OF PRISON TERM.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking ''or'' at the end;

(B) in clause (ii)(IV), by striking the period and inserting '', or''; and

(C) by adding at the end the following:

''(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.''.

(2) CONFORMING AMENDMENT.—Section 202(x)(1)(B)(ii) of the Social Security Act (42 U.S.C. 402(x)(1)(B)(ii)) is amended by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of enactment of this Act.

SEC. 403. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION FROM SOCIAL SECURITY COVERAGE.

(a) IN GENERAL.—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in

which this Act is enacted, may be revoked by filing an application therefore (in such form and manner, and with such official, as may be prescribed by the Commissioner of the Internal Revenue Service), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1999. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1999, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding paragraph (4) or (5) of section 1402(c) of such Code) except for the exemption under section 1402(e)(1) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1999, and with respect to monthly insurance benefits payable under title II of the Social Security Act on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

SEC. 404. ADDITIONAL TECHNICAL AMENDMENT RELATING TO COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS UNDER TITLES II AND XVI.

(a) IN GENERAL.—Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended by striking ''title XVI'' and inserting ''title II or XVI''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1464).

SEC. 405. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: '', and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such employment on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis''.

(b) TECHNICAL AMENDMENTS.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended—

(1) by striking ''(as defined in section 453A(a)(2)(B)(iii))''; and

(2) by inserting ''(as defined in section 453A(a)(2)(B))'' after ''employers'' .

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wage reports required to be submitted on and after the date of enactment of this Act.

SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 1999

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate equally divided prior to the vote on the cloture motion on H.R. 1259.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, let me begin debate on this cloture motion today and take up to 10 minutes. I hope I won't need to use all of that, as there are other speakers on our side.

We are here now after having, on three occasions, failed to obtain cloture on a Senate bill to try to lock away the Social Security trust fund moneys and prevent them from being spent on other Federal Government expenditures. The Democrats have filibustered the lockbox for 58 days. This is significant, because an additional $304 million of new Social Security surplus funds are added to the trust fund virtually every day.

In my judgment, we should be husbanding these surpluses carefully to provide for future Social Security benefits and to make necessary reforms as easily and seamlessly as possible. But because of this filibuster, $17.6 billion of these future Social Security benefits have been placed at risk of being spent on other non-Social Security programs. This is the equivalent of taking away the annual Social Security benefits for 1.6 million American seniors.

Mr. President, today we are attempting a new approach having thrice failed to be able to obtain cloture on a Senate amendment to a budget reform act bill. We are today voting on a different version of the lockbox, one that passed the House of Representatives overwhelmingly, and, in my judgment, would therefore seem to be a piece of legislation that we could have overwhelming bipartisan consensus on in the Senate. The question is, Will we do so?

All I can say to my colleagues is that in Michigan, seniors surely hope that we will do so—that we will vote cloture, that we will pass the lockbox, and that we will protect their Social Security benefits.

Let me introduce you to Gus and Doris Bionchini of Warren, MI. They have been kind enough to come out to Washington this week to help ensure that Social Security lockbox is passed. They have been receiving Social Security for over 10 years and tell me that Social Security is very important to them, as it is to so many Americans, and that they pay most of their bills, especially food and utilities, with their benefits.

Gus and Doris tell me that they can't understand why anyone would want to spend their future Social Security benefits on new Government spending, and that they think it is time and imperative Congress pass a law which stipulates that we should not spend a dime of their Social Security dollars on anything other than Social Security. They believe seniors should have a voice.

Let me introduce you to someone else, Mr. Joe Wagner, a 70-year-old from Kentwood, MI, a new Social Security recipient, but someone who already finds himself nearly entirely dependent upon his benefits to pay his bills to meet his everyday needs. He said that he strongly supports the original lockbox bill that I introduced with Senators ASHCROFT and DOMENICI and others. He also knows that the President has proposed spending over $30 billion of the Social Security surplus every year. He thinks that is wrong, and I agree with him.

Then we have another person for you to meet, Eleanor Happle. Eleanor is a 74-year-old widow who is very active for her age and who enjoys spending time with friends and volunteering at the hospital. She supplements her Social Security benefits by working in an assisted-living facility. I know that she agrees with us that the Social Security surplus should be protected.

Finally, here is Vic and Joanne Machuta in front of their home in East Grand Rapids, MI, where they have lived for 20 years. They have been married for 54 years. They have three children. Vic is 73 years old and worked as a police officer for over 35 years. Joanne is also 73 and worked for a bank as well as for Central Michigan University. They have been receiving Social Security for 10 years and believe that the surplus should be used for Social Security as opposed to other Government spending. They also believe that legislation which would make it more difficult for Government to spend their Social Security is a good idea.

Now we find ourselves with a new version of the lockbox. It is a looser version, I admit. But we still find the same old foot dragging which we have been suffering through for 58 days.

H.R. 1259, the House lockbox legislation, passed the House on May 26 by a vote of 416 to 12—416 for this lockbox proposal in the House, and only 12 against it. But still we are here, of course, to vote on cloture to end broad, uncontrolled debate on this subject. I don't understand that.

It seems to me that when the House votes this overwhelmingly clearly this is a version which is a bipartisan consensus, and we should get down to the business of protecting Social Security dollars.

That is what at least this Senator thinks. That is what my constituents

such as Gus, Doris, Joe, and Eleanor think.

I hope today that we will finally have 60 votes for us to consider in a carefully crafted fashion a lockbox proposal that would enjoy bipartisan support. This one certainly does. It did in the House. I believe it will in the Senate. I hope that today we can finally obtain cloture, move forward, and pass this legislation quickly.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President.

Mr. President, I listened carefully to my friend and colleague from Michigan. I am inclined to agree with him on a couple of things; that is, that people really want their Social Security protected. That is what they are thinking about. That is what they are looking at.

I rise now to oppose the motion to invoke cloture on the House-passed Social Security bill lockbox legislation, because it doesn't protect Social Security as it is commonly believed.

I want the public to know that this isn't an internal debate about some arcane process. We are talking about whether or not Social Security is going to be stronger as a result of this tactical approach to preparing perhaps for a nice tax cut in the future.

When we talk about the filibuster, sometimes the public doesn't quite understand. A filibuster can be an appropriate delay. If I think something is wrong, if someone on the other side of the aisle thinks something is wrong, they have a right to defend their point of view standing on this floor for as long as they have the energy and the time is available. So cloture isn't a simple thing. It is designed to cut off other people's opinion. It is designed to give the majority a chance to roll over the minority and perhaps what the public really wants.

I want to say right from the beginning that I strongly support enactment of a Social Security lockbox. In fact, we want to pass a lockbox that not only protects Social Security, but for many people, while they worry about Social Security, Medicare, which is high on their list of concerns because Social Security will be there but Medicare, conceivably if it is not protected and made more solvent, may not be there.

Ask anybody what their primary concerns are once they get past their Medicare family needs, and they will tell you that it is health care. There is a crying need for reliability in health care systems across this country. People are worried that they will lose out in one place and not be able to get it in another place. They are worried about having a condition where that is ruled out for them—a long-term disease.

Medicare has to be protected as well. We want a lockbox that has an impenetrable lock, not one that includes all kinds of loopholes that will leave these programs largely unprotected. That is the thing we have to keep in mind; that is, what is the ultimate outcome?

The bill before us now is an improvement over the version that we considered yesterday. But unlike that legislation, the one that was considered yesterday, the House-passed bill, does not pose a risk of Government default. So there is a slight measure of more security there. Therefore, it doesn't pose the same kind of threat to Social Security benefits. However, the House-passed bill still desperately needs improvement. Most importantly, the bill's lack of protection for Medicare is a primary part.

In addition, the bill lacks an adequate enforcement mechanism. It relies solely on 60-vote points of order.

Again, I don't like to get into process discussions when the public has a chance to evaluate. Why should there be 60 votes necessary to change it? In almost every other situation we rely on the majority to take care of it with 51 votes. It doesn't back up these 60-vote points of order, across-the-board spending cuts should Congress raid these surpluses in the future.

In addition, the legislation before us includes a troubling loophole that would allow Congress to raid surpluses by simply designating legislation as ''Social Security reform'' or ''Medicare reform.'' But it is not what you really get when you look at the title of these programs, because under Social Security reform it is conceivable that some could favor a major tax cut for wealthy people, and say: Listen. They are going to be paying more into the fund as a result of earning more as a result of a more buoyant economy. They could say that is Social Security reform. But, aha, really what we want to do is give a good fat tax cut to people who do not need it.

There is no definition of what constitutes Social Security or Medicare reform. We want to do that. But this obscure definition permits hanky-panky all over the place.

This could allow Congress to raid surpluses for new privatization schemes, no matter how risky, or even tax cuts—big tax cuts.

Democrats want to strengthen this bill to make it better. But we are being denied an opportunity in the process by the majority. They are saying that 45 Democrats representing any number of States, any number of people—if we just take the States of California and New York, we have a significant part of the population in this country.

However, the majority is saying: We will not let you offer any amendments; we have decided we have the majority, and we are locking you out. That is the real lockbox.

It is not right. That is not the proper way to operate. It is not the way the Senate is supposed to function—not permit the offering of amendments? What are they afraid of? Let the public hear the debate. Let the public look at the amendments. Maybe we will help them pass a bill we also can agree to. Right now, they are afraid to let the public in. The public doesn't have a right to know, as far as they are concerned.

For too long now, the majority has engaged in a concerted effort to deny rights to Democratic Senators. They have repeatedly tried to eliminate our rights. The once rare tactic of filling up the amendment tree—again, another arcane term that blocks out any other amendments—has now become standard operating procedure.

The majority thinks they have a right to dictate how many and which amendments. They are asking to see our amendments before we can offer them. That is unheard of in the process as structured in the Senate.

Compounding matters, cloture is no longer being used as a tool to end debate. It is being used as a tool to prevent debate. The majority leader, in his technical right, has filed a cloture motion on this bill before either side even has an opportunity to make an opening statement. That, too, is unheard of. We used to have debate, and one side or the other would finally say: Listen, they are delaying; they are filibustering, and we want to shut off debate.

Now what happens, as soon as the bill is filed, a cloture motion is filed that says the minority or those who are in opposition will not even have a right to speak.

The majority is even going further in limiting the period known as morning business, when we can talk about things that are on our agenda. Eliminate that right?

I hope the American public will understand what this mission is; that is, not to give the public what they want but to give them what the Republicans want.

This effort to restrict minority rights is not appropriate. It is not the way the Senate is supposed to operate. We Democrats are not going to put up with it much longer. There is no reason this Senate cannot approve a Social Security and Medicare lockbox and do it very soon. We are willing to work toward a unanimous consent agreement to limit amendments. Debate on these amendments should not take very long.

However, we cannot accept being entirely locked out of the legislative process. We will not tolerate being denied an opportunity to make this Social Security lockbox truly a lockbox, a safe deposit box, one that can't be opened casually, that protects both Social Security and Medicare in a meaningful way.

The majority understands, if they continue to function this way, we will

not get a Social Security and Medicare lockbox enacted into law. It is as simple as that. Perhaps they don't want to live under this lockbox but would like to talk about it, hoping they do not have to pass the test of reality. Maybe they just want an issue to talk about. That is why they are following procedures guaranteed to produce gridlock and not results. I hope that is not true.

I look at actions. I see them speaking louder than words. There is every indication the Republican leadership is not trying seriously to produce a bill that can win bipartisan support.

I call on my colleagues to oppose cloture, to oppose cutting off debate. I urge my colleagues in the majority to change their mind, rethink it, talk to this side about it, allow this bill to be considered privately or openly, with a full opportunity for debate and for amendments.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. LAUTENBERG. I yield to the Senator from North Dakota up to 7 minutes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, for the fourth time the Senate is being asked to vote on a so-called lockbox without being given the opportunity to consider amendments.

What is the majority afraid of? Why aren't they willing to vote on amendments? That is the way we do business in the Senate. Somebody makes a legislative offering, and then Members have a chance to amend and a chance to vote to decide what is the best policy for this country.

I have believed for a very long time and I have fought repeatedly in the Budget Committee, in the Finance Committee, and on the floor of the Senate to stop the raid on Social Security surpluses. I see our friends on the other side all of a sudden become defenders of Social Security.

Some Members have not forgotten. Sometimes our friends on the other side of the aisle think we have amnesia, but we remember the repeated attempts on the other side to amend the Constitution of the United States with a so-called balanced budget amendment that would have looted and raided Social Security to achieve balance. We remember very well.

It was done in 1994; it was done in 1995; it was done in 1996; it was done in 1997; and here is the language. This language makes clear that the definition of a balanced budget was all the receipts of the Federal Government and all the expenditures of the Federal Government, including Social Security. Then they were going to call that a balanced budget. That is what they were doing in 1994, 1995, 1996, and 1997—an absolute raid on the Social Security trust funds and trying to put that in the Constitution of the United States.

All of a sudden, they are defenders of Social Security. I welcome the transformation. I welcome them coming over to our side and agreeing now that we ought to protect Social Security. But why won't they allow amendments? What are they afraid of? Are they afraid to vote? I think they are. I think they are afraid to vote. I think they are afraid to vote because we have an amendment that provides a lockbox for Social Security, one that is defended against what can happen out here on the floor—unlike the amendment being offered now. It is defended by sequestration. Their amendment has no such defense.

I think they are afraid to vote on an alternative because we not only protect Social Security but Medicare.

Looking at the Republican ''broken safe,'' we try to look inside and find out what is there. What we find is that there is not one single additional penny for Medicare in the Republican lockbox. No, Medicare is left out of the equation.

Senator LAUTENBERG and I believe Medicare ought to be protected with Social Security. We ought to have a lockbox to protect both. We ought to have procedures that defend them, not create enormous loopholes that can be used to again loot Social Security and not protect Medicare.

The fact is, the amendment we want to offer that they will not let this side consider is an amendment that provides $698 billion for Medicare over the next 15 years; the Republican plan provides nothing, zero, not one penny. That is why they don't want to vote. They don't want to vote because they don't want to protect Social Security and Medicare.

It is fascinating what a difference a year makes. Just 1 year ago we had a debate in the Budget Committee of the Senate. Here is what the Republicans were saying then. This is Senator PETE DOMENICI, the chairman of the Senate Budget Committee:

> Mr. President, this is a very simple proposition. . . . We suggested, as Republicans, that Social Security and Medicare are the two most important American programs to save, reform, and make available into the next century. . . . I believe the issue is very simple—very simple: Do you want a budget that begins to help with Medicare, or do you want a budget that says not one nickel for Medicare; let's take care of that later with money from somewhere else.

Senator DOMENICI was right then. They don't want to consider the amendment that would do exactly what he is talking about—protect Social Security and Medicare. They want to forget the position they were taking just a year ago.

Here is another member, a senior Republican member of the Budget Committee. He said 1 year ago:

> But the fundamental strength of it is, whether they are democrats or republicans who have got together in these dark corners of very bright rooms and said, what would we do if we had a half a trillion dollars to spend? . . . the obvious answer that cries out is Medicare. . . . I think it is logical. People understood the President on save Social Security first and I think they will understand save Medicare first. . . .
>
> Medicare is in crisis. We want to save Medicare first.

It is 1 year later now. All of a sudden those brave words are forgotten and our friends on the other side want to prevent us from even considering an amendment that would do what they were advocating a year ago, save Social Security first and save Medicare first. Now they want to forget Medicare. Now they do not want to provide an additional dime for Medicare, even though it is endangered in a more immediate way than is Social Security.

One more quote from the chairman of the Budget Committee:

> Let me tell you for every argument made around this table today about saving Social Security, you can now put it in the bank that the problems associated with fixing Medicare are bigger than the problems fixing Social Security, bigger in dollars, more difficult in terms of the kind of reform necessary, and frankly, I am for saving Social Security. But it is most interesting that there are some who want to abandon Medicare . . . when it is the most precarious program we have got.

The reason I believe our colleagues on the other side do not want any amendments is because they do not want to vote on an amendment that Senator LAUTENBERG and I are prepared to offer that would save Social Security first, every penny, and save Medicare as well. They do not want to vote.

That is not the way the Senate ought to operate. That is not what we should do here.

Let me conclude by saying the amendment we have would save $3.3 billion in debt reduction; the Republican plan, $2.6 billion. Our plan is superior. We ought to have a chance to vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ABRAHAM. Mr. President, I will just make one brief statement and then I will yield to the Senator from Wyoming. I do want to remind my colleagues that in the last efforts to secure cloture before the Senate, it was cloture on my amendment to another bill. We just wanted a vote on our Social Security lockbox. If we had gotten that vote, and it had passed, the amendments that are being discussed today would have been in order to be brought.

So the notion we had previously denied anybody the opportunity to have any amendments is not accurate. That opportunity would have been presented. All we wanted was a chance to have a vote on this lockbox. That was in the previous effort, on the Senate version.

Now we are dealing with a House bill, and it is different in this context, but

the impression created that somehow before there would have been no opportunity to present alternatives would not have been the case had we had a chance to vote on our amendment.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. ABRAHAM. I am going to yield on my time to the Senator from Wyoming, who has been waiting. I will be happy to if we have an opportunity, but I do want to yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Michigan for bringing this subject, his amendment, to the floor. We are talking about lockbox legislation. We are talking about Social Security, which is the bottom line. Lockbox is simply the first step to accomplish that. We have had in our agenda this year: Social Security, tax reform, education, and security for this country. These are the things we have been talking about and will, indeed, continue to talk about.

The two Senators from the other side of the aisle have spoken about excuses for not going forward with this bill. I can hardly understand it. They talk about amendments. They have 22 or 25 amendments designed to keep us from voting on the bill. That is why we are not doing amendments. We decided to move forward with something designed to ensure that Social Security surplus funds will be reserved for Social Security alone. There are lots of things involved, of course, in addition to Social Security. That is, if you like smaller government, if you like tax relief, if you would like to limit the amount of spending, then this is the way to do that and hold the spending to those funds that do not come from Social Security. So this helps us retain our commitment to smaller and more efficient government.

One only has to look at last year's omnibus appropriations to see this legislation is necessary, where $20 billion in nonemergency spending was taken from Social Security last year. The same thing will happen again unless we make a move to do something about it. Unfortunately, the Democrats have decided to filibuster this bill and not let it happen. Apparently they support these ideas of raiding Social Security for their big government agenda. I understand that. The President's budget raids the Social Security funds to the tune of $158 billion. That is where we are, absent this kind of movement.

We are, of course, dealing with everything from lockbox to fundamental Social Security reforms. Everybody knows the system is not sound; by 2014, Social Security begins to run a deficit. Obviously, there are a number of demographics that bring that about—the declining number of workers, their increased longevity, and the impending retirement of the baby boomers. There are three solutions to the problem: One is to raise taxes on Social Security, one is to reduce benefits of Social Security—neither of which is acceptable to most of us—and the third is to provide an increased rate of return on the investments we have.

I am not for raising taxes. There are better ways to do that. I certainly want, however, to do something with Social Security which will allow a certain part of those funds to be put in private accounts to be invested in the private sector to increase the returns so we strengthen Social Security. We cannot do that unless we set aside these funds.

I am amazed at the opposition to this. The President has been talking for 2 years and all he said was: Save Social Security; no plan, no effort, no movement.

Now we have a chance to take the first steps to do something. We have a plan that works to move us to save Social Security, and what do we have? Opposition by filibuster. It is amazing to me. I guess it is simply a defense of spending more for large government. I do not want to do that. Americans work hard for their money. They ought to have a say in how it is spent. Therefore, I urge we move forward with the first step in doing something about Social Security.

I yield the floor.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. THOMAS. No. We have used our time. I return it back to the Senator from Michigan.

Mr. LAUTENBERG. No questions, no speeches.

Mr. THOMAS. We can on the Senator's time.

Mr. LAUTENBERG. I will take 1 minute, Mr. President.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I say, I wonder whether our friends on the other side know they filled up the amendment tree as soon as they laid down yesterday's bill. What are they talking about when they say you can offer amendments, when they closed it? They know very well. This chicanery should not get past the public, I will tell you that.

Why should we not spend a little time? Filibuster? We have a half-hour available. I want the American public to know they think that is enough time to discuss Social Security and Medicare. That is what the public has to know. Not cut off the filibuster—what kind of filibuster is this? That is not even an pinkie-size filibuster.

That, I think, is important for the RECORD to reflect.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I will respond to the Senator from New Jersey. The Senator from New Jersey knows if we get cloture on this bill, germane amendments would be allowed. So if what he is concerned about is Social Security and debating Social Security, germane Social Security amendments will be available. What will not be available are spurious amendments to make political points that have nothing to do with Social Security, such as what is being discussed by the Senator from North Dakota who wants to take non-Social Security money, non-Medicare money, and create a lockbox of general fund revenues for Medicare.

As the Senator from New Jersey knows, that has nothing to do with Social Security. It has nothing to do with lockboxing Social Security. It has nothing to do with lockboxing the Medicare trust fund. It is a tangential amendment aimed at making political points, having nothing to do with Social Security, as are the bulk, from my understanding, of the other amendments.

So in sincerity, I say to the Senator from New Jersey, if he really is concerned about Social Security and having an honest debate about Social Security and the amendments thereto, vote for cloture because he will have ample opportunity to have a plethora of amendments that deal with the issue of Social Security and the lockbox thereon.

So the demagoguery we have heard that somehow we are precluding debate on the most vital issue of the day is false. We are, in fact, providing a forum for a limited and narrow and focused discussion, absent political demagoguery, to talk just about Social Security.

So, if the Senator is truly concerned with the issue of Social Security and the preeminence of it as a policy issue, then he has the opportunity before him right now to vote for cloture so we can focus the agenda and the discussion on that very issue.

Second, I want to respond to the Senator from North Dakota who I think has offered a very reasonable concept, although I am not sure his charts follow through with that concept. The Senator from North Dakota suggested that we need to lockbox Medicare and suggested there were $650-some-odd billion to be lockboxed for Medicare. I do not know where he comes up with $650-odd billion that is in the Medicare fund surplus in the future. In fact, between the years 2000 and 2009, the net surplus in the Medicare trust fund is $14 billion. In the next 5 years the surplus will be $53 billion, but then it goes negative, from 2006 to 2009 $39 billion.

I am willing right now to coauthor a bill with the Senator from North Dakota to put a lockbox on the Medicare trust fund similar to the Social Security trust fund. But that is not what

the Senator from North Dakota is saying. He would lead you to believe that is what he is saying, that we need a similar lockbox for Medicare as we have for Social Security.

Remember, the Social Security lockbox said Social Security money must be used for Social Security. A similar Medicare lockbox would be very simple: Medicare taxes must be used for Medicare.

Is that what the Senator from North Dakota has asked for? No, he has not. What the Senator from North Dakota said is all of the surplus in the future—the non-Medicare surplus, the non-Social Security surplus, the general fund surplus—has to be used for Medicare. That is what the Senator from North Dakota did. That is not what he told us, but that is what he did.

Why does he want to do that? Because he wants to take the general fund surplus—which many believe, if we have more money in the general fund than we need, we should provide tax relief to those who overpaid—and use it for Medicare.

I believe in the integrity of the Medicare program and the integrity of the Social Security program. They are funded specifically by taxes and spent within that trust fund. That is how we should fix Medicare, and that is how we should fix Social Security. We should not be borrowing from other areas any more than on the general Government side we should not be borrowing from Social Security and Medicare. It is honesty in budgeting. What happened a few minutes ago on the floor was not exactly the most forthright explanation of budgeting in this area.

What we are proposing is very simple. We have a surplus in Social Security, and if we do not lock it up and create hurdles for spending that money, there will be those, incredibly enough, who will use that money for other things such as, oh, wonderful things, including tax cuts. There may be some who want—I do not want to do tax cuts with Social Security money; I will not do tax cuts with Social Security money. You will not find any tax cut I will not vote for. I will vote for all of them, but I will not use Social Security money.

It puts constraints on us on this side of the aisle who would love to see tax cuts but will not use Social Security, contrary to what the Senator from New Jersey just said. You cannot use it for tax cuts and spending increases. That is all we say.

Let's make a downpayment on Social Security reform by not spending the money. It is as simple as that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. How much time do we have on our side, Mr. President?

The PRESIDING OFFICER. The Senator has 10 minutes 21 seconds.

Mr. LAUTENBERG. I yield 4 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of S. 605, as amended.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 605

At the end of the bill, insert the following:

TITLE II—SOCIAL SECURITY FISCAL PROTECTION ACT OF 1999

SECTION 201. SHORT TITLE.

This title may be cited as the ''Social Security Fiscal Protection Act of 1999''.

SEC. 202. OFF BUDGET STATUS OF SOCIAL SECURITY TRUST FUNDS.

Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 203. EXCLUSION OF RECEIPTS AND DISBURSEMENTS FROM SURPLUS AND DEFICIT TOTALS.

The receipts and disbursements of the old-age, survivors, and disability insurance program established under title II of the Social Security Act and the revenues under sections 86, 1401, 3101, and 3111 of the Internal Revenue Code of 1986 related to such program shall not be included in any surplus or deficit totals required under the Congressional Budget Act of 1974 or chapter 11 of title 31, United States Code.

SEC. 204. CONFORMITY OF OFFICIAL STATEMENTS TO BUDGETARY REQUIREMENTS.

Any official statement issued by the Office of Management and Budget or by the Congressional Budget Office of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices, shall exclude all receipts and disbursements under the old-age, survivors, and disability insurance program under title II of the Social Security Act and the related provisions of the Internal Revenue Code of 1986 (including the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund).

SEC. 205. REPOSITORY REQUIREMENT.

Notwithstanding any other provision of law, the Secretary of the Treasury shall maintain, in a secure repository or repositories, cash in an amount equal to the redemption value of all obligations issued each month that begins after October 1, 1999 to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund pursuant to section 201(d) of the Social Security Act that are outstanding on the first day of such month. This section shall not be construed to require the Secretary of the Treasury to maintain an amount equal to the total social security trust fund balance as of October 1, 1999.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the Republican Policy Committee talking points on S. 605 dated June 15.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RPC TALKING POINTS ON S. 605—HOLLINGS AMENDMENT TO SOCIAL SECURITY LOCKBOX

S. 605, a bill by Senator Hollings, which may be offered as an amendment to the Social Security lockbox bill, states in part: ''. . . The Secretary of the Treasury shall maintain, in a secure repository or repositories, cash in a total amount equal to the total redemption value of all obligations issued to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund pursuant to section 201(d) of the Social Security Act that are outstanding on the first day of such month.''

The Mechanics: In short, the Hollings Amendment would require the federal government to come up with cash equal to the amount of the Social Security trust fund balance—an amount which at the end of this fiscal year (FY 1999) is estimated by the Congressional Budget Office to be $857 billion.

The amendment would require an $857 billion payment on October 1, 1999. This money presumably would have to be borrowed—thus driving up interest rates to incredible levels—since that amount could not be raised through taxation in the next three months.

In addition, over the next 10 years (2000–2009), CBO estimates Social Security will run a surplus of $1.78 trillion. And so, the costs of this proposal are enormous.

The Costs: The desire to stockpile hard currency is more than just problematic—it is costly in both direct and indirect economic costs.

If this money were not used to pay down the public debt, the federal government would incur a cost of $467.8 billion over 10 years in lost debt service savings.

This stockpiling concept would also have implications for monetary policy. Without the Federal Reserve re-liquidating (i.e., issuing an equivalent quantity of money), the American economy (and thereby the world's) would come under severe deflationary financial pressure—slower economic growth. Of course, when the Social Security funds reentered circulation, the effect would be just the opposite—inflationary pressure from an over-supply of money.

In short, the Hollings amendment would not only have enormous costs for the federal budget, but for the American and world economy as well.

Mr. HOLLINGS. Mr. President, this blasphemy—and it is blasphemy—has to stop. The Republican Party fought Social Security. They cut all the benefits back in 1986, but still they do not learn. That is how they lost the Senate at that time. Now they have been trying to privatize and get rid of Social Security.

This is just another charade. The Senator from New Jersey is correct, we cannot offer an amendment, for the simple reason that when they laid their bill down, they filled up the tree, and, under that premise, you cannot offer an amendment.

My amendment, S. 605, would be relevant to this piece of legislation. It has been referred to the Budget Committee. You cannot make it more relevant than having it referred to that

committee. S. 605 creates a true lockbox. We worked it out with Ken Apfel and the Social Security Administration where we pay an equal amount of those securities back into the Social Security trust fund.

What does the Republican policy committee say? They take the entire debt. Mr. President, I had no idea that the Republicans would admit to the fact that there is nothing in the lockbox. Actually, at the end of this fiscal year, by the end of September—this is June—we will owe Social Security $857 billion. Read the policy committee statement. They say:

. . . the end of this fiscal year . . . is estimated by the Congressional Budget Office to be $857 billion.

They finally admit there is nothing in the lockbox. The intent of HOLLINGS in S. 605, and others who have cosponsored it, is to put some money in the lockbox; namely, the annual surpluses. I have juxtaposed the language in my legislation but I can tell you, you can see their intent by this Republican policy committee statement.

The 1994 Pension Reform Act says you cannot pay off your debt with pension funds. But they have been doing that, and their particular bill continues to pay down the debt with the pension funds. They have tried to do that under the ruse that it would be terrible by calling it, what? They call it stockpiling hard currency, and it is going to wreck the world economy.

I wish everybody would read the talking points of the Republican Policy Committee and this nonsense they have afoot. There is not any question that they intend to spend the money. They have one sentence in here:

In addition, over the next 10 years . . . CBO estimates Social Security will run a surplus of $1.78 trillion. And so, the costs of this proposal are enormous.

Substitute the word ''savings'' for the word ''costs.'' The savings to Social Security will be enormous if we pass S. 605. But their intent is that there be nothing in the lockbox.

The Senator from Michigan sits down there with his senior citizen picture. I am a senior citizen. I am not worried. STROM is not worried. We are going to get our money. It is the young baby boomer generation that the Greenspan Commission said set aside for—actually section 21 of the Greenspan Commission report—that should be worried. The law, section 13301 of the Budget Act, says to do exactly that. But they continue to put this shabby act on the other side of the aisle like they have a lockbox and they are trying to save Social Security Trust Fund monies, when they know full well there is nothing in the lockbox. The Republican Policy Committee said they are guaranteeing that nothing is ever going to be in that lockbox.

The PRESIDING OFFICER. Who yields time?

Mr. ABRAHAM. I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. ASHCROFT. I thank the Chair.

Mr. President, I rise in support of the motion to invoke cloture on the Herger Social Security safe deposit box. This legislation will create a much-needed mechanism to protect Social Security surpluses from being spent on non-Social Security items.

We need this legislation because, despite his promises to save Social Security and to protect Social Security, the President keeps forwarding budgets which would take a massive bite out of Social Security.

We need this legislation. For example, under President Clinton's proposed budget, $158 billion from the fiscal year 2000 to 2004 budget will be diverted from debt reduction—which is getting the obligations of the country down so we can honor the responsibilities we have to Social Security—it will be diverted by the President, $158 billion, toward more spending. According to the Senate Budget Committee, that would represent 21 percent of the Social Security surplus over that period. In fiscal year 2000 itself, that represents $40 billion, or 30 percent of the surplus.

While President Clinton has been proposing that we spend the Social Security surplus, this Congress has been working to protect Social Security.

In March, I introduced S. 502, the Protect Social Security Benefits Act. This legislation, which the Herger legislation before us follows—very similar—called for the establishment of a point of order that would prevent the House and Senate from passing or even debating bills that would spend money from the Social Security trust fund for anything other than Social Security benefits or reducing our debt so that we have a better capacity to pay for Social Security.

In April, we passed a budget resolution that does not spend a dime out of the Social Security surplus. In addition to protecting the Social Security surplus, the budget resolution sticks to the spending caps from the 1997 balanced budget agreement. It cuts taxes and it increases spending on education and defense within those limits. That is the way we ought to operate in terms of protecting Social Security and setting priorities.

Folks may not understand the entirety of what it means to have a point of order. It simply means when a person proposes spending that would require us to invade the surplus of Social Security in order to cover the spending, a point of order can be raised and that proposal will be ruled out of order. In other words, when someone proposes invading Social Security, the Chair can say that is out of order, and we cannot debate it, let alone discuss it. We cannot vote on it unless we change the rules of the engagement, unless we set aside the rules. I do not think Members of this body are going to say we want something so bad that we are going to invade the retirement of Americans in order to get it. Not only is the point of order established, but it is a 60-vote point of order, meaning you have to have an overwhelming majority of the Congress in order to make sure that is done.

I believe this is the kind of durable, workable protection for the Social Security surplus that will make sure we do not continue what we have done for the last 20 years; and that is, to pretend that that money is available for spending on social programs, the normal operation of Government. We, as a result of that, boosted Government spending monumentally by acting as if the Social Security surplus was merely available for ordinary spending. It should not be. It should be protected. The Social Security surplus, therefore, should be the subject of the point of order called for in this measure upon which we will vote shortly.

This vote is all about protecting Social Security surpluses. It is a vote about making sure that the surpluses are not used to pay for new budget deficits or operations in the rest of Government.

The vote supporting the Herger plan should be bipartisan and unanimous. Think about what the vote was in the House of Representatives. In the House of Representatives, this vote was 416 to 12—416 to 12. That is an overwhelming endorsement. During the debate on the budget resolution, the Senate voted 99 to 0 in support of legislation to protect Social Security.

We are calling on every Senator to vote with us to pass the legislation implementing this unanimous resolution.

As I said, in addition, the House recently passed the Herger bill, 416–12. There is no reason that the Senators on the other side of the aisle should not join with us on this vote to protect Social Security.

I want to commend Congressman HERGER for his hard work in bringing the bill to the floor and obtaining such an overwhelming vote in favor of protecting Social Security. I hope that we can do the same on the Senate side and put this bill on the President's desk immediately.

We need to pass this bill because we need to implement procedures to protect Social Security now.

Social Security is scheduled to go bankrupt in 2034. Starting in 2014, Social Security will begin spending more than it collects in taxes.

Despite this impending crisis, over the next 5 years, President Clinton's budget proposes spending $158 billion of the Social Security surpluses on non-Social Security programs. We need to

stop this kind of raid on Social Security.

We need to protect Social Security now for the 1 million Missourians who receive Social Security benefits, for their children, and for their grandchildren.

This provision will help do that, by making sure that Social Security funds do not go for anything other than Social Security.

Under this provision, Congress will no longer routinely pass budgets that use Social Security funds to balance the budget. A congressional budget that uses Social Security funds to balance the budget will be subject to a point of order, and cannot be passed, or even considered, unless 60 Senators vote to override the point of order.

One of the most important lessons a parent teaches a child is to be responsible—responsible for his or her conduct and responsible for his or her money. America needs to be responsible with the people's money.

The Herger bill, like the original Ashcroft point of order, will show the American people that we are being responsible, by protecting the Social Security system from irresponsible Government spending.

Americans, including the 1 million Missourians who receive Social Security benefits, want Social Security protected. This bill does what America wants, and what every Senator has said they want to do.

I urge my colleagues to join in support of this bill.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Does the Senator from Massachusetts want 3 minutes?

Mr. KENNEDY. Three minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, this is another case where the seniors and the young people of this country ought to look beyond the words to the real meaning of the program. We will have an opportunity to debate a Patients' Bill of Rights in the next few days, I hope. But we will have what is effectively a ''Patients' Bill of Wrongs.'' It will be introduced by our good friends on the other side of the aisle as a ''Patients' Bill of Rights'', but it does not provide the protection.

And here we have another example of this, where we have an illusion that we are protecting Social Security. They say it, but they do not mean it, because the legislation effectively denies it. In reality, this Republican ''lockbox'' does nothing to extend the life of the Social Security Trust Fund for future beneficiaries. In fact, it would do just the reverse. The sponsors of the legislation deliberately designed their ''lockbox'' with a ''trapdoor.'' Their plan would allow Social Security payroll taxes to be used instead to finance unspecified ''reform'' plans. This loophole opens the door to risky tax cut schemes that would finance private retirement accounts at the expense of Social Security's guaranteed benefits. Such a privatization plan could actually make Social Security's financial picture far worse than it is today, necessitating deep benefit cuts in the future.

As has been pointed out by my good friends from New Jersey, South Carolina, and others here, this loophole undermines the protection of these resources that should be allocated to protect our senior citizens.

No matter how many times those on the other side say that this really does give them the insurance and that it really does provide the protection, as has been pointed out by speaker after speaker after speaker, it fails to meet the fundamental and basic test. Because of the ''trapdoor,'' the Republican ''lockbox'' fails to provide protections for our senior citizens. It does not deserve the support of the Members of this body.

This Republican ''lockbox'' is an illusion. It gives only the appearance of protecting Social Security. In reality, it does nothing to extend the life of the Social Security Trust Fund for future beneficiaries. It would, in fact, do just the reverse. The sponsors of the legislation deliberately designed their ''lockbox'' with a ''trapdoor''. It would allow payroll tax dollars that belong to Social Security to be spent instead of risky privatization schemes.

It is time to look behind the rhetoric of the proponents of the ''lockbox.'' Their statements convey the impression that they have taken a major step toward protecting Social Security. In truth, they have done nothing to strengthen Social Security. Their proposal would not provide even one additional dollar to pay benefits to future retirees. Nor would it extend the solvency of the Trust Fund by even one more day. It merely recommits to Social Security those dollars which already belong to the Trust Fund under current law. At best, that is all their so-called ''lockbox'' would do.

By contrast, the administration's proposed budget would contribute 2.8 trillion new dollars of the surplus to Social Security over the next fifteen years. By doing so, the President's budget would extend the life of the Trust Fund by more than a generation, to beyond 2050.

There is a fundamental difference between the parties over what to do with the savings which will result from using the surplus for debt reduction. The Federal Government will realize enormous savings from paying down the debt. As a result, billions of dollars that would have been required to pay interest on the national debt will become available each year for other purposes. President Clinton believes those debt service savings should be used to strengthen Social Security. I wholeheartedly agree. But the Republicans refuse to commit these savings to the Social Security Trust Fund. They are short-changing Social Security, while pretending to save it.

Currently, the Federal Government spends more than 11 cents of every budget dollar to pay the cost of interest on the national debt. By using the Social Security surplus to pay down the debt over the next fifteen years, we can reduce the debt service cost to just 2 cents of every budget dollar by 2014; and to zero by 2018. Sensible fiscal management now will produce enormous savings to the government in future years. Since it was payroll tax revenues which make the debt reduction possible, those savings should in turn be used to strengthen Social Security.

That is what President Clinton rightly proposed in his budget. His plan would provide an additional $2.8 trillion to Social Security, most of it debt service savings, between 2030 and 2055. As a result, the current level of Social Security benefits would be fully financed for all future recipients for more than half a century. It is an eminently reasonable plan. But Republican Member of Congress oppose it.

Not only does the Republican plan fail to provide any new resources to fund Social Security benefits for future retirees, it does not even effectively guarantee that existing payroll tax revenues will be used to pay Social Security benefits. They have deliberately built a trapdoor in their ''lockdoor.'' Their plan would allow Social Security payroll taxes to be used instead to finance unspecified ''reform'' plans. This loophole opens the door to risky tax cut schemes that would finance private retirement accounts at the expense of Social Security's guaranteed benefits. If these dollars are expended on private accounts, there will be nothing left for debt reduction, and no new resources to fund future Social Security benefits. Such a privatization plan could actually make Social Security's financial picture far worse then it is today, necessitating deep benefit cuts in the future.

A genuine lockbox would prevent any such diversion of funds. A genuine lockbox would guarantee that those payroll tax dollars would be in the Trust Fund when needed to pay benefits to future recipients. The Republican ''lockbox'' does just the opposite. It actually invites a raid on the Social Security Trust Fund.

Repubican retirement security ''reform'' could be nothing more than tax cuts to subsidize private accounts disproportionately benefitting their wealthy friends. Pacing Social Security on a firm financial footing should be our highest budget priority, not further enriching the already wealthy.

Two-thirds of our senior citizens depend upon Social Security retirement benefits for more than fifty percent of their annual income. without it, half the nation's elderly would fall below the poverty line.

To our Republican colleagues, I say: ''If you are unwilling to strengthen Social Security, at last do not weaken it. Do not divert dollars which belong to the Social Security Trust Fund for other purposes. Every dollar in that Trust Fund is needed to pay future Social Security benefits.''

While this ''lockbox'' provides no genuine protection for Social Security, it provides no protection at all for Medicare.

The Republicans are so indifferent to senior citizens' health care that they have refused to reserve any of the surplus exclusively for Medicare. They call this legislation the ''Social Security and Medicare Safe Deposit Box Act,'' but in fact they do nothing to financially strengthen Medicare. Rather than providing a dedicated stream of available on-budget revenue to Medicare, their proposal pits Medicare against Social Security in a competition for funds that belong to the Social Security Trust Fund. We all know that the dollars in the Social Security Trust Fund are not even sufficient to meet Social Security's obligations after 2034. There clearly are no extra funds available in Social Security to help Medicare. Their plan will do nothing to ease the financial crisis confronting Medicare. The Republican proposal for Medicare is a sham—and they know it.

By contrast, Democrats have proposed to devote 40 percent of the on-budget surplus to Medicare. Those new dollars would come entirely from the on-budget portion of the surplus. The Republicans have adamantly refused to provide any additional funds for Medicare. Instead, they propose to spend the entire on-budget surplus on tax cuts disproportionately benefitting the wealthiest Americans.

According to the most recent projections of the Medicare Trustees, if we do not provide additional resources, keeping Medicare solvent for the next 25 years will require benefit cuts of almost 11 percent—massive cuts of hundreds of billions of dollars. Keeping it solvent for 50 years will require cuts of 25 percent.

The conference agreement passed by House and Senate Republicans earmarks the money that should be used for Medicare for tax cuts. Eight-hundred billion dollars are earmarked for tax cuts—and not a penny for Medicare. The top priority for the American people is to protect both Social Security and Medicare. But this misguided budget puts Medicare and Social Security last, not first.

Democrats oppose this ''lockbox'' because we want real protection for Social Security and Medicare. Our proposal says: save Social Security and Medicare first, before the surpluses earned by American workers are squandered on new tax breaks or new spending. It says: extend the solvency of the Medicare Trust Fund, by assuring that some of the bounty of our booming economy is used to preserve, protect, and improve Medicare.

Our proposal does not say no to tax cuts. Substantial amounts would still be available for targeted tax relief. It does not say no to new spending on important national priorities. But it does say that protecting Medicare should be as high a national priority for the Congress as it is for the American people.

Every senior citizen knows—and their children and grandchildren know, too—that the elderly cannot afford cuts in Medicare. They are already stretched to the limit—and often beyond the limit—to purchase the health care they need. Because of gaps in Medicare and rising health costs, Medicare now covers only about 50 percent of the health bills of senior citizens. On average, senior citizens spend 19 percent of their limited incomes to purchase the health care they need—almost as large a proportion as they had to pay before Medicare was enacted a generation ago. By 2025, if we do nothing, that proportion will have risen to 29 percent. Too often, even with today's Medicare benefits, senior citizens have to choose between putting food on the table, paying the rent, or purchasing the health care they need. This problem demands our attention.

Those on the other side of the aisle have tried to conceal their own indifference to Medicare behind a cloud of obfuscation. They say their plan does not cut Medicare. That may be true in a narrow, legalistic sense—but it is fundamentally false and misleading. Between now and 2025, Medicare has a shortfall of almost $1 trillion. If we do nothing to address that shortfall, we are imposing almost $1 trillion in Medicare cuts, just as surely as if we directly legislated those cuts. No amount of rhetoric can conceal this fundamental fact. The authors of the Republican budget resolution had a choice to make between tax breaks for the wealthy and saving Medicare—and they chose to slash Medicare.

I urge my colleagues, on both sides of the aisle, to establish genuine lockboxes for both Social Security and Medicare. H.R. 1259 creates only the illusion of protecting these two landmark programs. It provides inadequate protection for Social Security and no protection at all for Medicare. We can do better than this.

I thank the Senator from New Jersey and yield back my remaining time to him.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. FITZGERALD. Thank you, Mr. President.

I will speak for a moment on this issue which has been of great concern to me. As many of you know, I come from a banking background. Bankers manage trust funds. I come from a business background where businesses, as you know, manage their employees' pension funds.

Congress has passed laws that make it illegal for any business man or woman in the private sector to reach into an employee's pension fund, take the money out, and spend it on some other program.

A few years back Congress passed laws making it illegal for State and local governments to plunder the pension funds of their employees. But during all this time, where Congress has put these laws on the books and made it illegal in the private sector and at the State and local government level to plunder pension funds, we have gone on and on in Washington taking all the money that goes into the Social Security trust fund, taking every dime of it out, and spending it on some other program.

As a result, as I speak now on the Senate floor, there is no money in the Social Security trust fund. All of it has been taken out and spent on other programs. They have put meaningless, nonmarketable, nonnegotiable securities in the Social Security trust fund, securities that have no economic value because they cannot be sold to raise cash.

Right now our Government is building up, theoretically, surpluses in the Social Security trust fund, but they are taking all that money out and spending it. So when we actually need it to pay benefits, beginning in the year 2014, there will be no money there. No matter what the balance of those bogus IOUs is in the Social Security trust fund, in the year 2014—whether that balance is $1 trillion or $5 trillion—they are of no assistance in paying benefits to those who depend on Social Security. The country will either have to raise taxes or cut benefits to make up for the shortfall that is anticipated after the year 2014.

This legislation is basic, decent common sense. We should not allow Congress to continue frittering away the Social Security trust fund. I urge all my colleagues to support it and end this outrageous practice of plundering the Social Security trust fund, to the detriment of our Nation's seniors and those who will be desiring to live on Social Security benefits in the next century.

Mr. LAUTENBERG. Mr. President, I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mrs. BOXER. I thank the Chair.

Mr. President, I thank Senator LAUTENBERG for his leadership. What he did in the gun debate is expose that the other side had a sham bill which they said would promote sensible gun laws. He exposed that. He put forward the Lautenberg amendment, which eventually passed, that did something about the safety of our children.

He is doing it again today. He is ready to offer a real amendment to help our seniors, and he is not able to do it.

Let's face it—the Republicans admit it—Medicare is not included in their lockbox. The Senator from Pennsylvania, Mr. SANTORUM, accuses us of political demagoguery for pointing this out. To me, that is extraordinary. Because we want to offer an amendment to include Medicare in the lockbox, we are practicing political demagoguery.

Let's ask the average senior citizen if they need their Medicare. There is a beautiful picture of a beautiful couple next to our friend from Michigan. If they were sitting on this floor, I think he would lean over to her and say: Honey, I didn't know they were leaving out Medicare.

Let me tell you why. Because if you leave out Medicare, even if you do save Social Security—and that is not a fact in evidence in this lockbox; there are so many loopholes in it—and all of a sudden seniors have to pay $300 a month more for their Medicare, maybe even more, that will eat up their Social Security.

Medicare and Social Security are the twin pillars of the safety net for our retired people. Before Medicare, 50 percent of our seniors had no health insurance.

Put Medicare into the lockbox. Give us a chance. Vote down cloture. Let's have a debate that is worthy of this body.

Mr. ABRAHAM. Will the Chair tell us how much time remains?

The PRESIDING OFFICER. The Senator from Michigan has 6 minutes 5 seconds, and the Senator from New Jersey has 2 minutes 14 seconds.

Mr. ABRAHAM. Mr. President, I will speak briefly.

I have to admit to a certain amount of confusion over the arguments about this debate from the other side. When we had what we termed to be a tough lockbox—and we believe it was, the Senate bill—we were told it was too tough. The Secretary of the Treasury sent a letter saying it should be vetoed; it is too tough, puts too many constraints on the Government.

Now we are using the House bill, which virtually every Member of both parties in the House voted for, and it is accused of being too easy, too loose, too many loopholes. I have a hard time figuring out what it will take to be a satisfactory lockbox.

If you look at the money that comes to the Federal Government and divide it into two categories, you have one category which is the money that goes into Social Security, on which we run a surplus, and all the rest of the money that comes to Washington. It seems to me there is a consensus on all sides that the money that goes into Social Security ought to not be spent on anything except Social Security. It seems to me we could pass that bill, and we could provide the seniors, who I have introduced to us today, with the security that all their Social Security money will be used for Social Security.

There is no consensus as to what to do with all the rest of the money that comes to Washington. That is why we have appropriations committees. That is why we have reconciliation bills. That is why we have annual budget debates.

It does seem to me a little bit odd, if everybody is in agreement that we ought to keep the Social Security revenues for Social Security, that we can't pass that bill but instead we have to have countless other debates going on about a variety of other spending priorities. Can't we at least agree that the Social Security money that comes for Social Security ought to be spent on Social Security?

To me, Mr. President, that is self-evident. All this other discussion increasingly must be an effort to thwart a debate on what to do with the Social Security surplus. To me, that debate ought to be simple. It ought to be used for Social Security.

Mr. President, I yield the floor. If you have any other speakers, we wanted to have the——

Mr. LAUTENBERG. The last word?

Mr. ABRAHAM. If you have somebody else who wants to speak, then we will go.

Mr. LAUTENBERG. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 2 minutes 14 seconds. The Senator from Michigan has 3 minutes 40 seconds.

Mr. LAUTENBERG. Mr. President, we are in the final minutes of this debate. I wonder whether could we get unanimous consent to extend this debate by 10 minutes equally divided.

Mr. DOMENICI. It has been suggested that we not extend it.

Mr. GRAHAM. Mr. President, I strongly support measures that will create a financially solvent Social Security system for current and future beneficiaries.

I am pleased that the Senate is debating this issue, since the Trustees predict that in 2034 the current Social Security system will no longer be solvent.

However, the proposed lockbox in this legislation is not the way to make Social Security financially solvent for our children and our grandchildren.

The proposed lockbox reminds one of the 1980s—real efforts at fiscal discipline were ignored in favor for catchy slogans and irrelevant procedural changes.

As Congress fiddled, our budget burned. During the 1980s and early 1990s, the national debt quadrupled and the annual deficit reached almost $300 billion in 1992.

If we are going to create a lockbox, the Senate needs to develop one without any holes.

Unfortunately, the lockbox in the current proposal has several large holes.

It allows Social Security Surplus to be used for Social Security and Medicare Reform.

For instance, Social Security reform can mean different things.

Some of them do not mean achieving solvency of the Social Security system.

Social Security reform could mean creating individual retirement accounts.

Let's not allow the surplus out of the lockbox until we have ''reform'' that ensures solvency.

If I had been allowed, I would have offered an amendment that would use the Social Security surpluses to pay off the debt held by the public.

Only this action will truly ensure that the Social Security surplus is used to create a stronger economy.

Paying down the debt would lower long term interest rates.

Lower interest rates make it less expensive for the American public to borrow money.

The low cost of borrowing would encourage the American public to get loans that they could invest in new business ventures and in education.

The new economic activity and increased labor productivity derived from these activities will lead to increased economic growth.

More economic growth leads to increased FICA tax revenue which gives the Social Security Trust Fund more income and extends solvency.

This lockbox proposal that we are considering has numerous other holes.

The proposal focuses on securing the bank that will hold the Social Security surplus.

However, it does not secure the train that takes the money to the bank.

Jesse James, the famous American outlaw, used to rob banks and trains.

Like any good outlaw, he would steal money where it was easiest to do so.

If the bank was too secure to rob, he would rob the train that brought the money to the bank.

Congress' abuses of its emergency spending powers are similar to robbing the train that brings the Social Security surplus to bank.

The 1990 budget agreement specifically outlined a binding, multi-year

deficit-reduction plan, along with a web of procedural controls to restrain federal spending.

That included rules on instances when Congress could escape those spending restraints to pay for emergency needs.

Unfortunately, this emergency safety valve is increasingly used to evade fiscal discipline.

What Washington believes to be a true ''emergency'' is decidedly different than what the average person probably thinks.

In the waning hours of last fall's budget negotiations, we passed a $532 billion omnibus appropriations bill.

Included in that bill was $21.4 billion in so-called ''emergency'' spending.

Without the emergency designation, Congress would have been required to offset each expenditure under the ''pay-as-you-go'' rule that is critical to maintaining fiscal discipline and balance.

Let's consider the numbers.

In 1998, the Social Security surplus was $99 billion.

$27 billion of that surplus was used to cover a deficit in the Federal operating budget.

An additional $3 billion was used to pay for emergency outlays.

All of a sudden, the $99 billion Social Security surplus was reduced to $69 billion.

In 1999, we are projecting a $127 billion Social Security surplus.

But we have spent another $12.6 billion for emergencies, reducing that surplus to $98 billion.

And even though we have not yet reached the 2000 fiscal year, we already know that emergency spending expenditures will reduce that year's Social Security surplus by $10 billion.

Our repetitive misuse of the emergency process continues to erode the Social Security Trust Fund.

Senator SNOWE of Maine and I have introduced legislation that would establish permanent safeguards to protect the surplus from questionable ''emergency'' uses.

Specifically, our legislation would do the following:

1. Create a 60-vote point of order that prevents non-emergency items from being included in emergency spending bills.

This will ensure that non-emergency items are subject to careful scrutiny.

2. Create a 60-vote point of order that will allow members to challenge the validity of items that are redesignated as ''emergencies.''

3. Require a 60-vote supermajority in the Senate for the passage of any bill that contains emergency spending.

This will serve as a ''safety value'' to ensure that there is strong support for a bill containing emergency spending even if neither of the proceeding points of order were exercised for any reason.

Mr. President, as we adjust to the welcome reality of budget surpluses—after decades of annual deficits and burgeoning additions to the national debt—we must never forget how easily this valuable asset can be squandered.

For too long, the Federal Government treated the budget like a credit card with an unlimited spending limit.

If our hard-won surpluses are going to be preserved, we have to prevent the abuse of emergency spending from taking over the budgetary process.

Too many instances of misuse will enlarge the hard task of identifying true emergencies and injure the credibility and original purpose of ''emergency'' spending.

Just as private citizens are warned against falsely dialing 911, Congress should be restrained from misusing its emergency spending powers. The next door wide open to raids on the surplus will be the one that passes on more debt—and a less secure Social Security system—to our children and grandchildren.

Mr. President, a ''lockbox'' is a good idea. But we can make this one stronger. We can control ''emergency spending'' so there will be money to put in the lockbox for future generations.

Mr. ENZI. Mr. President, I rise in support of the lockbox legislation being considered by the Senate. The Senate has tried to bring this important issue to a vote and begin changing the way people think about budget surpluses. Our House colleagues have passed their lockbox legislation and now it is up to the Senate to finish the job.

The source of the surplus is a rising inflow of Social Security payroll taxes. Under the current budget rules, this revenue is treated like revenue from any other source—it is put into the general fund and then spent. The lockbox would capture the difference between the inflows to the Social Security trust fund and the payment of benefits to current retirees—reserving it for the Social Security program only.

This debate is not only about preserving Social Security, but the entire concept of a balanced budget. In 1997, Congress passed the first balanced budget since 1969. We now have a surplus of $134 billion for fiscal year 1999 and forecasts show a combined surplus totaling $1.8 trillion over the next ten years. That gives Congress the opportunity to work on long term solutions to the fast approaching insolvency of the Social Security and Medicare programs. There are only 28 years remaining before Social Security is forecast to go broke. Medicare will be bankrupt in less than half that time. We must ensure that we capture as much of the surplus as possible to give Congress the ability to develop a new Social Security program that is actuarially sound for Baby Boomers.

Without the balanced budget, there would be no surplus to save. That goes for the spending caps, too. Without spending caps, there would have been no enforcement mechanism to prevent Congress from increasing the deficit. The spending caps were the tool that Congress used to ensure a surplus. The lockbox is another tool for fiscal discipline—like the spending caps—that will help ensure that the Social Security surplus is used for its stated purpose.

The Social Security surplus is not ''found money.'' It is money that will provide income for retired Americans. The Administration that said it wanted to preserve every penny of the surplus for Social Security has decided that saving the program means spending $1.8 trillion on unrelated programs. Congress rejected the President's attempt to spend the surplus and double the national debt in the process. We must not spend money that is already earmarked for future Social Security beneficiaries. As an accountant, I have a hard time reconciling the President's plan to what I know about accounting. He wants to spend the same money he is claiming to save. You can't have it both ways—either you spend it or you save it. The lockbox saves it. Otherwise, the President forces us to spend it.

The lockbox legislation prohibits spending the surplus on anything but Social Security by requiring a 60 vote point of order against any legislation that spends the surplus. The legislation would also combine the lock with a second provision—the requirement that debt held by the public also decline by the same amount the Social Security surplus increases. That would save the Federal government about $230 billion a year in interest over the next 30 years. That is $230 billion that is available for national defense or even education. If we do nothing, the government will pay over $10 trillion dollars in interest over the next thirty years. The lockbox would help cut the national debt and ensure that future generations are not liable for the fiscal irresponsibility of past generations. It is the national debt that could become a significant roadblock to the economic security of the Baby Boomers. What will the children of baby boomers do when they have to spend all the U.S. tax revenues on Social Security and know that they will never see a penny of it. Would they revolt? Would they end Social Security? This is a reactionary generation coming up, what will their reaction be? The debt reduction provision of the lockbox legislation is the type of farsighted leadership that has been missing in years past. It is also this provision that has earned a veto threat from the President for that reason. It would prevent the President from increasing the national debt as well as the size and scope of government.

The Social Security lockbox will protect the Social Security surplus from

wasteful spending and ensure that the money will be there to fulfill future obligations. Just as corporations are prohibited from spending their pension funds on regular business expenses, Congress should have the same restrictions on the Social Security surplus. If company executives handled pension funds like the current use of Social Security the executives would be in jail! The temptation to go back to the old tax and spending ways is too great if Congress has access to a growing pot of money. Congress must not go back to the old spending rules. Just because we have a surplus does not mean that the battle has been won. It means that we must continue to be watchful and ensure that the surplus continues to grow.

Last night, both Houses of Congress took up legislation that would spend the surplus on programs other than Social Security. The House of Representatives passed legislation that would spend $14.3 billion more than budgeted for airports. The Senate had a procedural vote to allow the consideration of legislation to give loans to the steel industry and small oil and gas producers. That money comes right out of the surplus. It is this type of action that the lockbox is designed to prevent.

The lockbox's time has come. Congress must not continue to pay lip service to the concept of preserving the Social Security surplus. We must take the bold steps necessary to ensure that the program is around for the long term. We must not use long term funds to satisfy short term wishes. I encourage my colleagues to vote in favor of this commitment.

Mr. LAUTENBERG. In the final minutes of the debate, I hope we can clear the air so that everybody understands what we are talking about.

There are these kinds of random accusations about demagoguing this issue, et cetera. We are not demagoguing the issue. It is very simple. We ought to be able to discuss it on the floor of the Senate without having the amendment tree filled up so you can't offer amendments, without having cloture offered the minute the bill is introduced, so that there is a lame suggestion there is a filibuster going on when there is no time, 1 hour equally divided—that is a filibuster? That is not a man-size filibuster at all. We have had filibusters that have taken 20 hours. So that is not a filibuster. It is all an excuse to lock out other opinion, controverting what is being presented to us.

Yesterday our good friend from Michigan said that we refused to let that bill go forward, that the Secretary of the Treasury said that we could go into default. That is what he said. We hear these descriptions that are ignored on the other side. We heard our friend from Illinois say that Social Security has these meaningless instruments to protect the trust fund. Meaningless? All they have is the full faith and credit of the United States. If any of you have any money, it says on there ''full faith and credit,'' consider it meaningless, even if you have a lot of it.

This is a nonsense kind of discussion. What they are saying is there is nothing to increase Social Security's solvency being offered. Whatever surplus there is in Social Security stays with Social Security. We agree with that.

We want to take the non-Social Security surplus and use 40 percent of that to preserve Medicare. That is what we want to do. Our friends do not want to let us do that. They do not want to have the debate, and they do not want the American public to have their Medicare protected.

That is not where they are; they are at protecting it for tax cuts or other uses they find appropriate, not for what the American people want.

I assume that we are out of time, Mr. President?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ABRAHAM. Mr. President, I yield the remainder of our time to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, first of all, I commend Senator KENNEDY, because he offered an amendment. It is pending. I join him in that amendment. That amendment is germane, and it takes care of the entire argument about there being a loophole, because it takes the loophole out.

We didn't put the loophole in. The House did. The loophole is that the Social Security trust fund should be used only for Social Security. The House said it should also be used for Medicare.

Now, the good Senator from New Jersey is saying there are no amendments possible. This amendment could be called up after cloture, and it would take that part of it out and would leave it just for Social Security.

Now, senior citizens are hearing an argument that says we ought to protect both Medicare and Social Security in a proposal that is trying to take the Social Security fund and keep it for the future for senior citizens. One at a time, let's get it done. What is wrong with the other side of the aisle coming forth and debating keeping the Social Security trust fund for Social Security, not divert over and talk about Medicare, which is in committee being debated as to getting a bipartisan bill out of committee? We ought to wait for that to occur before we start talking about Medicare with Social Security.

Finally, the idea that this won't work and the notion that Senator DOMENICI in the past has said: Let's first pay off Medicare's responsibility, let me clear that up.

We were talking then about a huge cigarette tax. That is not before us. The cigarette tax was going to be spent by the President and by many on both sides of the aisle, to which I said: Before we do that, we ought to set it aside to see if Medicare needs it. That was a brand new tax.

Plain and simple, if the Democrats will cooperate, which they are not going to, we will bring before the Senate and have a debate: Do you want to put 100 percent of the Social Security trust fund aside and use it only for Social Security, or do you want to save 62 percent, as the President says, for Social Security? Incidentally, to the credit of Democrats in our committee, not a single one of them voted for the President's budget, not a single one. They voted for little pieces. Even they didn't think the President's ideas were correct. Frankly, from our standpoint, we stand ready, and we say to the American senior citizens: Put the blame where it belongs.

They didn't let us vote on a tough lockbox because it was too tough. We fixed it up to accommodate the Secretary; still too tough. The other side says: You can't get it done. Now we have one that is not as good, but significant, and now they say they want to take care of Medicare also.

We ought to get our priorities straight. We are debating a trust fund in the Senate for Social Security money. If they want to offer amendments to change that in some way, even after cloture, they can vote on those amendments. I repeat, Senator KENNEDY has handled it right. He put in an amendment already. That amendment says Social Security trust funds should only be used for Social Security. It takes Medicare out of the House bill. That is a good way to approach this legislation—not to stand up and say Republicans aren't doing anything. As a matter of fact, we came up with the toughest lockbox you could imagine. But we heard that it is too tough, too hard on future Americans, to hard on our debt, so we changed it some. Then the excuse was: We are not ready to vote on that; we need more amendments.

I think the American senior citizens know what we are trying to do. I hope they know what the Democrats are trying to do.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Several Senators addressed the Chair.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask that Sean McClusky, Curtis Rubinas, Dennis Tamargo, and Zachary Bennett of my staff be afforded floor privileges for the consideration of this legislation.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, once again, the Senate has the opportunity to do something meaningful for the American people; that is, to protect and strengthen both Social Security and Medicare for generations to come. I fear we may lose that opportunity in just a few moments.

Repeatedly, we have seen lost opportunities as we have debated this lockbox issue now for several months. Rather than allowing Senators to exercise their rights and offer amendments to improve a given piece of legislation, many of our Republican colleagues have opted for a take-it-or-leave-it approach. The losers in each instance are the American people. They know this behavior produces gridlock and partisanship and fails to address the problems and concerns faced by American families around the country. Yet, this is precisely the course the majority has chosen to follow on yesterday's so-called lockbox bill and again on today's version.

In both instances, our Republican colleagues have resorted to procedural tactics to deny Senators the right to offer even a single amendment.

The right to amend is a fundamental part of the legislative process and is particularly important given the nature of the bills before us yesterday and today. Both of these bills have flaws that, if addressed, could quickly lead to final passage of both. Neither the Abraham bill we considered yesterday, nor the House-passed bill we will soon be voting on, sets aside a single dollar for Medicare—not a dollar, not a dime. Nothing.

Democrats believe we should protect and strengthen both Social Security and Medicare. Republicans—at least some of them—can't seem to bring themselves to do anything to address the Medicare issue. Given a choice between Medicare and tax cuts, or just tax cuts, our Republican colleagues are choosing just tax cuts every time.

This position is particularly troubling given the state of Medicare's finances and the size of the projected on-budget, non-Social Security surpluses. According to OMB, we will have an on-budget surplus of $1.7 trillion over the next 15 years.

According to Medicare's actuaries, the Medicare trust fund is likely to go bankrupt in 2015—at the very time when large numbers of the baby boomer generation reach retirement age.

Large non-Social Security surpluses are within our reach while large problems are looming in Medicare. It seems only natural that we would try to set aside a portion of the $1.7 trillion in on-budget surpluses to help protect and reform Medicare. This is precisely the approach taken by Democrats in our alternative: pay down the debt and set aside resources for Social Security and Medicare as well.

If you look at the comments made by Republicans last year, you would think that they would join us now in our pursuit to protect both of these important programs. Just last year on this floor, Republican after Republican took the opportunity to tell us about the importance of saving Medicare.

Quoting one Republican Senator:

> What would we do if we had half a trillion dollars to spend? The obvious answer that cries out is Medicare. I think it is logical. People understand the President on ''save Social Security first,'' and I think they will understand ''save Medicare first.'' Medicare is in crisis. We want to save Medicare first.

So says a Republican colleague just last year.

These words, in various forms, were spoken by a number of our Republican colleagues. The only thing that has changed since then is the size of the non-Social Security surplus; it has grown considerably in the intervening period. Despite their words from last year and forecasts this year showing even larger surpluses—$1.7 trillion over the next 15 years—Republicans now resist setting aside a single dollar for Medicare.

Equally disturbing about the so-called Social Security lockbox is that it does not even truly protect Social Security.

Rather than lock away Social Security trust funds for Social Security benefits, the Republican bill allows Social Security funds to be tapped for anything they decide to call ''Social Security or Medicare reform.'' Be careful of that word ''reform'' because under their proposal Social Security trust funds could be spent to privatize the program or, believe it or not, even to fund tax cuts. Not surprisingly, given this gaping loophole, the Washington Post described the latest Republican lockbox proposal as follows:

> This is phony legislation . . . . its purpose is to protect the politicians, not the program; and most of it is merely a showy restatement of the status quo. This is legislation whose main intent is to deceive and whose main effects could well be harmful.

So states the Washington Post.

Given the Republicans' so-called Social Security lockbox doesn't really lock anything away, one could easily conclude that the Post's characterization of the lockbox as ''phony'' is, if anything, too generous.

The lockbox proposal proposed by our colleagues on the Republican side is a collapsible box that could ultimately end the Social Security system as we know it today.

Very clearly, Democrats have long supported the idea of protecting Social Security, and we stand ready to work with our colleagues on the other side of the aisle today as well. But both the Senate and House bills need improvement. The Republicans have set up procedures to deny us the opportunity to make improvements. We are prepared to work with the majority when they decide to proceed in a bipartisan fashion and put good policy ahead of what they evidently perceive to be better politics.

That time has not come today, and I ask my colleagues, for that reason, to oppose the cloture motion.

I yield the floor.

Mr. ABRAHAM. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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 yield myself time under leader time to conclude the debate. I realize we had notified Members we would be having a vote around 12:30, so I will not use the full 10 minutes. I will just use a portion of it.

I want to begin by commending and thanking Senator ABRAHAM and Senator DOMENICI for their leadership in this area. As always, Senator DOMENICI pays very close attention to how we proceed on the budget and what happens with the people's money. He is a very good custodian of the people's money, and he has provided real leadership in this area; and Senator ABRAHAM has been persistent.

What we are trying to do is very simple. It doesn't need a lot of explanation. We have the good fortune after many years of having not only a balanced budget but having a surplus. But an important factor is that the surplus is caused or provided by the FICA tax. It is Social Security revenue that comes in that gives us this surplus. The question is, What are we going to do with it?

There are a lot of really innovative, thoughtful Members in this and the other body who will surely come up with a variety of ways and say, well, this is an emergency, or that is an emergency, or we need to add more money here, or we need a tax cut somewhere else. Social Security taxes should go for Social Security, and only for Social Security—not for any other brilliant idea we may have. We need some way to lock that in.

I have talked to young people about this. I talked to my mother. Bless her

heart. She is 86 years of age and is living in an assisted care facility, and is very dependent on Social Security. I have talked to people from Montana to Pennsylvania, and Missouri. It is overwhelming. People say: You mean, it doesn't already exist this way? You mean that money has been being used or could be used for somebody else? The answer is, it can be, unless we have some procedure, some way to put it in a lockbox.

Senator DOMENICI and Senator ABRAHAM had a tighter lockbox, one that would really be hard to get out of, and it would include the President in the lockbox. We ought to do it that way. But the Senate has indicated three times it does not want to do that. The House has passed overwhelmingly—I think with 415 votes, bipartisan votes—this procedure, this procedure that would allow or require a super vote of 60 votes in the Senate to use these funds for anything else.

That is all we are trying to do—just say that Social Security tax money should go for Social Security; that people support this overwhelmingly, probably at least in the 80 percentile.

As far as amendments, I would be glad to try to work to consider other amendments. I have asked for, and I presume we will be receiving, a copy of one amendment, at least, that Senator DASCHLE has discussed.

But the problem is, this is really simple. It is not complicated. We shouldn't be getting off into all kinds of other areas, which are very important. But Medicare should be dealt with as Medicare. We should have broad Medicare reform—not starting to piecemeal it or trying to attach it to Social Security.

That is why we want a clear vote. We want a straight vote. It is a simple procedure. Everybody can understand it. And we can move on and deal with other issues.

I urge my colleagues to vote for cloture. Let's get this done. Let's move on. We will have other opportunities to deal with other issues. It is something that is long overdue, and it is only the first step. The next step should be a tighter lockbox, and the next step beyond that should be not just more spending for Medicare but genuine, broad Medicare reform.

But, for now, let's protect Social Security. Let's vote for cloture, and let's pass this procedure.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999.

Trent Lott, Spencer Abraham, Rick Santorum, Gordon Smith of Oregon, Mike Crapo, John H. Chafee, Judd Gregg, Larry E. Craig, Rod Grams, Connie Mack, Frank Murkowski, John Warner, Slade Gorton, Fred Thompson, Michael B. Enzi, and Paul Coverdell.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on H.R. 1259, an act to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgeting enforcement mechanisms, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote ''no.''

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays result—yeas 55, nays 44, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—44

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Johnson	Reid
Bryan	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NOT VOTING—1

Harkin

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 60 minutes.

The Senator from Maine.

Ms. COLLINS. I thank the Chair. Mr. President, I will be speaking off the time allocated to the Republican side. For the information of my colleagues who are waiting to speak, I do not anticipate taking more than 10 minutes.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1225 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. COLLINS. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

JUSTICE FOR WORKERS AT AVONDALE SHIPYARD

Mr. WELLSTONE. Mr. President, I rise today in solidarity with the workers at Avondale Shipyard in Louisiana, who exactly 6 years ago exercised their democratic right to form a union and bargain collectively.

They voted for a union because that was the only way they knew to improve their working conditions, conditions that include more worker fatalities than any other shipyard in the country, massive safety and health violations, and the lowest pay in the shipbuilding industry.

Unfortunately, Avondale and its CEO, Albert Bossier, have refused to recognize the union Avondale workers voted for back in 1993. For 6 years the shipyard and its CEO have refused to even enter into negotiations. According to a federal administrative law judge, Avondale management has orchestrated an ''outrageous and pervasive'' union-busting campaign in flagrant violation of this country's labor laws, illegally firing and harassing employees who support the union.

I met with some of the Avondale workers several weeks ago when they were here in Washington. What they told me was deeply disturbing. They told me about unsafe working conditions that make them fear for their lives every day they are on the job. They told me that job safety was the number one reason why they voted to join a union back in 1993. And they told me that Avondale continues to harass and intimidate workers suspected of supporting the union.

In fact, it appears that one of those workers, Tom Gainey, was harassed when he got back to Louisiana. Avondale gave him a three-day suspension for the high crime of improperly disposing of crawfish remains from his lunch.

The Avondale workers also told me that they are starting to lose all faith in our labor laws. For 6 years Avondale has gotten away with thumbing its nose at the National Labor Relations

Board, the NLRB. The Avondale workers said they are starting to think there is no point in expecting justice from the Board or the courts. And given what they have been through, I think it is hard to disagree.

In February 1998, a Federal administrative law judge found Avondale guilty of ''egregious misconduct,'' of illegally punishing dozens of employees simply because they supported the Avondale union. The judge, David Evans, found that Avondale CEO Albert Bossier had ''orchestrated'' an anti-union campaign that was notable for the ''outrageous and pervasive number and nature of unfair labor practices.''

In fact, Judge Evans found Avondale guilty of over 100 unfair labor practices. Specifically, Avondale had illegally fired 28 pro-union workers, suspended 5 others, issued 18 warning notices, denied benefits to 8 employees, and assigned ''onerous'' work to 8 others.

Judge Evans also found that, during public hearings in the Avondale case, Avondale's Electrical Department Superintendent, a general foreman, and two foremen had all committed perjury. He further found that perjury by one of the foremen appears to have been suborned, and he implied that Avondale and its counsel were responsible.

Avondale's intimidation of its employees was so outrageous, so pervasive, and so systematic that Judge Evans came down with a highly unusual ruling. He ordered CEO Albert Bossier to call a meeting with Avondale workers and personally read a statement listing all of the company's violations of the law and pledging to stop such illegal practices. Judge Evans further ordered Mr. Bossier to mail a similar confession to workers at their homes.

Finally, Judge Evans fined Avondale $3 million and ordered the shipyard to reinstate 28 workers who had been illegally fired for union activities. Pretty remarkable.

What is even more remarkable is that Avondale still hasn't paid its fine, still hasn't rehired those 28 workers, and still hasn't made any apology. Why not? Because instead of complying with Judge Evans' order, Avondale chose to challenge the NLRB in court.

Judge Evans' ruling concerned Avondale's unfair labor practices during and after the 1993 election campaign. A second trial was held this past winter on charges of unfair labor practices during the mid-1990s. Now the NLRB has filed charges against Avondale for unfair labor practices since 1998, and a third trial on those charges is scheduled to begin later this year.

This has been one of the longest and most heavily litigated unionization disputes in the history of the NLRB. After workers voted for the union in June 1993, Avondale immediately filed objections with the Board. But in 1995 an NLRB hearing officer upheld the election, and in April 1997 the Board certified the Metal Trades Council as the union for Avondale workers, once and for all rejecting Avondale's claims of ballot fraud.

At this point, you might think Avondale had no choice but to begin negotiations with the union. But they didn't. Avondale still refused to recognize the union or conduct any negotiations. So in October 1997 the NLRB ordered Avondale to begin bargaining immediately. Instead, Avondale decided to challenge the NLRB's decision in the Fifth Circuit Court of Appeals, and has succeeded in delaying the process for another two years, at least.

Safety problems at Avondale were the central issue in the 1993 election campaign. ''We all know of people who have been hurt or killed at the yard,'' says Tom Gainey, the Avondale worker who was harassed after visiting Congressional offices several weeks ago. ''That's one of the main reasons we came together in a union in the first place.''

Avondale has the highest death rate of any major shipyard. According to federal records, 12 Avondale workers died in accidents from 1982 to 1994. Between 1974 and 1995, Avondale reported 27 worker deaths. The New Orleans Metal Trades Council counts 35 work-related deaths during that period. One Avondale worker has died every year, on average, for the past thirty years.

It doesn't have to be that way. Avondale's fatality rate is twice as high as the next most dangerous shipyards. And it's more than twice as high as its larger competitors, Ingalls Shipyard and Newport News.

Avondale workers have died in various ways, many from falling or from being crushed by huge pieces of metal. Avondale workers have fallen from scaffolds, been struck by falling ship parts, been crushed by weights dropped by cranes, and have fallen through uncovered manholes.

Avondale's safety problems are so bad that it recently got slapped with the second largest OSHA fine ever issued against a U.S. shipbuilder. OSHA fined Avondale $537,000 for 473 unsafe hazards in the workplace. OSHA found that 266 of these violations—more than half—were ''willful'' violations. In other words, they were hazards Avondale knew about and had refused to fix.

Most of these violations were for precisely the kind of hazards that account for Avondale's unusually high fatality rate. These 266 ''willful'' violations involved hazards that can lead to fatal falls, and three of the seven workers who died at Avondale between 1990 and 1995 died from falls. Didn't Avondale learn anything from these tragedies?

OSHA found 107 ''willful'' violations for failure to provide adequate railings on scaffolding. 51 willful violations for unsafe rope rails. 30 willful violations for improperly anchored fall protection devices. 25 willful violations for inadequate guard rails on high platforms. And 27 willful violations for inadequate training in the use of fall protection.

OSHA also found 206 ''serious'' violations for many of the same kind of hazards. ''Serious'' violations are ones Avondale knew about—or should of known about—that pose a substantial danger of death or serious injury.

This is what Labor Secretary Alexis Herman had to say about Avondale's safety problems: ''I am deeply concerned about the conditions OSHA found at Avondale. Falls are a leading cause of on-the-job fatalities, and Avondale has put its workers at risk of falls up to 90 feet. The stiff penalties are warranted. Workers should not have to risk their lives for their livelihood.''

OSHA Assistant Secretary Charles Jeffress said, ''Three Avondale workers have fallen to their deaths, one each in 1984, 1993, and 1994. This inspection revealed that conditions related to these fatalities continued to exist at the shipyard. This continued disregard for their employees' safety is unacceptable.''

And what was Avondale's response? True to form, Avondale appealed the OSHA fines. Avondale claimed that many of the violations were the result of employee sabotage. Avondale also tried to argue that the OSHA inspector was biased. In response, the head of OSHA observed that ''it's very unusual for a company to accuse its own employees of sabotage, and it's very unusual for a company to attack the objectivity of OSHA inspectors.''

OSHA had found many of the same problems back in 1994, the last time it conducted a comprehensive inspection of Avondale. In 1994 OSHA cited Avondale 61 times for 81 violations, with a fine of $80,000 that was later settled for $16,000.

There may be more fines to come. The OSHA inspection team will soon finish its review of Avondale's safety and medical records. This review was delayed last October when Avondale launched yet another legal battle to prevent OSHA from obtaining complete access to its records.

One of the Avondale workers who visited my office several weeks ago was there during the OSHA inspection, and told me how it happened. OSHA tried to inspect Avondale's Occupational Injuries and Illness logs. But Avondale refused complete access and, according to OSHA, ''attempted to place unnecessary controls over the movements of the investigative team and their contact with employees.''

When OSHA issued a subpoena for the logs, Avondale stopped all cooperation with OSHA and told the inspectors to leave the premises. OSHA had to go to New Orleans district court to get an order enforcing the subpoena.

The other main issue in the 1993 election campaign was pay and compensation. Avondale workers have long been the worst paid in the shipbuilding industry. They have the lowest average wage of any of the five major private shipyards. According to a survey conducted by the AFL–CIO, Avondale workers make 29 percent less than workers at other private contractors for the Navy, and 48 percent less than workers at the nation's federal shipyards. One Avondale mechanic, Mike Boudreaux, says, ''It's a sweatshop with such low wages.''

By way of comparison, look at Ingalls Shipyard, down the river in Pascagoula, Mississippi. The average pay at Ingalls is higher than the top pay at Avondale. Or look at wages in nearby New Orleans for plumbers, pipe fitters, and steam fitters. Their average wage is higher than the top pay at Avondale.

Avondale is also known for its inadequate pension plan. There are Avondale retirees with 30 years' experience who retire with $300 per month. And workers complain that they can't afford Avondale's family health insurance, which costs $2,000 per year. Avondale workers pay more for health care every week than Ingalls workers pay every month.

Unlike other shipyards, Avondale has had a hard time attracting workers, and inferior working conditions certainly have a lot to do with it. Avondale has responded to this labor shortage by using prison labor and importing workers from other countries. It imported a group of Scottish and English workers who were so appalled at the working conditions and low pay that they quit after three days. Nearby Ingalls shipyard, by contrast, has never had to import foreign workers on visas.

So why does Avondale pay so little? Because times are tough? Hardly. Avondale CEO Alfred Bossier has been doing quite well, thank you. In 1998, Mr. Bossier's base salary and bonuses totaled $1,012,410, up more than 20 percent from the previous year. His benefits increased to $17,884, up 73 percent from the previous year. And he got 45,000 shares of stock options, worth up to $1,927,791. The grand total comes to about $3 million.

Meanwhile, the average hourly production worker at Avondale earns less than $10 an hour—or around $20,000 per year. So Al Bossier brings home about 150 times the salary of the average hourly worker.

The obvious question is how can Avondale get away with such appalling behavior? How can it be so brazen? The answer is depressing. Avondale gets away with it because our labor laws are filled with loopholes. Avondale gets away with it because the decks are stacked against workers who want to improve their working conditions by bargaining collectively.

Avondale gets away with it because they have enough money to tie up the courts, knowing full well that organizing drives can fizzle out in the five or six or seven years that highly-paid company lawyers can drag out the process. When asked how Avondale gets away with it, one worker laughed and said, ''This is America. It's money that talks.''

There's one other reason why Avondale gets away with it, and this is something I find especially troubling. They get away with it because American taxpayers are footing the bill. The Navy and the Coast Guard are effectively subsidizing Avondale's illegal union-busting campaign. Avondale gets about 80 percent of its contracts from the Navy for building and repairing ships. If it weren't for the United States Navy, Avondale probably wouldn't exist. This poster child for bad corporate citizenship is brought to you courtesy of the American taxpayer.

This is a classic case of the left hand not knowing what the right hand is doing. On the one hand, the NLRB and OSHA find Avondale in flagrant violation of the law. On the other hand, the Navy keeps rewarding Avondale with more contracts. Avondale has gotten $3.2 billion in contracts from the Navy since 1993, when the shipyard first refused to bargain collectively with its workers.

To add insult to injury, Avondale is billing the Navy for its illegal union-busting. The Navy agreed to pick up the tab for anti-union meetings held on company time in 1993. Nearly every day for three months leading up to the union election, Avondale management called workers into anti-union meetings. Then they billed the Navy for at least 15,216 hours spent by workers at those meetings.

Some of these meetings were the same ones where Avondale illegally harassed and intimidated workers, according to Judge Evans. Yet the Defense Contractor Auditing Agency, DCAA, approved Avondale's billing as indirect spending for shipbuilding. And Avondale billed the Navy $5.4 million between 1993 and 1998 for legal fees incurred in its NLRB litigation.

When the Navy looks the other way as one of its main contractors engages in flagrant lawbreaking, it sends a message. When the Navy keeps awarding contracts to Avondale, when it pays Avondale for time spent in anti-union meetings where workers are harassed and intimidated, when it pays for the legal costs of fighting Avondale's workers, it sends a message. It sends the message that this kind of behavior by Avondale is okay.

When Avondale continues to beat out other shipyards for huge defense contracts, that sends a message too. It sends a message that this is the way you compete in America today. You compete by violating your workers' rights to free speech and free assembly. You compete by illegally firing and harassing your workers. You compete by keeping your employees from bettering their working conditions through collective bargaining.

And that message is not lost on other companies. They see what Avondale is getting away with, and they draw the obvious conclusions. The AFL–CIO's state director pointed to another Louisiana company that initially refused to recognize the union its workers had elected. ''Part of it is they're following Bossier's lead,'' she said. ''After all, the guy's been at it for five years [now six] and he still gets all the contracts he wants.''

Under federal regulations, the Navy is required to exercise oversight over the $3.2 billion in contracts it has awarded to Avondale. And the Navy can only award contracts to ''responsible contractors.'' The contracting officer has to make an affirmative finding that a contractor is responsible. Part of the definition of a ''responsible contractor'' is having a ''satisfactory record of integrity and business ethics.'' So the Navy has to affirmatively determine that Avondale has a satisfactory record of integrity and business ethics.

Well, what exactly would qualify as an unsatisfactory record? Judge Evans ruled that Avondale management had orchestrated an ''outrageous and pervasive'' union-busting campaign consisting of over 100 violations of labor law and the illegal firing of 28 employees. OSHA has found 473 safety violations—266 of them willful—and fined Avondale $537,000, the second largest fine in U.S. shipbuilding history.

The AFL–CIO has asked the Navy to investigate Avondale's business practices, as a first step to determining what steps should be taken. That doesn't sound so unreasonable to me. In fact, it seems to me that the Navy ought to be concerned when its contracts come in late, as they have at Avondale. It ought to be concerned when a contractor's working conditions are so bad that it suffers from labor shortages.

And it seems to me the Navy ought to investigate whether a company found to have orchestrated an ''outrageous and pervasive'' campaign to violate labor laws is a responsible contractor. Or whether a shipyard found to have willfully violated health and safety laws 266 times is a responsible contractor.

The Navy says it cannot take sides in a labor dispute. But nobody is asking them to do that. The problem is that they already appear to have taken sides. When the Navy finances Avondale's union-busting campaign, when it pays legal fees for Avondale's court challenges, when it certifies Avondale as a responsible contractor

with a satisfactory record of integrity and business ethics, and when it rewards Avondale with Navy contracts, the Navy appears to be taking sides.

What has happened at Avondale should give us all pause. The NLRB's general counsel acknowledges that the Avondale case exposes the many problems with the system, caused in part by budget cuts and procedural delays. ''It's hard to take issue with the notion that it's frustrating that an election that took place five years ago [now six] still hasn't come to a conclusion. It's something we're looking at as an example of the process not being what it should be.''

Indeed, the Avondale case exposes glaring loopholes in our labor laws that make it next to impossible for workers to form a union and bargain collectively. In fact, this case provides us with a roadmap for putting a stop to rampant abuses of our labor laws.

First of all, we need to restore cuts in the NLRB's budget so that defendants with deep pockets can't delay the process for years and years. But beyond that, we need to improve our labor laws so we can put a stop to abuses of the kind we've seen in the Avondale case.

We need to install unions quickly after they win an election, the same way we allow elected officials to take office pending challenges to their election. Why should workers be treated any differently than politicians?

In addition, we need to strengthen penalties against unfair labor practices such as the illegal firing of union organizers and sympathizers. And we need to ensure that organizers have equal access to workers during election campaigns, so that companies like Avondale are not able to intimidate their employees and monopolize the election debate.

Senator KENNEDY and I have introduced legislation that would do exactly that. Our bill—S. 654, the Right to Organize Act of 1999—would provide for mandatory mediation and binding arbitration, if necessary, after a union is certified. It would provide for treble damages and a private right of action when the NLRB finds that an employers has illegally fired its workers for union activity. And it would give organizers equal access to employees during a union election campaign.

The Avondale case sends a message to other companies and to workers everywhere, and it's the exact opposite of the message we should be sending. We should be sending a message that corporations are citizens of their community and need to obey the law and respect the rights of their fellow citizens. We should be sending a message that corporations who live off taxpayer money, especially, have an obligation to be good corporate citizens.

Avondale is making a mockery of U.S. labor laws and of the democratic right to organize. Instead of rewarding and financing the illegal labor practices of employers such as Avondale, I believe we should shine a light on these abuses and put a stop to them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

THE CALLING OF THE BANKROLL

Mr. FEINGOLD. Mr. President, in 1906, Wisconsin sent a new Senator to Washington, and this body and this Government have never been the same since.

From the moment he arrived, delivering powerful orations on the floor of this Chamber and taking on the most powerful interests in this country and all around the world, he became the stuff of legend. Of course, I am talking here about Robert M. La Follette, Sr., who was destined to become one of the greatest Senators in the history of this distinguished body. It is fitting that his portrait now hangs in the Senate reception room outside of this Chamber, along with just four other legendary Senators: Daniel Webster, Henry Clay, John C. Calhoun, and Robert Taft.

When he came to this body, La Follette was already known as an insurgent, and his arrival made more than a few of his colleagues nervous, including, of course, the Senate's leadership. At the time, because this was prior to the ratification of the 17th amendment in 1913, Senators were still appointed by State legislatures, and La Follette himself had been appointed to fill the office after he served as Governor of Wisconsin for 5 years.

By and large, however, the Senate of the early 1900s was dominated by the powerful economic interests of the day: the railroads, the steel companies, and the oil companies, and others.

Senator La Follette did not disappoint those in his State and across the country who looked to him to champion the interests of consumers, taxpayers, and citizens against those entrenched economic forces. The Senate in those days, if you can imagine this, had an unwritten rule that freshman Senators were not supposed to make floor speeches.

La Follette broke that rule in April of 1906. He gave a speech that lasted several days and covered 148 pages of the CONGRESSIONAL RECORD. Speaking on the most important legislation of the year, the Hepburn Act regulating railroads, La Follette discussed the power of the railroad monopolies and declared:

> At no time in the history of any nation has it been so difficult to withstand those forces as it is right here in America today. Their power is acknowledged in every community and manifest in every lawmaking body.

So La Follette offered amendments to try to make railroad regulation more responsive to consumer interests. His amendments lost, of course, but that was part of the plan. That summer he went on a speaking tour across the country. He described his efforts to change the Hepburn Act. And then he did something extraordinary and unprecedented: He read the rollcall on his amendments name by name. This ''calling of the roll'' became a trademark of La Follette's speeches. Its effect on audiences was powerful. You see, at the time Senators' actual votes on legislation were not as well known publicly as they are today. And then when Americans found out that their Senators were voting against their interests, they were shocked and they were angry.

The New York Times reported the following:

> The devastation created by La Follette last summer and in the early fall was much greater than had been supposed. He carried senatorial discourtesy so far that he has actually imperiled the reelection of some of the gentlemen who hazed him last winter.

La Follette's calling of the roll was part of an effort to expose corporate and political corruption. His view was that powerful economic interests controlled the Senate, preventing it from acting in the public interest. Then, in 1907, just a year after La Follette had come to the Senate, the Congress finally acted on legislation that had been under consideration since an investigation a few years earlier of insurance industry contributions to the political parties. That legislation, the Tillman Act, banned corporations from making political contributions in connection with Federal elections.

Today, over 90 years later, obviously much has changed in the Senate and in the country. For one thing, the votes of Senators are available almost instantly on the Internet and published regularly in the newspapers. Come election time, political ads remind voters regularly about our voting records. La Follette's idea that the public should know how its representatives have voted and it should hold those representatives accountable for their votes is well accepted in our modern political life.

The power of corporate and other interests in the Senate is still too strong. The nearly century-old prohibition on corporate political contributions is now a mere fig leaf made meaningless by the growth of soft money. Today, corporations, unions and wealthy individuals give unlimited—I repeat, unlimited—contributions of soft money to the political parties. While, technically, corporations still do not contribute directly to individual campaigns, they might as well be. Individual Members of Congress get on the phone and raise soft money for their parties, and that money is in turn targeted at congressional races. Some Members have set up so-called leadership PACs to accept soft money for use

in their own political endeavors. Soft money has, once again, given corporations the kind of influence over this Congress that La Follette railed against on this very floor.

Since I have come to the Senate, I have noticed that we talk about the money that funds our campaigns and the influence on policy only a few times a year. That is when we are debating actual campaign finance legislation. It is almost as if the influence of campaign money on our business here is an abstract proposition, relevant only when we debate changing the way campaigns are financed. But we all know that the power of money in this body is much more pervasive and, I would say, insidious than that.

We know, if we are honest with ourselves, that campaign contributions are involved in virtually everything that this body does. Campaign money is the 800-pound gorilla in this Chamber every day that nobody talks about but that cannot be ignored. All around us and all across the country, people notice the gorilla. Studies come out on a weekly basis from a variety of research organizations and groups that lobby for campaign finance reform that show what we all know: The agenda of the Congress seems to be influenced by campaign money. But in our debates here, we are silent about that influence, and how it corrodes our system of government.

Mr. President, we can allow that silence no longer. In the tradition of my illustrious predecessor Senator La Follette, I am inaugurating a modern version of the Calling of the Roll. I will call it the ''Calling of the Bankroll.''

I don't expect to be listing votes or specific contributions to specific Senators, but I will be providing vital information, both to my colleagues and the public, as to how much money special interests are donating overall to candidates and political parties. I'll be providing a context for evaluating our debates on legislation, and I'll be doing it right here on this floor, and in the CONGRESSIONAL RECORD, for the convenience of the public and my colleagues.

I plan to Call the Bankroll from time to time here on the floor of this Senate as we debate significant legislation and at least until this body passes a campaign finance reform bill. This body can no longer ignore the 800 pound gorilla. I'm going to point him out sometimes when I speak on a bill, because I think we in the Senate need to face this issue head on. We cannot just pull our head out of the sand to discuss the influence of money on the legislative process once a year when we take up a campaign finance bill.

I am sure my colleagues are familiar with the old adage that is attributed to Otto von Bismark: ''If you like laws and sausages, you should never watch either one being made.'' Well, we might not like to admit that campaign contributions are an ingredient of our legislation, but we know that they are. And the public knows too, although they might not know the details.

But it's those details which help the public see the big—and disturbing—picture of the influence of wealthy interests on our legislation.

It's time to illustrate clearly how our flawed campaign finance system, which corrupts our democracy, also affects our daily lives. The public has a right to this information—it has a right to know how the special interests have worked to influence legislation, and how that influence has had an impact on everything from defense spending to the Y2K problem, and just about everything in between.

I think this information should be part of our public debate on important legislation, and that's why I will Call the Bankroll from this floor. In fact I've already started to do this over the past few weeks on several occasions. For example, when we considered the Emergency Supplemental Appropriations bill, which included a rider to delay the implementation of new mining regulations, I called attention to the more than $29 million the mining industry contributed to congressional campaigns during the last three election cycles, and the $10.6 million the industry made in soft money contributions during the same period. During our debate over the Juvenile Justice bill, I noted the $1.6 million the NRA gave in PAC money in the last election cycle, and the $146,000 in PAC money Handgun Control gave during the same period. Just last month, when I argued for my amendment to the Department of Defense authorization bill concerning the Super Hornet, I included information about the more than $10 million in PAC and soft money contributions the defense industry made in the last cycle. I also pointed out during the debate on Y2K legislation that the computer and electronics industry gave close to $6 million in PAC and soft money in 1997 and 1998, while the Association of Trial Lawyers of America gave $2.8 million.

We have many difficult and important bills to work on this year, Mr. President: bankruptcy reform, financial modernization when it comes back from conference, a patients' bill of rights, and all of our spending bills. It won't be difficult, indeed it will be easy, to find examples in each of those areas of huge campaign contributions coming from industries and groups that are affected by our work. The bankruptcy reform bill itself is a prime example: The members of the National Consumer Bankruptcy Coalition—an industry lobbying group made up of the major credit card companies, and associations representing the nation's big banks and retailers—gave nearly $4.5 million in contributions to parties and candidates in the last election cycle.

The public deserves to know about this, Mr. President. It deserves to know about the campaign contributions these interests are giving us and our political parties at fundraisers—fundraisers that sometimes take place the night before or the night after we vote on bills that affect them.

Now Mr. President, I do not have any pride of authorship here, nor do I plan to lay out the whole picture of campaign contributions that might be relevant to our discussion of a bill. To the contrary, I encourage my colleagues to join this debate. And in particular I want to recognize the effort of my friend the Senator from South Carolina, who on Tuesday came to this floor during the closing debate on the Y2K bill, calling his own roll of the high tech companies that have made campaign contributions to this Congress.

If any of my colleagues feel that the contributions of a different industry or interest group should be highlighted, I encourage them to add that information to their remarks in this chamber. I will also welcome any corrections or additions that my colleagues might wish to provide. Nor do I believe that organizations that may have supported me should be exempt from the Calling of the Bankroll. Providing information about the contributions of any group or interest is welcome, and, more than that, it is critical to the purpose of this effort.

This information should be in the RECORD, and all Senators should be aware that these facts are in the RECORD as they decide how to cast their votes. It is time that the 800-pound gorilla of campaign money be made a part of our debate on legislation.

I look forward to the day when the Calling of the Bankroll will no longer be necessary; when this body has adopted bipartisan campaign finance reform legislation to ban soft money and to restore the vitality of the law banning corporate contributions to federal elections that was enacted in 1907, the year after Robert La Follette of Wisconsin came to the Senate.

Let me close with another quote from Senator La Follette's inaugural speech on the floor of the Senate. He was responding to the argument that public sentiment had been whipped into an unreasonable hysteria over the question of whether the railroads controlled the Congress. His words seem quite apt to me as a response to those who argue on this floor that we really have no campaign finance problem in this country—and that the media and the groups that support reform exaggerate the impact of money on the legislative process. He said:

[I]t does not lie in the power of any or all of the magazines of the country or of the press, great as it is, to destroy, without justification, the confidence of the people in the American Congress. . . . It rests solely with

the United States Senate to fix and maintain its own reputation for fidelity to public trust. It will be judged by the record. It can not repose in security upon its exalted position and the glorious heritage of its traditions. It is worse than folly to feel, or to profess to feel, indifferent with respect to public judgment. If public confidence is wanting in Congress, it is not of hasty growth, it is not the product of 'jaundiced journalism.' It is the result of years of disappointment and defeat.

Mr. President, the Senate must respect the public judgment and fix its reputation for fidelity to the public trust. It must let the solid bipartisan majority of this body that supports reform, work its will and pass a campaign finance reform bill this year. Until it does, Mr. President, I plan to Call the Bankroll. I'm going to acknowledge the 800 pound gorilla in this chamber, and I'm going to ask my colleagues to do the same. And then I'm going to see if we can't agree that it's time to show him the door.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Minnesota.

SUPPORT FOR CALLING THE BANKROLL

Mr. WELLSTONE. Mr. President, I would be proud, I say to my colleague, Senator FEINGOLD, to be his first recruit in calling the bankroll. I think it is extremely important. I also want to say, being a Senator from the Midwest, that we talk about the fighting La Follette, and we have a fighting RUSS FEINGOLD from the State of Wisconsin, who I think is the Bob La Follette of this Senate. I thank him for his focus on what I believe is a core issue.

Mr. President, how much time do we have on our side in morning business?

The PRESIDING OFFICER. Four minutes.

Mr. WELLSTONE. Might I ask, so that I know, if I suggest the absence of a quorum, does that time burn off on our part?

The PRESIDING OFFICER. The Senator has to get unanimous consent that the quorum call not be counted against you.

PATIENT PROTECTION ACT

Mr. WELLSTONE. Mr. President, I will take a couple of minutes, actually, to speak on our time. I want to make a connection between what my colleague from Wisconsin, Senator FEINGOLD, was saying about the mix of money and politics and all the ways in which big money undercuts representative democracy. I want to make a connection to a piece of legislation that we are trying to get out here on the floor, which is the Patient Protection Act. I say to my colleague from Wisconsin, who is calling the payroll, one of the things I want to do is maybe just come to the floor and present some data about contributions that come from parties on all sides of this question. But from my point of view, you have a health insurance industry that sort of really basically has made the effort to keep universal health care coverage and, for that matter, basic protection of patients, consumer protection, off of the agenda. I think it is our responsibility to put it back on the agenda.

I think we have reached a point in our country where the pendulum has swung too far in the direction of increasingly ''corporatized'' medicine, and it has become corporatized, bureaucratized. You have basically a few large insurance companies that own and control the majority of the managed care plans and, as a result of that, the consumers and the patients wonder where we fit in.

There are a series of Senators on the Democratic side—I certainly hope there will be an equal number on the Republican side—that are committed to bringing patient protection legislation to the floor. Some of my colleagues, such as Senators DURBIN, KENNEDY, I think BOXER, and certainly Senator DASCHLE have introduced a bill, and we were all speaking about this last night. We want to talk about ways in which there can be sensible consumer protection.

That is really what the issue is: Making sure our caregivers—our doctors and our nurses—are able to make decisions about the care we need as opposed to having the insurance industry decide; making sure you have a medicine that is not a monopoly medicine with the bottom line as the only line; making sure people don't find themselves, as employers shift from one plan to another, no longer able to take their child to a trusted family doctor; making sure families with children with illnesses are able to have access to the kind of specialty care that is the best care for their children; making sure there is an ombudsman program available so that advocates who are there, to whom people can go, do know what their rights are; making sure that when we have an external review process of the kind of decisions that are made, people have a place to make an appeal and they know the decision will be a fair decision—making sure, in other words, that we are able to obtain the best care for our families.

As I travel around Minnesota—and around the country, for that matter—I find it astounding the number of people, the number of families, that fall between the cracks. The number of people—even if you are old enough for Medicare, it is not comprehensive. Seniors from Minnesota can't afford the prescription drug costs. It does nothing about catastrophic expenses at the end of your life. If you are ill and you have to be in a nursing home, almost everything you make is basically going to be taken away; there will be nothing left.

That is one of the things that strikes terror in the hearts of elderly people—or people aren't poor enough for medical assistance, which is by no means comprehensive enough; or people aren't lucky enough to be working for an employer that can provide them with good coverage.

To boot, what happens right now is that people who have the coverage find that with this medicine that we have, it is just going so far in the direction of becoming a bottom-line medicine that consumers are basically left in the dust.

We want to have some sensible protection for consumers. We want to bring it to the floor of the Senate. And we want to have a debate on this legislation.

The majority party—the Republican Party—leadership has taken to the situation that they want to be able to sign off on amendments we introduce. But that is not the way it works. It not a question of some Senators telling other Senators what amendments are the right amendments to introduce. We should have the full-scale debate. We should be able to come out here with amendments. We should be able to come out here with amendments that provide consumers with more rights to make sure that people have access to the care they need; to make sure the decisions are made by qualified providers; to make sure the bottom line is not the only line; to make sure this is not an insensitive medical system; to make sure that people do not go without the kind of care they need. We want to do that.

We are committed to making this fight, and, if necessary, I think what you are going to see happen over the next week and beyond is that we are going to, one way or another, have a debate about this critically important issue.

As long as I am talking about health care, I would like to say also that I think the other central issue is the way in which the insurance industry is taking universal health care coverage off the table. We need to put it back on the table. I can't think of an issue that is more important to families in our country.

Mr. President, might I ask how much time we have left?

The PRESIDING OFFICER. The Senator has exceeded his time.

Mr. WELLSTONE. I thank the Presiding Officer for his patience. I ask unanimous consent, without anybody on the floor, that I be allowed an additional 10 minutes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this is a real pleasure, because one of the problems we have

had out here on the floor of the Senate is not enough time to be able to focus on issues that are terribly important, that we really believe ought to be part of this debate and part of the discussion.

As long as I see the Chair, the Senator from Ohio, presiding, I would like to thank him for what I think is really his focus, or at least part of his work, which is the importance of what we do in making sure that, even before kindergarten, we do well by our children.

I would really like to say before the Senate that I hope we will get back soon to a focus on the family issue. I don't think it is all, I say to the Presiding Officer, Government policy. But I do think it is a combination of public sector and private sector and community volunteer work. It should be a marriage made in Heaven, where we really bring people together and we as a nation achieve the following goal. To me, this is the most important goal. I think this should be the central goal of the public policy of the Senate and the House of Representatives. I think this is where the Federal Government can matter, where we can be a real player: It is pre-K.

We ought to make it our goal that every child prekindergarten—she knows the alphabet, he knows colors and shapes and sizes; she knows how to spell her name; he knows his telephone number; and each and every one of them has been read to live; and each and every one of the children in our country comes to kindergarten and has that readiness to learn—they have, I say to the Presiding Officer, that spark of learning that he saw as Governor when he visited elementary school; they have that.

There are just too many children who, by kindergarten, are way behind, and they fall further behind, and then they run into difficulty.

I just want to say I really am disappointed that, in spite of all the studies, in spite of all the reports, in spite of a White House conference, in spite of all of the media coverage—and to a certain extent there is a part of me with some anger that says maybe in spite of the hype—that we have not centered our attention on what it is we could do here in the Senate and in the House of Representatives to enrich the lives of children in our country, to make sure that somehow we can renew our national vow of equal opportunity for every child. From my point of view, I think there is probably no more important focus.

If I were to think about the kind of issues we talk about all the time—solvency for Social Security; where are we going to be as a nation in 1050? Are we going to have a productive, high-moral, skilled workforce? What about Medicare expenses? How do we reduce violence in our communities, violence in homes, violence in schools, violence out in the neighborhood?—each and every time, I make the argument, the most important thing we could do would be to make an investment in the health and skills and intellect and character of our children. To me, that would start with pre-K.

The tragedy of it all—it is a tragedy because we are talking about people's lives—is we have not focused on that agenda at all. We don't even have but about 50 percent of the kids who qualify for Head Start receiving assistance; and, if it is early Head Start, pre-3-year-olds. I think it is naive. It is just a couple of percentage points. I don't think it is even 10 percent. If you move beyond low-income and you look at working families, we are lucky if 20 percent of the families that could use some assistance, some investment that would help them find good child care for their children, get any assistance at all. And then, if you move beyond that and you talk about the wages of child care workers, who do the most important work, it is deplorable the kind of wages we pay.

On the floor of the Senate, I argue that this ought to be our priority. I argue that it doesn't—it cannot make us comfortable that at the same time the economy is humming along, we have about one out of every four children under the age of three growing up poor, and about one out of every two children of color under the age of three growing up poor in our country. We ought to make that a big part of our agenda—children's education, health care coverage, patient protection rights, universal health care coverage.

Finally, I will finish by going back to what Senator FEINGOLD said.

I will make sure he is not lonely and out here alone. I will help him call that bankroll, because we ought to put reform right at the top of our agenda.

We ought to talk about the mix of money and politics. We ought to talk about the ways in which big money dominates politics. We ought to understand the fact that the reason people have become disillusioned with politics is not because they don't care about the issues that are important to their lives. People care deeply and desperately about being able to earn a decent living, giving their children the care they deserve and need, about livable communities, and about being able to do well by their kids. People care about all those issues and more. They care deeply and desperately.

However, they also believe that their concerns are of little concern in the Nation's Capitol, where politics is so dominated by the big money, by the investors, by the givers, by the heavy hitters. They believe if you pay, you play; and if you don't pay, you don't play.

We ought to make reform and the way money has turned elections into auctions and severely undercutting representative democracy, where each and every man and woman should count as one and no more than one—that is not the case—we ought to make that the central issue.

I heard Senators FEINGOLD, DURBIN, BOXER, KENNEDY and Senator DASCHLE speaking. We intend to bring these issues to the floor, along with one other issue that is near and dear to my heart: That is what has now become an economic tragedy—family farmers are being driven off the land. When will they get a fair price? When will they have a fair and open market? When do we take action against the conglomerates that basically dominate the market? When do we take antitrust action?

I heard my colleague talking about Senator LaFollette. When do we take on the economic interests? When will we be there on the side of children, on the side of education, on the side of decent health care, on the side of reform, on the side of working people, on the side of producers?

We ought to be there. All these issues are interrelated. These are the issues that we will insist be part of the agenda of this Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Missouri.

SMALL BUSINESS COMMITTEE'S E-COMMERCE FORUM

Mr. BOND. Mr. President, over the past several weeks, much of the discussion and debate in the Senate has focused on high technology and its impact on our everyday lives, particularly with regard to its pivotal role in our economy. We heard about the potential problems related to Y2K computer failures and the need to guard against unreasonable liability in the event that Main Street small businesses, through no fault of their own, become the targets of frivolous lawsuits. In short, we have been preoccupied with the dawn of the 21st century and what we can do to help sustain the robust economic growth that has been fueled by as many remarkable breakthroughs in computer technologies and computer-related services as we could possibly imagine.

Last Thursday, a new reality dawned when I saw a copy of a study on electronic commerce, or e-commerce as business conducted over the Internet is known. Many Members got a jolt from the story entitled ''Net's Economic Impact Zooms.'' A study shows $301 billion was generated in revenue in 1998, and it produced 1.2 million jobs. The findings were reported in the USA Today and were drawn from a study conducted by the Center for Research and Electronic Commerce at the University of Texas and Cisco Systems.

Frankly, I, too, was shocked but in good company because the figures exceeded the wildest expectations of the

experts. To add a little more perspective from that study, consider that from 1995 to 1998 the new Internet economy grew 174 percent, compared to the 3.8 percent growth in the world economy as a whole. The Internet economy alone ranked among the top 20 economies worldwide. More importantly, this awe-inspiring growth, packed into just a few short years, stands almost toe to toe with the economic horsepower generated by the Industrial Revolution.

The onslaught of e-commerce and the Internet puts us in the same position as the snail who was run over by a turtle. When interviewed about it, he said: It all happened so fast I never saw it coming.

We are working hard to see if we can work with small businesses to help them see it coming. E-commerce is leading a new business revolution, from Wall Street to Main Street. In my view, there simply is no more potent force at work in the economy with the equal potential to propel nearly every business into the 21st century.

As chairman of the Senate Committee on Small Business, it is my pleasure to work with my colleagues on both sides of the aisle to take care of and to be concerned about whether small, independent, family-owned, and home-based businesses are adequately prepared to be full partners in the remarkable growth potential that the Internet economy holds.

Some folks may assume that the rapid development of new technologies has given Main Street America the tools to compete more effectively, but the unanswered question is whether the technologies readily available to small businesses are truly up to the challenge.

Yesterday, in the Senate Committee on Small Business, we held a forum entitled ''e-commerce: Barriers and Opportunities for Small Business.'' We had a blue-chip panel of experts in high-tech computer and software companies and business leaders representing over 20 trade groups to identify and target barriers keeping Main Street businesses from expanding into e-commerce.

We were joined by several of the companies that are leading the charge in pushing back the rise of the Internet economy, including an Internet service provider from my home State of Missouri, Primary Network of St. Louis.

It was an exciting and informative session considering the potential growth e-commerce will undoubtedly spark for many years to come. One of the participating companies, CyberCash, unveiled new research specifically for yesterday's forum projecting e-commerce business will generate another million jobs over the next 2 years. Those are conservative estimates.

Another study from the firm, Cyber Dialogue, shows that many small businesses are already taking advantage of e-commerce-based markets. That study says over 427,000 small businesses added web sites and sold $19 billion worth of products and services over the Internet in the last 12 months, a 67-percent increase since early 1998.

Unfortunately, not all the news was good. According to the American City Business Journals and the Network of City Business Journals, only 10 percent of small businesses have a web site today and only 32 percent have access to the Internet. That suggests both a disconnect and, at the same time, an incredible opportunity for Main Street America and for the suppliers of the equipment and services.

What is more, we were reminded that for many small businesses you have to be prepared to deal with a 24-hour-a-day, 7-day-a-week business. Some small businesses have difficulty raising the capital and acquiring the knowledge to survive in such a dynamic business area. Research has shown that even major companies have been slow to realize the potential, and many are now working hard to regain market shares they lost.

Today, thanks to the cutting-edge expertise and the information provided at yesterday's forum, we are a little wiser about the Internet economy. We know that e-commerce can be economic TNT. I think Congress has a duty to make sure that as many independent, family-owned and home-based businesses as possible are not at risk of being left behind in this worldwide business revolution.

I am deeply grateful to the occupant of the Chair. His subcommittee of the Senate Committee on Appropriations has approved a $1 million earmark we asked for to allow the Small Business Administration's Office of Advocacy to begin a study of the potential of e-commerce for small business. We are going to ask the Office of Advocacy to develop a web site to help small businesses who want to do business with the Federal Government.

Make no mistake, the Internet economy is a train that has already left the station and it is picking up speed by the minute. I look forward to working with my colleagues, both in the committee and in this broader body, to help Main Street America climb on board.

I look forward to pursuing this effort. We are outlining just a few steps we will take on the Senate Committee on Small Business. We welcome ideas, participation and suggestions from other colleagues. We invite all Members of the Senate to join in making sure that the smallest businesses in the United States have access to this tremendous engine of economic growth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

ELECTRONIC COMMERCE

Mr. SANTORUM. Mr. President, I compliment the Senator from Missouri for his excellent work on the Small Business Committee in a very important area—the dramatic growth in electronic commerce and the ability of small businesses to participate in that. We hear so much about the family farm and the small business community being in jeopardy. As we transition in this economy, to have a chairman of the Small Business Committee who is on top of that and working to integrate the advances in electronic commerce with our small business community, and to make those advances available to them is very important. I congratulate him on that, and Senator MACK and Senator BENNETT of the Joint Economic Committee for a series of hearings this week in the area of technology and its impact and continued potential impact on our country and on our economy and the world economy.

These are the things, frankly, we do not do enough of around here, looking at the future to see how we can adjust our public policy to alleviate not just what the problems are or what the problems were that have been with us but how, through innovation, we can form the future to alleviate those problems.

So I am very pleased we are focusing in on the future as opposed to just dealing with the current important problems; not looking through the rear-view mirror instead of looking in front at the opportunities ahead us.

THE ENERGY AND WATER APPROPRIATIONS BILL

MR. SANTORUM. Mr. President, I rise to thank the chairman of the Energy and Water Subcommittee on Appropriations, Senator DOMENICI, for agreeing to an amendment I offered to restore $25 million of money for the Lackawanna River levee raising project in Lackawanna County, near Scranton, PA. That is a critical project to the people in Greenridge and the Albright Avenue sections of Scranton, who have suffered immeasurable loss in prior floods, which is a chronic problem in the Lackawanna River area. All of Lackawanna and the counties in northeastern Pennsylvania have had terrible problems with flooding. This is a critical project and one I have to commend Congressman Joseph McDade for his work, before he left here, in getting that money.

I just cannot tell you how much I appreciate Senator DOMENICI's willingness to restore that money into this bill so we can tell the people up in Scranton that money will be there, that money is there to raise the levee, to prevent the damage that could be caused by future high waters on the Lackawanna River.

I know it was a very difficult thing for Senator DOMENICI to do. I again

want to tell him how much I appreciate his willingness to do that. I know Senator SPECTER was on the floor here a couple of days ago expressing a similar concern, so I think I can speak for Senator SPECTER. We are both very grateful the Senator has agreed to restore that money so we can tell the people up in Scranton that money will be there, the levee will be built, and there will be money in the pipeline and it will be available whenever that money is needed to raise that levee.

THE SOCIAL SECURITY LOCKBOX

Mr. SANTORUM. Mr. President, finally I want to comment on the vote we just had on the lockbox. I have to say I am puzzled and disappointed at the unanimous opposition by Senate Democrats to a proposal that passed with 416 votes in the House. Obviously, almost every House Democrat—all but 12—voted in favor of this measure, a measure which obviously has broad bipartisan support and, as many have stated in the House and the Senate, one that is a first step toward dealing with the long-term problems of Social Security.

The first step is very simple. We have a surplus. Do not spend it on things other than Social Security; save it for Social Security. We are eventually going to have to do Social Security reform. We are going to have to strengthen it and save it for future generations. It runs out of money in the next 15 years, so we are going to have to do something. We have surpluses building up which are now just being borrowed by the Government and spent on other things. We have had that happen for the past 20 years.

We are now in a unique position. We are close to an on-budget surplus. We are not quite there, but we are very close to an on-budget surplus, non-Social Security surplus. So we have the Social Security money which will go to save Social Security by reducing the Federal debt unless we spend it. In a sense, all this lockbox does is say: Don't spend the money. Don't come up with new ideas and new ways to spend Social Security.

We are not asking anybody to cut anything. That is one of the most remarkable things about it. We are not asking the other side to cut money to make sure the money is there for Social Security. All we are saying is don't spend more. That is why it received bipartisan support in the House.

We hear so much talk on both sides of the aisle about how we have to save Social Security first, how Social Security is the highest priority, how we have to make sure money is there for future generations. In fact, in the budget vote just a couple of months ago, we had a 100-to-nothing or 99-to-nothing vote that we need to save Social Security; we are not going to spend that money in the trust fund. That was just a sense of the Senate. In other words, the first had no binding effect in law.

Now the mechanism comes along that says if we are going to pass a bill that is going to spend Social Security surpluses, we have to have a separate vote where we have to stand up before the clerk and say: Yes, I will spend the Social Security surplus on this.

There is no such vote that has to be cast right now. This will set up a point of order where every Member of the Senate has to say to the people back home: I want to spend Social Security money on this, because I think it is more important than Social Security. That is all this point of order does.

There are points of order out there on spending, but there is nothing clear. There are points of order whereby you can challenge something if it breaks the budget point of order or this and that, and people run out and say it is really not Social Security. You can dance around it. You can spin it back home. There are lots of folks very good at spinning. The wonderful thing about this provision is you cannot spin it. It is what it is. It is a vote that says we will spend the Social Security surplus on this. That will have, I believe, the greatest impact—in this body and the other body, and in particular the other end of Pennsylvania Avenue, the President—on controlling our willingness to raid the Social Security trust fund for the demands of spending today. Or, for that matter, the demands of tax cuts today. I want to add, it is not just a governor on those, principally on the other side, who want to spend more. It is also a governor on those on this side who want to cut more taxes.

As I said before, there is no tax cut I will not vote for, just about. But I am not going to do it out of the Social Security surplus. We will do it out of the general fund where the taxes are paid in. If people are paying in too much in the general fund, give them a tax cut, if we can. I will vote for it. If we can cut spending in the general fund to pay for a tax cut, I will vote for it. But I will not fund a tax cut out of Social Security funds, and that is what this says.

While on the first vote on cloture many Democrats will vote no as a matter of principle, I am hopeful they will understand this is a bill that has consensus, that can be signed, that can put real restraints on our ability and the President's ability to spend the Social Security surplus and, hopefully, we will reach a point where we can have bipartisan consensus on this, because Social Security is simply too important to continue to play political games.

I think what we have seen here is all the rhetoric says: Yes, we agree; yes, we agree. But when it comes down to casting the vote, what we have is this spurious argument, ''You are not letting us amend it,'' which I find is quite remarkable because, if you look at the amendments, they have virtually nothing to do with Social Security.

In fact, I have not seen all the amendments, but those I have been made aware of have absolutely nothing to do with Social Security. They all have to do with what we do with the general fund surplus, and that is the non-Social Security, non-Medicare surplus.

We have on a bill, which is focused on Social Security, on how we save Social Security, an attempt to bring in a whole lot of other issues to clog up this issue, to bog it down, and, in my mind, to try to destroy any chance of this ever becoming law.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. SANTORUM. I will be happy to yield to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I was listening to the Senator from Pennsylvania as I was coming through the Chamber. I want to propound a question.

I do not think there is much disagreement in this Chamber as to whether anybody ought to put their mitts on the Social Security funds. Those are dedicated taxes that go into a trust fund and should only be used for Social Security. I must say, several years ago, we had an incredible debate in this Chamber on amending the Constitution. It was the case that those who wanted to amend the Constitution to require a balanced budget were saying, put in the Constitution a provision that puts the Social Security funds, along with all other operating revenues of the Federal Government, into the same pot. Many of us were very upset about that and stood on the floor day after day saying that was the wrong thing to do; you ought not put them in the same pot.

Mr. SANTORUM. I will respond to that. It is a far different thing to put a Government program—and I do not know of any Government program that exists, with maybe the exception of defense, but defense has changed over time—in the Constitution of the United States and say we are going to set up this Federal program that must be, in a sense, left alone when future Congresses, as I certainly hope will occur, will be making adjustments to that program.

In fact, 200 years from now, who knows what this country is going to look like. It may, in fact, want to do something completely different than what we have in mind today. I think that was the concern of a lot of us. If we were going to start enshrining Government programs in the Constitution, that is a fairly dangerous precedent, and I think a lot of us had real concerns about that.

At the same time, there was broad sympathy that we do need during this time of surplus, because it is not going to be forever that the Social Security surpluses will be there, as the Senator knows because, again, things change—for this time period, we can lock this away and do it by legislation, in this case a point of order.

As the Senator knows, 15 years from now, that provision in the Constitution would work almost in some respects against Social Security because they would be running a deficit. As the economics of Social Security change, enshrining that in the Constitution I do not think is in the best interest of Social Security. Here we can react to what is a surplus situation and make sure that it is protected from raids.

What will happen in the future is that it will be a deficit situation, and there may be a different dynamic that goes on with respect to that, which I do not think the Constitution would provide for.

The PRESIDING OFFICER. The leader's time has expired.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1186) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

The Senate resumed consideration of the bill

Pending:

Domenici amendment No. 628, of a technical nature.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, in a couple minutes, we will be in a position where, after a few remarks, Senator JEFFORDS has one remaining issue.

There is a package of amendments, which is already at the desk. This unanimous consent request has been checked with the minority and is satisfactory with them.

AMENDMENTS NOS. 637, 638, 639, 661, 643, 630, AND 633, EN BLOC

Mr. DOMENICI. Mr. President, there are a number of amendments that have been cleared on both sides. I ask unanimous consent that the following amendments be considered en bloc: Nos. 637, 638, 639, 661, 643, 630, and 633. I further ask unanimous consent that the amendments be agreed to and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 637, 638, 639, 661, 643, 630, and 633), en bloc, were agreed to, as follows:

AMENDMENT NO. 637

(Purpose: To provide funds for development of technologies for control of zebra mussels and other aquatic nuisance species)

On page 8, lines 7 and 8, strike ''facilities:'' and insert ''facilities, and of which $1,500,000 shall be available for development of technologies for control of zebra mussels and other aquatic nuisance species in and around public facilities:''.

AMENDMENT NO. 638

On page 8, line 12, insert the following before the period: '': *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use not to exceed $300,000 for expenses associated with the commemoration of the Lewis and Clark Bicentennial''.

AMENDMENT NO. 639

(Purpose: To make a technical correction providing construction funds for the Site Operations Center at the Idaho National Engineering and Environmental Laboratory)

Title III, Department of Energy, Defense Environmental Restoration and Waste Management, on page 26, line 2 insert the following before the period: ''*Provided*, That of the amount provided for site completion, $1,306,000 shall be for project 00–D–400, CFA Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho''.

AMENDMENT NO. 661

(Purpose: To clarify usage of Drought Emergency Assistance funds)

At the end of Title II, insert the following new section: SEC. . Funds under this title for Drought Emergency Assistance shall only be made available for the leasing of water for specified drought related purposes from willing lessors, in compliance with existing state laws and administered under state water priority allocation. Such leases may be entered into with an option to purchase, provided that such purchase is approved by the state in which the purchase takes place and the purchase does not cause economic harm within the state in which the purchase is made.

AMENDMENT NO. 643

At the appropriate place add the following: ''*Provided further*, That the Secretary of the Interior may provide $2,865,000 from funds appropriated herein for environmental restoration at Fort Kearny, Nebraska.''

AMENDMENT NO. 630

(Purpose: To strike the rescission of appropriations for the Hackensack Meadowlands flood control project, New Jersey)

On page 37, strike lines 20 and 21.

AMENDMENT NO. 633

(Purpose: To strike the rescission of appropriations for the Lackawanna River project, Scranton, Pennsylvania)

On page 37, strike lines 25 and 26.

AMENDMENTS NOS. 629, 631, 634, 642, 645, AND 646, AS AMENDED, EN BLOC

Mr. DOMENICI. Mr. President, I further ask unanimous consent that six second-degree amendments, which are at the desk, to amendments Nos. 629, 631, 634, 642, 645, and 646 be considered agreed to; that the first-degree amendments be agreed to, as amended; and that the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 629

(Purpose: To make funds available for the University of Missouri research reactor project)

On page 22, line 7, before the period at the end insert '', of which $100,000 shall be used for the University of Missouri research reactor project''.

AMENDMENT NO. 672 TO AMENDMENT NO. 629

(Purpose: A second degree amendment to the Bond amendment numbered 629)

On line 2, strike '', of which $8,100,000'' and insert: '', of which $3,000,000 shall be used for Boston College research in high temperature superconductivity and of which $5,000,000''.

AMENDMENT NO. 631

(Purpose: To provide funding for the Minnish Waterfront Park project, Passaic River, New Jersey)

On page 4, between lines 12 and 13, insert the following: ''Minnish Waterfront Park project, Passaic River, New Jersey, $4,000,000;''.

AMENDMENT NO. 673 TO AMENDMENT NO. 631

(Purpose: A second degree amendment to the Torricelli amendment numbered 631)

On line 4, strike ''$4,000,000'' and insert: ''$1,500,000''.

AMENDMENT NO. 634

(Purpose: To provide funding for water quality enhancement)

On page 4, line 20, strike ''$4,400,000:'' and insert ''$4,400,000; and Metro Beach, Michigan, $422,500 for aquatic ecosystem restoration.''

AMENDMENT NO. 674 TO AMENDMENT NO. 634

(Purpose: A second degree amendment to the Abraham amendment numbered 634)

Strike: ''Metro Beach, Michigan, $422,500 for aquatic ecosystem restoration.''

And insert: ''Lake St. Clair, Metro Beach, Michigan, section 206 project, $100,000:''.

AMENDMENT NO. 642

On page 8, line 16, strike all that follows ''expended:'' to the end of line 24.

AMENDMENT NO. 675 TO AMENDMENT NO. 642

(Purpose: A second degree amendment to the Boxer amendment numbered 642)

Strike ''line 16, strike all that follows 'expended:' to the end of line 24.'', and insert the following: ''line 23, strike all that follows 'tions' through 'Act' on line 24.''.

AMENDMENT NO. 645

(Purpose: To make a technical correction with respect to a Corps of Engineers project in the State of North Dakota)

On page 5, lines 19 through 21, strike ''shall not provide funding for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, unless'' and insert ''may use funding previously appropriated to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless''.

AMENDMENT NO 676 TO AMENDMENT NO. 645

(Purpose: A second degree amendment to amendment numbered 645 offered by Mr. Dorgan and Mr. Conrad)

On line 4 strike ''may use funding previously appropriated'', and insert: ''may use Construction, General funding as directed in Public Law 105–62 and Public Law 105–245''.

AMENDMENT NO. 646

(Purpose: To prohibit the inclusion of costs of breaching or removing a dam that is part of the Federal Columbia River Power System within rates charged by the Bonneville Power Administration)

On page 33, between lines 2 and 3, insert the following:

SEC. 3 . PROHIBITING THE INCLUSION OF COSTS OF BREACHING OR REMOVING A DAM THAT IS PART OF THE FEDERAL COLUMBIA RIVER POWER SYSTEM WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION.

Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

''(n) PROHIBITING THE INCLUSION OF COSTS OF BREACHING OR REMOVING A DAM THAT IS PART OF THE FEDERAL COLUMBIA RIVER POWER SYSTEM WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION.—Notwithstanding any other provision of this section, rates established under this section shall not include any costs to undertake the removal of breaching of any dam that is part of the Federal Columbia River Power System.''.

AMENDMENT NO. 677 TO AMENDMENT NO. 646

(Purpose: A second degree amendment to the Gorton amendment number 646)

Strike line 2 and all thereafter, and insert the following:

SEC. 3 . LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.

Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

(n) LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.—Notwithstanding any other provision of this section, rates established by the Administrator, in accordance with established fish funding principles, under this section shall recover costs for protection, mitigation and enhancement of fish, whether under the Pacific Northwest Electric Power Planning and Conservation Act or any other act, not to exceed such amounts the Administrator forecasts will be expended during the period for which such rates are established.''.

AMENDMENTS NOS. 678, 679, 680, AND 681, EN BLOC

Mr. DOMENICI. Mr. President, I finally ask unanimous consent that four additional first-degree amendments, which are at the desk, be considered agreed to and that the motions to reconsider be laid upon the table, all of the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 678, 679, 680, 681) were agreed to, as follows:

AMENDMENT NO. 678

(Purpose: To provide for continued funding of wildlife habitat mitigation for the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota)

On page 13, between lines 15 and 16, insert the following:

SEC. 1 . CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) IN GENERAL.—The Secretary of the Army shall continue to fund wildlife habitat mitigation work for the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota at levels previously funded through the Pick-Sloan operations and maintenance account.

(b) CONTRACTS.—With $3,000,000 made available under the heading ''CONSTRUCTION, GENERAL'', the Secretary of the Army shall fund activities authorized under title VI of division C of Public Law 105–277 (112 Stat. 2681–660 through contracts with the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota.

AMENDMENT NO. 679

(Purpose: To provide funds for the Lake Andes-Wagner/Marty II demonstration program)

On page 15, line 1, after ''expended,'' insert ''of which $150,000 shall be available for the Lake Andes-Wagner/Marty II demonstration program authorized by the Lake Andes-Wagner/Marty II Act of 1992 (106 Stat. 4677),''.

AMENDMENT NO. 680

(Purpose: To appropriate funding for flood control project in Glendive, Montana)

On page 2, between line 20 and 21 insert the following after the colon: ''Yellowstone River at Glendive, Montana Study, $150,000; and''.

AMENDMENT NO. 681

On page 3, line 14, strike ''$1,113,227,000'' and insert ''$1,086,586,000''.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The next amendment in order, as I understand, is the Jeffords amendment; is that true?

The PRESIDING OFFICER. The Chair advises the Senator from Nevada that it will take unanimous consent to set aside amendment No. 628.

Mr. DOMENICI. We have a technical amendment that stands in the way?

The PRESIDING OFFICER. Amendment No. 628 is pending.

Mr. DOMENICI. Is that not the amendment that the Senator from New Mexico put in as a technical amendment early on?

Mr. President, I ask unanimous consent that we go to that amendment and that it be considered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 628.

The amendment (No. 628) was agreed to.

Mr. DOMENICI. I thank the Chair.

Mr. REID. Mr. President, I ask unanimous consent that at the time Senator JEFFORDS comes to the Chamber, I be recognized on that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, while we wait for Senator JEFFORDS, who has a very important matter to bring before the Senate, let me thank the many Senators who have cooperated in an effort to get this bill passed. We still have the issue that Senator JEFFORDS will raise before the Senate, but I suggest, in a bill that is about $600 million less than the President requested with reference to the nondefense part of this bill, we have done a pretty good job of covering most of the projects in this country that are needed, that the Corps of Engineers and the Bureau of Reclamation talk about and a number of projects in the sovereign States that our Senators, from both sides of the aisle, represent.

We have done our best. We were not able to fund everything, nor were we able to fund at full dollar, and we had to reduce funding for the ongoing projects substantially in the flood line of money and projects that the Corps of Engineers has going for it.

We understand that the allocations for this subcommittee, which is made up with a significant amount of defense money and a lesser amount of nondefense money, have been allocated in the House in a manner that is about $1.6 billion less than this bill. We do not know how that can ever be worked out in conference, so we are very hopeful that before the House is finished, they will do some of the things that have been done in the Senate to alleviate the pressure on committees such as the energy and water subcommittee and others.

We have no assurance of that, but obviously everything is in place so that when this is passed today, if it is passed, we will be on a path to be ready for the House bill when they send it over and immediately go to conference. We will be ready to do that at the beck and call of the House to try to get this bill done at the earliest possible time.

I will await the arrival of the distinguished Senator from Vermont, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend, the senior Senator from New Mexico, that I appreciate his hard work on this measure. This has been very difficult. As he has pointed out, we do not have the money we had last year. To meet all the demands on this very important subcommittee has been very difficult.

We have harbors that need to be dredged. We have water projects that are ongoing which are important to prevent flooding and to allow people to develop commerce in various parts of the country. We have been unable to do all that was required to be done under this bill, but we have done our best.

I extend my appreciation to those Members on this side with whom we have had to work on these amendments. It has been very difficult. There has been some give-and-take on both sides.

Senator DOMENICI and I have worked together now on three different bills, and each year it seems that it gets more difficult.

But for our relationship, this bill would even be more difficult.

I also say what the Senator has said but perhaps in a different way. From this side of the aisle they must hear the message in the other body that we need at least this much money to do a bill. For the other body to come in and say that we are going to cut even more than is cut here means we are not going to get a bill. This has been cut to the bear bones. We cannot go any deeper.

Senator SCHUMER from New York has done an outstanding job in advocating things he thinks the State of New York deserves in this legislation. We have been able to meet many of the things he has suggested and advocated—in fact, most everything. I had a longtime relationship with his predecessor, who was an extremely strong advocate for the State of New York. Senator SCHUMER certainly stepped into those shoes and has been as strong an advocate as Senator MOYNIHAN.

The one thing we were unable to do for the State of New York dealt with the Community Assistance and Worker Transition Program, and that was at the Brookhaven National Laboratory. Interestingly, yesterday, the one meeting I was able to have off the floor was with Assistant Secretary Dan Reicher. The reason I say ''interestingly'' is because this is the program he works with in the Department of Energy, the Worker Transition Program.

In this bill, there is money for that program. We are ratcheting this down every year. In our bill, we have $30 million for that program. Senator SCHUMER thought there should be an earmark for Brookhaven National Laboratory. We thought that was inappropriate. It had not been done in the past; we could not do it on this bill.

I have indicated to the Senator from New York that we will work in conference to see if there can be something done. But more important, the Senator from New York must know that Assistant Secretary Reicher said Brookhaven was a prime candidate for that.

In short, I believe this can be done administratively and will not require legislation. So if, in fact, the people of Brookhaven are laid off permanently—and it has not been determined yet whether they are going to be laid off permanently—Secretary Reicher indicated there was a real strong possibility they would fit right into the Community Assistance and Worker Transition Program that has been able in the past to cover people at Savannah River in South Carolina, Oak Ridge National Laboratory in Tennessee, the Pinellas Nuclear Facility in Florida, and the Nevada Test Site in Nevada.

So Brookhaven National Laboratory has many of those same conditions and problems. We are going to work very hard to make sure we do what we can to protect those workers at the Brookhaven National Laboratory.

If the reactor at Brookhaven is decommissioned, and the workers have left because of a loss of confidence, or other reasons, the lab certainly will lose its efficiency in its mission. If the reactor is restarted, the decontamination team will need transition assistance.

The simple expedient of providing some assistance now, I believe, will avoid the waste and needless suffering. In short, we are going to do what we can, both from a legislative standpoint, but more importantly from an administrative standpoint, to take care of those problems. So I appreciate, I say to the manager of this bill, the cooperation of the Senator from New York.

Mr. DOMENICI. Mr. President, I state here for the RECORD my sincere appreciation and thanks to Senator REID, the ranking minority member, and his staff—all of them. This is a complicated bill involving everything from the deepest military needs in terms of research, in terms of development, maintenance, safekeeping of all of our nuclear weapons at our nuclear laboratories around the country, the maintenance of all the other laboratories that DOE runs, to water, inland waterways and barges and seaports and flood prevention. Many Members have an active interest. We have had to work very hard to do what we think is a reasonably good job under the circumstances.

I also say to the distinguished junior Senator from New York, with reference to Brookhaven, I am totally familiar with the situation at Brookhaven. I worked on it for 2 years in a row when they had some problems up there. We worked with the administration and the Department. Clearly, if they qualify for the Worker Transition Program, we ought to be able to handle it administratively. The Department ought to be able to do that.

I say to Senator REID, I will be there helping wherever I can. I am very grateful we did not have to have a vote on this issue, because I think we would have had to object to it. I think it is much better that it be handled administratively. If they are entitled to it, they will get it because the program is already there.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We have been told the Senator from Vermont will be here in a matter of a couple minutes. While we are waiting for the Senator to come, I want to just build upon some of the things the senior Senator from New Mexico talked about.

This bill, I am confident, is one of the most complicated bills in the entire 13 Appropriations subcommittees. It deals with the Corps of Engineers, the Bureau of Reclamation, the Department of Energy, atomic energy, defense activities, the Power Marketing Administrations, the Federal Energy Regulatory Commission, the Appalachian Regional Commission, the Defense Nuclear Facilities Safety Board, the Nuclear Regulatory Commission, the Nuclear Waste Technical Review Board, and the Tennessee Valley Authority. I think I have covered most all of them.

But this bill deals with a myriad of very difficult problems. We find each year the requests—which are valid requests—from Members trying to protect interests in their State get bigger because the problems become more complex. It has made it most difficult, because the numbers we are allowed to work with are going down all the time.

Not only do we deal with problems in the continental United States, but, of course, our two newest States, Alaska and Hawaii. We also deal with problems in American Samoa, Puerto Rico, and the U.S. Virgin Islands. This is very difficult as it relates to the Corps of Engineers.

The construction account for the Corps of Engineers deals with problems that are all over this part of the world. We even deal with problems that some say have gone on too long. The fact of the matter is that sometimes when we are not able to give the full amount of the money in a given year, then the projects take more money. We may start out with a program that costs $100, and if you spread that out over, instead of 1 year, 3 years, it winds up costing more than $100. Those are some of the problems we have faced in this bill.

The Bureau of Reclamation was first authorized in 1902. The Bureau of Reclamation manages, develops, and protects water reclamation projects in arid and semiarid areas in 17 of the Western States. The first ever Bureau of Reclamation project in the history of the United States was in arid Nevada. It was called the Newlands project, named after a Congressman from Nevada named Francis Newlands, who later became a Senator. It was going to make the desert blossom like a rose; and it did. It diverted water from the Truckee River. It created some very difficult problems. In this bill we are working on it. Even though it was 96 years ago that the first act took place, we are still trying to correct some of the problems that were created. The Bureau of Reclamation

provides in this bill over $600 million to handle water and related resources accounts. It is something that has been made more interesting as a result of something I talked about when the bill came up on Monday, and that is the CALFED project.

This is a huge project. It is a program that the private sector has invested in, the State of California has invested in, and local government in California has invested in, along with the Federal Government. This project, the Bay Delta in California, CALFED project, deals with two-thirds of the water, the potable water, the water they drink in the State of California—a difficult project. It is something that is extremely important to a State that has 35 million people in it. Yet we have projects from the Bureau of Reclamation to some of our smallest States and populations, but we have to work with this multitude of problems with less money. And we keep going down, as I said.

The Department of Energy, a large part of this bill: We deal there with energy programs, nondefense environmental management, uranium enrichment and decontamination, decommissioning funds; we deal with science programs, atomic energy, defense activities, which take up a large amount of money in this bill; and we have to do this to support the safety and reliability of our nuclear stockpile. This program is becoming even more important with the emphasis that has been focused on our nuclear programs as a result of the China problem dealing with the supposed theft, the alleged theft, the spying that has taken place in one of our laboratories, and maybe more than one of our laboratories.

Power marketing administrations: We have had to work money there to see what we can do to maintain that very important program.

The Federal Energy Regulatory Commission is part of our responsibilities.

We have also had for many years the responsibility of a program established in 1965 called the Appalachian Regional Commission. This is a regional economic development agency. This program, which has been going on for some 44 years, receives over $70 million in this bill, which is important for a large part of the United States. The amount of money we have been asked to increase for this program has been very difficult to come by. There have been the increased construction costs of the Richie County Dam, and the cost has gone up because of delays due to a legal challenge over some problems in the Fourth Circuit. This caused our bill to be required to spend more money.

The Nuclear Regulatory Commission: This bill provides $465.4 million. There are some offsetting revenues that we reduced the amount we need to put in this bill.

For each of these entities, everything we do is vitally important. Each dollar we do not put in is something less that they can do that certainly is required.

Nuclear Waste Technical Review Board: This is a board which reviews what happens with this very important issue of nuclear waste. Just this morning, the full committee, authorizing committee, chaired by the junior Senator from Alaska, reported out a very important nuclear waste bill. Part of what happens with nuclear waste has to be reviewed by the Nuclear Waste Technical Review Board. We fund that program.

One of the programs that has been ongoing for many, many years, back in the days of the Depression, is the Tennessee Valley Authority. Under this bill, they receive some $7 million.

We have a lot to do in this bill. It seems it becomes more complicated each year because of the cut in moneys that we receive. We have worked very hard, as the Senator from New Mexico has indicated, trying to resolve most of these amendments. We have been able to do it with the cooperation of Senators on both sides of the aisle.

AMENDMENT NO. 648

(Purpose: To increase funding for energy supply, research, and development activities relating to renewable energy sources, with an offset)

Mr. REID. Mr. President, I make a point of order that amendment No. 648, offered by Senator JEFFORDS, violates section 302(f) of the Budget Act.

The PRESIDING OFFICER. The amendment is not pending. The Senator would have to call for the amendment.

Mr. REID. I believe that was already done with a unanimous consent request.

Mr. JEFFORDS. Mr. President, as far as I know, my amendment has not been called up.

Mr. REID. That is what the Chair just said.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I ask that amendment No. 648 be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:.

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. ALLARD, Mr. ROTH, Mr. WYDEN, Mr. MOYNIHAN, Mr. HARKIN, Mr. DASCHLE, Mr. LIEBERMAN, Mr. KERRY, Mr. SCHUMER, and Mr. KENNEDY, proposes an amendment numbered 648.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Mr. President, I object.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The regular order is the reading of the amendment.

The amendment shall be read to completion until consent is granted to dispense with the reading.

The clerk will report.

The legislative clerk read as follows:

On page 20. strike lines 21 through 24 and insert ''$791,233,000, of which $821,000 shall be derived by transfer from the Geothermal Resources Development Fund and $5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund, and of which $70,000,000 shall be derived from accounts for which this Act makes funds available for unnecessary Department of Energy contractor travel expenses (of which not less than $4,450,000 shall be available for solar building technology research, not less than $82,135,000 shall be available for photovoltaic energy systems, not less than $17,600,000 shall be available for concentrating solar systems, not less than $37,700,000 shall be available for power systems in biomass/biofuels energy systems, not less than $48,000,000 shall be available for transportation in biomass/biofuels energy systems (of which not less than $1,500,000 shall be available for the Consortium for Plant Biotechnology Research), not less than $42,265,000 shall be available for wind energy systems, not less than $4,000,000 shall be available for the renewable energy production incentive program, not less than $7,600,000 shall be available for support of solar programs, not less than $5,100,000 shall be available for the international solar energy program, not less than $5,000,000 shall be available for the National Renewable Energy Laboratory, not less than $27,850,000 shall be available for geothermal technology development, not less than $27,700,000 shall be available for hydrogen research, not less than $6,400,000 shall be available for hydropower research, not less than $32,000,000 shall be available for high temperature superconducting research and development, not less than $3,000,000 shall be available for energy storage systems, and not less than $18,500,000 shall be available for direction of programs).''.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I make a point of order that amendment No. 648 offered by Senator JEFFORDS violates section 302(f) of the Budget Act which prohibits consideration of legislation that exceeds the committee's allocation.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, in the long tradition of the Senate, I ask unanimous consent that I be allowed to amend the amendment by deleting the word ''unnecessary'' as it first appears in the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. There is objection.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. JEFFORDS. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, because we were in a quorum call, I wanted to point out to my colleagues that a group of us, just moments ago, held a press conference discussing the issue——

The PRESIDING OFFICER. The rules require unanimous consent for the Senator to proceed at this point because a point of order has been made against the pending amendment.

Mr. DURBIN. Mr. President, under the rules of the Senate, does the Senator object to having to identify himself?

The PRESIDING OFFICER. The Chair would ask, object to what?

Mr. DURBIN. The Senator who objects to the unanimous-consent request.

The PRESIDING OFFICER. It is a matter of order in the Senate not to proceed when there is a pending point of order.

Mr. DORGAN. Mr. President, I ask unanimous consent to be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection to what?

Mr. DOMENICI. What is the request?

The PRESIDING OFFICER. Would the Senator from North Dakota state his request.

Mr. DORGAN. I asked consent to be recognized. My understanding is we were in a quorum call. I asked consent to be recognized for the purpose of discussing a press conference we just held on the Patients' Bill of Rights. Because we were in a quorum call and not conducting other Senate business, I wanted to have a few minutes to discuss that subject. So I ask unanimous consent to be able to do so.

Mr. DOMENICI. I object.

The PRESIDING OFFICER. There is objection.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is withdrawn.

Mr. JEFFORDS. Mr. President, at this time, I would like to take the floor to discuss the amendment that I have just withdrawn. I do so with some reluctance, but denying a Senator the right to amend his own amendment is such a rare situation—if not unprecedented—that I think it is only fair and appropriate for those of us who have worked long and hard on this amendment and know they have sufficient votes to pass it, as modified, to have the opportunity to at least discuss and to let this body know what they are being prevented from doing by virtue of this rare use of the rules.

Mr. REID. Will the Senator yield for a question?

Mr. JEFFORDS. I yield for a question.

Mr. REID. I want to state to the Senator that as one of the managers of this bill, I think the content of his amendment is very good. I think he has had a record of looking out for programs like solar and renewable energy. I have a personal commitment to work with the Senator from Vermont and the senior Senator from New Mexico as this matter goes to conference to see how well we can do in regard to the matters he has put before the Senate.

In short, my statement is in the form of a reverse question. I want the Senator to understand that certainly there was nothing personal in regard to exercising my rights under the rule. In fact, it is one of the more difficult things I have done in my time here. The Senator from Vermont offered something that I think needs to be spoken about. He has done it before very eloquently, and we will do the best we can from the time that this bill leaves this body until it gets to conference, keeping this amendment in mind.

Mr. DOMENICI. Will the Senator yield?

Mr. DORGAN. Will the Senator yield?

Mr. DOMENICI. Without losing your right to the floor.

Mr. JEFFORDS. Yes.

Mr. DOMENICI. I have no objection to the Senator from Vermont debating and discussing the issue, as he sees it. I would just like to ask, in the interest of moving things along—there are no other amendments. Everything is finished on the bill—I wonder how long the Senator from Vermont would like to discuss it. Is it possible that he might tell us?

Mr. JEFFORDS. I cannot give the Senator anything but a guesstimate because I have many supporters of this amendment who may or may not desire to speak. But I have no intention of trying to filibuster this bill.

Mr. DOMENICI. I didn't say that.

Mr. JEFFORDS. I understand. I just wanted to make it clear. But what I do want to have everyone understand is that this modification of the amendment is by taking one word out in order to meet a requirement of the budget. The budget requirement may or may not be valid, but once you get it, there is not much you can do about it. The whole disagreement here is with respect to the one word ''unnecessary,'' which we want to delete, because by using that word we inadvertently created a budget point of order. Because as far as the Budget Committee is concerned, there is never any unnecessary use of the airplane, or travel by the Department of Energy, even though they spent some $250 million traveling where and why and who I do not know, which was more than enough, with a reasonable cut in the use of their airplanes, to fund a very important amendment dealing with more emphasis on renewable resources.

I would like to, certainly for a question, yield to the Senator from North Dakota.

Mr. DORGAN. Mr. President, let me just propound a question. But before I do, let me state to the Senator from Vermont that I am a cosponsor of what he is trying to do. I think what he is trying to do is very important.

I regret that we found this parliamentary situation that created a point of order. I don't quite know how one gets out of this at this point. I regret that the Senator felt that he had to withdraw the amendment, but I think what he and I and others are trying to do makes a lot of sense in terms of investment for this country and investment in the future with alternative energy resources. It is very important, especially because some of the programs show such great promise for our country's future.

I regret that we are not able to proceed with his amendment. I think the offset is appropriate. I think the amendment would advance this country's energy interests. I know because of the press of time that folks want to move forward. I will not say more except to say that I appreciate the leadership of the Senator from Vermont on this. I hope this is not the end of it. I hope that perhaps by this process by committees in the Senate and in the House we can find a way to do what the Senator and I and so many others want to do.

Mr. JEFFORDS. Mr. President, I would be happy to yield to the Senator from Delaware without giving up my right to the floor.

Mr. ROTH. Mr. President, I want to congratulate my colleague for the leadership that he has provided in this renewable energy program.

I strongly believe that renewable energy technology represents our best hope for reducing air pollution, creating jobs, and decreasing our reliance on imported oil and finite supplies of fossil fuel. These programs promise to supply economically competitive and commercially viable exports. I believe that the nation should be looking toward clean, alternative forms of energy, not taking a step backward by cutting funding for these important programs.

Indeed this is a sentiment shared by a majority of the American people. Public support for renewable energy

programs is strong. For the fifth year in a row, a national poll has revealed that Americans believe renewable energy along with energy efficiency should be the highest energy research and development priority.

My own State of Delaware has a long tradition in solar energy. In 1972, the University of Delaware established one of the first photovoltaic laboratories in the nation, the Institute for Energy Conversion, which has been instrumental in developing photovoltaic technology. Delaware's major solar energy manufacturer, Astro Power, has become the largest U.S.-owned photovoltaic company and has doubled its work force since 1997.

While the solar energy industry might have evolved in some form on its own, federal investment has accelerated the transition from the laboratory bench to commercial markets by leveraging private sector efforts. This collaboration has already accrued valuable economic benefits to the nation. Solar energy companies—like Astro Power—have already created thousands of jobs and helped to reduce our trade deficit through exports. My state has demonstrated that solar energy technology can be an economically competitive and commercially viable energy alternative.

International markets for solar energy systems are virtually exploding, due to several key market trends. Most notably, solar energy is already one of the lowest cost options available to developing countries that cannot afford to build large, expensive centralized power generation facilities with elaborate distribution systems.

The governments of Japan, Germany, and Australia are investing heavily in aggressive technology and market development in partnership with their own solar energy industries. Until recently, Japan and Germany held the lead in world market share for photovoltaics; the United States has only recently recaptured international market dominance.

Cutting funding for these technologies would have a chilling effect on the U.S. industry's ability to compete on an international scale in these billion-dollar markets of today and tomorrow. The employment potential of renewables represents a minimum of 15,000 new jobs this decade with nearly 120,000 the next decade.

It is imperative that this Senate support renewable energy technologies and be a partner to an energy future that addresses our economic needs in an environmentally acceptable manner. My state has done and will continue to do its part. I hope my colleagues in the Senate will look to the future and do their part in securing a safe and reliable energy future by supporting this amendment.

Again, I want to congratulate my distinguished colleague for his leadership on this most important matter.

Mr. JEFFORDS. Mr. President, I certainly thank my good friend from Delaware who has been out front on this issue for many years. I appreciate his efforts in this area.

The amendment that Senator ROTH and I desire to offer today is about priorities. I think we all agree that increased domestic energy production should be a priority. We agree that a lower balance of payments should be a priority. We agree that helping farmers, ranchers and rural communities is a priority. We agree that standing up for U.S. companies selling U.S. manufacturing energy technologies in overseas markets is a priority. We cheer the increased job markets in every State in this Nation. We support the small companies across the Nation that are working to capture the booming global energy market, and we would make it a priority to promote clean air. The bill does not do that in its present form.

The bill before us further whittles away our Nation's efforts to wean itself from foreign oil. It erodes our efforts to develop technology that increases domestic energy production. It ends commitments made to small energy companies that depend on Federal assistance to enter the giant global energy market. It reduces our efforts to make major advancements in energy development. It reduces our commitment to energy that is affordable, that is clean, and, most importantly, that is made in America.

The administration requested a 16-percent increase in renewable funding—from $384 million to $446 million. More than half of the Senate—54 Senators—signed a letter in support of this $62 million increase. The committee did not request an increase in the renewable budget. It did not even hold at a renewable budget level. The committee cut the budget by $13 million. There is a $92 million shortfall between the committee mark and the amount requested by more than one-half of the Senate.

A vote for this amendment is a vote for five things, if we are allowed to present it.

It is a vote for national security.

It is a vote for small businesses across the United States that produce clean, renewable energy.

It is a vote for farmers and ranchers in rural communities across America.

It is a vote to help American business grab onto a chunk of that rapidly growing export market for renewable products.

And a vote for this amendment is a vote for cleaner air for our children.

I am going to address each of these reasons why my colleagues should support this bill in turn.

First of all, we have charts that allow you to understand better what we are discussing.

This is a vote about national security. It is about making our Nation's future secure by securing our energy future.

The U.S. trade deficit has scored as its No. 1 contributor imported foreign oil, which has reached record levels.

Foreign oil imports constituted 55 percent of consumption early this year and is expected to reach more than 70 percent by the year 2020. At that time, most of the world's oil—over 64 percent—is expected to come from potentially unstable Persian Gulf nations. These imports account for over $60 billion, or 36 percent of the U.S. trade deficit. These are U.S. dollars being shipped overseas to the Middle East which could be put to better use at home.

The defense leaders of our Nation agree that increasing dependence on foreign oil has serious implications for our national and energy security. They agree that investing in renewable energy is an invaluable insurance policy to enhance our national and energy security.

Lee Butler agrees. He is the former commander of the Strategic Air Command and strategic air planner for Operation Desert Storm. Robert McFarlane agrees. Robert McFarlane was National Security Adviser under former President Ronald Reagan. Thomas Moorer agrees. Thomas Moorer is former Chairman of the Joint Chiefs of Staff. James Woolsey agrees. James Woolsey is a former Director of the CIA. In a recent letter to Members of Congress, these national security leaders support the administration's budget request for renewable energy.

Reading from my first chart, the national security leader said:

> Current conflicts in the Middle East and the Balkans and our stressed defense capability only reinforce our earlier concerns that our increasing dependence on imported oil has serious implications for national and energy security. Wars and terrorism strongly highlight the benefits of obtaining domestic, dispersed renewable energy systems and efficiency. . . .
>
> Now is clearly the time to increase our coverage under this valuable insurance policy for our security—the availability of renewable resources and improvements in energy efficiency. Such a commitment will not only enhance national and energy security, but also bring with it global leadership, environmental and economic benefits, new industry and high quality jobs.

PRIVILEGE OF THE FLOOR

I ask unanimous consent David Hunter of my staff be granted privilege of the floor during the pendency of the energy and water appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, no crisis can stop the sun from shining, the wind from blowing, or the Earth from producing geothermal heat.

Let's review some alternatives we have and how they can be utilized. Geysers Geothermal Power Plant in California is an example of the sort of energy savings we can gain through ''made in America'' geothermal energy.

American soil holds a natural resource available throughout much of this country: Geysers produce the energy equivalent of over 250 million barrels of oil and currently provide electricity for over 1 million people. Geysers Geothermal Power Plant in California is an example.

The next chart shows renewable generation by each State, indicating how much renewable energy is produced in every State in the United States. I think all Senators ought to take that into consideration. We are hurting small businesses located in every State in the United States. Every Senator in the United States is a stakeholder in this debate. These States have a substantial energy generation capacity. Much is not utilized, and much more is available. It is very extensive, according to the chart.

The next chart shows the top 20 States for wind energy. There is a lot of wind around this place especially, but also around the rest of the country. This chart shows the top 20 States for wind energy potential. Although most of the wind potential generated today has occurred in California, many States have much greater wind potential. The top 20 States for wind energy potential are: North Dakota, Texas, Kansas, South Dakota, Montana, Nebraska, Wyoming, Oklahoma, Minnesota, Iowa, Colorado, New Mexico, Idaho, Michigan, New York, Illinois, California, Wisconsin, Maine, and Missouri. The American Midwest is the Saudi Arabia of wind energy. North Dakota alone can produce 36 percent of all U.S. electric power needs. New Mexico could produce 10 percent of U.S. electric power needs. The oil wells in Saudi Arabia will eventually run dry. The wind in North Dakota will supply indefinitely a steady source of power.

Next is a map of localities with geothermal energy. Like the sun shining on American soil and the wind blowing over it, geothermal energy is a great American resource. It is good for the environment, good for the country, and good for business. This chart shows bountiful geothermal energy supplies, especially on the west coast.

I have a series of pictures of renewable energy projects across the country. They demonstrate that a vote for renewable energy is a vote for ranchers, farmers, and small communities all across America.

This chart shows the North State Power Wind Farm in Minnesota. The wind facility has pumped over $125 million into the local economy and provides an extra source of income for local farmers in Lake Benton, MN.

Farmers make money through royalty payments for the wind turbines on their lands. They continue to farm their lands and make additional money for the wind that blows above it. This shows municipal utility wind turbines in Traverse City, MI. Note the corn growing. This wind turbine provides clean, renewable, locally produced wind energy for the people of Traverse City, MI.

The next chart shows Culberson Wind Plant in Texas. This wind facility is the largest energy producer in Culberson County. It provides $400,000 annually in tax revenues to Culberson County hospitals and schools. That is 10 percent of the county's property tax base. It also provides $100,000 to the Texas public school fund.

It is not just wind energy that is helpful in small communities. Photovoltaic helps ranchers and farmers. This is a cattle rancher with a photovoltaic-powered well in Idaho. This Idaho rancher powers his home and pumps well water for his cattle under a photovoltaic program offered by Idaho Power Company.

This chart shows Kotzebue Electric Association Village Power Project in Kotzebue, AK. The projects will reduce emissions from diesel plants and reduce fuel transport and costs to the villagers.

Next is Ontario Hydro Village Power Project. There is a large market for export of U.S. wind turbines to northern communities in Alaska, Canada, and Russia. This turbine was built in Vermont and exported to Ontario, Canada. In the last 10 years, photovoltaic sales have more than quadrupled. In developing countries, demand has increased because it is attractive to isolated communities that are distant from the power plant and because they have small electric requirements.

Although America is still a leader in developing renewable energy technologies, this lead may slip if we lower our renewable research and development funding. Europe and Japan continue to subsidize their renewable industry, putting U.S.-based companies at a severe disadvantage.

For example, Japan, Germany, and Denmark use tied aid, offer financing, and provide export promotion for their domestic industries, and our industries have to compete with that. It is very difficult to do. But because of its success and the fact that we have advantages, they have been able to survive, with great difficulty, without having that assistance from loans. This is not the time to lose our lead or to cut funding out of this important industry.

There is one final reason why my colleagues should overwhelmingly support this amendment. A vote on this amendment is also a vote for the environment.

Consider this chart showing children playing in front of a windmill in Iowa's Spirit Lake district. The wind turbine generates power for the school. It is emission free, completely natural. Few us of us want to have our children play under smokestacks or near oil fields or uranium enrichment plants. Few of us want our children to fight wars in the Middle East over oil. But we are all happy to have our children playing in the wind and the sun.

Next is a geothermal powerplant in Dixie Valley, NV. This plant, which produces electricity for 100,000 people, produces no emissions and 1 to 5 percent as much SO_X and CO_2 as a coal-fired plant of the same size.

Mr. REID. Will the Senator yield?

It is a beautiful place, isn't it? It is very close to the Fallon Naval Air Training Center, which is the premier fighter training center for the Navy pilots. That is where they train to land on carriers. Some of their training can be watched from this powerplant.

Mr. JEFFORDS. We should have more of them. I wish the Senator would support my amendment, and we could really help the State.

Mr. REID. I also say to my friend, a number of the programs he has talked about are at places I have been, for example, the wind energy plant in California. These are places I have been. I watched these windmills. It is very exciting.

I finalize my question to the Senator. The Senator is aware that last year's bill we reported out of this subcommittee was less than what we reported out this year. Is the Senator aware of that? The bill we reported out of this subcommittee last year was less than what we reported out this year. I can assure the Senator that is accurate. It was only with the supplemental that this number came up larger than the number that we gave this year. The number, including the supplemental, was $12 million more than what we recommended this year, but about $50 million less than what the subcommittee approved last year.

Mr. JEFFORDS. I point out that it was because of my amendment, which was adopted last year. I appreciate the Senator being aware of that. I wish we would take the same approach this year and adopt this amendment, and then we will make sure we have a much better prospect for the future.

Mr. REID. As I said to the Senator when he first began, he has done excellent work here, and we appreciate it very much.

I will ask the Senator another question. We have had a number of Senators come to the floor. There are one or two Senators who want to speak on this. Would the Senator have any objection to having a final vote on this, and when it is over people can talk on this issue for as long as they desire?

Mr. JEFFORDS. A vote on my amendment? I have no problem with that.

Mr. REID. I am sorry; I did not hear the Senator.

Mr. JEFFORDS. Have a final vote on my amendment, yes, I would like that.

Mr. REID. Of course, the only thing in order is final passage, so the answer to my question is no.

Mr. JEFFORDS. If you are saying without my amendment being voted on? You are saying we will vote your amendment and then we can go to final vote? That would be fine with me.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. JEFFORDS. I am happy to yield.

Mr. DOMENICI. I am fully aware of the genuine interest the Senator has in this and his enthusiasm and his hard work. But I wonder if he might permit me to speak for 2 minutes and yield right back to him.

Mr. JEFFORDS. I will do that.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I just want to share with my fellow Senators the reality of what has happened to solar energy in this bill. First of all, in the Senate bill, for everything in this bill that is nondefense, there is a reduction of 7 percent. That means that for all of the things we do in water, in the Corps of Engineers, and all the other things, there is a 7 percent reduction. If we were to adopt this amendment, we would be taking this piece of the budget and increasing it 7 percent, thus giving it a 14 percent preferential treatment over the rest of the nondefense items in this bill.

All we are doing in this bill is reducing from $365.9 million, reducing it by $12 million, which is less than a 3 percent reduction, which means this is already favored by way of prioritizing by about 5 percent better than the other nondefense accounts here. So we can talk all afternoon and into the night about how great renewables are; we can all agree; but that is not the issue. The issue is, should we add $70 million when we have had to reduce everything else that is nondefense by the huge amounts I have just described? I do not think we need to.

Most of the things the Senator is discussing we will continue to do, and some that are in the pipeline ready to get done will get done because we are going to fund this at $353.9 million. That is not peanuts. Most of the solar things we want to do as a nation will get done.

As long as everybody knows, we are not trying to be arbitrary. We thought we were very fair in the treatment of renewables in this bill. It was not enough. We had to add $70 million more with an amendment that was out of order because it added to the amount we had to spend in our allocation, which means it breaks the budget.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. JEFFORDS. I yield for the purposes of debate, control of the floor, to my great friend from Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I thank the Senator from Vermont for yielding to me. I am not going to take a lot of time.

I want to recognize the leadership and fine work he has done in fighting to get this to the floor of the Senate. I am obviously disappointed, as he is, in the fact we are not going to have a vote on this. But I do have some charts and, like my colleague, will talk about the importance of renewable energy, particularly in the context of wind energy, geothermal, and solar energy.

The Senator's State, like the State of Colorado, has done a considerable amount in this area. It is important to the State of Colorado. In fact, we have a research laboratory in Colorado just to address things we are talking about on the floor.

I just wanted to recognize in a public way the Senator's contribution and effort in trying to move forward with renewable energy. It has been a pleasure to be associated with my colleague on this amendment.

I thank my colleague, the Senator from Vermont, for once again standing firm in his commitment to renewable energy. I concur with the Senator from Vermont and would like to share my thoughts on the importance of funding the Department of Energy's renewables budget.

While the record clearly shows that I am a dedicated fiscal conservative, I also see the importance of spending a little now, to save a lot more later. By investing in the research and development of these energy sources today, we are saving taxpayers billions of dollars tomorrow in costs associated with much more than energy. Mr. President, it is not an exaggeration to say that our future as a nation and a community depends in part on the decisions we make today when it comes to energy matters. In this modern day of technological boom, energy literally runs the world in which we live. From the cars we drive to the homes we live in, without affordable, accessible sources of energy, we open ourselves up to dangers that we simply cannot allow to happen.

In their paper titled The New Petroleum from the January/February 1999 issue of the publication Foreign Affairs, my colleague from Indiana, Senator LUGAR, and former CIA Director James Woolsey argue the importance of increasing our use of alternative energy sources, in this case, biofuels. They appropriately note that, ''New demand for oil will be filled largely by the Middle East, meaning a transfer of more than $1 trillion over the next 15 years to the unstable states of the Persian Gulf alone—on top of the $90 billion they received in 1996.'' As a member of the Senate Armed Services Committee, and Select Committee on Intelligence, I hear first-hand about foreign nations that are working to use energy sources to neutralize. I would hope that the rest of my colleagues share my concerns about sending $1 trillion over the next 15 years to rogue nations in the Middle East who are developing weapons of mass destruction as we speak, with an intent to harm American interests. We must be firm in our decision to develop accessible, affordable and dependable sources of energy here at home—our security may depend on it.

The environmental benefits of renewable energy are also well noted and do not need too much repeating. Not only are renewable sources of energy beneficial to our national security, but they reduce, and in fact help to eliminate harmful greenhouse gas emissions. Wind, solar, geothermal, biomass, photovoltaic and other renewable energies have few if any harmful by-products. It is simply good policy to do all we can to effectively harness and utilize the natural, clean, re-usable sources of energy that are abundantly all around us.

I would like to illustrate a few Colorado-specific points if I may.

The Solar Energy Research Facility at the Department of Energy's National Renewable Energy Laboratory (NREL) in Golden, Colorado houses over 200 scientists and engineers. This building was designed to use energy efficient and renewable energy technologies—like the photovoltaic panels seen here—and reduce costs by 30% from the federal standard. Much of the Department's funding that was cut by the Committee goes to this vital facility in my state.

NREL is on the cutting edge in bringing renewable energy technologies out of the laboratory and into the mainstream of American business and society. Recognizing that America has rivals in many Asian and European nations in investing in the development of these technologies, NREL deserves credit for many wonderful accomplishments.

Wind power use in Colorado is becoming increasingly popular. If you've ever spent any time along the foothills of the Rocky Mountains, you know that the wind can whip down from the mountains quite fast. That wind can be easily harnessed for energy. Public Service Company of Colorado operates several wind powering facilities, one of which is in Northern Colorado on the Wyoming border in Ponnequin. Expansions of many wind facilities in Colorado are taking place as we speak. In many Northern Colorado communities, demand for wind energy has risen so dramatically that the Platte River Power Authority of Ft. Collins is planning to more than triple the installed capacity of its wind farm just across the border in Medicine Bow, Wyoming. Residents in this area can look forward to making a positive contribution to the environment.

The current levelized cost of wind energy is between 4 and 6 cents per kilowatt-hour, with a goal approaching 2.5 cents by 2010. According to NREL, the cost of this technology has already decreased by more than 80% since the early 1980's due to continued cost-shared R&D partnerships between industry and DOE.

The developable, windy land in just 5 western states could produce electricity equivalent to the annual demand of the contiguous 48 states. Total worldwide wind energy generating capacity now exceeding the 10,000 megawatt point with expectations of 100,000 megawatts by 2020. Thanks to continued research and development, the industry has grown from being California-based to having wind sites in 18 states.

Photovoltaic water pumping systems are being used on hundreds of ranches and farms across the U.S. to bring power to remote locations—like in some parts of Colorado—that would otherwise cost tens of thousands of dollars in extending existing power lines. In locations where solar resources are not bountiful, other renewable technologies, like wind energy, can be used in a similar fashion.

This is an application of renewable energy that interests me greatly. For those farmers who live in remote areas, renwable energy systems also offer distinct advantages in agricultural applications where power lines are subject to failure due to flooding, icing or other seasonal changes. These energy technologies also make sense where electrical needs are relatively small or are seasonal.

In conclusion, I want to reiterate my belief that investing in research and development of renewable energies is a win-win solution in every sense. Jobs are created, taxpayer money is saved, our national security is enhanced and the environment is protected. The future of our security and prosperity depends on the commitments we make today.

Mr. BINGAMAN. Mr. President, renewable energy is a win-win. Renewable technologies such as wind, solar, geothermal, and biomass are domestic and clean. Many renewable applications are especially suited to remote rural locations where construction of electric transmission facilities are prohibitively expensive. The federal government has had a very successful program installing 122 photovoltaic systems in place of diesel generators at remote locations of the National Park Service, Forest Service and BLM. (Chart) These systems produce electric power without any noise or emissions. Photovoltaics are also well-suited for use on remote areas of Indian Reservations.

Collaboration between the National Labs and U.S. industry has made huge strides in photovoltaic efficiency and cost-competitiveness. The cost of photovoltaic systems have declined 10 fold since 1980. Ongoing work in system reliability and long-term performance is crucial to continued development of U.S. leadership in this area. The Department of Energy's proposed budget is barely 40% of what Japan and half of what Germany spend on photovoltaic research.

Another important technology is concentrating solar power, where the sun's energy is first converted to heat then used to generate electricity in a conventional generator. The federal research program, centered at Sandia, has been a true success. Further work in advanced trough technology and dish based systems, which can be dispatched into the electricity grid, promise to dramatically lower costs. Based on World Bank estimates of capacity installation for these technologies, up to $12 billion in sales of U.S.-manufactured products and up to 13,000 new jobs could be created by U.S. industry by 2010.

Since the 1980's the cost of wind power has declined 80% (from 25 cents to 4.5 cents per kilowatt hour.) With the necessary support, the cost of wind will be down to 3 cents per kilowatt hour or lower within five years. This amendment will fund U.S.-based turbine certification, international consensus standards, wind mapping to assist in targeting key areas, and support to industry on solving near term problems. The export opportunities for U.S. industry are large, but the U.S. must compete against the highly subsidized European manufacturers.

The opportunities for economic development of geothermal power in the U.S. west are vast. The Department of Energy has an initiative underway to cut the cost of drilling for geothermal resources by 25% within the next two years. Geothermal, especially using non-drinking water sources and treated wastewater, can become an important energy source for arid states. This research with commercial development could result in development of 30,000 jobs in the U.S. and open up significant international marketing opportunities for U.S. manufacturers.

The research programs funded by this amendment are making important contributions to the ongoing restructuring of the electric utility industry. For example, many experts believe the future of electric power generation will be in the form of small, so-called ''distributed'' generation technologies. Smaller power plants offer advantages in terms of improved efficiency and reliability as well as reduced environmental impacts. Solar, wind, geothermal, biomass and other generating technologies such as fuel cells and microturbines are all likely approaches to distributed generation. The Energy Committee will hold an oversight hearing on distributed generation next week. Finally, research in this bill is also helping assure the continued security and reliability of the nation's high-tension transmission grid. Sandia Labs in New Mexico is a key partner in DOE's transmission research program.

I think it is critical to maintain our momentum in renewable energy research. The proposed budget cuts in the bill are unfortunate and unnecessary. I am pleased to support the amendment and I thank Senator JEFFORDS for his efforts.

Mr. LEAHY. Mr. President, I have the pleasure of joining Senator JEFFORDS to rise in support of the renewable energy programs within the Energy and Water Appropriations bill. First, let me thank Senators DOMENICI and REID for their hard work to put together a balanced appropriations bill under very difficult budget constraints. I know both of these Senators support the renewable energy programs at Department of Energy and would have liked to come closer to the President's requested funding level. However, as with all the appropriations bills, this year has forced all of us to make difficult choices.

I am supporting the Jeffords amendment because I firmly believe that developing new solar and renewable energy sources is absolutely critical to reducing our reliance on imported fossil fuels and addressing climate change. Anyone who had the pleasure of spending some of this spring in the Northeast will tell you that although we all appreciated the glorious 85 degree days, it was unusual. After about a week, Vermonters really began to wonder about the strange weather. This is only a harbinger of things to come if we do not aggressively address the greenhouse gases that contribute to climate change.

The solar and renewable energy programs will help our nation find alternative energy sources and help our states and industry start using them. We need to invest more funding to develop renewable energy technology and to bring this technology into the mainstream. Coming from Vermont, I have already seen how this technology can be used. During the nuclear freeze movement of the 1980s, Vermonters adopted a saying: ''As Vermont goes, so goes the nation.'' I hope that our state can provide similar leadership to set the nation on a path in the new millennium to promote the development and use of renewable energy.

From the Green Mountain Power wind farm in Searsburg to the McNeil biomass gasifier in Burlington, Vermont is developing and using renewable energy sources. These large projects are being looked at as models for how public-private partnerships can spur growth in our renewable energy sectors. Vermont is also leading the nation in developed small, community-based renewable energy projects. Many

Vermont communities have shifted away from fossil energy sources to biomass, building small wood-fired systems. Biomass is now being used in Vermont schools, low-income housing projects, state office buildings and mills.

Vermont is also taking this technology overseas. I am proud to say that several Vermont renewable energy businesses have created niche markets for their technology all around the world. Just a few weeks ago, Prime Minister Tony Blair turned on the lights at a school that had just installed a small wind turbine built by a Vermont company. Another Vermont company has developed solar panels that are being used by individual homes in many developing countries where there is no central energy source.

When Vermont and the nation consider what the next millennium will look like the most important question to be asked is what do we want to pass on to the next generation?

I want my grandson to be able to hike through the Green Mountains and see the same majestic forests and mountain peaks as I did. I want him to be able to fish in Lake Champlain without having to worry about what heavy metals are in it. If my grandchildren are going to enjoy these experiences, our nation has to reduce our reliance on fossil fuels and increase our use of renewable energy. The Jeffords amendment will ensure that the successes of the solar and renewable energy programs at Department of Energy are replicated to help our nation meet this goal.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. WELLSTONE addressed the Chair.

Mr. JEFFORDS. Mr. President, let me first ask unanimous consent to add 13 additional original cosponsors to my amendment. These are: Mr. ALLARD, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. GRASSLEY, Ms. COLLINS, Mrs. BOXER, Mr. CLELAND, Mr. ROTH, Mr. HARKIN, Mr. KERRY, Mr. BINGAMAN, Mr. LEVIN, Mr. BRYAN, Ms. SNOWE, Mr. WYDEN, Mr. DASCHLE, Mr. SCHUMER, Mr. HAGEL, Mrs. MURRAY, Mr. CHAFEE, and Mr. WELLSTONE.

I yield, reserving my right to the floor, to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, the names will be added as cosponsors.

The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding the unanimous consent request applies to the amendment that has been withdrawn; is that right?

The PRESIDING OFFICER. Does the Senator from Vermont desire to withdraw the amendment?

Mr. REID. It has already been withdrawn. The unanimous consent request to add cosponsors applies to the amendment that has been withdrawn.

Mr. JEFFORDS. It applies to the amendment I had pending on the list. I guess that is the best way to describe it.

Mr. REID. The amendment has been withdrawn; is that right?

The PRESIDING OFFICER. The Senator is correct, the amendment has been withdrawn.

Mr. REID. I have no objection to the cosponsors being added to the amendment that has been withdrawn.

The PRESIDING OFFICER. Without objection, the cosponsors will be added, and, without objection, the Senator may yield the floor to the Senator from Minnesota, as he reserves his right to the floor.

Mr. WELLSTONE. Mr. President, rather than having to put it in the form of a question, I appreciate the way my colleague made the UC request.

I come to the floor in complete support of what Senator JEFFORDS is trying to do. One can look at it in a couple of different ways. One can look at it in terms of the numbers in the here and now, but, frankly, as I look at this picture over a period of time, I do not think we have done near what we should by way of investment in renewable energy. That is what my colleague from Vermont is saying.

I come from a cold weather State at the other end of the pipeline, and when we import barrels of oil and Mcfs of natural gas, we export dollars and yet we are rich in resources—wind, solar, safe energy.

My colleague is right on the mark. I thank him for his leadership. We should be making much more of an investment in this area. It is on sound ground from the point of view of the environment. It leads us down the path of smaller business economic development, technologies that are more compatible with communities, more homegrown economies, more capital investment locally. I thank my colleague for his work and tell him what he has been trying to do is important. He is right on the mark, and I add my support to his effort.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. JEFFORDS. Mr. President, I will continue with my presentation of the merits of this amendment. I have no intention of holding up this body any longer than necessary; necessary meaning this preemptive strike is designed to make us accomplish our goals.

The next chart is the Westinghouse power connection's biomass gasification facility in Hawaii. This demonstrates the potential to convert agricultural waste—sugarcane in this case—into electricity.

I have another chart to demonstrate the power of all of these generating plants. This one is at BC International Corporation, biomass ethanol plant in Jennings, LA. This plant will be retrofitted to produce ethanol from sugarcane bagasse and rice waste.

That completes my charts. I hope my colleagues have been impressed with what we could have done if we were not prohibited.

Let me conclude by reminding everyone we are proposing to add $70 million through our amendment to the Department of Energy's solar, wind, and renewable budget. Federal support for renewable energy research and development has been a major success story in the United States. Costs have declined, reliability has improved, and a growing domestic industry has been born. More work still needs to be done in applied research and development to bring down the cost of the production even further.

This is a tremendous opportunity for this Nation which will help us reduce our trade deficits. The need for renewable R&D is not a partisan issue:

We must encourage environmentally responsible development of all U.S. energy resources, including renewable energy. Renewable energy does reduce demand upon our other finite natural resources. It enhances our energy security, and clearly, it protects the environment.

This was President Bush, September 1991.

MOTION TO RECOMMIT

Mr. President, I move to recommit the bill to the Appropriations Committee, and further, that the committee report the bill forthwith, with the following amendment. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] moves to recommit the bill S. 1186 to the Committee on Appropriations with instructions to report back forthwith, with an amendment numbered 682.

The amendment is as follows:

On page 20, strike lines 21 through 24 and insert ''$791,233,000, of which $821,000 shall be derived by transfer from the Geothermal Resources Development Fund and $5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund, and of which $75,000,000 shall be derived from accounts for which this Act makes funds available for Department of Energy contractor travel expenses (of which not less than $4,450,000 shall be available for solar building technology research, not less than $82,135,000 shall be available for photovoltaic energy systems, not less than $17,600,000 shall be available for concentrating solar systems, not less than $37,700,000 shall be available for power systems in biomass/biofuels energy systems, not less than $48,000,000 shall be available for transportation in biomased biofuels energy systems (of which not less than $1,500,000 shall be available for the Consortium for Plant Biotechnology Research), not less than $42,265,000 shall be available for wind energy systems, not less than $4,000,000 shall be available for the renewable energy production incentive program, not less than $7,600,000 shall be available for support of solar programs, not less than $5,100,000 shall

be available for the international solar energy program, not less than $5,000,000 shall be available for the National Renewable Energy Laboratory, not less than $27,850,000 shall be available for geothermal technology development, not less than $27,700,000 shall be available for hydrogen research, not less than $6,400,000 shall be available for hydropower research, not less than $32,000,000 shall be available for high temperature superconducting research and development, not less than $3,000,000 shall be available for energy storage systems, and not less than $18,500,000 shall be available for direction of programs).''.

Mr. REID. I object.

The PRESIDING OFFICER. The Senator from Nevada objects.

Mr. REID. I object and call for the regular——

The PRESIDING OFFICER. The Senator from Nevada has objected. Under the unanimous consent agreement, the only amendments in order are those that have been filed.

Mr. JEFFORDS. Mr. President, I do not believe that the order includes a motion to recommit with an amendment. I ask for clarification in that respect.

Mr. REID. I submit to the Chair that it includes all amendments.

The PRESIDING OFFICER. The Senator from Vermont is advised that the instructions that all amendments must be filed applies even to amendments that would be included within a motion with instructions to recommit.

Mr. JEFFORDS. Mr. President, I appeal the ruling of the Chair.

The PRESIDING OFFICER. The appeal is debatable. Is there debate on the appeal?

Mr. JEFFORDS. Mr. President, I hope Members understand that this amendment would be perfectly appropriate to make this bill a more useful document. I understand the strong desires of some not to have this amendment apply, but it is an amendment which has over 50 cosponsors. It is only appropriate that this body have the right to exercise their will on a vote which will let them modify this bill in a manner which they think will make it more appropriate.

I urge all Members, especially the 50 cosponsors, to join with me on appealing the ruling of the Chair to allow this amendment to be placed upon the bill. It is only appropriate considering that the only problem we had was the one word ''unnecessary'' which made it subject to a point of order because the CBO ruled that the word ''unnecessary'' would prevent the funding and, therefore, would not be appropriate.

I believe very strongly we ought to have an opportunity for the majority of this Senate to express their will on this bill. Therefore, I am appealing the ruling of the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, first of all, I reiterate what the chairman of the subcommittee has said, the manager of this bill. It is not as if we have not done everything we can to make sure that solar renewables are taken care of. There has been a 3-percent cut in solar and renewables. Others had a 9-percent cut. We have treated this, in effect, more fairly than anything else.

I also say to my friends, when this bill left this body last year, it had less money in it than the bill has this year. It was only because of what took place in the so-called summit after the committees completed all their work, the negotiation with the President, that the bill was plused up to $365 million. This is not chicken feed. This is $354 million for solar renewables.

Also, we in Nevada understand solar energy. At the Nevada Test Site, which we hear so much about in this Chamber, there could be enough energy produced by Sun at the Nevada Test Site to take care of all the energy needs of this country. The fact is, it is very difficult to get from here to there.

We are spending huge amounts of money—not enough; and I recognize that. Everybody wants to come and spend more money. I would like to spend more money. My friend from Vermont voted for the budget. I did not vote for the budget. I wish we had more money here. I think the budget we are being asked to work under is ridiculous. We cannot do what needs to be done for this country. My friend from Vermont voted for the budget. I did not.

So I say that we have to understand that if this goes back to the committee, we are going to have significant difficulties getting to the point where we are today. If we are going to move these bills along, it would seem to me the majority should help us move them along. This is one of the easier bills, some say. Based on this, I am not too sure.

I am a supporter of alternate energy sources. We have a solar energy program in the State of Nevada that we are very proud of. It is one of the best in the country. I have been to the one at Barstow. It produces 200 megawatts of electricity. It is by far the largest plant in the world. It is 100 times larger than the second largest plant, which is a small plant. Technology is allowing us to move forward but not very rapidly.

In this bill for solar building technology research there is $2 million; for photovoltaic energy systems there is $64 million; for biomass/biofuels transportation there is $38 million. For wind energy systems there is $34 million in this bill.

In the bill there is money for solar program support, the renewable energy production incentive, international solar programs, national renewable energy laboratory construction, and geothermal funding.

The State of Nevada has more geothermal potential than any State in this Union. It would be very beneficial for us to have more money. It would help the State of Nevada. We cut solar renewables 3 percent. We cut other nondefense programs almost 10 percent. We have been more fair to this entity than any of the others.

So I move to table the appeal and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. I withhold.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent to speak for 2 minutes.

Mr. JEFFORDS. Mr. President, I did not hear the request.

The PRESIDING OFFICER. The Senator requested to speak for 2 minutes.

Mr. JEFFORDS. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Thank you.

Fellow Senators, I suggest to you, the Chair has ruled that what the Senator seeks to do is out of order. We did establish right after we started this bill that amendments had to be filed at the desk so everybody could look at them. As you look at that sequence of things, a motion to send this back to committee with instructions was out of order; so those who want the Senator to win could not have won anyway. Now he wants to just send it back to committee. The Chair has once again ruled that is out of order.

How far do we have to go? As a matter of fact, we have already taken care of renewables better than almost any other nondomestic piece of this budget. We have reduced, by 24 percent, items such as cleanup, nondefense cleanup, in this country because we do not have enough money this year. We are $600 million short. We have only reduced this function by 2.8 percent. We reduce the Corps of Engineers by 8 percent, the Bureau of Reclamation by 3 percent. The total nondefense has been reduced by 7 percent.

We have prioritized well. As a matter of fact, if this amendment passes, we will be giving renewables a 14-percent priority over the rest of the nondefense programs of this country which, on average, have been cut 7 percent, because this would ask to increase it by 7. I believe it should be tabled. I hope we will do that expeditiously. I thank Senator REID for his attentiveness and his stick-to-itiveness on this. I believe we have treated renewables fairly.

I yield the floor.

The PRESIDING OFFICER. The Senator's motion to table has been withheld to this point.

Mr. REID. I move to table the appeal and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the appeal of the ruling of the Chair. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote ''no.''

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—60

Abraham	Frist	McConnell
Allard	Gorton	Mikulski
Ashcroft	Graham	Moynihan
Baucus	Gramm	Murkowski
Bennett	Hatch	Nickles
Bond	Helms	Reid
Breaux	Hollings	Robb
Bunning	Hutchinson	Roberts
Burns	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Campbell	Inouye	Sessions
Cochran	Kerrey	Shelby
Coverdell	Kohl	Smith (NH)
Craig	Kyl	Specter
Crapo	Landrieu	Stevens
Daschle	Lautenberg	Thomas
DeWine	Lincoln	Thompson
Domenici	Lott	Thurmond
Edwards	Mack	Torricelli
Enzi	McCain	Voinovich

NAYS—39

Akaka	Durbin	Levin
Bayh	Feingold	Lieberman
Biden	Feinstein	Lugar
Bingaman	Fitzgerald	Murray
Boxer	Grams	Reed
Brownback	Grassley	Rockefeller
Bryan	Gregg	Roth
Chafee	Hagel	Schumer
Cleland	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Conrad	Kennedy	Warner
Dodd	Kerry	Wellstone
Dorgan	Leahy	Wyden

NOT VOTING—1

Harkin

The motion was agreed to.

The PRESIDING OFFICER. The decision of the Chair stands.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I regret that I cannot support S. 1186, the FY 2000 Energy and Water Appropriations bill. I cannot support this bill because its funding for renewable energy falls far short of what we need in this country as we head into the 21st Century. The funding level provided in this bill, $353.9 million, doesn't come close to meeting the Administration's budget request. S. 1186 has $92 million less for renewables than the Administration requested. This represents a cut from last year's final appropriated level of about $12 million.

This is a very difficult vote for me because S. 1186 includes funding for some very important projects and programs. There are two projects that I believe are particularly important, the Marshall Flood Control Project and the Stillwater Levee. The Marshall Flood Control Project has been under consideration since the early 1970s and was authorized under the 1986 and 1988 Water Resources Development Act (WRDA). The FY 1999 Energy and Water Appropriations bill included $1.5 million for this project, and the Army Corps was able to reprogram an additional $700,000. FY 2000 funding will make it possible for a significant portion of the Stage Two work to be completed during this year's construction season.

The Stillwater Levee is another worthy project funded in this bill. Although the levee survived last year's high waters, it is in urgent need of repairs. The levee will protect downtown Stillwater, which includes over 60 sites on the National Register of Historic Sites.

It is especially unfortunate that we failed to take advantage of the opportunity we had to improve this bill. Senator JEFFORDS proposed an amendment that would have increased funding for solar and geothermal energy by $70 million, and we did not even get an up-or-down vote on his amendment. I think it was an important amendment, and I was proud to be an original cosponsor. I very much appreciate the leadership of my friend from Vermont on this issue.

As we near the millenium, I believe we need a far stronger commitment to a renewable energy future, not the $12 million cut for renewable energy in this bill. For too long, we have allowed our economy to remain hostage to oil, much of it imported. We should all recognize that our addiction to fossil fuels is not sustainable. We fight wars in part over oil, which we then use to pollute our skies, while providing tax breaks to large oil companies. Petroleum has helped us to achieve a very high standard of living in the western world, and oil will continue to be a major part of our economy. Indeed, oil is the central nervous system of the western world's economy. But we have been in need of surgery for years now.

In the past, we have risen to the challenge when faced with a visible crisis and rising prices. Can we do it again without long gas lines and with stable prices? I say we can. Indeed, while many see only a future of constraints, I see a future with opportunities.

After all, what will it take to stop overloading Mother Nature? Higher efficiency and more reliance on cleaner fuels. And what will that lead to? Manufacturing enterprises with the lowest operating costs in the world. Households that generate electricity from rooftop solar arrays. Farmers who harvest an additional ''crop''—the winds that blow over their fields. City streets inhabited by quiet and pollution-free electric vehicles.

That is a future the American people surely can rally behind. Now is the time to rally all Americans behind that vision of the future. But unfortunately, this bill fails to do that. In fact, I believe it is a step in the wrong direction, and for that reason I am voting against it.

Mrs. MURRAY. Mr. President, included in the manager's package is an amendment designed to insert the United States Congress into the Bonneville Power Administration's rate setting process. I believe it is unnecessary and potentially counterproductive. Thus, I do not support it and will work to see it stricken in conference.

The BPA next month hopes to initiate the rate case to establish the cost of BPA power and set parameters for funding salmon recovery on the Columbia and Snake Rivers. As currently formulated, the rates established will fund projected fish and wildlife costs through customer rates. The process is working and this amendment could potentially jeopardize it.

I, along with other Democratic members of the Northwest delegation, recently sent a letter to Vice President GORE to reiterate our support for the so-called ''fish funding principles'' agreed to by the Administration and BPA. We sent this letter in response to a staff memo initiated by the National Marine FIsheries Service and the Environmental Protection Agency, recommending BPA charge its customers higher rates so it could establish a ''slush fund'' to pay the enormous cost of removing or breeching the four lower Snake River dams. As my colleagues know, there has been no decision that these dams should be removed and therefore there is no need to begin saving for such a controversial plan. Our letter firmly opposed collecting money from ratepayers for costs that may or may not be incurred in the future. Specifically, we opposed ''prepayment of speculative future costs, particularly if those costs are contingent upon congressional action.''

There is no movement afoot by the Administration or BPA to establish such a slush fund. So, there is not a problem to solve regarding slush funds for dam removal.

However, we do have a problem to solve: saving our wild salmon. We are committed as a region and as a nation to doing so. These skirmishes over staff memos and rumors simply divide us and divert our attention from the real problems we must solve; the real creative solutions we must fund; the real consensus we must forge. I fear an unintended consequence of this amendment may be to reduce our region's ability to solve this problem on its own.

So, Mr. President, this amendment is not helpful. That said, I know I do not

have the votes to prevent its inclusion in this bill and thus have worked with Senator GORTON to modify it to make it more acceptable. The amendment now will apply only to this fiscal year, instead of continuing in perpetuity. In addition, the BPA Administration now must set rates with the ''fish funding principles'' agreed to by the Administration and BPA in mind.

Let me conclude by reiterating that we have a process working to set rates for BPA customers, which I firmly believe will achieve the vital goal of helping us save fish, and will allow full public and stakeholder involvement. This amendment is unnecessary and diversionary. I look forward to working with Senator GORTON and the Administration to get this language dropped from the bill in conference committee.

Mr. GORTON. Mr. President, no large group of citizens should be required to pay in advance for a project that they oppose, that will have an adverse impact on their lives and livelihoods, and that will almost certainly never be authorized. But that is exactly what has recently been proposed by certain officials of the Clinton Administration.

A discussion paper was recently published by these officials suggesting that the Bonneville Power Administration (BPA) add significantly to its power charges to its customers in its impending rate case. The purpose of these added charges is to provide a slush fund for the removal of four Federal dams from the Snake River, if that removal is ever authorized or ordered. It is only fair to add that the Clinton Administration has stated that the paper does not now reflect Administration policy, but it has nevertheless raised fears that the Administration might some day try to order such a removal without asking Congress either for the authority or the money to do so.

This amendment will prevent such an end run. It does not prevent BPA from including fish recovery costs in its rate structure for the next five years, even in greater amounts than the $435 million per year current limit. It will, however, prevent an additional surcharge for possible dam removal. That project, if it should be proposed, should require Congressional authorization, and a debate over funding sources, only as and when this or any later Administration makes such a recommendation.

Mr. LEAHY. Mr. President I would like to engage the Chairman in a colloquy. First, let me thank the Senator from New Mexico for his diligence in balancing funding for the wide variety of programs within the Energy and Water Appropriations bill under very difficult budget constraints. Under these constraints, you were able to fund the biomass programs at $72 million. However, one very important program to the Northeast has not been funded. The Northeast Regional Biomass Program has helped my State make significant steps to develop and market the use of wood as an energy source. It is now being used in Vermont schools, low-income housing projects, State office buildings and mills. Without support from the Northeast Regional Biomass Program, Vermont will not be able to build on these successes. Although funding is not included in the Senate bill for this program, the Department of Energy should be given the flexibility to continue support for some of these projects.

Mr. DOMENICI. As you mentioned, this appropriations bill was allocated $439 million less than the Fiscal Year 1999 enacted level. Although there are many programs I would have liked to continue, this funding level cannot accommodate all of them. However, I recognize the good projects being undertaken by the regional biomass programs and would encourage the Department of Energy its support for those programs within the overall biomass budget.

Mr. LEAHY. I thank the Chairman and look forward to working with him and the Department of Energy to support state efforts to expand the use of small biomass projects that promote the use of wood energy as a renewable resource.

Mr. President, I would like to engage the Chairman in a colloquy. As more and more states deregulate their own energy industries, environmentally preferable electric power is one of the markets developing first. One sector that has garnered specific questions about its impact on the environment is hydropower. Consumers need a credible means to determine which hydropower facilities are environmentally preferable. Mr. Chairman, you have partially addressed this situation already by including funding within the Department of Energy's hydropower account to develop ''fish friendly'' turbines. I believe facilities that use this and other new technology should receive recognition for their efforts. Hydropower facilities that are operated to avoid and reduce their environmental impact should also receive recognition.

Mr. DOMENICI. I agree with the Senator and encourage the Department of Energy to support a voluntary certification program that will distinguish low impact hydropower from other hydropower. Such a certification program would also help develop new markets for ''green power.''

Mr. LEAHY. I thank the Chairman and look forward to working with him and the Department of Energy to support this type of certification program.

HEMISPHERIC CENTER FOR ENVIRONMENTAL TECHNOLOGY (HCET)

Mr. MACK. Mr. President, I want to engage the distinguished Senator from new Mexico and the distinguished Senator from Nevada, managers of the pending bill, in a colloquy.

Mr. DOMENICI. I will be pleased to respond to the distinguished Senator from Florida, Senator MACK.

Mr. REID. I echo the sentiments of my colleague, Senator DOMENICI, and will be happy to respond to the distinguished Senator from Florida.

Mr. MACK. I thank the Senator.

Florida International University in my State of Florida has done a truly remarkable job of working with the Department of Energy in carrying out critically important environmental research and development of deactivation and decommissioning environmental technologies. More specifically, FIU's Hemispheric Center for Environmental Technology (HCET) has a proud history of partnering with DOE through its Environmental Management program to form a true 'center of excellence' in these areas and the President's fiscal year 2000 budget request for the EM program assumes full funding for continuation of this impressive partnership.

Mr. GRAHAM. Will the senator yield?

Mr. MACK. I yield to my colleague from Florida.

Senator GRAHAM. I echo the comments of the Senator from Florida about the FIU Hemispheric Center for Environmental Technology and reinforce the importance of the FIU Center in assisting the Department of Energy in deactivation and decommissioning of some of the most strategically important DOE sites in the Nation, including Fernald, Chicago, Albuquerque, Richland, and Oak Ridge facilities. I am proud of the role that HCET plays in these efforts.

Mr. MACK. I thank my colleague from Florida. It is my understanding that the President's budget contains sufficient funding ($5,000,000) to fully fund the current working agreement between Florida International University and the Department of Energy. Is that the Chairman's understanding?

Mr. DOMENICI. The Senator is correct.

Mr. MACK. I thank the Chairman. I specifically request that, as the distinguished senior Senator from New Mexico and the chairman of the Energy and Water Development Subcommittee continues to shepherd this legislation through the Senate and conference with the House, he would make every possible effort to provide the full budget request for the DOE's Environmental Management program and protect the full funding contained therein for the DOE-Florida International University partnership.

Mr. GRAHAM. I strongly endorse the recommendation of my colleague from Florida and hope that the distinguished Chairman and Ranking Member of the Subcommittee, Senator REID, will approve the full budget request in the final bill that is sent to the White House for approval. This is a

program that is important to us and to our State.

Mr. REID. I thank both Senators from Florida, and you have my commitment that I will do whatever I can to include sufficient funding for the Environmental Management program at DOE to allow for the full $5,000,000 for the Florida International University-DOE initiative.

Mr. DOMENICI. I offer my commitment as well that I will work with Senator REID and the other members of the Subcommittee to do whatever I can to include sufficient funding for the Environmental Management program at DOE to allow for the full $5,000,000 for the Florida International University-DOE initiative.

Mr. MACK. I thank the distinguished Senators from New Mexico and Nevada for their commitment and leadership on this important legislation.

Mr. GRAHAM. I, too, thank the distinguished Senators from New Mexico and Nevada for their support in this most important matter.

INTERNATIONAL RADIOECOLOGY LABORATORY

Mr. COVERDELL. Mr. President, I bring to the attention of the chairman, other members of the Appropriations Committee, and the Senate—the International Radioecology Laboratory, commonly referred to as IRL, in Slavutych, Ukraine—which was dedicated last month by the U.S. Department of Energy. The IRL was established in July, 1998 by an agreement between the governments of the United States and the Ukraine to facilitate the critical research being conducted near the Chernobyl nuclear site on the long-term health and environmental effects of the world's worst nuclear accident. Construction of the IRL will be completed by fall, 1999. The IRL is managed by the Savannah River Ecology Laboratory, also known as SREL, of the University of Georgia and funded through cooperative agreements by the Department of Energy.

Led by Dr. Ron Chesser of SREL, highly integrated research scientists from the University of Georgia, Texas Tech, Texas A & M, the Illinois State Museum, Purdue University, Colorado State University, Ukraine and Russia have been involved in cooperative research in the Chernobyl region since 1992. These efforts have significant importance regarding the long-term risks in the Chernobyl area itself, but also for predicting the environmental consequences of future radioactive releases.

The new IRL will serve as the primary facility from which radioecology research activities are directed and will be the central point for collaboration among scientists worldwide concerned with the effects of environmental radiation.

The Savannah River Ecology Laboratory has proposed a new 5-year research initiative at the IRL to be administered through the Office of International Nuclear Safety Cooperation Program at the Department of Energy. This ambitious research project would carry out the goals of the United States-Ukraine 1998 agreement to: (1) understand the effects of the pollution from the Chernobyl disaster on forms of life; (2) provide data needed to make wise decisions concerning environmental and human health risks and the effectiveness of clean-up activities; and (3) develop strategic plans for the potential of future radiation releases. I am disappointed that this new initiative was not specifically funded in the FY 2000 Energy and Water Appropriations bill approved by the Committee and I would urge the Chairman to do all he can to find the necessary funds for this important project when the FY 2000 Energy and Water Appropriations bill goes to conference.

Mr. DOMENICI. I appreciate the concern of the Senior Senator from Georgia. I share his point of view regarding the importance of this new joint United States-Ukraine facility and the vital research being conducted on the aftermath of the Chernobyl accident. While you know how tight our budget is, I assure you that when this bill goes to conference we will make every effort to locate additional funds within DOE to allocate for programs like this and will attempt to find additional funding for DOE programs.

NAME CHANGE FOR TERMINATION COSTS PROGRAM

Mr. CRAIG. Mr. President, I rise to engage in a colloquy with my colleague from New Mexico, the bill manager, regarding the need to change the name of one of the programs in the Department of Energy's appropriations. Within the Energy Supply account, there is an account called ''Nuclear Energy.'' Within the nuclear energy account, there is a program called ''Termination Costs.''

For some time, the name ''Termination Costs'' has caused considerable confusion. In fact, in the past the Department of Energy has submitted its budget request for this program using a different name. They called it the ''Facilities'' program and the Senate last year even appropriated funding using the name ''Facilities'' but the name change was dropped in conference.

The name ''Termination Costs'' is not an accurate depiction of the activities occurring under this program. I will quote from the Department of Energy's fiscal year 2000 budget request. The following items are listed as the program mission for the Termination Costs Program. (1) Ensuring the cost-effective, environmentally-compliant operation of Office of Nuclear Energy, Science and Technology sites and facilities; (2) Maintaining the physical and technical infrastructure necessary to support research and technology development by U.S. and overseas researchers; (3) Demonstrating the acceptability of electrometallurgical technology for preparing DOE spent nuclear fuel for ultimate disposal; and (4) Placing unneeded facilities in industrially safe and environmentally compliant conditions for low-cost, long-term surveillance.

With the possible exception of the last item, No. 4, these important mission priorities do not fit the heading of ''termination.''

Again, quoting from the Department of Energy's budget submittal, the stated program goal for the Termination Costs Program is, ''To contribute to the nation's nuclear science and technology infrastructure through the development of innovative technologies for spent fuel storage and disposal and the effective management of active and surplus nuclear research facilities.'' I think this is an enduring mission for DOE and therefore the moniker ''Termination Costs'' is misleading.

Mr. DOMENICI. Will my colleague from Idaho yield?

Mr. CRAIG. I yield to my colleague.

Mr. DOMENICI. Mr. President, listening to the statements of the Senator from Idaho, I share his conviction that the name ''Termination Costs'' appears to be inadequate to describe the activities carried out under this program. This is consistent with the position the Senate took last year. I commit to work with my colleague to see that the name is changed to ''Facilities'' as requested by both my colleague and by DOE in the past.

Mr. CRAIG. I thank my colleague from New Mexico for his assistance in this matter.

DOE CLEAN-UP AT FERNALD

Mr. DEWINE. Mr. President, the Fernald site in Cincinnati, OH, has done a truly remarkable job of working with the Department of Energy in carrying out critically important environmental clean-up and restoration missions. More specifically, the clean-up at Fernald has garnered broad-based stakeholder support and is moving along ahead of schedule. More important, the Fernald site has pioneered the accelerated 10 year clean-up plan, which will save taxpayers several billion dollars. All of this has been accomplished while managing the site at or below the Department's appropriated budget for the project. I see the distinguished Chairman of the Energy and Water Subcommittee on the floor and wanted to be sure he is aware of the efforts underway at Fernald.

Mr. DOMENICI. I thank the Senator from Ohio for his comments. I am aware and certainly do appreciate the efficiency and budget-wise efforts of the clean-up achievements at the Fernald site.

Mr. DEWINE. I thank the Chairman of the Subcommittee. Does the Chairman agree that to further the proceedings, the Department of Energy should support the accelerated clean-up plan in place?

Mr. DOMENICI. I agree with the Senator from Ohio. The subcommittee recognizes the support of the Cincinnati community and regulators. The Department of Energy should take all steps necessary to keep the accelerated cleanup at Fernald on schedule, and the Subcommittee will continue to work with the senior Senator from Ohio to monitor this effort.

Mr. DEWINE. I thank my friend and distinguished colleague from New Mexico for his leadership on this important issue to the citizens of Cincinnati.

BUREAU OF RECLAMATION DAM SAFETY RESEARCH

Mr. BENNETT. Mr. President, Utah has at least 30 dams that currently do not meet current safety standards. Most of these dams were built more than 30 years ago by either the Bureau of Reclamation, the Soil Conservation Service or the state for a variety of purposes such as flood control, irrigation or municipal purposes or for wildlife enhancement. As these dams have aged, safety concerns have increased. We now find ourselves facing tremendous and expensive safety issues.

Earlier this year, I requested additional funding for research related to monitoring and manipulating subsurface flows which affect Bureau dams. It is my hope that this research could be utilized to help address dam safety across the West. Unfortunately, given the committee allocation, it was not possible to provide increased funding this year.

I know that the Bureau is seeking to conduct more extensive research to determine the possibility of manipulating subsurface flows and the effects on dam safety. Utah State University's Water Research Lab has been identified as a leader in this effort. I also requested funding to be directed toward the Dam Breach Modeling program which would research additional modeling of dam failure scenarios. This research would include water tracking technologies to monitor internal movement of water through dams, and allow the Bureau to explore applying this technology to specific Western dams.

The technology would provide the Dam Safety program with additional tools to gather information on internal conditions and analyze dam integrity and make predictions on possible impacts from floods, earthquakes and similar events. It is anticipated that after a testing period, assistance could be made available to federal and state dam safety officials in assessment programs.

Utah, New Mexico, Idaho and almost all western states have potentially serious dam safety problems. New technologies could provide information to identify high risk areas and define the critical flows and leaks that threaten a structure.

As a member of the subcommittee, I certainly understand the pressures on the chairman because of the budget limitations and personally know that he has done everything he can to meet the enormous and competing demands. I hope that should additional funds become available down the road, the Committee would consider these requests at some funding level.

Mr. DOMENICI. I concur with the Senator on the importance of developing and testing dam safety technologies. However, since funding levels for the Bureau are $95 million below the budget request, there are numerous projects of merit which must go unfunded this year. I wish this were not the case, but I would be happy to work with the Senator should additional resources become available and conference conditions allow the Committee to consider this matter.

MAINTENANCE DREDGING PROJECTS

Mr. GREGG. Mr. President, I rise to clarify points regarding the Army Corps of Engineers maintenance dredging projects in the State of New Hampshire.

Maintenance dredging of Little Harbor, in Portsmouth, remains a top priority for the State of New Hampshire and is important to regional and recreational commercial boating users who continue to operate with navigational safety hazards. Environmental mitigation matters associated with the federal project have been addressed by an interagency task force. Proposed dredging, dredged material disposal, and mitigation arrangements are currently being addressed by the Army Corps of Engineers in an Environmental Assessment.

Piscataqua River shoaling remains a top priority for the State of New Hampshire. Shoaling has occurred in the major shipping lane at Portsmouth Harbor. Last year 6 million tons of cargo, mostly petroleum products, passed through the Piscataqua River. It is imperative for navigational and environmental safety that the shipping lane be cleared at the earliest possible opportunity. The Army Corps of Engineers is currently developing an Environmental Impact Study.

Sagamore Creek is also a priority for the State of New Hampshire. Maintenance dredging of Sagamore Creek is important to the New Hampshire Commercial Fishing Industry as it functions as a transit channel and is the back channel to Little Harbor. Appropriated funds would allow the Army Corps of Engineers to conduct required hydrographic and material testing to initiative project. Sagamore Creek is being abandoned by the New Hampshire Commercial Fishing Fleet due to lack of clearance and navigational safety concerns.

I respectfully ask the distinguished chairman to consider the importance of these projects as this bill develops and to help the Corps in addressing these pressing priorities which are so important in my state.

Mr. DOMENICI. I appreciate the Senator from New Hampshire bringing these important projects to my attention. I understand, from recent communications with the Army Corps of Engineers, that work may being on these projects as soon as possible, consistent with necessary approvals and funding. I look forward to working together to identify ways in conference by which we might be able to advance these projects.

BROOKHAVEN NATIONAL LABORATORY

Mr. SCHUMER. Mr. President, with the threat of a permanent shutdown of the High Flux Beam Reactor at Brookhaven National Laboratory, the employees who operate the reactor have asked to be reinstated under The Department of Energy Worker and Community Transition Program. This office provides funding for separation benefits, outplacement assistance, and training. Brookhaven and Argonne National Labs in Idaho were removed from the program in 1997, making their employees ineligible for those benefits.

I thank Senator REID for committing to pursue adding this provision during the conference committee negotiations on Energy and Water Appropriations for Fiscal Year 2000. This program is crucial to ensure future employment of the workforce at Brookhaven National Laboratory.

Mr. REID. I am pleased to help the Senator from New York.

Mr. SCHUMER. I thank the Chair.

GEORGIA ENERGY AND WATER PROJECTS

Mr. COVERDELL. Mr. President, as the chairman knows, several projects from the great state of Georgia found funding in the Committee's appropriations report now before us. I applaud the attention and support provided by the Subcommittee to fund these important activities. In particular, I speak of the funding for Brunswick and Savannah Harbor maintenance and the Army Corps of Engineers' investigations of Brunswick Harbor and the Savannah Harbor Expansion. The Brunswick and Savannah Harbor expansion projects found earlier authorization in the Water Resources Development Act of 1999 (WRDA) which recently passed the Senate.

Mr. DOMENICI. The subcommittee understands the importance of harbor maintenance and deepening to Savannah and Brunswick. I also appreciate the work of the Senator from Georgia.

Mr. COVERDELL. In addition, the subcommittee's continued funding of other worthy projects in Georgia, the New Savannah Bluff Lock and Dam, is appreciated. I look forward to working with you and the Subcommittee on other Georgia priorities.

Mr. DOMENICI. The subcommittee agrees that these projects after undergoing the intense scrutiny of the Congressional process for a number of years continue to prove their worth. I look forward to continuing to work on

behalf of these and other priorities for Georgia.

Mr. COVERDELL. I thank the Senator for the opportunity to engage in this colloquy and for your support of these very worthwhile projects.

Mr. DOMENICI. Mr. President, I submit for the RECORD the official Budget Committee scoring of the pending bill—S. 1168, the Energy and Water Development Appropriations bill for FY 2000.

The scoring of the bill reflects an amendment I offered at the beginning of this debate to correct an inadvertent error in the bill as reported to the Senate. With this correction of a clerical error, the bill provides $21.3 billion in new budget authority (BA) and $13.3 billion in new outlays to support the programs of the Department of Energy, the U.S. Army Corps of Engineers, and the Bureau of Reclamation, and related federal agencies. The bill provides the bulk of funding for the Department of Energy, including Atomic Energy Defense Activities and civilian energy research and development (R&D) other than fossil energy R&D and energy conservation programs.

When outlays from prior-year budget authority and other completed actions are taken into account, the pending bill totals $21.3 billion in BA and $20.9 billion in outlays for FY 2000. The bill is $2 million in BA below the Subcommittee's 302(b) allocation, and at the 302(b) allocation for outlays.

The Senate bill is $0.1 billion in BA and $0.5 billion in outlays above the 1999 level. The bill is $0.3 billion in both BA and outlays below the President's budget request for FY 2000.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the FY 2000 Energy and Water Development Appropriations bill be printed in the RECORD.

I urge the adoption of the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

S. 1168, ENERGY AND WATER APPROPRIATIONS, 2000, SPENDING COMPARISON—SENATE-REPORTED BILL

[Fiscal year 2000, in millions of dollars]

	General purposes	Crime	Mandatory	Total
SENATE-REPORTED BILL: [1]				
Budget authority	21,278	.....	.....	21,278
Outlays	20,868	.....	.....	20,868
Senate 302(b) allocation:				
Budget authority	21,280	.....	.....	21,280
Outlays	20,868	.....	.....	20,868
1999 Level:				
Budget authority	21,177	.....	.....	21,177
Outlays	20,366	.....	.....	20,366
President's request:				
Budget authority	21,557	.....	.....	21,557
Outlays	21,172	.....	.....	21,172
House-passed bill:				
Budget authority	.....	.....	.....	.....
Outlays	.....	.....	.....	.....
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	(2)	.....	.....	(2)
Outlays	.....	.....	.....	.....
1999 Level:				
Budget authority	101	.....	.....	101
Outlays	502	.....	.....	502

S. 1168, ENERGY AND WATER APPROPRIATIONS, 2000, SPENDING COMPARISON—SENATE-REPORTED BILL—Continued

[Fiscal year 2000, in millions of dollars]

	General purposes	Crime	Mandatory	Total
President's request:				
Budget authority	(279)	.....	.....	(279)
Outlays	(304)	.....	.....	(304)
House-passed bill:				
Budget authority	21,278	.....	.....	21,278
Outlays	20,868	.....	.....	20,868

[1] Reflects floor amendment on SEPA reducing BA by $11 million and outlays by $9 million.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. DOMENICI. Mr. President, I rise to discuss an amendment specifically focused on encouraging small business partnership interactions with the Department of Energy's national laboratories and other facilities associated with Defense Activities.

Congress has frequently encouraged the national laboratories and facilities of the Department of Energy to craft partnerships that are supportive of their mission interests. Congress has emphasized that all program funding at these institutions can be used for mission-supportive partnerships.

Through industrial interactions, the best practices from industry, from improved technologies to improved operations, can be infused into Department missions. These interactions also provide opportunities for U.S. industry to benefit from technologies developed in support of the Department's mission areas, with a corresponding impact on the competitive position of our nation.

In past years, Congress has identified large amounts of funding, over $200 million per year, to encourage formation of these partnerships. There is less need for these funds for industrial interactions today, since the labs and facilities should have learned how to optimally use these partnerships. However, the reduction in funding for industrial interactions does not imply that Congress is less supportive of them, it only indicates the expectations that the Department's programs should be able to continue to use these partnerships without line item funding.

One specific class of industrial interactions, however, requires continued attention and specific funding from Congress. This involves interactions with small businesses. Small businesses are a primary engine of U.S. economy. They frequently represent the greatest degree of innovation in their approaches. Their focus on innovation makes them a particularly important partner for the labs and facilities, yet their small size and less developed business operations make interactions with the large Departmental facilities difficult.

In addition, each of the labs and facilities needs a supportive small business community surrounding them, one that can provide needed technical services as well as provide an economic climate that assists in recruitment and retention of the specialized personnel required at these facilities.

For these reasons, we need a focused small business initiative to encourage interactions with this vital community. These partnership interactions can take many forms, from very formal cooperative research and development agreements to less formal technology assistance. They should be justified either on a mission relevance or regional economic development basis.

Four these reasons, Mr. President, this amendment creates a Small Business Initiative within Defense Activities for $10 million. With this Initiative, this vital class of interactions will be encouraged.

Mr. President, I also wish to speak about an amendment to add $10 million for a specific area of civilian research and development. This area involves assessment of accelerator transmutation of waste technology that may be able to significantly reduce the radioactivity and radio-toxicity of certain isotopes found in spent nuclear fuel.

Accelerator transmutation of waste or ATW may enable the nation to consider alternative strategies for spent nuclear fuel at some future point in time. Our present plan involves no options, it involves only the disposition of spent fuel in a permanent underground geologic repository. Yet that spent fuel still has most of its energy potential.

Depending on future generation's needs for energy, the availability of cost effective technologies for generation of electricity, and whatever limitations on power plant emissions may be in place, the nation may want to reexamine the advisability of continuing the current path for spent fuel. Transmutation technologies could enable energy recovery, along with significant reduction in the toxicity of the resulting final waste. However, while transmutation is technically feasible, much research and development will be required to determine its economic implications.

There is intense international interest in transmutation—from France, Japan, and Russia as examples. This is an excellent subject for international collaboration, and may lead to additional cooperation in the entire area of spent fuel management. The U.S. needs to have a sufficiently strong program to participate in such an international program, and ideally to exert a degree of leadership on the directions of international spent fuel programs.

For these reasons, Mr. President, this amendment adds $10 million to the civilian research and development funding line within the nuclear energy programs.

Mr. MCCAIN. Mr. President, the bill we are considering today, the energy

and water appropriations bill, is fundamental to our nation's energy and defense related activities, and takes care of vitally important water resources infrastructure needs. Unfortunately, this bill diverts from its intended purpose by including a multitude of additional, unrequested earmarks to the tune of $531 million.

This amount is substantially less than the earmarks included in the FY'99 appropriations bill and I commend my colleagues on the Appropriations Committee for their hard work in putting this bill together. In fact, this year's recommendation is about 60 percent lower than the earmarks included in last year's appropriation bill. My optimism was raised upon reading the committee report which states that the Committee is ''reducing the number of projects with lower priority benefits.'' Unfortunately, while the Committee attempts to be more fiscally responsible, there is a continuing focus on parochial, special interest concerns.

Funding is provided in this bill for projects where it is very difficult to ascertain their overall importance to the security and infrastructure of our nation.

Let me highlight a few examples:

$3,000,000 is provided for an ethanol pilot plant at Southern Illinois University;

$300,000 is provided to the Vermont Agriculture Methane project;

$400,000 is included for aquatic weed control at Lake Champlain in Vermont, and,

$100,000 in additional funding for mosquito control activities in North Dakota.

How are these activities connected to the vital energy and water resource needs of our nation? Why are these projects higher in priority than other flood control, water conservation or renewable energy projects? These are the type of funding improprieties that make a mockery of our budget process.

Various projects are provided with additional funding at levels higher than requested by the Administration. The stated reasons include the desire to finish some projects in a reasonable timeframe. Unfortunately, other projects are put on hold or on a slower track. The inconsistency between the Administration's request, which is responsible for carrying out these projects, and the views of the Appropriators on just how much funding should be dedicated to a project, is troubling. As a result, various other projects that may be equally deserving or higher in priority do not receive an appropriate amount of funding, or none at all. Many of my objections are based on these types of inconsistencies and nebulous spending practices.

Another $92 million above the budget request is earmarked in additional funding for regional power authorities. I fail to understand why we continue to spend millions of federal dollars at a time when power authorities are increasingly operating independent of federal assistance. Even the Bonneville Power Administration, one of these power entities, is self-financed and operates without substantial federal assistance.

We must stop this practice of wasteful spending. It is unconscionable to repeatedly ask the taxpayers to foot the bill for these biased actions. We must work harder to focus our limited resources on those areas of greatest need nationwide, not political clout.

I remind my colleagues that I object to these earmarks on the basis of their circumvention of our established process, which is to properly consider, authorize and fund projects based on merit and need. Indeed, I commend my colleagues for not including any projects which are unauthorized. However, there are still too many cases of erroneous earmarks for projects that we have no way of knowing whether, at best, all or part of this $531 million should have been spent on different projects with greater need or, at worst, should not have been spent at all.

I will support passage of this bill, but let me state for the RECORD that this is not the honorable way to carry out our fiscal responsibilities.

Mr. President, I ask unanimous consent that this list of objectionable provisions in S. 1186 and its accompanying Senate report be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN S. 1186 FISCAL YEAR 2000 ENERGY AND WATER APPROPRIATIONS BILL

BILL LANGUAGE

Department of Defense, Army Corps of Engineers

General investigations

Earmark of $226,000 for the Great Egg Harbor Inlet to Townsend's Inlet, New Jersey

General construction

Earmark of $2,200,000 to Norco Bluffs, California

Earmark of $3,000,000 to Indianapolis Central Waterfront, Indiana

Earmark of $1,000,000 to Ohio River Flood Protection, Indiana

Earmark of $800,000 to Jackson County, Mississippi

Earmark of $17,000,000 to Virginia Beach, Virginia (Hurricane Protection)

An additional $4,400,000 to Upper Mingo County (including Mingo County tributaries),

Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia

Earmark of $2,000,000 to be used by the Secretary of the Army, acting through the Chief of Engineers, is directed to construct bluff stabilization measures at authorized locations for Natchez Bluff, Mississippi

Earmark of $200,000 to be used by the Secretary of the Army, acting through the Chief of Engineers, to initiate a Detailed Project Report for the Dickenson County, Virginia elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River West Virginia, Virginia and Kentucky, project

An additional $35,630,000 above the budget request to flood control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee

POWER MARKETING ADMINISTRATIONS

$39,594,000 restored to the Southeastern Power Administration above the budget request.

An additional $60,000 above budget request for operation and maintenance at Southwestern Power Administration.

INDEPENDENT AGENCIES

An additional $5,000,000 above the budget request is provided for the Appalachian Regional Commission

An amount of $25,000,000 above the budget request is provided for the Denali Commission

General provisions

Language which stipulates all equipment and products purchased with funds made available in this Act should be American-made.

REPORT LANGUAGE

Department of Defense, Army Corps of Engineers

General Investigations

Earmark of $100,000 to the Barrow Coastal Storm Damage Reduction, AK.

Earmark of $100,000 to Chandalrr River Watershed, AK.

Earmark of $100,000 to Gastineau Channel, Juneau, AK.

Earmark of $100,000 to Skagway Harbor, AK.

Earmark of $150,000 to Rio De Flag, Flagstaff, AZ.

Earmark of $250,000 to North Little Rock, Dark Hollow, AR.

Earmark of $250,000 to Llagas Creek, CA.

An additional $450,000 to Tule River, CA.

An additional $450,000 to Yuba River Basin, CA.

Earmark of $250,000 to Bethany Beach, South Bethany, DE.

Earmark of $100,000 to Lake Worth Inlet, Palm Beach County, FL.

Earmark of $100,000 to Mile Point, Jacksonville, FL.

An additional $170,000 to Metro Atlanta Watershed, GA.

Earmark of $100,000 to Kawaihae Deep Draft Harbor, HI.

Earmark of $100,000 to Kootenai River at Bonners Ferry, ID.

Earmark of $100,000 to Little Wood River, ID.

Earmark of $100,000 to Mississinewa River, Marion, IN.

Earmark of $100,000 to Calcasieu River Basin, LA.

Earmark of $500,000 to Louisiana Coastal Area, LA.

Earmark of $100,000 to St. Bernard Parish, LA.

Earmark of $100,000 to Detroit River Environmental Dredging, MI.

Earmark of $400,000 to Sault Ste. Marie, MI.

An additional $400,000 to Lower Las Vegas Wash Wetlands, NV.

An additional $75,000 to Truckee Meadows, NV.

Earmark of $200,000 to North Las Cruces, NM.

Earmark of $100,000 to Lower Roanoke River, NC and VA.

Earmark of $300,000 to Corpus Christi Ship Channel, Laquinta Channel, TX.

Earmark of $200,000 to Gulf Intracoastal Waterway Modification, TX.

Earmark of $100,000 to John H. Kerr, VA and NC.

Earmark of $100,000 to Lower Rappahannock River Basin, VA.

Earmark of $500,000 to Lower Mud River, WV.

Earmark of $400,000 to Island Creek, Logan, WV.

Earmark of $100,000 to Wheeling Waterfront, WV.

Language which directs the Corps of Engineers' to work with the city of Laurel, MT to provide appropriate assistance to ensure reliability in the city's Yellowstone River water source.

Construction

An additional $1,200,000 to Cook Inlet, AK.

An additional $900,000 to St. Paul Harbor, AK.

An additional $13,000,000 to Montgomery Point Lock and Dam, AR.

An additional $8,000,000 to Los Angeles County Drainage Area, CA.

Earmark of $500,000 to Fort Pierce Beach, FL.

Earmark of $500,000 to Lake Worth Sand Transfer Plant, FL.

An additional $2,000,000 to Chicago Shoreline, IL.

An additional $10,000,000 to Olmstead Locks and Dam, Ohio River, IL and KY.

An additional $2,000,000 to Kentucky Lock and Dam, Tennessee River, KY.

An additional $2,000,000 to Inner Harbor Navigation Canal Lock, LA.

An additional $5,000,000 to Lake Pontchartrain and Vicinity, LA.

An additional $1,000,000 to West Bank Vicinity of New Orleans, LA.

An additional $2,500,000 to Poplar Island, MD.

Earmark of $250,000 to Clinton River, MI Spillway.

Earmark of $100,000 to Lake Michigan Center.

Earmark of $1,100,000 to St. Croix River, Stillwater, MN.

An additional $5,000,000 to Blue River Channel, Kansas City, MO.

An additional $1,000,000 to Missouri National Recreational River, NE and SD.

An additional $8,900,000 to Tropicana and Flamingo Washes, NV.

Earmark of $250,000 to Passaic River, Minish Waterfront Park, NJ.

Earmark of $750,000 to New York Harbor Collection and Removal of Drift, NY & NJ.

An additional $4,000,000 to West Columbus, OH.

An additional $90,000 to the Lower Columbia River Basin Bank Protection, OR and WA.

An additional $10,000,000 to Locks and Dams 2, 3 and 4, Monongahela River, PA.

An additional $1,000,000 to Cheyenne River Sioux Tribe, Lower Brule Sioux, SD.

Earmark of $1,000,000 to James River Restoration, SD.

Earmark of $1,000,000 to Black Fox, Murfree Springs, and Oakland Wetlands, TN.

Earmark of $1,000,000 to Tennessee River, Hamilton County, TN.

Earmark of $800,000 to Greenbrier River Basin, WV.

Earmark of $1,000,000 to Lafarge Lake, Kickapoo River, WI.

Earmark of $400,000 for aquatic weed control at Lake Champlain in Vermont.

An additional $960,000 for various earmarks under Section 107, Small Navigation Projects.

An additional $5,675,000 for various earmarks under Section 205, Small flood control projects.

An additional $1,760,000 for various earmarks under Section 206, Aquatic ecosystem restoration.

An additional $1,500,000 for various earmarks under Section 1135, Projects Modifications for improvement of the environment.

An additional $12,500,000 for the Mississippi River Levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee.

An additional $500,000 to St. Francis Basin, Arkansas and Missouri.

An additional $2,000,000 for the Louisiana State Penitentiary Levee, Louisiana.

An additional $500,000 for Backwater Pump, Mississippi.

An additional $585,000 for the Big Sunflower River, Mississippi.

An additional $5,000,000 for Demonstration Erosion Control, Mississippi.

An additional $2,000,000 for the St. Johns Bayou and New Madrid Floodway, Missouri.

An additional $2,764,000 for the Mississippi River Levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

An additional $1,500,000 for the St. Francis River Basin, Arkansas and Missouri.

An additional $2,250,000 for the Atchafalaya Basin, Louisiana.

An additional $1,000,000 for Arkabutla Lake, Missouri.

An additional $1,000,000 for End Lake, Missouri.

An additional $1,000,000 for Grenada Lake, Mississippi.

An additional $1,000,000 for Sardis Lake, Mississippi.

An additional $31,000 for Tributaries, Mississippi.

CORPS OF ENGINEERS—OPERATION AND MAINTENANCE, GENERAL

An additional $2,000,000 for Mobile Harbor, Alabama.

Earmark of $1,000,000 for Lowell Creek Tunnel (Seward), Arkansas.

An additional $1,500,000 for Mississippi River between Missouri River and Minneapolis, Illinois, Indiana, Minnesota, Missouri.

An additional $525,000 for John Redmond Dam and Reservoir, Kansas.

An additional $2,000,000 for Red River Waterway, Mississippi River to Shreveport, Louisiana.

Earmark of $250,000 for Missouri National River.

An additional $35,000 for Little River Harbor, New Hampshire.

Earmark of $20,000 for Portsmouth Harbor, Piscataqua River, New Hampshire.

An additional $1,500,000 for Delaware River, Philadelphia to the Sea, New Jersey, Pennsylvania and Delaware.

Earmark of $800,000 for Upper Rio Grande Water Operations Model.

An additional $100,000 for Garrison Dam, Lake Sakakawea, North Dakota.

An additional $500,000 for Oologah Lake, Oklahoma.

An additional $2,300,000 for Columbia and Lower Willamette River Below Vancouver, Washington and Portland.

An additional $50,000 for Port Orford, Oregon.

Earmark $400,000 for Corpus Christi Ship Channel, Barge Lanes, Texas.

An additional $1,140,000 for Burlington Harbor Breakwater, Vermont.

An additional $3,000,000 for Grays Harbor and Chehalis River, Washington.

Language which directs the Army Corps of Engineers to address maintenance at Humboldt; Harbor, CA; additional maintenance dredging of the Intracoastal Waterway in South Carolina; from Georgetown to Little River, and from Port Royal to Little River; dredging at the entrance; channel at Murrells Inlet, SC; additional dredging for the Lower Winyah Bay and Gorge in Georgetown Harbor, SC.

Bureau of Reclamation—Water and related resources

Earmark of $5,000,000 for Headgate Rock Hydroelectric Project.

An additional $1,500,000 for Central Valley Project: Sacramento River Division.

Earmark of $250,000 for Fort Hall Indian Reservation.

Earmark of $4,000,000 for Fort Peck Rural Water System, Montana.

Earmark of $2,000,000 for Lake Mead and Las Vegas Wash.

Earmark of $1,500,000 for Newlands Water Right Fund.

Earmark of $800,000 for Truckee River Operation Agreement.

Earmark of $400,000 for Walker River Basin Project.

An additional $2,000,000 for Middle Rio Grande Project.

Earmark of $300,000 for Navajo-Gallup Water Supply Project.

Earmark of $750,000 for Santa Fe Water Reclamation and Reuse.

Earmark of $250,000 for Ute Reservoir Pipeline Project.

An additional $2,000,000 for Garrison Diversion Unit, P–SMBP.

Earmark of $400,000 for Tumalo Irrigation District, Bend Feed Canal, Oregon.

An additional $2,000,000 for Mid-Dakota Rural Water Project.

Earmark of $600,000 for Tooele Wastewater Reuse Project.

Department of Energy

Earmark of $1,000,000 is for the continuation of biomass research at the Energy and Environmental Research Center.

Earmark of $5,000,000 for the McNeil biomass plant in Burlington, Vermont.

Earmark of $300,000 for the Vermont Agriculture Methane project.

Earmark of $2,000,000 for the continued research in environmental and renewable resource technologies by the Michigan Biotechnology Institute.

Earmark of $500,000 for the University of Louisville to research the commercial viability of refinery construction for the production of P-series fuels.

No less than $3,000,000 for the ethanol pilot plant at Southern Illinois University at Edwardsville.

Earmark of $250,000 for the investigation of simultaneous production of carbon dioxide and hydrogen at the natural gas reforming facility in Nevada.

Earmark of $350,000 for the Montana Trade Port Authority in Billings, Montana.

Earmark of $250,000 for the gasification of Iowa switchgrass and its use in fuel cells.

Earmark of $1,000,000 to complete the 4 megawatt Sitka, Alaska project.

Earmark of $1,700,000 for the Power Creek hydroelectric project.

Earmark of $1,000,000 for the Kotzebue wind project.

Earmark of $300,000 for the Old Harbor hydroelectric project.

Earmark of $1,000,000 for a demonstration associated with the planned upgrade of the

Nevada Test Site power substations of distributed power generation technologies.

Earmark of $3,000,000 for the University of Nevada at Reno Earthquake Engineering Facility.

An additional $35,000,000 to initiate a new strategy (which includes $5,000,000 for activities at Lawrence Livermore National Laboratory, $10,000,000 for Los Alamos National Laboratory, and $20,000,000 for work at Sandia National Laboratory).

An addition $15,0000,000 for the Nevada Test Site.

An addition $15,000,000 for future requirements at the Kansas City Plant compatible with the Advanced Development and Production Technologies [ADAPT] program and Enhanced Surveillance program.

An additional $10,000,000 for core stockpile management weapon activities to support work load requirements at the Pantex plant in Amarillo, Texas.

An additional $10,000,000 to address funding shortfalls in meeting environmental restoration Tri-Party Agreement compliance deadlines, and to accelerate interim safe storage of reactors along the Columbia River.

An additional $10,000,000 for spent fuel activities related to the Idaho Settlement Agreement with the Department of Energy.

An additional $30,000,000 for tank cleanup activities at the Hanford Site, WA.

An additional $20,000,000 to Rocky Flats site, CO.

Total amounts of earmarks: $531,124,000.

Mr. CRAIG. Mr. President, I rise to explain my amendment to S. 1186, a bill making appropriations for certain Department of Energy programs. Among these programs is the radioactive waste management program which is responsible for developing a nuclear waste repository at Yucca Mountain, in Nevada.

This repository will, if successfully completed, one day hold the spent nuclear fuel from all of this country's commercial nuclear power plants, in addition to defense high-level radioactive waste left-over from the development of nuclear weapons.

It has been 12 years since passage of the Nuclear Waste Policy Act Amendments of 1987, and I believe the Department of Energy's Yucca Mountain program is in serious trouble. In 1983, the Department of Energy signed contracts with every one of this country's nuclear power generators saying that the government would start taking their spent fuel for disposal in January of 1998.

Because of the Government's failure to meet that deadline, a number of utility companies, in conjunction with many State governments, are suing the Federal Government for failure to fulfill its contractual commitments. Many of these utilities are being forced, because of the Government's failure, to construct additional storage capacity at their sites. Many of these companies are seeking monetary damages from the Government.

Inheriting this situation from his predecessors at the Department of Energy, Secretary Richardson laid a proposal before the nuclear utilities last year. Secretary Richardson told the utilities that if they would agree to drop all future claims against the government, the Department of Energy would be willing to pay the utilities for their on site storage costs and that DOE would ''take title''—meaning DOE would take over ownership and all liability—for the spent nuclear fuel and store it at the nuclear power plants for an indefinite period of time.

It is safe to say—since this administration opposes my interim storage legislation—that we can expect spent nuclear fuel under their scenario to be stored at reactors until at least the year 2015, because that is when the repository is expected to open—at the earliest.

The amendment I offer today speaks to the heart of this issue. To be blunt, I think it is irresponsible to create some 80 new federal interim storage sites for spent fuel scattered around this country. And I think the Administration compounds their neglect of this crisis by depleting the funds collected for development of the permanent solution—the Nuclear Waste Fund, created by law in 1982—by dispersing these funds back out to the same utilities who paid them in the first place, only now they are being used as a ''band-aid'' to pay to store fuel at reactors.

Very simply put, my amendment prohibits the Department of Energy from using funds appropriated from the Nuclear Waste Fund for the purpose of settling lawsuits or paying judgments arising out of the failure of the federal government to accept spent nuclear fuel from commercial utilities.

Money in the Nuclear Waste Fund has been collected to pay for a permanent solution to our nuclear waste problem. Mr. President, I don't think we should be squandering these funds on band-aid schemes. My amendment prohibits this from happening.

Mr. DOMENICI. Will my colleague from Idaho yield for a question?

Mr. CRAIG. I yield to my colleague.

Mr. DOMENICI. Mr. President, I share the concerns of the Senator from Idaho. However, it is not clear to me that the Department of Energy currently has the authority to use appropriated funds from the Nuclear Waste Fund for the purpose—on site storage at nuclear power plants—that is of concern to the Senator from Idaho. As I interpret current law, there exists no statutory provision allowing the Department of Energy to fund on-site storage. If that were the case, would my colleague from Idaho still feel the need to offer his amendment?

Mr. CRAIG. Mr. President, with my colleague's comment regarding the lack of current Department of Energy authority to use the Nuclear Waste Fund in the way I am concerned, I will reconsider offering my amendment at this time. I thank the Chair and my colleague from New Mexico.

Mr. FEINGOLD. Mr. President, I wanted to make a few remarks with regard to the FY 2000 Energy and Water Appropriations legislation. First, let me state that I am pleased that this bill takes strides to significantly reduce, in the name of fiscal soundness, appropriations for two programs about which I have been concerned for quite some time—the non-power programs of the Tennessee Valley Authority (TVA) and the Animas La-Plata project by the Bureau of Reclamation. I intend to support this appropriations bill this year.

For the past few Congresses, I have argued that the non-power programs of the TVA should be seriously scrutinized and reduced appropriately. I have introduced legislation which would put TVA on a glidepath toward eliminating federal funding for the non-power programs. The former Senator from Alabama (Mr. HEFLIN) and I personally met with TVA to discuss this legislation and the appropriate length of time for a federal fund phase-out. In the last two appropriations cycles, I have written to the appropriations committee asking them to reduce TVA non-power appropriations, and in the FY99 appropriations bill the funds for TVA were reduced significantly to a third of the more than $150 million that TVA received when I began raising this issue in the 104th Congress. My voice in the Senate on this issue is echoed by a number of members of the House Appropriations Committee who zeroed out funds for TVA non-power programs in the House-version of the FY99 Energy and Water Appropriations legislation.

I am pleased that this resounding call for scrutiny of these programs is leading to real results. In FY99 the TVA received $50 million dollars, with $7 million of that total specifically for the Land Between the Lakes (LBL) Recreation Area. This appropriations legislation virtually eliminates appropriations for TVA non-power programs, retaining only $7 million in flat funding for LBL. The TVA non-power activities for which we have previously provided funds include providing recreational programs, making economic development grants to communities, and promoting public use of TVA land and water resources. I understand the Committee's concerns that the management of the LBL is a federal responsibility. I believe that the Committee has acted appropriately in this matter. In fulfilling this function, which is federal, the Committee has provided resources specifically for LBL but not for the other non-power programs. In the future, Congress needs to evaluate whether other federal land management agencies, such as the Interior Department, might be able to manage this area, but this is the right step at this time.

I believe it is appropriate for the Senate to significantly reduce funds for TVA's appropriated programs because there are lingering concerns, brought

to light in a 1993 Congressional Budget Office (CBO) report, that non-power program funds subsidize activities that should be paid for by non-federal interests. In its 1993 report, CBO focused on two programs: the TVA Stewardship Program and the Environmental Research Center, which no longer receives federal funds. Stewardship activities historically received the largest share of TVA's appropriated funds. The funds are used for dam repair and maintenance activities. According to 1995 testimony provided by TVA before the House Subcommittee on Energy and Water Appropriations, when TVA repairs a dam it pays 70%, on average, of repair costs with appropriated dollars and covers the remaining 30% with funds collected from electricity ratepayers. This practice of charging a portion of dam repair costs to the taxpayer, CBO highlighted, amounts to a significant subsidy. If TVA were a private utility, and it made modifications to a dam or performed routine dredging, the ratepayers would pay for all of the costs associated with that activity. I think that removing appropriations for this program largely ends concerns about taxpayer subsidization of the dam repair and maintenance program.

I am also pleased that this legislation contains a $1 million reduction from the Budget Request for the Animas La-Plata project. In this bill, the project receives a total of $2 million for FY 2000. As my colleagues know, I have long been active in raising Senate awareness about the financial costs of moving forward with development and construction of the full-scale version of the Animas-La Plata project. I do not want the federal government to proceed with construction of the full-scale project while the Department of the Interior continues its discussion about alternatives to that project.

As my colleagues will recall from the debate on an amendment I offered to the FY 98 Energy and Water Appropriations legislation on this matter, the currently authorized Animas-La Plata project is a $754 million dollar water development project planned for southwest Colorado and northwest New Mexico, with federal taxpayers slated to pay more than 65% of the costs. I am glad that we are not proceeding on this project full steam ahead, and I am pleased to see that the Appropriators recognize that on-going alternatives discussions can proceed without a large infusion of new resources.

Despite these gains in reducing funds for some questionable programs, the bill contains some shifts in program funding about which I am concerned. Particularly troubling is the reduction in the President's proposed increase in the renewable energy budget. The bill provides $261 million more for the DOE defense activities than requested by the Administration, but reduces the request for solar and renewable energy programs by $92.1 million. I believe that it is important for the federal government to make appropriate investment in solar and renewable technology, particularly in light of our efforts to restructure the electricity system and meet our overall energy efficiency goals. I would hope that we could find a way to shift resources within this legislation to make it possible to fulfill the Administration's request.

Overall, Mr. President, I am pleased that this bill can meet our requirements under the budget caps by reducing unnecessary spending. I yield the floor.

Mr. REID. Mr. President, as in recent years, the energy and water Appropriation bill has been faced with dilemmas about funding the diverse activities within its jurisdiction. For example, last year, the budget request for the Corps of Engineers was significantly decreased and in this subcommittee we had the challenge of keeping the Corps of Engineers viable and focused. Clearly this year's appropriation bill was just as dramatic—since for the first time in over twenty years the Corps of Engineers funding is reduced below the enacted bill's level. Despite the problems, there are many positives to this particular appropriation which the Chairman and I pointed out in opening statements.

Additionally, we have worked hard to find ways to accommodate our colleagues with their amendments. I believe that the responsibility of a Senator is not simply to listen to the bureaucrats who plan ways to spend the appropriations, but to request those amendments the Senator sees as necessary for his or her constituents. While Members may not be satisfied with every aspect or the resolution of every request, the chairman and I have made a conscientious effort to work with those amendments.

I recommend this bill to my colleagues for the vital functions across the nation that are funded through these appropriations. I recognize the difficult work done by the subcommittee staff and their efforts in preparing this bill and responding to the members of the Senate. So I commend the diligence of Alex Flint, David Gwaltney, Gregory Daines, Lashawnda Leftwich, Elizabeth Blevins, Sue Fry, a detail from the Corps of Engineers, and Bob Perret, a congressional fellow, in my office.

Mr. DOMENICI. Mr. President, we are ready to go to final passage. We need 2 minutes, and then we will call for third reading. Senator HUTCHISON wanted 2 minutes. I ask that she be granted 2 minutes, and then we will proceed.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from New Mexico for allowing me 2 minutes. I was introducing a judicial candidate and was not able to come earlier.

I thank the Senator from New Mexico, the chairman of the committee, for the great help he has given to many of us who particularly have strong water needs in our States.

I particularly want to mention the Port of Houston. The Port of Houston is the second largest port in the Nation, and it is the largest in foreign tonnage. It is the largest container port. We have the largest petrochemical complex in the entire world.

It is very important that our port be competitive. This bill will fully fund the dredging of that port, which is the last port in America that has not gone under 40 feet. This will take us to 45.

It is a very important bill.

I think both Senator DOMENICI and Senator LEAHY have done a great job on this bill, but particularly I appreciate the support for this great Port of Houston and the efforts that were made to continue this dredging project that will help us in trade and help us remain competitive in the world market.

I yield the floor.

Mr. DOMENICI. Mr. President, I ask for the third reading.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DOMENICI. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator form Iowa (Mr. HARKIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote ''aye.''

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—97

Abraham	Byrd	Edwards
Akaka	Campbell	Enzi
Allard	Chafee	Feingold
Ashcroft	Cleland	Feinstein
Baucus	Cochran	Fitzgerald
Bayh	Collins	Frist
Bennett	Conrad	Gorton
Biden	Coverdell	Graham
Bingaman	Craig	Gramm
Bond	Crapo	Grams
Boxer	Daschle	Grassley
Breaux	DeWine	Gregg
Brownback	Dodd	Hagel
Bryan	Domenici	Hatch
Bunning	Dorgan	Helms
Burns	Durbin	Hollings

Hutchinson	Lugar	Schumer
Hutchison	Mack	Sessions
Inhofe	McCain	Shelby
Inouye	McConnell	Smith (NH)
Johnson	Mikulski	Smith (OR)
Kennedy	Moynihan	Snowe
Kerrey	Murkowski	Specter
Kerry	Murray	Stevens
Kohl	Nickles	Thomas
Kyl	Reed	Thompson
Landrieu	Reid	Thurmond
Lautenberg	Robb	Torricelli
Leahy	Roberts	Voinovich
Levin	Rockefeller	Warner
Lieberman	Roth	Wyden
Lincoln	Santorum	
Lott	Sarbanes	

NAYS—2

Jeffords	Wellstone

NOT VOTING—1

Harkin

(The bill will be printed in a future edition of the RECORD.)

Mr. BENNETT. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF CONFEREES—S. 1059

The PRESIDING OFFICER. The Senate, having received S. 1059, disagrees with the House amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. SESSIONS) appointed Mr. WARNER, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, Mr. CLELAND, Ms. LANDRIEU, and Mr. REED conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT AGREEMENT—S. 1206

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate considers S. 1206, the legislative branch appropriations bill, immediately following the reporting of the bill by the clerk, I be recognized to offer a managers' amendment, and the time on the amendment and the bill be limited to 20 minutes equally divided, with no amendments in order to the managers' amendment.

I further ask unanimous consent that following the adoption of the managers' amendment, the bill be immediately advanced to third reading, and the Senate proceed to the House companion bill.

I further ask unanimous consent that H.R. 1905 be amended as follows: On page 2, after line 1, insert the text of S. 1206, as amended, beginning on page 2, line 2, over to and including line 7 on page 10; beginning on page 11, line 13, over to and including line 18 on page 18 be struck and the text of S. 1206, as amended, beginning on page 10, line 8, over to and including line 22 on page 16 be inserted in lieu thereof; and beginning on page 18, line 23, over to and including line 6 on page 40 be struck and the text of S. 1206, as amended, beginning on line 23, page 16 over to and including line 23 on page 38 be inserted in lieu thereof.

I further ask unanimous consent that upon passage of the House bill, S. 1206, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

Mr. BENNETT. Mr. President, I now call up S. 1206.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1206) making appropriations for the legislative branch for the fiscal year ending September 30, 2000, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I understand that the senior Senator from California, Mrs. FEINSTEIN, is on her way to the floor. I will wait until she is here to express to the entire Senate my appreciation for her assistance as the ranking member of the Legislative Branch Subcommittee of Appropriations.

I have been delighted to have the opportunity to work with her on this legislation and I will make that clear when she arrives. I understand she is in another committee meeting, and in the pattern of the Senate, finds herself torn between two equally important responsibilities. That is a situation with which we are all familiar.

I will, for the information of Senators, point out that the legislative branch bill provides $1.68 billion in budget authority, exclusive of House items, for fiscal year 2000. This is $114 million or 6.4 percent less than the fiscal 1999 level. It represents $105 million or a 5.9-percent decrease from the President's budget request. So in this time of difficulty, we are coming in below last year's spending and below where the President recommended.

There are increases in the bill, of course. There always will be in an appropriations bill. You cut some places, and you increase others. The majority of the increases in the bill account for cost-of-living adjustments only, and they are estimated at 4.4 percent across the board.

The Senate portion of the bill increases funding for the Senate by only 3 percent above the fiscal 1999 level, which is less than the 4.4-percent COLA adjustment. So while the Senate portion of the bill is going up, it is going up less than the mandatory COLA that is required by law.

The bill funds 79 percent of the budget request of the Architect of the Capitol. Of the funds provided, 73 percent will fund operations, with the other 27 percent to fund Capitol projects.

I have always been one who has insisted on funding Capitol projects. As a businessman, I know that sometimes the most expensive savings you can achieve are savings that you take in the name of maintenance deferral. As things begin to deteriorate around the Capitol, it is tempting to say we can put it off for another year and look good in the short term. All you do when you do that is raise your costs in the long term. So throughout my tenure on the Legislative Branch Subcommittee and particularly my tenure as the chairman of that subcommittee, I have always been a champion of funding the Capitol projects and funding the maintenance projects to their fullest level, believing that in the long run that saves money.

Why then am I standing here today and saying that we are not going to do that in this bill, and we are not giving the Architect of the Capitol the funds that were requested? Well, there are several reasons for that. I think it is worth an explanation.

The subcommittee did not fund the Architect's request for $28 million for Capitol dome renovations. I have been in the Capitol dome with the Architect of the Capitol, and I have seen firsthand how desperately in need of renovation it is. However, the full scope of the project will be determined during the paint removal process which is currently underway. The paint removal process is not expected to be completed until next summer. Therefore, I think it prudent for us to delete the funds from this bill until we have the completion of that process and have the information available to us that will come as a result. That is why we do not recommend proceeding until the full scope of the project has been determined. That is where a large part of the savings that we referred to have come from.

I see the Senator from California has arrived. I wish to make public acknowledgment of the great contribution she has made to the Legislative Branch Subcommittee. This is her first assignment on the subcommittee as its ranking member, and I have found her not only delightful and cooperative to deal with but, perhaps even more appreciated, fully engaged. It is one thing to have a colleague who is nice to deal with but who never shows up and never pays any attention to any of the issues. The Senator from California not only shows up but comes with her homework having been done, a full agenda of her own, and complete understanding

of the issues. I appreciate very much the opportunity I have had of working with her and welcome her to the subcommittee and to this particular bill.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the chairman of the subcommittee, Senator BENNETT, and commend him for the fair and responsible bill that has been put together. This is my first year as the ranking member of the Legislative Branch Subcommittee, and I have found Senator BENNETT to be very open and willing to discuss issues. His leadership on our subcommittee is carried out in the best bipartisan spirit.

Mr. BENNETT. Mr. President, I thank the Senator and appreciate her comments.

Mrs. FEINSTEIN. Mr. President, as the distinguished subcommittee chairman, Senator BENNETT, just outlined for the Senate, the fiscal year 2000 legislative branch appropriation bill was reported out of the full Appropriations Committee on Thursday, June 10, 1999, by a vote of 28–0. As reported by the committee, the bill, which totals $1,679,010,000 in budget authority, exclusive of House items, is $113,962,000, or 6.4 percent, below last year's enacted level and $104,529,000, or 5.9 percent, below the President's request. For Senate items only, the subcommittee recommends a total of $489,406,000—a reduction of $28,187,000, or 5.4 percent, from the President's request.

For the Capitol Police, the subcommittee recommends a total of $88.7 million for salaries and general expenses. This is an increase of $5.8 million, or 6.8 percent, over last year's enacted level. I commend the agency for soliciting a management review which was conducted by an outside consulting firm. Since that time, the Capitol Police has been very aggressive in addressing the management deficiencies outlined in that report. First, they provided the subcommittee with a departmental response which addressed the findings of the review, and they are currently in the process of developing a strategic planning process which will provide for a systematic approach to organizational enhancements and professional growth for the future. In this regard, this bill contains the funding required for improvements to information technology and transfers this responsibilities from the Senate Sergeant at Arms to the Capitol Police. This action was recommended in the management review report. The bill also provides for cost-of-living and comparability increases for the men and women of the United States Capitol Police.

For the General Accounting Office, the subcommittee recommends a funding level of $382.3 million, which is $4.8 million below the budget request, but is almost $10 million above what the House is proposing. The level proposed by the subcommittee will permit the GAO to maintain the current level of 3,275 FTEs, which is what the Comptroller requested for Fiscal Year 2000 and it will also provide adequate funds for them to meet their mandatory requirements.

Mr. President, I also want to take a minute, as I did during our full committee markup, to talk about the Senate Employees Child Care Center. As Members may be aware, the groundbreaking for the child care center began in the fall of 1996, and the center was to be completed in the fall of 1997. Here we are in June of 1999, and the center remains incomplete. I have encouraged the Architect of the Capital to raise the priority of this project and bring this problem-plagued project to completion by the current targeted date of September 1, 1999. This new center will expand the quality of child care services available to the staff who help us.

Again, Mr. President, I want to personally thank the chairman of the subcommittee, Senator BENNETT, for the courtesies he has extended to me. He is, indeed, a most thoughtful and gracious chairman—a real gentleman—who has made my first year on the subcommittee a most pleasant one.

If I may, Mr. President, I extend my very sincere thanks to Mary Dewald and Christine Ciccone of the staff for their excellent work on this bill. It has been very special, and we are blessed with wonderful staff.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator from California and particularly thank her for remembering the staff. We stand here before the television cameras, but we take credit for the work they do. I appreciate her doing that.

AMENDMENTS NOS. 683 AND 684, EN BLOC

Mr. BENNETT. Mr. President, I now send to the desk a managers' amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes amendments en bloc numbered 683 and 684.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 683

(Purpose: To amend chapter 89 of title 5, United States Code, to modify service requirements relating to creditable service with congressional campaign committees)

On page 38, insert between lines 21 and 22 the following:

SEC. 313. CREDITABLE SERVICE WITH CONGRESSIONAL CAMPAIGN COMMITTEES.

Section 8332(m)(1)(A) of title 5, United States Code, is amended to read as follows:

''(A) such employee has at least 4 years and 6 months of service on such committees as of December 12, 1980; and''.

AMENDMENT NO. 684

(Purpose: To further restrict legislative postemployment lobbying by Members and senior staffers)

At the appropriate place in the bill, insert the following:

SEC. ____. Section 207(e) of title 18, United States Code, is amended—

(1) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

''(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress, or any employee of any other legislative office of Congress, on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

''(2) CONGRESSIONAL EMPLOYEES.—(A) Any person who is an employee of the Senate or an employee of the House of Representatives who, within 2 years after termination of such employment, knowingly makes, with the intent to influence, any communication to or appearance before any person described under subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

''(B) The persons referred to under subparagraph (A) with respect to appearances or communications by a former employee are any Member, officer, or employee of the House of Congress in which such former employee served.'';

(2) in paragraph (6)—

(A) in subparagraph (A), by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)''; and

(B) in subparagraph (B), by striking ''paragraph (5)'' and inserting ''paragraph (3)'';

(3) in paragraph (7)(G), by striking '', (2), (3), or (4)'' and inserting ''or (2)''; and

(4) by redesignating paragraphs (5), (6), and (7) as paragraphs (3), (4), and (5), respectively.

Mr. BENNETT. Mr. President, these amendments have been cleared on both sides. I ask for their adoption.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (No. 683 and 684) were agreed to.

Mr. BENNETT. Mr. President, having agreed to the managers' amendment, I ask unanimous consent that the bill be read for the third time and passage occur, all without any intervening action or debate, and that following passage the Senate insist on its amendments, request a conference with the

House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The clerk will report the House bill.

The legislative clerk read as follows:

A bill (H.R. 1905) making appropriations for the legislative branch for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. The bill is amended pursuant to the unanimous consent agreement.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. DOMENICI. Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks the Senate Budget Committee scoring of the legislative branch appropriations bill for fiscal year 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMENICI. Mr. President, I commend the distinguished subcommittee chairman and ranking member of the Legislative Branch Appropriations Subcommittee for bringing the Senate a bill that is within the subcommittee's 302(b) allocation. The bill provides $1.7 billion in new budget authority and $1.4 billion in new outlays for the operations of the U.S. Senate and joint agencies supporting the legislative branch. When House funding is added to the bill, and with outlays from prior years and other completed actions, the Senate bill totals $2.5 billion in budget authority and $2.6 billion in outlays for fiscal year 2000.

The bill is $23 million in BA and $20 million in outlays below the subcommittee's 302(b) allocation. I commend the managers of the bill for their diligent work, and I urge the adoption of the bill.

EXHIBIT 1

H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS, 2000, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Mandatory	Total
Senate-reported bill:				
Budget authority	2,455	.....	94	2,549
Outlays	2,464	.....	94	2,558
Senate 302(b) allocation:				
Budget authority	2,478	.....	94	2,572
Outlays	2,484	.....	94	2,578
1999 level:				
Budget authority	2,353	.....	94	2,447
Outlays	2,328	.....	94	2,422
President's request:				
Budget authority	2,620	.....	94	2,714
Outlays	2,614	.....	94	2,708

H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS, 2000, SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Mandatory	Total
House-passed bill:				
Budget authority	2,416	.....	94	2,510
Outlays	2,453	.....	94	2,547
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	(23)	.....	.....	(23)
Outlays	(20	.....	.....	(20)
1999 level:				
Budget authority	102	.....	.....	102
Outlays	136	.....	.....	136
President's request:				
Budget authority	(165)	.....	.....	(165)
Outlays	(150)	.....	.....	(150)
House-passed bill:				
Budget authority	39	.....	.....	39
Outlays	11	.....	.....	11

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. FEINGOLD. Mr. President, ever since I arrived here in 1993, I have supported initiatives to help restore the public's confidence in government by limiting the influence of special interests over the legislative process. It's a big task, Mr. President and along the way I have offended and even angered some people around here.

I have worked to require greater disclosure of the expenses and activities of lobbyists. I pushed to put in place new gift restrictions that stopped Senators and staff from accepting free vacations and fancy dinners from lobbyists as used to be the norm around here. And finally, I have argued that we need to reform the woefully loophole-ridden campaign finance system that we currently live under. Reforming Congress is a crucial issue for me because the electorate has grown to view this institution with cynicism and disdain, and even to fundamentally distrust their own elected representatives.

Now Mr. President, a crucial part of the culture of special interest influence that pervades Washington is the revolving door between public service and private employment. But by putting a lock on this revolving door for some period of time, we can send a message that those entering government employment should view public service as an honor and a privilege—not as another wrung on the ladder to personal gain and profit.

There are countless instances of former members of Congress who once chaired or served on committees with jurisdiction over particular industries or special interests now lobbying their former colleagues on behalf of those very industries or special interests. Former committee staff directors are using their contacts and knowledge of their former committees to secure lucrative positions in lobbying firms and associations with interests related to those committees.

There have been some very interesting studies showing just how regularly the revolving door swings. Of the 91 lawmakers who left Congress at the end of 1994, at least 25 later registered to lobby. A 1995 study of 353 former lawmakers showed that one in four had lobbied for private interests after leaving office. In fact, there were more than 100 former Members of Congress who appear on the lobbying reports filed in August 1997, and that doesn't count Members who left office in 1996, since they could not yet register without violating the current revolving door law. I could go on, Mr. President, and on and on and on. The problem of revolving door lobbying is quite clear.

The amendment I am offering today is designed to strengthen the post-employment restrictions on Members of Congress and senior congressional staff that are currently in place. Keep in mind, post-employment restrictions are nothing new. There is currently a one year ban on former members of Congress lobbying the entire Congress as well as a one-year ban on senior congressional staff lobbying the committee or the Member for whom they worked. And by Senate rule, we prohibit all departing Senate staff from lobbying their former employing entity for one year. Members and senior staff are also prohibited from lobbying the executive branch on behalf of a foreign entity for one year.

The amendment would double the current restriction and prohibit members of Congress from lobbying the entire Congress for two years. Thus, in most cases, an entire two year Congress will intervene before a former Member can be back lobbying his or her former colleagues. Perhaps the longer period will encourage those who leave the Congress to seek opportunities for future employment outside of the lobbying world. Perhaps it will discourage big business from putting former Members on their payroll right after they leave office. But in any event, this longer ''cooling off period'' will give the public more confidence in the integrity of this body.

With respect to staff, the amendment makes some changes as well. Here we are talking only about those staff who make three quarters or more of the salary of a member of Congress. In other words, this amendment would change the post-employment restrictions only on staff making over $102,000 per year. These senior staff work closely with us, at the committee level, or with the leadership, or in our personal offices. This amendment would prohibit these very senior staffers from lobbying the House of Congress in which they work during the same 2-year period as we are prohibited from lobbying the entire Congress. So senior Senate staffers couldn't lobby the Senate and senior House staffers couldn't lobby the House.

Now here we have struck a balance, Mr. President. It seems clear to me that the current restrictions which prohibit lobbying contacts only with

the former employer, whether Member or committee, are inadequate. High level staffers have contacts and work closely with people throughout the body, not just with the other staff or Members on their committees or in their Member's office. These are people making $102,000 or more. They are highly in demand in the lobbying world, not just for their expertise but for their contacts. If the cooling off period is to mean anything with respect to these senior staff, it must cover more than the individual committee or member of Congress for whom they worked.

Some senior staff undoubtedly have contacts with their counterparts in the other body. But their day to day work, and therefore their closest contacts will be in the house of Congress in which they work. So this amendment leaves an outlet for the use of a former staffer's expertise in lobbying the other body. To me, that is a reasonable balance, and not an unreasonable restriction on a staffer's future employment.

Now some might argue that we are inhibiting talented individuals from pursuing careers in policy matters on which they have developed substantial expertise. It may be asked why a former high-level staffer on the Senate Subcommittee on Communications of the Senate Commerce Committee cannot accept employment with a telecommunications company? After all, this person has accumulated years of knowledge of our communication laws and technology. Why should this individual be prevented from accepting private sector employment in the communications field ?

But my amendment does not bar anyone from seeking private-sector employment. Staffers can take those jobs with the telecommunications company, but what they cannot do is lobby their former colleagues in the house of Congress for which they worked for two years. They can consult, they can advise, they can recommend, but they cannot lobby their former colleagues.

I considered an even longer cooling off period for staffers to be barred from lobbying their former employer, be it a member or a committee, but decided that the two year, house of Congress limitation strikes the best balance. Two years is the length of an entire Congress. That period of time should be enough to mitigate to a great extent the special access that the staffer is likely to have because of his or her former position. At the same time, it allows the staffer who is intent on pursuing a lobbying career to concentrate on the other body for two years, and then return to the side of the Capitol in which he or she worked after that period.

Mr. President, this amendment is not an attack on the profession of lobbying. The right to petition the government is a fundamental constitutional right. Simply attacking lobbyists does not address the true flaws of our political system. Lobbying is merely an attempt to present the views and concerns of a particular group and there is nothing inherently wrong with that. In fact, lobbyists, whether they are representing public interest groups or Wall Street, can present important information to Members of Congress that may not otherwise be available.

I strongly believe that there is no more noble endeavor than to serve in government. But we need to take immediate action to restore the public's confidence in their government, and to rebuild the lost trust between members of Congress and the electorate. This amendment is a strong step in that direction because it addresses a perception that too often rises to the level of reality—that the interests that hire former Members or staffers from the Congress have special access when they lobby the Congress. We need to slow the revolving door to address that perception, and this amendment will do just that.

I am pleased that the managers have agreed to accept my amendment and that it has become part of the bill that will go to the President for signature.

I yield the floor.

Mr. BENNETT. Mr. President, I yield back the remainder of our time.

Mrs. FEINSTEIN. I yield back the remainder of our time.

Mr. BENNETT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—95

Abraham	Craig	Hollings
Akaka	Crapo	Hutchinson
Allard	Daschle	Hutchison
Ashcroft	DeWine	Inhofe
Bayh	Dodd	Inouye
Bennett	Domenici	Jeffords
Biden	Dorgan	Johnson
Bingaman	Durbin	Kennedy
Bond	Edwards	Kerrey
Boxer	Enzi	Kerry
Breaux	Feingold	Kohl
Brownback	Feinstein	Kyl
Bryan	Fitzgerald	Landrieu
Bunning	Frist	Lautenberg
Burns	Gorton	Leahy
Byrd	Graham	Levin
Campbell	Grams	Lieberman
Chafee	Grassley	Lincoln
Cleland	Gregg	Lott
Cochran	Hagel	Lugar
Collins	Hatch	Mack
Coverdell	Helms	McCain
McConnell	Rockefeller	Stevens
Mikulski	Roth	Thomas
Moynihan	Santorum	Thompson
Murkowski	Sarbanes	Thurmond
Murray	Schumer	Torricelli
Nickles	Sessions	Voinovich
Reed	Shelby	Warner
Reid	Smith (OR)	Wellstone
Robb	Snowe	Wyden
Roberts	Specter	

NAYS—4

Baucus	Gramm
Conrad	Smith (NH)

NOT VOTING—1

Harkin

The bill (H.R. 1905), as amended, was passed.

The PRESIDING OFFICER. H.R. 1905 having passed, the Senate insists on its amendments, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. ABRAHAM) appointed Mr. BENNETT, Mr. STEVENS, Mr. CRAIG, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. WARNER. I ask unanimous consent the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE Y2K LIABILITY BILL

Mr. REED. Mr. President, I would like to take this opportunity to discuss S. 96, the McCain bill concerning Y2K litigation. It is unfortunate that this bill has, to some extent, been utilized by those on both extremes of the tort reform debate: with proponents arguing that opposition to the bill reflects contempt for our economy and a few opponents accusing the bill's supporters of contempt for consumers' rights. The truth, as usual, is somewhere in between these two poles.

As our economy evolves, becoming national and international in scope, situations will arise that demand procedural and substantive changes to our legal system. Moderate, balanced tort reform is an issue on which I have worked for some years. I approach each issue with the same question: can our legal system be made more efficient while continuing to provide adequate, just protections to consumers? This approach has led me to support reforms which have been validated by the test of time.

Mr. President, in 1994, I supported one of the first tort reform measures to pass Congress, the Aviation Revitalization Act of 1994. At that time small

plane manufacturers had been almost extinguished by costly litigation. This narrowly-tailored legislation limited the period, to eighteen years, in which manufactures could be sued for design or manufacturing defects. In the six years since enactment, the industry has reemerged to create thousands of new jobs while providing consumers with safe products.

In 1995, I sought to apply this same principle to all durable goods, some of which remain in the workplace for forty, fifty, sixty years or more. Tool and machine manufacturers in Rhode Island and the nation were saddled with costs stemming from litigation over products they made a half century ago, some of which had been modified by others. As a result, I supported tort reform for durable goods which limited the statute of repose, reasonably capped punitive damages, and implemented proportionate liability to de minimis tortfeasors. In an effort to further the reform effort, I voted for this bill even though I was concerned that its punitive damage caps and proportionate liability sections were too broad. My support for the bill included a vote to override President Clinton's veto.

My concerns about this bill were borne out by the fact that the veto override was not successful. Proponents of tort reform allowed their view of perfection to become an enemy of good, sensible reform. Indeed, their stubbornness continues to frustrate progress to this day.

Just last year, a compromise tort reform bill negotiated by Senator ROCKEFELLER between the Clinton Administration and members of the business community was rejected by some who wanted only sweeping changes to current tort law. I am afraid that some have brought this same sentiment to the Y2K issue.

In addition to addressing the products liability reform issue in 1995, I was also approached by members of the securities industry seeking to amend litigation rules pertaining to securities law. The industry wished to combat frivolous litigation. Indeed, it was obvious that some class action suits were being filed after a precipitous drop in the value of a corporation's stock, without evidence of fraud. Such lawsuits frequently inflict substantial legal costs upon corporations, harming both the business and its shareholders. This sort of activity benefitted no one but the attorneys who brought the cases.

As a result, I supported both procedural changes and requirements that specific examples of fraud be listed in a lawsuit as embodied in the Private Securities Litigation Reform Act of 1995. Again, my support for this legislation required my vote to override a veto. This time, that override was successful. In my view, that success was due to the moderate, balanced approach of the bill.

In practice, the legislation successfully ended frivolous lawsuits in federal courts such that I worked with colleagues and the Chairman of the Securities and Exchange Commission to implement the same rules at the state level. This effort resulted in the Securities Litigation Uniform Standards Act of 1998. Again, this bill only received Presidential support after an attempt to inject overly broad provisions into the bill were defeated. Courts are now applying this standard in a manner that balances the interest we all have in ensuring consumer protection, while also deterring nonmeritorious law suits.

I think the record is clear. When Congress addresses identifiable inequalities or inefficiencies in our legal system, progress can be made. However, when legislation focuses on broader, philosophical debates, directly pitting the interests of consumers against manufactures, consensus cannot be reached. It is my hope that the Senate will keep this lesson in mind when the Y2K legislation goes to conference.

As the work of the Senate's Y2K Committee and the President's Council on the Year 2000 Conversion have shown, the millennium bug will cause disruptions. These disruptions will inflict costs on individuals and businesses. The question is: how will we adjudicate who will bear the burden of these costs?

Thus far, as demonstrated by a recent report by the Congressional Research Service, there have been only 48 Y2K related lawsuits filed. Recently, the Gartner Group, a consulting firm specializing in Y2K redress, reported that a quarter of all Y2K failures have already occurred. Given the paucity of Y2K lawsuits today, one could question whether the dire predictions of billions of dollars in Y2K litigation is overestimated. At the very least, it is certain that the current 48 suits have not provided much in the way of proof concerning the inequities in our legal system that will allow attorneys to compound and exacerbate the costs associated with the Y2K problem.

Some of these 48 lawsuits are class actions against inexpensive software manufactured several years ago. The merit of such suits is dubious, given that no harm has yet occurred and the ''reasonableness'' of a consumer's expectation that $30 software would last several years and withstand the millennium bug.

These 48 lawsuits also contain examples, however, of companies attempting to improperly profit from their own Y2K unpreparedness. For example, one software company sold a product to small business men and women for $13,000 in 1996 with implied warrantees for proper use for a decade. A year later the company sent its customers notice that the software was not Y2K compatible. The software, would, therefore, not work in two years. The company offered its customers a $25,000 ''upgrade'' which would ensure that the software would work properly for half the time it was warranted. Needless to say, a free fix was quickly offered by this software manufacturer once a class action lawsuit was filed.

The question the Senate must address in this legislation is what changes in our legal system will encourage everyone to address Y2K problems before they strike while allowing defrauded consumers continued opportunity to obtain redress. Indeed, the greatest danger would seem to be that this legislation unintentionally rewards bad faith companies that fail to address Y2K problems. Again, according to the Gartner Group, some $600 billion will be spent by the end of the year in trying to find, patch, and test computer systems at risk of fault. Bad faith companies that have not taken these responsible steps should not be rewarded.

I supported legislation put forward by Senators KERRY, ROBB, BREAUX, REID and Leader DASCHLE which encourages redress not litigation, deters frivolous lawsuits, provides good-faith actors with additional protections if they are sued, and allows individual consumers the protections they are afforded under current law. Specifically, the amendment requires that plaintiffs provide defendants with notice of a lawsuit and time for the defendant to respond with proposed redress to the problem. Additionally, plaintiffs would have to cite with specificity the material defect of their product as well as the damages incurred. Class action lawsuits are limited to those involving material harm. Current redress of Y2K problems is encouraged by the provision of the amendment which requires immediate mitigation and limits damages for those who fail in this regard. The amendment provides commercial transactions with the benefit of their express contract, while omitting consumers, who do not have the economic bargaining power or legal departments of large corporations, from the scope of the legislation. The amendment also discourages plaintiffs from simply suing the defendant with the ''deepest pockets'' by providing proportionate liability for companies that have acted responsibly in addressing Y2K problems in their products.

On balance, the Kerry/Daschle amendment is a fair method of addressing identifiable problems in our litigation system as they relate to potential Y2K litigation.

I must also acknowledge that the McCain legislation has markedly improved from its original form due in no small part to the efforts of Senator DODD. As first introduced, the bill appeared to be a wish-list for those who

have attempted over the past decades, without success, to completely overhaul our litigation system. S. 96, however, continues to contain provisions that simply appear to transfer Y2K costs from defendants to plaintiffs without equitable cause. The bill provides protections to plaintiffs not afforded defendants, caps punitive damages for bad faith actors, limits joint and several liability for bad faith businesses, prohibits states like Rhode Island from awarding non-economic damages even in instances of fraud, federalizes all class action lawsuits, and fails to distinguish between consumers and large corporations.

Perhaps just as importantly as its substantive problems, the Clinton Administration has threatened a veto of S. 96. With six months until the end of the year, we do not have two, three, or four months to negotiate compromises.

It is my hope that those of us who are truly in support of reforming the current system will prevail in softening some of S. 96's provisions to arrive at legislation that the Administration can and will support. While this will not result in legislation that organizations can use to fuel their drive to overhaul the entire tort system, it will allow us to mitigate Y2K litigation costs while protecting those who have been wronged.

COMMENDING THE REPUBLIC OF CHINA ON TAIWAN FOR AID TO KOSOVO

Mr. INHOFE. Mr. President, I bring to the attention of this body the efforts of the Republic of China on Taiwan on behalf of the Kosovar refugees. As a member of the world community committed to protecting and promoting human rights, the Republic of China on Taiwan is deeply concerned about the plight of the Kosovars and hopes to contribute to the reconstruction of their war-torn land. To that end, President Lee Tung-hui announced on June 7, 1999 that Taiwan will grant $300 million in an aid package to the Kosovars. The aid package will consist of the following:

1. Emergency support for food, shelters, medical care and education, etc. for Kosovar refugees living in exile in neighboring countries.

2. Short-term accommodations for some of the Kosovar refugees in Taiwan with opportunities for job training to enable them to be better equipped for the restoration of their homeland upon their return.

3. Support for the restoration of Kosovo in coordination with international long-term recovery programs once a peace plan is implemented.

I commend the Republic of China on Taiwan for their commitment to humanitarian assistance for these victims of the war in Yugoslavia. Their aid will contribute to the promotion of the peace plan for Kosovo and will help the refugees return safety to their homes as soon as possible.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 15, 1999, the federal debt stood at $5,579,687,074,229.55 (Five trillion, five hundred seventy nine billion, six hundred eighty seven million, seventy four thousand, two hundred twenty-nine dollars and fifty five cents).

One year ago, June 15, 1998, the federal debt stood at $5,484,471,000,000 (Five trillion, four hundred eighty four billion, four hundred seventy-one million).

Five years ago, June 15, 1994, the federal debt stood at $4,607,232,000,000 (Four trillion, six hundred seven billion, two hundred thirty-two million).

Ten years ago, June 15, 1989, the federal debt stood at $2,782,363,000,000 (Two trillion, seven hundred eighty two billion, three hundred sixty-three million).

Fifteen years ago, June 15, 1984, the federal debt stood at $1,519,266,000,000 (One trillion, five hundred nineteen billion, two hundred sixty-six million) which reflects a debt increase of more than $4 trillion—$4,060,421,074,229.55 (Four trillion, sixty billion, four hundred twenty-one million, seventy-four thousand, two hundred twenty-nine dollars and fifty-five cents) during the past 15 years.

MESSAGES FROM THE HOUSE

At 12:18 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 17. An act to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

H.R. 973. An act to modify authorities with respect to the provision of security assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes.

H.R. 1000. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 75. Concurrent Resolution condemning the National Islamic Front (NIF) government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations, and for other purposes.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1059. An act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second time by unanimous consent and referred as indicated:

H.R. 973. An act to modify authorities with respect to the provision of security assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; to the Committee on Foreign Relations.

H.R. 1000. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 75. Concurrent resolution condemning the National Islamic Front (NIF) government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations, and for other purposes; to the Committee on Foreign Relations.

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–3630. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened status for the plant Thelypodium howellii ssp. spectabilis (Howell's spectacular thelypody)'' (RIN1018-AE52), received June 4, 1999; to the Committee on Environment and Public Works.

EC–3631. A communication from the Director, Office of Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Formal and Informal Adjudicatory Hearing Procedures; Clarification of Eligibility to Participate'' (RIN3150-AG27), received June 8, 1999; to the Committee on Environment and Public Works.

EC–3632. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Florida; Approval of Recodification of the Florida Administrative Code'' (FRL # 6352-9), received June 9, 1999; to the Committee on Environment and Public Works.

EC–3633. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and

Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Plans; Delware; Reasonably Available Control Technology Requirements for Nitrogen Oxides'' (FRL # 6357-7), received June 9, 1999; to the Committee on Environment and Public Works.

EC–3634. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Florida: Approval of Revisions to the Florida State Implementation Plan'' (FRL # 6352-3), received June 9, 1999; to the Committee on Environment and Public Works.

EC–3635. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Recordkeeping Requirements for Low Volume Exemption and Low Release and Exposure Exemption; Technical Correction'' (FRL # 6085-5), received June 9, 1999; to the Committee on Environment and Public Works.

EC–3636. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Aminoethoxyvinylglycine; Temporary Pesticide Tolerance'' (FRL #6080–4) and ''Sulfosate; Pesticide Tolerance (FRL #6086–6), received June 9, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3637. A communication from the Congressional Review Coordinator, Policy Program Development, Regulatory Analysis and Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Karnal Bunt Regulated Areas'' (96–016–24), received June 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3638. A communication from the Congressional Review Coordinator, Policy and Program Development, Regulatory Analysis and Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mediterranean Fruit Fly; Removal of Quarantined Area'' (98–083–4), received June 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3639. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Economic and Public Interest Requirements for Contract Market Designation'' (RIN3038–AB33), received June 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3640. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Recordkeeping Requirements of Regulation 1.31'', received June 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3641. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Representations and Disclosures Required by Certain Introducing Brokers, Commodity Pool Operators and Commodity Trading Advisors'', received June 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3642. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Share Insurance and Appendix'', received June 4, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3643. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (64 FR 28931) (05/28/99), received June 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3644. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (64 FR 28933) (05/28/99), received June 8, 1999; to the Committee on Banking, Housing, and seb /6086/Urban Affairs.

EC–3645. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (64 FR 28935) (05/28/99), received June 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3646. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Old-Age, Survivors and Disability Insurance; Determining Disability and Blindness; Extensions of Expiration Dates for Several Body Systems Listings'' (RIN0960–AF02), received June 4, 1999; to the Committee on Finance.

EC–3647. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling 99–27, Quarterly Interest Rates Beginning July 1, 1999'', received June 2, 1999; to the Committee on Finance.

EC–3648. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Addition of Bigleaf Mahogany to Appendix III under the Convention on International Trade in Endangered Species of Wild Fauna and Flora by the Government of Mexico'' (RIN1018–AF58), received June 8, 1999; to the Committee on Environment and Public Works.

EC–3649. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption; Boiler Water Additives'' (97F–0450), received June 4, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3650. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adjuvants Production Aids, and Sanitizers; Technical Amendment'' (97F–0421), received June 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3651. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adhesives and Components of Coatings'' (98F–0823), received June 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3652. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives for Direct Addition to Food for Human Consumption; Sucrose Acetate Isobutyrate'' (91F–0228), received June 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3653. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers'', received May 26, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3654. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits'', received June 9, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3655. A communication from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Office of Special Education'' (84.328), received June 4, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–3656. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Reinstatement of Benefits Eligibility Based Upon Terminated Marital Relationships'' (RIN2900–AJ53), received June 4, 1999; to the Committee on Veterans' Affairs.

EC–3657. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Service Connection Of Dental Conditions For Treatment Purposes'' (RIN2900–AH41), received June 2, 1999; to the Committee on Veterans' Affairs.

EC–3658. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Surviving Spouse's Benefit for Month of Veteran's Death'' (RIN2900–AJ64), received June 2, 1999; to the Committee on Veterans' Affairs.

EC–3659. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''VA Acquisition Regulation Part 803, Improper Business Practices and Personal Conflicts of Interest, and Part 852, Solicitation Provisions and Contract Clauses'' (RIN2900–AJ06), received June 2, 1999; to the Committee on Veterans' Affairs.

EC–3660. A communication from the Assistant General Counsel for Regulatory Services, Office of Inspector General, Department of

Education, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act Regulations'' (RIN1880–AA78), received June 4, 1999; to the Committee on Governmental Affairs.

EC–3661. A communication from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule entitled ''Procurement List, Additions and Deletions'', received June 8, 1999; to the Committee on Governmental Affairs.

EC–3662. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Expansion and Continuation of Thrift Savings Plan Eligibility; Death Benefits; Methods of Withdrawing Funds from the Thrift Savings Plan; and Miscellaneous Regulations'', received June 8, 1999; to the Committee on Governmental Affairs.

EC–3663. A communication from the Director, Office of Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''National Cemetery Administration; Title Changes'' (RIN 2900-AJ79), received June 8, 1999; to the Committee on Veterans' Affairs.

EC–3664. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels using Hook-and-Line Gear in the Gulf of Alaska'', received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3665. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Deepwater Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska'', received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3666. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Bycatch Rate Standards for the Second Half of 1999'', received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3667. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Other Nontrawl Fisheries in the Bering Sea and Aleutian Islands'', received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3668. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Management Area; Exempted Fishing Permit'', received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3669. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Mothership Sector'', received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3670. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Santa Rosa, CA; Docket No. 99–AWP–3 {6–7/6–7}'' (RIN2120–AA66) (1999–0187), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3671. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt & Whitney T8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –9B, 11, –15, –15A, –17, –17A, –17R, and –17AR Series Turbofan Engines; Docket No. 98–ANE–48 {6–8/6–7}'' (RIN2120–AA64) (1999–0239), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3672. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt & Whitney JT8D–200 Series Turbofan Engines; Docket No. 98–ANE–43 {6–8/6–7}'' (RIN2120–AA64) (1999–0240), received June 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3673. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 727–400 Series Airplanes Powered by Pratt & Whitney PW4000 Engines; Docket No. 97–NM–89 {5–26/6–3}'' (RIN2120–AA64) (1999–0238), received June 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3674. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Electronic Service of Documents, Order No. 604, 87 FERC 61,205 (May 26, 1999)'', received June 8, 1999; to the Committee on Energy and Natural Resources.

EC–3675. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Final Rule on Open Access Same-Time Information System (OASIS), Order No. 605, 87 FERC 61,224 (1999)'', received June 8, 1999; to the Committee on Energy and Natural Resources.

EC–3676. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions of Existing Regulations Governing the Filing of Applications for the Construction and Operation of Facilities to Provide Service or to Abandon Facilities or Service under Section 7 of the Natural Gas Act, Order No. 603, 64 FERC 26572 (April 29, 1999)'', received June 8, 1999; to the Committee on Energy and Natural Resources.

EC–3677. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Manual for Nuclear Materials Management and Safeguards System Reporting and Data Submission'' (DOE M 474–1–2), received June 1, 1999; to the Committee on Energy and Natural Resources.

EC–3678. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Classified Matter Protection and Control Manual'' (DOE M 471.2–1B), received May 27, 1999; to the Committee on Energy and Natural Resources.

EC–3679. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Special Surveillance List of Chemicals, Products, Materials and Equipment used in the clandestine production of controlled substances or listed chemicals'' (DEA–172N), received June 8, 1999; to the Committee on the Judiciary.

EC–3680. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Use of Soy Protein Concentrate, Modified Food Starch and Carrageenan as Binders in Certain Meat Products'' (RIN0583–AB82), received June 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3681. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Decorative Surfaces, Brake Shoe Coatings, Structural Steel Coatings, and Digital Imaging'' (FRL #6357–5), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3682. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Motor Vehicle Inspection and Maintenance Program'' (FRL #6354–9), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3683. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District'' (FRL #6358–3), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3684. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Designated Facilities and Pollutants; Control of Emissions From Hospital/Medical/Infectious Waste Incinerators; State of Iowa'' (FRL # 6358–3), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3685. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Approval and Promulgation of State Implementation Plan; Colorado; Revisions Regarding Negligibly Reactive Volatile Organic Compounds and Other Regulatory Revisions'' (FRL # 6358–6), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3686. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval of 40 CFR Part 70 Operating Permit Program; State of North Dakota'' (FRL #6358–6), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3687. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Withdrawal of Regulations Designed to Reduce the Mid-continent Light Goose Population'' (RIN1018–AF05), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3688. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; 1990 NO_x Base Year Emission Inventory for the Philadelphia Ozone Nonattainment Area'' (FRL # 6361–5), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3689. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans for Designated Facilities and Pollutants; Texas'' (FRL # 6361–4), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3690. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Louisiana'' (FRL # 6360–84), received June 11, 1999; to the Committee on Environment and Public Works.

EC–3691. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Tumon, Guam)'' (MM Docket No. 98–113), received June 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3692. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cannon Ball, ND, Velva, ND, Delhi, NY, Flasher, ND, Berthold, ND, Ranier, OR, Richardton, ND, Wimbledon, ND)'' [MM Docket Nos. 99–4, 99–5, 99–7, 99–37, 99–38, 99–39, 99–40, 99–41), received June 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3693. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Deer Lodge, Hamilton and Shelby, Montana'' [MM Docket No. 99–70; RM–9380), received June 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3694. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Leesville, Louisiana)'' [MM Docket No. 98–191; RM–9351), received June 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3695. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule received on June 9, 1999 (CC Docket Nos. 96–45, and 96–262, FCC99–119); to the Committee on Commerce, Science, and Transportation.

EC–3696. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Changes to the Board of Directors of the National Exchange Carrier Association, Fed-St. Joint Board of Universal Service'' (CC Docket Nos. 97–21 and 96–45, FCC99–49), received June 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3697. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Federal-State Joint Board on Universal Service'' (CC Docket No. 96–45, FCC99–121), received June 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3698. A communication from the Assistant Director, Division of Enforcement, Bureau of Consumer Protection, Division of Enforcement, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (Appliance Labeling Rule)'' (RIN3084–AA26, 16 CFR Part 305), received June 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3699. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Back Bay of Biloxi, MS(CGD8–96–049)'' (RIN2115–AE47) (1999–0020), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3700. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the San Juan High Offshore Airspace Area, PR; Docket No. 97–ASI–21 {6–9/6–10}'' (RIN2120–AA66) (1999–0197), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3701. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Cresco, IA; Direct final rule; confirmation of effective date; Docket No. 99–ACE–13 {6–10/6–10}'' (RIN2120–AA66) (1999–0197), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3702. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; West Union, IA; Direct final rule; confirmation of effective date; Docket No. 99–ACE–12 {6–10/6–10}'' (RIN2120–AA66) (1999–0197), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3703. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Ottawa, KS; Direct final rule; Request for comments; Docket No. 99–ACE–21 {6–10/6–10}'' (RIN2120–AA66) (1999–0193), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3704. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Rolla/Vichy, MO; Direct final rule; request for comments; Docket No. 99–ACE–26 {6–10/6–10}'' (RIN2120–AA66) (1999–0194), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3705. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Lebanon, MO; Direct final rule; confirmation of effective date; Docket No. 99–ACE–26 {6–10/6–10}'' (RIN2120–AA66) (1999–0191), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3706. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Shenandoah, IA; Direct final rule; confirmation of effective date; Docket No. 99–ACE–26 {6–10/6–10}'' (RIN2120–AA66) (1999–0191), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3707. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Neosho, MO; Direct final rule; confirmation of effective date; Docket No. 99–ACE–11 {6–10/6–10}'' (RIN2120–AA66) (1999–0190), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3708. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Washington, IA; Direct final rule, confirmation of effective date; Docket No. 99–ACE–18 {6–10/6–10}'' (RIN2120–AA66) (1999–0189), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3709. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Thedford, NE; Direct Final Rule, Request for Comments; Docket No. 99–ACE–23 {6–10/6–10}'' (RIN2120–AA66) (1999–0188), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3710. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (32); Amdt. No. 1932 {6–10/6–10}'' (RIN2120–AA66) (1999–0029), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3711. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (42); Amdt. No. 1933 {6–9/6–10}'' (RIN2120–AA66) (1999–0028), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3712. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (102); Amdt. No. 1934 {6–10/6–10}'' (RIN2120–AA66) (1999–0027), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3713. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (64); Amdt. No. 416 {6–9/6–10}'' (RIN2120–AA66) (1999–0002), received June 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3714. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 99–28, Medical Expense Deduction for Smoking-Cessation Programs'', received June 11, 1999; to the Committee on Finance.

EC–3715. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indiana Regulatory Program'' (SPATS # IN–145–FOR), received June 9, 1999; to the Committee on Energy and Natural Resources.

EC–3716. A communication from the Congressional Review Coordinator, Policy and Program Development, Regulatory Analysis and Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly Regulations; Removal of Regulated Area'' (98–082–4), received June 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3717. A communication from the Congressional Review Coordinator, Policy and Program Development, Regulatory Analysis and Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oriental Fruit Fly; Designation of Quarantined Area'' (98–044–1), received June 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3718. A communication from the Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR part 3570, subpart B, Community Facilities Grants'', received June 9, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3719. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–3720. A communication from the Deputy Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, a report entitled ''HUD Procurement Reform: Substantial Progress Underway''; to the Committee on Banking, Housing, and Urban Affairs.

EC–3721. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of an export license relative to Saudi Arabia; to the Committee on Foreign Relations.

EC–3722. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation to authorize appropriations for the United States contribution to the HIPC Trust Fund, administered by the International Bank for Reconstruction and Development; to the Committee on Foreign Relations.

EC–3723. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation to authorize the transfer of certain resources to the Enhanced Structural Adjustment Facility/Heavily Indebted Poor Countries Trust Fund; to the Committee on Foreign Relations.

EC–3724. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report for fiscal year 1997 of the Office of Workers' Compensation Programs; to the Committee on Health, Education, Labor, and Pensions.

EC–3725. A communication from the Director, National Institute on Aging, Department of Health and Human Services, transmitting, a report relative to the demography and economics of aging; to the Committee on Health, Education, Labor, and Pensions.

EC–3726. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled ''The Stabilization Act of 1999''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3727. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3728. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3729. A communication from the Director, Office of Personnel Management, transmitting, a draft of proposed legislation relative to early retirement offers by Federal agencies; to the Committee on Governmental Affairs.

EC–3730. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3731. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3732. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3733. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to audit follow-up for the period October 1, 1998 to March 31, 1999; to the Committee on Governmental Affairs.

EC–3734. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for April 1999; to the Committee on Governmental Affairs.

EC–3735. A communication from the Secretary of Defense, transmitting, pursuant to law, the report for calendar year 1997 relative to the Cooperative Threat Reduction (CTR) Program; to the Committee on Armed Services.

EC–3736. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to managing military strengths during time of war or national emergency; to the Committee on Armed Services.

EC–3737. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3738. A communication from the Director, Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to a vacancy in the Office of the Secretary of Defense; to the Committee on Armed Services.

EC–3739. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to the disability evaluation system for certain members of the Armed Forces; to the Committee on Veterans' Affairs.

EC–3740. A communication from the Assistant Attorney General, Office of Justice Programs, and the Acting Assistant Attorney General, Office of Legislative Affairs, transmitting jointly, the Office of Justice Programs annual report for fiscal year 1998; to the Committee on the Judiciary.

EC–3741. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to prisoners and their access to interactive computer services; to the Committee on the Judiciary.

EC–3742. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation amending the Foreign Agents Registration Act (FARA) of 1938; to the Committee on the Judiciary.

EC–3743. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation relative to the removal of dangerous criminal aliens from our communities and our country; to the Committee on the Judiciary.

EC–3744. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, a report of activities during calendar year 1998; to the Committee on the Judiciary.

EC–3745. A communication from the Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report relative to a program to combat drowsy driving; to the Committee on Appropriations.

EC–3746. A communication from the Chair, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled ''Selected Medicare Issues'', dated June 1999; to the Committee on Finance.

EC–3747. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled ''National Oceanic and Atmospheric Administration Chesapeake Bay Office Activities'', dated April 1999; to the Committee on Commerce, Science, and Transportation.

EC–3748. A communication from the General Counsel, Department of Commerce, transmitting, a draft of proposed legislation entitled ''National Marine Sanctuaries Preservation Act of 1999''; to the Committee on Commerce, Science, and Transportation.

EC–3749. A communication from the Administrator, Federal Aviation Administration, Department of Commerce, transmitting, pursuant to law, a report relative to civil aviation security in calendar year 1997; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred and ordered to lie on the table as indicated:

POM–187. A joint resolution adopted by the Legislature of the State of Nevada relative to the Employee Retirement Income Security Act of 1974; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 15

Whereas, On May 19, 1998, testimony was presented to members of the United States Senate Committee on Labor and Human Resources by the Honorable Marilyn R. Goldwater, Deputy Majority Whip in the Maryland House of Delegates, urging members of Congress to strengthen requirements for the appeals processes for plans covered by the Employee Retirement Income Security Act of 1974 (ERISA); and

Whereas, In her presentation, Ms. Goldwater noted that it is important to have strong, effective and responsive internal grievance and appeal mechanisms in place; and

Whereas, Every state requires managed care entities to have an internal appeals process in place; and

Whereas, If it is determined that a federal external appeals process is appropriate, it should be administered by the Federal Government according to rules established by federal law, with states managing those plans under their regulatory authority; and

Whereas, Several states have enacted legislation to revise and refine both the internal and external appeals processes; and

Whereas, In Maryland, legislation was enacted to strengthen the state's internal grievance and appeals processes, establish an external appeal mechanism and provide additional regulatory authority to the state's insurance commissioner over medical directors in health maintenance organizations; and

Whereas, In Florida, the nation's first external review process was created in 1985, and Florida continues to fine tune its process by utilizing a panel of six state employees for the external review process, with explicit time frames from ''extreme emergency'' cases to ''nonurgent'' cases; and

Whereas, New Jersey enacted legislation in 1997 that requires health maintenance organizations to establish an external appeal process and now operates a consumer hot line for consumer questions and complaints; and

Whereas, Texas enacted landmark legislation in 1998 that permits managed care enrollees to sue their health plans for malpractice in cases where they have been harmed by a plan's decision to delay or deny treatment; and

Whereas, According to ''The Best From the States II: The Text of Key State HMO Consumer Protection Provisions'' by Families USA Foundation (October 1998), key consumer protection provisions include the establishment of explicit time frames for appeal of decisions, implementation of methods for expediting the review of emergency and urgent care situations, acceptance of oral appeals and adoption of laws that require reviewers to be health care providers with expertise in the clinical area being reviewed and that prohibits reviewers from participating in the review of cases in which they were involved in the original decisions; and

Whereas, On February 9, 1999, in a letter to the editor of the Las Vegas Sun, Marie Soldo, immediate past Chairman of the Nevada Association of Health Plans, wrote that, because the state has limited jurisdiction regarding the regulation of health insurance plans, more than two-thirds of Nevadans, including state and federal employees, Medicare and Medicaid enrollees and others whose employers are self-insured, are not affected by state legislative action such as mandated benefits, improved grievance and appeals processes and the proposed ombudsman office; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the Nevada Legislature hereby urges Congress to take steps to ensure that those plans which are exempt from state regulation provide adequate protection provisions for persons covered by such health plans; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–188. A petition from a citizen of the State of Florida relative to tobacco; to the Committee on Health, Education, Labor, and Pensions.

POM–189. A petition from a citizen of the State of Florida relative to federal income tax laws; to the Committee on Finance.

POM–190. A petition from a citizen of the State of Florida relative to Social Security and Medicare laws; to the Committee on Finance.

POM–191. A petition from a citizen of the State of Florida relative to water sources; to the Committee on Environment and Public Works.

POM–192. A petition from a citizen of the State of Florida relative to court reform; to the Committee on the Judiciary.

POM–193. A petition from a citizen of the State of Florida relative to campaign financing reform; to the Committee on Rules and Administration.

POM–194. A petition from a citizen of the State of Florida relative to paper money; to the Committee on Banking, Housing, and Urban Affairs.

POM–195. A resolution adopted by the Board of Directors, Puerto Rico Bar Association relative to navy war practices at the island of Vieques; to the Committee on Armed Services.

POM–196. A petition from a citizen of the State of Indiana relative to highway safety and the trucking industry; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 342. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes (Rept. No. 106–77).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 607. A bill to reauthorize and amend the National Geologic Mapping Act of 1992 (Rept. No. 106–78).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 1224. A bill to amend the Elementary and Secondary Education Act of 1965 to encourage students, including young women, to pursue demanding careers and higher education degrees in mathematics, science, engineering and technology; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. GREGG, Mr. CONRAD, Mr. BURNS, Mr. KERREY, Mr. HAGEL, and Mr. HUTCHINSON):

S. 1225. A bill to provide for a rural education initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MACK:

S. 1226. A bill to amend the Internal Revenue Code of 1986 to provide that interest on indebtedness used to finance the furnishing or sale of rate-regulated electric energy or natural gas in the United States shall be allocated solely to sources within the United States; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. MCCAIN, Mr. GRAHAM, Mr. MACK, Mr. MOYNIHAN, and Mr. JEFFORDS):

S. 1227. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. LOTT, and Mr. CONRAD):

S. 1228. A bill to provide for the development, use, and enforcement of a system for

labeling violent content in audio and visual media products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS:

S. 1229. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a foreign pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER:

S. 1230. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 1224. A bill to amend the Elementary and Secondary Education Act of 1965 to encourage students, including young women, to pursue demanding careers and higher education degrees in mathematics, science, engineering and technology; to the Committee on Health, Education, Labor, and Pensions.

● Ms. SNOWE. Mr. President, I rise today to introduce legislation that will ensure our nation's students, and young women in particular, are encouraged to pursue degrees and careers in math, science, engineering, and technology.

Mr. President, if our children are to be prepared for the globally competitive economy of the next century, they must not only have access to the technologies that will dominate the workforce and job market that they will enter—but they should also be encouraged to pursue degrees in the fields that underlie these technologies.

We simply cannot ignore that six out of ten new jobs require technological skills—skills that are seriously lacking in our workforce today. The impact of this technological illiteracy is devastating for our nation's businesses, with an estimated loss in productivity of $30 billion every year, and the inability of companies across the nation to fill an estimated 190,000 technology jobs in mid- to large-sized companies. In fact, these very job vacancies led to Congress passing legislation last year that increased the number of H1–B visas that could be issued to foreign workers to enter the United States.

Furthermore, according to a 1994 report by the American School Counselors Association, 65 percent of all jobs will require technical skills in the year 2000, with 20 percent being professional and only 15 percent relying on unskilled labor. In addition, between 1996 and 2006, all occupations expect a 14 percent increase in jobs, but Information Technology occupations should jump by 75 percent. As this data implies, today's students must gain a different knowledge base than past generations of students if they are to be prepared for, and competitive in, the global job market of the 21st Century.

Mr. President, even as we should seek to increase student access and exposure to advanced technologies in our nation's schools and classrooms through the E-rate and other programs, we should also seek to increase the interest of our students in the fields that are the backbone of these technologies: namely, math, science, engineering, and other technology-related fields. Clearly, if technology will be the cornerstone of the job market of the future, then it is vital that our nation's students—who will be tomorrow's workers—be the architects that build that cornerstone.

Accordingly, the legislation I am offering today is designed to ensure that our nation's students are encouraged to pursue degrees in these demanding fields. In particular, my legislation will ensure that young girls—who are currently less likely to enter these fields than their male counterparts—be encouraged to enter these fields of study.

Mr. President, as was highlighted in the American Association of University Women report, ''Gender Gaps: Where Schools Still Fail Our Children,'' when compared to boys, girls might be at a significant disadvantage as technology is increasingly incorporated into the classroom. Not only do girls tend to come into the classroom with less exposure to computers and other technology, but they also tend to believe that they are less adept at using technology than boys.

In light of these findings, it should come as no surprise that girls are dramatically underrepresented in advanced computer science courses after graduation from high school. Furthermore, it should come as no surprise that girls tend to gravitate toward the fields of social sciences, health services, and education, while boys disproportionately gravitate toward the fields of engineering and business.

In fact, data gathered in 1997 on the intended majors of college-bound students found that a larger proportion of female than male SAT test-takers intended to major in visual and performing arts, biological sciences, education, foreign or classical languages, health and allied services, language and lierature, and the social sciences. In contrast, a larger portion of boys than girls intended to major in agriculture and natural resources, business and commerce, engineering, mathematics, and physical sciences.

While all of these fields are invaluable—and students should always be encouraged to choose the fields of study and careers that interest them most—I believe it is critical that we ensure students do not balk at entering a particular field of study or career simply because it has typically been associated with ''males'' or ''females.'' Instead, all students should be aware of the multitude of opportunities that are available to them, and encouraged to enter those fields that they find of interest.

Mr. President, young women should not shy away from technical careers simply because they are more often associated with men—and they should not avoid higher education courses that would give them the knowledge and skills they need for these jobs simply because they are more typically taken by young men. Accordingly, my legislation will ensure that fields relying on skills in math, science, engineering, and technology will be promoted to all students—and especially girls—to ensure that the numerous opportunities and demands of the job market in the 21st Century are met.

Specifically, the ''High Technology for Girls Act'' will expand the possible uses of monies provided under the Elementary and Secondary Education Act (ESEA) of 1965 to ensure young women are encouraged to pursue demanding careers and higher education degrees in mathematics, science, engineering, and technology. As a result, monies provided for Professional Development Activities, the National Teacher Training Project, and the Technology for Education programs can be used by schools to ensure these fields of study and careers are presented in a favorable manner to all students.

Of critical importance, schools will be able to use these monies for the development of mentoring programs, model programs, or other appropriate programs in partnership with local businesses or institutions of higher education. As a result, programs will be created that meld the best ideas from educators and the private sector, thereby improving the manner in which these fields are presented and taught—and ultimately putting a positive ''face'' on fields that may otherwise be shunned by young women.

Mr. President, as Congress moves forward in its effort to reauthorize the ESEA, I believe the provisions contained in this legislation would be a positive and much-needed step toward preparing our students for the jobs of the 21st Century. We cannot afford to let any of our nation's students overlook the fields of study that will be the cornerstone of the global job market of the future, and my legislation will help ensure that does not happen.

Accordingly, I urge that my colleagues support the ''High Technology for Girls Act,'' and look forward to working for its adoption during the consideration of the Elementary and Secondary Education Act.●

By Ms. COLLINS (for herself, Mr. GREGG, Mr. CONRAD, Mr. BURNS, Mr. KERREY, Mr. HAGEL, and Mr. HUTCHINSON):

S. 1225. A bill to provide for a rural education initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

RURAL EDUCATION INITIATIVE ACT

Ms. COLLINS. Mr. President, I rise today to introduce the Rural Education Initiative Act. I am very pleased to be joined by my colleagues Senators GREGG, CONRAD, KERREY, BURNS, HUTCHINSON, and HAGEL as original cosponsors of this commonsense, bipartisan proposal to help rural schools make better use of Federal education dollars. I also want to acknowledge the valuable assistance provided by the American Association of School Administrators in the drafting of this legislation.

The Elementary and Secondary Education Act authorizes formula and competitive grants that allow many of our local school districts to improve the education of their students. These Federal grants support efforts to promote such laudable goals as the professional development of teachers, the incorporation of technology into the classroom, gifted and talented programs and class-size reduction. Schools receive several categorical grants supporting these programs, each with its own authorized activities and regulations and each with its own redtape and paperwork. Unfortunately, as valuable as these programs may be for thousands of predominantly urban and suburban school districts, they simply do not work well in rural areas.

The Rural Education Initiative Act will make these Federal grant programs more flexible in order to help school districts in rural communities with fewer than 600 students. Six hundred may not sound like many students to some of my colleagues from more populous or urban States, but they may be surprised to learn that more than 35 percent of all school districts in the United States have 600 or fewer students. In my State of Maine, 56 percent, or 158 of its 284 school districts, have fewer than 600 students. The two education initiatives contained in our legislation will overcome some of the most challenging obstacles that these districts face in participating in Federal education programs.

The first rural education initiative deals with four formula grants. Formula-driven grants from some education programs simply do not reach small rural schools in amounts that are sufficient to improve curriculum and teaching in the same way that they do for larger suburban or urban schools.

This is because the grants are based on school district enrollment. Unfortunately, these individual grants confront smaller schools with a dilemma; namely, they simply may not receive enough funding from any single grant to carry out meaningful activity. Our legislation will allow a district to combine the funds from four categorical programs.

Under the Rural Education Initiative Act, rural districts will be permitted to combine the funds from these programs and use the money to support reform efforts of their own choice to improve the achievement of their students and the quality of the instruction. Instead of receiving grants from four independent programs, each insufficient to accomplish the program's objectives, these rural districts will have the flexibility to combine the grants and the dollars to support locally chosen educational goals.

I want to emphasize that the rural initiative I have just described does not change the level of funding a district receives under these formula grant programs. It simply gives these rural districts the flexibility they need to use the funds far more effectively.

The second rural initiative in our legislation involves several competitive grant programs that present small rural schools with a different problem. Because many rural school districts simply do not have the resources required to hire grant writers and to manage a grant, they are essentially shut out of those programs where grants are competitively awarded.

The Rural Education Initiative Act will give small, rural districts a formula grant in lieu of eligibility for the competitive programs of the ESEA. A district will be able to combine this new formula grant with the funds from the regular formula grants and use the combined moneys for any purpose that will improve student achievement or teaching quality.

Districts might use these funds, for example, to hire a new reading or math teacher, to fund important professional development, to offer a program for gifted and talented students, to purchase high technology, or to upgrade a science lab, or to pay for any other activity that meets the district's priorities and needs.

Let me give you a specific example of what these two initiatives will mean for one Maine school district, School Administrative District 33. This district serves two northern Maine communities, Frenchville and St. Agatha. Each of these communities has about 200 school-age children. SAD 33 receives four separate formula grants ranging from about $1,900 from the Safe and Drug Free Schools Program to $9,500 under the Class Size Reduction Act.

You can see the problem right there. The amounts of the grants under these programs are so small that they really are not useful in accomplishing the goals of the program. The total received by this small school district for all four of the programs is just under $16,000. But each grant must be applied for separately, used for different—and federally mandated—purposes, and accounted for independently.

Under our legislation, this school district will be freed from the multiple applications and reports, and it will have $16,000 to use for locally identified education priorities. In addition, since SAD 33 does not have the resources needed to apply for the current competitively awarded grant programs, our legislation will allow this school district to receive a supplemental formula grant of $34,000. The bottom line is, under my legislation this district will have about $50,000 and the flexibility to use these Federal funds to address its most pressing educational needs.

But with this flexibility and additional funding comes responsibility. In return for the advantages and flexibility that our legislation provides, participating districts will be held accountable for demonstrating improved student performance. Each participating school district will be required to administer the same test of its choice annually during the 5-year period of this program. Based on the results of this test, a district will have to show that student achievement has improved in order to continue its participation beyond the 5-year period.

Since Maine and many other States already administer annual education assessments, districts will not incur any significant administrative burden in accounting and complying with this accountability provision. More important, the schools will be held responsible for what is really important, and that is improved student achievement, rather than for time-consuming paperwork in the form of applications and reports.

As one rural Maine superintendent told me: ''Give me the resources I need plus the flexibility to use them, and I am happy to be held accountable for improved student performance. It will happen.''

The Federal Government has an important role to play in improving education in our schools. But it has a supporting role, whereas States and communities have the lead role. We must improve our education system, we must enhance student achievement, without requiring every school in this Nation to adopt a plan designed in Washington and without imposing burdensome and costly regulations in return for Federal assistance.

The two initiatives contained in our bill will accomplish those goals. They will allow rural schools to use their own strategies for improvement without the encumbrance of onerous regulations and unnecessary paperwork. It is my hope that we will be able to enact this important and bipartisan legislation this year.

I thank my colleagues for their attention.

Mr. GREGG. Mr. President, today, I join my esteemed colleagues Senator COLLINS and CONRAD in introducing the Rural Education Initiative Act (REA).

This Act represents a bipartisan approach to address the unique needs of 35% of school districts in the United States, specifically small, rural school districts. It does not authorize any new money. Rather, REA amends the Rural Education Demonstration Grants under Part J, of Title X, of the Elementary and Secondary Education Act (ESEA) and retains the current ESEA authorization of up to $125 million for rural education programs.

Rural school districts are at a distinct disadvantage when it comes to both receiving and using federal education funds. They either don't receive enough federal funds to run the program for which the funds are allocated or don't receive federal funds for programs for which they have to fill out applications. Small rural school districts rarely apply for federal competitive grants because they lack the resources and expertise required to fill out complicated and time intensive applications for federal education grants, which means that rural school districts lose out on millions of federal education dollars each year.

The Rural Education Initiative Act addresses both the problem of rural school districts' inability to generate enough money under federal formula grants to run a program and the problem of rural school districts' inability to compete for federal discretionary grants.

With regard to federal education formula grants, REA permits rural school districts to merge funds from the President's 100,000 New Teachers program and several Elementary and Secondary Education Act programs, specifically Eisenhower Professional Development, Safe and Drug Free Schools, Innovative Education Program Strategies. Under REA, school districts can pool funds from these federal education programs and use the money for a variety of activities that the district believes will contribute to improved student achievement.

With regard to federal discretionary grants for which rural grants have to compete, the bill stipulates that small rural school districts who decline to apply for federal discretionary grants are eligible to receive money under a rural education formula grant. As a result, school districts would no longer have to go through the application process to receive federal funds. School districts that had to forgo applying for discretionary grants simply because they did not have the resources to do so, would no longer be penalized. As with their other federal grant money, a school district would have broad flexibility on how to use funds provided under this new grant to improve student achievement and the quality of instruction.

A local school district can combine their other formula grant money with this new direct grant to create a large flexible grant at the school district level to: hire a new teacher, purchase a computer, provide professional development, offer advanced placement or vocational education courses or just about any other activity that would contribute to increased student achievement and higher quality of instruction.

In addition to the aforementioned changes, REA has a strong accountability piece. The bill stipulates that rural school districts may only continue to receive the rural education initiative grant and have enormous flexibility over other federal education dollars if in fact they can show a marked improvement in student achievement.

In conclusion, this bill not only builds momentum for driving more federal dollars directly down to rural school districts but marks an important sea change in federal education policy in that it cedes unprecedented authority to school districts to use federal funds as they see fit, not as the federal government prescribes and it links increased flexibility and increased federal funds directly to student achievement.

Mr. CONRAD. Mr. President, I am very pleased to join my distinguished colleagues from Maine, New Hampshire, and Nebraska in introducing the Rural Education Initiative Act. Over the past five years, Congress and the Administration have significantly increased education funding for States and local school districts. They have also undertaken a number of new initiatives in response to educational concerns including Class Size Reduction and the 21st Century Community Learning Centers Program.

Unfortunately, rural schools are not benefiting from these new initiatives or from funding increases to the same degree as many urban and suburban schools. In fact, on the basis of discussions with educators in North Dakota, Federal education laws are discouraging many rural schools from making the best use of funds that are currently allocated by formula from the Department of Education.

The formulas developed to allocate education funding, formulas which take into consideration a number of factors including student enrollment, in many cases do not result in sufficient funding to permit the smaller school to most effectively use the funds for local educational priorities.

Many small, rural schools, for example, don't have the enrollment numbers or special categories of students that result in sufficient revenue under the education formulas to hire a new teacher under the Class Size Reduction initiative, or to participate in a more specialized education program like the 21st Century Community Learning Centers Program.

Additionally, these schools are not able to compete as effectively as larger districts for funding under some Department of Education competitive grant programs. Limited resources do not permit smaller districts to hire specialists to prepare and submit grant applications. In some cases, the only option for a smaller school district is to form a consortium with other rural districts to qualify for sufficient funding.

No more clearly are the concerns of rural school educators expressed than in a letter that I received from ElRoy Burkle, Superintendent for the Starkweather Public School District, in Starkweather, North Dakota, a school district with 131 students. In his letter, ElRoy expressed the difficulty that smaller, rural schools are having in accessing Federal education funds.

ElRoy remarked, ''. . . school districts have lost their ability to access funds directly, and as a result of forming these consortiums in order to access these monies, it is my opinion, we have lost our individual ability to utilize these monies in an effective manner that would be conducive to promoting the educational needs of our individual schools.''

Mr. President, the Rural Education Initiative Act responds to the unique needs of rural school districts by enabling these districts to more fully participate in Department of Education formula and competitive grant programs.

Under Section 4 of the proposed legislation, school districts with less than 600 students would be eligible to pool resources from four DOE formula programs, and use the funding for quality of instruction or student achievement priorities determined by the local school district.

These programs include the DOE's Class-Size Reduction, Eisenhower Professional Development, Title VI (Innovative Education Strategies), and Safe and Drug Free Schools, Title I GOALS 2000, Individuals With Disabilities Education, and Impact Aid are not included in this legislation.

Additionally, to qualify for funding under the Rural Education Initiative Act, a school district would elect not to apply for competitive grant funding from seven programs including Gifted and Talented Children Grants; State and Local Programs for Technology Resources; 21st Century Community Learning Centers; Grants under the Fund for the Improvement of Education; Bilingual Education Professional Development Grants; Bilingual Education Capacity and Demonstration Grants; and Bilingual Education Research, Evaluation, and Dissemination Grants.

In opting out of these competitive grant programs, the rural school district would be entitled to a formula grant, based on student enrollment, to use for education reform efforts to improve class instruction and student

achievements. The grant amount would be reduced by the level of funding received by the School district under the formula grant programs outlined in Section 4.

To remain in the Rural Education Initiative, school districts, after five years, would be required to assess the academic achievement of students using a statewide test, or in the case where there is no statewide test, a test selected by the local education agency.

Additionally, the Rural Education Initiative Act will not abolish or reduce funding for any DOE education program including the eleven grant programs discussed in this initiative.

Mr. President, It's very important that we consider the Rural Education Initiative Act as part of the re-authorization of the Elementary and Secondary Education Act during the 106th Congress. No issue is more important for rural America than the future of our schools. In North Dakota 86 percent of school districts, 198 schools, have less than 600 students.

Additionally, many of these school districts are facing declining enrollments. According to the Report Card for North Dakota's Future (1998) prepared by the North Dakota Department of Public Instruction, over the past two decades school districts in the State have declined from 364 to 214, almost 40 percent.

This decline in student population is not unique to North Dakota. Many other states have a significant percentage of rural school districts, and many are also experiencing a decline in rural student population. While the quality of education, including smaller classes, in many of these smaller communities remains excellent, the more limited resources of smaller, rural schools, coupled with the declining student enrollments, pose extraordinarily challenges for rural schools across America.

These factors along with current Federal education formulas have limited the ability of smaller districts to take full advantage of federal education grants. In some instances, they have limited educational opportunities for students such as distance learning, or advanced academic and vocational courses. Rural schools are unique and have educational needs that are not being met.

Mr. President, I want to commend the American Association of School Administrators (AASA) for the key role they have played in the development of this rural schools initiative. AASA has a remarkable record of achievement on behalf of the education community, parents, and students. For several years, they have been examining the difficulties that rural schools were experiencing in applying and qualifying for Federal education funding. The proposal developed by AASA would have a significant impact on almost 200 school districts in North Dakota.

I also want to commend the Organizations Concerned About Rural Education for their efforts on behalf of this initiative, and the exemplary work on behalf of other educational issues for rural America.

Again, I congratulate Senator COLLINS for taking the lead on this important education initiative, and I strongly urge the Committee on Health, Education, Labor, and Pensions to carefully consider this legislation and the educational needs of rural schools during the reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that the letter from Mr. Burkle, a summary of the bill, and a description of the rural schools formula under the Rural Education Initiative Act, prepared by the American Association of School Administrators be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RURAL EDUCATION INITIATIVE ACT

QUALIFYING DISTRICTS

A district eligible to elect to receive its funding through this initiative must have 599 students or fewer and have a Beale Code rating of 6, 7, 8, or 9. The Beale Codes are used by the U.S. Department of Agriculture to determine how relatively rural or urban a county is. Beale Codes range from 0 to 9, with 0 being most urban and 9 being most rural. A county-by-county listing may be found at: http://www.econ.ag.gov/epubs/other/typolog/index.html.

FLEXIBLE USE OF FORMULA GRANTS

If a district qualifies and elects to participate in this initiative, it will have flexibility with regard to Titles II (Eisenhower professional development), IV (Safe and Drug-Free Schools), and VI (Innovative Education Program Strategies) of the Elementary and Secondary Education Act and the Class Size Reduction Act. Districts would be able to combine the funds from these programs and use the money to support reform efforts intended to improve the achievement of students and the quality of instruction provided.

ALTERNATIVE TO COMPETITIVE GRANT PROGRAMS

If an eligible district elects not to compete the discretionary grants programs listed below, it will receive a formula grant based on student enrollment (see following table), less the amount they received from the formula grant programs included in the flexible use of formula grants program (Titles II, IV and Vi of ESEA and the Class Size Reduction Act). This alternative formula grant may be combined with the funds from the flexible formula grant program and used for the same purposes.

State and Local Programs for School Technology Resources (Subpart 2 of part A of title III of ESEA);

Bilingual Education Capacity and Demonstration Grants (Subpart 1 of part A of title VII of ESEA);

Bilingual Education Research, Evaluation, and Dissemination Grants (Subpart 2 of part A of title VII of ESEA);

Bilingual Education Professional Development Grants (Subpart 3, Section 7142 of part A of title VII of ESEA);

Fund for the Improvement of Education (Part A of Title X of ESEA);

Gifted and Talented Grants (Part B of Title X of ESEA);

21st Century Community Learning Centers (Part I of title X of ESEA)

Number of K–12 Students in District:	*Amount of grant*
1 to 49	[1] $20,000
50 to 149	[1] 30,000
150 to 299	[1] 40,000
300 to 449	[1] 50,000
450 to 599	[1] 60,000

[1] Reduced by the amount the district receives from the listed formula grants.

ACCOUNTABILITY

School districts participating in this initiative would have to meet high accountability standards. They would have to show significant statistical improvement in assessment test scores based on state and/or local assessments. Schools failing to show demonstrable progress will not be eligible for continued participation in the initiative.

STARKWEATHER PUBLIC SCHOOL DISTRICT NO. 44,
Starkweather, ND, April 15, 1999.

Hon. KENT CONRAD,
U.S. Senate, Washington, DC.

DEAR SENATOR CONRAD: The purpose of this letter is to voice several concerns that are facing rural districts in North Dakota and ask for your assistance as the reauthorization process for various educational legislation is currently being addressed by congress. I currently serve as a shared superintendent for both the Starkweather and Munich Public School Districts. At this particular time these two districts are two independent districts, with the Starkweather District serving 131 students and Munich serving 154 students. Each district covers in excess of 200 square miles.

The first issue that I have deals with the recently approved Class-Size Reduction Program. I support the primary legislative intent of this legislation, however, this office disagrees with the way in which the funds can be accessed. Please allow me to explain.

This office received information at a recent regional meeting that the allocation for the Starkweather District is $5,003, and $6,020 for Munich. It was also shared that in order to access these funds our individual district allocations must be equal to or greater than the cost of hiring a first-year teacher at our schools. This equates to approximately $23,000. If a school allocation is less than that, the school district can create or join a consortium to access these dollars, so long as the aggregate amount equals or exceeds that cost of a first-year teacher. Therefore, as you can see, the two school districts that I serve would be forced to enter into another consortium in order to obtain these allocated funds through this program.

Currently, both the Munich and Starkweather School Districts are members of various consortiums in order to access our federal allocated monies. These consortiums include Title II, Lake Area Carl-Perkins, and Goals 2000. This is in addition to having consortiums for special education and school improvement. My point is that each of my respective school districts have lost their individual ability to access funds directly, and as a direct result of forming these consortiums in order to access our entitled monies, it is of my opinion, we have lost our individual ability to utilize these monies in an effective manner that would be conducive to promoting the educational needs of our individual schools. Let me cite an example of how this loss of effectiveness has occurred for my districts.

3. Legislation for rural school districts. Something needs to be done for us. Rural districts with low student enrollments and high square miles have to form consortiums to access federal funds. If legislation were created as cited above, my two districts could better utilize allocated funds and still be in-line with federal education goals.

In closing, I understand that it is difficult to write legislation to meet everyone's needs. However, I do believe that we need to address our educational needs as our children deserve the same opportunity as those in larger districts. Our issues may be different, but we all hold the common thread of providing the best education for each child.

Thank you for your time and consideration regarding the issues shared. Your office has my permission to share this letter with any individual who may need to review the concerns voiced. Your office may feel free to contact me at the address and telephone provided, or e-mail messages to me at elburkle@sendit.nodak.edu (work) or my home e-mail stburkle@stellarnet.com.

Respectfully,

ELROY BURKLE,
Superintendent.

Mr. KERREY. Mr. President, I rise in support of the Rural Education Initiative introduced by Senator COLLINS today, and I am pleased to be a cosponsor of this important piece of legislation.

The Rural Education Initiative takes a significant step toward ensuring that all young people have a shot at the American Dream. It addresses an important problem that many rural schools face: Often they receive small amounts of funding for a variety of programs, but they don't have the budget and personnel to develop and sustain multiple programs. Yet they still have students who need our help to raise their achievement levels and become productive, successful citizens.

The Rural Education Initiative asks us to make a $125 million investment in rural schools. And it allows small rural districts to pool funds from a handful of federal programs and target funding in those areas where they see the greatest need and where the funding will have the greatest impact.

But this legislation also ensures that districts remain accountable—in exchange for increased flexibility, they must demonstrate improved performance.

Over 70 percent of Nebraska's school districts are small, rural districts, as defined by this legislation. Currently Nebraska receives approximately $92 million in federal funds for elementary and secondary education. The Rural Education Initiative would increase that contribution by more than $10 million.

Mr. President, recently I contacted Jim Havelka, superintendent of both Dodge and Howells Public Schools in Nebraska. Dodge has 175 students K–12, and Howells has 225 students K–12. I said, ''Jim, what do you need to do a better job of educating your kids?''

Jim said, ''You know, it's awfully hard to start a new initiative on $900. But if I could pool funds from a few programs, I could hire an experienced instructional technology teacher to help us make even better use of computer hardware and software that is so crucial in improving learning opportunities for our students. And I could share that instructor with 2 or 3 other schools. Keep Title I, special education, and other major programs intact, but give me a little flexibility with a few other programs, and I'll give you results.''

Mr. President, I intend to do what I can to help Jim and his students produce results. I believe that in addition to this initiative, we should increase our investment in Title I and in education technology, both of which are especially important to rural schools. I look forward to working with Senator COLLINS and the other cosponsors of this legislation to accomplish these goals as we move this legislation through Congress.

By Mr. MACK:

S. 1226. A bill to amend the Internal Revenue Code of 1986 to provide that interest on indebtedness used to finance the furnishing or sale of rate-regulated electric energy or natural gas in the United States shall be allocated solely to sources within the United States; to the Committee on Finance.

ALLOCATION TO SOURCES WITHIN THE UNITED STATES OF INTEREST EXPENSE ON INDEBTEDNESS FINANCING RATE-REGULATED ELECTRIC ENERGY OR NATURAL GAS INFRASTRUCTURE INVESTMENTS

Mr. MACK. Mr. President, today I am introducing legislation to remedy a problem in the way the U.S. taxes the foreign operations of U.S. electric and gas utilities. With the 1992 passage of the National Energy Policy Act, Congress gave a green light to U.S. utilities wishing to do business abroad, lifting a long-standing prohibition. U.S. utilities were allowed to compete for the foreign business opportunities created by the privatization of national utilities and the need for the construction of facilities to meet increased energy demands abroad.

Since 1992, U.S. utility companies have made significant investments in utility operations in the United Kingdom, Australia, Eastern Europe, the Far East and South America. These investments in foreign utilities have created domestic jobs in the fields of design, architecture, engineering, construction, and heavy equipment manufacturing. They also allow U.S. utilities an opportunity to diversify and grow.

Unfortunately, the Internal Revenue Code penalizes these investments by subjecting them to double-taxation. U.S. companies with foreign operations receive tax credits for a portion of the taxes they pay to foreign countries, to reduce the double-taxation that would otherwise result from the U.S. policy of taxing worldwide income. The size of these foreign tax credits are affected by a number of factors, as U.S. tax laws recalculate the amount of foreign income that is recognized for tax credit purposes.

Section 864 of the tax code allocates deductible interest expenses between the U.S. and foreign operations based on the relative book values of assets located in the U.S. and abroad. By ignoring business realities and the peculiar circumstances of U.S. utilities, this allocation rule overtaxes them. Because U.S. utilities were until recently prevented from operating abroad, their foreign plants and equipment have been recently-acquired and consequently have not been much depreciated, in contrast to their domestic assets which are in most cases fully-depreciated. Thus, a disproportionate amount of interest expenses are allocated to foreign income, reducing the foreign income base that is recognized for U.S. tax purposes thus the size of the corresponding foreign tax credits.

The allocation rules increase the double-taxation of foreign income by reducing foreign tax credits, thereby increasing domestic taxation. The unfairness of this result is magnified by the fact that the interest expenses—which are the reason the foreign tax credit shrinks—are usually associated with domestically-regulated debt, which is tied to domestic production and is not as fungible as the tax code assumes.

The result of this economically-irrational taxation scheme is a very high effective tax rate on certain foreign investment and a loss of U.S. foreign tax credits. Rather than face this double-tax penalty, some U.S. utilities have actually chosen not to invest overseas and others have pulled back from their initial investments.

One solution to this problem is found in the legislation that I am introducing today. This remedy is to exempt from the interest allocation rules of Section 864 the debt associated with a U.S. utility's furnishing and sale of electricity or natural gas in the United States. This proposed rule is similar to the rule governing ''non-recourse'' debt, which is not subjected to foreign allocation. In both cases, lenders look to specific cash flows for repayment and specific assets as collateral. These loans are thus distinguishable from the typical risks of general credit lending transactions.

The specific cash flow aspect of non-recourse financing is a critical element of the non-recourse debt exception, and logic requires that the same tax treatment should be given to analogous utility debt. Thus, my bill would exempt from allocation to foreign source income the interest on debt incurred in the trade or business of furnishing or selling electricity or natural gas in the United States. The current situation is

a very real problem that must be remedied, and I urge my colleagues to support the solution I am proposing.

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. 1226

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

SECTION 1. ALLOCATION TO SOURCES WITHIN THE UNITED STATES OF INTEREST EXPENSE ON INDEBTEDNESS FINANCING RATE-REGULATED ELECTRIC ENERGY OR NATURAL GAS INFRASTRUCTURE INVESTMENTS.

(a) IN GENERAL.—Subsection (e) of section 864 of the Internal Revenue Code of 1986 (relating to rules for allocating interest, etc.) is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) TREATMENT OF CERTAIN INTEREST EXPENSE RELATING TO QUALIFIED INFRASTRUCTURE INDEBTEDNESS.—

''(A) IN GENERAL.—Interest on any qualified infrastructure indebtedness shall be allocated and apportioned solely to sources within the United States, and such indebtedness shall not be taken into account in allocating and apportioning other interest expense.

''(B) QUALIFIED INFRASTRUCTURE INDEBTEDNESS.—For purposes of this paragraph, the term 'qualified infrastructure indebtedness' means any indebtedness incurred—

''(i) to carry on the trade or business of the furnishing or sale of electric energy or natural gas in the United States, or

''(ii) to acquire, construct, or otherwise finance property used predominantly in such trade or business.

''(C) RATE REGULATION.—

''(i) IN GENERAL.—If only a portion of the furnishing or sale referred to in subparagraph (B)(i) in a trade or business is rate regulated, the term 'qualified infrastructure indebtedness' shall not include nonqualified indebtedness.

''(ii) NONQUALIFIED INDEBTEDNESS.—For purposes of clause (i), the term 'nonqualified indebtedness' means so much of the indebtedness which would (but for clause (i)) be qualified infrastructure indebtedness as exceeds the amount which bears the same ratio to the aggregate indebtedness of the taxpayer as the value of the assets used in the furnishing or sale referred to in subparagraph (B)(i) which is rate-regulated bears to the value of the total assets of the taxpayer.

''(iii) RATE-REGULATED DEFINED.—For purposes of this subparagraph, furnishing or sale is rate-regulated if the rates for the furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by an agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of the District of Columbia or of any State or political subdivision thereof.

''(iv) ASSET VALUES.—For purposes of clause (ii), assets shall be treated as having a value equal to their adjusted bases (within the meaning of section 1016) unless the taxpayer elects to use fair market value for all assets. Such an election, once made, shall be irrevocable.

''(v) TIME FOR MAKING DETERMINATION.—The determination of whether indebtedness is qualified infrastructure indebtedness or nonqualified indebtedness shall be made at the time the indebtedness is incurred.

''(vi) SEPARATE APPLICATION TO ELECTRIC ENERGY AND NATURAL GAS.—This subparagraph shall be applied separately to electric energy and natural gas.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to indebtedness incurred in taxable years beginning after the date of enactment of this Act.

(2) OUTSTANDING DEBT.—In the case of indebtedness outstanding as of the date of enactment of this Act, the determination of whether such indebtedness constitutes qualified infrastructure indebtedness shall be made by applying the rules of subparagraphs (B) and (C) of section 864(e)(6) of the Internal Revenue Code of 1986, as added by this section, on the date such indebtedness was incurred.

By Mr. CHAFEE (for himself, Mr. MCCAIN, Mr. GRAHAM, Mr. MACK, Mr. MOYNIHAN, and Mr. JEFFORDS):

S. 1227. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes; to the Committee on Finance.

IMMIGRANT CHILDREN'S HEALTH IMPROVEMENT ACT OF 1999

Mr. CHAFEE. Mr. President, I am pleased to introduce the Immigrant Children's Health Improvement Act of 1999. I also want to thank Senators MCCAIN, GRAHAM, MACK, MOYNIHAN, and JEFFORDS for their support and cosponsorship of this important legislation.

In 1996, legal immigrants in this country lost critical public benefits because of changes made under welfare reform. While I supported the underlying goals of welfare reform—self sufficiency and individual responsibility—I continue to believe that the cuts made to immigrants' benefits as part of the 1996 reforms were unwarranted. While some of those cuts were reversed in 1997 and again in 1998, we still have a long way to improve the lives of the millions of immigrants who are legally in this country. The Immigrant Children's Health Improvement Act is one small but important step toward this goal.

While cash benefits such as Supplemental Security Income (SSI) and food stamps are critical to the well-being of low-income immigrants, access to health care is their largest concern. Immigrants who were legally in the country before the enactment of the welfare reform legislation are still eligible for Medicaid. However, those immigrants—including children and pregnant women—who arrived after August 22, 1996, the enactment date of the welfare bill, are barred for five years from receiving health benefits under Medicaid or the State Children's Health Insurance Program (SCHIP). While these individuals may still get emergency medical care, they are ineligible for the basic medical services that may reduce the need for such emergency care. This makes no sense.

The legislation we are introducing today would fix this problem by giving states the option to lift the five-year bar for pregnant women and children, allowing this narrow group of legal immigrants to receive health care services under either SCHIP or Medicaid. I want to emphasize that this legislation does not require states to cover these immigrant children—it merely allows the state to do so if it chooses. This approach is consistent with Congress' shift toward more state flexibility and will provide needed relief to states, such as Rhode Island, with high immigrant populations.

I hope that my colleagues will join me in support of this important measure. I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1227

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 ''Immigrant Children's Health Improvement Act of 1999''.

SEC. 2. OPTIONAL ELIGIBILITY OF CERTAIN ALIEN PREGNANT WOMEN AND CHILDREN FOR MEDICAID.

(a) IN GENERAL.—Subtitle A of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611–1614) is amended by adding at the end the following:

''SEC. 405. OPTIONAL ELIGIBILITY OF CERTAIN ALIENS FOR MEDICAID.

''(a) OPTIONAL MEDICAID ELIGIBILITY FOR CERTAIN ALIENS.—A State may elect to waive (through an amendment to its State plan under title XIX of the Social Security Act) the application of sections 401(a), 402(b), 403, and 421 with respect to eligibility for medical assistance under the program defined in section 402(b)(3)(C) (relating to the medicaid program) of aliens who are lawfully residing in the United States (including battered aliens described in section 431(c)), within any or all (or any combination) of the following categories of individuals:

''(1) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(2) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).''.

(b) APPLICABILITY OF AFFIDAVITS OF SUPPORT.—Section 213A(a) of the Immigration and Nationality Act (8 U.S.C. 1183a(a)) is amended by adding at the end the following:

''(4) INAPPLICABILITY TO BENEFITS PROVIDED UNDER A STATE WAIVER.—For purposes of this section, the term 'means-tested public benefits' does not include benefits provided pursuant to a State election and waiver described in section 405 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation

Act of 1996 (8 U.S.C. 1611(a)) is amended by inserting ''and section 405'' after ''subsection (b)''.

(2) Section 402(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(1)) is amended by inserting '', section 405,'' after ''403''.

(3) Section 403(a) of such Act (8 U.S.C. 1613(a)) is amended by inserting ''section 405 and'' after ''provided in''.

(4) Section 421(a) of such Act (8 U.S.C. 1631(a)) is amended by inserting ''except as provided in section 405,'' after ''Notwithstanding any other provision of law,''.

(5) Section 1903(v)(1) of the Social Security Act (42 U.S.C. 1396b(v)(1)) is amended by inserting ''and except as permitted under a waiver described in section 405(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,'' after ''paragraph (2),''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

SEC. 3. OPTIONAL ELIGIBILITY OF IMMIGRANT CHILDREN FOR SCHIP.

(a) IN GENERAL.—Section 405 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as added by section 2(a), is amended—

(1) in the heading, by inserting ''**and SCHIP**'' before the period; and

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

''(b) OPTIONAL SCHIP ELIGIBILITY FOR CERTAIN ALIENS.—

''(1) IN GENERAL.—Subject to paragraph (2), a State may also elect to waive the application of sections 401(a), 402(b), 403, and 421 with respect to eligibility of children for child health assistance under the State child health plan of the State under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), but only with respect to children who are lawfully residing in the United States (including children who are battered aliens described in section 431(c)).

''(2) REQUIREMENT FOR ELECTION.—A waiver under this subsection may only be in effect for a period in which the State has in effect an election under subsection (a) with respect to the category of individuals described in subsection (a)(2) (relating to children).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to child health assistance for coverage provided for periods beginning on or after October 1, 1999.

● Mr. GRAHAM. Mr. President, I rise today, along with Senators CHAFEE, MACK, MCCAIN, and MOYNIHAN, to introduce the Immigrant Children Health Improvement Act of 1999. I believe that these efforts are necessary in order to guarantee a healthy generation of children.

This legislation is simple. It provides states the option to provide health care coverage to legal immigrant children through Medicaid and the State Children's Health Insurance Program (SCHIP)—in essence eliminating the arbitrary designation of August 22, 1996 as the cutoff date for benefits eligibility to children. The welfare reform legislation passed in 1996 prohibits states from covering these immigrant children during their first five years in the United States. This prohibition has serious consequences.

Children without health insurance do not get important care for preventable diseases. Many uninsured children are hospitalized for acute asthma attacks that could have been prevented, or suffer from permanent hearing loss from untreated ear infections. Without adequate health care, common illnesses can turn into life-long crippling disease, whereas appropriate treatment and care can help children with diseases like diabetes live relatively normal lives. A lack of adequate medical care will also hinder the social and educational development of children, as children who are sick and left untreated are less ready to learn.

In addition to allowing extended coverage of legal immigrant children, this initiative aims to provide Medicaid to legal immigrant pregnant women who are also barred from receiving services as a result of the 1996 welfare reform law.

This legislation attempts to diminish the arbitrary cutoff date used in the 1996 welfare law to determine the eligibility of legal immigrants to benefits they desperately need. Our nation was built by people who came to our shores seeking opportunity and a better life, and America has greatly benefitted from the talent, resourcefulness, determination, and work ethic of many generations of legal immigrants. Time and time again, they have restored our faith in the American Dream. We should not discriminate between these important members of our community based on nothing more than an arbitrary date.

As our nation enters what promises to be a dynamic century, the United States needs a prudent, fair immigration policy to ensure that avenues of refuge and opportunity remain open for those seeking freedom, justice, and a better life.●

Mr. MCCAIN. Mr. President, I am proud to join my colleague Senator CHAFEE in introducing the Immigrant Children's Health Improvement Act of 1999. This legislation would help provide access to health care through the Medicaid system for pregnant women and children who are legal immigrants.

In 1996, Congress passed and President Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act making critical reforms to our nation's welfare system. This greatly needed piece of legislation is dramatically improving our nation's welfare system by requiring able-bodied welfare recipients to work and encouraging individuals to become self-sufficient.

As my colleagues know, the welfare reform law limits most means-tested benefits for legal residents who are not citizens. The specific provision affecting these benefits is based on the principle that those who immigrate to this nation pledge to be self-sufficient, and should comply with that agreement. However, I have been concerned that this provision is having a negative impact on a vulnerable segment of our population, children and pregnant women.

My concern is not new. While Congress was considering this legislation, I raised concerns regarding several provisions which could have negative impact on certain vulnerable populations including children, pregnant women, the elderly and disabled. I believe our nation has a responsibility to provide assistance, when necessary, to our most vulnerable citizens, regardless of whether they were born here or in another country. I am pleased that Congress has addressed many of these concerns and implemented a number of changes to the 1996 welfare reform law. However, my concern for the pregnant women and children who are legal immigrants but were not protected by the changes implemented since 1996 still remains.

The consequences of lack of insurance are problematic for everyone, but they are particularly serious for children. Uninsured and low income children are less likely to receive vital primary and preventative care services. This is quite discouraging since it is repeatedly demonstrated that regular health care visits facilitate the continuity of care which plays a critical role in the development of a healthy child. For example, one analysis found that children living in families with incomes below the poverty line were more likely to go without a physician visit than those with Medicaid coverage or those with other insurance. The result is many uninsured, low-income children not seeking health care services until they are seriously sick. These dismal consequences of lack of access to quality health care also have disastrous impacts on pregnant women and their unborn children.

Studies have further demonstrated that many of these children are more likely to be hospitalized or receive their care in emergency rooms, which means higher health care costs for conditions that could have been treated with appropriate outpatient services or prevented through regular checkups. Receiving the appropriate prenatal care is essential for the health delivery and development for the unborn child which can help stave off future, more costly health care needs.

Under our bill, states would be given the option to allow legal immigrant children and pregnant women to have access to medical services under the Medicaid program. Again, let me reiterate—this is completely optional for the states and is not mandatory This bill would provide our states with the flexibility to address the health care needs of some of our most vulnerable—our children and pregnant women.

I urge our colleagues to support this important legislation.

Mr. MOYNIHAN. Mr. President, today, I am proud to cosponsor the Immigrant Children's Health Improvement Act of 1999, introduced by my good friend and colleague Senator CHAFEE. We are joined by our colleagues Senators MCCAIN, JEFFORDS, and MACK, and by Senator GRAHAM, who has long been a leader on this issue.

This bill includes three provisions which are part of the Fairness for Legal Immigrants Act of 1999 (S. 792), which I introduced, along with Senator GRAHAM, on April 14th of this year. They would restore health coverage to legal immigrants—mostly children—whose eligibility for benefits is denied to them by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. It is a crucial step we should take. I will continue to work to move forward the broader Fairness for Legal Immigrants Act as well because it contains important provisions to prevent hunger and help the elderly and disabled.

The Immigrant Children's Health Improvement Act would: Permit states to provide Medicaid coverage to all eligible legal immigrant children; permit states to provide Medicaid coverage to all eligible legal immigrant pregnant women; and permit states to provide coverage under the Children's Health Insurance Program (CHIP) to all eligible legal immigrant children.

Note that these provisions are optional. There are no mandates in this bill. It would merely allow states to take common sense steps to aid legal immigrant children.

The problem is that under current law, states are not allowed to extend such health care coverage—which is so important for the development of healthy children—to families who have come to the U.S. after August 22, 1996, until the families have been here for five years. Five years is a very long time in the life of a child. Such a bar makes little sense for them, and is nonsensical for pregnant women. It is common knowledge that access to health care is essential for early childhood development. We should, at a minimum, permit states to extend coverage to all poor legal immigrant children, no matter when they have arrived here. Let me emphasize that under the 1996 law, states cannot use federal funds for this—and we are restoring this option to them. This builds upon our recent achievements in promoting health care for children—legal immigrant children should not be neglected in these efforts.

The provisions of that 1996 law concerning legal immigrants were based on the false premise that immigrants are a financial burden to American taxpayers. On the contrary. A recent comprehensive study by the National Academy of Sciences concluded that immigration actually benefits the U.S. economy. In fact, the study found that the average legal immigrant contributes $1,800 more in taxes than he or she receives in government benefits.

Many Americans may not realize this, but legal immigrants pay income and payroll taxes. And without continued legal immigration, the long-term financial condition of Social Security and Medicare would be worsened. According to the most recent Social Security trustees report, a decline in net immigration of 150,000 per year will reduce payroll tax revenues and require a 0.1% payroll tax increase to replace.

It is in our interest to see that these immigrant families have healthy children. And it is not merely wise, it is just. These immigrants have come here under the rules we have established and they have abided by those rules.

The 1996 law did grevious harm to the safety net for immigrants. Some states have begun their own efforts—without federal funding—to assist immigrants to make up the difference. Yet a new Urban Institute study concluded that ''[d]espite the federal benefit restorations and the many states that have chosen to assist immigrants, the social safety net for immigrants remains weaker than before welfare reform and noncitizens generally have less access to assistance than citizens.'' The Urban study also notes that ''[b]y barring many immigrants from federal assistance, the federal government shifted costs to states, many of which already bore a fiscal burden for providing assistance to immigrants.'' We in Washington should do our fair share.

Mr. President, simple decency requires us to continue to provide a measure of a safety net to legal immigrant families. I urge the enactment of this legislation to ensure that we do so.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. LOTT, and Mr. CONRAD):

S. 1228. A bill to provide for the development, use, and enforcement of a system for labeling violent content in audio and visual media products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEDIA VIOLENCE LABELING ACT OF 1999

● Mr. MCCAIN. Mr. President, I join my colleagues today in introducing the 21st Century Media Responsibility Act. This bill would establish a uniform product labeling system for violent content by requiring the manufacturers of motion pictures, video programs, interactive video games, and music recording products, provide plain-English labels on product packages and advertising so that parents can make informed purchasing decisions.

The most basic and profound responsibility that our culture—any culture—has, is raising its children. We are failing that responsibility, and the extent of our failure is being measured in the deaths, and injuries of our kids in the schoolyard and on the streets of our neighborhoods and communities.

Primary responsibility lies with families. As a country, we are not parenting our children. This is our job, our paramount responsibility, and most unfortunately, we are failing. We must get our priorities straight, and that means putting our kids first.

However, parents need help, because our homes and our families—our children's minds, are being flooded by a tide of violence. this dehumanizing violence pervades our society: our movies depict graphic violence; our children are taught to kill and maim by interactive video games; much of the music that inundates our children's lives delivers messages of hate and violence. Our culture is dominated by media, and our children, more so than any generation before them, is vulnerable to the images of violence that, unfortunately, are dominant themes in so much of what they see, and hear.

It is beyond debate that exposure to media violence is harmful to children. Study after scientific study, beginning with the Surgeon General's report in the early 1970's, has established this. Certainly, there is a hard consensus in our society that something must be done. What this bill makes clear is that the manufacturers and producers of these consumer products should have a legal responsibility to provide plain-english so that parents can make truly informed decisions about what their children consume.

This is not a rating system. It is a labeling system. it is not censorship. We are not talking about limiting free speech. Rather, we are talking about providing content labels on highly sophisticated, highly targeted, and highly promoted consumer products. This is common sense.●

● Mr. LIEBERMAN. Mr. President, I rise today to join my distinguished colleague and friend, the chairman of the Commerce Committee, Senator MCCAIN, and my colleague from North Dakota, Senator CONRAD, in introducing legislation that we believe will move us another step forward in ameliorating the culture of violence surrounding our children, and in helping parents protect their kids from harm.

This is a problem that has been much on our minds in the wake of the school massacre in Littleton and the other tragic shootings that preceded it, a series of events which has continued to reverberate through the national consciousness, which has in particular heightened our awareness as a nation to the violent images and messages bombarding our children, and which has in turn spurred a renewed debate about the entertainment media's contributing role in the epidemic of youth violence we are experiencing across the nation, not just in suburban schools but on the streets and in homes in every community.

We made an initial attempt to respond to this problem through the juvenile justice bill that the Senate recently passed, and I believe it was a good start. Senator MCCAIN and I joined Senators BROWNBACK and HATCH in cosponsoring a bipartisan amendment that would, among other things, authorize an investigation of the entertainment industry's marketing practices to determine the extent to which they are targeting the sale of ultraviolent, adult-rated products directly to kids.

This amendment, which was approved unanimously, would also facilitate the development of stronger codes of conduct for the various entertainment media and thereby encourage them to accept greater responsibility for the products they distribute.

The bill we are introducing today, the 21st Century Media Responsibility Act, would build on that initial response and significantly improve our efforts in the future to limit children's success to inappropriate and potentially harmful products.

Specifically, it calls for the creation of a uniform labeling system for violent entertainment media products, to provide parents with clear, easy-to-understand warnings about the amount and degree of violence contained in the movies, music, television shows, and video games that are being mass-marketed today. Beyond that, it would require the businesses where these products are sold or distributed—the movie theaters, record and software stores, and rental outlets—to strictly enforce these new ratings, and thus prohibit children from buying or renting material that is meant for adults and may pose a risk to kids.

This proposal is premised in many respects on our concerted efforts to keep cigarettes out of the hands of minors, and with good reason. As with tobacco, decades of research have shown definitively that media violence can be seriously harmful to children, that heavy, sustained exposure to violent images, particularly those that glamorize murder and mayhem and that fail to show any consequences, tends to desensitize young viewers and increase the potential they will become violent themselves. As with tobacco, and its mascot Joe Camel, we are beginning to see substantial evidence indicating that the entertainment industry is not satisfied with mass marketing mass murder, but that it is actually targeting products to children that the producers themselves admit are not appropriate for minors.

And as with tobacco, we are seeking to change the behavior of a multi-billion dollar industry that too often seems locked in deep denial, that has shown little inclination to acknowledge there is a problem with its products, let alone work with us to find reasonable solutions to reduce the threat of media violence to children.

Of course, there are differences between the tobacco and entertainment industries and the products they make. Cigarettes are filled with physical substances that have been proven to cause cancer in longtime smokers. Violent entertainment products have a less visible and physical effect on longtime viewers and listeners, and, more significantly, they are forms of speech that enjoy protection under the First Amendment.

It is because of our devotion to the First Amendment that Senator MCCAIN and I, along with many other concerned critics, have been reluctant to call for government restrictions on the content of movies, music, television and video games. All along, we have urged entertainment industry leaders to police themselves, to draw lines and set higher standards, to balance their right to free expression with their responsibilities to the larger community to which they belong. We repeated these pleas with a new sense of urgency in the days following the shooting at Columbine High School, asking the most influential media voices to attend the White House summit meeting the President convened and to engage in open dialogue about what all of us can do to reduce the likelihood of another Littleton.

And there has been a smattering of encouraging responses emanating from the entertainment media. For example, the Interactive Digital Software Association, which represents the video game manufacturers, has acknowledged that the grotesque and perverse violence used in some advertisements crosses the line, and it is reexamining its marketing code to respond to some of the concerns we have raised. Disney for its part announced that it would no longer house violent coin-operated video games in its amusement parks. The National Association of Theater Owners pledged to tighten the enforcement of its policies restricting the access of children to R-rated movies. And several prominent screenwriters, speaking at a recent forum sponsored by the Writers Guild of America, raised concerns about the level of violence in today's movies and called on the industry to rethink its fascination with murder and mayhem.

But overall the silence from the men and women who make the decisions that shape our culture has been deafening, their denials extremely disappointing. Not one CEO from the major entertainment conglomerates—Sony, Disney, Seagram, Time Warner, Viacom, and Fox—accepted the President's invitation to attend the White House summit meeting. And since then, not one has made a statement accepting some responsibility for the culture of violence surrounding our children, or indicating their willingness to address their part of the lethal mix that is turning kids into killers. What we have heard, from Seagram's Edgar Bronfman and Time Warner's Gerald Levin and Viacom's Sumner Redstone, are more shrill denials and diversions, along with attacks on those of us in Congress who are concerned about what they are doing to our country and our kids.

This is the responsibility vacuum in which we are operating, and this is the vacuum we are trying to fill with the legislation we are introducing today. Ideally, our bill would be unnecessary. Ideally, the various segments of the entertainment industry would agree to adopt and implement a set of commonsense, uniform standards that would provide for clear and concise labeling of media products, that would prohibit the marketing and sales of adult-rated products to children, and that would hold producers or retail outlets that violate the code accountable for their irresponsibility. But there is no sign that is going to happen any time soon, which is why we feel compelled to go forward with this proposal today.

We are not advocating censorship, or placing restrictions on the kind of entertainment products that can be made and sold commercially. What we are doing through this bill is treating violent media like tobacco and other products that pose risks to children, requiring producers to provide explicit warnings to parents about potentially harmful content, and requiring retailers to take reasonable steps to limit the availability of adult-rated products with high doses of violence to audiences for which they are designed. That is why we have chosen to amend the Federal Cigarette Labeling and Advertising Act, to accentuate the fact that we are not regulating artistic expression but the marketing and distribution of commercial products, and that we are not criminalizing speech, but demanding truth in labeling and enforcement.

If a video game company is telling parents a game is not appropriate for children under 17, then parents should have a realistic expectation that this game will not be marketed or sold to that audience. Unfortunately, that is often not the case these days, and we would correct that by authorizing the Federal Trade Commission to investigate and punish retailers and rental outlets and movie theaters that in effect deceive parents about the products they are selling or renting to their kids. Specifically, it would authorize the FTC to levy fines of up to $10,000 per violation of the act's provisions prohibiting the sale or rental of adult-rated products to children.

This bill does not just respond to concerns of today, but anticipates the media landscape of tomorrow. According to most experts, as technologies converge over the next few years, more and more of our entertainment is going to be delivered through a single wire

into the home over the Internet. In this radically different universe, it only makes sense to modernize the ratings concept to fit the new contours of the Information Age, and develop a standard labeling system for the video, audio, and interactive games we will consume through a common portal. Our legislation will move us in that direction and prod the entertainment industry to help parents meet the new challenges of this new era, and hopefully usher in a new ethic of media responsibility, a goal that is reflected in the bill's title.

In closing, Mr. President, I want to make clear that I do not consider this legislation to be ''the'' answer to the threat of media violence or the solution to repairing our culture. It won't singlehandedly stop media standards from falling, or substitute for industry self-restraint. No one bill or combination of laws could replace the exercise of corporate citizenship, particularly given our respect for the First Amendment. We must continue to push the entertainment industry to embrace its responsibilities. But this bill is a common-sense, forward looking response that will in fact help reduce the harmful influences reaching our children and thereby reduce the risk of youth violence. That makes it more than worthwhile, and I ask my colleagues to join us in supporting it.●

By Mr. BURNS:

S. 1229. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a foreign pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BURNS. Mr. President, I rise today as a proud sponsor of this pesticide harmonization legislation. As many of you are aware, there are a number of trade imbalances facing the agricultural industry.

In my home State of Montana and many other western and mid-western states, trade imbalances occur primarily between Canada and the United States. However, disparities occur between the United States and many foreign countries.

One of those trade imbalances is pesticide harmonization, which is a serious issue for American farmers. There are numerous disparities between chemicals and pesticides that are allowed in foreign countries and those that are allowed here in the United States.

In many cases a chemical will have the identical chemical structure in both countries but be named and priced differently. Why should an American producer be expected to pay twice the amount for an identical chemical available in a foreign country for less?

In order for free trade to truly occur, this issue must be addressed. Farmers have dealt with several years of depressed prices with no immediate end in sight. To compound the economic crunch American farmers are feeling, American agricultural producers must pay nearly twice the amount that foreign producers pay in their country for nearly the same chemical.

This leads to a huge disparity between the break-even price on crop production between foreign and American farmers, and gives foreign producers an unfair advantage. It is unfair for American producers to pay twice the amount for pesticides and chemicals as many of our trading partners.

Furthermore, it is against the law for American producers to purchase an identical chemical in a foreign country and bring it across the border. The Environmental Protection Agency (EPA) must be held accountable to American producers and assure that producers have the same advantages in this country in regards to pesticides and chemicals that foreign producers enjoy.

My bill assures that the Environmental Protection Agency (EPA) will be held accountable to domestic agricultural producers. Primarily, it mandates that the EPA give mutual recognition to the same chemical structures, on both existing and new products, in the United States and competing foreign countries.

It does this by several provisions. First, it permits any agricultural individual or group, within a state, to put forth a request through the State Ag Commissioner (Head of the Department of Agriculture) to the EPA to register chemicals with substantially similar make-up to those registered in a foreign country.

Within 60 days of receiving that request the EPA would be held responsible to either accept or deny that request. They must then give the same recognition to American producers for chemical structures that are substantially similar to cheaper products available in competing foreign countries.

Additionally, my bill will ensure that the Administrator of the EPA will take into account both NAFTA and the Canada/U.S. Trade Agreement, in making these determinations.

These provisions will level the pricing structure by making sure that chemicals with the same (or substantially similar) structures are priced fairly in the United States.

I look forward to working with my colleagues on this important issue to American farmers and ranchers.

Thank you, Mr. President.

By Mrs. BOXER:

S. 1230. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes; to the Committee on Finance.

THE ELECTRIC VEHICLE CONSUMER INCENTIVE TAX ACT OF 1999

Mrs. BOXER. Mr. President, today I am introducing the ''Electric Vehicle Consumer Incentive Tax Act of 1999'' to provide new incentives and extend previous ones to spark the zero emission vehicle market. This legislation is similar to previous bills that I have introduced in the 104th and 105th Congresses.

I am pleased to see that already the market for electric vehicles is emerging. All major domestic automakers and most of foreign automakers have zero emission vehicles in the market. However, we still need to provide tax incentives to help lower the cost of the new technology vehicles. Despite the what appears to be a new understanding from our automakers that they must begin to produce environmentally friendly vehicles, the costs of these new generation of vehicles are still steep for most Americans.

The need to decrease automobile pollution is still critical. Since 1970, total U.S. population increased 31 percent and vehicle miles traveled—that's our best measure of vehicle use—increased 127 percent. During that time, emissions for most of the key pollutants have decreased from the introduction of new technologies. But we are still failing to meet air quality standards in many areas. In fact, the emissions of one key pollutant—nitrogen oxides—actually increased 11 percent from 1970 to 1997. Nitrogen oxides, produced largely from automobile fuel combustion, is the building block for smog. About 107 million Americans were residing in counties that did not meet the air quality standards for at least one of the National Ambient Air Quality Standards pollutants in 1997.

These emissions still produce profound and troubling impacts on the health of Americans, particularly the young.

That is why I believe Congress should help and encourage Americans to purchase or lease zero emission vehicles. Electric vehicles, which produce no pollution from their engines, will not become the preferred automobile for all Americans, but for many it can become the preferred commuter vehicle or city car. Electric vehicles can also help state and local governments, and private fleet operators, meet new and future air quality requirements.

Mr. President, I am pleased to say that previous provisions of my clean fuel vehicle legislation have become law. The lowering of the excise tax on liquified natural gas will help spur the market for that fuel for heavy duty vehicles. The repeal of the luxury tax on electric vehicles also helps remove or lessen market barriers. But more needs to be done. That is why I have introduced the ''Electric Vehicle Consumer Incentive Tax Act of 1999.'' U.S. Representative MAC COLLINS of Georgia has introduced the companion bill in the House, H.R. 1108.

The bill provides four major incentives. First, it removes the governmental use restrictions for electric vehicles. At present, the Internal Revenue Code prohibits any tax credit taken for property (in this case electric vehicles) used by the United States or any state or local government. Removing this bar will encourage the leasing of electric vehicles for state and local use. By removing restriction on governmental use of electric vehicles, owners of electric vehicle fleets could ''pass on'' any cost savings from tax credits to the government.

Second, the bill makes large electric trucks, vans, and buses eligible for the same tax deduction available now for other clean-fuel vehicles under the Energy Policy Act of 1992. Large electric trucks, vans and buses currently are limited to the maximum tax credit of $4,000 under the Code. Other clean-fuel vehicles, however, may receive a $50,000 tax deduction. This section of the bill would remove the unfair distinction between large electric and other large clean-fuel vehicles. Each would qualify for the tax deduction incentive which would serve to promote the greatest use of clean-fuel vehicles. The bill would end the tax credit for large electric vehicles and provide a tax deduction instead.

Third, the bill provides a flat $4,000 tax credit on the purchase of an electric vehicle. Under current law, electric vehicles are eligible under the Code for a 10 percent tax credit for the cost of qualified electric vehicles, up to a maximum of $4,000. The bill would modify that section to provide for a flat $4,000 tax credit (rather than 10 percent of the purchase price up to $4,000) in order to maximize the tax incentive.

Fourth, the bill extends the sunset period for the tax credit. Current law phases out the electric vehicle tax credit beginning in the year 2002. The Energy Policy Act of 1992 anticipated that electric vehicles would be available commercially in 1992. The first electric vehicles were not available to the public until 1997. All major automakers now have electric vehicles on the market. However, that market is still very small. Therefore, the bill extends the phase out for four years with the credit sunsetting December 31, 2008, instead of December 31, 2004. The phase out provisions are conformed by amending the Code to provide that the credit will be phased out, at a 25 percent annual cumulative rate, for each of the three years preceding termination.

I believe these provisions can provide important market incentives for Americans to purchase automobiles that do not contribute to urban smog or other pollution and at a modest cost in reduced Federal taxes. I ask that my colleagues join me in supporting this legislation and making way for a clean fuel future in the 21st Century.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1230

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Electric Vehicle Consumer Incentive Tax Act of 1999''.

(b) REFERENCE TO 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. GOVERNMENTAL USE RESTRICTION MODIFIED FOR ELECTRIC VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 30(d) (relating to special rules) is amended by inserting ''(without regard to paragraph (4)(A)(i) thereof)'' after ''section 50(b)''.

(b) CONFORMING AMENDMENT.—Paragraph (5) of section 179A(e) (relating to other definitions and special rules) is amended by inserting ''(without regard to paragraph (4)(A)(i) thereof in the case of a qualified electric vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii) of this section)'' after ''section 50(b)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of enactment of this Act.

SEC. 3. LARGE ELECTRIC TRUCKS, VANS, AND BUSES ELIGIBLE FOR DEDUCTION FOR CLEAN-FUEL VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 179A(c) (defining qualified clean-fuel vehicle property) is amended by inserting '', other than any vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii)'' after ''section 30(c))''.

(b) DENIAL OF CREDIT.—Subsection (c) of section 30 (relating to credit for qualified electric vehicles)is amended by adding at the end the following new paragraph:

''(3) DENIAL OF CREDIT FOR VEHICLES FOR WHICH DEDUCTION ALLOWABLE.—The term 'qualified electric vehicle' shall not include any vehicle described in subclause (I) or (II) of section 179A(b)(1)(A)(iii).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of enactment of this Act.

SEC. 4. ELECTRIC VEHICLE CREDIT AMOUNT AND APPLICATION AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 30 (relating to credit for qualified electric vehicles) is amended by striking ''10 percent of''.

(b) APPLICATION AGAINST ALTERNATIVE MINIMUM TAX.—Section 30(b) (relating to limitations) is amended by striking paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 5. EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) IN GENERAL.—Section 30(e) (relating to the termination of the credit) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2008''.

(b) CONFORMING AMENDMENT.—Section 30(b)(2) (relating to the phaseout of the credit) is amended by striking ''December 31, 2001'' and inserting ''December 31, 2005'' and by striking ''2002'', ''2003'', and ''2004'' and inserting ''2006'', ''2007'', and ''2008'', respectively.

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

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SESSIONS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 115

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 115, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 222

At the request of Mr. LAUTENBERG, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Maryland (Mr. SARBANES), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 222, a bill to amend title 23, United States Code, to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 256

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 256, a bill to amend title XVIII of the Social Security Act to promote the use of universal product numbers on claims forms submitted for reimbursement under the medicare program.

S. 331

At the request of Mr. THURMOND, his name was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 331, supra.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 386

At the request of Mr. GORTON, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. BOXER), the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. THOMPSON), and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 487

At the request of Mr. GRAMS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 495

At the request of Mr. BOND, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 495, a bill to amend the Clean Air Act to repeal the highway sanctions.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 808

At the request of Mr. JEFFORDS, the name of the Senator from Michigan (Mr. LEVIN) 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. 894

At the request of Mr. CLELAND, the names of the Senator from Nevada (Mr. REID) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 894, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes.

S. 896

At the request of Mr. GRAMS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 896, a bill to abolish the Department of Energy, and for other purposes.

S. 926

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 947

At the request of Mr. HOLLINGS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 947, a bill to amend federal law regarding the tolling of the Interstate Highway System.

S. 965

At the request of Mr. JEFFORDS, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 965, a bill to restore a United States voluntary contribution to the United Nations Population Fund.

S. 978

At the request of Mr. WARNER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 978, a bill to specify that the legal public holiday known as Washington's Birthday be called by that name.

S. 1038

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to exempt small issue bonds for agriculture from the State volume cap.

S. 1070

At the request of Mr. BOND, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1167

At the request of Mr. GORTON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1167, a bill to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel.

S. 1176

At the request of Mr. ROBB, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1176, a bill to provide for greater access to child care services for Federal employees.

S. 1180

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1180, a bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. CONRAD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE RESOLUTION 87

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of Senate Resolution 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

AMENDMENT NO. 648

At the request of Mr. BRYAN, his name was added as a cosponsor of amendment No. 648 proposed to S. 1186, an original bill making appropriations for energy and water development for the fiscal year ending September 30, 2000.

At the request of Mr. JEFFORDS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Maine (Ms. COLLINS), the Senator from California (Mrs. BOXER), the Senator from Georgia (Mr. CLELAND), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Michigan (Mr. LEVIN), the Senator from Maine (Ms. SNOWE), the Senator from Nebraska (Mr. HAGEL), the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of amendment No. 648 proposed to S. 1186, supra.

AMENDMENTS SUBMITTED

WORK INCENTIVES IMPROVEMENT ACT OF 1999

ROTH AND BINGAMAN AMENDMENT NO. 671

Mr. ROTH (for himself and Mr. BINGAMAN) proposed an amendment to

the bill (S. 331) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes; as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Work Incentives Improvement Act of 1999''.

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

SEC. 2. FINDINGS AND PURPOSES.

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

(1) Health care is important to all Americans.

(2) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, and are at great risk of incurring very high and economically devastating health care costs.

(3) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Personal assistance services (such as attendant services, personal assistance with transportation to and from work, reader services, job coaches, and related assistance) remove many of the barriers between significant disability and work. Coverage for such services, as well as for prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(4) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(5) Individuals with disabilities who are beneficiaries under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(6) Currently, less than ½ of 1 percent of social security disability insurance and supplemental security income beneficiaries cease to receive benefits as a result of employment.

(7) Beneficiaries have cited the lack of adequate employment training and placement services as an additional barrier to employment.

(8) If an additional ½ of 1 percent of the current social security disability insurance (DI) and supplemental security income (SSI) recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds in cash assistance would total $3,500,000,000 over the worklife of the individuals.

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

(1) To provide health care and employment preparation and placement services to individuals with disabilities that will enable those individuals to reduce their dependency on cash benefit programs.

(2) To encourage States to adopt the option of allowing individuals with disabilities to purchase medicaid coverage that is necessary to enable such individuals to maintain employment.

(3) To provide individuals with disabilities the option of maintaining medicare coverage while working.

(4) To establish a return to work ticket program that will allow individuals with disabilities to seek the services necessary to obtain and retain employment and reduce their dependency on cash benefit programs.

TITLE I—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

SEC. 101. EXPANDING STATE OPTIONS UNDER THE MEDICAID PROGRAM FOR WORKERS WITH DISABILITIES.

(a) IN GENERAL.—

(1) STATE OPTION TO ELIMINATE INCOME, ASSETS, AND RESOURCE LIMITATIONS FOR WORKERS WITH DISABILITIES BUYING INTO MEDICAID.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XIII), by striking ''or'' at the end;

(B) in subclause (XIV), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(XV) who, but for earnings in excess of the limit established under section 1905(q)(2)(B), would be considered to be receiving supplemental security income, who is at least 16, but less than 65, years of age, and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish;''.

(2) STATE OPTION TO PROVIDE OPPORTUNITY FOR EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY TO BUY INTO MEDICAID.—

(A) ELIGIBILITY.—Section 1902(a)(10) (A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as amended by paragraph (1), is amended—

(i) in subclause (XIV), by striking ''or'' at the end;

(ii) in subclause (XV), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(XVI) who are employed individuals with a medically improved disability described in section 1905(v)(1) and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish, but only if the State provides medical assistance to individuals described in subclause (XV);''.

(B) DEFINITION OF EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

''(v)(1) The term 'employed individual with a medically improved disability' means an individual who—

''(A) is at least 16, but less than 65, years of age;

''(B) is employed (as defined in paragraph (2));

''(C) ceases to be eligible for medical assistance under section 1902(a)(10)(A)(ii)(XV) because the individual, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be eligible for benefits under section 223(d) or 1614(a)(3); and

''(D) continues to have a severe medically determinable impairment, as determined under regulations of the Secretary.

''(2) For purposes of paragraph (1), an individual is considered to be 'employed' if the individual—

''(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

''(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the State and approved by the Secretary.''.

(C) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (x), by striking ''or'' at the end;

(ii) in clause (xi), by adding ''or'' at the end; and

(iii) by inserting after clause (xi), the following:

''(xii) employed individuals with a medically improved disability (as defined in subsection (v)),''.

(3) STATE AUTHORITY TO IMPOSE INCOME-RELATED PREMIUMS AND COST-SHARING.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), by striking ''The State plan'' and inserting ''Subject to subsection (g), the State plan''; and

(B) by adding at the end the following:

''(g) With respect to individuals provided medical assistance only under subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii)—

''(1) a State may (in a uniform manner for individuals described in either such subclause)—

''(A) require such individuals to pay premiums or other cost-sharing charges set on a sliding scale based on income that the State may determine; and

''(B) require payment of 100 percent of such premiums for such year in the case of such an individual who has income for a year that exceeds 250 percent of the income official poverty line (referred to in subsection (c)(1)) applicable to a family of the size involved, except that in the case of such an individual who has income for a year that does not exceed 450 percent of such poverty line, such requirement may only apply to the extent such premiums do not exceed 7.5 percent of such income; and

''(2) such State shall require payment of 100 percent of such premiums for a year by such an individual whose adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) for such year exceeds $75,000, except that a State may choose to subsidize such premiums by using State funds which may not be federally matched under this title.

In the case of any calendar year beginning after 2000, the dollar amount specified in paragraph (2) shall be increased in accordance with the provisions of section 215(i)(2)(A)(ii).''.

(4) PROHIBITION AGAINST SUPPLANTATION OF STATE FUNDS AND STATE FAILURE TO MAINTAIN EFFORT.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking the period at the end of paragraph (18) and inserting ''; or''; and

(B) by inserting after such paragraph the following:

''(19) with respect to amounts expended for medical assistance provided to an individual described in subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii) for a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the level of State funds expended for such fiscal year for programs to enable working individuals with disabilities to work (other than for such medical assistance) is not less than the level expended for such programs during the most recent State fiscal year ending before the date of enactment of this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4) is amended in the matter preceding subparagraph (A) by inserting ''1902(a)(10)(A)(ii)(XV), 1902(a)(10)(A)(ii)(XVI)'' after ''1902(a)(10)(A)(ii)(X),''.

(2) Section 1903(f)(4) of such Act, as amended by paragraph (1), is amended by inserting ''1902(a)(10)(A)(ii)(XIII),'' before ''1902(a)(10)(A)(ii)(XV)''.

(c) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress regarding the amendments made by this section that examines—

(1) the extent to which higher health care costs for individuals with disabilities at higher income levels deter employment or progress in employment;

(2) whether such individuals have health insurance coverage or could benefit from the State option established under such amendments to provide a medicaid buy-in; and

(3) how the States are exercising such option, including—

(A) how such States are exercising the flexibility afforded them with regard to income disregards;

(B) what income and premium levels have been set;

(C) the degree to which States are subsidizing premiums above the dollar amount specified in section 1916(g)(2) of the Social Security Act (42 U.S.C. 1396o(g)(2)); and

(D) the extent to which there exists any crowd-out effect.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 1999.

(2) RETROACTIVITY OF CONFORMING AMENDMENT.—The amendment made by subsection (b)(2) takes effect as if included in the enactment of the Balanced Budget Act of 1997.

SEC. 102. CONTINUATION OF MEDICARE COVERAGE FOR WORKING INDIVIDUALS WITH DISABILITIES.

(a) CONTINUATION OF COVERAGE.—

(1) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended—

(A) in the third sentence of subsection (b), by inserting '', except as provided in subsection (j)'' after ''but not in excess of 24 such months''; and

(B) by adding at the end the following:

''(j) The 24-month limitation on deemed entitlement under the third sentence of subsection (b) shall not apply—

''(1) for months occurring during the 6-year period beginning with the first month that begins after the date of enactment of this subsection; and

''(2) for subsequent months, in the case of an individual who was entitled to benefits under subsection (b) as of the last month of such 6-year period and would continue (but for such 24-month limitation) to be so entitled.''.

(2) CONFORMING AMENDMENT.—Section 1818A(a)(2)(C) of the Social Security Act (42 U.S.C. 1395i–2a(a)(2)(C)) is amended—

(A) by striking ''solely''; and

(B) by inserting ''or the expiration of the last month of the 6-year period described in section 226(j)'' before the semicolon.

(b) GAO REPORT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines the effectiveness and cost of subsection (j) of section 226 of the Social Security Act (42 U.S.C. 426);

(2) examines the necessity and effectiveness of providing the continuation of medicare coverage under that subsection to individuals whose annual income exceeds the contribution and benefit base (as determined under section 230 of the Social Security Act);

(3) examines the viability of providing the continuation of medicare coverage under that subsection based on a sliding scale premium for individuals whose annual income exceeds such contribution and benefit base;

(4) examines the interrelation between the use of the continuation of medicare coverage under that subsection and the use of private health insurance coverage by individuals during the 6-year period; and

(5) recommends whether that subsection should continue to be applied beyond the 6-year period described in the subsection.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to months beginning with the first month that begins after the date of the enactment of this Act.

(d) TREATMENT OF CERTAIN INDIVIDUALS.—An individual enrolled under section 1818A of the Social Security Act (42 U.S.C. 1395i–2a) shall be treated with respect to premium payment obligations under such section as though the individual had continued to be entitled to benefits under section 226(b) of such Act for—

(1) months described in section 226(j)(1) of such Act (42 U.S.C. 426(j)(1)) (as added by subsection (a)); and

(2) subsequent months, in the case of an individual who was so enrolled as of the last month described in section 226(j)(2) of such Act (42 U.S.C. 426(j)(2)) (as so added).

SEC. 103. GRANTS TO DEVELOP AND ESTABLISH STATE INFRASTRUCTURES TO SUPPORT WORKING INDIVIDUALS WITH DISABILITIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall award grants described in subsection (b) to States to support the design, establishment, and operation of State infrastructures that provide items and services to support working individuals with disabilities.

(2) APPLICATION.—In order to be eligible for an award of a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

(3) DEFINITION OF STATE.—In this section, the term ''State'' means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) GRANTS FOR INFRASTRUCTURE AND OUTREACH.—

(1) IN GENERAL.—Out of the funds appropriated under subsection (e), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State infrastructures described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such infrastructures.

(2) ELIGIBILITY FOR GRANTS.—

(A) IN GENERAL.—No State may receive a grant under this subsection unless the State—

(i) has an approved amendment to the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that provides medical assistance under such plan to individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)); and

(ii) demonstrates to the satisfaction of the Secretary that the State makes personal assistance services available under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to the extent necessary to enable individuals described in clause (i) to remain employed (as determined under section 1905(v)(2) of the Social Security Act (42 U.S.C. 1396d(v)(2))).

(B) DEFINITION OF PERSONAL ASSISTANCE SERVICES.—In this paragraph, the term ''personal assistance services'' means a range of services, provided by 1 or more persons, designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(3) DETERMINATION OF AWARDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine a formula for awarding grants to States under this section that provides special consideration to States that provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XVI) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XVI)).

(B) AWARD LIMITS.—

(i) MINIMUM AWARDS.—

(I) IN GENERAL.—Subject to subclause (II), no State with an approved application under this section shall receive a grant for a fiscal year that is less than $500,000.

(II) PRO RATA REDUCTIONS.—If the funds appropriated under subsection (e) for a fiscal year are not sufficient to pay each State with an application approved under this section the minimum amount described in subclause (I), the Secretary shall pay each such State an amount equal to the pro rata share of the amount made available.

(ii) MAXIMUM AWARDS.—No State with an application that has been approved under this section shall receive a grant for a fiscal year that exceeds 15 percent of the total expenditures by the State (including the reimbursed Federal share of such expenditures) for medical assistance for individuals eligible under subclause (XV) and (XVI) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as estimated by the State and approved by the Secretary.

(c) AVAILABILITY OF FUNDS.—

(1) FUNDS AWARDED TO STATES.—Funds awarded to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) FUNDS NOT AWARDED TO STATES.—Funds not awarded to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for awarding by the Secretary.

(d) ANNUAL REPORT.—A State that is awarded a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the percentage increase in the number of title II disability beneficiaries, as defined in section 1148(k)(3) of the Social Security Act (as amended by section 201) in the State, and title XVI disability beneficiaries, as defined in section 1148(k)(4) of the Social Security Act (as so amended) in the State who return to work.

(e) APPROPRIATION.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to make grants under this section—

(A) for fiscal year 2000, $20,000,000;

(B) for fiscal year 2001, $25,000,000;

(C) for fiscal year 2002, $30,000,000;

(D) for fiscal year 2003, $35,000,000;

(E) for fiscal year 2004, $40,000,000; and

(F) for each of fiscal years 2005 through 2010, the amount appropriated for the preceding fiscal year increased by the percentage increase (if any) in the Consumer Price Index for All Urban Consumers (United States city average) for the preceding fiscal year.

(2) BUDGET AUTHORITY.—This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under paragraph (1).

(f) RECOMMENDATION.—Not later than October 1, 2009, the Secretary, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the grant program established under this section should be continued after fiscal year 2010.

SEC. 104. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF WORKERS WITH POTENTIALLY SEVERE DISABILITIES.

(a) STATE APPLICATION.—A State may apply to the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') for approval of a demonstration project (in this section referred to as a ''demonstration project'') under which up to a specified maximum number of individuals who are workers with a potentially severe disability (as defined in subsection (b)(1)) are provided medical assistance equal to that provided under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) to individuals described in section 1902(a)(10)(A)(ii)(XV) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(b) WORKER WITH A POTENTIALLY SEVERE DISABILITY DEFINED.—For purposes of this section—

(1) IN GENERAL.—The term ''worker with a potentially severe disability'' means, with respect to a demonstration project, an individual who—

(A) is at least 16, but less than 65, years of age;

(B) has a specific physical or mental impairment that, as defined by the State under the demonstration project, is reasonably expected, but for the receipt of items and services described in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), to become blind or disabled (as defined under section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))); and

(C) is employed (as defined in paragraph (2)).

(2) DEFINITION OF EMPLOYED.—An individual is considered to be ''employed'' if the individual—

(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined under the demonstration project and approved by the Secretary.

(c) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) TERMS AND CONDITIONS OF DEMONSTRATION PROJECTS.—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) ELECTION OF OPTIONAL CATEGORY.—The State has elected to provide coverage under its plan under title XIX of the Social Security Act of individuals described in section 1902(a)(10)(A)(ii)(XV) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(B) MAINTENANCE OF STATE EFFORT.—Federal funds paid to a State pursuant to this section must be used to supplement, but not supplant, the level of State funds expended for workers with potentially severe disabilities under programs in effect for such individuals at the time the demonstration project is approved under this section.

(C) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section—

(I) for fiscal year 2000, $72,000,000;

(II) for fiscal year 2001, $74,000,000;

(III) for fiscal year 2002, $78,000,000; and

(IV) for fiscal year 2003, $81,000,000.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) except as provided in clause (ii), the aggregate amount of payments made by the Secretary to States under this section exceed $300,000,000;

(ii) the aggregate amount of payments made by the Secretary to States for administrative expenses relating to annual reports required under subsection (d) exceed $5,000,000; or

(iii) payments be provided by the Secretary for a fiscal year after fiscal year 2005.

(C) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States based on their applications and the availability of funds. Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) of expenditures in the quarter for medical assistance provided to workers with a potentially severe disability.

(d) ANNUAL REPORT.—A State with a demonstration project approved under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include enrollment and financial statistics on—

(1) the total population of workers with potentially severe disabilities served by the demonstration project; and

(2) each population of such workers with a specific physical or mental impairment described in subsection (b)(1)(B) served by such project.

(e) RECOMMENDATION.—Not later than October 1, 2002, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2003.

(f) STATE DEFINED.—In this section, the term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 105. ELECTION BY DISABLED BENEFICIARIES TO SUSPEND MEDIGAP INSURANCE WHEN COVERED UNDER A GROUP HEALTH PLAN.

(a) IN GENERAL.—Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by inserting ''or paragraph (6)'' after ''this paragraph''; and

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

''(6) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226(b) and is covered under a group health plan (as defined in section 1862(b)(1)(A)(v)). If such suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to requests made after the date of the enactment of this Act.

TITLE II—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

SEC. 201. ESTABLISHMENT OF THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding after section 1147 (as added by section 8 of the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998 (Public Law 105–306; 112 Stat. 2928)) the following:

''TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

''SEC. 1148. (a) IN GENERAL.—The Commissioner shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary's choice and which is willing to provide such services to the beneficiary.

''(b) TICKET SYSTEM.—

''(1) DISTRIBUTION OF TICKETS.—The Commissioner may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

''(2) ASSIGNMENT OF TICKETS.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary's choice which is serving under the Program and is willing to accept the assignment.

''(3) TICKET TERMS.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner's agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may provide to the beneficiary.

''(4) PAYMENTS TO EMPLOYMENT NETWORKS.—The Commissioner shall pay an employment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

''(c) STATE PARTICIPATION.—

''(1) IN GENERAL.—Each State agency administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 may elect to participate in the Program as an employment network with respect to a disabled beneficiary. If the State agency does elect to participate in the Program, the State agency also shall elect to be paid under the outcome payment system or the outcome-milestone payment system in accordance with subsection (h)(1). With respect to a disabled beneficiary that the State agency does not elect to have participate in the Program, the State agency shall be paid for services provided to that beneficiary under the system for payment applicable under section 222(d) and subsections (d) and (e) of section 1615. The Commissioner shall provide for periodic opportunities for exercising such elections (and revocations).

''(2) EFFECT OF PARTICIPATION BY STATE AGENCY.—

''(A) STATE AGENCIES PARTICIPATING.—In any case in which a State agency described in paragraph (1) elects under that paragraph to participate in the Program, the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973.

''(B) STATE AGENCIES ADMINISTERING MATERNAL AND CHILD HEALTH SERVICES PROGRAMS.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

''(3) SPECIAL REQUIREMENTS APPLICABLE TO CROSS-REFERRAL TO CERTAIN STATE AGENCIES.—

''(A) IN GENERAL.—In any case in which an employment network has been assigned a ticket to work and self-sufficiency by a disabled beneficiary, no State agency shall be deemed required, under this section, title I of the Workforce Investment Act of 1998, title I of the Rehabilitation Act of 1973, or a State plan approved under such title, to accept any referral of such disabled beneficiary from such employment network unless such employment network and such State agency have entered into a written agreement that meets the requirements of subparagraph (B). Any beneficiary who has assigned a ticket to work and self-sufficiency to an employment network that has not entered into such a written agreement with such a State agency may not access vocational rehabilitation services under title I of the Rehabilitation Act of 1973 until such time as the beneficiary is reassigned to a State vocational rehabilitation agency by the Program Manager.

''(B) TERMS OF AGREEMENT.—An agreement required by subparagraph (A) shall specify, in accordance with regulations prescribed pursuant to subparagraph (C)—

''(i) the extent (if any) to which the employment network holding the ticket will provide to the State agency—

''(I) reimbursement for costs incurred in providing services described in subparagraph (A) to the disabled beneficiary; and

''(II) other amounts from payments made by the Commissioner to the employment network pursuant to subsection (h); and

''(ii) any other conditions that may be required by such regulations.

''(C) REGULATIONS.—The Commissioner and the Secretary of Education shall jointly prescribe regulations specifying the terms of agreements required by subparagraph (A) and otherwise necessary to carry out the provisions of this paragraph.

''(D) PENALTY.—No payment may be made to an employment network pursuant to subsection (h) in connection with services provided to any disabled beneficiary if such employment network makes referrals described in subparagraph (A) in violation of the terms of the agreement required under subparagraph (A) or without having entered into such an agreement.

''(d) RESPONSIBILITIES OF THE COMMISSIONER.—

''(1) SELECTION AND QUALIFICATIONS OF PROGRAM MANAGERS.—The Commissioner shall enter into agreements with 1 or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation and employment services.

''(2) TENURE, RENEWAL, AND EARLY TERMINATION.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior terms. Such performance standards shall include—

''(A) measures for ease of access by beneficiaries to services; and

''(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

''(3) PRECLUSION FROM DIRECT PARTICIPATION IN DELIVERY OF SERVICES IN OWN SERVICE AREA.—Agreements under paragraph (1) shall preclude—

''(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager's agreement; and

''(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager's agreement.

''(4) SELECTION OF EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

''(B) ALTERNATE PARTICIPANTS.—In any State where the Program is being implemented, the Commissioner shall enter into an agreement with any alternate participant that is operating under the authority of section 222(d)(2) in the State as of the date of enactment of this section and chooses to serve as an employment network under the Program.

''(5) TERMINATION OF AGREEMENTS WITH EMPLOYMENT NETWORKS.—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

''(6) QUALITY ASSURANCE.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services by employment networks. The Commissioner shall solicit and consider the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure that the periodic surveys of beneficiaries receiving services under the Program are designed to measure customer service satisfaction.

''(7) DISPUTE RESOLUTION.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks, between program managers and employment networks, and between program managers and providers of services. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

''(e) PROGRAM MANAGERS.—

''(1) IN GENERAL.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner's duties in administering the Program.

''(2) RECRUITMENT OF EMPLOYMENT NETWORKS.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager's agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

''(3) FACILITATION OF ACCESS BY BENEFICIARIES TO EMPLOYMENT NETWORKS.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks for good cause, as determined by the Commissioner, without being deemed to have rejected services under the Program. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make such lists generally available to the public. The program manager shall ensure that all information provided to disabled beneficiaries pursuant to this paragraph is provided in accessible formats.

''(4) ENSURING AVAILABILITY OF ADEQUATE SERVICES.—The program manager shall ensure that employment services, vocational rehabilitation services, and other support services are provided to beneficiaries throughout the geographic area covered under the program manager's agreement, including rural areas.

''(5) REASONABLE ACCESS TO SERVICES.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving services under the Program has reasonable access to employment services, vocational rehabilitation services, and other support services. Services provided under the Program may include case management, work incentives planning, supported employment, career planning, career plan development, vocational assessment, job training, placement, followup services, and such other services as may be specified by the Commissioner under the Program. The program manager shall ensure that such services are available in each service area.

''(f) EMPLOYMENT NETWORKS.—

''(1) QUALIFICATIONS FOR EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity that assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b).

''(B) ONE-STOP DELIVERY SYSTEMS.—An employment network serving under the Program may consist of a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998.

''(C) COMPLIANCE WITH SELECTION CRITERIA.—No employment network may serve under the Program unless it meets and maintains compliance with both general selection criteria (such as professional and educational qualifications (where applicable)) and specific selection criteria (such as substantial expertise and experience in providing relevant employment services and supports).

''(D) SINGLE OR ASSOCIATED PROVIDERS ALLOWED.—An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.

''(2) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—

''(A) serve prescribed service areas; and

''(B) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans meeting the requirements of subsection (g).

''(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.

''(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network. The program manager shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.

''(g) INDIVIDUAL WORK PLANS.—

''(1) REQUIREMENTS.—Each employment network shall—

''(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subparagraph (C);

''(B) develop and implement each such individual work plan in partnership with each beneficiary receiving such services in a manner that affords the beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal;

''(C) ensure that each individual work plan includes at least—

''(i) a statement of the vocational goal developed with the beneficiary;

''(ii) a statement of the services and supports that have been deemed necessary for the beneficiary to accomplish that goal;

''(iii) a statement of any terms and conditions related to the provision of such services and supports; and

''(iv) a statement of understanding regarding the beneficiary's rights under the Program (such as the right to retrieve the ticket to work and self-sufficiency if the beneficiary is dissatisfied with the services being provided by the employment network) and remedies available to the individual, including information on the availability of advocacy services and assistance in resolving disputes through the State grant program authorized under section 1150;

''(D) provide a beneficiary the opportunity to amend the individual work plan if a change in circumstances necessitates a change in the plan; and

''(E) make each beneficiary's individual work plan available to the beneficiary in, as appropriate, an accessible format chosen by the beneficiary.

''(2) EFFECTIVE UPON WRITTEN APPROVAL.—A beneficiary's individual work plan shall take effect upon written approval by the beneficiary or a representative of the beneficiary and a representative of the employment network that, in providing such written approval, acknowledges assignment of the beneficiary's ticket to work and self-sufficiency.

''(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—

''(1) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).

''(B) NO CHANGE IN METHOD OF PAYMENT FOR BENEFICIARIES WITH TICKETS ALREADY ASSIGNED TO THE EMPLOYMENT NETWORKS.—Any election of a payment system by an employment network that would result in a change in the method of payment to the employment network for services provided to a beneficiary who is receiving services from the employment network at the time of the election shall not be effective with respect to payment for services provided to that beneficiary and the method of payment previously selected shall continue to apply with respect to such services.

''(2) OUTCOME PAYMENT SYSTEM.—

''(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

''(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network in connection with each individual who is a beneficiary for each month during the individual's outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual because of work or earnings.

''(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—

''(i) the payment for each of the 60 months during the outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs; and

''(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.

''(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—

''(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

''(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for 1 or more milestones with respect to beneficiaries receiving services from an employment network under the Program that are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure that provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.

''(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome-milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.

''(4) DEFINITIONS.—In this subsection:

''(A) PAYMENT CALCULATION BASE.—The term 'payment calculation base' means, for any calendar year—

''(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable under section 223 for all beneficiaries for months during the preceding calendar year; and

''(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) for months during the preceding calendar year to all beneficiaries who have attained age 18 but have not attained age 65.

''(B) OUTCOME PAYMENT PERIOD.—The term 'outcome payment period' means, in connection with any individual who had assigned a ticket to work and self-sufficiency to an employment network under the Program, a period—

''(i) beginning with the first month, ending after the date on which such ticket was assigned to the employment network, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity; and

''(ii) ending with the 60th month (consecutive or otherwise), ending after such date, for which such benefits are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity.

''(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

''(A) PERCENTAGES AND PERIODS.—The Commissioner shall periodically review the percentage specified in paragraph (2)(C), the total payments permissible under paragraph (3)(C), and the period of time specified in paragraph (4)(B) to determine whether such percentages, such permissible payments, and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter such percentage, such total permissible payments, or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner's review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

''(B) NUMBER AND AMOUNTS OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments established by the Commissioner pursuant to this section to determine whether they provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, or other reliable sources.

''(i) SUSPENSION OF DISABILITY REVIEWS.—During any period for which an individual is using, as defined by the Commissioner, a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review or other review under section 221 of whether the individual is or is not under a disability or a review under title XVI similar to any such review under section 221.

''(j) ALLOCATION OF COSTS.—

''(1) PAYMENTS TO EMPLOYMENT NETWORKS.—Payments to employment networks (including State agencies that elect to participate in the Program as an employment network) shall be made from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as appropriate, in the case of ticketed title II disability beneficiaries who return to work, or from the appropriation made available for making supplemental security income payments under title XVI, in the case of title XVI disability beneficiaries who return to work. With respect to ticketed beneficiaries who concurrently are entitled to benefits under title II and eligible for payments under title XVI who return to work, the Commissioner shall allocate the cost of payments to employment networks to which the tickets of such beneficiaries have been assigned among such Trust Funds and appropriation, as appropriate.

''(2) ADMINISTRATIVE EXPENSES.—The costs of administering this section (other than payments to employment networks) shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

''(k) DEFINITIONS.—In this section:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means a title II disability beneficiary or a title XVI disability beneficiary.

''(3) TITLE II DISABILITY BENEFICIARY.—The term 'title II disability beneficiary' means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

''(4) TITLE XVI DISABILITY BENEFICIARY.—The term 'title XVI disability beneficiary' means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

''(5) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term 'supplemental security income benefit under title XVI' means a cash benefit under section 1611 or 1619(a), and does not include a State supplementary payment, administered federally or otherwise.

''(l) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Commissioner shall prescribe such regulations as are necessary to carry out the provisions of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE II.—

(A) Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) is amended by adding at the end the following:

''(5) For suspension of reviews under this subsection in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).''.

(B) Section 222(a) of the Social Security Act (42 U.S.C. 422(a)) is repealed.

(C) Section 222(b) of the Social Security Act (42 U.S.C. 422(b)) is repealed.

(D) Section 225(b)(1) of the Social Security Act (42 U.S.C. 425(b)(1)) is amended by striking ''a program of vocational rehabilitation services'' and inserting ''a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services''.

(2) AMENDMENTS TO TITLE XVI.—

(A) Section 1615(a) of the Social Security Act (42 U.S.C. 1382d(a)) is amended to read as follows:

''SEC. 1615. (a) In the case of any blind or disabled individual who—

''(1) has not attained age 16, and

''(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.''.

(B) Section 1615(c) of the Social Security Act (42 U.S.C. 1382d(c)) is repealed.

(C) Section 1631(a)(6)(A) of the Social Security Act (42 U.S.C. 1383(a)(6)(A)) is amended by striking ''a program of vocational rehabilitation services'' and inserting ''a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services''.

(D) Section 1633(c) of the Social Security Act (42 U.S.C. 1383b(c)) is amended—

(i) by inserting ''(1)'' after ''(c)''; and

(ii) by adding at the end the following:

''(2) For suspension of continuing disability reviews and other reviews under this title similar to reviews under section 221 in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).''.

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following 1 year after the date of enactment of this Act.

(d) GRADUATED IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(C) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments. Subsection (c) shall apply with respect to paragraphs (1)(C) and (2)(B) of subsection (b) without regard to this subsection.

(2) REQUIREMENTS.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) FULL IMPLEMENTATION.—The Commissioner shall ensure that the ability to provide tickets and services to individuals under the Program exists in every State as soon as practicable on or after the effective date specified in subsection (c) but not later than 3 years after such date.

(4) ONGOING EVALUATION OF PROGRAM.—

(A) IN GENERAL.—The Commissioner shall design and conduct a series of evaluations to assess the cost-effectiveness of activities carried out under this section and the amendments made thereby, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) CONSULTATION.—The Commissioner shall design and carry out the series of evaluations after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation and individuals using tickets to work and self-sufficiency under the Program and consulting with the Work Incentives Advisory Panel established under section 201(f), the Comptroller General of the United States, other agencies of the Federal Government, and private organizations with appropriate expertise.

(C) METHODOLOGY.—

(i) IMPLEMENTATION.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall ensure that plans for evaluations and data collection methods under the Program are appropriately designed to obtain detailed employment information.

(ii) SPECIFIC MATTERS TO BE ADDRESSED.—Each such evaluation shall address (but is not limited to)—

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of providers whose services are provided within an employment network under the Program;

(VII) the extent (if any) to which employment networks display a greater willingness to provide services to beneficiaries with a range of disabilities;

(VIII) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system;

(IX) measures of satisfaction among beneficiaries in receipt of tickets under the Program; and

(X) reasons for (including comments solicited from beneficiaries regarding) their choice not to use their tickets or their inability to return to work despite the use of their tickets.

(D) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the Commissioner's evaluation of the progress of activities conducted under the provisions of this section and the amendments made thereby. Each such report shall set forth the Commissioner's evaluation of the extent to which the Program has been successful and the Commissioner's conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(5) EXTENT OF STATE'S RIGHT OF FIRST REFUSAL IN ADVANCE OF FULL IMPLEMENTATION OF AMENDMENTS IN SUCH STATE.—

(A) IN GENERAL.—In the case of any State in which the amendments made by subsection (a) have not been fully implemented pursuant to this subsection, the Commissioner shall determine by regulation the extent to which—

(i) the requirement under section 222(a) of the Social Security Act for prompt referrals to a State agency, and

(ii) the authority of the Commissioner under section 222(d)(2) of the Social Security Act to provide vocational rehabilitation services in such State by agreement or contract with other public or private agencies, organizations, institutions, or individuals,

shall apply in such State.

(B) EXISTING AGREEMENTS.—Nothing in subparagraph (A) or the amendments made by subsection (a) shall be construed to limit, impede, or otherwise affect any agreement entered into pursuant to section 222(d)(2) of the Social Security Act before the date of enactment of this Act with respect to services provided pursuant to such agreement to beneficiaries receiving services under such agreement as of such date, except with respect to services (if any) to be provided after 3 years after the effective date provided in subsection (c).

(e) SPECIFIC REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) SPECIFIC MATTERS TO BE INCLUDED IN REGULATIONS.—The matters which shall be addressed in such regulations shall include—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to beneficiaries pursuant to section 1148(b)(1) of the Social Security Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program (and revoke such an election) pursuant to section 1148(c)(1) of the Social Security Act and provision for periodic opportunities for exercising such elections (and revocations);

(D) the status of State agencies under section 1148(c)(1) at the time that State agencies exercise elections (and revocations) under that section;

(E) the terms of agreements to be entered into with program managers pursuant to section 1148(d) of the Social Security Act, including—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1148(d)(3) of the Social Security Act;

(ii) standards which must be met by quality assurance measures referred to in paragraph (6) of section 1148(d) and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1148(e); and

(iii) the format under which dispute resolution will operate under section 1148(d)(7);

(F) the terms of agreements to be entered into with employment networks pursuant to section 1148(d)(4) of the Social Security Act, including—

(i) the manner in which service areas are specified pursuant to section 1148(f)(2)(A) of the Social Security Act;

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1148(f)(1)(C) of the Social Security Act in selecting service providers;

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1148(f)(3) of the Social Security Act; and

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1148(f)(4) of the Social Security Act;

(G) standards which must be met by individual work plans pursuant to section 1148(g) of the Social Security Act;

(H) standards which must be met by payment systems required under section 1148(h) of the Social Security Act, including—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1148(h)(1)(A);

(ii) the terms which must be met by an outcome payment system under section 1148(h)(2);

(iii) the terms which must be met by an outcome-milestone payment system under section 1148(h)(3);

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1148(h) of the Social Security Act or the period of time specified in paragraph (4)(B) of such section 1148(h); and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

(f) WORK INCENTIVES ADVISORY PANEL.—

(1) ESTABLISHMENT.—There is established within the Social Security Administration a panel to be known as the ''Work Incentives Advisory Panel'' (in this subsection referred to as the ''Panel'').

(2) DUTIES OF PANEL.—It shall be the duty of the Panel to—

(A) advise the President, Congress, and the Commissioner of Social Security on issues related to work incentives programs, planning, and assistance for individuals with disabilities, including work incentive provisions under titles II, XI, XVI, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1301 et seq., 1381 et seq., 1395 et seq., 1396 et seq.); and

(B) with respect to the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act—

(i) advise the Commissioner of Social Security with respect to establishing phase-in sites for such Program and fully implementing the Program thereafter, the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems, and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program;

(ii) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to section 302;

(iii) advise the Commissioner on the development of performance measurements relating to quality assurance under section 1148(d)(6) of the Social Security Act; and

(iv) furnish progress reports on the Program to the Commissioner and each House of Congress.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Panel shall be composed of 12 members appointed as follows:

(i) 4 members appointed by the President.

(ii) 2 members appointed by the Speaker of the House of Representatives, in consultation with the chairman of the Committee on Ways and Means of the House of Representatives.

(iii) 2 members appointed by the Minority Leader of the House of Representatives, in consultation with the ranking member of the Committee on Ways and Means of the House of Representatives.

(iv) 2 members appointed by the Majority Leader of the Senate, in consultation with the chairman of the Committee on Finance of the Senate.

(v) 2 members appointed by the Minority Leader of the Senate, in consultation with the ranking member of the Committee on Finance of the Senate.

(B) REPRESENTATION.—All members appointed to the Panel shall have experience or expert knowledge in the fields of, or related to, work incentive programs, employment services, vocational rehabilitation services, health care services, and other support services for individuals with disabilities. At least one-half of the members described in each clause of subparagraph (A) shall be individuals with disabilities, or representatives of individuals with disabilities, with consideration to current or former title II disability beneficiaries or title XVI disability beneficiaries (as such terms are defined in section 1148(k) of the Social Security Act (as added by subsection (a)).

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of enactment of this Act.

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the Commissioner at the time of appointment, of the members first appointed—

(I) one-half of the members appointed under each clause of subparagraph (A) shall be appointed for a term of 2 years; and

(II) the remaining members appointed under each such clause shall be appointed for a term of 4 years.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) BASIC PAY.—Members shall each be paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(E) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) QUORUM.—Eight members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the President. The term of office of the Chairperson shall be 4 years.

(H) MEETINGS.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) DIRECTOR AND STAFF OF PANEL; EXPERTS AND CONSULTANTS.—

(A) DIRECTOR.—The Panel shall have a Director who shall be appointed by the Commissioner and paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) STAFF.—Subject to rules prescribed by the Commissioner, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commissioner, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) STAFF OF FEDERAL AGENCIES.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this subsection.

(5) POWERS OF PANEL.—

(A) HEARINGS AND SESSIONS.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this subsection.

(C) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) REPORTS.—

(A) INTERIM REPORTS.—The Panel shall submit directly to the President and Congress interim reports at least annually.

(B) FINAL REPORT.—The Panel shall transmit a final report directly to the President and Congress not later than 8 years after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislation and administrative actions which the Panel considers appropriate.

(7) TERMINATION.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) ALLOCATION OF COSTS.—The costs of carrying out this subsection shall be paid from amounts made available for the administration of title II of the Social Security Act (42 U.S.C. 401 et seq.) and amounts made available for the administration of title XVI of that Act (42 U.S.C. 1381 et seq.), and shall be allocated among those amounts as appropriate.

Subtitle B—Elimination of Work Disincentives

SEC. 211. WORK ACTIVITY STANDARD AS A BASIS FOR REVIEW OF AN INDIVIDUAL'S DISABLED STATUS.

Section 221 of the Social Security Act (42 U.S.C. 421) is amended by adding at the end the following:

''(m)(1) In any case where an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)) has received such benefits for at least 24 months—

''(A) no continuing disability review conducted by the Commissioner may be scheduled for the individual solely as a result of the individual's work activity;

''(B) no work activity engaged in by the individual may be used as evidence that the individual is no longer disabled; and

''(C) no cessation of work activity by the individual may give rise to a presumption that the individual is unable to engage in work.

''(2) An individual to which paragraph (1) applies shall continue to be subject to—

''(A) continuing disability reviews on a regularly scheduled basis that is not triggered by work; and

''(B) termination of benefits under this title in the event that the individual has earnings that exceed the level of earnings established by the Commissioner to represent substantial gainful activity.''.

SEC. 212. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS.

(a) OASDI BENEFITS.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

''Reinstatement of Entitlement

''(i)(1)(A) Entitlement to benefits described in subparagraph (B)(i)(I) shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of such entitlement shall be in accordance with the terms of this subsection.

''(B) An individual is described in this subparagraph if—

''(i) prior to the month in which the individual files a request for reinstatement—

''(I) the individual was entitled to benefits under this section or section 202 on the basis of disability pursuant to an application filed therefore; and

''(II) such entitlement terminated due to the performance of substantial gainful activity;

''(ii) the individual is under a disability and the physical or mental impairment that is the basis for the finding of disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of disability that gave rise to the entitlement described in clause (i); and

''(iii) the individual's disability renders the individual unable to perform substantial gainful activity.

''(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was entitled to a benefit described in subparagraph (B)(i)(I) prior to the entitlement termination described in subparagraph (B)(i)(II).

''(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

''(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

''(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) and (iii) of paragraph (1)(B).

''(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not entitled to reinstated benefits under this subsection.

''(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of subsection (f) shall apply.

''(4)(A)(i) Subject to clause (ii), entitlement to benefits reinstated under this subsection shall commence with the benefit payable for the month in which a request for reinstatement is filed.

''(ii) An individual whose entitlement to a benefit for any month would have been reinstated under this subsection had the individual filed a request for reinstatement before the end of such month shall be entitled to such benefit for such month if such request for reinstatement is filed before the end of the twelfth month immediately succeeding such month.

''(B)(i) Subject to clauses (ii) and (iii), the amount of the benefit payable for any month pursuant to the reinstatement of entitlement under this subsection shall be determined in accordance with the provisions of this title.

''(ii) For purposes of computing the primary insurance amount of an individual whose entitlement to benefits under this section is reinstated under this subsection, the date of onset of the individual's disability shall be the date of onset used in determining the individual's most recent period of disability arising in connection with such benefits payable on the basis of an application.

''(iii) Benefits under this section or section 202 payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

''(C) No benefit shall be payable pursuant to an entitlement reinstated under this subsection to an individual for any month in which the individual engages in substantial gainful activity.

''(D) The entitlement of any individual that is reinstated under this subsection shall end with the benefits payable for the month preceding whichever of the following months is the earliest:

''(i) The month in which the individual dies.

''(ii) The month in which the individual attains retirement age.

''(iii) The third month following the month in which the individual's disability ceases.

''(5) Whenever an individual's entitlement to benefits under this section is reinstated under this subsection, entitlement to benefits payable on the basis of such individual's wages and self-employment income may be reinstated with respect to any person previously entitled to such benefits on the basis of an application if the Commissioner determines that such person satisfies all the requirements for entitlement to such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated entitlement of any such person to the same extent that they apply to the reinstated entitlement of such individual.

''(6) An individual to whom benefits are payable under this section or section 202 pursuant to a reinstatement of entitlement under this subsection for 24 months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) and the determination, if appropriate, of the termination month in accordance with subsection (a)(1) of this section, or subsection (d)(1), (e)(1), or (f)(1) of section 202, to be entitled to such benefits on the basis of an application filed therefore.

''(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be entitled to provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under subsection (b) or (g) of section 205.

''(B) The amount of a provisional benefit for a month shall equal the amount of the last monthly benefit payable to the individual under this title on the basis of an application increased by an amount equal to the amount, if any, by which such last monthly benefit would have been increased as a result of the operation of section 215(i).

''(C)(i) Provisional benefits shall begin with the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

''(ii) Provisional benefits shall end with the earliest of—

''(I) the month in which the Commissioner makes a determination regarding the individual's entitlement to reinstated benefits;

''(II) the fifth month following the month described in clause (i);

''(III) the month in which the individual performs substantial gainful activity; or

''(IV) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph

(1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

''(D) In any case in which the Commissioner determines that an individual is not entitled to reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).''.

(b) SSI BENEFITS.—

(1) IN GENERAL.—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by adding at the end the following:

''Reinstatement of Eligibility on the Basis of Blindness or Disability

''(p)(1)(A) Eligibility for benefits under this title shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of eligibility shall be in accordance with the terms of this subsection.

''(B) An individual is described in this subparagraph if—

''(i) prior to the month in which the individual files a request for reinstatement—

''(I) the individual was eligible for benefits under this title on the basis of blindness or disability pursuant to an application filed therefore; and

''(II) the individual thereafter was ineligible for such benefits due to earned income (or earned and unearned income) for a period of 12 or more consecutive months;

''(ii) the individual is blind or disabled and the physical or mental impairment that is the basis for the finding of blindness or disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of blindness or disability that gave rise to the eligibility described in clause (i);

''(iii) the individual's blindness or disability renders the individual unable to perform substantial gainful activity; and

''(iv) the individual satisfies the nonmedical requirements for eligibility for benefits under this title.

''(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was eligible for a benefit under this title (including section 1619) prior to the period of ineligibility described in subparagraph (B)(i)(II).

''(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

''(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

''(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) through (iv) of paragraph (1)(B).

''(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not eligible for reinstated benefits under this subsection.

''(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of section 1614(a)(4) shall apply.

''(4)(A) Eligibility for benefits reinstated under this subsection shall commence with the benefit payable for the month following the month in which a request for reinstatement is filed.

''(B)(i) Subject to clause (ii), the amount of the benefit payable for any month pursuant to the reinstatement of eligibility under this subsection shall be determined in accordance with the provisions of this title.

''(ii) The benefit under this title payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

''(C) Except as otherwise provided in this subsection, eligibility for benefits under this title reinstated pursuant to a request filed under paragraph (2) shall be subject to the same terms and conditions as eligibility established pursuant to an application filed therefore.

''(5) Whenever an individual's eligibility for benefits under this title is reinstated under this subsection, eligibility for such benefits shall be reinstated with respect to the individual's spouse if such spouse was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements for eligibility for such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated eligibility of the spouse to the same extent that they apply to the reinstated eligibility of such individual.

''(6) An individual to whom benefits are payable under this title pursuant to a reinstatement of eligibility under this subsection for twenty-four months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) to be eligible for such benefits on the basis of an application filed therefore.

''(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be eligible for provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under paragraph (1) or (3) of subsection (c).

''(B)(i) Except as otherwise provided in clause (ii), the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual under this title with the same kind and amount of income.

''(ii) If the individual has a spouse who was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements of section 1614(b) except requirements related to the filing of an application, the amount of a provisional benefit for a month shall equal the amount of the month benefit that would be payable to an eligible individual and eligible spouse under this title with the same kind and amount of income.

''(C)(i) Provisional benefits shall begin with the month following the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

''(ii) Provisional benefits shall end with the earliest of—

''(I) the month in which the Commissioner makes a determination regarding the individual's eligibility for reinstated benefits;

''(II) the fifth month following the month for which provisional benefits are first payable under clause (i); or

''(III) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

''(D) In any case in which the Commissioner determines that an individual is not eligible for reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).

''(8) For purposes of this subsection other than paragraph (7), the term 'benefits under this title' includes State supplementary payments made pursuant to an agreement under section 1616(a) or section 212(b) of Public Law 93–66.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1631(j)(1) of such Act (42 U.S.C. 1383(j)(1)) is amended by striking the period and inserting '', or has filed a request for reinstatement of eligibility under subsection (p)(2) and been determined to be eligible for reinstatement.''.

(B) Section 1631(j)(2)(A)(i)(I) of such Act (42 U.S.C. 1383(j)(2)(A)(i)(I)) is amended by inserting ''(other than pursuant to a request for reinstatement under subsection (p))'' after ''eligible''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of enactment of this Act.

(2) LIMITATION.—No benefit shall be payable under title II or XVI of the Social Security Act on the basis of a request for reinstatement filed under section 223(i) or 1631(p) of such Act before the effective date described in paragraph (1).

Subtitle C—Work Incentives Planning, Assistance, and Outreach

SEC. 221. WORK INCENTIVES OUTREACH PROGRAM.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 201, is amended by adding after section 1148 the following:

''WORK INCENTIVES OUTREACH PROGRAM

''SEC. 1149. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Commissioner, in consultation with the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999, shall establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information to disabled beneficiaries on work incentives programs and issues related to such programs.

''(2) GRANTS, COOPERATIVE AGREEMENTS, CONTRACTS, AND OUTREACH.—Under the program established under this section, the Commissioner shall—

''(A) establish a competitive program of grants, cooperative agreements, or contracts to provide benefits planning and assistance, including information on the availability of

protection and advocacy services, to disabled beneficiaries, including individuals participating in the Ticket to Work and Self-Sufficiency Program established under section 1148, the program established under section 1619, and other programs that are designed to encourage disabled beneficiaries to work;

''(B) conduct directly, or through grants, cooperative agreements, or contracts, ongoing outreach efforts to disabled beneficiaries (and to the families of such beneficiaries) who are potentially eligible to participate in Federal or State work incentive programs that are designed to assist disabled beneficiaries to work, including—

''(i) preparing and disseminating information explaining such programs; and

''(ii) working in cooperation with other Federal, State, and private agencies and nonprofit organizations that serve disabled beneficiaries, and with agencies and organizations that focus on vocational rehabilitation and work-related training and counseling;

''(C) establish a corps of trained, accessible, and responsive work incentives specialists within the Social Security Administration who will specialize in disability work incentives under titles II and XVI for the purpose of disseminating accurate information with respect to inquiries and issues relating to work incentives to—

''(i) disabled beneficiaries;

''(ii) benefit applicants under titles II and XVI; and

''(iii) individuals or entities awarded grants under subparagraphs (A) or (B); and

''(D) provide—

''(i) training for work incentives specialists and individuals providing planning assistance described in subparagraph (C); and

''(ii) technical assistance to organizations and entities that are designed to encourage disabled beneficiaries to return to work.

''(3) COORDINATION WITH OTHER PROGRAMS.—The responsibilities of the Commissioner established under this section shall be coordinated with other public and private programs that provide information and assistance regarding rehabilitation services and independent living supports and benefits planning for disabled beneficiaries including the program under section 1619, the plans for achieving self-support program (PASS), and any other Federal or State work incentives programs that are designed to assist disabled beneficiaries, including educational agencies that provide information and assistance regarding rehabilitation, school-to-work programs, transition services (as defined in, and provided in accordance with, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)), a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998, and other services.

''(b) CONDITIONS.—

''(1) SELECTION OF ENTITIES.—

''(A) APPLICATION.—An entity shall submit an application for a grant, cooperative agreement, or contract to provide benefits planning and assistance to the Commissioner at such time, in such manner, and containing such information as the Commissioner may determine is necessary to meet the requirements of this section.

''(B) STATEWIDENESS.—The Commissioner shall ensure that the planning, assistance, and information described in paragraph (2) shall be available on a statewide basis.

''(C) ELIGIBILITY OF STATES AND PRIVATE ORGANIZATIONS.—

''(i) IN GENERAL.—The Commissioner may award a grant, cooperative agreement, or contract under this section to a State or a private agency or organization (other than Social Security Administration Field Offices and the State agency administering the State medicaid program under title XIX, including any agency or entity described in clause (ii), that the Commissioner determines is qualified to provide the planning, assistance, and information described in paragraph (2)).

''(ii) AGENCIES AND ENTITIES DESCRIBED.—The agencies and entities described in this clause are the following:

''(I) Any public or private agency or organization (including Centers for Independent Living established under title VII of the Rehabilitation Act of 1973, protection and advocacy organizations, client assistance programs established in accordance with section 112 of the Rehabilitation Act of 1973,and State Developmental Disabilities Councils established in accordance with section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)) that the Commissioner determines satisfies the requirements of this section.

''(II) The State agency administering the State program funded under part A of title IV.

''(D) EXCLUSION FOR CONFLICT OF INTEREST.—The Commissioner may not award a grant, cooperative agreement, or contract under this section to any entity that the Commissioner determines would have a conflict of interest if the entity were to receive a grant, cooperative agreement, or contract under this section.

''(2) SERVICES PROVIDED.—A recipient of a grant, cooperative agreement, or contract to provide benefits planning and assistance shall select individuals who will act as planners and provide information, guidance, and planning to disabled beneficiaries on the—

''(A) availability and interrelation of any Federal or State work incentives programs designed to assist disabled beneficiaries that the individual may be eligible to participate in;

''(B) adequacy of any health benefits coverage that may be offered by an employer of the individual and the extent to which other health benefits coverage may be available to the individual; and

''(C) availability of protection and advocacy services for disabled beneficiaries and how to access such services.

''(3) AMOUNT OF GRANTS, COOPERATIVE AGREEMENTS, OR CONTRACTS.—

''(A) BASED ON POPULATION OF DISABLED BENEFICIARIES.—Subject to subparagraph (B), the Commissioner shall award a grant, cooperative agreement, or contract under this section to an entity based on the percentage of the population of the State where the entity is located who are disabled beneficiaries.

''(B) LIMITATION PER GRANT.—No entity shall receive a grant, cooperative agreement, or contract under this section for a fiscal year that is less than $50,000 or more than $300,000.

''(ii) TOTAL AMOUNT FOR ALL GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The total amount of all grants, cooperative agreements, and contracts awarded under this section for a fiscal year may not exceed $23,000,000.

''(4) ALLOCATION OF COSTS.—The costs of carrying out this section shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

''(c) DEFINITIONS.—In this section:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $23,000,000 for each of fiscal years 2000 through 2004.''.

SEC. 222. STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 221, is amended by adding after section 1149 the following:

''STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES

''SEC. 1150. (a) IN GENERAL.—Subject to subsection (c), the Commissioner may make payments in each State to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the purpose of providing services to disabled beneficiaries.

''(b) SERVICES PROVIDED.—Services provided to disabled beneficiaries pursuant to a payment made under this section may include—

''(1) information and advice about obtaining vocational rehabilitation and employment services; and

''(2) advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

''(c) APPLICATION.—In order to receive payments under this section, a protection and advocacy system shall submit an application to the Commissioner, at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

''(d) AMOUNT OF PAYMENTS.—

''(1) IN GENERAL.—Subject to the amount appropriated for a fiscal year for making payments under this section, a protection and advocacy system shall not be paid an amount that is less than—

''(A) in the case of a protection and advocacy system located in a State (including the District of Columbia and Puerto Rico) other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the greater of—

''(i) $100,000; or

''(ii) ⅓ of 1 percent of the amount available for payments under this section; and

''(B) in the case of a protection and advocacy system located in Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, $50,000.

''(2) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Commissioner shall increase each minimum payment under subparagraphs (A) and (B) of paragraph (1) by a percentage equal to the percentage increase in the total amount appropriated to carry out this section between the preceding fiscal year and the fiscal year involved.

''(e) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Commissioner and the Work Incentives Advisory Panel established under section 201(f) of the Work Incentives Improvement Act of 1999 on the services provided to individuals by the system.

''(f) FUNDING.—

''(1) ALLOCATION OF PAYMENTS.—Payments under this section shall be made from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

''(2) CARRYOVER.—Any amounts allotted for payment to a protection and advocacy system under this section for a fiscal year shall remain available for payment to or on behalf of the protection and advocacy system until the end of the succeeding fiscal year.

''(g) DEFINITIONS.—In this section:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

''(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2000 through 2004.''.

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

SEC. 301. PERMANENT EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) PERMANENT EXTENSION OF AUTHORITY.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by adding at the end the following:

''DEMONSTRATION PROJECT AUTHORITY

''SEC. 234. (a) AUTHORITY.—

''(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the 'Commissioner') shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of—

''(A) various alternative methods of treating the work activity of individuals entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)), including such methods as a reduction in benefits based on earnings, designed to encourage the return to work of such individuals;

''(B) altering other limitations and conditions applicable to such individuals (including lengthening the trial work period (as defined in section 222(c)), altering the 24-month waiting period for hospital insurance benefits under section 226, altering the manner in which the program under this title is administered, earlier referral of such individuals for rehabilitation, and greater use of employers and others to develop, perform, and otherwise stimulate new forms of rehabilitation); and

''(C) implementing sliding scale benefit offsets using variations in—

''(i) the amount of the offset as a proportion of earned income;

''(ii) the duration of the offset period; and

''(iii) the method of determining the amount of income earned by such individuals,

to the end that savings will accrue to the Trust Funds, or to otherwise promote the objectives or facilitate the administration of this title.

''(2) AUTHORITY FOR EXPANSION OF SCOPE.—The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under the program established under this title with impairments that reasonably may be presumed to be disabling for purposes of such demonstration project, and may limit any such demonstration project to any such group of applicants, subject to the terms of such demonstration project which shall define the extent of any such presumption.

''(b) REQUIREMENTS.—The experiments and demonstration projects developed under subsection (a) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the disability insurance program under this title without committing such program to the adoption of any particular system either locally or nationally.

''(c) AUTHORITY TO WAIVE COMPLIANCE WITH BENEFITS REQUIREMENTS.—In the case of any experiment or demonstration project conducted under subsection (a), the Commissioner may waive compliance with the benefit requirements of this title, and the Secretary may (upon the request of the Commissioner) waive compliance with the benefits requirements of title XVIII, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and demonstration projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

''(d) REPORTS.—

''(1) INTERIM REPORTS.—On or before June 9 of each year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an interim report on the progress of the experiments and demonstration projects carried out under this subsection together with any related data and materials that the Commissioner may consider appropriate.

''(2) FINAL REPORTS.—Not later than 90 days after the termination of any experiment or demonstration project carried out under this section, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to that experiment and demonstration project.''.

(b) CONFORMING AMENDMENTS; TRANSFER OF PRIOR AUTHORITY.—

(1) CONFORMING AMENDMENTS.—

(A) REPEAL OF PRIOR AUTHORITY.—Paragraphs (1) through (4) of subsection (a) and subsection (c) of section 505 of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) are repealed.

(B) CONFORMING AMENDMENT REGARDING FUNDING.—Section 201(k) of the Social Security Act (42 U.S.C. 401(k)) is amended by striking ''section 505(a) of the Social Security Disability Amendments of 1980'' and inserting ''section 234''.

(2) TRANSFER OF PRIOR AUTHORITY.—With respect to any experiment or demonstration project being conducted under section 505(a) of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) as of the date of enactment of this Act, the authority to conduct such experiment or demonstration project (including the terms and conditions applicable to the experiment or demonstration project) shall be treated as if that authority (and such terms and conditions) had been established under section 234 of the Social Security Act, as added by subsection (a).

SEC. 302. DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

(a) AUTHORITY.—The Commissioner of Social Security shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1148(k)(3) of the Social Security Act) under which each $1 of benefits payable under section 223, or under section 202 based on the beneficiary's disability, is reduced for each $2 of such beneficiary's earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(b) SCOPE AND SCALE AND MATTERS TO BE DETERMINED.—

(1) IN GENERAL.—The demonstration projects developed under subsection (a) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(A) the effects, if any, of induced entry into the project and reduced exit from the project;

(B) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act; and

(C) the savings that accrue to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and other Federal programs under the project being tested.

The Commissioner shall take into account advice provided by the Work Incentives Advisory Panel pursuant to section 201(f)(2)(B)(ii).

(2) ADDITIONAL MATTERS.—The Commissioner shall also determine with respect to each project—

(A) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project;

(B) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project; and

(C) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

The Commissioner may include within the matters evaluated under the project the merits of trial work periods and periods of extended eligibility.

(c) WAIVERS.—The Commissioner may waive compliance with the benefit provisions

of title II of the Social Security Act, and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of that Act, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

(d) INTERIM REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Commissioner of Social Security shall submit to Congress an interim report on the progress of the demonstration projects carried out under this subsection together with any related data and materials that the Commissioner of Social Security may consider appropriate.

(e) FINAL REPORT.—The Commissioner of Social Security shall submit to Congress a final report with respect to all demonstration projects carried out under this section not later than 1 year after their completion.

(f) EXPENDITURES.—Expenditures made for demonstration projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

SEC. 303. STUDIES AND REPORTS.

(a) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING DISABILITY-RELATED EMPLOYMENT INCENTIVES.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to assess existing tax credits and other disability-related employment incentives under the Americans with Disabilities Act of 1990 and other Federal laws. In such study, the Comptroller General shall specifically address the extent to which such credits and other incentives would encourage employers to hire and retain individuals with disabilities.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(b) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING COORDINATION OF THE DI AND SSI PROGRAMS AS THEY RELATE TO INDIVIDUALS ENTERING OR LEAVING CONCURRENT ENTITLEMENT.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination under current law of the disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of that Act, as such programs relate to individuals entering or leaving concurrent entitlement under such programs. In such study, the Comptroller General shall specifically address the effectiveness of work incentives under such programs with respect to such individuals and the effectiveness of coverage of such individuals under titles XVIII and XIX of the Social Security Act.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(c) STUDY BY GENERAL ACCOUNTING OFFICE OF THE IMPACT OF THE SUBSTANTIAL GAINFUL ACTIVITY LIMIT ON RETURN TO WORK.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study of the substantial gainful activity level applicable as of that date to recipients of benefits under section 223 of the Social Security Act (42 U.S.C. 423) and under section 202 of that Act (42 U.S.C. 402) on the basis of a recipient having a disability, and the effect of such level as a disincentive for those recipients to return to work. In the study, the Comptroller General also shall address the merits of increasing the substantial gainful activity level applicable to such recipients of benefits and the rationale for not yearly indexing that level to inflation.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(d) REPORT ON DISREGARDS UNDER THE DI AND SSI PROGRAMS.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Social Security 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) identifies all income, assets, and resource disregards (imposed under statutory or regulatory authority) that are applicable to individuals receiving benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

(2) with respect to each such disregard—

(A) specifies the most recent statutory or regulatory modification of the disregard; and

(B) recommends whether further statutory or regulatory modification of the disregard would be appropriate; and

(3) with respect to the disregard described in section 1612(b)(7) of the Social Security Act (42 U.S.C. 1382a(b)(7)) (relating to grants, scholarships, or fellowships received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution)—

(A) identifies the number of individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) who have attained age 22 and have not had any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution excluded from their income in accordance with that section;

(B) recommends whether the age at which such grants, scholarships, or fellowships are excluded from income for purposes of determining eligibility under title XVI of the Social Security Act should be increased to age 25; and

(C) recommends whether such disregard should be expanded to include any such grant, scholarship, or fellowship received for use in paying the cost of room and board at any such institution.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATION RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 853) is amended—

(1) in subparagraph (A), by striking ''by the Commissioner of Social Security'' and ''by the Commissioner''; and

(2) by adding at the end the following:

''(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

''(i) there is pending a request for either administrative or judicial review with respect to such claim, or

''(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

''(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) of the Social Security Act shall not apply to such redetermination.''.

(b) CORRECTION TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF SOCIAL SECURITY BENEFICIARIES WHO ARE DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5)(B) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended to read as follows:

''(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

''(i) whose claim for benefits is finally adjudicated on or after the date of enactment of this Act; or

''(ii) whose entitlement to benefits is based on an entitlement redetermination made pursuant to subparagraph (C).''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

SEC. 402. TREATMENT OF PRISONERS.

(a) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following:

''(B)(i) The Commissioner shall enter into an agreement under this subparagraph with any interested State or local institution comprising a jail, prison, penal institution, or correctional facility, or comprising any other institution a purpose of which is to confine individuals as described in paragraph (1)(A)(ii). Under such agreement—

''(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, Social Security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

''(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, $400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

''(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

''(iii) There is authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

''(iv) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any agency administering a Federal or federally assisted cash, food, or medical assistance program for eligibility purposes.''.

(2) CONFORMING AMENDMENT TO THE PRIVACY ACT.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) in clause (vi), by striking ''or'' at the end;

(B) in clause (vii), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(viii) matches performed pursuant to section 202(x)(3)(B) or 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 402(x)(3)(B), 1382(e)(1)(I));''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''during'' and inserting ''throughout'';

(B) in clause (i), by striking ''an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)'' and inserting ''a criminal offense''; and

(C) in clause (ii)(I), by striking ''an offense punishable by imprisonment for more than 1 year'' and inserting ''a criminal offense''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) CONFORMING TITLE XVI AMENDMENTS.—

(1) FIFTY PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)) is amended—

(A) in clause (i)(II), by inserting ''(subject to reduction under clause (ii))'' after ''$400'' and after ''$200'';

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(C) by inserting after clause (i) the following:

''(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).''.

(2) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking ''institution'' and all that follows through ''section 202(x)(1)(A),'' and inserting ''institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),''.

(3) ELIMINATION OF OVERLY BROAD EXEMPTION.—Section 1611(e)(1)(I)(iii) of such Act (42 U.S.C. 1382(e)(1)(I)(iii)) (as redesignated by paragraph (1)(B), is amended by striking ''(I) The provisions'' and all that follows through ''(II)''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of the Social Security Act as amended by paragraph (2) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(d) CONTINUED DENIAL OF BENEFITS TO SEX OFFENDERS REMAINING CONFINED TO PUBLIC INSTITUTIONS UPON COMPLETION OF PRISON TERM.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking ''or'' at the end;

(B) in clause (ii)(IV), by striking the period and inserting '', or''; and

(C) by adding at the end the following:

''(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.''.

(2) CONFORMING AMENDMENT.—Section 202(x)(1)(B)(ii) of the Social Security Act (42 U.S.C. 402(x)(1)(B)(ii)) is amended by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of enactment of this Act.

SEC. 403. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION FROM SOCIAL SECURITY COVERAGE.

(a) IN GENERAL.—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefore (in such form and manner, and with such official, as may be prescribed by the Commissioner of the Internal Revenue Service), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1999. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1999, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding paragraph (4) or (5) of section 1402(c) of such Code) except for the exemption under section 1402(e)(1) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1999, and with respect to monthly insurance benefits payable under title II of the Social Security Act on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments

payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

SEC. 404. ADDITIONAL TECHNICAL AMENDMENT RELATING TO COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS UNDER TITLES II AND XVI.

(a) IN GENERAL.—Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended by striking ''title XVI'' and inserting ''title II or XVI''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1464).

SEC. 405. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: '', and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such employment on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis''.

(b) TECHNICAL AMENDMENTS.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended—

(1) by striking ''(as defined in section 453A(a)(2)(B)(iii))''; and

(2) by inserting ''(as defined in section 453A(a)(2)(B))'' after ''employers'' .

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wage reports required to be submitted on and after the date of enactment of this Act.

REID AMENDMENT NO. 672

Mr. REID proposed an amendment to amendment No. 629 proposed by Mr. BOND to the bill, S. 1186, supra; as follows:

On line 2, strike '', of which $8,100,000'' and insert: '', of which $3,000,000 shall be used for Boston College research in high temperature superconductivity and of which $5,000,000''.

REID AMENDMENT NO. 673

Mr. REID proposed an amendment to amendment No. 631 proposed by Mr. TORRICELLI to the bill, S. 1186, supra; as follows:

On line 4, strike ''$4,000,000'' and insert: ''$1,500,000''.

DOMENICI AMENDMENT NO. 674

Mr. DOMENICI proposed an amendment to amendment No. 634 proposed by Mr. ABRAHAM to the bill, S. 1186, supra; as follows:

Strike: ''Metro Beach, Michigan, $422,500 for aquatic ecosystem restoration.''

And insert: ''Lake St. Clair, Metro Beach, Michigan, section 206 project, $100,000:''.

REID AMENDMENT NO. 675

Mr. REID proposed an amendment to amendment No. 642 proposed by Mrs. BOXER to the bill, S. 1186, supra; as follows:

Strike ''line 16, strike all that follows ''expended:'' to the end of line 24.'', and insert the following: ''line 23, strike all that follows ''tious'' through ''Act'' on line 24.''.

DOMENICI AMENDMENT NO. 676

Mr. DOMENICI proposed an amendment to amendment No. 642 proposed by Mr. DORGAN to the bill, S. 1186, supra; as follows:

On line 4 strike: ''may use funding previously appropriated'' and insert: ''may use Construction, General funding as directed in Public Law 105–62 and Public Law 105–245''.

GORTON AMENDMENT NO. 677

Mr. DOMENICI (for Mr. GORTON) proposed an amendment to the bill, S. 1186, supra; as follows:

Strike line 2 and all thereafter, and insert the following:

SEC. 3 . LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.

Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

''(n) LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.—Notwithstanding any other provision of this section, rates established by the Administrator, in accordance with established fish funding principles, under this section shall recover costs for protection, mitigation and enhancement of fish, whether under the Pacific Northwest Electric Power Planning and Conservation Act or any other act, not to exceed such amounts the Administrator forecasts will be expended during the period for which such rates are established.''.

DASCHLE AMENDMENTS NOS. 678–679

Mr. REID (for Mr. DASCHLE) proposed two amendments to the bill, S. 1186, supra; as follows:

AMENDMENT NO. 678

On page 13, between lines 15 and 16, insert the following:

SEC. 1 . CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) IN GENERAL.—The Secretary of the Army shall continue to fund wildlife habitat mitigation work for the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota at levels previously funded through the Pick-Sloan operations and maintenance account.

(b) CONTRACTS.—With $3,000,000 made available under the heading ''CONSTRUCTION, GENERAL'', the Secretary of the Army shall fund activities authorized under title VI of division C of Public Law 105–277 (112 Stat. 2681–660) through contracts with the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota.

AMENDMENT NO. 679

On page 15, line 1, after ''expended,'' insert ''of which $150,000 shall be available for the Lake Andes-Wagner/Marty II demonstration program authorized by the Lake Andes-Wagner/Marty II Act of 1992 (106 Stat. 4677),''.

REID AMENDMENT NO. 680

Mr. REID proposed an amendment to the bill, S. 1186, supra; as follows:

On page 2, between line 20 and 21 insert the following after the colon: ''Yellowstone River at Glendive, Montana Study, $150,000; and''.

DOMENICI AMENDMENT NO. 681

Mr. DOMENICI proposed an amendment to the bill, S. 1186, supra; as follows:

On page 3, line 14, strike ''$1,113,227,000'' and insert ''$1,086,586,000''.

JEFFORDS AMENDMENT NO. 682

Mr. JEFFORDS proposed an amendment to the motion to recommit proposed by him to the bill, S. 1186, supra; as follows:

On page 20, strike lines 21 through 24 and insert ''$791,233,000, of which $821,000 shall be derived by transfer from the Geothermal Resources Development Fund and $5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund, and of which $75,000,000 shall be derived from accounts for which this Act makes funds available Department of Energy contractor travel expenses (of which not less than $4,450,000 shall be available for solar building technology research, not less than $82,135,000 shall be available for photovoltaic energy systems, not less than $17,600,000 shall be available for concentrating solar systems, not less than $37,700,000 shall be available for power systems in biomass/biofuels energy systems, not less than $48,000,000 shall be available for transportation in biomass/biofuels energy systems (of which not less than $1,500,000 shall be available for the Consortium for Plant Biotechnology Research), not less than $42,265,000 shall be available for wind energy systems, not less than $4,000,000 shall be available for the renewable energy production incentive program, not less than $7,600,000 shall be available for support of solar programs, not less than $5,100,000 shall be available for the international solar energy program, not less than $5,000,000 shall be available for the National Renewable Energy Laboratory, not less than $27,850,000 shall be available for geothermal technology development, not less than $27,700,000 shall be available for hydrogen research, not less than $6,400,000 shall be available for hydropower research, not less than $32,000,000 shall be available for high temperature superconducting research and development, not less than $3,000,000 shall be available for energy storage systems, and not less than $18,500,000 shall be available for direction of programs).''.

LEGISLATIVE BRANCH APPROPRIATIONS

DODD AMENDMENT NO. 683

Mr. BENNETT (for Mr. DODD) proposed an amendment to the bill (S. 1206) making appropriations for the legislative branch excluing House items for fiscal year ending September

30, 2000, and for other purposes; as follows:

On page 38, insert between lines 21 and 22 the following:

SEC. 313. CREDITABLE SERVICE WITH CONGRESSIONAL CAMPAIGN COMMITTEES.

Section 8332(m)(1)(A) of title 5, United States Code, is amended to read as follows:

''(A) such employee has at least 4 years and 6 months of service on such committees as of December 12, 1980; and''.

FEINGOLD AMENDMENT NO. 684

Mr. BENNETT (for Mr. FEINGOLD) proposed an amendment to the bill S. 1206, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. Section 207(e) of title 18, United States Code, is amended—

(1) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

''(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress, or any employee of any other legislative office of Congress, on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

''(2) CONGRESSIONAL EMPLOYEES.—(A) Any person who is an employee of the Senate or an employee of the House of Representatives who, within 2 years after termination of such employment, knowingly makes, with the intent to influence, any communication to or appearance before any person described under subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

''(B) The persons referred to under subparagraph (A) with respect to appearances or communications by a former employee are any Member, officer, or employee of the House of Congress in which such former employee served.'';

(2) in paragraph (6)—

(A) in subparagraph (A), by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)''; and

(B) in subparagraph (B), by striking ''paragraph (5)'' and inserting ''paragraph (3)'';

(3) in paragraph (7)(G), by striking '', (2), (3), or (4)'' and inserting ''or (2)''; and

(4) by redesignating paragraphs (5), (6), and (7) as paragraphs (3), (4), and (5), respectively.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Wednesday, June 23, 1999 at 2:15 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 503, the Spanish Peaks Wilderness Act of 1999; S. 953, the Terry Peaks Land Conveyance Act of 1999; S. 977, the Miwaleta Park Expansion Act; and S. 1088, the Arizona National Forest Improvement Act of 1999.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public the addition of two bills to the hearing which has been scheduled for Wednesday, June 23, 1999 at 2:15 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC, before the Subcommittee on Forests and Public Land Management.

The bills are H.R. 15, The Otay Mountain Wilderness Act of 1999, and S. 848, Otay Mountain Wilderness Act of 1999.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 16, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, June 16, 1999 beginning at 9:30 a.m. until 1 p.m. in room SD–215, to conduct a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 16, 1999 at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 16, 1999 at 2:30 p.m. to mark up the following: S. 28, the Four Corners Interpretive Act, S. 400, to amend the Native American Housing Assistance and Self-Determination Act (NAHASDA); S. 401, Business Development and Trade Promotion for Native Americans, S. 613, to encourage Indian Economic Development, S. 614, Indian Regulatory Reform and Business Development Act, and S. 944, Oklahoma Mineral Leasing. The Committee will meet in Room 485, Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing re Judicial Nominations, during the session of the Senate on Wednesday, June 16, 1999, at 3 p.m. in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. CRAIG. Mr. President, I ask unanimous consent to conduct a hearing of the Joint Economic Committee in Hart 216 beginning at 9:35 on June 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 16, 1999 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TAIWANESE AID TO KOSOVO

• Mr. ROCKEFELLER. Mr. President, last week, President Lee Teng-hui of Taiwan announced that Taiwan would be giving $300 million in an aid package to the Kosovars. I want to rise today and pay tribute and thank the Government of the Republic of China on Taiwan for this very generous gift of economic assistance. This aid includes emergency support for food, shelters, and medical care which is so desperately needed to return a sense of normalcy to the Albanian Kosovars. Also included in the aid package is funds for job-training and rehabilitation programs to help promote the reconstruction of Kosovo in the long run.

This is just another remarkable example of the thoughtfulness and generosity of the people in Taiwan and

should serve as a model for the entire international community. I would like to ask my colleagues to join me in expressing our deep appreciation to President Lee and the people of Taiwan for this compassionate offer. Hopefully, this act will encourage other nations to aid in rebuilding the Balkans so that the people there can move past the horrible atrocities that have been committed over the past few months and begin rebuilding their lives and families in peace.●

TRIBUTE TO CLARENCE LIEN, PURPLE HEART RECIPIENT

● Mr. GRAMS. Mr. President, I rise today to pay tribute to Clarence Lien of Forest Lake, Minnesota. On June 7, 1999, I had the great honor of presenting a belated Purple heart to Clarence. He is most deserving of this long overdue recognition. I take this opportunity to congratulate Clarence and thank him for his service and sacrifice.

Mr. President, I ask to have printed in the RECORD remarks by Clarence Lien made at his award presentation.

The remarks follow:

REMARKS BY CLARENCE LIEN

I am a bit overwhelmed. I honestly didn't think this would ever happen, but I'm glad it did. And I'm really amazed that all of you would take time to come here today to be part of this. I feel lucky, I feel honored.

And you know that I'm not a speech maker, or a big talker for that matter. But there is one thing that I would talk about, and that one thing is ''freedom''.

Next to family, freedom is the most precious thing that you have. When I was in Stalag 17, I had a lot of time to think. And when you are in a situation where everything is taken away from you, you quickly realize where your priorities are. I can tell you, as if it was yesterday, that the things that I missed the most were my family and my freedom.

Freedom is a word we all know and to many of us, take for granted. But, boy, if you don't have it for a year or so, you realize what a gift it is. Imagine, if you can, being told when or if you can eat, and what you can eat. Imagine someone else dictating when you can speak, and what you can say. Try to visualize being afraid for your life every waking moment.

Freedom gives you the ability to make decisions, right and wrong ones. When you have that taken away, it makes you feel like an animal, a caged animal at that.

Freedom to me is a treasure.

There is something odd to me about the word ''free''. In every day living, we think free means ''At no cost.'' But that is so far from the truth. There is a huge cost associated with being free. And we should never forget that.

I will always remember a certain moment back in 1945. I was being shipped home after the war ended, and we entered New York harbor. In the distance I could see the Statue of Liberty. I tell you, I was so happy and so thankful to be coming home, and Lady Liberty was the symbol that I had arrived. And that I was once again free.

Yep, Stalag 17 taught me a lot about freedom.

So I'd like to challenge you today to appreciate every decision you are allowed to make—even the hard ones. And to appreciate the veterans of today and tomorrow for protecting the freedom we all enjoy. And to never forget that this country we live in is truly ''the land of the free.'' Thank you.●

TRIBUTE TO SHIRLEY COCHRAN

● Mr. DURBIN. Mr. President, it is my pleasure to recognize Ms. Shirley Cochran, a person who has made a significant contribution to the education of our children.

Ms. Cochran's outstanding efforts during her 28 years as a special educator have helped countless individuals live productive, successful lives. In her current position at the Camelot Care Center in Palatine, IL, she continues to assist students who have enrolled to get the special attention they need. Ms. Cochran's kindness and commitment are commendable.

As an educator with an undergraduate degree in psychology and a master's degree in special education, Ms. Cochran is well-equipped to serve as a teacher and administrator. But it is her genuine kindness, sincerity, and devotion to her students that make her the remarkable educator she has proven to be throughout the past 28 years.

Ms. Cochran is an example of professional dedication for all teachers in the state of Illinois and the nation. I congratulate her on her years of educational achievement, and wish her the best of luck in the years to come.●

HONORABLE ULYSSES WHITTAKER BOYKIN INVESTITURE

● Mr. ABRAHAM. Mr. President, I rise today to congratulate the Honorable Ulysses Whittaker Boykin on his appointment as a new judge of the 3rd Judicial Circuit Court of Michigan. On Friday, June 18 he will be invested and begin his official duties.

Judge Boykin is very deserving of this appointment. Throughout his career, he has maintained the strongest of commitments to the highest legal standards. From his early days as an associate attorney in some of Michigan's finest law firms to his most recent position as a Partner and Shareholder in the firm of Lewis, White & Clay, Judge Boykin has always distinguished himself and received recognition by his peers for his excellent knowledge of the law and his legal ability.

Additionally, Judge Boykin is very involved with his community. From his role with the Detroit Civil Service Commission to his work in mentoring high school and college students, his involvement in these activities and so many more have well prepared him for this appointment.

It gives me great pleasure to welcome Judge Boykin to the bench. His reputation as being fair-minded precedes him, and I am confident the 3rd Judicial Circuit Court and the State of Michigan will benefit from his tenure.●

TRIBUTE TO PHILIP SIMMONS

● Mr. HOLLINGS. Mr. President, today it is my great privilege and honor to salute one of my home state's legendary craftsmen, Philip Simmons, on his 87th birthday. Mr. Simmons retired in 1990 after more than 60 years as a master blacksmith in Charleston, SC. Despite his retirement, Mr. Simmons takes great pride in checking in on his shop each day, saying hello to the many workers he trained, some of them for more than 30 years, as they carry on the craft.

Philip Simmons' renowned ironwork is on display throughout South Carolina, including the symbolic gates to the city outside the Meeting Street Visitors Center in Charleston, at the S.C. State Museum in Columbia, and he has been inducted into the S.C. Hall of Fame in Myrtle Beach. I am also proud to say that Mr. Simmons work can be viewed here in our nation's capitol at the Smithsonian Museum.

The dedication, love and pride in craftsmanship displayed by Philip Simmons and passed on to his apprentices is to be saluted. Mr. Simmons is an appropriately admired member of the South Carolina family and I join his relatives, friends and admirers in wishing him a happy birthday and health and happiness in the years to come.●

TRIBUTE TO THE CABOT CREAMERY COOPERATIVE ON THE OCCASION OF ITS 80TH ANNIVERSARY

● Mr. JEFFORDS. Mr. President, I am pleased that this weekend I will be helping to celebrate the eightieth anniversary of Vermont's farmer owned Cabot Creamery Cooperative.

The Cabot Creamery Cooperative was founded in 1919 by 94 farmers, who came together with a vision of a better way to operate a dairy. The original farmers each pledged $5 per cow and a cord of firewood to fire the boiler. The total investment was $3,700. Today, over 1,600 farm families from all of the New England States and upstate New York belong to the cooperative. The creamery and the Cabot brand name are internationally known, having been named ''World's Best Cheddar'' in 1997 and ''Best Cheddar in the USA'' in 1998. Their outstanding products can be found in stores across the country.

The cooperative is a shining example of farmers working together for a common good. Together they control their own financial destiny by owning a brand name, the facilities to produce a high quality product and a cooperative to supply the needed milk. Their way of doing business continues to secure a sound future for their family farms and the unique rural way of life of their

communities. Just as the original 94 farmers were visionary in the early part of the century, 80 years later their cooperative has taken the leading role in working for the Northeast Dairy Compact, ensuring a bright future for the dairy industry in the Northeast.

During its history, the profits, size and scope of Cabot Creamery Cooperative may have grown, but its small town values and sense of community have continued to dictate the way it does business. These values have kept the original purpose and intent of the cooperative intact over the years and have allowed it to remain a locally owned creamery.

For all of these reasons, I couldn't think of a more appropriate way to celebrate Cabot's eightieth anniversary than through the upcoming ''Cabot Creamery Heritage Festival,'' in conjunction with the Vermont Heritage Weekend. I am delighted that the Vermont Historical Society, along with thirty-six community historical societies, will be helping Cabot celebrate by showcasing Vermont's community treasures. These communities will provide examples of the best of Vermont's history, traditions and scenery, ranging from granite artisans, Morgan horses, agricultural exhibits, small town museums, covered bridges, and the beautiful Green Mountains.

I want to extend my heartfelt congratulations to the Cabot Creamery Cooperative on its eightieth anniversary and commend it for its positive influence on the past, present, and future of Vermont.●

TRIBUTE TO KELO-TV, SIOUX FALLS, SOUTH DAKOTA, FOR ITS OUTSTANDING RESPONSE TO THE SPENCER TORNADO

● Mr. JOHNSON. Mr. President, I rise today to pay tribute to KELO television in Sioux Falls, which has earned the ''Friend in Need'' Service to America Award from The National Association of Broadcasters (NAB). The station is being recognized for its outstanding efforts before, during, and after the devastating tornado which struck the town of Spencer, South Dakota last spring.

As weather conditions deteriorated on May 30, 1998, KELO provided quick, expert warnings to the Spencer area, giving viewers 20 minutes of advance warning. While we lost six citizens in the tornado, the losses could have been much worse if not for the advance warning that gave the community the critical time needed to take cover. KELO provided continual coverage throughout the night of the storm, without regard to the advertising revenues that would surely be lost.

KELO did not stop there. After the tornado ripped through Spencer, KELO documented the widespread destruction of homes, businesses, and infrastructure. The community desperately needed help, and KELO turned their cameras on themselves to host a telethon which raised more than $750,000 to assist victims as they struggled to rebuild their homes and lives. During the rebuilding efforts, KELO continued extended coverage that helped bring closure to the tragedy.

Our broadcast stations provide many important community services, but none as important as tracking severe weather and providing warnings. KELO has proven it is a true community partner, and South Dakota will be forever grateful to KELO and our other broadcasters who often put themselves in harm's way to serve others. I congratulate KELO on this very special recognition from the National Association of Broadcasters and extend my personal thanks for a job well done.●

KANSAS RECIPIENTS OF THE 1999 SCHOLASTIC ART AND WRITING AWARDS

● Mr. BROWNBACK. Mr. President, it gives me extreme pleasure to have the honor of recognizing the Kansas recipients of the Scholastic Art & Writing Award. These nineteen students have excelled in the use of visual arts and the written word. This year's recipients are Matt Anderson, Ebony Blackmon, Mathew Calcara, Martha Clifford, Lisa Coogias, Audrey Dennis, Josephine Herr, Amy Kleinschmidt, Paris Levin, Angela Mai, Curtis Mourn, Nathan Novack, Cody Palmer, Hank Peltzer, Joanna Spaulding, Mattew Stewart, Adriene Swisher, Andrew Tanner, Sarah Wertzberger.

To earn a Scholastic Art & Writing Award, these 19 students were chosen out of 250,000 applicants from across the United States, Canada, U.S. Territories, and U.S. sponsored schools abroad. Their talent illustrates some of the best work in student art and writing. These students should be commended, as should all those responsible for inspiring them and fostering their success.

I congratulate all of the students on their success. As outstanding representatives of Kansas, their work well represents the youth of our State.

Again, congratulations on your outstanding work and I wish you the best in all of your future endeavors.●

NORWICH NATIVE SON, DR. WILLIAM R. WILSON JR.

● Mr. DODD. Mr. President, few touch the lives of others in so personal a manner as doctors, and this relationship takes on an even more special meaning when the patients are children. Dr. William Wilson Jr. has worked to ensure that young children with severe heart ailments receive the very finest medical care available. He has been instrumental in advancing many of the recent breakthroughs in heart surgery, and it gives me great pleasure to recognize the achievements of this remarkable man as he is awarded the 1999 Norwich Native Son award for his work within the medical profession.

The Norwich Native Son award is presented to that native of Norwich, Connecticut who has made significant contributions to his or her field outside of the state of Connecticut. As a pediatric cardiovascular surgeon in Missouri, Dr. Wilson has established himself as a leader within the medical profession and continues to enlighten the field with his knowledge and expertise. His innovative procedures are used throughout the country to educate new generations of doctors helping to ensure that this country remains a leader in medical advances.

Born, raised, and educated in Norwich, Dr. Wilson ventured beyond Connecticut's borders to earn his bachelor's degree in biology from Kenyon College. He soon returned to the state to attend the University of Connecticut where he received his doctorate in anatomy and cell biology and, eventually, his medical degree in 1983.

Currently making his home in Missouri, he is the Chief of Pediatric Cardiovascular Surgery at the Children's Hospital, University Hospital and Clinics in Columbia. It is at the University Hospital and Clinics that Dr. Wilson has changed hundreds of children's lives. Dr. Wilson performs delicate procedures on infants and young children with severe heart defects giving countless children an opportunity for healthy normal lives.

Dr. Wilson began performing his advanced heart procedures while serving as the Chief of the Pediatric Cardiac Surgery Division of the Medical College of Ohio in Toledo. Dr. Wilson's breakthrough techniques helped to transform the Medical College of Ohio into the regional leader in performing these surgeries. He has also expanded his work to include heart transplantation, and to date, he has performed this procedure on over 125 adults and children.

Dr. Wilson has also distinguished himself internationally through several outreach programs. Twice he has organized mobile surgical teams and traveled to countries where these vital procedures are unavailable to those in need.

In 1996, Dr. Wilson journeyed to Peru where he performed surgery on 15 local children. He most recently led a medical mission to the children's hospital in Tbilisi in the Republic of Georgia, where he operated on 11 children. Moreover, he has brought children from other countries to medical facilities in the United States to undergo surgery in modern hospitals. His humanitarian efforts have helped shed light on the over one million children worldwide

who suffer from heart ailments and on the desperate need for these procedures in other countries.

Mr. President, I take special pride, along with the Wilson family, in recognizing the wonderful accomplishments of Dr. William Wilson. While he may no longer live in Norwich, he has never forgotten the lessons learned from this close-knit community. Dr. William Wilson is being honored for his noble efforts within the medical field by friends and neighbors who fondly remember the spirited young boy who grew up in Norwich and who are so proud of the caring healer he has become. I wish him much success as he continues to leave his mark on the medical community, and I congratulate him for being honored with this most deserved award.●

TRIBUTE TO CHAPLAIN (MG) DONALD W. SHEA

● Mr. WARNER. Mr. President, I wish to take this opportunity to recognize and say farewell to an outstanding military officer, Chaplain Donald W. Shea, upon his retirement from the Army after more than 33 years of dedicated service. Throughout his career, Chaplain Shea has served with distinction, and it is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the United States Army and our nation.

Chaplain Shea's retirement on 30 June 1999 will bring to a close over three decades of dedicated service to the United States Army. Born and raised in Butte, Montana, Chaplain Shea attended Carroll College in Helena, Montana and graduated from The Saint Paul Seminary in St. Paul, Minnesota. He was ordained a Roman Catholic priest in 1962 for the Diocese of Helena and commissioned as a U.S. Army chaplain and entered active duty in August 1966.

During his career Chaplain Shea has contributed to every available facet of religious ministry in our armed forces. Entering active duty during a very difficult period for our military and Nation, he provided the leadership and ministering that was invaluable to our forces in the Vietnam conflict. Following this conflict, during which he distinguished himself to seniors and peers alike, Chaplain Shea went on to serve in a variety of positions through his career. He was nominated on May 20, 1994 by President Clinton for promotion to Major General and following his Senate confirmation was appointed Chief of Army Chaplains on September 1, 1994.

As Chief of Chaplains he held the Army staff responsible for the religious, moral, and spiritual welfare for the total Army. He focused and advised the Army leadership in dealing with and resolving a number of difficult issues facing today's force. Of note was his establishment of a Chaplain Recruiting Program within the US Army Recruiting Command to aggressively recruit the best-qualified candidates from all denominations, the successful relocation of the Army Chaplain Center and School from Fort Monmouth, NJ to Fort Jackson, SC and as President of the Armed Forces Chaplain Board, he shaped joint methodologies by which Service Chiefs of Chaplain and their staffs approached common issues.

Chaplain Shea has been awarded the Distinguished Service Medal, Defense Superior Service Medal, Legion of Merit, Bronze Star with ''V'' device and two Oak Leaf Clusters, Meritorious Service Medal with two Oak Leaf Clusters, Army Commendation Medal with two Oak Leaf Clusters, Purple Heart, Vietnam Service Medal with six Campaign Stars, Vietnam Civil Actions Medal (First Class), Armed Forces Expeditionary Medal, National Defense Service Medal, Vietnam Campaign Medal, Army Service Ribbon, Army Overseas Medal (with ''3'' device), Senior Parachute Badge, Special Forces Tab, Bundeswehr Parachute Badge, and the Vietnamese Parachute Badge.

Chaplain Shea will retire from the Department of the Army June 30, 1999, after thirty-three years of dedicated service. On behalf of my colleagues I wish Chaplain Shea fair winds and following seas. Congratulations on an outstanding career.●

IN RECOGNITION OF JOE BEYRLE

● Mr. LEVIN. Mr. President, I rise to recognize Joe Beyrle, a World War II veteran and long-time friend from Norton Shores, Michigan. Joe Beyrle's service during the war was truly extraordinary.

As an eighteen-year-old in 1942, Joe Beyrle enlisted in the Army, later volunteering for the parachute infantry. Joe quickly distinguished himself as a member of the 101st Airborne Division stationed in England. Early in his service Joe was twice chosen to make dangerous jumps into Nazi-occupied France while fitted with bandoliers filled with gold for the French Resistance. Joe's last jump into France was on the night before D-Day with the objective of destroying two wooden bridges behind Utah Beach. However, while on his way to accomplish this mission, Joe was captured by the Germans.

On June 10, 1944, the parents of Joe Beryle received a letter from the United States Government informing them that their son had perished while serving his country in France. On September 17, 1944, family and friends held a funeral mass for Joe at St. Joseph's Church in Muskegon, Michigan. However, Joe was still alive and being held in a POW camp. A dead German soldier wearing an American uniform and Joe's dog tags had been mistakenly identified as Joe.

Joe was eventually able to escape from his captors and later joined a Russian tank unit to continue the fight against the Germans. Joe fought with the Russians until an injury forced him to be sent to a Moscow hospital. When he finally regained his strength, Joe went to the American Embassy in Moscow and was eventually sent back to the United States. On September 14, 1946, almost two years after the funeral mass in his honor, Joe Beyrle married his wife, JoAnne, in the very same church.

I ask to have printed in the CONGRESSIONAL RECORD an article which appeared recently in the Detroit Free Press regarding Joe Beyrle. The article highlights in greater detail the extraordinary experience of Joe Beryle during World War II. I know my Senate Colleagues will join me in honoring Joe Beyrle on his tremendous sacrifice and service to our nation.

The article follows:

WORLD WAR II VET HOLDS ON TO A SPECIAL APPRECIATION OF LIFE

(By Ron Dzwonkowski)

Memorial Day has to be a little strange for Joe Beyrle, even after all these years. He pays tribute to the nation's war dead knowing that, for a time, he was among them. Even had a funeral with full honors.

''Oh, what parents went through,'' says Beyrle, (pronounced buy early.) ''My mother would never talk about it. My dad wouldn't at first. But I finally talked to him at some length. The emotions . . . well, it was quite a talk.''

Beyrle, who will turn 76 this summer and lives in Norton Shores, south of Muskegon, was among the hundreds of thousands of young Americans who enlisted in the Armed Forces to fight World War II. A strapping 18-year-old, he passed up a scholarship to the University of Notre Dame and volunteered in June 1942 for what was then called the parachute infantry.

By September of '43, Beyrle was in England with the 101st Airborne Division.

His commanders must have seen something of the rough-and-ready in the young man from western Michigan, for Beyrle was twice chosen to parachute into Nazi-occupied France wearing bandoliers laden with gold for the French Resistance. After each jump, he had to hide for more than a week until he could be returned to his unit in England.

Then came D-Day. Beyrle's unit jumped into France on the night before the invasion, assigned to disrupt Nazi defenses for the huge frontal assault.

The going was rough. Beyrle saw several planes full of his comrades go down in flames before he hit the silk from 400 feet up, landing on the roof of a church. Under fire from the steeple, he slid down into a cemetery and set out for his demolition objective, two wooden bridges behind Utah Beach.

Beyrle never made it. He was on the loose for about 20 hours while the battle raged on the beaches, and he did manage to blow up a power station and some trucks, slash the tires on the other Nazi vehicles and lob some grenades into clusters of Hitler's finest. But then he crawled over a hedgerow, fell into a German machine gun nest and was captured.

What followed was a long ordeal of brutality and terror as the Germans herded the American POWs inland while being hammered by Allied bombs and artillery. Beyrle was hit by shrapnel, but had to shake it off so he could apply tourniquets to two men whose legs were blown off. He escaped once for about 16 hours, but ran back into a German patrol.

Somewhere in all this chaos, Beyrle lost his dog tags, those little metal necklaces that identify military personnel. They ended up around the neck of a German soldier who was killed in France on June 10, wearing an American uniform, probably an infiltrator.

In early September, the dreaded telegram arrived for Beyrle's parents in Muskegon, the one that includes the nation's ''deep sympathy for your loss.''

The body believed to be Joe Beyrle was buried in France under a grave marker bearing his name. A funeral mass was held on Sept. 17, 1994, at St. Joseph's Church in Muskegon. Beyrle's name was inscribed on a plaque honoring the community's war dead.

Joe Beyrle, meantime, was being hauled by train all over Europe, locked in about a half-dozen POW camps, beaten, interrogated and nearly starved. But he never quit trying to escape, and finally managed it in January 1945, as the Nazi war machine was starting to crumble under the onslaught of Americans on the west and Russians from the east. Beyrle hooked up with a Russian tank unit and fought with them for a month before he was wounded and shipped to a hospital outside Moscow.

When he was able, Beyrle made his way to the U.S. embassy in the Russian capital, but he had a terrible time convincing officials of his identity, especially since he was listed as dead. He was actually arrested and grew so frustrated that he jumped one of his guards in an attempt to escape.

Fingerprints finally proved that Joe Beyrle was alive and well.

The next telegram to Muskegon carried a much happier message.

On Sept. 14, 1946, Joe Beyrle married his wife, JoAnne, in the same church where his funeral mass was held two years earlier. The same priest presided at both. Almost 53 years later, JoAnne says with a smile that her husband's war stories ''get better every year.''

This weekend, Beyrle will rejoin the 101st for ceremonies honoring its war dead at Arlington National Cemetery. Then he's off to Europe to walk once again over the ground where he fought and bled for freedom. He will even visit the grave that for months was thought to hold his body.

''Some of them aren't's even sure what war I'm talking about,'' he said. ''They really don't understand that I felt it was my duty to volunteer, and what went on and what it was like. I tell them that if it wasn't for what we did, they would all be marching the goose-step today, and the first question is, 'what's the goose-step?'

''I grew up real fast. We all had to,'' Beyrle said. ''You just learn to believe that somebody up there is looking out for you. . . . I came home with such an appreciation of life, and I don't think I've ever lost it.''

He came home with a handful of medals, too, but doesn't consider himself a hero.

''There were 200 guys in my unit that jumped into Normandy, and 50 or 60 were killed in action right there, maybe 40 were wounded; five or six were captured,'' Beryle says. ''I'm just one of the lucky ones. The heroes are the guys who didn't make it back.''●

RETIREMENT OF JOHN P. REZENDES, PRINCIPAL OF EDWARD R. MARTIN JUNIOR HIGH SCHOOL

● Mr. CHAFEE. Mr. President, on June 21st, family, friends and colleagues will gather to honor John P. Rezendes, who has served East Providence public schools for 30 years, and is retiring as Principal of Edward R. Martin Junior High School.

John Rezendes built his career in Rhode Island, just as he received his education in our state. He graduated from East Providence Senior High School in 1965, received a bachelor's and a master's degree from Providence College, and later pursued additional studies at Rhode Island College.

Over the years, John Rezendes has amassed an impressive record of public service. During his tenure in the East Providence public school system, John has worked with students in a variety of capacities, including as a classroom teacher, a ''House Leader,'' and a principal.

Early in his career, John served as a history and civics teacher at Central Junior High School. In 1977, when a new facility was constructed to replace Central Junior High School, John was one of the first faculty members to occupy this new ''four house facility.'' That same year, he was promoted to House Leader where he continued a close relationship with his students and built a strong working relationship with the teachers he supervised.

In 1983, John was appointed Principal of Riverside Junior High School. In this capacity, he brought many personal touches to the school. His work on revamping student schedules and creating ''teaching teams'' within individual grades are just a couple of the positive marks he left on the Riverside community.

However, John Rezendes did not stop there. In 1986, Principal Rezendes was transferred to Martin Junior High School where he remained for the next thirteen years. During this time, John worked diligently on the educational needs of his students. In fact, in 1998, he began molding the East Providence Educational Development Center. This Center serves as an alternative high school for non-traditional students and focuses on the development of academic schedules to meet their individual needs.

John Rezendes' work in the East Providence public school system certainly is well known. For over thirty years, John has made a lasting impact on thousands of students. He has treated his job as both a challenge and a privilege.

As John prepares for his private life away from the duties of his terribly demanding job, I want to congratulate and thank him for all that he has given to his community.●

TRIBUTE TO DR. JOHN F. MCCARTHY

● Mr. ROBERTS. Mr. President, I rise today to bring to the attention of the Senate the retirement of Dr. John F. McCarthy, Vice President, Global Scientific and Regulatory Affairs, for the American Crop Protection Association. He is retiring after 13 years of service with ACPA where he served as the chief advisor on scientific and technical matters. He was named Vice President in 1988.

Prior to joining the American Crop Protection Association, Dr. McCarthy spent 23 years with the Agricultural Chemicals Group of FMC Corporation. At FMC he was involved in all aspects of agricultural chemicals research and development, starting as a synthesis chemist and rising to the position of Director of Product Development and Registrations.

John testified many times before the House Agriculture Committee when I served as chairman. He was always available to provide technical expertise when our Committee was considering amendments to FIFRA. He also testified in the Senate answering endless questions about difficult scientific and policy issues. John was always able to put the issues in perspective and kept the protection of public health at the forefront of his presentation. His retirement will leave a void in the agricultural crop protection community which can not be easily filled.

He received his B.S. degree in Pharmacy from the Albany College of Pharmacy in 1958 and his Ph.D in Medicinal Chemistry from the University of Wisconsin in 1962. Previous to joining FMC, he did research at Roswell Park Memorial Institute in Buffalo, N.Y.

John is very family oriented and his wife, Ann, should also be recognized for her willingness to loan John to us for all these years. Without her commitment and understanding, those long hours and late evenings would not have been possible. Please join me in wishing John the best for a well deserved and fulfilling retirement.●

TRIBUTE TO GARY ARRUDA

● Mr. SMITH of New Hampshire. Mr. President I rise today to pay tribute to Gary Arruda of Hollis, NH for the critical assistance he provided with the aid of a wireless phone to save another individual's life. Gary, along with individuals from each state across America, the District of Columbia and Puerto Rico, received the ''VITA Wireless Samaritan Award.''

This award, which is awarded by the Cellular Telecommunications Industry Association (CTIA) is presented to honor the contributions heroic individuals make to their communities. Gary, who is an emergency medical technician (EMT), responded to a page to assist an injured mountain biker, who

was too deep in the woods for an ambulance to reach. The biker, who had been stung by bees and was having a severe allergic reaction, was unable to make it out of the woods on her own, Gary went in the woods with his four-wheel drive vehicle, emergency medical equipment and his wireless phone. He and two other EMTs were able to stabilize the biker while maintaining contact with emergency dispatch and the ambulance that was waiting at the edge of the woods. Gary kept both dispatchers and ambulance attendants apprised of the victim's condition, enabling them to prepare to take over the rescue as soon as he got the woman out of the woods.

I commend Gary for his excellent reaction in a situation that called for immediate attention. He is a true hero. I am proud to represent him in the Senate.●

CONCURRENT RESOLUTION COMMENDING THE PRESIDENT AND THE ARMED FORCES FOR THE SUCCESS OF OPERATION ALLIED FORCE

Mr. REID. Mr. President, we have been working with the leadership on the other side of the aisle for the last several days on a resolution dealing with the operation in Kosovo. The negotiations—that is too harsh a word. We have been working together, as you know, in negotiating; working together to come up with language that both sides would approve on a concurrent resolution. We have one printed in the RECORD as of last Thursday. I ask unanimous consent this concurrent resolution that we submitted today be printed in the RECORD, just for the sake of continuity.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. CON. RES. —

Whereas United States and North Atlantic Treaty Organization (NATO) military forces succeeded in forcing the Federal Republic of Yugoslavia to accept NATO's conditions to halt the air campaign;

Whereas this accomplishment has been achieved at a minimal loss of life and number of casualties among American and NATO forces;

Whereas to date two Americans have been killed in the line of duty;

Whereas hundreds of thousands of Kosovar civilians have been ethnically cleansed, deported, detained, or killed by Serb security forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That:

(1) The Congress expresses the appreciation of the Nation to:

(A) President Clinton, Commander in Chief of all American Armed Forces, for his leadership during Operation Allied Force.

(B) Secretary of Defense William Cohen, Chairman of the Joint Chief of Staff Henry Shelton and Supreme Allied Commander-Europe Wesley Clark, for their planning and implementation of Operation Allied Force.

(C) Secretary Albright, National Security Adviser Berger and other Administration officials engaged in diplomatic efforts to resolve the Kosovo conflict.

(D) The United States Armed Forces who participated in Operation Allied Force and served and succeeded in the highest traditions of the Armed Forces of the United States.

(E) All of the forces from our NATO allies, who served with distinction and success.

(F) The families of American service men and women participating in Operation Allied Force, who have bravely borne the burden of separation from their loved ones, and staunchly supported them during the conflict.

(2) The Congress notes with deep sadness the loss of life on all sides in Operation Allied Force.

(3) The Congress demands from Slobodan Milosevic:

(A) The withdrawal of all Yugoslav and Serb forces from Kosovo according to relevant provisions of the Military-Technical Agreement between NATO and the Federal Republic of Yugoslavia.

(B) A permanent end to the hostilities in Kosovo by Yugoslav and Serb forces.

(C) The unconditional return to their homes of all Kosovar citizens displaced by Serb aggression.

(D) Unimpeded access for humanitarian relief operations in Kosovo.

(4) The Congress urges the leadership of the Kosovo Liberation Army (KLA) to ensure KLA compliance with the ceasefire and demilitarization obligations.

(5) The Congress urges and expects all nations to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia and to assist in bringing indicted war criminals, including Slobodan Milosevic and other Serb military and political leaders, to justice.

ADDITIONAL COSPONSORS—S. 386

Mr. GORTON. Mr. President, I ask unanimous consent that Mr. KERRY of Massachusetts, Mrs. BOXER, Mr. BUNNING, Mr. THOMPSON, and Mr. MCCONNELL be added as cosponsors of S. 386, the Bond Fairness and Protection Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR—S. 1167

Mr. GORTON. Mr. President, I ask unanimous consent that Mr. CRAPO of Idaho be added as a cosponsor of S. 1167, a bill to amend the Pacific Northwest Electric Power and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, seeing no Senator seeking recognition, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

J.J. ''JAKE'' PICKLE FEDERAL BUILDING

Mr. WARNER. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 111, S. 559.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 559) to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building.''

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent the bill be considered 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.

Mr. REID. Reserving the right to object, and I will not object, it is a pleasure for me to not object in this matter. I had the pleasure of serving in the House of Representatives with Congressman Pickle. He was a senior Member at the time. He was one of the ranking members, one of the senior members of the Ways and Means Committee; a very fine Texan and a great American.

Mr. WARNER. Mr. President, I associate myself with the remarks of my distinguished good friend and colleague, the assistant Democratic leader. I also knew the Congressman. I think this is a most fitting tribute to a long and dedicated public servant.

Mr. REID. Again reserving the right to object, which I will not, he came here as an aide to President Johnson when President Johnson was a Member of the Senate, a staff member.

Mr. WARNER. Very interesting.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 559) was ordered to be engrossed for a third reading, was read the third time, and passed; as follows:

S. 559

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

SECTION 1. DESIGNATION.

The Federal Building located at 300 East 8th Street in Austin, Texas, shall be known and designated as the ''J.J. 'Jake' Pickle Federal Building''.

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 ''J.J. 'Jake' Pickle Federal Building''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar, Calendar Nos. 92, 93, and 94.

I finally ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

COMMODITY FUTURES TRADING COMMISSION

Thomas J. Erickson, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2003.

ARMY

The following named officer for appointment as the Chief of Staff United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3033:

To be general

Gen. Eric K. Shinseki, 0000.

MARINE CORPS

The following named officer for appointment as Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5043:

To be general

Lt. Gen. James L. Jones, Jr., 0000.

NOMINATION OF GEN. ERIC K. SHINSEKI

Mr. WARNER. Mr. President, the Senate Armed Services Committee reviewed the qualifications of General Shinseki. It was a memorable day. One of our most distinguished and revered colleagues, the senior Senator from Hawaii, introduced General Shinseki. I have said previously that it was one of the most moving statements I have ever heard by a Senator in my 21 years. I placed the statement of Senator INOUYE in the RECORD of Wednesday, June 9, 1999, at Page S6813, and I urge all Senators to look at that. It was, indeed, one of the most extraordinary statements on behalf of another individual that I have ever witnessed.

Basically, Senator INOUYE referred back to 1942, the year in which General Shinseki was born. At that time, Senator INOUYE was volunteering to serve in the U.S. Army. It was a very personal and moving statement, and I urge all Senators to look at it.

As chairman, I asked Senator CLELAND to note his signature on the nomination of the Chief of Staff of the U.S. Army, given his most distinguished career as a soldier serving this Nation in the cause of freedom.

NOMINATION OF LT. GEN. JAMES L. JONES, JR.

Mr. WARNER. Mr. President, I had the privilege of introducing on the same day General Jones to become the next Commandant of the Marine Corps, succeeding General Krulak who discharged the responsibilities of the Office of Commandant with great credit to the Nation and to himself. He is a most distinguished officer. His father served in World War II in the Marine Corps. His father served in the Pacific as a senior three-star Marine officer just before I became Under Secretary of the Navy. The Krulak family is a proud family, and they have done much for our Nation and, indeed, for the Marine Corps.

General Jones served in the Senate in the Marine Corps liaison office. Thereafter, he continued a most distinguished career. His last post as a lieutenant general was the principal military adviser—of course, the Chairman of the Joint Chiefs is the principal military adviser—but General Jones on the immediate staff of the Secretary of Defense, our former colleague, Mr. Cohen, was the principal adviser on his personal staff.

This is recognition, again, of a distinguished marine who likewise had a family member, an uncle, who was a highly decorated marine in World War II. It is continuity in the Corps for those like myself, I say with great humility, who had the opportunity to serve at one time in the Marine Corps. It is a proud day today for the U.S. Marine Corps, for the soon retirement of the most distinguished Commandant and succession of General Jones whose potential equals any Commandant who ever served in that office in the history of this country.

I asked that Senator ROBERTS pen his signature on the nomination of General Jones to be Commandant. Again, Senator ROBERTS is a former marine.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENT OF CONFEREES—S. 96

Mr. WARNER. Mr. President, I ask unanimous consent that with respect to the Y2K legislation, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer appointed, from the Committee on Commerce, Science, and Transportation, Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. GORTON, Mr. HOLLINGS, Mr. KERRY, and Mr. WYDEN; from the Committee on the Judiciary, Mr. HATCH, Mr. THURMOND, and Mr. LEAHY; from the Special Committee on the Year 2000 Technology Problems, Mr. BENNETT and Mr. DODD conferees on the part of the Senate.

ORDERS FOR THURSDAY, JUNE 17, 1999

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. Thursday, June 17. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate stand in a period of morning business until 11 a.m., with Senators speaking for up to 10 minutes each, with the following exceptions: Senator GREGG, 30 minutes; Senator DASCHLE or his designee, 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I am wondering if it would be possible for the acting leader today to—while I have been standing here, I have had a couple phone calls. We have 30 minutes per side. Would it be possible to raise that to 40 minutes per side?

Mr. WARNER. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, the proposal is modified. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

PROGRAM

Mr. WARNER. For the information of all Senators, tomorrow the Senate will convene at 10 a.m. and be in a period of morning business until 11 a.m, as adjusted by the unanimous consent request just agreed to. Following morning business, the Senate will resume debate on H.R. 1664, the steel, oil, and gas appropriations legislation. Amendments will be offered to that bill. Therefore, Senators can expect votes throughout the day. As a reminder, it is the intention of the leader to begin consideration of the State Department authorization bill on Friday. Therefore, votes will take place during Friday's session.

Now I yield to my distinguished friend and colleague, the assistant Democratic leader, if he has anything further.

Mr. REID. I have nothing further.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:47 p.m., adjourned until Thursday, June 17, 1999, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 1999:

COMMODITY FUTURES TRADING COMMISSION

THOMAS J. ERICKSON, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2003.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3033:

To be general

GEN. ERIC K. SHINSEKI

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5043:

To be general

LT. GEN. JAMES L. JONES, JR.

HOUSE OF REPRESENTATIVES—*Wednesday, June 16, 1999*

The House met at 10 a.m.

Father Steve Planning, Order of the Society of Jesus, Alexandria, Virginia, offered the following prayer:

Let us pray.

Almighty and Eternal God, we give You thanks and praise today for the many blessings which You have bestowed upon our country. You have given us the gifts of freedom and democracy so that we might build a Nation based on the highest human principles. We humbly ask Your blessing upon us as we do the work for which we were elected. Help us to create a Nation in which justice, prosperity and peace form a part of every citizen's life. Give us the gift of wisdom so that we might make decisions which benefit all people, especially those most in need.

We ask this in Your name who lives and reigns forever and ever. 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 Maryland (Mr. CUMMINGS) come forward and lead the House in the Pledge of Allegiance.

Mr. CUMMINGS 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.

WELCOMING REV. STEPHEN W. PLANNING, S.J.

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

Mr. WOLF. Mr. Speaker, I am pleased to welcome Father Stephen Planning and to thank him for delivering our opening prayer this morning.

Father Planning is a member of the Society of Jesus and was ordained to the priesthood this past Saturday, June 12.

He and his family are longtime residents of northern Virginia, where he began his Catholic education. Following his novitiate experience at Wernersville, Pennsylvania, Father Planning taught high school in Nigeria and ministered in a nearby leprosy village. Upon returning to the United States, he received a master's degree in philosophy from Fordham University and spiritually advised indigent AIDS patients at a nearby Bronx hospital.

Father Planning also has ministered and taught English in Santiago, Chile, studied at the Jesuit School of Theology in Berkeley, California, where he completed a master's of divinity degree, and served in a local parish, and spent this year in Chicago, Illinois, where he finished a master's degree in education at Loyola University and worked at Christo Rey Jesuit High School, where he now will return to serve as assistant principal.

Our colleagues would be interested to know that this inner city high school has a unique corporate intern program which requires students to attend classes 4 days a week and hold down an 8-hour-per-week job with a corporate sponsor to help pay their tuition. Christo Rey's pioneering concept this past year saw 89 percent of its seniors graduate, 73 percent enroll in college.

Mr. Speaker, I know my colleagues join me in congratulating Father Planning on his ordination and wish him continued success wherever he is led in the future to serve the cause of Jesus Christ.

LOOPHOLES LEAD TO NOTHING BUT BULLET HOLES

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

Mr. CUMMINGS. Mr. Speaker, low fat, light on substance and without additives. These are the phrases that should describe a good diet. Unfortunately, these terms are better applied to the mockery of a proposal that the Republicans of this Congress have sent forward as gun safety provisions to this House floor.

Shame on us for allowing precious time to pass, lives to be lost, funerals to be held and tears to be shed before deciding to come to grips with a problem that has plagued us for years. Shame on us for allowing special interest groups to wield artificial power and influence over us when we direct the power flow of our country. Shame on us for repeatedly appeasing special interest groups at the cost and sacrifice of our youth. Shame on us.

Under the proposed legislation in the Juvenile Justice Act of 1999 it is conceivable that a visitor to the Nation's Capital traveling from building to building is subject to face more security than a criminal trying to buy a firearm at a gun show. The Senate has realized the pressing nature of this situation and has acted. It is now our turn.

Mr. Speaker, our loopholes lead to nothing but bullet holes, and, my colleagues, I strongly urge swift passage of gun safety provisions.

HE WHO SACRIFICES LIBERTY FOR SAFETY WILL HAVE NEITHER LIBERTY NOR SAFETY

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

Mr. TIAHRT. Mr. Speaker, today we take up the Consequence For Juvenile Offenders Act. It is my hope that all of us here in America will realize that more laws will not mean more safety. We seem so willing to give up our freedom for just a feeling of a little more safety. The truth is we will not be more safe until we deal with the real problem, the root problem, the human heart.

Two young men in Colorado broke more than 23 laws by brutally murdering 13 students, one teacher, and then took their own lives. One more law, a dozen more laws, would not have stopped them. They needed a change of heart.

Ben Franklin said he who sacrifices liberty for safety will have neither liberty nor safety.

As parents, as neighbors, let us not give up our personal freedoms. Instead let us deal with the real problem. Listen to the children, be a good neighbor, get involved in the community, and together let us make a better America.

GOP STANDS FOR ''GUNS OVER PEOPLE''

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

Mr. GUTIERREZ. Many Republicans who fiercely fight any common sense gun safety measures will try to amend the juvenile crime bill to encourage schools to place the Ten Commandments in their classrooms. That makes sense. After all, it is free publicity for the gun lobby, a good way to reach young people, kids. My colleagues have seen the poster, now see the movie starring Charlton Heston, President of the National Rifle Association.

Now I have read the Ten Commandments, I did not merely watch the Hollywood version, and I seem to recall that they teach us thou shall not kill, and yet assault weapons which the NRA fought to keep on our streets kill. Saturday night specials, the small cheap guns favored by criminals, kill. Weapons purchased unchecked today at gun shows or in the future bought in the parking lots of gun shows, thanks to a loophole wider than the part in the Red Sea, kill.

The man who played Moses and his supporting cast here in Congress should go back and read their script: Thou shall not kill.

Once again it is clear what the letters GOP stand for: Guns over people.

TURNING OUR PUBLIC LANDS INTO A MUSEUM?

(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, here we go again. The Clinton administration is planning to ban the public use on over 5 million acres of public land in six States. ''Why?'', my colleagues ask? Well, it seems to appease the liberal extremists, the environmentalists and specific special environmental interests before the 2000 presidential elections.

Why would this administration deny all Americans, young and old, the right to recreate on their public lands? Why would they want to stop recreation, hunting, fishing, horseback riding and biking? Is there a goal to turn our public lands into a museum?

The President wants to use his authority under the Antiquities Act to stop and prohibit every type of recreational use except walking and, get this, meditating, on these 5 million acres. The Clinton administration claims to know what is best for our public lands, but it's plain to see that they know nothing about management, about multiple use, about the right of my constituents to use their public lands for recreational purposes. The administration should be ashamed for using our Nation's environmental laws as political tools and, not to mention, a means to preserve the assets across this country.

GUNS PREVENT MORE CRIME THAN ANYTHING ELSE

(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, I voted for the Brady bill. I voted to ban certain semiautomatic weapons. I honestly tried to help. But enough is enough. Guns are a two-edge sword, dangerous for sure, but guns prevent more crime than anything else in America, and no one is saying it.

Mr. Speaker, armed robbers just do not fear the welcome wagon, and all the policemen in the world, and I used to be one, may never get there in time.

I say be careful, Congress. Certainly guns are a symptom of great problems in America. But guns are not the root causation of all these problems in America.

GUN CONTROL DEBATE DRIVEN BY POLITICS

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

Mr. EWING. Mr. Speaker, yesterday I talked about this same issue, and I talked about politics, politics, politics, and, yes, I believe that politics are driving the agenda on this debate. We are going to hear vitriolic attacks from the Democratic side of the aisle when we ought to be settling down to discuss what we can do to improve our laws, to improve the regulations, and, yes, to improve the enforcement of the laws on the books.

Mr. Speaker, it does no good to pass another law if we are not going to do anything about it. Over 6000 incidents since 1996 through 1998 reported of juveniles with possession of firearms at school; only 17 were prosecuted.

Mr. Speaker, I have to refer to the language of our Vice President when he distorts the facts and says one can walk into a gun shop and a pawn shop anywhere in America and buy a handgun if they are 18.

Not so. Let us tone it down. Let us work together.

STOP IMPORT OF HIGH CAPACITY GUN CLIPS

(Ms. DEGETTE asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. DEGETTE. Mr. Speaker, in 1997 Officer Bruce Vanderjagt in Denver was gunned down by a gun using a semiautomatic weapon clip that held far more than 10 rounds of ammunition. People were shocked. We thought we banned these clips in 1995 when we passed the Crime Control Act, but unfortunately these clips, which have the only purpose as killing a human being, are widely available and legally available in gun shops throughout this country because of a loophole in that act. That loophole allows the unrestricted import of these high capacity magazines from countries like China, Russia and Eastern Europe.

The Senate had the wisdom to pass legislation stopping this loophole and banning these clips that have the only purpose as killing humans. I urge in the next few days that the House do the same and enact this sensible piece of legislation which will stop these clips that only kill human beings.

SERGEANT BOB BRYANT AND LUC COUTURE EXEMPLIFY NEW HAMPSHIRE'S COMMUNITY SPIRIT

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

Mr. BASS. Mr. Speaker, I rise today to pay tribute to the New Hampshire Fish and Game Sergeant Bob Bryant and Luc Couture of the New Hampshire Department of Transportation and more than 550 friends and neighbors who searched the woods of Berlin, New Hampshire, through the early morning hours on May 25 to find 3-year-old Cameron Patry. Sergeant Bryant and Mr. Couture found the young boy after he had been lost for more than 20 cold and rainy hours in the dense woods. These 2 State of New Hampshire employees, along with hundreds of volunteers who helped with the search, best exemplify our community's spirit, camaraderie, compassion in New Hampshire and all of America. Although cold, wet and tired, young Cameron was found in good shape and returned to his worried parents.

To Sergeant Bryant, Mr. Couture and all those who gave their time, prayers and comfort to the Patry family I would like to express my sincere appreciation, as does the grateful State of New Hampshire and Congress.

POINT REYES FARMLAND PROTECTION ACT OF 1999

(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, I am back. I am back because our country continues to lose farmland at an alarming rate. I am back because I again have introduced legislation to protect the beautiful farmland near the Point Reyes National Seashore in my congressional district just north of San Francisco, across the Golden Gate Bridge.

□ 1015

This land is 40 miles from San Francisco. It is under heavy threat for development, and because of that, I am introducing the Point Reyes Farmland Protection Act of 1999, H.R. 2202.

This bill establishes that a local-Federal partnership, completely voluntary, will make it possible for landowners to sell their conservation easements, and that these local landowners are willing sellers. The goal is to protect the productive and pristine family farms that are a way of life in my district.

In the last Congress I had similar legislation that was supported by 228 bipartisan cosponsors. Please join me to

protect agriculture. Sign onto the Point Reyes Farmland Protection Act, H.R. 2202.

URGING MEMBERS TO SUPPORT VALIANT MEN AND WOMEN FASTING FOR DEMOCRACY IN CUBA

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

Ms. ROS-LEHTINEN. Mr. Speaker, the courageous fasts that began last week in Havana are gaining momentum as dozens of dissidents across the enslaved island of Cuba join the public protest started in Tamarindo 34, peacefully demanding freedom of expression and the release of hundreds of political prisoners.

One of the heroines currently fasting is Magaly de Armas, wife of Vladimiro Roca, one of the four opposition members imprisoned earlier this year for criticizing a communist party document that they dared to say did not present solutions to Cuba's problems.

Roca is also fasting, his will unshaken by Castro's torturous prison in Cienfuegos, and has asked his countrymen to join him in what is becoming a national movement.

On behalf of Vladimiro Roca, Felix Bonne, Rene Gomez Manzano, Marta Beatriz Roque Cabello, and all of the other political prisoners unjustly shackled by Fidel Castro, I ask my colleagues to support the valiant men and women currently fasting. We pray that their courageous democracy efforts become the beginning of true liberty on the island.

DISAPPOINTING LEGISLATION FROM THE HOUSE LEADERSHIP ON GUN SAFETY AND SCHOOL VIOLENCE

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

Ms. SANCHEZ. Mr. Speaker, I rise today, disappointed in this House. I come from the district in California with the highest gun registration. Four years ago, when I ran for Congress and I walked 60,000 households door-to-door, I came across a lot of those gun owners, hunters, people who liked to go down to the range and shoot their guns, people who collect guns.

But they agreed with me, they agreed that decent people who want to own guns do not mind waiting to have their background checked. They agreed that there were too many weapons in criminals' hands, especially in an urban area like the one I represent.

That was before Jonesboro, that was before Littleton, and that was before last week, just this past weekend, when one of our deputy sheriffs in Orange County was sitting in his patrol car and was gunned down, riddled by someone with a machine gun who was mad because this officer had stopped him 3 weeks before.

Mr. Speaker, we need real legislation to help America.

ELDER BASEBALL TEAM EXTENDS INCREDIBLE TITLE STREAK

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

Mr. CHABOT. Mr. Speaker, Cincinnati's Elder High School took it down to the wire last week when their great baseball team traveled to Canton, Ohio, to play for the State championship. When the smoke cleared, the Panthers had accomplished a truly extraordinary feat. They had succeeded in winning a State title in 6 consecutive decades with 11 championships overall.

My brother, Ron, is a 1965 Elder graduate. I am an alumnus of arch rival La-Salle. I have to give credit where credit is due, Elder's accomplishment is phenomenal, and all of us who reside in Cincinnati's Western Hills are proud of their great achievement. Their commitment to excellence and their tradition of hard work have paid off. Once again they have made all of Cincinnati proud.

To coach Mark Thompson, the Panther squad, and all their families and fans, I offer my heartfelt congratulations.

From an old Lancer to all the Panthers, well done.

CALLING ATTENTION TO WEBSITE AND FAMILY INTERNET TOOLBOX

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

Mr. HOLT. Mr. Speaker, as a member of the Committee on Education and the Workforce, I know an important part of controlling youth violence is controlling the violence that children are exposed to.

These days a lot of violence is hitching a ride on the information superhighway. Parents are concerned about the violent influences of the Internet. A recent poll shows that 75 percent of high school students believe the Internet responsible for the shootings in Littleton.

I propose that Internet service providers be required to provide their customers with the necessary filtering software. The other body has already approved legislation to that end. I urge my colleagues in the House to do the same.

In the interim, I would like to draw Members' attention to my web site. It is Family Internet Toolbox, which offers software, tips, and links to safer surfing at www.house.gov/rholt. I hope Members and their constituents will find it useful.

REPUBLICANS BELIEVE THAT LOW TAXES ARE FAIRER THAN HIGH TAXES, AND PEOPLE SHOULD BE ENTITLED TO THE FRUITS OF THEIR LABOR

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

Mr. BARTLETT of Maryland. Mr. Speaker, too many Americans liberals have a strange concept of fairness. When it comes to taxes, the liberals' idea of fairness strikes me and most Americans as very unfair.

If one person works twice as hard as another, most people do not think it is unfair if he earns twice as much. A liberal would disagree. As a matter of fact, the liberal tends to demonize the harder working person.

Most people do not think it is unfair that people who sacrifice income through long and difficult years in college and even graduate school expect to find jobs which pay higher than other jobs for their efforts. Yet, we find liberals constantly railing against people who are rewarded for their educational sacrifices as the rich, and presumably not entitled to the rewards they worked so hard to obtain.

I find the tax on the rich and any class of people profoundly un-American.

Republicans believe that low taxes, low taxes on all Americans, rich or poor, are more fair than high taxes. Should not freedom mean that people are entitled to the fruits of their labor?

CHARACTER EDUCATION

(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 rise today to call on this House to pass a new investment in character education. As the former superintendent of my State schools, I know firsthand that character education can make a difference in teaching our children values and to make sure our children are well rounded and prepared to become good citizens.

Across my Congressional District, school leaders have developed character education initiatives that can make a difference in strong schools and better communities. In Wake County, North Carolina, they have become a leader through an innovative effort called ''Uniting for Character.'' In Johnston County, the principal of Selma Elementary School attributes 59 fewer suspensions between the '95 and '96 school years due to their character

education program. And CBS News recently profiled a successful character education program in the Nash-Rocky Mount school system.

Mr. Speaker, character education works because it teaches our children to see the world through a moral lens. Children learn that actions have consequences. Teachers work with parents and the entire community to instill the spirit of shared responsibility. Character education emphasizes values such as character, good judgment, integrity, kindness, perseverance, respect, and self-discipline. This Congress needs to act on this and act now.

A NATION'S TAX POLICY REFLECTS ITS VALUES

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

Mr. HEFLEY. Mr. Speaker, one reason why taxes are such an important issue is because a Nation's tax policy reflects its values. A system of low taxes rewards hard work, rewards educational achievement, rewards prudence, rewards long-term planning, rewards risk-taking, rewards entrepreneurship, rewards diligence, and most of all, is an endorsement of freedom, the idea that a person is truly entitled to the fruits of his labor.

A system of high taxation punishes these very same virtues. It discourages work, discourages job creation, and reduces freedom. It buys into the idea that the more productive a person is, the more he should be punished, and the less entitled he is to those fruits. It is based on the belief that government knows best.

This in my view is a bizarre value system. I find the liberal value system to be contrary to freedom, contrary to common sense, and the exact opposite of the values that made America great.

WHAT HAS THE HOUSE DONE TO MAKE AMERICA'S CHILDREN SAFER FROM GUN VIOLENCE?

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

Mr. WEINER. Mr. Speaker, it has been a month since the tragedy at Columbine. The Senate quickly acted to make children safer. But what has this House done? What has this leadership done? Have we closed the gun show loophole? Today we will get the answer: No. Are we going to hold parents responsible for securing their weapons to keep them out of the hands of children? Today we are going to find out that the answer is no. Are we going to do anything to invest in smart gun technology, so only people who own the guns can fire the guns? Today we are going to find out that under this leadership, the answer is no.

Instead, we are going to be doing the bidding of the National Rifle Association. But the Republicans have come up with a bill today, and among their brilliant strokes, they are going to require that every record store have the lyrics to every CD on display at every store.

If Members want to know what it was that Pavarotti was singing, now they will know. But if they want to make our kids safer, they will have to wait until the Democrats take back the House.

DEMOCRATS ARE CONSISTENT: THEY ALL WANT HIGHER TAXES

(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, not counting the social security, the Congressional Budget Office projects $824 billion in budget surpluses over the next 10 years. Again, that is not counting the temporary surplus in the social security trust fund.

What does the Democratic leadership intend to do with these surpluses? Well, the President stated last January that he does not trust Americans to ''spend it right.'' Yes, that is an exact quote.

Earlier this month we had the House Minority Leader, the gentleman from Missouri (Mr. GEPHARDT), state for the record twice that he would consider raising taxes to pay for an expansion in Federal programs. Members heard that right, raise taxes, not cut them.

Now we have the minority leader in the other body, Mr. DASCHLE, who is on record with this exchange on CNN's Evans and Novak. Asked his opinion about raising taxes, Mr. DASCHLE said, ''It's an option. Of course, it's on the table. . . .''

Think about that. At least the Democratic leadership is consistent. They all want higher taxes.

EXPAND THE COMMUNITY REINVESTMENT ACT

(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, I would like to share an example of how banks and community groups are using the Community Reinvestment Act, an act now under attack, to expand access to the financial mainstream.

Last summer First National Bank of Chicago made an agreement with the Chicago CRA Coalition to invest $4.1 billion in low- and moderate-income Chicago communities over the next 6 years. The bank recently opened a new full service branch in Dominick's Supermarket in the North Lawndale neighborhood on Chicago's West Side.

First National began pilot projects in North Lawndale and two other branches to expand low-cast checking accounts. At the same time, the bank and community groups sponsored financial literacy workshops for area residents.

In the last few months, dozens of persons who previously would have been denied the opportunity to open a bank account have opened checking and savings accounts, depositing thousands of dollars.

The Community Reinvestment Act is under attack. Why? I do not know the answer to that question, but I know that what we should be doing is protecting, expanding, and strengthening CRA.

RENEWAL WEEK

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

Mr. PITTS. Mr. Speaker, we talk a lot in this body about achieving the American dream, but even in the most prosperous economic expansion in recent history, many of our fellow Americans still struggle to make it out of poverty.

That is why the Renewal Alliance, a bicameral group of legislators here in Congress, seeks to highlight both civic and legislative solutions to the plights of so many low-income Americans who desperately want to make it. They want safe communities and they want honest jobs.

I want to encourage my colleagues to join the many members of the Renewal Alliance this week, Renewal Week, and to renew our efforts to pass legislation critical to improving our low-income communities.

The American Community Renewal Act, the Charity Tax Credit, and education scholarship opportunities all combine to use a market-driven and even private sector approach to bring about real hope and opportunity through tax incentives for investment, for capital formation, for community reinvestment, and for contributing to charities of our choice, as well as opportunity scholarships. We reward what works.

Join us in working for our Nation's low-income communities.

□ 1030

PENNY CHANG WAS THE TYPICAL AMERICAN GIRL

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

Mrs. JONES of Ohio. Mr. Speaker, Penny Chang was the typical American girl. That is what her father said about his daughter after Penny was shot to

death on her way to school. She lived in my district, a freshman at Shaker Heights High School.

Penny's promising young life was ended by a 21-year-old man as she walked to school one morning. She was shot twice at close range with a semiautomatic pistol. As she lay on the ground dying, she was shot twice more. She loved computers, had done well in school.

After this despicable act, this troubled young man turned himself in to police shortly after, admitting to the crime. He had been a patient in a psychiatric unit. He had set Penny Chang's house on fire.

How could someone like this get ahold of a gun? How could a person with this kind of record of behavior come into possession of a semiautomatic handgun? Today the House has an opportunity to enact gun legislation, gun safety legislation, gun control legislation. I pray we will act to protect our young girls from this type of behavior so that we can save other Pennys in this Nation.

SMALL BUSINESS SUPERFUND FAIRNESS ACT OF 1999

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

Mr. SHIMKUS. Mr. Speaker, the Superfund law was created in 1980 to clean up hazardous waste sites and hold polluters responsible. Unfortunately, small businesses have suffered the most as a result.

Last February, hundreds of innocent small businesses in Quincy, Illinois, received a notice from the U.S. EPA that they were required to pay $3 million to clean up waste they had legally dumped in a landfill for years.

In a process close to extortion, the $3 million payoff is to safeguard small businesses against suits by the major polluters. Saving small businesses by breaking them makes no sense to me.

I am introducing the Small Business Superfund Fairness Act of 1999 to ensure that a situation like we had in Quincy will not repeat itself in other communities across this country.

IT IS TIME TO STOP SCHEMING

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

Mr. MENENDEZ. Mr. Speaker, it is clear that Republicans have time for the NRA. The Republican leadership gave the gun lobby nearly a month to twist arms and try to derail a gun safety bill. In fact, the New York Times said this morning, and I quote, Republican leaders have worked out a scheme to make it easier for lawmakers who take their cue from the National Rifle Association to vote against meaningful reform.

First, Republicans say they need time to consider a bill in committee, and then they bring a bill to the floor that skips the committee process. Then Republicans say they want to work out a bipartisan solution. Instead, they split the bill in two parts so the NRA can try to kill the gun safety provisions.

Mr. Speaker, scheming with the NRA while our children's lives are at stake is a disgrace. It is time Republicans stop scheming and plotting political strategy with the gun lobby and start working on solutions to save our children from the epidemic of gun violence. It is time to have the Republican leadership stop pandering to the radical right in their party and start fighting for American parents who want to send their kids to school safely each day.

THE ECONOMY IS BOOMING BECAUSE PRESIDENT REAGAN CUT TAXES IN THE 1980'S

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

Mr. COOKSEY. Mr. Speaker, who gets credit for the good economy we are now experiencing? Although many people believe that it should not matter who gets the credit, it is an important question because it is important to understand how we arrived where we are if we want to understand how to maintain and improve our current prosperity.

America is, compared to other countries, a low tax, low regulation country. Although our tax burden is way too high, our regulatory empire is clearly excessive, still the United States is the best place to invest, the best place to start a business, the best place to find a job, the best place to come if one wants to get ahead and chase their dreams.

The primary reason our economy is booming right now is because President Ronald Reagan cut taxes significantly in the 1980s, ushering in a period of strong economic growth that is still with us today.

Our economy at the end of the 1970s was in the ditch and liberals howled and protested against President Reagan's economic program, but it worked. That is the lesson of the 1980s.

COMPREHENSIVE SCHOOL-BASED PROGRAMS NEED TO BE EXPANDED

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

Mr. OBEY. Mr. Speaker, the response of the House Committee on Rules to the events at Columbine High School will be to allow the House to vote on treating 13-year-olds as adults in court, but they refuse to allow my amendment to be voted on, which would have greatly expanded comprehensive school-based programs to provide for early identification and intervention with emotionally troubled youth who give indication that they might be prone to violent acts.

I would make one point. Those two kids at Columbine would not have been deterred by the threat to be tried as an adult in court. They were willing to be killed to make their twisted statement. They might have responded to early mental health counseling and intervention.

This House unfortunately today will not pass thoughtful legislation affecting school violence. It will, instead, pass political press releases. We ought to be able to do better.

WHAT WOULD THE TAX BURDEN BE TODAY WERE IT NOT FOR REPUBLICANS?

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

Mr. SCHAFFER. Mr. Speaker, what would the tax burden be today were it not for Republicans? Just think about that for a second.

The Reagan tax cuts, 25 percent across the board, would never have taken place. In fact, diehard liberals still rail with bitterness against the Reagan tax cut even to this day. It is almost as if they are completely oblivious to the hardships of sky high inflation and devastatingly high unemployment brought to American families.

The 1997 tax cuts passed by a Republican Congress also would never have taken place.

Yes, the verdict of history is in. If Democrats had their way, taxes would move in one direction and one direction only: Up.

I refer my colleagues to the comment by the minority leader of the Democrat Party just a few weeks ago. He said, ''You have got to have a combination of taking it out of the defense budget and raising revenue. We can argue about how to do that, closing loopholes or even raising taxes to do it.''

Taxpayers can thank the Republican Party. For without us, taxes would surely be much higher.

REQUEST FOR IMMEDIATE CONSIDERATION OF H. RES. 209, PROVIDING FOR CONSIDERATION OF H.R. 1501, CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999, AND H.R. 2122, MANDATORY GUN SHOW BACKGROUND CHECK ACT

Mr. MOAKLEY. Mr. Speaker, I was just wondering if the Republicans are ready, finished writing the rule.

The SPEAKER pro tempore (Mr. KOLBE). The Chair is waiting for the chairman of the Committee on Rules to call up the rule.

Mr. GEKAS. Mr. Speaker, by direction of the Committee on Rules, I call up the rule, House Resolution 209.

Mr. MOAKLEY. Mr. Speaker, the gentleman is out of order.

The SPEAKER pro tempore. The gentleman is not eligible to do that and is not recognized.

Mr. GEKAS. May I ask why?

Mr. MOAKLEY. The gentleman is not a member of the Committee on Rules.

Mr. GEKAS. I am just trying to accommodate.

Mr. MOAKLEY. The gentleman is not a member of the Committee on Rules.

The SPEAKER pro tempore. The Chair will recognize the gentleman from California (Mr. DREIER).

Mr. GEKAS. The gentleman is not a member of the Committee on the Judiciary. I would not object to his starting a Committee on the Judiciary hearing.

Mr. MOAKLEY. Mr. Speaker, the gentleman is out of order.

PROVIDING FOR CONSIDERATION OF H.R. 1501, CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999, AND H.R. 2122, MANDATORY GUN SHOW BACKGROUND CHECK ACT

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 209 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 209

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. 1501) to provide grants to ensure increased accountability for juvenile offenders. The first reading of the bill shall be dispersed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Except as otherwise specified in this resolution, each amendment may be offered only in the order printed in part A of the report. Each amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The chairman of the Committee of the Whole may recognize for consideration of any amendment printed in part A of the report out of the order printed, but not sooner than one hour after the chairman of the Committee on the Judiciary or a designee announces from the floor a request to that effect. 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. 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.

SEC. 2. 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. 2122) to require background checks at gun shows, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in part B of the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. 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.

SEC. 3. (a) In the engrossment of H.R. 1501, the Clerk shall—

(1) await the disposition of H.R. 2122;

(2) add the text of H.R. 2122, as passed by the House, as new matter at the end of H.R. 1501;

(3) conform the title of H.R. 1501 to reflect the addition of the text of H.R. 2122 to the engrossment;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 2122 to the engrossment of H.R. 1501, H.R. 2122 shall be laid on the table.

□ 1045

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Boston, Massachusetts (Mr. MOAKLEY), my very good friend, pending which I yield myself such time as I may consume. Mr. Speaker, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule makes in order two separate bills, each under a structured amendment process. They are H.R. 1501, the Consequences for Juvenile Offenders Act of 1999, and H.R. 2122, the Mandatory Gun Show Background Check of 1999. Let me state at the outset, the rule does not specify the order of consideration of the two bills. That is left to the discretion of the Speaker.

The rule provides for 1 hour of general debate for each bill divided equally between the chairman and ranking minority member of the Committee on Judiciary. The rule provides for consideration of 44 amendments to H.R. 1501 printed in part A of the Committee on Rules report and 11 amendments printed in part B of the report.

Except as otherwise specified, the amendments to each bill will be considered only in the order specified in each part of the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for the division of the question.

Except for certain amendments to H.R. 1501 specified in part A of the report, the amendments printed in the report shall not be subject to amendment, and all points of order against the amendments are waived.

The rule permits the Chairman of the Committee of the Whole to recognize for consideration of any amendment to H.R. 1501, which are printed in part A of the report, out of the order in which it is printed, but not sooner than 1 hour after the chairman of the Committee on the Judiciary or a designee announces from the floor a request to that effect. This authority applies only to amendments offered to H.R. 1501, not to amendments offered to H.R. 2122.

The rule allows the Chairman of the Committee of the Whole to postpone votes on questions during the consideration of both bills and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute

vote. With respect to each bill, the rule provides one motion to recommit with or without instructions.

Finally, the rule provides that in the engrossment of H.R. 1501, the Clerk shall add the text of H.R. 2122, as passed by the House, as a new matter at the end of H.R. 1501, and then lay H.R. 2122 on the table.

In other words, Mr. Speaker, if both bills are passed by the House, the Clerk of the House is simply instructed to combine or engross the two bills into one bill before being transmitted to the Senate.

This is not, I say again, this is not an unprecedented rule. There are a number of instances in recent years where the House has adopted single rules making in order multiple bills, which were then combined into one bill upon their passage. Examples include H. Res. 159 in the 10th Congress, and H. Res. 440 in the 104th Congress. Again this is done so we can have a full airing of a wide range of issues.

Mr. Speaker, as we take stock of the national community that is preparing to enter the 21st century, the issue of youth crime is both troubling and confounding. The statisticians tell us that juvenile crime and violence are at 30-year lows. Let me say that again. We get the reports that juvenile crime and violence are at 30-year lows. At the same time, several tragedies have struck a chord that resonates across the United States.

The fact is, when kids kill classmates and teachers over problems that have always confronted teenagers, people recognize that something is wrong.

I believe that while we will debate and vote on dozens of different ideas of good faith and sound intentions to address this national concern, we all agree on one essential truth: Each and every one of us is fully committed to keeping children safe.

In fact, all Americans need to look inside themselves for answers to the troubling societal questions raised by these violent incidents. While in most cases those questions must be answered outside the halls of government, today we begin to do our part to tackle this problem.

While we are united in our goals, make no mistake about the variety of the opinions and proposals to reach those ends. Over 175 amendments submitted to the Committee on Rules can attest to that.

This rule attempts to provide the House with a full, fair, and focused debate that allows votes in a large number of these varied proposals. Of course, the amendments come from both sides of the political divide, Democrats and Republicans.

Although the issue of youth violence has led people to search for answers in many places, one issue, legal restrictions on the possession of firearms, has taken a particularly prominent place in the rhetorical debate.

The rule will ensure the opportunity to vote up or down on a number of firearms restrictions and safety measures, including mandatory trigger locks, banning youth possession of so-called assault weapons, and background checks at gun shows.

When the House works its will on guns, whatever that might be, the outcome will be included in the final version of the juvenile justice legislation. That is both fair and clear.

Of course, serious people agree that this problem goes beyond guns, and this rule will permit the House to deal with a range of measures dealing with prevention, law enforcement, and popular culture.

While we must search for answers in the wake of Columbine and Conyers and other tragedies, we cannot lose faith in America's families. Our children are not reflected in the twisted rage of Columbine's killers, Eric Harris and Dylan Klebold, but rather in the diverse, energetic, and religious lives of victims such as Cassie Bernall, whose faith in God was stronger than the fear of death.

Again, the statisticians give us good news. Young people are more religious and do more volunteer work than earlier generations. Just a few weeks ago, I was honored to present local Youth Volunteer Awards to high school students in southern California who spend time volunteering in hospitals, police departments, at homeless shelters, and a wide range of other community projects. They are the types of kids we find if we walk through any school library or flip through the pages of any high school yearbook.

As we move forward on these bills, let us not forget that young people, their parents, and all Americans expect to find appropriate, firm, and targeted measures that address youth violence and child safety. The most troubling questions we face, Mr. Speaker, arise from the reality that our society was able to give rise to such different kids, and that we do not really know why. However, I am confident that this rule will give us a fair and orderly process to begin to answer those questions and to help make our children safer.

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 the gentleman from California (Mr. DREIER), my very dear friend, my chairman, for yielding me the customary 30 minutes. I was afraid that something may have befallen him when he did not show up on time.

Mr. Speaker, all eyes are on the House of Representatives today just to see what we are going to do with the long-awaited juvenile justice bill.

After the horrible massacre at Columbine High School, the entire country cried out for Congress to pass legislation to stop the scourge of violence in our schools. Unfortunately, Mr. Speaker, all they are getting this morning from the Republican leadership is a skewed process which will please only some people. It will certainly please the right wing militia groups. It will certainly please the National Rifle Association, which today's Post states that this bill addresses all of their concerns.

But, Mr. Speaker, in the end, it will virtually do nothing for the safety of American school children and the anxieties plaguing their parents. Because, despite the nearly 2 months that have passed since the Columbine massacre, despite the country's clamoring for action, despite the Senate's passage of a bipartisan safety bill, the House Republican leadership has decided that bill is not good enough, and a better approach is to divide and conquer.

So this rule, Mr. Speaker, cuts in half the bipartisan juvenile justice bill for which nearly everyone would have voted. It separates gun safety legislation from the rest of the bill in order to expose it to the full onslaught of the NRA's lobbying fusillade. It prohibits democratic ideas on school safety, and it also introduces a horrifying attack on the first amendment under the guise of stopping violence.

So instead of allowing a vote on the Senate school safety bill, the Republican leadership has decided to carve it up so that the various parts of it are easier to kill, especially the Democratic parts.

Mr. Speaker, American children deserve better. American children deserve after-school programs. American children deserve more police officers protecting them in school. American children deserve crisis prevention counselors who raise an alarm about potential dangers before any lives are lost. But because Democrats started those solutions, they will not be part of the answer. They will not be part of the answer, Mr. Speaker, because they might pass.

Mr. Speaker, I for one think 13 American children killed by guns every single solitary day is 13 American children too many. I for one think schools should be havens for learning, not places of fear. I for one think the well-being of our children should be put before partisan politics. But that is not going to happen today, Mr. Speaker. No, that will not happen, Mr. Speaker, because partisan politics won out over common sense. The only people to suffer will be the American children and their parents.

The Republican leadership had a great chance to move this country toward the days when schools were safe and children were innocent. Because no matter what the NRA says, Mr. Speaker, that is the way it should be. I am sorry they decided not to take that chance.

I will read just the first paragraph from the New York Times editorial entitled, ''Republican Mischief on Gun Control.''

House Republican leaders have already forgotten Speaker DENNIS HASTERT's pledge last month to support ''common-sense'' gun control. Instead of moving to strengthen and expand upon the handful of gun control initiatives heading for votes on the House floor this week, G.O.P. leaders have worked out a scheme to make it easier for lawmakers who take their cue from the National Rifle Association to vote against meaningful reform.

Mr. Speaker, today's rule reminds me of a line in Genesis 27 when Isaac says: ''The voice is the voice of Jacob, but the hands are the hands of Esau.''

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

Mr. DREIER. Mr. Speaker, I am very happy to yield 4 minutes to the distinguished gentleman from Sanibel, Florida (Mr. GOSS), Vice Chairman on the Committee on Rules.

Mr. GOSS. Mr. Speaker, I appreciate the gentleman from California (Chairman DREIER) for yielding me this time.

Mr. Speaker, I rise in support of this comprehensive, complex, but very fair rule. It makes in order over 50 amendments from both sides of the aisle, including one very important bipartisan amendment that I will offer later today.

The Goss amendment mirrors language in the Senate bill to create 4 new Federal judgeships in the Middle District of Florida, 3 in Arizona, and 2 in Nevada. These States have hit critical caseload level, and I encourage colleagues to support these emergency amendments.

However, today we have the opportunity to take a balanced approach to curbing juvenile crime and closing the loopholes in our gun laws. I want to commend the gentleman from Illinois (Chairman HYDE) for not taking the politically expedient route, but, instead, crafting a thoughtful, deliberative approach to vexing social problems.

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It is an approach that recognizes that the symptoms of teenage violence, involving firearms or not, speak to a larger and more difficult issue of far greater import, the coarsening, permissiveness the self-indulgence of our culture.

Several years ago, I supported the Brady Act in hopes of keeping guns out of the hands of violent convicted felons. There is evidence the implementation of an instant background check has been successful, but it did inadvertently leave a loophole that has been exploited.

It is time to close that loophole by requiring instant background checks at gun shows. The majority of the folks who attend gun shows are law abiding citizens who do not need to be overburdened with regulation. However, we cannot allow gun shows to become a magnet for criminals who know that they can easily obtain weapons.

More importantly, though, we must ensure that the gun laws on the books right now are being enforced. It is simply not fair to ask millions of legitimate American gun owners to submit to further restrictions without vigorously enforcing existing law. Too often, gun laws are ignored, like the incident in Littleton, Colorado, a tragic incident, where more than 22 Federal and State laws were broken. We must get serious about punishing criminals and realize that stump speeches and partisan vitriol are very poor substitutes for responsible law enforcement.

Society must demand strict and swift justice when our laws are broken. But society has become too complacent. It is tragic that it takes an unspeakable crime, like the one at Columbine before the public feels a sense of outrage. This is not just about law enforcement or public officials, this is about each one of us, like Pogo, taking responsibility every day for making sure that the laws we have on the books are, in fact, upheld.

Then we can look for ways to make our laws more effective. It makes sense to implement tough sanctions for juvenile offenders. This legislation will provide States with greater resources to come down hard, fair but hard, on youth that break the law, especially repeat offenders. Our kids need to know and see that bad choices and bad actions have bad consequences. But, of course, this problem is more complex than that. Just look at Littleton again. There it was clear that the two young people involved, tragically, were prepared to accept the consequences of their actions: Violent death. Society has become so bent that some kids just will not respond to the threat of punishment.

The folks in my district know that the problem of teen violence will never ultimately be solved in Washington, D.C. What we can do is provide our communities with the resources to do their job better and empower the people that can best respond to this problem. We have to take a hard look at ourselves, our leadership, our celebrity role models, and our way of life to determine why it is that some of our young people choose the wrong course with such tragic results.

This is a big challenge. I believe this rule provides for that debate. I encourage a ''yes'' vote on the rule.

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

Mr. GOSS. I yield to the gentleman from California.

MAKING IN ORDER CONYERS AMENDMENT TO H.R. 1501, CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. Mr. Speaker, I ask unanimous consent that, notwithstanding any other provisions of the pending resolution, the Conyers amendment that I have placed at the desk shall be deemed to have been included as the last amendment printed in part B of House Report 106–186, may be offered only by Representative CONYERS of Michigan or his designee, and shall be debatable for 30 minutes.

Mr. MOAKLEY. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore (Mr. KOLBE). The Clerk will designate the amendment.

The text of the amendment is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2122

OFFERED BY MR. CONYERS OF MICHIGAN

Strike all after the enacting clause and insert the following:

TITLE I—GENERAL FIREARM PROVISIONS

SECTION. 101. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) GUN SHOW.—The term 'gun show' means any event—

''(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) at which—

''(i) not less than 20 percent of the exhibitors are firearm exhibitors;

''(ii) there are not less than 10 firearm exhibitors; or

''(iii) 50 or more firearms are offered for sale, transfer, or exchange.

''(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

''(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Regulation of firearms transfers at gun shows

''(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

''(2) pays a registration fee, in an amount determined by the Secretary.

''(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

''(2) before commencement of the gun show, requires each gun show vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

''(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

''(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

''(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

''(2) record the transfer on a form specified by the Secretary;

''(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of such compliance; and

''(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

''(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(A) shall be on a form specified by the Secretary by regulation; and

''(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

''(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) prepared on a form specified by the Secretary; and

''(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

''(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(1) shall be in a form specified by the Secretary by regulation;

''(2) shall not include the name of or other identifying information relating to the transferee; and

''(3) shall not duplicate information provided in any report required under subsection (e)(4).

''(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

''(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

''(2) does not include the mere exhibition of a firearm.''.

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever willfully violates section 931(d), shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

''(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

''(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

''931. Regulation of firearms transfers at gun shows.'';

and

(B) in the first sentence of section 923(j), by striking ''a gun show or event'' and inserting ''an event''; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

''(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.''.

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(B) by adding at the end the following:

''(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking ''and, at the time'' and all that follows through ''State law''.

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: '', as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer''.

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

TITLE II—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SEC. 201. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting ''(A)'' after ''(20)'';

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

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

''(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3)(A) shall not apply to this subparagraph).''; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking ''What constitutes'' and all that follows through ''this chapter,'' and inserting the following:

''(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,''.

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) has committed an act of violent juvenile delinquency.''; and

(2) in subsection (g)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) who has committed an act of violent juvenile delinquency,''.

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

SEC. 202. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking ''Whoever'' at the beginning of the first sentence, and inserting in lieu thereof, ''Except as provided in paragraph (6) of this subsection, whoever''; and

(2) in paragraph (6), by amending it to read as follows:

''(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

''(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

''(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

''(ii) a juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

''(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

''(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in the commission of a violent felony.

''(B) A person other than a juvenile who knowingly violates section 922(x)—

''(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

''(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

''(C) For purposes of this paragraph a 'violent felony' means conduct as described in section 924(e)(2)(B) of this title.

''(D) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the

penalties under clause (ii) of paragraph (A), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile reaches the age of 18 years.''.

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922(x) of title 18, United States Code, is amended to read as follows:

''(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun;

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.

''(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

''(A) a handgun;

''(B) ammunition that is suitable for use only in a handgun;

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.

''(3) This subsection does not apply to—

''(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile—

''(i) if the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and used by the juvenile—

''(I) in the course of employment,

''(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

''(III) for target practice,

''(IV) for hunting, or

''(V) for a course of instruction in the safe and lawful use of a firearm;

''(ii) clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

''(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(II) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

''(III) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault rifle with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

''(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the line of duty;

''(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

''(D) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

''(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

''(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

''(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

''(B) The court may use the contempt power to enforce subparagraph (A).

''(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

''(7) For purposes of this subsection only, the term 'large capacity ammunition feeding device' has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.''.

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

TITLE III—ASSAULT WEAPONS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Juvenile Assault Weapon Loophole Closure Act of 1999''.

SEC. 302. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) Except as provided in paragraph (2)'' and inserting ''(1)(A) Except as provided in subparagraph (B)'';

(2) in paragraph (2), by striking ''(2) Paragraph (1)'' and inserting ''(B) Subparagraph (A)'';

(3) by inserting before paragraph (3) the following new paragraph (2):

''(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.''; and

(4) in paragraph (4)—

(A) by striking ''(1)'' each place it appears and inserting ''(1)(A)''; and

(B) by striking ''(2)'' and inserting ''(1)(B)''.

SEC. 303. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking ''manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994''.

TITLE IV—CHILD HANDGUN SAFETY

SEC. 401. SHORT TITLE.

This title may be cited as the ''Safe Handgun Storage and Child Handgun Safety Act of 1999''.

SEC. 402. PURPOSES.

The purposes of this title are as follows:

(1) To promote the safe storage and use of handguns by consumers.

(2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one of the circumstances provided for in the Safe Handgun Storage and Child Handgun Safety Act of 1999.

(3) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 403. FIREARMS SAFETY.

(a) UNLAWFUL ACTS.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person who is not licensed under section 923, unless the licensee provides the transferee with a secure gun storage or safety device for the handgun.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the—

''(A)(i) manufacture for, transfer to, or possession by, the United States or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

''(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

''(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

''(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

''(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): *Provided,* That the licensed manufacturer, licensed importer, or licensed

dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

''(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

''(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the unlawful misuse of the handgun by a third party, if—

''(i) the handgun was accessed by another person without authorization of the person so described; and

''(ii) when the handgun was so accessed, the handgun had been made inoperable by use of a secure gun storage or safety device.

A 'qualified civil liability action' shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.''.

(b) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting '', or (p)'' before ''this section''; and

(2) by adding at the end the following:

''(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

''(1) IN GENERAL.—

''(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

''(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

''(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

''(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

''(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.''.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this chapter shall be construed to—

(A) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this chapter shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

SEC. 404. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) reserves the right to object and is recognized under his reservation.

Mr. MOAKLEY. Mr. Speaker, I would like to inquire of my chairman, my friend the gentleman from California (Mr. DREIER), if this is the same amendment that I proposed last night that was voted down 8 to 4.

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

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, in response to the inquiry of my colleague, let me say this is the exact same amendment, and I want to congratulate my friend for his vision and his encouragement. I think it is important that we do what we can to accommodate some of those concerns.

Mr. MOAKLEY. Reclaiming my time, Mr. Speaker, evidently my chairman was visited by some great thoughts while he was sleeping last night. Does he have any other amendments that were voted against that I proposed.

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, at this juncture we plan to move ahead with what is a very fair, balanced and focused rule, and we will be, as I said, making in order the Conyers amendment.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I think we should congratulate the chairman of the Committee on Rules for his progress in counting. Clearly, what happened was they voted my colleague down last night by a party majority. They then counted and found they did not have enough votes for the rule. And having lost a couple of rules already, they did not want to complete that.

So I congratulate the gentleman from California who managed to count enough votes for the rule before this time, reverse himself and then take the amendment only because they have to, and that is why we have this.

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

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would simply like to correct my friend, the gentleman from Massachusetts (Mr. FRANK) and say that we have not lost a single rule in the 106th Congress.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I hope the standard of completion is better. It is true there was never a vote to reject the rule. That is because prudence being the rule on the rules, they have withdrawn rules before they were voted on.

Now, we remember what happened on the Armed Services rule. It came forward, there was some discussion, and it disappeared. So the gentleman is correct, it was not actually defeated. The gentleman ran away before it was defeated.

Ms. SLAUGHTER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Speaker, if we are adding amendments to the rule, as a member of the Committee on Rules in, I assume, good standing, I would very much like to inquire whether my amendment can be made in order.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) has the time under his reservation of objection.

Ms. SLAUGHTER. Mr. Speaker, I need to inquire of the gentleman from the Committee on Rules.

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

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I am happy to respond and say that we believe that we are going to have a very clear and focused debate on a wide range of issues, and inclusion of this Conyers amendment will allow us to do that further, and that is the reason I propounded the unanimous consent request, in the hope that my friends would not object to our offering the Conyers amendment.

Ms. SLAUGHTER. Mr. Speaker, if the gentleman will continue to yield, if I may say, we are getting accustomed to rewriting the rules on the floor, and I just thought if there was an opportunity to add another amendment, I would very much like it to be mine because it does address the problem of violence.

Mr. DREIER. Mr. Speaker, I thank the gentlewoman for her message.

Mr. MOAKLEY. Mr. Speaker, reclaiming my time, I am very glad my chairman has had a restful night and had a chance to really assess this. It is probably his best hours of thinking. And after spending two evenings, two late nights going over the rules, I am glad we have this addendum.

And, actually, if the gentleman wants to go home and take another nap, he may come back with something else that might be pleasant, too.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The amendment to the resolution is adopted.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to this rule.

With this rule, the Republican majority has demonstrated it is more interested in keeping order in the Republican Conference than in keeping American schools safe for our children. Incredibly, this rule sets up a process that ignores prevention in the schools themselves. This rule sets up a process that does little or nothing to help make schools safer or head off trouble before it starts. This is Alice in Wonderland at its worst.

With my colleagues, the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from Michigan (Mr. BONIOR), I submitted four substantive amendments to the Committee on Rules. These amendments deal squarely and directly with what we in the Congress can do to prevent school violence. But, Mr. Speaker, they were rejected by the Republican majority on the Committee on Rules, although parts of them were lumped into a larger Democratic substitute that the Republicans intend to defeat.

For example, the Republican majority has rejected an amendment which would provide grants to local school districts to help put 50,000 new counselors in our schools to help students who are troubled or who have been threatened by violence. These grants would also help pay for training for these counselors in conflict resolution and could also be used to enhance school safety programs.

Mr. Speaker, school administrators in my district have told me providing more counselors is the single most important thing we can do for school safety. Yet the Republican majority refused to make this common sense amendment in order.

Mr. Speaker, the Republican majority also refused to make in order an amendment which would have provided up to 10,000 new uniformed school safety officers as well as 10,000 additional police officers to be hired by local communities through the COPS program. In my district, uniformed public safety officers have proven to be an effective way of heading off trouble before it starts. Yet the Republican majority refused to allow the House the opportunity to debate that proposal.

My colleagues and I also proposed an amendment which would fund local after-school programs which would provide a safe haven for children in the hours when most juvenile crime takes place, between 3 and 6 p.m. The committee refused to make this amendment in order, an amendment which might prevent crime and which might keep kids out of trouble.

There is a huge demand for these kind of programs, programs which are cost effective and which can keep juveniles out of a jail cell and in a classroom. But the Republican majority refused to allow this amendment to be heard.

Finally, we offered an amendment that would direct the Department of Education and the Department of Justice to develop a model violence proprevention program for the use of school districts around the country and to create an information clearinghouse within the Education Department.

Mr. Speaker, our amendments are just plain common sense. We have a national crisis in our schools, and when they reopen in the fall, all of us would feel better knowing that we have done something to make those schools centers of learning, not havens of fear. The programs that would be created by these four amendments would go a long way toward making that a reality.

There are many things wrong with this rule, Mr. Speaker, not the least of which is the failure to include these amendments.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GEKAS), an able member of the Committee on the Judiciary.

Mr. GEKAS. Mr. Speaker, I offered an amendment for the consideration of the Committee on Rules which was rejected. It would have made abundantly clear the important relationship between the Federal law enforcement agencies, in the person of the U.S. Attorney, and the local law enforcement, in the person of the district attorney, police chief, and other officers of the local law enforcement community.

It is not clear yet whether the current language of the bill that will be considered by the House makes that relationship one that is as strong as we would like to see it become. But it may be that in future hearings that will be conducted in our committee, the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, that that voice of the U.S. Attorney, consistent with the voice of the district attorney and local law enforcement, will be even stronger than it now is and must be.

What we are concerned about is that if there is an interpretation placed on the current language that mandates the U.S. attorneys to handle all gun charges, without regard to whether or not law enforcement has a stake in the pursuit or investigation and prosecution of a gun-wielding criminal, it might damage that relationship. But, worse, it might damage a case that has been put together by a local law enforcement agency that the Federal involvement would only seek to, by its involvement, destroy.

So these relationships are so important that we intend to have further hearings on these questions, and suffice it to say that when this bill passes, if it should, we will reexamine it to see how the U.S. Attorney's Office may be adversely impacted, if at all; and, if so, we will then hone in on remedies that can be applied to this law.

The SPEAKER pro tempore. The Chair would like to clarify its statement of a few moments ago about the amendment to the resolution, and would clarify that the order by unanimous consent that was entered into at that time was just that and not stated as itself an amendment to the resolution. It was a unanimous consent agreement.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the recent school tragedies in Colorado and Georgia were a cry for help, and my friends on the other side have answered with an NRA wish list and a near-to-far-Right agenda.

The bill is full of solutions in search of a problem, while the real challenges go unmet. I offered an amendment to reach out to those children who are living in the shadows, to give them a chance to learn that someone does care about them, by using the school facilities that we have all paid for in our communities that sit idle during afterschool hours. We even had a way to pay for it from the juvenile justice budget, but I was not allowed to offer that amendment.

Instead, this rule says, put the Ten Commandments on the wall and hush.

□ 1115

The people of America want to control gun violence, and the leadership on the other side offers us two amendments to put more guns on the streets of the national capital of Washington, D.C. Talk about offering a drowning man a glass of water.

We ask for more police in the schools. No, says today's amendment, just pray more in school. Well, I believe that God helps those that help themselves, Mr. Speaker, and we are obligated to do what only we in Congress can do.

Mr. Speaker, our children are praying. They are praying for relief from the terror of violence bursting through their school doors. Please defeat this rule and this bill and let them know and their families know that we support their prayers.

Mr. DREIER. Mr. Speaker, I am happy to yield 4 minutes to my good friend, the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, today I rise in support of the rule. I believe 2 days of debate on this very important issue is about as fair as we can get. I know a lot of people are not satisfied with the rule. But I think under the circumstances it is fair, and I will support the rule.

However, I am not optimistic that much good will come out of the next 2 days of debate. I think there is a lot of mischief going on here. I see that one-half of this Congress is quite capable and anxious to defend the First Amendment, and I think that is good. I see

the other half of the Congress is quite anxious and capable of defending the second amendment, and I think that is good. But it seems strange because I see these two groups coming together in a coalition to pass a bill that will undermine the first amendment and undermine the second amendment.

That does not make a whole lot of sense to me because I think that we are obligated here in the Congress to defend both the first and the second amendment and were not here for the purpose of undermining both amendments.

We should be reminded, though, that traditionally, up until the middle part of this century, crime control was always considered a local issue. That is the way the Constitution designed it. That is the way it should be. But every day we write more laws here in the Congress building a national police force. We now have more than 80,000 bureaucrats in this country carrying guns. We are an armed society, but it is the Federal Government that is armed.

So I think we should think seriously before we pass more laws whether they undermine the first amendment or whether we pass more laws undermining the second amendment. We do not need more Federal laws.

Recently there was a bipartisan study put out and chaired by Ed Meese, and he is not considered a radical libertarian. He was quoted in an editorial in the Washington Post as to what we here in the Congress are doing with nationalizing our police force. The editorial states: ''The basic contention of the report, which was produced by a bipartisan group headed by former Attorney General Edward Meese, is that Congress' tendency in recent decades to make Federal crimes out of offenses that have historically been State matters has dangerous implications both for the fair administration of justice and for the principle that States are something more than mere administrative districts of a national government.''

Along with this, we have also heard Supreme Court Justice Rehnquist say the same thing. ''The trend to federalize crimes that traditionally have been handled in State courts threatens to change entirely the nature of our Federal system.''

We are unfortunately bound and determined to continue this trend. It looks like we are going to do so today. We are going to place a lot more rules and regulations restricting both the first and second amendment.

We are bound and determined to write more rules and regulations dealing with the first and the second amendment, and I do not see this as a good trend. It is said today that those who want to undermine the first amendment, that it is already established that pornography is not protected under the first amendment. And today the goal is to make sure that the depiction of violence is not protected under the first amendment. But do my colleagues know that the major cause of violence in the world throughout history have been abuse of religion and the abuse of philosophy?

So, therefore, the next step will be, if we can limit the depiction of pornography and then violence, be the limitation of the depiction of a philosophy that deals with religion or political systems such as Communism or other fascism.

I say, today we should move carefully and not undermine either the first or the second amendment.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Worcester, Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in strong opposition to this rule.

Congratulations are in order to the National Rifle Association. They are attempting to destroy vital and sensible gun safety legislation with the help of a disorganized Republican leadership.

This is not a game, Mr. Speaker. We are talking about protecting the lives of our kids. This should not be an opportunity for Congress to bring up legislation that appeases the gun lobby but does very little to seriously address the problem of gun violence in this country. We need meaningful legislation. The rhetoric is not going to cut it. Walking away, this is not going to cut it. We owe it to our communities and to our country to do the right thing.

There is a lot about this rule that is offensive, from keeping out good amendments to allowing amendments designed to obliterate the first amendment. But regardless of where my colleagues stand on these issues or on the issue of gun control, the least we should be able to expect from the Republican leadership is fairness.

This rule is many things, but it is certainly not fair. We should reject this rule, go back to the drawing board, and start over, keeping our children's best interests in mind, not the gun lobby's best interests.

Mr. DREIER. Mr. Speaker, I am very happy to yield 5 minutes to the gentleman from Yorkville, Illinois (Mr. HASTERT) the very distinguished and hard-working Speaker of the House.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding me the time.

Mr. Speaker, I rise in support of this rule; and I urge my colleagues on both sides of the aisle to support it.

When this rule came before the committee, there were well over 100, almost 150, amendments that were requested. There were 55 amendments, I believe, made in order from all points of belief and perspective. This rule gives the House the most open debate possible regarding the issues surrounding violence in our schools and violence with our children.

As a former public school teacher, I worked almost my whole career to make sure that there is good education both as a practitioner, then in the State legislature, and here in the Congress. What makes too many of our students do these things to their classmates, their teachers, and their friends? How can we stop it? Those are the questions.

Our colleague, the gentleman from Oklahoma (Mr. WATTS) put it well when he said, we should explore not only these things and how they happen but also why these things happen.

Earlier this year, legislation authored by my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), would start the process of answering the questions of why. This legislation assembles experts from around the country who will investigate the common reasons why so many children act so violently.

In this debate we attempt to provide some answers to both of these questions. But let us not kid ourselves. Congress cannot quickly and easily provide complete answers that will solve the complex problems of juvenile violence. So we can only try to highlight some of those issues that we as a society should work to solve. We will debate options regarding guns in our society.

I believe that there are commonsense steps that we can take to keep guns out of the hands of unsupervised children. This rule sets up a fair process that lets the House speak on gun legislation. We should look at the disparity between gun shops and gun shows. It makes no sense to put restrictions on the gun shops if a juvenile or a criminal can easily purchase a gun at a gun show.

The gun debate helps us to partially answer the ''how'' question. The juvenile justice debate will help us answer the ''why'' question. Why have our children lost sense of the value for human life? Why do they not know the difference between right and wrong? What in our culture promotes this kind of reprehensible conduct from our very children?

This debate will help to address these questions. We will have a debate about our justice system and how it deals with young people. We will have a debate on prayer in the schools and how that might help children understand the difference between right and wrong. We will have a debate on obscenity in our culture. And if sexual obscenity is left unprotected by the Constitution, why should violent obscenity be protected when studies already show the damage it does to our young people?

This will be a long debate, but it will be a good debate that reflects the many opinions of this great Nation.

Many have asked why this rule allows for two different debates on two different bills. The answer is simple. This strategy allows the House to work its will on two separate issues joined by one common tragedy. The House will work its will on the issue of gun restrictions. We cannot and should not hide from this issue that occupies the attention of the American people. And the House will work its will on the wider issues surrounding our culture and our society and its impact on our children.

I urge my colleagues to support this rule and to join with me in starting the process of finding solutions to the problems surrounding the violence of youth in our schools.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, if one is a child in the United States, they are 12 times more likely to die from gun violence than a child in any other industrialized country in the world. Each day in America, Mr. Speaker, 14 children die because of gun violence. And every year in America, 38,000 Americans lose their lives because of gun violence.

The Committee on Rules has allowed 14 of 70 amendments offered by Democrats relating to gun control to see the light of day on the House floor. And the Committee on Rules has only allowed 4 hours to debate these very important issues.

Among those amendments on the cutting room floor is a bill that would increase the age of possession for handguns from 18 to 21. In the United States 18-, 19- and 20-year-olds are the most likely to commit murders with guns. Eighteen-year-olds rank first. Nineteen-year-olds rank second. Twenty-year-olds rank third among those who commit homicides with firearms in our society. Yet the Committee on Rules will not allow that amendment to see the light of day on this House floor for a full debate.

Mr. Speaker, we need a better rule. We need an open debate. And we should have a full and free debate on all the issues of amendments relating to this important issue.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Georgia (Mr. LINDER) the very distinguished chairman of Subcommittee on Rules and Organization of the House.

Mr. LINDER. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I represent Conyers, Georgia, where the last school shooting occurred. And over the next several hours, every major TV network invited me to be on their morning talk shows to discuss the problem, and I politely declined in each instance. Because I think it is unseemly for political leaders to get on TV that surround personal tragedies to further a personal political agenda.

The agenda here is the action the President said is to register all guns. We will have to pass more gun laws, we are told, so kids cannot shoot each other in school yards. And yet we have 20,000 gun laws on the books in this country.

In Littleton, they broke 17 gun laws, Federal gun laws, and 7 State gun laws. And one more is supposed to help? Why do we not enforce the gun laws we have? Over the last many months, 6,000 young people were caught illegally bringing guns into schools and 9 have been prosecuted. What good does it do to have more laws on the books if we refuse to prosecute the ones that we have?

Let me tell my colleagues something that is not being addressed here. I read on two occasions in the last 2 weeks that of the last 8 kids shooting up school yards, 7 were on drugs, either Ritalin or Prozac or mind-altering drugs, legally on drugs, prescribed drugs. This is a very high percentage, 7 out of 8. There might be some connection here.

But nobody wants to talk about that. They want to talk about guns.

Well, in Conyers, I stayed off the television and stayed out of people's lives. Because the local officials, the sheriff, the school board chairman, the school superintendent, did just fine. They quelled the anger and the fear, and they did not do it with school psychologists and they did not do it with more school cops. They did it in the churches. They took the kids to the churches and they talked about values and trust and the value of life, all life.

I am happy to report that Conyers is doing just fine without my help. We need to focus on other things than guns, and we need to enforce the gun laws that are on the books, and we need not to continue to take advantage of personal tragedy to further political agendas.

□ 1130

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

Mr. Speaker, I come here this morning disappointed, deeply disappointed. The tragedy at Littleton followed a year of school shootings, and it hammered home a terrible truth, and that truth is that all across our Nation our schools are suffering through an epidemic of violence and alienation. The threats continue. They continue in Conyers, Georgia; they continued in my own home of Port Huron, Michigan; and to address this crisis, we needed to come together as a community of people who were elected to represent our constituents and face a crisis in a cooperative manner. The country is looking for real leadership here, but the majority in this House is failing to provide that leadership.

Mr. Speaker, the proposals that are brought to the floor under this rule today are confusing, they are divisive, and they do not address the real issues. There was a bipartisan agreement out of the committee on a good bill that was put together by both sides. That has been thrown out the window. Instead of embracing that and building on that, we now are in combat at three or four different levels.

This rule loads down this bill with controversial amendments and divisive amendments that are sponsored and advocated by special interest groups, and it disallows measures that enjoy broad public support. My colleagues, the gentlewoman from New York (Ms. SLAUGHTER), myself, the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Texas (Mr. FROST), we have offered in the committee an opportunity to deal with this question of school violence. I used to be a probation officer. I worked with juvenile delinquents. I know when the problems occur. They occur when no one is at home, between 3 and 7.

So we put together a proposal that would have allowed a number of things, that we would have after-school programs so there would be a safe haven for children, they would not be out on the streets, so they could mesh with seniors and other adults and be mentored in the school. Schools should be opened. They should be a citadel of protection where values are cherished and learned like the home, like the church, through synagogue, the mosque. The school is a place where kids spend most of their time. It ought to be a place where they can get these values inculcated into them and have adult leadership and have people there who care and love them and will show them the way.

We asked that that be in order; it was not made in order. We asked for school resource officers to be in school to stop the violence. It was not made in order. We asked for a number of things that deal with this question. Guidance counselors. We do not have guidance counselors any more in America. That was not made in order. We have put these things in our substitute, but let me tell my colleagues. These issues deserve to be debated on their own, and they deserve an opportunity to be heard in this country.

So I say to my colleagues vote against this rule, vote against this rule, send it back to the Committee on Rules so we can have a more open, a more cooperative debate on this fundamental issue.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I think we ought to start off with a discussion of

how this process started. It started with two bipartisan bills, one in the Committee on Education, one on the Committee on the Judiciary that were based on deliberation and research, both were reported from subcommittee without opposition. That process has now degenerated into a political charade with dozens of amendments, many of which have severe constitutional implications and none of which have gone through the committee process.

If we are serious about crime, we should reject that rule and send all of these amendments back to the Committee on the Judiciary where they may receive appropriate consideration. Otherwise we are going to spend the next two days slinging sound bites at each other without any serious attempt in reducing juvenile crime.

Mr. Speaker, that is a sorry response to the events in Littleton, Colorado and Conyers, Georgia. I would hope that we would reject the rule and go back to a deliberative process where we can do something about juvenile crime.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, there is something terribly wrong going on in this House today. We will spend more time today discussing why a child should not even see a handgun on TV rather than debating how we prevent a handgun from getting into his hands in the first place.

The other body did its part, and it did it quickly. It passed reasonable legislation to protect our children including background checks at gun shows and safety locks on handguns to protect our children. It turned to this body to finish the work. The country turned to this body to finish the work. And then suddenly something went wrong. Republican leadership said we could not use an expedited process, we had to go through the normal committee process, and then they abrogate the committee process by this rule and do not even listen to what has happened within our body. They do not even allow an up or down vote on what the other body passed. That is wrong. We should be able to vote on what the Senate passed.

This is a wrong way, Mr. Speaker. The process insults the Columbine victims, it insults the American public, and insults the Members of this body who will have to explain to their constituents why this body chose politics over debate on a reasonable gun safety and juvenile justice measure.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. LATHAM), who is an author of one of the 55 amendments that have been made in order as we proceed with what will be clearly a very fair and open debate.

Mr. LATHAM. Mr. Speaker, I thank very much the Speaker and the chairman, number one, for allowing my amendment to be made in order today, but also I think it very important to understand that today we are going to focus on what is the real issue, and that is what is happening in our society as far as our families, the control that we have at the local level in our schools, and we have got to have legislation that allows families, empowers them, empowers the local school district, the teachers, gives them the resources to solve this very, very difficult situation that we are in.

I just had the opportunity to visit with 48 students from Carroll, Iowa, seventh and eighth graders or middle school, and to see those young people, the kind of quality people that we have that want to do well in the future, who want to have a bright, safe, secure future. That is what this legislation is all about, and I am just very, very pleased that we are moving ahead today with legislation that is going to be very positive for these young folks from Carroll, Iowa, and all young folks in our schools.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding this time to me and rise in opposition to the bill.

Mr. Speaker, today the House will take action on legislation which is supposed to reduce violence in our country. Instead the Republican majority has chosen to do violence to the gun issue by its tactics of delay and process manipulation. Today we are here to make legislation. Instead the Republican majority is here to make mischief on this issue.

The American people expect and our children deserve a timely and open debate. Instead we have a delayed debate camouflaged by a convoluted legislative mischief. It is amazing to see how far the Republican majority will go to do the bidding of the NRA.

Just so we know what is happening, here today the House bypassed its traditional order, and debate takes place without the benefit of authorizing committee action. Last month the Republican leadership promised committee action, and today's floor action breaks that promise. The House leadership denied the Committee on the Judiciary members the opportunity to debate these issues and instead has allowed the National Rifle Association the time to mobilize and deflect America's pro gun control sentiment with a multi million-dollar lobbying campaign and recently drafted legislative maneuvers.

If we were serious about this, we would have allowed the amendment offered by the gentleman from Wisconsin (Mr. OBEY) to come up. I urge my colleagues to vote no.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, James Madison and Thomas Jefferson debated the issues of church State separation and religious liberty for 10 years in the Virginia legislature. Our Founding Fathers dedicated the first 16 words of the Bill of Rights to the principle of religious freedom. But the Republican leadership in this House through this rule will limit amendment, debate on issues that go directly to the core principle of religious freedom to 10 minutes a side. Ten years for Madison and Jefferson, 10 minutes per side in this House today.

That is an insult to this House, it is an insult to the Bill of Rights, and it shows disrespect to the principle, the important principle of religious liberty. If the school prayer, Ten Commandments and religious funding amendments in this bill are serious, I would ask my Republican colleagues to say why they limited the debate to 10 minutes a side. If they are not serious, why do they show disrespect to the principles of the first amendment to the Constitution by letting them be debated on such a superficial basis on the floor of this House. The Republican leadership that is not listening now owes this House an answer why they are denying us the right to debate these important issues.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning I want to say to the American people that I am deeply saddened. Going to the Committee on Rules as a member of the Committee on the Judiciary and Subcommittee on Crime, led to believe that there would be a fair assessment of our amendments, acknowledged as a person who is deliberative in thinking along with my colleagues, I guess I was just sent down a primrose path, and I am disappointed in the Committee on Rules and its leadership because I believe truly that this was a serious opportunity for all of us to engage in a real discussion for America's children.

I had an amendment to address the question of unaccompanied minors into gun shows, traveling circuses around this country; 10-year-olds, 12-year-olds, and 6-year-olds can go into these shows, and yet we were not allowed a debate.

I answered the question about assisting children with their troubles, with a mental health amendment that would provide school counselors and nurses and guidance counselors to address the needs of our children, and yet we were rejected. I am sorry today, Mr. Speaker, that this will be a circus, frivolous, wrong, misdirected and controlled by the National Rifle Association. I wish I could have been here applauding the Committee on Rules and its leadership. I guess I will get no amendments for the rest of the 2 years I am here, but I

am standing for principle. I do not care. They did not do what they were supposed to do.

Mr. Speaker, I rise in opposition to this rule, which frames the debate on the issue of juvenile justice and gun control. I rise in opposition to this rule because it represents the near completion of a process which held great promise in the beginning, but that has been mired in partisan politics ever since.

Just over a month ago, H.R. 1501, the Consequences for Juvenile Offenders Act of 1999 was introduced with the support of both the Chairmen and the Ranking Members of the Committee on the Judiciary and the Subcommittee on Crime. It was a bill that was a bipartisan effort to address some of our nation's most serious juvenile delinquency problems—a bill that was cosponsored by all the Members of the Subcommittee, Republicans and Democrats alike.

The bill passed through the Subcommittee on Crime unanimously and unscathed. It has provisions that aim to improve enforcement, but at the same time prevent juveniles from entering the juvenile justice system. Part of that prevention effort includes mental health services for children, something that I have been a strong proponent of in my capacity as the Chair and Founder of the Congressional Children's Caucus.

Just a short time after the passage of H.R. 1501 in the Subcommittee, the bill was scheduled to be marked up by the Full Committee. In the meantime, however, we heard of the tragic events in Littleton, Colorado—and the American public demanded that this Congress do something about children's access to guns.

But the markup for H.R. 1501 was continually delayed in the face of progressive and constructive gun amendments by the Democratic Members of the Judiciary Committee. Finally, the week before the Memorial Day Recess, the Chairman of the Committee issued a letter which stated that we would have to undergo a substantive and thorough process in Committee so that we can fully work through the issues presented by juvenile justice reform—including a debate on guns.

During the following week's district work period, the Republican plan changed. Instead of "give and take" with the Democrats in the Committee, we had "hide the ball." It was not until the following week that we understood that the intent of the Majority, in spite of the Hyde letter, was to bring this bill free-form to the floor of the House this week! Even then, we had no idea what bill we were amending because it was unclear whether H.R. 1501 would be the actual vehicle that would be used to debate the issues of juvenile justice and gun control.

With that understanding, or shall I say misunderstanding, we entered our debate in Rules. At least partially the result of not having undergone the markup process, over 170 amendments were filed in the Rules Committee—four of them by me. We strongly encouraged the Rules Committee to allow a full and robust debate on each of the issues of juvenile justice and gun control, including the use of trigger locks, closing the loopholes for gun shows, and banning the importation of high-capacity gun magazines.

It seems that only some of those issues are to be willingly and fully discussed today. And when they are discussed, they will be only done so with a partisan tenor. Of the 44 amendments to be debated on the floor, only 11 of them are Democratic. This flies in the face of the fact that we Democrats are only six seats short of having a majority in this House. And the American public knows this—they can do the math: we have approximately 48% of the seats, yet we only have 25% of the amendments.

I submitted an amendment, along with Congresswomen JULIA CARSON and JUANITA MILLENDER-MCDONALD that would have directed the Secretary of the Treasury to develop regulations governing the manufacture of child safety locks for firearms. It also would have promoted the safe storage and use of handguns by consumers by providing for a gun safety education program to be conducted by local law enforcement agencies.

The statistics on injuries and fatalities for children by firearms are startling. In the 10 years from 1987 to 1996, nearly 2,200 children in the United States ages 14 and under died from unintentional shootings. The U.S. leads the world in the rates of children killed by firearms.

Our amendment would have required minimum safety standards to govern the design, manufacture and performance for trigger locks. These standards would be used to ensure that no firearms that are unsafe would be sold in the United States.

The amendment also would have authorized the Attorney General to provide grants to local law enforcement agencies to sponsor gun safety classes for parents and their children. This provision encourages parents and their children to develop a responsible attitude toward firearms. I firmly believe that if parents choose to own firearms, then every member of the household should be taught gun safety.

I also offered a more modest amendment jointly with my colleague Congresswoman ROSA DELAURO, also on the issue of safety locks. The amendment is similar to the amendment that was offered by Senator KOHL to S. 254, and which passed with over 70 votes.

The amendment would have promoted the safe storage and use of handguns by consumers by requiring that each gun transferred or sold in this country by a licensed dealer should include secure gun storage or safety device. This requirement is minimal to promote gun safety. It protects the gun owner from any accidental or unintentional shootings that might occur without safety devices or storage included.

I also offered an amendment which would have increased our ability to control the sale of illicit firearms. The amendment would have increased the number of Alcohol, Tobacco and Firearm (ATF) agents by 1000 over the next five years. These are the agents whose primary focus is to keep illegal firearms off our streets.

We hear from all sides of this gun control issue that we have gun laws that are not adequately enforced, and by increasing the number of ATF agents this amendment would have provided a solution.

Currently there are about 1,800 ATF agents that work to enforce the current gun laws. This is wholly inadequate to deal with the illegal gun sales and transfers. For example, here are a few cases:

In Milwaukee, Wisconsin, a retired security officer for the U.S. Army purchased a handgun and a semiautomatic pistol which had been recovered from a gang member. ATF traced the weapon through its illegal tracking information system.

In El Paso, Texas, an individual bought and sold numerous firearms at gun shows throughout Texas, Arizona, Nevada and New Mexico. He was a straw purchaser for over 800 guns and had supplied over 1200 firearms to a narcotics trafficking organization in Mexico.

In Rhode Island, a gun dealer directed a purchaser to falsify the required paperwork and on another occasion, the dealer sold two long guns without requiring the purchaser to complete any paperwork at all.

If we are serious about enforcing the gun laws to prevent illegal transfers of guns, then we need to properly equip the ATF with the manpower to carry out these responsibilities.

I also offered a constructive amendment would require that no child under 18 would be admitted to a gun show without being accompanied by a parent or legal guardian. Just as we prevent our children from attending R-rated movies without being accompanied by an adult, this amendment would have kept unsupervised children away from gun shows where they have unlimited access to guns.

For the past few weeks, we have discussed the impact that the depiction of violence in the media has had on desensitizing children to violence. I believe there are several amendments being offered today that address this issue. But are conceding that being at a gun show does not have a similar affect?

It is obvious that if our children are unsupervised at gun shows there may be an implicit message that it is okay for children to possess or play with guns. We do not want our children to view guns in a flippant way, but to understand that it is a serious weapon. Supervision by a parent is crucial to ensure that children understand that concept.

I see that amendment as extending some of the same protections we already have in place for restricting children from places like night clubs and bars. It does not take away the right of a parent to take a child to one of these shows, but it does protect the child who may wander alone into such an event out of curiosity. It is a simple and unassuming amendment that I believed, would receive bipartisan support—yet we will not have the time to debate this amendment on the floor.

Finally, I also sought to amend this bill to include comprehensive mental health for our children in schools. It would assist to bring staff, like school counselors, social workers and psychologists, that can help detect children who will have problems before they get into trouble. The amendment would have made grants available for schools with an enrollment of more than 400 students, so that they can each afford to bring in this necessary staff. At the same time, the measure would require that those counselors hired would have the credentials required for them to be able to do their task successfully. It is the quintessential preventive approach to the problem of youth crime and youth violence. One that we should have the opportunity to debate today.

I urged the Committee on the Rules to give this House the opportunity to pass a juvenile justice bill, with my amendments, which will balance punishment and prevention of youth crime and that will also address one symptom of the problem, guns in the hands of children. We will not have that opportunity today. By accepting this rule, we will continue the tradition of short-circuiting this debate, and short-changing the American people. I urge all of my colleagues to vote against the rule, and give our families a chance to better protect our children from harm.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, this is a place in America where debate is supposed to be the freest and the most open. This is the place where the first amendment protects all speech made on the floor of the Congress, and yet we find each and every time that we come next to it, to an important issue that confronts our country, in this case, the safety and the future of our children, the role of violence in our society and the future, the future of this country, and the increased violence in our society, we see the Republicans once again want to close down debate, want to limit free and open debate, want to limit the amendments, not make in order amendments that they are afraid might pass.

That should not be the hallmark of the Congress of the United States, but unfortunately the Republicans have decided that they will let the NRA, the National Rifle Association, design this debate, design the amendments, say what amendments will be in order and what amendments will not be in order. They have chosen to side with the NRA against free and open debate.

As my colleagues know, this is the House of Congress which this year has mastered working 2 and 3 days a week, 1 and 2 hours a day, but now we are told that all of this has to happen in a very brief period of time without free and open debate. It is a travesty again the first amendment, and it is a travesty against the Members of this House.

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Mr. DREIER. Mr. Speaker, I yield myself 30 seconds simply to respond to my very good friend from Martinez, California. There were 178 amendments submitted to the Committee on Rules for consideration of this bill. We have made in order 55 amendments. We have considered basically every conceivable option that was out there, and we have broken this bill up. Why? So that we can have a full and fair debate.

So we have not closed this rule down. This is a structured rule. It is put into place so that virtually every Member who had an idea will have a chance to have that heard, and I believe that it is a rule that is very worthy of our support.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I have been in this House for 7 years now, and this is the most outrageous process I have seen in the 7 years I have been here.

Just before the Memorial Day break, the gentleman from Virginia (Mr. SCOTT) and I, in the Judiciary Committee, sided with the Republicans to go through a deliberative process for this bill. Two weeks later, the same people who sat in the committee and argued that the bill should go through the deliberative judiciary process pulled the rug from under us, took it to the Committee on Rules, and are bringing the bill directly to the floor.

My colleagues heard the gentleman: 178 amendments offered in the Committee on Rules, amendments that should have been debated in the deliberative process in the Committee on the Judiciary. And of the 178 amendments offered in the committee, 14 Democratic amendments made in order to be debated on the floor of the House. How can we have a deliberative process about such an important issue without deliberation?

We should reject this rule and reject these bills.

Mr. MOAKLEY. Mr. Speaker, at this time, because my speakers are being used up much more than my Chairman's, I would like to inquire as to the time remaining.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from California (Mr. DREIER), the Chairman of the Committee on Rules, has 3¼ minutes remaining; the gentleman from Massachusetts (Mr. MOAKLEY) has 8½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the chairman of the Committee on Rules for yielding me this time and for doing such a great job on providing this rule that gives us the opportunity of a full and open debate.

One of my colleagues just raised the issue that the Committee on Rules did not provide the Democratic minority with enough amendments. It has come to my attention that, in fact, a Democratic Member of the Committee on Rules tried to deny one of those Democratic amendments. Two of them, rather; I stand corrected.

So I think we have done a good job giving everybody the opportunity to present their amendments. We have to move this debate along. I think we are giving the opportunity for a thoughtful, thorough debate on issues that go far deeper than just guns; that go right to the heart of our society, of our culture, of the direction that this country is headed in, and it is a far more complex issue than just violence. Violence in the schools is the tip of the iceberg. But we are trying to deal with this in an honest and fair way and I think this rule provides us with the parameters to do that.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this restricted rule.

In the weeks after the terrible tragedy at Columbine High School, the American people cried out for leadership from this House. They demanded that we do something to stop the violence that has invaded our schools and is killing our children. The response from the Republican leadership was to delay. We were told we could not move forward quickly. We were told that we needed to address this issue in regular order, starting with the subcommittee, and then the committee, then the House floor.

But what has happened to that regular order? The Committee on the Judiciary was not allowed to consider this bill, and the closed rule we are debating right now locks dozens of amendments to address the crisis of gun violence in this country. It does not even allow a sensible vote on these proposals.

Mr. Speaker, this rule is a sham. This day was supposed to be about Members of the House coming together across the aisle to pass common-sense gun safety measures. It was supposed to demonstrate nonpartisan courage and leadership in the face of a crisis. Instead, sadly, the Republican leadership in this House has turned its back on the American people and embraced the NRA instead.

I urge my colleagues to vote against this terrible rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I rise today to speak against the rule and against the procedure that has governed the debate of this juvenile justice legislation.

I am a cosponsor of H.R. 1501, the underlying juvenile justice bill. In fact, every member of the Subcommittee on Crime is a cosponsor of the underlying 1501 legislation.

From time to time, people across America say, why can Democrats and Republicans not work together on major pieces of legislation? This was an opportunity where the gentleman from Virginia (Mr. SCOTT) and the gentleman from Florida (Mr. MCCOLLUM) got together and worked for months on a compromise juvenile justice bill. We urged within the subcommittee, within the committee, to get this bill debated on the floor right away, with bipartisan consensus.

But why did we not do it? We did not do it because the Republican leadership

had to figure out a way to deal with the tricky issue of guns and violence in schools. They capitulated and delayed and played games because they did not have the courage to just report this bill to the floor and allow an open discussion about guns.

The next time people in America are looking for an opportunity to vote on bipartisan legislation, they will look to the crime bill and what the Republican leadership did with this bill. This bill should have been passed before Memorial Day.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, 192 million guns flood our streets. The Littleton tragedy galvanized Americans to action. And what is this Congress doing? Instead of gun control, we are doing remote control. Instead of worrying about kids and gun shows, we are worried about TV shows. Every parent in America understands that kids are exposed to too much violence. But to only condemn the entertainment industry and not the gun industry is deadly.

So let us get this straight, America. Instead of going after the NRA, Congress is going after NBC. Mr. Speaker, 10,000 people were murdered by handguns in America in 1996. Only 30 in Great Britain, 15 in Japan. Those countries have violent entertainment too, but they have something we do not: real gun control.

So wake up, Congress. It is not just the entertainment. It is the guns.

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

While some of the people at the microphone say we have to study the causes and the whys, and that is true, but when firemen arrive at the scene of a fire, they do not sit down and say, I wonder how this started; they put out the fire first and then they decide what started the fire. Well, what we have to do is get rid of the guns and then talk about some of the other social programs.

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

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I rise in strong support of this rule. We are dealing with what is obviously a very, very troubling and complex issue. It is clear to me that there are problems that exist in our society. They are at the edges. Basically, our society is good. We have young people who are out there who are volunteering, who work hard, who study hard, and I think are going to lead this country into the 21st century. I am very proud of what it is that they have done. But, we also do have some problems, as I said, at the edges.

It is not easy for us to tackle those questions, but I believe that the rule that we are about to vote on is going to provide us with the opportunity to address virtually every concern that is there.

There were 178 amendments submitted to the Committee on Rules, and we have made in order 55 of those amendments. My good friend from south Boston just talked about the issue of guns. And when we look at the gun bill that we will be considering, one-half of the amendments that we made in order have Democrats as sponsors of those amendments. So the Democrats are clearly going to have their opportunity to be heard.

I listened to what quite frankly was at a very, very high volume, a lot of stuff come from the other side of the aisle over the past hour, and it came from people who have amendments made in order, and yet they talked about how outrageous this rule is. We are going to have a clear and focused debate to try and help the greatest deliberative body known to man do our part in dealing with this societal challenge that we face as a Nation.

So I urge my colleagues to support this rule. It is very fair; it is very balanced, and then let us move ahead with what will be 2 full days, not a closed-down debate, 2 full days of debate. Hours and hours and hours we will be considering these questions, and I hope my colleagues will allow us to move ahead with it.

Mr. HOYER. Mr. Speaker, I rise today in strong opposition to the rule on H.R. 1501 and H.R. 2122. On May 25, the Speaker stated that we should consider this bill in a ''timely yet responsible way'' and that ''rushing it to the floor . . . will not result in a better product in the long run.'' The actions of the Rules Committee late last night has been anything but timely and responsible. After the majority pledged to work together to draft a bipartisan bill that contained the reasonable gun-safety legislation in the Senate, the Judiciary Committee canceled the scheduled mark-up and took the juvenile justice and gun violence proposals directly to the floor.

Now, just twelve hours after passing the rule, we are debating two bills that Members and staffs have had inadequate time to prepare for.

Mr. Speaker, after the events of the past two months, this should not become a partisan debate. We must take as many steps as we can to eliminate the environment of violence and reduce risk to our children, families and neighbors. The culture of violence is magnified every day by rapidly expanding communication technology. Television, movies, the internet, violent video games all conspire to make violence a part of the lives of each of us every day.

The Senate has done its part to provide sensible legislation, and it is now up to us to adopt a package of legislation that addresses the violence that has frightened families and communities across the Nation. No legislation alone is potent enough to stop youth violence, but it is truly unfortunate that we could not come up with one bill that addresses both the need for juvenile justice programs and sensible gun safety provisions.

As the Ranking Member on the Appropriations Treasury-Postal Subcommittee, I was prepared to introduce an amendment in the Treasury Postal Appropriations Bill that would close the gun-show loophole just as the Senate bill did. But a last minute decision by the Republican leadership that gun violence would be addressed in a timely and substantive manner kept me from offering my amendment. We were reassured that this issue would be addressed swiftly and cooperatively.

But here we are today debating a pair of bills that never made it through Committee debate and were brought to the floor in a haphazard and truly partisan fashion.

I urge members to vote against this rule.

Mr. GOODLING. Mr. Speaker, I rise in support of the Rule providing for consideration of H.R. 1501, the Consequences for Juvenile Offenders Act of 1999, and amendments thereto.

As many of my colleagues know, we have been trying for several years to pass legislation addressing the growing problem of juvenile crime in the United States. It is time that we take definitive action.

The Committee on Education and the Workforce has responsibility for programs directed at preventing juvenile crime. I will be offering an amendment to modify the current Juvenile Justice and Delinquency Prevention Act to provide States and local communities with the resources they need to operate effective delinquency prevention programs.

This amendment is based on legislation authored by Congressman JIM GREENWOOD, H.R. 1501, the Juvenile Crime Control and Delinquency Prevention Act. A similar version of this legislation, H.R. 1818 passed the House twice during the 105th Congress. Changes made to H.R. 1150 and included in the amendment have been worked out in a bipartisan basis with Minority Members on the Committee.

MIKE CASTLE, the Chairman of the Subcommittee on Early Childhood, Youth and Families, Congressman GREENWOOD, Ranking Minority member BILL CLAY, Congressmen DALE KILDEE and BOBBY SCOTT deserve a great deal of credit for all of the time they have devoted to crafting this legislation. I would also be remiss if I did not thank Congresswoman ROUKEMA, and Congressmen SCHAFFER, TANCREDO, SOUDER, FORD and MILLER for their efforts to work with us in putting together a bipartisan bill. Last, but not least, I would like to thank Congressman MARTINEZ, who helped craft the original version of H.R. 1818, which passed the House twice last Congress.

I note that a number of these amendments supported by Members of the House address issues that have already been taken care of in our bill. For example, our bill allows the use of funds in both the formula grant program and the Prevention Block Grant Program for after-school programs. There is also a study on after-school programs. Congressman CASTLE, who is a strong supporter of after-school programs, crafted these provisions. Funds may also be used for programs directed at preventing school violence. In addition, the Prevention Block Grant includes language allowing local grantees to use funds for a toll-free school violence hotline. Congressman TANCREDO, who represents Littleton, Colorado, is the author of this provision.

The amendment I am offering also includes several provisions dealing with the delivery of mental health services to youth in the juvenile justice system. These provisions include: allowing the use of funds in the formula and block grant programs for mental health services, training and technical assistance for service providers, and a study on the provision of mental health services to juveniles. Congresswoman ROUKEMA has provided the Committee with vital information on the importance of mental health services for at-risk juveniles and juvenile offenders and should be commended for her work in this area.

I have also noticed that a number of proposed amendments attempt to direct that a portion of funding under the Prevention Block Grant Program be used for specific purposes. The Committee created the block grant by combining a number of existing discretionary programs. We did this to provide States and local communities with broad flexibility in designing programs to meet their local needs. Putting any restrictions on the use of these funds would tie the hands of local communities who are in the best position to know how to address their unique problems with juvenile crime.

Mr. Speaker, there are few programs at the federal level which provide services directed at preventing juvenile crime, particularly programs to provide assistance to juvenile offenders.

It is my hope that we can keep the focus of my amendment on providing assistance to this high-risk population and other juveniles at risk of involvement in delinquent activities.

I urge my Colleagues to support my amendment when it is offered and to support the Rule under which this legislation is being considered.

Mr. DREIER. 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. 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 240, nays 189, not voting 6, as follows:

[Roll No. 210]

YEAS—240

Aderholt	Bass	Bonilla
Archer	Bateman	Bono
Armey	Bereuter	Boucher
Bachus	Biggert	Brady (TX)
Baker	Bilbray	Bryant
Ballenger	Bilirakis	Burr
Barcia	Bishop	Burton
Barr	Bliley	Buyer
Barrett (NE)	Blunt	Callahan
Bartlett	Boehlert	Calvert
Barton	Boehner	Camp
Campbell	Hobson	Radanovich
Canady	Hoekstra	Rahall
Cannon	Horn	Ramstad
Castle	Hostettler	Regula
Chabot	Hulshof	Reynolds
Chambliss	Hunter	Riley
Chenoweth	Hutchinson	Rogan
Coble	Hyde	Rogers
Coburn	Isakson	Rohrabacher
Collins	Istook	Ros-Lehtinen
Combest	Jenkins	Roukema
Cook	John	Royce
Cooksey	Johnson (CT)	Ryan (WI)
Cox	Johnson, Sam	Ryun (KS)
Crane	Jones (NC)	Salmon
Cubin	Kasich	Sanford
Cunningham	Kelly	Saxton
Danner	King (NY)	Scarborough
Davis (VA)	Kingston	Schaffer
Deal	Knollenberg	Sensenbrenner
DeLay	Kolbe	Sessions
DeMint	Kucinich	Shadegg
Diaz-Balart	Kuykendall	Shaw
Dickey	LaHood	Shays
Dingell	Largent	Sherwood
Doolittle	Latham	Shimkus
Dreier	LaTourette	Shows
Duncan	Lazio	Shuster
Dunn	Leach	Simpson
Ehlers	Lewis (CA)	Skeen
Ehrlich	Lewis (KY)	Smith (MI)
Emerson	Linder	Smith (NJ)
English	LoBiondo	Smith (TX)
Everett	Lucas (KY)	Souder
Ewing	Lucas (OK)	Spence
Fletcher	Manzullo	Stearns
Foley	McCollum	Stump
Forbes	McCrery	Stupak
Fossella	McHugh	Sununu
Fowler	McInnis	Sweeney
Franks (NJ)	McIntosh	Talent
Frelinghuysen	McKeon	Tancredo
Gallegly	Metcalf	Tauzin
Ganske	Mica	Taylor (MS)
Gekas	Miller (FL)	Taylor (NC)
Gibbons	Miller, Gary	Terry
Gilchrest	Moran (KS)	Thomas
Gillmor	Morella	Thornberry
Gilman	Murtha	Thune
Goode	Myrick	Tiahrt
Goodlatte	Nethercutt	Toomey
Goodling	Ney	Traficant
Goss	Northup	Upton
Graham	Norwood	Vitter
Granger	Nussle	Walden
Green (WI)	Ose	Walsh
Greenwood	Oxley	Wamp
Gutknecht	Packard	Watkins
Hall (TX)	Paul	Watts (OK)
Hansen	Pease	Weldon (FL)
Hastert	Peterson (PA)	Weldon (PA)
Hastings (WA)	Petri	Weller
Hayes	Pickering	Whitfield
Hayworth	Pitts	Wicker
Hefley	Pombo	Wilson
Herger	Porter	Wise
Hill (MT)	Portman	Wolf
Hilleary	Pryce (OH)	Young (AK)
Hilliard	Quinn	Young (FL)

NAYS—189

Abercrombie	Cardin	Edwards
Ackerman	Carson	Engel
Allen	Clay	Eshoo
Andrews	Clayton	Etheridge
Baird	Clement	Evans
Baldacci	Clyburn	Farr
Baldwin	Condit	Fattah
Barrett (WI)	Conyers	Filner
Becerra	Costello	Ford
Bentsen	Coyne	Frank (MA)
Berkley	Cramer	Frost
Berman	Crowley	Gejdenson
Berry	Cummings	Gephardt
Blagojevich	Davis (FL)	Gonzalez
Blumenauer	DeFazio	Green (TX)
Bonior	DeGette	Gutierrez
Borski	Delahunt	Hall (OH)
Boswell	DeLauro	Hastings (FL)
Boyd	Deutsch	Hill (IN)
Brady (PA)	Dicks	Hinchey
Brown (FL)	Dixon	Hinojosa
Brown (OH)	Doggett	Hoeffel
Capps	Dooley	Holden
Capuano	Doyle	Holt
Hooley	Meehan	Sanders
Hoyer	Meek (FL)	Sandlin
Inslee	Meeks (NY)	Sawyer
Jackson (IL)	Menendez	Schakowsky
Jackson-Lee (TX)	Millender-McDonald	Scott
Jefferson	Miller, George	Serrano
Johnson, E.B.	Minge	Sherman
Jones (OH)	Mink	Sisisky
Kanjorski	Moakley	Skelton
Kaptur	Mollohan	Slaughter
Kennedy	Moore	Smith (WA)
Kildee	Moran (VA)	Snyder
Kilpatrick	Nadler	Spratt
Kind (WI)	Napolitano	Stabenow
Kleczka	Neal	Stark
Klink	Oberstar	Stenholm
LaFalce	Obey	Strickland
Lampson	Olver	Tanner
Larson	Ortiz	Tauscher
Lee	Pallone	Thompson (CA)
Levin	Pascrell	Thompson (MS)
Lewis (GA)	Pastor	Thurman
Lipinski	Payne	Tierney
Lofgren	Pelosi	Towns
Lowey	Peterson (MN)	Turner
Luther	Phelps	Udall (CO)
Maloney (CT)	Pickett	Udall (NM)
Maloney (NY)	Pomeroy	Velázquez
Markey	Price (NC)	Vento
Martinez	Rangel	Visclosky
Mascara	Reyes	Waters
Matsui	Rivers	Watt (NC)
McCarthy (MO)	Rodriguez	Waxman
McCarthy (NY)	Roemer	Weiner
McDermott	Rothman	Wexler
McGovern	Roybal-Allard	Weygand
McIntyre	Rush	Woolsey
McKinney	Sabo	Wu
McNulty	Sanchez	Wynn

NOT VOTING—6

Brown (CA)	Gordon	Lantos
Davis (IL)	Houghton	Owens

□ 1218

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

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.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material into the RECORD on H.R. 1501 and H.R. 2122, the legislation we are about to consider.

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

There was no objection.

CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to House Resolution 209 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. 1501.

□ 1218

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. 1501) to provide grants to ensure increased accountability for juvenile offenders, with Mr. THORNBERRY 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 Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise this morning in strong support of H.R. 1501, the Consequences of Juvenile Offenders Act of 1999. On a day when there may be more than occasional partisanship, I think it is important to note that the base text for our deliberations today and the base text for what we will probably be considering tomorrow and maybe even the next day is truly bipartisan.

Indeed, all the members of the Subcommittee on Crime, Republican and Democrat alike, are original cosponsors of this bill, as are the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS), the chairman and the ranking member of the full Committee on the Judiciary.

Mr. Chairman, this legislation is the outcome of years of field hearings, committee hearings and earlier legislative efforts. It reflects the input of countless men and women who are daily in the trenches of juvenile justice around the country; the juvenile court judges, probation officers, prosecutors, police officers and educators who have the tremendous challenge of trying to make juvenile justice a reality by redirecting the lives of troubled youngsters into productive paths.

Perhaps most importantly, this legislation responds directly and in a positive common sense way to the central question that we are all grappling with today. What can we do about youth and violence? How can we, as legislators, contribute to safer, healthier communities for our kids and our families?

Our youth are America's finest resource. We have an obligation to protect this valuable national treasure. As a Congress, we may disagree on how to accomplish this objective. However, we are all focused on one thing. We must protect our young people.

Mr. Chairman, the tragic events at Columbine High School on April 20 have left us all asking tough questions, looking for real answers. The senseless suicidal rampage by those two teenagers leading to the brutal deaths of 12 of their classmates and one teacher cast a fearful shadow over our country.

As a father of three sons, one of them a high school graduate only three weeks ago, my wife and I have known the weighty concerns of school violence and, sadly, I think we all know that the determined acts of individuals on a massacre and suicide mission are rarely preventable through even the best of laws.

We have now learned that these two teenagers felt rejection by their peers, were filled with hatred and had been planning their violent massacre and suicide for a year. It seems to me that the key to preventing such tragedies is to foster and strengthen those values and convictions that make even contemplating such madness inconceivable.

Yes, our Nation's laws do play a part in fostering such values, but I think the role our laws play in all of this pales in comparison to the combined roles of family, churches, civic institutions and the media. These are what truly shape the character of our youth.

This very important point was eloquently made at the Subcommittee on Crime hearing last month by Darrell Scott, whose daughter Rachel was killed in the Columbine shooting and whose son Craig was wounded there.

Mr. Scott said, and I quote, no amount of gun laws can stop somebody who spends months planning this type of massacre.

As we begin consideration of measures to better protect our children on the school grounds, playgrounds and the streets of America, and to stop the violent youth movement that seems to be going on in this country, we need to put our endeavors and the tragedy of Columbine in perspective. The vast majority of our teenagers are healthy, bright kids who have been instilled with basic values and in our great, free Nation will have the opportunity to have a good education and seek to achieve their highest aspirations.

There are an alarming and growing number of disturbed and often rejected and isolated youth who are turning to violence, which is not only self-destructive but puts at risk all of our children. Our job is to understand the causes of this youth violence, and while recognizing their limits use our laws in a constructive manner to help our families and communities identify and redirect these disturbed teenagers before they engage in some violent and tragic act.

Mr. Chairman, since the tragedy at Columbine, many have focused almost exclusively on restricting teenagers' access to guns and gun control. I share virtually everyone's belief that no child should have access to a gun. No doubt, some of our gun laws are too lax and loopholes need to be closed, and we will properly address these matters in the next day or two.

It is also true that gun laws already on the books have not been adequately enforced by the Justice Department, but youth violence is about a whole lot more than gun issues and we do a disservice to the American public and our children if we fail to recognize and address the more fundamental underlying causes of teenage violence.

Lack of proper parental attention, lack of discipline and overcrowding in our schools, exposure to repetitive, extreme violence on television, in the movies, in video games and over the Internet, and a broken juvenile justice system are among the root causes of this epidemic of juvenile violence.

Of all of these, the one that by legislation we can have the most impact on is repairing our Nation's broken juvenile justice system, which is the subject of the base text of H.R. 1501; and yet all of the debate, since Littleton, in all of this time, this bipartisan product which sociologists and expert after expert have told us is one of the most crucial and important steps that we can take to protect America's children, has gone virtually unnoticed.

In most of our urban and suburban communities today first-time teenage vandalism goes unpunished. Police who catch kids slashing tires, key scratching cars or spray painting graffiti on warehouse walls often do not even take these kids before juvenile authorities because they do not expect that they will receive any meaningful punishment. This is so because our juvenile courts around the Nation are overworked and understaffed. There simply are not enough juvenile judges, probationary officers, diversion programs and detention facilities.

Most of our juvenile courts are focused principally on repeat offenders and the very bad. As a result, the kids do not get the messages that there are any consequences for their criminal acts. These kids do not get disciplined at home or in the school or in the juvenile justice system.

Juvenile judges, probation officers, police officers, educators and sociologists have all told the Subcommittee on Crime again and again that kids who receive little or no consequences for their misbehavior are far more likely candidates for teenage violence as they get older.

H.R. 1501 addresses this problem. It establishes a grant program over 3 years to provide much needed resources to State and local juvenile justice systems to help them do more to focus on the youthful first-time offender. It goes to the States based upon their population and their rate of juvenile crime. They can use this money any way they see fit to improve their juvenile justice systems, including hiring more judges or probation officers or creating more diversion programs or building more juvenile detention facilities, or providing more safety measures in schools.

It ties these additional resources to graduated sanctions, an approach that seeks to ensure meaningful proportional consequences for juvenile wrongdoing, starting with the first offense

and intensifying with each subsequent, more serious offense. Each State's funding would be based on its juvenile population.

I want to make this point very clearly. There is only one condition that States must meet in order to receive the funds under this program, and that is to establish a system of graduating sanctions. The system must ensure that sanctions are imposed on juvenile offenders for the very first offense, starting with the first misdemeanor, and that sanctions escalate in intensity with each subsequent, more serious delinquent offense.

Common sense and research both make it clear that ensuring early appropriate sanctions for wrongdoing is the best way to direct youngsters away from a life of crime and into a life of productive citizenship.

At the same time, the bill calls for graduated sanctions. It provides flexibility. It ensures that a court's disposition is tailored to the individual juvenile. It allows for the imposition of graduated sanctions to be discretionary. That is, a State or locality can still qualify even if its system of graduated sanctions allows juvenile courts to opt out. The bill simply provides that when there are such opt-outs a record must be sent at the end of the year explaining why a sanction was not imposed. This is working well in certain States and localities and is not an undue burden.

The juvenile justice systems of the Nation are principally a State responsibility. The Federal Government cannot begin to adequately fund these long neglected programs, but we can provide the seed money in the incentive grants in H.R. 1501 that will hopefully stimulate all 50 States to repair their broken juvenile justice systems. There is nothing more important to addressing the question of child safety and youth violence that we can do today than to pass this bill.

□ 1230

I am convinced that whatever else we do in the next couple of days, it will pale in comparison to the significance of enacting this base bipartisan bill that was drafted long before Littleton.

Holding youth accountable for their acts, giving them consequences, is the best prevention possible that we as legislators can enact to stop the flood of youth violence and restore a safe environment for our children in our schools, on the playgrounds, and on our streets.

Mr. Chairman, meaningful juvenile justice reform is within our reach. Our young people deserve nothing less.

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

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I am deeply disappointed to see the abandonment of bipartisanship with reference to the juvenile justice legislation, that we abandon the orderly process to pursue legislation by ambush, and abandon our commitment to the American people, and follow instead the lead of special interests.

Now, how do we know the Republican majority has played politics with juvenile justice? They now advocate policies that, just weeks ago, they even acknowledged lack merit. In March, the Subcommittee on Crime chairman stated, ''Taking consequences seriously is not a call for locking all juveniles up, nor does it imply the housing of juveniles, even violent hardened juveniles, with adults. I for one am opposed to such commingling.''

Yet, today, the majority is pushing legislation which tries more children as adults, houses more juveniles as adults, imposes a whole slew of new mandatory minimum penalties, and, yes, the death penalty that Republicans shunned only a month ago and which clearly will not work.

What is really extraordinary about these proposals is just how meaningless they are. There are fewer than 150 prosecutions in the Federal system each year, and such changes are likely to affect only a small percentage of these cases.

So these proposals do not represent serious attempts at legislation. Rather, they are a transparent attempt to legislate by sound bite and kill a bill that they themselves only recently agreed was the best approach to juvenile justice.

Housing juveniles in adult prison facilities means more kids likely to commit suicide, to be murdered, physically or sexually abused, than their counterparts in juvenile facilities. As a matter of fact, children in adult jails or prison have been shown to be 5 times more likely to be assaulted and 8 times more likely to commit suicide than children in juvenile facilities.

So the repeated studies of prosecuting juveniles as adults indicate that rather than serving as a deterrent to juvenile crime, prosecuting more juveniles as adults merely leads to greater and more serious recidivism.

If we are truly interested in juvenile justice reform, we must begin by rejecting unprincipled amendments allowed by the rule that would cut the heart out of this bill and stick to the principles of H.R. 1501. This was the bill produced by a bipartisan process, unanimously approved by the Subcommittee on Crime.

In the wake of the recent school tragedies in Littleton, Colorado, Conyers, Georgia, and other places, the American people now deserve and expect reform. We cannot and should not allow false arguments about getting tough on crime and prosecuting juveniles as adults to prevent us from achieving these important goals.

Let us carefully review and reject most of these amendments that will send us further backwards instead of moving us forward as the American people would wish.

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if I might, I want to make sure it is very clear that the gentleman from Michigan (Mr. CONYERS), despite his criticism and concern about pending amendments, he does and has all along supported this underlying bill, H.R. 1501, that is out here right now, unamended. Am I not correct?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, he is absolutely correct. We support H.R. 1501. But we have never had hearings on any of the other accompanying amendments.

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I just wanted to make the point again that we start today with a very bipartisan product that Democrats, Republicans alike, support on juvenile justice.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DeLAY. Mr. Chairman, I appreciate the gentleman from Florida yielding me this time.

Mr. Chairman, I just think it is sort of ironic that the very ones that wanted us to come straight from the Senate with a bill to the floor with no consideration are now complaining because there was not enough consideration.

Mr. Chairman, I just want to say that the truth will make us free if we admit what the truth is. Every once in a while, I read something or hear something that blows away all that smoke that clouds a particular issue. A letter written by a Mr. Addison Dawson to the San Angelo Standard-Times is just such a statement. In fact, after I make this statement, I do not think anybody else needs to speak. We just need to vote.

The following is Mr. Dawson's letter, which Paul Harvey read on his radio show: ''For the life of me, I can't understand what could have gone wrong in Littleton, Colorado. If only the parents had kept their children away from the guns, we wouldn't have had such a tragedy. Yeah, it must have been the guns.

''It couldn't have been because half our children are being raised in broken homes. It couldn't have been because our children get to spend an average of 30 seconds in meaningful conversation with their parents each day.

''After all, we give our children quality time. It couldn't have been because we treat our children as pets and our pets as children.

''It couldn't have been because we place our children in day care centers where they learn their socialization skills among their peers under the law

of the jungle, while employees who have no vested interest in the children look on and make sure that no blood is spilled.

It couldn't have been because we allow our children to watch, on average, 7 hours of television a day filled with the glorification of sex and violence that isn't even fit for adult consumption.

''It couldn't have been because we allow (or even encourage) our children to enter into virtual worlds in which, to win the game, one must kill as many opponents as possible in the most sadistic way possible.

''It couldn't have been because we have sterilized and contracepted our families down to sizes so small that the children we do have are so spoiled with material things that they come to equate the receiving of the material with love.

''It couldn't have been because our children, who historically have been seen as a blessing from God, are now being viewed as either a mistake created when contraception fails or inconveniences that parents try to raise in their spare time. It couldn't have been because we give 2-year prison sentences to teenagers who kill their newborns.

''It couldn't have been because our school systems teach the children that they are nothing but glorified apes who have evolutionized out of some primordial soup of mud.

''It couldn't have been because we teach our children that there are no laws of morality that transcend us, that everything is relative and that actions do not have consequences. What the heck, the President gets away with it.

''Nah, it must have been the guns.''

Mr. CONYERS. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK), the senior member of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Chairman, this has been a hard bill to follow because the majority has been kind of playing a legislative shell game. We started with this bill and that bill, and this bill became part of that bill, and that bill went into that bill, and this amendment was pulled out to be offered by a Member who might have a little political difficulty.

So I am not familiar with everything that is in here. But after listening to the majority whip, I have to read it more closely, because I may have missed the part in which we ban the teaching of evolution.

I know we have had a lot of discussion of what was causing the problems here, but I just heard the majority whip say it was Charles Darwin's fault. It is apparently evolution. It is teaching children that they are the products of evolution that is the cause of this.

So I will have to watch more carefully for the amendments when we get the amendment of the gentleman from Texas (Mr. DELAY), the majority whip, correcting the teaching of evolution.

I have to say, as I listened to him, I have not heard such an angry denunciation of the American people since SDS used to pick at me 30 years ago. I guess there is a degree of anti-Americanism here that I had not anticipated. It is the American people's fault. They are involved in family planning. They are teaching evolution. They are doing all these things.

Plus, I guess somebody ought to arise to defend the States. The gentleman from Florida (Mr. MCCOLLUM) said the States' juvenile justice is broken down. The gentleman from Texas (Mr. DELAY) is mad at the States. The poor States. I guess the States rights movement we should officially inter today.

What we have today is an announcement. Hey, States, you do not know to handle your local criminal business. We, the all-knowing Congress, will take care of it. So we will abolish the teaching of evolution, and we will diminish States rights, and we will solve the problem.

I guess I wished they had stopped at that, though, because I am now looking at the amendment that has been made in order by the gentleman from Illinois (Mr. HYDE), the chairman of the committee, and I must say I am impressed by the gentleman's discretion. I have not seen him here all morning. I am not surprised that he does not want to be associated with all of this.

But the gentleman's amendment, I was going to ask, Mr. Chairman, if we could have the debate on the Hyde amendment after 10 o'clock tonight. I know we are going to be in late. As I read this amendment, I do not think it is a fit subject to be discussing when children are listening. There are some graphic physical descriptions here of the human body that I do not know that we will want to talk about.

I must say, I think if anybody simply read this bill on the floor of the House during family viewing hours, if it were not for our constitutional immunity of which we have really heard, he or she could be in trouble. But I have some problems.

It does say that one cannot show, for instance, and it includes sculpture. One cannot show sculpture of the breast below the top of the nipple. I have seen some statues which I think do that. Now, it says one cannot show them to a minor. So I guess we are going to start having 17 or over only into sculpture gardens.

One cannot show other physical parts. I suppose old enough statues to have parts broken off may be okay. But intact statues are probably going to be a problem. We are discriminating against modern sculptures because one can only show these kids a statue that has fallen apart.

It says one cannot show to someone under 17 a narrative description of sexual activity. I guess Mr. Starr may be in trouble. I do not know about his prosecutorial immunity. But as I read the Hyde amendment, we will have to stop selling the Starr report.

Now, it does say it is okay to sell it if it has serious literary, artistic, political, or scientific value. I guess in the case of the Starr report, people thought it was going to have some political value for their side. It turned out not to have any.

But if someone under 17 read that because of his or her prurient, shameful, or morbid interest, so now we are outlawing shameful interest, it is not shown. I mean, this is really very, very serious.

The problem is this, the original version of this sweeping censorship was introduced on June 8. No unit of the House Committee on the Judiciary has been able to vote on it, to amend it, to study it. We now, 8 days later, have a new version. I think it is about the third version.

We are no longer going to mandate that every seller of recorded music in America give out copies of the lyrics. Congress is only going to recommend this to every retailer in America in our infinite wisdom and disregard for local autonomy.

□ 1245

I do not think we understand this fully. This is a broad assault on the first amendment. We cannot show in here, for instance, physical contact with a person's clothed buttocks. So all those pats of congratulations in athletic contests I guess we will have to avert the cameras for. Now, maybe that is not true, but there is nothing in here that says it is not.

Mr. Chairman, I understand the political bind the other side is in, but to use the first amendment to get out of it on 8 days notice is very inappropriate.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, I thank the gentleman for yielding me this time, and I also want to thank the chairman for working with me in this last year and including the Schoolyard Safety Act in the outlines of this bill.

After the shooting in Springfield, Oregon, the gentleman from Oregon (Mr. DEFAZIO) and I teamed up to introduce this legislation, the Schoolyard Safety Act, which provides a 24-hour holding period for students who bring guns to school.

In my State, these students are automatically expelled, but the Schoolyard Safety Act would also require that they be detained. This holding period is incredibly important. It provides for the protection and the safety of both our children in the classroom and relatives at home who might be targets of

the student's anger, as happened in the Springfield, Oregon, shooting. It also provides an intervention for those juveniles who bring a gun to school but who may need mental health treatment or counseling.

Yesterday, I had a visit from some very special women in my district. They belong to a group called Mothers Against Violence in America. There was a young woman and her mother in this group. The young woman, Rachel, was shot at Garfield High School in Seattle, Washington. The other mothers who came to my office had lost sons or daughters in school shootings, including one mother whose son was killed in the school shooting in Moses Lake, Washington. And these women are the reason that the gentleman from Oregon (Mr. DEFAZIO) and I introduced the Schoolyard Safety Act and why I worked so hard to get this 24-hour holding provision into the juvenile justice bill.

In addition to this effort at the Federal level, the State of Washington recently passed a new law requiring a 24-hour holding period for young people who bring guns on to school grounds. I simply in this colloquy, Mr. Chairman, want to thank the chairman and clarify this new Washington State law will be consistent with the provisions that are included in this bill.

Mr. MCCOLLUM. Mr. Chairman, will the gentlewoman yield?

Ms. DUNN. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I would certainly say that they are consistent. The gentlewoman has done admirable service in providing the base legislation of what she has just described, and that under the various purposes that a State or local community is allowed to use the grant money in 1501 to improve the juvenile justice system, those purposes would include those which she has described in her legislation. They would be included particularly under the 13th provision in the present bill.

Ms. DUNN. Mr. Chairman, I thank the gentleman for those assurances.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. Mr. Chairman, I thank the gentleman, my colleague from Michigan and the ranking member, for yielding me this time.

I am pleased to see the level of interest in juvenile justice on this floor today. I strongly support these efforts to address the increasing problems of youth violence. With an estimated 1500 gangs and 120,000 gang members, juvenile crime is a genuine concern and it is critical that the Congress address this issue.

For a number of years, we have supported providing funds to the Boys and Girls Clubs of America, which have been so instrumental in keeping kids off the streets and out of trouble. Since 1995, $95 million has been provided by Congress to help expand the program to reach as many children as possible. And I am proud to say that much of this money came about because we in the Congress fought for it. We did put our money where our mouth is.

I would like to especially thank the gentleman from Kentucky (Mr. ROGERS), the gentleman from West Virginia (Mr. MOLLOHAN), and members of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations who not only supported these funds but fought to increase the amount we provide to this incredibly successful program.

As a result of our support, and through the dedicated efforts of Robbie Calloway, Senior Vice President for the Boys and Girls Clubs of America, four new clubs have opened each week for the past 3 years, and an additional 200,000 young people were served each year.

Certainly we all know that young people need meaningful and caring guidance. They need to find outlets that help insulate them from inappropriate peer pressure, while at the same time work to change the culture that results in that inappropriate peer pressure. Programs like the Boys and Girls Clubs have made a difference, and we can do much more if we help them.

Some of my colleagues have worked with me on this issue in the past, and I welcome all of those others who join us today in a constructive effort to be sure that our young people have the right opportunities to be productive individuals.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROGAN), a member of the committee.

Mr. ROGAN. Mr. Chairman, I thank the chairman of the Subcommittee on Crime for yielding this time to me.

Mr. Chairman, the halls of Congress are hallowed. The men and women who preceded us left a legislative heritage for the ages: landmark civil rights legislation, education reform bills, declarations of war and of peace. Often these bills opened doors paving the way for great change in our country. Today, we come together knowing that our work on juvenile justice may well save lives in the future, but it regrettably cannot change the outcome of recent tragedies in our Nation's schools.

While the wounds inflicted in Littleton and Conyers still leave us reeling, we can do something now. We can join together with schools, churches, parents and students to work to prevent similar tragedies from ever again occurring. As we move forward this morning, I echo the sentiments of the distinguished chairman of the Committee on Rules, who yesterday reminded us that our legislative focus must be to protect our Nation's students now and in the future.

Young people today are required to work harder and learn faster. They grapple with more than we ever did at their age, yet they still make time for their faith, their families and their neighborhoods. The isolated tragic headlines aside, young people give us hope. Today, Congress is called upon to act in their name.

Mr. Chairman, I am proud to join with the distinguished chairman of the full Committee on the Judiciary, and the distinguished chairman of the Subcommittee on Crime to support this important legislation.

H.R. 1501 will attack the problem of youth violence at the source. This bill will send the resources of the Federal Government directly to State and local officials and bypass unnecessary bureaucracies. This legislation will empower local officials to hire more prosecutors, more counselors and more intervention experts. It will provide for additional law enforcement training, drug rehabilitation programs, and innovative school safety programs. This legislation will also provide resources for correctional facilities.

Mr. Chairman, for 10 years I was a prosecutor and a judge in Los Angeles County. I saw more often than I prefer to recall the effects of violence in the home, in the schools and on our streets. It is right to punish criminals swiftly and severely to send a message that this violence will not be tolerated. But we must not stop there.

We must attack youth violence from all fronts. One of the best ways we can do this is at the local level. ''Band-Aid'' Federal bureaucratic policies are worth little when violence infects a local community. H.R. 1501 gives local experts the tools to ensure safe schools and safe communities.

Communities are working together to beat the problem of drugs and gangs and violence. I have seen local programs that give me hope, from the Hillsides Home in Pasadena to the after-school programs at the Burbank YMCA in my district. Neighborhoods are teaming with schools and teachers who work with students to ensure that they appreciate the effects of antisocial behavior before it escalates into tragedy. This proposed legislation empowers these programs and will give State and local programs new weapons in their violence prevention arsenals.

Mr. Chairman, the Consequences for Juvenile Offenders Act received broad bipartisan support in committee and is supported by families across this country. I support it as a member of the Committee on the Judiciary, as a Member of Congress, but most importantly I support it as the father of two young children. I look forward to seeing this bill make its way to the President's desk. I urge my colleagues to join us today to support this landmark legislation.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the subcommittee, who is the coauthor of the underlying bill, H.R. 1501.

Mr. SCOTT. Mr. Chairman, I would like to point out that 1501 was actually cosponsored by all of the members of the subcommittee, both Democratic and Republican, and it came through a deliberative process.

We had hearings and discussions about what needed to be done to reduce juvenile crime. We had hearings, and in one hearing judges and advocates and researchers pointed out that graduated sanctions would be very helpful to judges in helping with the reducing of juvenile crime.

What they said was that many judges are relegated to a choice between incarceration and probation with very little in between, and what they needed were other services and punishments that could be individualized. In the bill it says that drug rehabilitation and counseling and community services and other punishments could be used and funded through this bill, and that the punishment or additional services had to be individualized for the particular child. That is the bill. That is what went through the regular order of hearings and subcommittee markup, and it was unanimously adopted.

Now look at where we are. We are considering additional amendments that did not go through the regular process. And the reason they could not have made it through the regular process is they could not have withstood scrutiny.

Look at the idea that we are going to try more juveniles as adults. That is in one of the amendments. It ignores the studies. We have many studies that show that the adult time that they would get in adult court would actually be shorter than the juvenile time. All of the studies show that the crime rate will go up if we treat for juveniles as adults. We could not have gone through a regular process with that, because it would have been defeated in the committee. But if we are out here just slinging sound bites at each other, then obviously there is a chance of getting that provision through.

Like mandatory minimums. We could not get that through a regular process because we would have to defend against the studies, like the RAND study that showed that mandatory minimums are a waste of the taxpayers' money. There is a lot we can do with the taxpayers' money other than mandatory minimums if our goal is to reduce crime. Also, that attacks the very foundation of what we heard in subcommittee, and that is that the punishment must be individualized to the particular child. Mandatory minimum is a one-size-fits-all. This is what everybody gets regardless of the particular needs.

Then we add on to that all the constitutional amendments posing as amendments to a bill that have significant speech and religious implications. None of those received deliberation.

We ought not consider this kind of legislation; sound bites going back and forth without any deliberation. We started out and ought to go back to the original bill, 1501, and after that the bipartisan bill that was reported out of the education subcommittee, 1150, and stick with those rather than this process that is totally out of control.

Mr. MCCOLLUM. Mr. Chairman, may I inquire how much time remains on each side?

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 10 minutes remaining; and the gentleman from Michigan (Mr. CONYERS) has 15½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS), a member of the Committee on the Judiciary and the past chairperson of the Congressional Black Caucus.

Ms. WATERS. Mr. Chairman, I would like to commend the gentleman from Michigan (Mr. CONYERS), our ranking member, and the gentleman from Virginia (Mr. SCOTT) for the tremendous work they did in the Committee on the Judiciary on H.R. 1501 to really put forth before this House a real bill to deal with the problems of young people and the juvenile justice system.

Unfortunately, it is now all threatened because there is some attempt to try and divert people's attention away from the gun safety issue and to literally take this piece of legislation and pile on it everybody's wild thoughts about every issue that they have been concerned about, I guess, all of their lives.

We have people who would destroy the Constitution by piling on here all kinds of amendments that will undermine our first amendment rights. We have people who have decided they are going to take this bill and force the Ten Commandments to be posted somewhere. We have every kind of thought in over 40 amendments piled on top of this bill that will simply destroy the bill.

□ 1300

The American public and families want some assistance. They want some help. We can do a better job of crime prevention. And we do not need to do it with these kinds of outrageous amendments, nor do we need to talk about locking up young people and killing them with mandatory minimum sentencing. I think we are better public policymakers than that and we can do a better job.

I think the New York Times got it right when it said, ''Republican mischief on gun control.'' What they basically describe is how they have undermined the system of this House and how they have confused everybody, divided these bills, taken a good bill and destroyed it, and they are attempting to do the work of the NRA with a second bill where they will water down what was done on the Senate side.

This is outrageous. We should not have to put up with it. We should not destroy the work of the committee that was done in order to have a good juvenile justice bill. And we need to stop it right now. We need to stop it. We need to take the juvenile justice bill that was heard in committee and hear it and pass it out without all of these amendments, and then we need to deal with the gun safety legislation coming from the Senate side and vote it up or down.

I am absolutely outraged by the idea that mandatory minimum sentencing for 13- or 14-year-olds in this bill would create not only new Federal crimes but simply take away the discretion of judges, lock up kids 14 years old, put them in the Federal system, create more people in our prisons, and do nothing to reduce crime.

We know what mandatory minimum sentencing is doing. It is simply filling up the prisons and throwing away America's youth. We can do better than this. This is outrageous. Please do not let them get away with this.

Mr. CONYERS. Mr. Chairman, I yield 3¼ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think it is important to focus on what we are trying to do here on behalf of America's children.

So many of us have gathered around these issues in our capacity as members of the Committee on the Judiciary, members of organizations that promote children's issues. I work with Members who are interested in children's issues on a national level, Members of Congress who have joined together in the Congressional Children's Caucus.

Just a week ago, many of us spent time with Mrs. Tipper Gore, with individuals from around this Nation, in the first ever in the history of this Nation's White House Conference on Mental Health. I co-chaired the meeting section that dealt with children's mental health.

It was clear there by experts from around the Nation that there were other ways to address the concerns of our troubled youth throughout this country. I was gratified that, even before that conference and the wisdom of Mrs. Gore, the excellence of that conference, the focus on children, the deliberation around children and providing resources to listen to children, as was told to many of us who engaged our young people in our districts, went to the schools, that we had to do something other than locking children up.

We know the tragedy of Eric Harris and his associate and the tragedy of Columbine. But we also know the tragedy of killing young people in our urban centers for years and years. And clearly, we find out that trying juveniles as adults will suggest not a decrease in crime but an increase in crime. It endangers kids. It federalizes State juvenile offenses.

When we went through the committee process, it was very clear that the myriad of studies and witnesses on H.R. 1501 told us that locking up juveniles in Federal penitentiaries was not the way to solve the problem. They are subject to rape and abuse. It is tragic.

I thought that we had a meeting of the minds that would focus us on prevention programs like athletics and mentoring programs, job training, community-based activities such as the Fifth Ward Enrichment Program that takes children out of inner-city Houston and gives them an opportunity, inasmuch as they will be traveling to Africa this summer, giving them an incentive to be something else.

I thought that we had focused ourselves on mental health resources, guidance counselors, school nurses, and individuals who are available to listen to children, hot lines. I thought that we could work on the study by the Surgeon General to determine whether or not our children are torpedoed with violent entertainment and so we could come up with reliable solutions. I thought that we would understand, as we had done before, that prisons, Federal prisons, and juveniles do not work.

Unfortunately, we have an amendment offered by the chairman of the Subcommittee on Crime, with whom I have worked and who I have respect for, that takes all of our opportunity to solve these problems, deal with violence and guns, and particularly this 1501, away from us. It locks up our juveniles. It throws away the key. And it does not focus us on rehabilitation and preventive programs.

I rise here today to speak in support of the Juvenile Justice bill, H.R. 1501, the Consequences for Juvenile Offenders Act of 1999. This bill was a bipartisan effort in the Judiciary Committee. I am a cosponsor of this bill, which passed unanimously out of the Subcommittee on Crime.

H.R. 1501 offers a balanced approach that encompasses both punishment and prevention of juvenile offenders. We must enact stiff penalties for repeat violent offenders, but we must not forget the needs of other youth who can be rehabilitated through means other than punishment.

I am a strong supporter of prevention programs for young people who are risk. I believe that these programs—after school athletics, mentoring programs, job training, community-based activities and mental health services are vital to keeping children away from crime.

There is strong evidence to support that prevention programs work. Athletic programs prepare young people for success in life through encouraging teamwork, leadership and personal development. Mentoring programs pair young people with adults who work to encourage individuals to develop to their fullest potential.

Job training programs instill responsibility and encourage a strong work ethic. Community-based activities encourage respect for others and the local environment.

Each of these prevention methods provide alternatives to criminal activity. If young people are taught to respect themselves and their communities, they are less likely to get involved in violent behavior.

I am particularly interested in providing more mental health services for children. Mental health programs that screen, detect and treat disorders are crucial to preventing children from ending up in the juvenile justice system. Almost 60% of teenagers in juvenile detention have behavioral, mental or emotional disorders.

It is estimated that two-thirds of all young people are not getting the mental health treatment they need. There are 13.7 million or 20% of America's children with diagnosable mental or emotional disorder. These disorders range from attention deficit disorder and depression to bipolar disorder and schizophrenia.

We also need to put mental health professionals in the schools—counselors, psychologists and social workers that can help recognize the needs before it is too late. I am currently working on a bill that will place mental health services in the schools. By making these services available in the schools, we can spot mental health issues in children early before we have escalated incidents in the schools.

Each of these methods of prevention provides alternatives to simply warehousing juveniles in prison. Again, we clearly want to send a message to America that we want to develop productive, responsible citizens. Young people who commit violent crime must be punished, but we must do our part to make crime unattractive.

Given the recent violent incidences in Littleton, Colorado and Conyers, Georgia, the time could not be more urgent for this Congress to pass this legislation.

This debate should be centered on how we can save our children from violence and from committing violent acts. This legislation is a first step in that direction.

This first step gives us the chance to offer some solutions for preventing crime. It also enables us to articulate punishments for violent offenders. But, alone this bill is not enough. We also need to adopt provisions that will address the issue of guns in the hands of our children and the effect of our popular culture.

I thank you for the opportunity to speak on this bill. As I stated earlier, I was an original cosponsor of this legislation in the Subcommittee on Crime. It is unfortunate that we were unable to present this bill through the proper Committee channels, namely through a markup.

However, we must use this opportunity to pass meaningful Juvenile Justice legislation. We cannot afford to waste this opportunity. If we do, it could be a matter of life and death for our children.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. HUTCHINSON), a distinguished member of the committee.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding me the time. I want to express my deep appreciation to him for his leadership on this very, very important issue.

Before I go into the substance of the legislation, I want to respond first of all to the gentlewoman from California who put out the idea that, under this legislation, there is going to be mandatory minimums for 13- and 14-year-olds that are going to go to prison. And the gentlewoman from Texas raised, basically, the same argument that we cannot lock up juveniles.

And, of course, that is not in the base bill that we are speaking of today, but it will be offered later on in an amendment. But that amendment, which the chairman certainly can address more appropriately than me, it requires before there is any prosecution of a juvenile in the Federal system that the Attorney General of the United States has to approve that.

I believe, whether it is Attorney General Janet Reno or another attorney general, that they would use their discretion very carefully so that, in the normal case where we have got a delinquent juvenile, that they are going to be handled in the juvenile court system, as they always have been.

So I think we have to be careful in this debate not to go down that path of fear of just putting out that we are going to be locking up juveniles, because that is not the design of this.

We are getting ahead of ourselves in this debate. We need to come back to the accountability block grant proposal that is in H.R. 1501. There are going to be a number of amendments that are going to be offered down the road. In fact, I had my staff put together the whole stack of them. It is going to be a fair debate. The Democrats offered amendments. The Republicans offered amendments.

The will of this House will work, just like we did in campaign finance reform, when there were over 200 amendments offered. I believe that is how democracy works, and we will be able to work that through the will of this House with what I believe will be a very good product. If people do not like an amendment, they get to vote against it. If it is something that is good, they get to vote for it.

Now let us come back to what is very, very important; and that is what the gentleman from Florida (Mr. MCCOLLUM) has prepared for us in this bill, the juvenile accountability block grant proposal.

First of all, it deals with the serious problem of violent juvenile crime. It gives the flexibility to the States to address this issue. It gives resources to them. We all want to deal with the

problem of violence, as we saw in Columbine High School in Colorado.

One of the problems, I think, about that difficult circumstance of the probation officer who had these young people to deal with who were errant, who were a problem and they ultimately resorted to violence, if that person perhaps had had more resources, less of a caseload, perhaps he could have done more.

What this bill does is to provide $1.5 billion in grant money so the States can apply for that money. They can apply what works in their jurisdiction. It gives them creativity. It gives them flexibility. It gives them resources so they can deal with the juveniles, not by sending them to prison, locking them up, but by having accountability in the juvenile court system. And accountability is important.

I went to a county, Washington County, Arkansas, and talked to the juvenile delinquents who were actually incarcerated there; and it was clear to me in talking to them that what caught their attention was whenever they knew they could not manipulate the system anymore. And so, whenever they are held accountable, it makes a difference and they start getting their lives straightened out.

I look at this bill that the gentleman from Florida (Mr. MCCOLLUM) has authored and it says that one criteria for getting this grant money is that we have a system of graduated sanctions. And I read the bill and it says that the States should ensure that the sanctions are imposed on juvenile offenders for every offence. That is right, that sanctions escalate in intensity with each subsequent, more serious delinquent or criminal offence.

That is the way it should be. When we deal with our teenagers, we have one offence. If they do it again, it is a stronger offence. And that is exactly what this block grant program will encourage the States to do. It is a terrific start to dealing with the culture of violence, the difficulty that our teenagers face day in and day out. But again, it does give them the flexibility in each State to address the programs as they see fit.

If my colleagues look in Arkansas, it dramatizes the seriousness of this problem. In 1998, almost 10 percent of all criminal arrests in Arkansas were juveniles. But what is even more frightening, when we compare that 10 percent of all arrests for juveniles, 24 percent of the arrests for violent crime, including murder, rape and aggravated assault, were juveniles. Twenty-four percent of violent crime in my State was committed by juveniles.

And for that reason, this bill, this block grant program, gives Arkansas, gives New York, the authority to tailor the programs, to have the resources to address this. This is a staggering problem that needs to be addressed, and this legislation will do this.

I will later on offer an amendment that will provide restorative justice programs for these juveniles, and I ask my colleagues to consider this as well.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I am a cosponsor of H.R. 1501. I cosponsored this legislation because I believe that the grant programs it contains will be effective in helping our States and local governments combat juvenile crime. It adds the money necessary for antidrug, youth gang and youth violence programs. It provides more money for youth probation officers and prosecutors, more money for drug courts and gun courts, and more money for valuable after-school programs.

But, unfortunately, there are those in this body who would try to amend this bill with poison pill amendments that should be, at the very least, debated and voted on separately from our juvenile justice bill.

I do applaud what my chairman, the gentleman from Illinois Mr. HYDE), is trying to do by offering amendment number 112. I respect the gentleman from Illinois Mr. HYDE) greatly. Unfortunately, that bill goes too far in trying to protect our children from explicit sexual or violent material.

On the whole, it does some good things. But its cure is so extreme as to practically kill the patient. It does not strike the common-sense balance between protections for our children and retaining our constitutional liberties. It is so broad as to be unconstitutional and unenforceable.

We cannot ban parents from singing ''Rockabye Baby'' because it contains the image of a child falling out of a tree. Nor can we ban books like Tom Sawyer or Huckleberry Finn because they contain some levels of violence.

No, I do believe that there is too much violence, cruelty, and sadism in our culture; and I do believe that it occurs too frequently on television, in movies, in video games, and even in the lyrics of songs on the radio.

But parents have to get involved and do their jobs to monitor what our kids watch on television and how long they can watch television, to keep children out of movies that they are not old enough to see in the first place, to keep them from renting R-rated or PG–13-rated movies if they are not old enough, to install smut-blocking censoring devices on their own home computers, and to keep guns out of their own children's hands.

Yes, we must get the parents involved as one key element in addressing youth violence, as well as keeping guns out of the kids' hands. We can protect our children without outlawing everything from nursery rhymes to classic books and movies.

The juvenile justice bill that I cosponsored did so many wonderful and important things. It was adopted in a bipartisan fashion by Democrats and Republicans.

Unfortunately, my Republican colleagues are now about to impose poison pill amendments on a bipartisan juvenile justice bill for some ideological reason or perhaps some other good-faith reason. But it is the wrong thing to do.

Let us debate these other amendments separately and pass a clean, bipartisan juvenile justice bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. FOWLER), the vice-chairman of the Republican Conference.

Mrs. FOWLER. Mr. Chairman, as we discuss our competing solutions to this serious problem of violence in our society, we must remember what is truly important: our children.

It is our children who are at ground zero of this epidemic of violence. As a mother, I cannot think of anything more frightening than just that image.

□ 1315

We must consider the consequences for their future. There are too many negative forces acting on our children and our families today.

Years ago the words and actions that we see so casually used today in music, television, movies and everyday conversation would have horrified this Nation. As Senator DANIEL MOYNIHAN noted in a 1993 article, we have defined deviancy down. The easy answer, of course, is to focus solely on weapons, but easy answers are rarely the complete solution. We must look at the entire picture, which clearly includes examining these negative influences and discovering a way to eliminate or counteract them while enforcing the concept of right and wrong and holding people responsible for their actions.

Let us remove politics from the equation and focus on our children and on instilling responsibility while counteracting these negative influences.

I want to commend the gentleman from Florida (Mr. MCCOLLUM) for introducing this excellent bill which will provide critical resources to our States to assist in their efforts to combat juvenile crime.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, I think today is really a sad day. It is a sad day for this institution, and it is a sad day for America.

In 1 year firearms killed not a single child in Japan, 19 in Britain, 57 in Germany, 109 in France, 153 in Canada and 5,285 in the United States. We had an

opportunity to do something about that. The gentleman from New Jersey (Mr. PASCRELL) had introduced an amendment, an amendment which would have initiated and authorized the funding and the resources for the development of technology which would have created and designed a firearm which could not have been discharged by anyone other than the owner, by anyone other than the owner.

Now out of that more than 5,000 children that are killed every year in this Nation by firearms, 1,800 of them, 1800 children, our children, are killed either accidentally or by self-inflicted wounds, and we, the majority in this Congress, the Committee on Rules, could not find it, did not have the political will to make that amendment in order, and yet we see amendment after amendment, such as mandatory sentences which have again and again proved ineffective in terms of deterring crime and reducing violence in the United States, but we could not find it in this institution to save 1,800 children a year who die as a result of self-inflicted wounds because of accidental shootings. We could not do it.

Mr. Chairman, it says something about the priorities of this institution.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would like to speak to my colleagues, and I do not think they will disagree with what I am going to say. The majority of people in our jails today, most of them is drug related.

First of all, I want to thank my colleagues, including the gentleman from Michigan (Mr. CONYERS), that when my own son was involved with it, many of my colleagues from the other side of the aisle in the Judiciary came forward and offered to help, and I cannot tell my colleagues what that meant. And I do support strong minimum mandatories, the gentleman spoke a minute ago, even though it is on my own son, and I hope that it is the most important thing that has ever happened and life threatening in his life, and I think it will make a change, talking to him, and I do not think he will ever do it again.

But when we are talking about gun legislation, there are things that are reasonable. I made a statement once that I used to fly an F–14. It would put out 3,000 rounds a minute. In a half a second I could disintegrate this building, with a half-a-second burst, and I was trusted with that. I have never killed anybody outside of war, never robbed a bank, never shot anybody, and I want to protect the rights of people like myself that lawfully want to own a handgun.

I went to Mr. SCHUMER's district, and I understand why he hates guns. They have all the projects, and they shoot each other, and they do drugs, and they kill each other, and that is bad. But the answer is not just to be negative, but to look and see what is reasonable.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN), a member of the Committee on the Judiciary.

Mr. MEEHAN. Mr. Chairman, I thank the ranking member for having yielded this time to me.

I rise in opposition to the McCollum amendment to H.R. 1501. I think this amendment undermines the bipartisan consensus reached on this bill, a bill that was cosponsored by every single member of the Subcommittee on Crime and reported unanimously to the full committee where unfortunately we never considered this bill. Can my colleagues imagine the Committee on the Judiciary Subcommittee on Crime meets, all the Members cosponsor a bill, report it out unanimously, and we cannot get a vote in the full committee. It is kind of puzzling why this would happen, but rather than leave this very good piece of juvenile justice legislation alone, the Republicans have taken the opportunity to introduce poison pill amendments to guarantee its defeat, and I must admit that I find this strategy frustrating. If the bill was good enough 8 months ago when it was first drafted by the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT), then why is it suddenly not good enough now? Why do we need to ruin a good bipartisan bill that includes the right amount of prevention dollars for the States while not attaching too many conditions to the States' use of that money? In a momentary fit of bipartisanship did the Republicans forget to include all of their mean-spirited, counterproductive, juvenile justice measures now that they want to add to the bill?

First, this bill transfers too many juveniles to adult court even though studies have shown that transferring juveniles to adult court can increase juvenile crime. Now a 1996 study in Florida found that youth transferred to adult prisons re-offended approximately 30 percent more frequently than youth who stayed in the juvenile justice system. So if the goal is to move more juveniles to adult prisons and it is to target violent offenders, then studies prove that this has not worked. More juveniles are transferred for nonviolent offenses than for violent offenses, and that is exactly the wrong outcome. If we can see that at least some of the nonviolent juvenile offenders can be rehabilitated, then placing more of them in adult prisons is standing logic on its head.

In addition, holding juveniles in adult facilities is dangerous. Children in adult facilities are five times more likely to be sexually assaulted, twice as likely to be beaten by staff and 50 percent more likely to be attacked with a weapon and eight times more likely to commit suicide than juveniles in a juvenile facility.

There are too many examples of horrible results by locking up kids with adults, but I will provide just one example. Seventeen-year-old Christopher Peterman was held in an adult jail in Boise, Idaho, for failing to pay $73 in traffic fine. For over 14 days he was tortured and finally murdered by other prisoners, a death penalty for $73 in traffic tickets.

We can do better than this, we have got to treat kids appropriately. This amendment should be defeated.

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

Mr. Chairman, if we are truly interested in juvenile justice reform, we must begin by rejecting the amendments that have been stuck on to the very fine principles contained in H.R. 1501, a bipartisan bill that came out of the Subcommittee on Crime, and I remind the gentleman, the chairman of the committee, and I praise this bill, this is a measure that has been very carefully vetted, but all of the other amendments that have been approved, some 44, have never been in the Committee on the Judiciary. In other words, the Committee on Rules has become the original committee of jurisdiction for a juvenile justice bill, and for that reason those amendments must be rejected.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of the time that I have remaining.

We have had quite a debate here on the general debate today on 1501. Many of the topics brought up were about amendments rather than about the base bill. We have heard a number of myths, including one I just heard then, that somehow this legislation or subsequent amendment will involve incarcerating juveniles with adults. No amendment I know of that I am going to offer, has anything to do with, would do that, and certainly this base bill does not touch that subject.

I come back to the fact that whatever else is discussed out here, the single most important thing we are going to be doing in my judgment with respect to protecting our children, the safety of our children on the streets and the schools and the playgrounds of this Nation and to prevent violence by youth, is the underlying proposition in 1501, the bill we are considering, that is bipartisan, that everybody supports, that all the experts say we should pass, and that is the grant program to the States to help them improve broken juvenile justice systems. They need the money for more probation officers, judges, diversion programs and so forth. They do not have it. And because they do not have those judges and probation officers in diversion programs we have got a lot of problems. We do

not have kids that are receiving any kind of consequence or accountability for the most minor of crimes that they used to always receive some punishment for.

This bill will say to the States here is money to hire more of these judges, et cetera, if you just agree to one thing, and that is to punish from the very first misdemeanor crime every juvenile in this country, and if they agree in your state to do that and to institute a system of graduated sanctions where we intensify for the more serious offense then you can have the money to improve the system. That is what everybody says will send a message of consequences to kids so they do not start down the path of believing that when they do something bad nothing is going to happen because the experts say when they get to believing that, then it is going to lead on to violent crime later very frequently and that is the root cause and one of the most significant root causes of violent crime in the Nation.

So 1501, the underlying bill we are debating today, getting little attention because of all the other discussions after Littleton about guns and everything else, is by all experts I have talked to as chairman of the Subcommittee on Crime and heard from over the past few most, the single most important thing we can do to help our kids, to make sure there is child safety and to make sure that we prevent violent youth crime in the future. So I strongly urge the adoption of this bill, and I look forward to debating the amendments as they come out here.

Mr. BLILEY. Mr. Chairman, I share the strong concerns of all my colleagues about the rise in youth violence, as evidenced by the tragedy at Columbine High School recently.

I am also concerned, however, that our reaction to such tragedies be appropriate and measured. It seems to me that many of the amendments that we are considering today border on a knee-jerk reaction, designed more for political appeal than solid law-making.

A number of these amendments fall within the jurisdiction of my committee but unfortunately have not had the benefit of the normal committee process and procedures. For instance, I have concerns that the Franks/Pickering amendment, which deals with Internet filtering for schools and libraries, is being dealt with outside the jurisdiction of the Commerce Committee. The committee has been conducting aggressive oversight of this program, known as the E-rate program, and we intend to continue that oversight. The committee has also been involved in myriad issues related to the growth and development of the Internet and electronic commerce. I anticipate that the committee will be addressing this issue of protecting children online later this Congress, with the goal of creating sound, sensible, and rational policy that protects children while recognizing the vast potential of the Internet in aiding education.

Similarly, an amendment to be offered by Mr. WAMP would grant the FTC expansive new authority to approve or establish labeling standards for all audio and video products. There may be constitutional problems with this amendment—problems that would have been eliminated, I am sure, if the legislation had proceeded under regular order.

In addition to the filtering and labeling amendments, a number of amendments were made in order that call for studies and commissions on a variety of society's ills. None of these ideas has passed through my committee, which has the expertise to determine whether Federal tax dollars should be put to use for these purposes.

As this legislation goes to conference with the other body, I will insist that my committee be appointed conferees on provisions within its jurisdiction. In conference, I will seek to ensure that the Congress not only responds to the public call for action, but also crafts sound public policy as well.

Mr. VENTO. Mr. Chairman, today's problem of juvenile crime is so complex that it defies easy solutions. However, in the drive to increase public safety and reduce juvenile crime, several of the amendments offered to this piece of legislation have lost sight, not only of the complexity of the juvenile crime problem, but also the success of existing local enforcement agencies and community initiatives in keeping juveniles out of gangs and crime free.

There are numerous policy choices that we could implement to combat juvenile crime and delinquency if Congress chooses to provide funds and help. We must continue to focus on early intervention and prevention programs rather than ''get tough'' punitive measures that do little to reduce crime or address its root causes. Our primary goal should be a proactive approach rather than reactionary measures.

Given the alarming rate of crime and the disproportionate amount committed by juveniles, punitive provisions and ''get tough'' provisions are widely attractive and politically appealing. Yet, such ''get tough'' measures fail to deliver the results promised by their proponents. Evidence points out that trials of juveniles as adults actually result in repeat criminal behavior and activities. For example, states with higher rates of transferring children to adult court do not have lower rates of juvenile homicide. Finally, children in adult institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked with a weapon that children in a juvenile facility. Treating more children as adults in the criminal justice system does not move us any closer to our common goal—it does not create safer communities. The consequence of such action is surely not positive.

I think that Members on both sides of the aisle should agree with the common facts; that when it comes to addressing the unique public safety concerns of our districts, the programs and responses must be built on the unique situations within our community. Different problems and populations require specific solutions. Prescribing inflexible federal solutions does not resolve issues that are specific problems of state or local jurisdictions. Local governments need more flexibility, not more federal mandates which imply the same solution for every jurisdiction. Federally imposed strategies which limit the ability of local governments to respond to community needs, ensure that the war on crime is not fought with the efficiency or effectiveness that is necessary to reduce the incidence of crime and attain the safe environment our constituents seek.

I will continue to support legislation that recognizes that states and localities are taking the lead in implementing innovative solutions to local crime problems, and provides for cost effective and proven initiatives. Such legislation would enable local governments to accomplish what the federal government has limited ability to do—reduce the rate and incidence of juvenile crime.

The one thing that the federal government can do is assist state and local governments in any way possible to make sure their solutions are achievable, with programs that put police on the street and take the guns off the street. I believe we have an obligation to do all that is possible to make our communities safe. This includes helping to get guns off the streets and out of the hands of juveniles and criminals. It is unfortunate that events such as the tragedy in Colorado had to occur in order to spur congressional action, however the availability of assault weapons used by the students to inflict this violence and death upon this community and many others must be curtailed.

With the combined efforts of federal, state, and local governments we can successfully combat juvenile delinquency and crime.

Ms. STABENOW. Mr. Chairman, I rise today to express my support for the amendment offered by Representative STUPAK and Representative WISE to H.R. 1501, ''Child Safety and Protection Act.'' This important amendment builds on legislation which I introduced, H.R. 1898, which would authorize a national hotline for reporting school violence.

While I offered my bill as an amendment to H.R. 1501, it was not made in order. Therefore, I would like to express my strong support for this amendment. This important initiative will provide tremendous support to our states by authorizing them to develop and operate confidential toll-free telephone hotlines. These hotlines will operate 24 hours a day, seven days a week in order to provide students, school officials and others the ability to report specific threats of imminent school violence or other suspicious or criminal conduct by juveniles. These reports would be directed to the state or local authorities to be addressed. Mr. Speaker, with the recent school shootings we must do everything we an to provide our states the tools they need to handle school violence. The amendment offered my colleagues from Michigan takes an important step toward not only addressing violence in our schools, but preventing it. By giving students a direct line to report violence we have the opportunity to intervene before an act of violence occurs in our communities.

Mr. Chairman, I believe the best way to confront violence in our schools is to commit the resources we have available at the federal level to our states and local communities. There is no more important issue at stake than the welfare of our children. One way we can ensure their safety is to provide states with tools to confront violence in schools. This

hotline is important because it builds on existing programs and calls for partnerships between state and local units of government.

While it is unfortunate that I was not able to offer my amendment, I am grateful that this important program was adopted as part of H.R. 1501.

Education is the key to a productive future for our children. We need to make sure our schools are safe so that our children have the skills they need to succeed in the competitive global economy of the 21st century, and I believe that this initiative will move us toward this goal.

Mr. BARCIA. Mr. Chairman, today's children face more obstacles and danger than ever before. Often children are singled out by adult predators because they are weak and unable to defend themselves. We owe it to our children to do all we can to protect them.

That is why I strongly support the Cunningham amendment, which will amend federal sentencing guidelines to increase the penalties for those violent offenders who commit crimes against children. Additionally, the amendment will help local law enforcement to catch and convict criminals by authorizing the Federal Bureau of Investigation to assist local and state authorities in murder investigations involving children. Matthew's Law, named after a little boy who was brutally murdered in California, sends a strong message to those who prey on innocent children. It sends a message that we will not tolerate crimes of violence against children and predators who prey on those innocent victims deserve severe punishment.

In combination with the truth in sentencing resolutions that have passed this House, this amendment will keep violent offenders away from our children. It makes our streets safer. It makes our neighborhoods safer and most importantly, it makes our children safer.

Mr. NUSSLE. Mr. Chairman, all American children have the right to receive a quality education in a safe learning environment. Teachers and principals should be given the tools needed to provide their students with that quality education and safe learning environment. Unfortunately, federal regulations are standing in the way of allowing education officials in our communities from doing just that.

Under current discipline provisions in the Individuals with Disabilities Education Act (IDEA), a special-needs student who is in possession of a weapon at school may only be suspended for up to 10 days or be placed in an alternative education setting for up to 45 days. If the student's behavior is determined to be a direct result of his or her disability, the student could return to school immediately.

Over the past year and a half, I have been meeting with school administrators, principals, and teachers throughout Iowa's 2nd District to discuss this problem. Time and time again, they have told me how difficult it is to provide a safe learning environment for their students because of the two separate discipline codes they must live under—one for the main-stream students and one for the special-needs students. Together, we worked to write the Freedom to Learn Act which is very similar to this amendment we are discussing.

For instance, if my son, Mark, who is a main-stream student, were to bring a gun into school he could be expelled from school immediately. If my daughter, Sarah, who is a special-needs student, were to bring a gun into school she could either be suspended for a short time or return back to her classroom. But at home, there is only one set of rules for both of my children. If Sarah and Mark get into a fight, they both receive the same punishment. What I am trying to teach my kids at home is being contradicted with how they are treated at school. A two-track discipline system does not work at home—and it does not work at school either.

I offer this amendment with my colleagues because it will allow state and local education officials to establish uniform discipline policies that will apply to all students who bring weapons to school. This amendment will give school officials the freedom to protect the safety of every student in their charge without interference from the federal government.

We must amend the burdensome, bureaucratic control over our local school agencies. We must allow school officials to establish disciplinary procedures and consequences that would best meet their individual needs. And, most importantly, we must provide all students with the right to learn in a safe education environment.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 1501 is as follows:

H.R. 1501

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 ''Consequences for Juvenile Offenders Act of 1999''.

SEC. 2. GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''SEC. 1801. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

''(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State or a unit of local government under this part shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes—

''(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

''(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

''(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

''(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;

''(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

''(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

''(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

''(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

''(9) establishing and maintaining a system of juvenile records designed to promote public safety;

''(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

''(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies.

''(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders; and

''(13) establishing and maintaining accountability-based programs that are designed to enhance school safety.

''SEC. 1802. GRANT ELIGIBILITY.

''(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by rule, including assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

''(b) LOCAL ELIGIBILITY.—

''(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

''(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 1803(e), except that information that is otherwise required

to be submitted to the State shall be submitted to the Attorney General.

''(c) GRADUATED SANCTIONS.—A system of graduated sanctions, which may be discretionary as provided in subsection (d), shall ensure, at a minimum, that—

''(1) sanctions are imposed on juvenile offenders for every offense;

''(2) sanctions escalate in intensity with each subsequent, more serious delinquent or criminal offense;

''(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

''(4) appropriate consideration is given to public safety and victims of crime.

''(d) DISCRETIONARY USE OF SANCTIONS.—

''(1) VOLUNTARY PARTICIPATION.—A State or unit of local government may be eligible to receive a grant under this part if—

''(A) its system of graduated sanctions is discretionary; and

''(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

''(2) REPORTING REQUIREMENT IF GRADUATED SANCTIONS NOT USED.—

''(A) JUVENILE COURTS.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

''(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

''(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in 1 or more specific cases, to submit an annual report that explains why such court did not impose graduated sanctions in each such case.

''(B) UNITS OF LOCAL GOVERNMENT.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

''(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'discretionary' means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

''(2) The term 'sanctions' means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

''SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

''(a) STATE ALLOCATION.—

''(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate—

''(A) 0.25 percent for each State; and

''(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

''(2) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

''(3) INCREASE FOR STATE RESERVE.—

''(A) IN GENERAL.—Subject to subparagraph (B), if a State demonstrates and certifies to the Attorney General that the State's law enforcement expenditures in the fiscal year preceding the date in which an application is submitted under this part is more than 25 percent of the aggregate amount of law enforcement expenditures by the State and its eligible units of local government, the percentage referred to in paragraph (1)(A) shall equal the percentage determined by dividing the State's law enforcement expenditures by such aggregate.

''(B) LAW ENFORCEMENT EXPENDITURES OVER 50 PERCENT.—If the law enforcement expenditures of a State exceed 50 percent of the aggregate amount described in subparagraph (A), the Attorney General shall consult with as many units of local government in such State as practicable regarding the State's proposed uses of funds.

''(b) LOCAL DISTRIBUTION.—

''(1) IN GENERAL.—Except as provided in subsection (a)(3), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

''(A) the sum of—

''(i) the product of—

''(I) three-quarters; multiplied by

''(II) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

''(ii) the product of—

''(I) one-quarter; multiplied by

''(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

''(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

''(2) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

''(3) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

''(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditures for a unit of local government is insufficient or inaccurate, the State shall—

''(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

''(2) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditures for the relevant years for the unit of local government.

''(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $5,000.—If under this section a unit of local government is allocated less than $5,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

''(e) DIRECT GRANTS TO SPECIALLY QUALIFIED UNITS.—

''(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

''(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.

''SEC. 1804. REGULATIONS.

''(a) IN GENERAL.—The Attorney General shall issue regulations establishing procedures under which a State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

''(b) ADVISORY BOARD.—The regulations referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to review the proposed uses of such funds. The board shall include representation from, if appropriate—

''(1) the State or local police department;

''(2) the local sheriff's department;

''(3) the State or local prosecutor's office;

''(4) the State or local juvenile court;

''(5) the State or local probation officer;

''(6) the State or local educational agency;

''(7) a State or local social service agency; and

''(8) a nonprofit, religious, or community group.

''SEC. 1805. PAYMENT REQUIREMENTS.

''(a) TIMING OF PAYMENTS.—The Attorney General shall pay to each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than—

''(1) 90 days after the date that the amount is available, or

''(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c),

whichever is later.

''(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, or a unit of local government shall repay to the State by not later than 27 months after receipt of funds from the Attorney General, any amount that is not expended by the State within 2 years after receipt of such funds from the Attorney General.

''(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

''(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

''(c) ADMINISTRATIVE COSTS.—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

''(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

''(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

''SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

''Funds or a portion of funds allocated under this part may be utilized to contract with private, nonprofit entities, or community-based organizations to carry out the purposes specified under section 1801(a)(2).

''SEC. 1807. ADMINISTRATIVE PROVISIONS.

''(a) IN GENERAL.—A State or specially qualified unit that receives funds under this part shall—

''(1) establish a trust fund in which the government will deposit all payments received under this part;

''(2) use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State or specially qualified unit;

''(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

''(4) spend the funds only for the purposes under section 1801(b).

''(b) TITLE I PROVISIONS.—Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

''SEC. 1808. DEFINITIONS.

''For purposes of this part:

''(1) The term 'unit of local government' means—

''(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

''(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

''(2) The term 'specially qualified unit' means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

''(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

''(4) The term 'juvenile' means an individual who is 17 years of age or younger.

''(5) The term 'law enforcement expenditures' means the expenditures associated with prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

''(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

''SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

''(1) $500,000,000 for fiscal year 2000;

''(2) $500,000,000 for fiscal year 2001; and

''(3) $500,000,000 for fiscal year 2002.

''(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 2000 through 2002 shall be available to the Attorney General for evaluation and research regarding the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

''(c) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.''.

(b) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the item relating to part R and inserting the following:

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''Sec. 1801. Program authorized.
''Sec. 1802. Grant eligibility.
''Sec. 1803. Allocation and distribution of funds.
''Sec. 1804. Regulations.
''Sec. 1805. Payment requirements.
''Sec. 1806. Utilization of private sector.
''Sec. 1807. Administrative provisions.
''Sec. 1808. Definitions.
''Sec. 1809. Authorization of appropriations.''.

The CHAIRMAN. No amendment is in order except those printed in part A of House Report 106–186. Except as otherwise specified in House Resolution 209, each amendment may be offered only in the order printed in part A of the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report and shall not be subject to a demand for division on the question.

□ 1330

The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in part A of the report out of the order printed, but not sooner than 1 hour after the Chairman of the Committee on the Judiciary or a designee announces from the floor a request to that effect.

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.

Mr. MCCOLLUM. Mr. Chairman, pursuant to the rule you have just outlined for us, I hereby give 1 hour's notice of my request to consider the amendment No. 31, the Hyde amendment, out of order, immediately after consideration of the McCollum amendment No. 6, and any amendments thereto.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part A of House report 106–186.

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. KUCINICH:

Page 3, strike lines 23 and 24, and insert the following:

''(9) establishing and maintaining an automated system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult, that—

''(A) is equivalent to the system of records that would be kept of adults arrested for such conduct, including fingerprint records and photograph records;

''(B) provides for submitting such juvenile records to the Federal Bureau of Investigation in the same manner as adult criminal records are so submitted;

''(C) requires the retention of juvenile records for a period of time that is equal to the period of time for which adult criminal records are retained; and

''(D) makes available, on an expedited basis, to law enforcement agencies, to courts, and to school officials who shall be subject to the same standards and penalties that apply under Federal and State law to law enforcement and juvenile justice personnel with respect to handling such records and disclosing information contained in such records;

The CHAIRMAN. Pursuant to House resolution 209, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

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

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

I wish to offer an amendment to this bill that would assist States in compiling the records of juveniles and establishing statewide computer systems

for their records. In addition, States would have the option of making these records available to the NCIC at the FBI where they would be accessed by law enforcement officials from other States. Similar language for such a system of records already exists in the Senate-passed juvenile justice bill.

The reason I offer this amendment is a tragic story from my own district. A Cleveland police detective, Robert Clark, was killed in July 1998 while attempting to arrest a drug dealer. The individual who shot Detective Clark had accumulated a considerable criminal record between Ohio and Florida. Although he was only 19 years old at the time of the shooting, he had been arrested 150 times since the age of 8. There had been 62 felony charges laid against him between 1995 and 1998. However, officials in Ohio were unaware of his criminal activities in Florida, and vice versa. In addition, there was an outstanding warrant for this individual's arrest in Florida at the time of the shooting. Had an automated records system been in place when he first appeared before a juvenile court in Ohio, law enforcement officials in Ohio would have had access to this extensive criminal record in Florida.

I remain a strong supporter of civil liberties for all citizens. Therefore, it is important that access to these records be strictly controlled to maintain the privacy rights of every citizen. In addition, States should not be mandated to share juvenile records information with the FBI. Rather, they would have the option of sharing their juvenile records information should they choose.

My amendment has received the endorsement of the Fraternal Order of Police in which they say, ''The ability to share and obtain information about criminals' records is crucial to the law enforcement mission. This legislation addresses the pressing need for better and more efficient recordkeeping on violent juveniles, information that would stop crimes and save lives.''

Mr. Speaker, at this time I will include the above-referenced letter for the RECORD.

FRATERNAL ORDER OF POLICE,
Washington, DC, June 15, 1999.

Hon. DENNIS KUCINICH,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KUCINICH: I am writing on behalf of the more than 277,000 members of the Fraternal Order of Police to advise you of our strong support for your amendment to H.R. 1501, the ''Consequences for Juvenile Offenders Act of 1999.'' Your amendment will enable law enforcement officials to improve record-keeping and record-sharing on juvenile offenders.

Your bill would enable States to apply for Federal grants to establish, develop, update or upgrade State and local criminal history record systems to include the conviction records of violent juveniles. These grants will assist State and local law enforcement authorities in compiling and computerizing statewide systems with the records of violent juvenile offenders with the option to make this data available to the Federal Bureau of Investigation and law enforcement authorities in other States.

The ability to share and obtain information about criminals' records is critical to the law enforcement mission. Your legislation addresses the pressing need for better and more efficient recordkeeping on violent juveniles—information which could stop crimes and save lives.

On 1 July 1998, Detective Robert Clark of the Cleveland Police Department and Correy Major, a 19-year-old from Florida were killed in a gun battle. Major was first arrested at the age of eight. By the time he was killed last July, he had amassed over one hundred and fifty prior incidents with police on his record. Major was arrested on yet another offense the night before he killed Detective Clark, but because law enforcement officers in Cleveland, Ohio were unaware of his extensive criminal record as a juvenile in Florida, he was released from custody. Because Ohio and Florida were unable to share information about this dangerous and violent criminal, only hours later a brave and dedicated officer was dead.

I commend you for your leadership on this important issue on behalf of the membership of the Fraternal Order of Police. If I can be of any further help, please do not hesitate to contact me or Executive Director Jim Pasco through my Washington office at (202) 547–8189.

Sincerely,

GILBERT G. GALLEGOS,
National President.

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

Mr. MCCOLLUM. Mr. Chairman, I do not oppose the amendment; however, I ask unanimous consent to take the 5 minutes if no Member is opposing it.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply want to support the amendment of the gentleman from Ohio (Mr. KUCINICH) and take the time to say what it really does in my view, which is a very positive thing. It takes one of the conditions of use of the money in grant program for these improvements of the juvenile justice system, which are very broadly written; there are 13 of them in the bill, and it very specifically tailors that one use which has to do with having juvenile records available by saying that not only do we establish and maintain those juvenile records in the case of public safety, but that we have an automated system of records that we establish and maintain for juveniles less than 18 years of age or who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult.

In other words, the gentleman from Ohio (Mr. KUCINICH) spells out what we are concerned with here and then goes into detail, very similar to what was in legislation that I authored in the last Congress on this subject matter and did not include in this particular bill, H.R. 1501, as a specific provision in that much detail because I thought the general language covered it.

Mr. Chairman, I really believe that the gentleman is doing a service to put this specific language in. I think this is a good amendment because it does outline these details, and does spell out that which the rules would be, and we will not have any questions about it after that, I believe.

So it is again in furtherance of a bipartisan bill that throughout this has been that way.

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

Mr. KUCINICH. Mr. Chairman, I want to thank the gentleman from Florida (Mr. MCCOLLUM) for his kind remarks regarding this amendment. It seeks to build on the intentions that he had in the last Congress, and I certainly appreciate his support and the support of all of my colleagues on this.

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

Mr. MCCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part A of House Report 106–186.

AMENDMENT NO. 2 OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 2 offered by Mr. HUTCHINSON:

Page 4, after line 21, insert the following:

(14) establishing and maintaining restorative justice programs.

(c) DEFINITION.—For purposes of this section, the term ''restorative justice program'' means a program that emphasizes the moral accountability of an offender toward the victim and the affected community, and may include community reparations boards, restitution, and mediation between victim and offender,''

The CHAIRMAN. Pursuant to House resolution 209, the gentleman from Arkansas (Mr. HUTCHINSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

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

Mr. Chairman, my amendment adds a new category of permissive uses for the grant money authorized under the juvenile accountability block grants in H.R. 1501. This new authority will allow States and localities to use funds in the bill to implement restorative justice programs.

Restorative justice is a concept that incorporates the community, the victim, and the offender in the restitution and rehabilitation process. Programs in existence today include local community reparation boards, offender restitution programs, and victim-offender mediation. This new authorized use of funds will provide judges with an important tool to hold juveniles accountable for their wrongdoing.

Mr. Chairman, I believe it is important not only to hold juveniles accountable to the State for their wrongdoing, but also to their victims. Restitution programs and mediation programs emphasize the responsibility of the offender, in this case the juvenile, to those he or she has wronged.

The Senate-passed juvenile crime bill includes similar language, but does not define the term ''restorative justice.'' So my amendment improves upon the Senate approach by defining restorative justice to mean a program that emphasizes the moral accountability of an offender toward the victim and the affected community. I might add, Mr. Chairman, that the American Bar Association has previously adopted a resolution recommending that the government look into these types of victim-offender mediation programs in the criminal justice system and possibly incorporating them.

An example of this also would be Marty Price, who mediated a session between juvenile offenders who had thrown rocks from an overpass and actually caused physical harm, but also some personal injuries. That was mediated, the victims participated in it, there was not any recidivism. The juveniles learned from that experience, and the victims were happy as well. I will not go into all the details of this, but it is something that really works.

Mr. Chairman, I yield to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, we have no objection to this amendment. However, I would like to yield when it is appropriate to the gentleman from Maine (Mr. BALDACCI).

Mr. HUTCHINSON. Mr. Chairman, I yield to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding. I just want to rise in support of this amendment. It establishes a new criteria under the uses for the grant monies in this bill. It is the 14th one. We just talked about amending one of the earlier ones in the list of 13. This 14th one is in no way restrictive and actually adds to the opportunity for the local authorities and States to be able to improve their juvenile justice systems. As the gentleman so eloquently explained, it does so by establishing and maintaining restorative justice programs, and the gentleman has defined those to mean a program that emphasizes the moral accountability of an offender toward the victim and the affected community.

Mr. Chairman, I think this is very significant. I think that it is a good clarification of the broad-based nature of what we are proposing in that there are lot of things, as long as it is within the juvenile justice system of a State, that one can use this grant money for. So I commend the gentleman for offering it and I urge its adoption.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman, and I reserve the balance of my time.

Ms. DEGETTE. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The CHAIRMAN. The gentlewoman from Colorado (Ms. DEGETTE) is recognized for 5 minutes.

Ms. DEGETTE. Mr. Chairman, I yield 5 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I would like to thank the gentlewoman from Colorado for yielding me this time. I am not in opposition to the amendment that has been offered, but because of the constraints that have been presented, it will allow us an opportunity to be able to speak in regards to this issue at this time.

I do support the efforts of the gentleman from Arkansas in trying to create this opportunity for restorative justice, and I would look to support it.

But at this time also, on the larger issue, I wanted to point out that there are no easy answers to the problems of youth violence. Tightening gun laws, providing increased mental health counseling to youth and placing renewed emphasis on family values may all be part of the solution, but no one of these steps alone will be enough. I think a few guiding principles are in order.

First, increased communication must be a focus. Students need to be able to report incidences or rumors that concern them. Education and law enforcement officials need to be able to share information about troubled or troublesome youth, and parents need to be able to talk to their kids and children and friends of teachers and teachers themselves.

Second, we must start thinking and acting like families and communities, rather than solely as individuals. I think in some of the cases we have lost sight of the common good and we need to regain that. Third, we must take prudent steps to ensure that guns are not in the hands of our youth. While we must maintain a careful balance, I do believe that some modest further regulation may be in order.

Finally, and perhaps most importantly, we need to take increased steps to ensure that our youth have the resources to deal with the challenges they face. Whether they find strength in their families, in their church, or in their teachers or simply in themselves, young people need to be able to face the rejection, the volatility and pressures that can accompany adolescence.

Time and again, I have heard from people in my district that the best way to deal with juvenile delinquency is to prevent it from happening in the first place. The boys and girls club, after school activities, sports programs, mentoring and programs like Outward Bound have all proven effective in keeping kids out of trouble. They help youth to build the skills they need and provide caring, nurtured environments for children to spend their time in.

We have all heard the adage that an ounce of prevention is worth a pound of cure, and when it comes to dealing with our youth, I do not believe that any phrase could be more true. I commend the committee for focusing on prevention in the underlying legislation, and I urge my colleagues not to lose that focus as we go through the amendment process.

Ms. DEGETTE. Mr. Chairman, as I stated, we have no objection to this amendment. We thank the gentleman for raising it.

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

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY), who has been very supportive of this effort.

The CHAIRMAN. The gentleman from Arkansas has 1 minute remaining.

Mr. HUTCHINSON. Mr. Chairman, I ask unanimous consent that the gentlewoman be given 2 minutes.

The CHAIRMAN. The Chair would inform the gentleman that under the rule, such a request cannot be granted by the Committee of the Whole.

Does the gentleman seek to yield 1 minute to the gentlewoman from Oregon?

Mr. HUTCHINSON. Yes, I would like to do that, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Oregon is recognized for 1 minute.

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in support of the gentleman's amendment.

This amendment stresses that juveniles must be held accountable for their actions and allows communities to engage in innovative and nontraditional ways of holding juveniles accountable.

Too often our juvenile system provides delayed accountability to our people by not acting for 2 or 3 months, or by not acting until after a person has committed a second or third or even fourth violation.

Accountability programs have been enormously successful in my district in Oregon. In Clackamas County, the local juvenile authorities have been

working with nonviolent first- and second-time juvenile offenders to come up with punishments that do not justify, fit the crime, but fit the offender.

County officials assess and evaluate the offender and work with parents, local police, and school officials to come up with proper sanctions, treatment, and an immediate consequence to that offense, so that the offender understands that there is a connection. As a result, juveniles are often required to provide restitution, to meet with their victims and provide service to the community.

□ 1345

Providing these types of immediate sanctions have been so successful in my district. This is the kind of program this would fund, and I would support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in Part A of House Report 106–186.

AMENDMENT NO. 3 OFFERED BY MR. DREIER

Mr. DREIER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 3 offered by Mr. DREIER:

Page 4, line 11, strike the period and insert the following: '', and accountability-based, proactive programs, including anti-gang programs, developed by law enforcement agencies to combat juvenile crime;''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. DREIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me at the outset say that I am very pleased to be joined in offering this amendment with my good friend, the gentleman from Arizona (Mr. HAYWORTH) and my good friend, the gentleman from California (Mr. HORN).

This issue really centers around the question of local control. As we confront the issue of violent juvenile crime, it seems to me that it is very important for us to do everything we possibly can to empower local community-based agencies, particularly sheriffs and police, to fight gang crime.

We all know how these horrible gangs that have been out there have been involving themselves in illegal commerce, primarily in the area of drug trafficking, and it goes across both State lines and national borders.

This proposal first came to me from Lee Baca, who is the Chairman of Los Angeles County. They have spent a great deal of time looking for creative, locally-based solutions to what obviously is a very serious problem.

I hope very much my colleagues will join in strong support of this effort.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. MCCOLLUM), distinguished chairman of the Subcommittee on Crime.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding time to me. I want to support this amendment. I compliment the gentleman on it.

Mr. Chairman, I want to assure everybody, from what I understand from the discussions and from reading the amendment, the gentleman is adding to already existing number 11.1 for the conditions for the use of the money, and in that process, all the gentleman is doing is saying if a kid comes in contact, a juvenile, with some portion of the system, in this case, the law enforcement portion, before the judge ever sees the case, and it is one of these anti-gang programs or whatever, they can receive some of this money.

That is part of the system, by definition. I assure the gentleman it is.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, the gentleman is absolutely right. So basically what we are doing is providing another opportunity, a greater degree of flexibility, so we can deal with this very pressing problem.

Again, this came to our attention from the Los Angeles County Sheriff's department. In my State, Pasadena, California, has been very involved in this. We have, I think, what is a creative, flexible solution, or at least a help for a very serious problem.

Mr. Chairman, I yield such time as he may consume to my good friend, the gentleman from Arizona (Mr. HAYWORTH), with whom I am pleased to be joined as a cosponsor of this amendment.

Mr. HAYWORTH. Mr. Chairman, I thank my friend, the honored chairman of the Committee on Rules, for yielding time to me.

I would simply address my colleagues by reminding them of the situation we find ourselves in the Sixth Congressional District in Arizona, an area in square mileage almost as big as the commonwealth of Pennsylvania, a district of many contrasts, part of urban Phoenix, and a sprawling rural area in which the counties are actually larger than many States on the East Coast.

While in the past, and as my colleague from California capably pointed out, while urban areas we often associate with gang violence and the rise of street crime and gang activity, we also see it in the rural areas of States like Arizona.

Just yesterday a young man from Winkelman, Arizona, there on the Pinal-Gila county line came to see me. He spoke of incredible activities in his rural community, concentrations of gangs, concentrations of drug activity. That was followed up with a visit from another rural county by a narcotics officer saying the same thing.

What we are doing in this amendment is allowing local law enforcement agencies to use some of the $1.5 billion in Federal assistance that is set aside over the next 3 years to help combat juvenile crime.

As my friend, the distinguished subcommittee chairman from Florida just pointed out, this allows a portion of those proceeds to go to anti-gang activities which are so essential to combatting youth violence, so essential to combatting the scourge of drugs, and so essential to rural law enforcement, where we have seen the incredible rise of gangs along the interstates now in Arizona, even going into what we would consider more pastoral and placid scenes. There crime is rising, gang activity is up.

This amendment allows flexibility, and the underlying principle is this: That those closest to the problem, those who have to fight the problem, should be given maximum flexibility to do so.

That is why I am so pleased to join my colleague, the chairman of the Committee on Rules and my other colleague, the gentleman from California (Mr. HORN), as well in offering this amendment. I urge its passage by this body.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek to control the time in opposition?

Mr. CONYERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN), a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Chairman, as a member of the committee, I certainly do not object to the proposed amendment because I think, in fact, although the amendment makes clear this is an eligible activity, I think that is already clear from the underlying bill.

We want to do this, the amenders want to do this. Therefore there is no harm in saying it still again, that we want this to be an eligible activity.

However, I do think it is important to put in context what it is we are doing here today in the House of Representatives. We have struggled on the Committee on the Judiciary with a juvenile justice bill that was way too extreme, and due to the efforts of the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT), the ranking member, we came up with a bipartisan bill, H.R.

1501, that all of us agree would help in the juvenile justice arena.

We had hoped in the committee that we would take that bipartisan bill that we knew would pass, we knew the President would sign, and added the simple gun safety measures that the other body approved prior to the recess.

Instead, what we have here in this process today is that bipartisan bill and some innocuous amendments, such as the current one, that I believe are being used as cover for the killer amendments that will be offered later in the day that will sink the entire measure. I think that is a darned shame.

This is being done as prelude to what I fear will be a very unproductive effort tomorrow, unproductive from the point of view of those who want gun safety measures, modest ones, commonsense ones such as the Senate has passed, but productive for those who wish to kill commonsense gun safety measures.

This amendment is fine, but let us not be fooled by what we are doing here today. This entire effort is devised by those who oppose any efforts to adopt what the American people want, which is modest, moderate, commonsense gun safety measures. I think that is a terrible shame, and really, in so doing we will disappoint the legitimate hopes of the American people for these modest steps.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this amendment is certainly consistent with the underlying bill, especially one of the amendments that will be presented later, which would incorporate H.R. 1150. The localities would do a plan and determine whether or not this particular program would fit into their plan, if they have determined they need this kind of program.

It would certainly be eligible under that portion of the bill. It is forward-thinking, and I would urge its adoption.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would simply like to express my appreciation, not only to the gentleman from Florida (Mr. MCCOLLUM) for accepting the amendment, but to my chief colleague, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Virginia (Mr. SCOTT) and the gentleman from Michigan (Mr. CONYERS).

We were very pleased to make the gentleman's amendment in order as we proceeded with this rule. I appreciate the gentleman's kindness in accepting this very, very balanced amendment that the gentleman from California (Mr. HORN) and the gentleman from Arizona (Mr. HAYWORTH) and I are offering.

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

Mr. Chairman, I wanted to let the gentleman from California (Chairman DREIER) know that I appreciate the courtesy that he afforded me in terms of a substitute on the other bill. Had he not come forward as he did, it would have created almost a precedent in the House, that we on our side could not bring forward a substitute, and I am happy that the rethinking or rereview of that led the gentleman to his unparalleled generosity. I want the gentleman to know that I thank him for it.

I also support the amendment offered by the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, and his two colleagues.

This amendment, dealing with juvenile accountability, block grants, and dealing with a proactive program that really interacts among youngsters and gangs developed by law enforcement agencies to combat juvenile crime, is clearly on the money. I hope that it will be agreed to by all of the membership.

Mr. HORN. Mr. Chairman, I would like to thank the gentleman from California, Mr. DREIER, for ensuring consideration of this amendment, and the gentleman from Arizona, Mr. HAYWORTH, for cosponsoring it.

As currently written, H.R. 1501 provides $1.5 billion in grants for use by states and local governments to strengthen the juvenile justice system through a wide variety of programs and initiatives. This amendment would ensure that anti-gang programs run by local law-enforcement agencies are eligible for these grants. Under this amendment, federal assistance would be available for proactive programs, including anti-gang programs, based on the principle of accountability and developed by law enforcement to combat juvenile crime. This amendment has been endorsed by the National Sheriffs' Association.

Local anti-gang programs play a critical role in reducing juvenile crime in our nation's urban areas. The city of Downey has an excellent Gangs Out of Downey program. Los Angeles County, which includes my district and the district represented by Mr. DREIER, has more than one thousand gangs. Gang-related crime often requires a different law-enforcement approach compared to other types of crime. Gangs—their activities, their internal culture, their way of life—can vary from city to city, even from neighborhood to neighborhood, making a localized approach critical to any anti-gang effort. Moreover, anti-gang programs must address the role that gangs play in the lives of their members. Many gang members come from broken homes, and their gang acts as a surrogate family for them. Anti-gang efforts must be proactive in providing alternatives to gang life, in keeping young men and women from joining a gang before they get pulled into one. A most effective program is the Police Athletic League [PAL]. They have been effective throughout the United States.

The threat that gangs pose to our urban communities—and to the young men and women who join them—makes it critical that this bill specifically allow funding for anti-gang programs. I urge my colleagues to vote for this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. DREIER).

The amendment was agreed to

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in Part A of House Report 106–186.

AMENDMENT NO. 4 OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. CAPUANO: Page 3, after line 10, insert the following (and redesignate any subsequent paragraphs accordingly):

''(6) providing funding to prosecutors for the purpose of establishing and maintaining juvenile witness assistance programs;''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, earlier this year Jason Sadler, a 14-year-old from my district, witnessed an armed robbery. When questioned by the police, he did what his mother told him to do. He stood up and he told the truth. He identified the perpetrators and he agreed to testify.

In return for his actions, Jason has received death threats, along with the rest of his family, from the perpetrators and their cohorts. Because funding for juvenile witness assistance programs must compete for priority with the need to hire assistant district attorneys, investigators, stenographers, and the like, Jason's mother has been forced to remove her son from school for the last 5½ months and place him in hiding.

For doing the right thing, Jason will have to repeat the eighth grade, and for quite a while will have to hide in fear for his life.

Shortly before Jason's case, in January of this year, another young boy, Leroy B.J. Brown from Bridgeport, Connecticut, stepped forth to do the right thing in his time, to assist local authorities in prosecuting drug dealers.

Eight-year-old B.J. was scheduled to testify about a shooting that he had witnessed, but before he could testify, he and his mother were murdered.

Both of these kids were good, law-abiding citizens who were willing to step forth and do something many

adults are not ready to do, stand up against crime in their community.

Our State and local prosecutors should be encouraged to develop programs to support such kids when they do the right thing. This amendment will do just that, and I hope it is adopted.

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

The CHAIRMAN. Does the gentleman from Florida (Mr. MCCOLLUM) seek recognition?

Mr. MCCOLLUM. Mr. Chairman, I ask to claim the time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes in opposition.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not oppose this amendment, I support it. I just want to clarify a few things about it.

First of all, it is a big problem right now in this country, witness intimidation. It is a problem not only with juveniles, but across-the-board. A significant section in my amendment, a larger comprehensive amendment I am going to offer in a few minutes, deals with witness intimidation, bribery, crossing State lines. It even has a death penalty if you murder somebody in a witness intimidation setting under those circumstances.

□ 1400

What the gentleman is offering here perhaps is included in our already existing No. 5 provision in our grant program, the underlying 1501 use provisions; that is, what the States can use the money for. But I think it amplifies and makes it very clear that we are not just doing what provision No. 5 says; that is, States may do more than simply provide funds to enable prosecutors to address drug, gang and youth violence problems more effectively, and for the technology, equipment and training to assist the prosecutors in identifying and expediting the prosecution of violent juvenile offenders, which No. 5 provides for in the existing bill, but it also will now, with the gentleman's amendment that I support, make certain that States can use the money to provide funding to prosecutors for the purpose of establishing and maintaining juvenile witness assistance programs.

That might have been interpreted to be included in the one I read earlier, No. 5, but it is not clear, as clear as now with this amendment. So I think this is a good amendment. We should be helping prosecutors protect witnesses in juvenile programs.

I encourage the adoption of this amendment.

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

Mr. CAPUANO. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, following the gentleman from Florida (Mr. MCCOLLUM), this amendment I think if we had had an opportunity to consider it in committee, although we did not have an opportunity but had we had an opportunity, I think it certainly would have been included because this kind of activity was anticipated to be covered by the bill.

I thank the gentleman for offering it and only wish that we had had an opportunity to consider it in committee, but we did not have a full committee consideration so the gentleman had to introduce it on the floor, and I thank him for that.

Mr. CAPUANO. Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part A of House Report 106–186.

AMENDMENT NO. 5 OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, on behalf of the gentleman from Michigan (Mr. STUPAK) and myself, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. Wise:

Page 4, line 18, strike ''and'' at the end.

Page 4, line 21, strike the period at the end and insert a semicolon.

Page 4, after line 21, insert the following (and make such technical and conforming changes as may be appropriate):

''(14) supporting the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

''(15) ensuring proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (14);

''(16) assisting in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (14), including the utilization of Internet webpages or resources;

''(17) enhancing State efforts to offer appropriate counseling services to individuals who call a hotline described in paragraph (14) threatening to do harm to themselves or others; and

''(18) furthering State efforts to publicize the services offered by the hotlines described in paragraph (14) and to encourage individuals to utilize those services.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from West Virginia (Mr. WISE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. STUPAK), the cosponsor of the amendment.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from West Virginia (Mr. WISE) for yielding me this time.

Mr. Chairman, I rise today to support my amendment to create new school violence hotlines. Both the gentleman from West Virginia (Mr. WISE) and I have been working on this important amendment to help our communities prevent acts of violence at schools. I thank my colleague, the gentleman from West Virginia (Mr. WISE) for his efforts and his hard work on this and urge my colleagues to adopt this amendment.

Our amendment allows States to create and operate confidential, toll free, telephone hotlines that operate 24 hours a day, 7 days per week, in order to provide students, parents, school officials and others the opportunity to report specific threats of imminent school violence to appropriate State and law enforcement entities.

Our amendment also ensures that the States properly train people to answer and respond to telephone calls and assist States in the acquisition of technology to administer the hotlines.

Mr. Chairman, hotlines will provide parents and students an important tool in our effort to reduce school violence. As chair of the Democratic Crime and Drug Task Force, we have met over the last year with school officials and they have detailed to us how these hotlines are particularly valuable because they allow students to report anonymously, avoiding much of the peer pressure that so often affects their behavior.

No kid wants to be considered a snitch in their school and many times potential acts of violence go unreported because of the pressure students feel from their peers.

Additionally and most importantly, students often fail to report potential violence because of fear that the weapons or the violence that they are to report may be used against them if they are found out to be the one who reported to authorities. These hotlines will eliminate the pressure and allow kids to come forward without fear of retaliation.

Mr. Chairman, I urge my colleagues to support this important amendment. The Senate adopted a similar provision sponsored by Senators ROBB and SESSIONS. We can make this easier for our children to report potential violent acts at school and we can provide a valuable tool to our communities to help reduce school violence.

I would like to thank my staff, in particular Dave Buchanan, for all of his hard work on this.

Mr. MCCOLLUM. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment. I think it is a good amendment. It adds one more provision to this bill that is really a complimentary thing with respect to what the funds in the grant program for the juvenile justice systems improvement can be used for. In other words, there is a very important hotline issue here about schools and training folks to be able to use that hotline to report potential violence in the school and criminal conduct in the school among juveniles, and it strikes me that that is indeed at this point, whenever one sees something such as a threat of violence by a teenager in a school occurring, at that point in time the juvenile justice system is enacted, it is in contact, it is a part of this system at that point that we want to see these funds used to improve.

So it strikes me, again, that this is at the very initial stage of where we want the line to be drawn for the money to be used in this legislation. That is, when the juvenile justice system first comes into play, when that first telephone ring comes about, 911 or through the hotline that is established here as a special hotline, to the local authorities about something that is going on in a school, I think that is extremely important. So I support this amendment and urge its adoption to make sure that the use of money in this respect under this bill is allowable. I think it is already, but if it is not that certainly clarifies it.

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

Mr. WISE. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from West Virginia (Mr. WISE) for yielding me this time.

Mr. Chairman, I think this is an excellent amendment. I wanted to praise the gentleman from Michigan (Mr. STUPAK) for joining the gentleman from West Virginia (Mr. WISE) on it. He is one of the Members in the Michigan delegation that is standing up to incredible scrutiny and he is standing tall as we consider juvenile justice and gun safety measures here during the week and into next week. I thought that this would be an appropriate place to make that observation.

Mr. WISE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, as I listened to people across the State at four school violence hearings last summer, several good ideas emerged and one of them is the creation of a statewide toll free school violence hotline. Today the amendment that the gentleman from Michigan (Mr. STUPAK) and I are offering to the juvenile justice bill specifies that the block grant funds in this bill can be used to create a hotline and to train and support the personnel to operate it.

This toll free hotline is a place where students and teachers or anyone else can call to report suspicious behavior, to make this call anonymously, without fear of exposure or retaliation.

Students have told me that many times they hesitate to alert others of potentially violent situations because they are afraid of being labeled a snitch or they are afraid of retaliation. This hotline would allow authorities to review the information without putting the person passing it along in danger. This is going to be vital for many of our smaller counties that might not be able to take this on by themselves. But check with Harrison County in West Virginia, for instance, or Berkeley County or others that have implemented such a hotline to see how important they think it is, as other States have done across the country.

We have investigated many ways that one can have such a hotline and each State can take its own means, but it is important that we put this in the bill so that States know that they can use these block grant monies to create a toll free, statewide school violence hotline that can protect many of our young people from violence and give them the opportunity to report what they consider to be a violent situation.

When our school doors reopen this fall, with this in the bill, we will have made our schools safer, and I appreciate greatly the chairman of the subcommittee and the chairman of the full committee for agreeing to this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. WISE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part A of House Report 106–186.

AMENDMENT NO. 6 OFFERED BY MR. MCCOLLUM.

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 6 offered by Mr. MCCOLLUM:

Page 1, beginning on line 4, strike ''Consequences for Juvenile Offenders'' and insert ''Child Safety and Youth Violence Prevention''.

Page 1, after line 5, insert the following:

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

SEC. 101. SHORT TITLE.

This title may be cited as the ''Consequences for Juvenile Offenders Act of 1999''.

Page 2, line 1, strike ''**2**'' and insert ''**102**''.

Page 4, line 11, strike the period and insert a semicolon.

Page 6, line 10, strike ''juvenile'' and all that follows through ''every'' on line 11 and insert the following: ''a juvenile offender for each delinquent''.

Page 6, line 13, strike ''or criminal''.

Page 16, line 16, strike ''utilized'' and insert the following: ''used by a State or unit of local government that receives a grant under this part''.

Page 16, line 18, strike ''(a)(2)'' and insert ''(b)''.

Page 20, strike line 4, and insert the following:

(b) CLERICAL AMENDMENTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(16) of the Omnibus Crime Control and Safe Streets Act of 1965 is amended by striking subparagraph (E).

(2) TABLE OF CONTENTS.—The table of contents

At the end of the bill, insert the following:

TITLE II—JUVENILE JUSTICE REFORM

SEC. 201. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

Section 5032 of title 18, United States Code, is amended to read as follows:

''§ 5032. Delinquency proceedings or criminal prosecutions in district courts

''(a)(1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State or Indian tribal authorities, but if not so surrendered, shall be proceeded against as a juvenile under this subsection or tried as an adult in the circumstances described in subsections (b) and (c).

''(2) A juvenile may be proceeded against as a juvenile in a court of the United States under this subsection if—

''(A) the alleged offense or act of juvenile delinquency is committed within the special maritime and territorial jurisdiction of the United States and is one for which the maximum authorized term of imprisonment does not exceed 6 months; or

''(B) the Attorney General, after investigation, certifies to the appropriate United States district court that—

''(i) the juvenile court or other appropriate court of a State or Indian tribe does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to the alleged act of juvenile delinquency, or

''(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

''(3) If the Attorney General does not so certify or does not have authority to try such juvenile as an adult, such juvenile shall be surrendered to the appropriate legal authorities of such State or tribe.

''(4) If a juvenile alleged to have committed an act of juvenile delinquency is proceeded against as a juvenile under this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, and shall be open to the public, except that the court may exclude all or some members of the public, other than a victim unless the victim is a witness in the determination of guilt or innocence, if required by the interests of justice or if other good cause is shown. The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

''(b)(1) Except as provided in paragraph (2), a juvenile shall be prosecuted as an adult—

''(A) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult; or

''(B) if the juvenile is alleged to have committed an act after the juvenile attains the age of 14 years which if committed by an adult would be a serious violent felony or a serious drug offense described in section 3559(c) of this title, or a conspiracy or attempt to commit that felony or offense, which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

''(2) The requirements of paragraph (1) do not apply if the Attorney General certifies to the appropriate United States district court that the interests of public safety are best served by proceeding against the juvenile as a juvenile.

''(c)(1) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General.

''(2) The Attorney General shall not delegate the authority to give the approval required under paragraph (1) to an officer or employee of the Department of Justice at a level lower than a Deputy Assistant Attorney General.

''(3) Such approval shall not be granted, with respect to a juvenile who has not attained the age of 14 and who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

''(4) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act which is not described in subsection (b)(1)(B) after the juvenile has attained the age of 14 years and which if committed by an adult would be—

''(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

''(B) an offense described in section 844(d), (k), or (l), or subsection (a)(4) or (6), (b), (g), (h), (j), (k), or (l) of section 924;

''(C) a violation of section 922(o) that is an offense under section 924(a)(2);

''(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

''(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

''(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

''(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c), and a determination to file or not to file, and the contents of, a certification under subsection (a) or (b) shall not be reviewable in any court.

''(e) In a prosecution under subsection (b) or (c), the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.

''(f) The Attorney General shall annually report to Congress—

''(1) the number of juveniles adjudicated delinquent or tried as adults in Federal court;

''(2) the race, ethnicity, and gender of those juveniles;

''(3) the number of those juveniles who were abused or neglected by their families, to the extent such information is available; and

''(4) the number and types of assault crimes, such as rapes and beatings, committed against juveniles while incarcerated in connection with the adjudication or conviction.

''(g) As used in this section—

''(1) the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized tribe; and

''(2) the term 'serious violent felony' has the same meaning given that term in section 3559(c)(2)(F)(i).''.

SEC. 202. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

Section 5033 of title 18, United States Code, is amended to read as follows:

''§ 5033. Custody prior to appearance before judicial officer

''(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

''(b) The juvenile shall be taken before a judicial officer without unreasonable delay.''.

SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking ''The'' each place it appears at the beginning of a paragraph and inserting ''the'';

(2) by striking ''If'' at the beginning of the 3rd paragraph and inserting ''if'';

(3)(A) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(B) by moving such designated paragraphs 2 ems to the right; and

(4) by inserting at the beginning of such section before those paragraphs the following:

''In a proceeding under section 5032(a)—''.

SEC. 204. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

''§ 5035. Detention prior to disposition or sentencing

''(a) A juvenile alleged to be delinquent or a juvenile being prosecuted as an adult, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Whenever appropriate, detention shall be in a foster home or community based facility. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

''(b) To the maximum extent feasible, a juvenile prosecuted pursuant to subsection (b) or (c) of section 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

''(c) A juvenile who is proceeded against under section 5032(a) shall not be detained prior to disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

''(d) Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.''.

SEC. 205. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended by—

(1) striking ''If an alleged delinquent'' and inserting ''If a juvenile proceeded against under section 5032(a)'';

(2) striking ''thirty'' and inserting ''45''; and

(3) striking ''the court,'' and all that follows through the end of the section and inserting ''the court. The periods of exclusion under section 3161(h) of this title shall apply to this section.''.

SEC. 206. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

(a) DISPOSITION.—Section 5037 of title 18, United States Code, is amended to read as follows:

''§ 5037. Disposition

''(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering the sanctions recommended pursuant to subsection (f), the court shall impose an appropriate sanction, including the ordering of restitution pursuant to section 3556 of this title. The court may order the juvenile's parent, guardian, or custodian to be present at the dispositional hearing and the imposition of sanctions and may issue orders directed to such parent, guardian, custodian regarding conduct with respect to the juvenile. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to chapter 207.

''(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

''(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

''(1) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

''(2) ten years; or

''(3) the date when the juvenile becomes twenty-six years old.

Section 3624 is applicable to an order placing a juvenile in detention.

''(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 apply to an order placing a juvenile on supervised release.

''(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a study of all matters relevant to the alleged or adjudicated delinquent behavior and the court's inquiry. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036.

''(f)(1) The United States Sentencing Commission, in consultation with the Attorney General, shall develop a list of possible sanctions for juveniles adjudicated delinquent.

''(2) Such list shall—

''(A) be comprehensive in nature and encompass punishments of varying levels of severity;

''(B) include terms of confinement; and

''(C) provide punishments that escalate in severity with each additional or subsequent more serious delinquent conduct.''.

(b) EFFECTIVE DATE.—The Sentencing Commission shall develop the list required pursuant to section 5037(f), as amended by subsection (a), not later than 180 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT TO ADULT SENTENCING SECTION.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

''(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(1)(B).''.

SEC. 207. JUVENILE RECORDS AND FINGERPRINTING.

Section 5038 of title 18, United States Code, is amended to read as follows:

''§ 5038. Juvenile records and fingerprinting

''(a)(1) Throughout and upon the completion of the juvenile delinquency proceeding under section 5032(a), the court shall keep a record relating to the arrest and adjudication that is—

''(A) equivalent to the record that would be kept of an adult arrest and conviction for such an offense; and

''(B) retained for a period of time that is equal to the period of time records are kept for adult convictions.

''(2) Such records shall be made available for official purposes, including communications with any victim or, in the case of a deceased victim, such victim's representative, or school officials, and to the public to the same extent as court records regarding the criminal prosecutions of adults are available.

''(b) The Attorney General shall establish guidelines for fingerprinting and photographing a juvenile who is the subject of any proceeding authorized under this chapter. Such guidelines shall address the availability of pictures of any juvenile taken into custody but not prosecuted as an adult. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult offenders.

''(c) Whenever a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 924(a)(6), the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

''(d) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.''.

SEC. 208. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

(a) ELIMINATION OF PRONOUNS.—Sections 5031 and 5034 of title 18, United States Code, are each amended by striking ''his'' each place it appears and inserting ''the juvenile's''.

(b) UPDATING OF REFERENCE.—Section 5034 of title 18, United States Code, is amended—

(1) in the heading of such section, by striking ''**magistrate**'' and inserting ''**judicial officer**''; and

(2) by striking ''magistrate'' each place it appears and inserting ''judicial officer''.

SEC. 209. CLERICAL AMENDMENTS TO TABLE OF SECTIONS FOR CHAPTER 403.

The heading and the table of sections at the beginning of chapter 403 of title 18, United States Code, is amended to read as follows:

''CHAPTER 403—JUVENILE DELINQUENCY

''Sec.
''5031. Definitions.
''5032. Delinquency proceedings or criminal prosecutions in district courts.
''5033. Custody prior to appearance before judicial officer.
''5034. Duties of judicial officer.
''5035. Detention prior to disposition or sentencing.
''5036. Speedy trial.
''5037. Disposition.
''5038. Juvenile records and fingerprinting.
''5039. Commitment.
''5040. Support.
''5041. Repealed.
''5042. Revocation of probation.''.

TITLE III—EFFECTIVE ENFORCEMENT OF FEDERAL FIREARMS LAWS

SEC. 301. ARMED CRIMINAL APPREHENSION PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish in the office of each United States Attorney a program that meets the requirements of subsections (b) and (c). The program shall be known as the ''Armed Criminal Apprehension Program''.

(b) PROGRAM REQUIREMENTS.—In the office of each United States Attorney, the program established under subsection (a) shall—

(1) provide for coordination with State and local law enforcement officials in the identification of violations of Federal firearms laws;

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the Bureau of Alcohol, Tobacco, and Firearms and the United States Attorney for prosecution of persons arrested for violations of chapter 44 of title 18, United States Code, or section 5861(d) or 5861(h) of the Internal Revenue Code of 1986, relating to firearms;

(3) require that the United States Attorney designate not less than 1 Assistant United States Attorney to prosecute violations of Federal firearms laws;

(4) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, and Firearms to investigate violations of the provisions referred to in paragraph (2); and

(5) ensure that each person referred to the United States Attorney under paragraph (2) be charged with a violation of the most serious Federal firearm offense consistent with the act committed.

(c) PUBLIC EDUCATION CAMPAIGN.—As part of the program, each United States Attorney shall carry out, in cooperation with local civic, community, law enforcement, and religious organizations, an extensive media and public outreach campaign focused in high-crime areas to—

(1) educate the public about the severity of penalties for violations of Federal firearms laws; and

(2) encourage law-abiding citizens to report the possession of illegal firearms to authorities.

(d) WAIVER AUTHORITY.—

(1) REQUEST FOR WAIVER.—A United States attorney may request the Attorney General to waive the requirements of subsection (b) with respect to the United States attorney.

(2) PROVISION OF WAIVER.—The Attorney General may waive the requirements of subsection (b) pursuant to a request made under paragraph (1), in accordance with guidelines which shall be established by the Attorney General. In establishing the guidelines, the Attorney General shall take into consideration the number of assistant United States attorneys in the office of the United States attorney making the request and the level of violent youth crime committed in the district for which the United States attorney is appointed.

SEC. 302. ANNUAL REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of Senate and House of Representatives a report containing the following information:

(1) The number of Assistant United States Attorneys deisgnated under the program under section 301 and cross-deisgnated under section 304 during the year preceding the year in which the report is submitted in order to prosecute violations of Federal firearms laws in Federal court.

(2) The number of individuals indicted for such violations during that year by reason of the program.

(3) The increase or decrease in the number of individuals indicted for such violations during that year by reason of the program when compared with the year preceding that year.

(4) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(5) The average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under section 301 $50,000,000 for fiscal year 2000, of which—

(1) $40,000,000 shall be used for salaries and expenses of Assistant United States Attorneys and Bureau of Alcohol, Tobacco, and Firearms agents; and

(2) $10,000,000 shall be available for the public relations campaign required by subsection (c) of that section.

(b) USE OF FUNDS.—

(1) The Assistant United States Attorneys hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall prosecute violations of Federal firearms laws in accordance with section 301(b)(3).

(2) The Bureau of Alcohol, Tobacco, and Firearms agents hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with section 301(b)(4).

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 301(c) should, to the maximum extent practicable, be matched with State or local funds or private donations.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts made available under subsection (a), there is authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out this title.

SEC. 304. CROSS-DESIGNATION OF FEDERAL PROSECUTORS.

To better assist state and local law enforcement agencies in the investigation and prosecution of firearms offenses, each United States Attorney may cross-designate one or more Assistant United States Attorneys to prosecute firearms offenses under State law that are similar to those listed in section 301(b)(2) in State and local courts.

TITLE IV—LIMITING JUVENILE ACCESS TO FIREARMS AND EXPLOSIVES

SEC. 401. INCREASED PENALTIES FOR UNLAWFUL JUVENILE POSSESSION OF FIREARMS.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking ''Whoever'' and inserting ''Except as provided in paragraph (6) of this subsection, whoever''; and

(2) by striking paragraph (6) and inserting the following:

''(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

''(i) the juvenile shall be fined under this title, imprisoned not more than 5 years, or both, if—

''(I) the offense of which the juvenile is charged is a violation of section 922(x); and

''(II) the violation was also with the intent to possess the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in a school zone, or knowing that another juvenile intends to possess the handgun, ammunition, large capacity feeding device, or semiautomatic assault weapon giving rise to the violation in a school zone;

''(ii) the juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

''(I) the offense of which the juvenile is charged is a violation of section 922(x); and

''(II) the violation was also with the intent also to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in the commission of a violent felony, or knowing that another juvenile intends to use the handgun, ammunition, large

capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in the commission of a serious violent felony.

''(B) For purposes of this paragraph, the term 'serious violent felony' has the meaning given the term in section 3559(c)(2)(F).

''(C) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to penalties under subparagraph (A)(ii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile attains 18 years of age.''.

SEC. 402. INCREASED PENALTIES AND MANDATORY MINIMUM SENTENCE FOR UNLAWFUL TRANSFER OF FIREARM TO JUVENILE.

Section 924(a)(6) of title 18, United States Code, is further amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following:

''(B) A person other than a juvenile who knowingly violates section 922(x)—

''(i) shall be fined under this title, imprisoned not more than 5 years, or both;

''(ii) if the person violated section 922(x)(1) knowing that a juvenile intended to possess the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation of section 922(x)(1) in a school zone, shall be fined under this title and imprisoned not less than 3 years and not more than 20 years; and

''(iii) if the person violated section 922(x)(1) knowing that a juvenile intended to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation of section 922(x)(1) in the commission of a serious violent felony, shall be imprisoned not less than 10 years and not more than 20 years and fined under this title.''.

SEC. 403. PROHIBITING POSSESSION OF EXPLOSIVES BY JUVENILES AND YOUNG ADULTS.

Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(r)(1) It shall be unlawful for any person who has not attained 21 years of age to ship or transport any explosive materials in interstate or foreign commerce or to receive or possess any explosive materials which has been shipped or transported in interstate or foreign commerce.

''(2) This subsection shall not apply to commercially manufactured black powder in bulk quantities not to exceed five pounds, and if the person is less than 18 years of age, the person has the prior written consent of the person's parents or guardian who is not prohibited by Federal, State, or local law from possessing explosive materials, and the person has the prior written consent in the person's possession at all times when the black powder is in the possession of the person.''.

TITLE V—PREVENTING CRIMINAL ACCESS TO FIREARMS AND EXPLOSIVES

SEC. 501. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(p)(1) For purposes of this subsection:

''(A) The term 'destructive device' has the same meaning as in section 921(a)(4).

''(B) The term 'explosive' has the same meaning as in section 844(j).

''(C) The term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

''(2) It shall be unlawful for any person—

''(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

''(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.''.

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''person who violates any of subsections'' and inserting the following: ''person who—

''(1) violates any of subsections'';

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(2) violates section 842(p)(2), shall be fined under this title, imprisoned not more than 20 years, or both.''; and

(4) in subsection (j), by inserting ''and section 842(p),'' after ''this section,''.

SEC. 502. REQUIRING THEFTS FROM COMMON CARRIERS TO BE REPORTED.

(a) Section 922(f) of title 18, United States Code, is amended by adding at the end the following:

''(3)(A) It shall be unlawful for any common or contract carrier to fail to report the theft or loss of a firearm within 48 hours after the theft or loss is discovered. The theft or loss shall be reported to the Secretary and to the appropriate local authorities.

''(B) The Secretary may impose a civil fine of not more than $10,000 on any person who knowingly violates subparagraph (A).''.

(b) Section 924(a)(1)(B) of title 18, United States Code, is amended by striking ''(f),'' and inserting ''(f)(1), (f)(2),''.

SEC. 503. VOLUNTARY SUBMISSION OF DEALER'S RECORDS.

Section 923(g)(4) of title 18, United States Code, is amended to read as follows:

''(4) Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter shall appropriately reflect such facts and shall be delivered to the successor. Upon receipt of such records the successor licensee may retain the records of the discontinued business or submit the discontinued business records to the Secretary. Additionally, a licensee while maintaining a firearms business may voluntarily submit the records required to be kept by this chapter to the Secretary if such records are at least 20 years old. Where discontinuance of the business is absolute, such records shall be delivered within thirty days after the business is discontinued to the Secretary. Where State law or local ordinance requires the delivery of records to another responsible authority, the Secretary may arrange for the delivery of such records to such other responsible authority.''.

SEC. 504. GRANT PROGRAM FOR JUVENILE RECORDS.

(a) PROGRAM AUTHORIZATION.—The Attorney General is authorized to provide grants to States to improve the quality and accessibility of juvenile records and to ensure juvenile records are routinely available for background checks performed in connection with the transfer of a firearm.

(b) ELIGIBILITY.—

(1) IN GENERAL.—A State that wishes to receive a grant under this section shall submit an application to the Attorney General that meets the requirements of paragraph (2).

(2) ASSURANCE.—The application referred to in paragraph (1) shall include an assurance that the State has in place a system of records that ensures that juvenile records are available for background checks performed in connection with the transfer of a firearm, in which such system provides that—

(A) an adjudication of an act of violent juvenile delinquency as defined in section 921(a)(20)(B) is not expunged or set aside after a juvenile reaches the age of majority; and

(B) such a juvenile record is available and retained as if it were an adult record.

(c) ALLOCATION.—Of the total funds appropriated under subsection (e), each State that meets the requirements of subsection (b), shall be allocated an amount which bears the same ratio to the amount of funds so appropriated as the population of individuals under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of such individuals of all the States that meet the requirements of subsection (b) for such fiscal year.

(d) USES OF FUNDS.—A State that receives a grant award under this section may use such funds to support the administrative record system referred to in subsection (b)(2).

(e) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

TITLE VI—PUNISHING AND DETERRING CRIMINAL USE OF FIREARMS AND EXPLOSIVES

SEC. 601. MANDATORY MINIMUM SENTENCE FOR DISCHARGING A FIREARM IN A SCHOOL ZONE.

Section 924(a)(4) of title 18, United States Code, is amended—

(1) by striking ''922(q) shall be fined'' and inserting ''922(q)(2) shall be fined''; and

(2) by inserting after the first sentence the following: ''Whoever violates section 922(q)(3) with reckless disregard for the safety of another shall be fined under this title, imprisoned not more than 20 years, or both, except that if serious bodily injury results, shall be fined under this title, imprisoned not more

than 25 years, or both, or if death results and the person has attained 16 years of age but has not attained 18 years of age, shall be fined under this title, sentenced to imprisonment for life or for any term of years, or both, or if death results and the person has attained 18 years of age, shall be fined under this title, sentenced to death or to imprisonment for any term of years or for life, or both. Whoever knowingly violates section 922(q)(3) shall be fined under this title, imprisoned not less than 10 years and not more than 20 years, or both, except that if serious bodily injury results, shall be fined under this title, imprisoned not less than 15 years and not more than 25 years, or both, or if death results and the person has attained 16 years of age but has not attained 18 years of age, shall be fined under this title, sentenced to imprisonment for life, or both, or if death results and the person has attained 18 years of age, shall be fined under this title, sentenced to death or to imprisonment for life, or both.''.

SEC. 602. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED VIOLENT CRIMINALS.

(a) PRETRIAL DETENTION FOR POSSESSION OF FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking ''and'' at the end of subparagraph (C) and inserting ''or''; and

(3) by adding at the end the following:

''(D) an offense that is a violation of section 842(i) or 922(g) (relating to possession of explosives or firearms by convicted felons); and''.

(b) FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(A) Except as provided in subparagraph (B), any person who''; and

(2) by adding at the end the following:

''(B) Notwithstanding any other provision of law, the court shall not grant a probationary sentence for such a violation to a person who has more than 1 previous conviction for a violent felony (as defined in subsection (e)(2)(B)) or a serious drug offense (as defined in subsection (e)(2)(A)), committed under different circumstances.''.

SEC. 603. INCREASED PENALTIES FOR POSSESSING OR TRANSFERRING STOLEN FIREARMS.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''(i), (j),''; and

(B) by adding at the end the following:

''(8) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.'';

(2) in subsection (i)(1), by striking ''10'' and inserting ''15''; and

(3) in subsection (l), by striking ''10'' and inserting ''15''.

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

SEC. 604. INCREASED MANDATORY MINIMUM PENALTIES FOR USING A FIREARM TO COMMIT A CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking ''10 years.'' and inserting ''12 years; and''; and

(C) by adding at the end the following:

''(iv) if the firearm is used to injure another person, be sentenced to a term of imprisonment of not less than 15 years.''; and

(2) in subsection (h), by striking ''imprisoned not more than 10 years'' and inserting ''imprisoned not less than 5 years and not more than 10 years''.

SEC. 605. INCREASED PENALTIES FOR MISREPRESENTED FIREARMS PURCHASE IN AID OF A SERIOUS VIOLENT FELONY.

(a) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a serious violent felony, shall be—

''(i) fined under this title, imprisoned not more than 15 years, or both; or

''(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

''(B) For purposes of this paragraph—

''(i) the term 'juvenile' has the meaning given the term in section 922(x); and

''(ii) the term 'serious violent felony' has the meaning given the term in section 3559(c)(2)(F).''.

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

SEC. 606. INCREASING PENALTIES ON GUN KINGPINS.

(a) INCREASING THE PENALTY FOR ENGAGING IN AN ILLEGAL FIREARMS BUSINESS.—Section 924(a)(2) of title 18, United States Code, is amended by inserting '', or willfully violates section 922(a)(1),'' after ''section 922''.

(b) SENTENCING GUIDELINES INCREASE FOR CERTAIN VIOLATIONS AND OFFENSES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review and amend the Federal sentencing guidelines to provide an appropriate enhancement for a violation of section 922(a)(1) of title 18, United States Code; and

(2) review and amend the Federal sentencing guidelines to provide additional sentencing increases, as appropriate, for offenses involving more than 50 firearms.

The Commission shall promulgate the amendments provided for under this subsection as soon as is practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 607. SERIOUS RECORDKEEPING OFFENSES THAT AID GUN TRAFFICKING.

Section 924(a)(3) of title 18, United States Code, is amended by striking the period and inserting ''; but if the violation is in relation to an offense under subsection (a)(6) or (d) of section 922, shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 608. TERMINATION OF FIREARMS DEALER'S LICENSE UPON FELONY CONVICTION.

Section 925(b) of title 18, United States Code, is amended by striking ''until any conviction pursuant to the indictment becomes final'' and inserting ''until the date of any conviction pursuant to the indictment''.

SEC. 609. INCREASED PENALTY FOR TRANSACTIONS INVOLVING FIREARMS WITH OBLITERATED SERIAL NUMBERS.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking ''(k),''; and

(2) in paragraph (2), by inserting ''(k),'' after ''(j),''.

SEC. 610. FORFEITURE FOR GUN TRAFFICKING.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

''(9) The court, in imposing a sentence on a person convicted of a gun trafficking offense, as defined in section 981(a)(1)(G), or a conspiracy to commit such offense, shall order the person to forfeit to the United States any conveyance used or intended to be used to commit such offense, and any property traceable to such conveyance.''.

SEC. 611. INCREASED PENALTY FOR FIREARMS CONSPIRACY.

Section 924 of title 18, United States Code, is further amended by adding at the end the following:

''(q) Except as otherwise provided in this section, a person who conspires to commit an offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which is the object of the conspiracy.''.

SEC. 612. GUN CONVICTIONS AS PREDICATE CRIMES FOR ARMED CAREER CRIMINAL ACT.

(a) Section 924(e)(1) of title 18, United States Code, is amended—

(1) by striking ''violent felony or a serious drug offense, or both,'' and inserting ''violent felony, a serious drug offense or a violation of section 922(g)(1), or a combination of such offenses,''; and

(2) by adding at the end the following: ''No more than two convictions for violations of section 922(g)(1) shall be considered in determining whether a person has three previous convictions for purposes of this subsection.''.

SEC. 613. SERIOUS JUVENILE DRUG TRAFFICKING OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(C) of title 18, United States Code, is amended by inserting ''or serious drug offense'' after ''violent felony''.

SEC. 614. FORFEITURE OF FIREARMS USED IN CRIMES OF VIOLENCE AND FELONIES.

(a) CRIMINAL FORFEITURE.—Section 982(a) of title 18, United States Code, is further amended by adding at the end the following:

''(10) The court, in imposing a sentence on a person convicted of any crime of violence (as defined in section 16 of this title) or any felony under Federal law, shall order that the person forfeit to the United States any firearm (as defined in section 921(a)(3) of this title) used or intended to be used to commit or to facilitate the commission of the offense.''.

(b) DISPOSAL OF PROPERTY.—Section 981(c) of title 18, United States Code, is amended by adding at the end the following flush sentence:

''Any firearm forfeited pursuant to subsection (a)(1)(H) of this section or section 982(a)(10) of this title shall be disposed of by the seizing agency in accordance with law.''.

(c) AUTHORITY TO FORFEIT PROPERTY UNDER SECTION 924(d).—Section 924(d) of title 18, United States Code, is amended by adding at the end the following:

''(4) Whenever any firearm is subject to forfeiture under this section, the Secretary

of the Treasury shall have the authority to seize and forfeit, in accordance with the procedures of the applicable forfeiture statute, any property otherwise forfeitable under the laws of the United States that was involved in or derived from the crime of violence or drug trafficking crime described in subsection (c) in which the forfeited firearm was used or carried.''.

(d) 120-DAY RULE FOR ADMINISTRATIVE FORFEITURE.—Section 924(d)(1) of title 18, United States Code, is amended by adding ''administrative'' after ''Any'' in the last sentence.

(e) SECTION 3665.—Section 3665 of title 18, United States Code, is amended—

(1) by redesignating the first undesignated paragraph as subsection (a)(1) and the second undesignated paragraph as subsection (a)(2); and

(2) by adding at the end the following:

''(b) The forfeiture of property under this section, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsection 413(d) which shall not apply to forfeitures under this section.''.

SEC. 615. SEPARATE LICENSES FOR GUNSMITHS.

(a) Section 921(a)(11) of title 18, United States Code, is amended to read as follows:

''(11) The term 'dealer' means (A) any person engaged in the business as a firearms dealer, (B) any person engaged in the business as a gunsmith, or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.''.

(b) Section 921(a) of title 18, United States Code, is amended by redesignating paragraphs (12) through (33) as paragraphs (14) through (35), and by inserting after paragraph (11) the following:

''(12) The term 'firearms dealer' means any person who is engaged in the business of selling firearms at wholesale or retail.

''(13) The term 'gunsmith' means any person, other than a licensed manufacturer, licensed importer, or licensed dealer, who is engaged in the business of repairing firearms or of making or fitting special barrels, stocks or trigger mechanisms to firearms.''.

(c) Section 923(a)(3) of title 18, United States Code is amended to read as follows:

''(3) If the applicant is a dealer who is—

''(A) a dealer in destructive devices or ammunition for destructive devices, a fee of $1,000 per year;

''(B) a dealer in firearms who is not a dealer in destructive devices, a fee of $200 for 3 years, except that the fee for renewal of a valid license shall be $90 for 3 years; or

''(C) a gunsmith, a fee of $100 for 3 years, except that the fee for renewal of a valid license shall be $50 for 3 years.''.

SEC. 616. PERMITS AND BACKGROUND CHECKS FOR PURCHASES OF EXPLOSIVES.

(a) PERMITS FOR PURCHASE OF EXPLOSIVES IN GENERAL.—Section 842 of title 18, United States Code, is amended—

(1) by amending subparagraphs (A) and (B) of subsection (a)(3) to read as follows:

''(A) to transport, ship, cause to be transported, or receive any explosive materials; or

''(B) to distribute explosive materials to any person other than a licensee or permittee.''; and

(2) in subsection (b)—

(A) by adding ''or'' at the end of paragraph (1);

(B) by striking ''; or'' at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3).

(b) BACKGROUND CHECKS.—Section 842 of title 18, United States Code, is further amended by adding at the end the following:

''(q)(1) A licensed importer, licensed manufacturer, or licensed dealer shall not transfer explosive materials to any other person who is not a licensee under section 843 of this title unless—

''(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103(d) of the Brady Handgun Violence Prevention Act;

''(B)(i) the system provides the licensee with a unique identification number; or

''(ii) 5 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of explosive materials by such other person would violate subsection (i) of this section;

''(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1038(d)(1) of this title) of the transferee containing a photograph of the transferee; and

''(D) the transferor has examined the permit issued to the transferee pursuant to section 843 of this title and recorded the permit number on the record of the transfer.

''(2) If receipt of explosive materials would not violate section 842(i) of this title or State law, the system shall—

''(A) assign a unique identification number to the transfer; and

''(B) provide the licensee with the number.

''(3) Paragraph (1) shall not apply to the transfer of explosive materials between a licensee and another person if on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

''(A) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

''(B) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in section 922(s)(8)); and

''(C) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

''(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of explosive materials by such other person would violate subsection (i) or State law, and the licensee transfers explosive materials to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

''(5) If the licensee knowingly transfers explosive materials to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 843 and may impose on the licensee a civil fine of not more than $5,000.

''(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

''(A) for failure to prevent the sale or transfer of explosive materials to a person whose receipt or possession of the explosive materials is unlawful under this section; or

''(B) for preventing such a sale or transfer to a person who may lawfully receive or possess explosive materials.''.

(c) ADMINISTRATIVE PROVISIONS.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f), by inserting ''or explosive materials'' after ''firearm''; and

(2) in subsection (g), by inserting ''or that receipt of explosive materials by a prospective transferee would violate section 842(i) of such title, or State law,'' after ''State law,''.

(d) REMEDY FOR ERRONEOUS DENIAL OF EXPLOSIVE MATERIALS.—

(1) IN GENERAL.—Chapter 40 of title 18, United States Code, is amended by inserting after section 843 the following:

''§ 843A. Remedy for erroneous denial of explosive materials

''Any person denied explosive materials pursuant to section 842(q)—

''(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act; or

''(2) who was not prohibited from receipt of explosive materials pursuant to section 842(i),

may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.''.

(2) TECHNICAL AMENDMENT.—The section analysis for chapter 40 of title 18, United States Code, is amended by inserting after the item relating to section 843 the following:

''843A. Remedy for erroneous denial of explosive materials.''.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue final regulations with respect to the amendments made by subsection (a).

(2) NOTICE TO STATES.—On the issuance of regulations pursuant to paragraph (1), the Secretary of the Treasury shall notify the States of the regulations so that the States may consider revising their explosives laws.

(f) LICENSES AND USER PERMITS.—Section 843(a) of title 18, United States Code, is amended—

(1) by inserting '', including fingerprints and a photograph of the applicant'' before the period at the end of the first sentence; and

(2) by striking the second sentence and inserting, ''Each applicant for a license shall pay for each license a fee established by the Secretary that shall not exceed $300. Each applicant for a permit shall pay for each permit a fee established by the Secretary that shall not exceed $100.''.

(g) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) by redesignating subsection (a) as subsection (a)(1); and

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

''(2) Any person who violates section 842(q) shall be fined under this title, imprisoned for not more than 5 years, or both.''.

(h) EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), (d), and (g) shall take effect 18 months after the date of enactment of the Act.

SEC. 617. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVES.

(a) DISTRIBUTION OF EXPLOSIVES.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period and inserting ''or who has been committed to a mental institution;''; and

(3) by adding at the end the following:

''(7) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in subsection (q)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

''(8) has been discharged from the Armed Forces under dishonorable conditions;

''(9) having been a citizen of the United States, has renounced his citizenship;

''(10) is subject to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

''(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

''(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

''(11) has been convicted in any court of a misdemeanor crime of domestic violence; or

''(12) has been adjudicated delinquent.''.

(b) POSSESSION OF EXPLOSIVES.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (3), by striking ''or'' at the end; and

(2) by adding at the end the following:

''(5) who, being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in subsection (q)(2), has been admitted to the United States under a non-immigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

''(6) who has been discharged from the Armed Forces under dishonorable conditions;

''(7) who, having been a citizen of the United States, has renounced his citizenship;

''(8) who is subject to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

''(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

''(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

''(9) who has been convicted in any court of a misdemeanor crime of domestic violence; or

''(10) who has been adjudicated delinquent.''.

(c) DEFINITION.—Section 841 of title 18, United States Code, is amended by adding at the end the following:

''(r)(1) Except as provided in paragraph (2), 'misdemeanor crime of domestic violence' means an offense that—

''(A) is a misdemeanor under Federal or State law; and

''(B) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

''(2)(A) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

''(i) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

''(ii) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

''(I) the case was tried by a jury; or

''(II) the person knowingly and intelligently waived the right to have the case tried by jury, by guilty plea or otherwise.

''(B) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

''(s) 'Adjudicated delinquent' means an adjudication of delinquency based upon a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious drug offense or violent felony (as defined in section 3559(c)(2) of this title), on or after the date of enactment of this paragraph.''.

(d) ALIENS ADMITTED UNDER NONIMMIGRANT VISAS.—Section 842 is amended by adding at the end the following:

''(r)(1) For purposes of this subsection—

''(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

''(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

''(2) Sections (d)(7)(B) and (i)(5)(B) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

''(3)(A) Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (i)(5)(B), if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

''(ii) the Attorney General approves the petition.

''(B) Each petition under subparagraph (B) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire explosives and certifying that the alien would not, absent the application of subsection (i)(5)(B), otherwise be prohibited from such an acquisition under subsection (i).

''(C) The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (i)(5)(B) with respect to the petitioner—

''(i) would be in the interests of justice; and

''(ii) would not jeopardize the public safety.''.

(e) CONFORMING AMENDMENT.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding any other provision of this section, no person convicted of a misdemeanor crime of domestic violence may ship or transport any explosive materials in interstate or foreign commerce or to receive or possess any explosive materials which have been shipped or transported in interstate or foreign commerce.''.

TITLE VII—PUNISHING GANG VIOLENCE AND DRUG TRAFFICKING TO MINORS

SEC. 701. INCREASED MANDATORY MINIMUM PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (c), by striking ''one year'' and inserting ''5 years''.

SEC. 702. INCREASED MANDATORY MINIMUM PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''one year'' and inserting ''5 years''.

SEC. 703. INCREASED MANDATORY MINIMUM PENALTIES FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''three years'' each place that term appears and inserting ''5 years''.

SEC. 704. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Section 521 of title 18, United States Code, is amended—

(1) in subsection (a), in the second undesignated paragraph—

(A) by striking ''5'' and inserting ''3'';

(B) by inserting '', whether formal or informal'' after ''or more persons''; and

(C) in subparagraph (A), by inserting ''or activities'' after ''purposes'';

(2) in subsection (b), by inserting after ''10 years'' the following: ''and such person shall

be subject to the forfeiture prescribed in section 412 of the Controlled Substances Act (21 U.S.C. 853)'';

(3) in subsection (c)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon;

(C) by adding at the end the following:

''(3) that is a violation of section 522 (relating to the recruitment of persons to participate in criminal gang activity);

''(4) that is a violation of section 844, 875, or 876 (relating to extortion and threats), section 1084 (relating to gambling), section 1955 (relating to gambling), or chapter 73 (relating to obstruction of justice);

''(5) that is a violation of section 1956 (relating to money laundering), to the extent that the violation of such section is related to a Federal or State offense involving a controlled substance (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

''(6) that is a violation of section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, or 1328) (relating to alien smuggling); and

''(7) a conspiracy, attempt, or solicitation to commit an offense described in paragraphs (1) through (6).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3663(c)(4) of title 18, United States Code, is amended by striking ''chapter 46'' and inserting ''section 521, chapter 46,''.

SEC. 705. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS A GANG MEMBER.

(a) DEFINITION OF CRIMINAL STREET GANG.—In this section, the term ''criminal street gang'' has the meaning given that term in section 521(a) of title 18, United States Code.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for any Federal offense described in section 521(c) of title 18, United States Code, if the offense was both committed in connection with, or in furtherance of, the activities of a criminal street gang and the defendant was a member of the criminal street gang at the time of the offense.

(2) FACTORS TO BE CONSIDERED.—In determining an appropriate enhancement under this section, the United States Sentencing Commission shall give great weight to the seriousness of the offense, the offender's relative position in the criminal gang, and the risk of death or serious bodily injury to any person posed by the offense.

(c) CONSTRUCTION WITH OTHER GUIDELINES.—The amendment made by subsection (b) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

SEC. 706. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.

(a) TRAVEL ACT AMENDMENT.—Section 1952 of title 18, United States Code, is amended to read as follows:

''§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

''(a) PROHIBITED CONDUCT AND PENALTIES.—

''(1) IN GENERAL.—Whoever—

''(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

''(i) distribute the proceeds of any unlawful activity; or

''(ii) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and

''(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), performs, attempts to perform, or conspires to perform an act described in clause (i) or (ii) of subparagraph (A);

shall be fined under this title, imprisoned not more than 10 years, or both.

''(2) CRIMES OF VIOLENCE.—Whoever—

''(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to commit any crime of violence to further any unlawful activity; and

''(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), commits, attempts to commit, or conspires to commit any crime of violence to further any unlawful activity;

shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be sentenced to death or be imprisoned for any term of years or for life.

''(b) DEFINITIONS.—In this section:

''(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

''(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(3) UNLAWFUL ACTIVITY.—The term 'unlawful activity' means—

''(A) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances, or prostitution offenses in violation of the laws of the State in which the offense is committed or of the United States;

''(B) extortion, bribery, arson, burglary if the offense involves property valued at not less than $10,000, assault with a deadly weapon, assault resulting in bodily injury, shooting at an occupied dwelling or motor vehicle, or retaliation against or intimidation of witnesses, victims, jurors, or informants, in violation of the laws of the State in which the offense is committed or of the United States; or

''(C) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.''.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

(2) UNLAWFUL ACTIVITY DEFINED.—In this subsection, the term ''unlawful activity'' has the meaning given that term in section 1952(b) of title 18, United States Code, as amended by this section.

(3) SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for a person who, in violating section 522 of title 18, United States Code, recruits, solicits, induces, commands, or causes another person residing in another State to be or to remain a member of a criminal street gang, or crosses a State line with the intent to recruit, solicit, induce, command, or cause another person to be or to remain a member of a criminal street gang.

SEC. 707. GANG-RELATED WITNESS INTIMIDATION AND RETALIATION.

(a) INTERSTATE TRAVEL TO ENGAGE IN WITNESS INTIMIDATION OR OBSTRUCTION OF JUSTICE.—Section 1952 of title 18, United States Code, is amended—

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

(2) by inserting after subsection (a) the following:

''(b) Whoever travels in interstate or foreign commerce with intent by bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding, and thereafter engages or endeavors to engage in such conduct, shall be fined under this title or imprisoned not more than 10 years, or both; and if serious bodily injury (as defined in section 1365 of this title) results, shall be so fined or imprisoned for not more than 20 years, or both; and if death results, shall be so fined and imprisoned for any term of years or for life, or both, and may be sentenced to death.''.

(b) CONSPIRACY PENALTY FOR OBSTRUCTION OF JUSTICE OFFENSES INVOLVING VICTIMS, WITNESSES, AND INFORMANTS.—Section 1512 of title 18, United States Code, is amended by adding at the end the following:

''(j) Whoever conspires to commit any offense defined in this section or section 1513 of this title shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.''.

(c) WITNESS RELOCATION SURVEY AND TRAINING PROGRAM.—

(1) SURVEY.—The Attorney General shall survey all State and selected local witness protection and relocation programs to determine the extent and nature of such programs and the training needs of those programs. Not later than 270 days after the date of the enactment of this section, the Attorney General shall report the results of this survey to Congress.

(2) TRAINING.—Based on the results of such survey, the Attorney General shall make available to State and local law enforcement agencies training to assist those law enforcement agencies in developing and managing witness protection and relocation programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraphs (1) and (2) for fiscal year 2000 not to exceed $500,000.

(d) FEDERAL-STATE COORDINATION AND COOPERATION REGARDING NOTIFICATION OF INTERSTATE WITNESS RELOCATION.—

(1) ATTORNEY GENERAL TO PROMOTE INTERSTATE COORDINATION.—The Attorney General shall engage in activities, including the establishment of a model Memorandum of Understanding under paragraph (2), which promote coordination among State and local witness interstate relocation programs.

(2) MODEL MEMORANDUM OF UNDERSTANDING.—The Attorney General shall establish a model Memorandum of Understanding for States and localities that engage in interstate witness relocation. Such a model Memorandum of Understanding shall include a requirement that notice be provided to the jurisdiction to which the relocation has been made by the State or local law enforcement agency that relocates a witness to another State who has been arrested for or convicted of a crime of violence as described in section 16 of title 18, United States Code.

(3) BYRNE GRANT ASSISTANCE.—The Attorney General is authorized to expend up to 10 percent of the total amount appropriated under section 511 of subpart 2 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 for purposes of making grants pursuant to section 510 of that Act to those jurisdictions that have interstate witness relocation programs and that have substantially followed the model Memorandum of Understanding.

(4) GUIDELINES AND DETERMINATION OF ELIGIBILITY.—The Attorney General shall establish guidelines relating to the implementation of paragraph (4) and shall determine, consistent with such guidelines, which jurisdictions are eligible for grants under paragraph (4).

(d) BYRNE GRANTS.—Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking ''and'' at the end of paragraph (25);

(2) by striking the period at the end paragraph (26) and inserting ''; and''; and

(3) by adding at the end the following:

''(27) developing and maintaining witness security and relocation programs, including providing training of personnel in the effective management of such programs.''.

(e) DEFINITION.—As used in this section, the term ''State'' includes the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Florida (Mr. MCCOLLUM), and a Member opposed, each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over the last several weeks there has been a great deal of debate about ways to protect our children from violence. We have talked about provisions to keep guns out of the hands of criminals, and that is the right thing to do. We have talked about the influence of our culture on kids and how we can encourage responsibility from those who have the potential to influence them, and that is the right thing to do.

We have talked about reaching kids early when they make mistakes so that they will not fall into a spiral of increasing crime, and that is also the right thing to do.

We must also not lose sight of the fact that there have always been and always will be people who ignore the laws. We have to admit that there are people in this country whose hate for those around them is so overpowering they will commit acts of violence on their neighbors, on children, in our schools, even on the houses of worship in their own communities. We have to face the fact that there are people whose greed for money and power lead them to poison our children with drugs and destroy our families through violence.

We cannot simply allow those who would destroy our communities to do so. We must deter them, if we can, by making them aware that there will be severe punishment for their crimes, and we have to impose those punishments if they commit those crimes. We must do this if we are to protect our children and our grandchildren.

Mr. Chairman, the amendment I offer adds provisions to H.R. 1501 to ensure that those who violate our laws and endanger our children and families will be punished. My amendment will increase the punishment for criminals who put guns in the hands of our children and those who commit crimes using firearms. It will increase the penalties on juveniles who use guns to harm others. It will increase the punishments on gang members who commit serious crimes and those who push drugs on to our young people, and it will punish those who put explosives into the hands of juveniles.

We have to send a message. If someone intends to harm our children, we will punish them and punish them severely.

Here is what this amendment will do. It will strengthen the present Federal juvenile justice system by providing increased protection for the community and holding juveniles accountable for their actions.

I must say at the outset that there are very few children who are ever tried in a juvenile setting in the Federal system, but those on Indian reservations and elsewhere are, and this particular provision, this set of provisions, deal only with that limited Federal role and not with the State or the grant program we have been discussing under the underlying bill.

The amendment strengthens the juvenile system that the Federal Government deals with by the following: Giving prosecutors rather than the courts the discretion to charge a juvenile alleged to have committed certain serious felonies as an adult or as a juvenile, which is consistent with what most States do; by making fines and supervised release which are not presently sentencing options in the Federal system available for adjudicated delinquents in addition to probation and detention; and by providing that the records of juvenile proceedings are public records to the same extent that the records of adult criminal proceedings will be public and that such records are to be made available for official purposes, including disclosure to victims and school officials.

The second area my amendment deals with will encourage the Justice Department to prosecute gun crimes. We have found at hearings recently, unfortunately, that many times the Federal Government has not been prosecuting the crimes already on the books dealing with guns. I think that is very, very sad and it is a very serious problem.

So this amendment will require the Justice Department to establish a program in each United States Attorney's Office where one or more Federal prosecutors are designated to prosecute firearms offenses and to coordinate with State and local authorities for more effective enforcement, and permit U.S. attorneys to use Federal prosecutors to prosecute State firearms offenses in State courts.

The third area that my amendment deals with will help ensure that juveniles do not gain access to firearms and explosives illegally. It does this by increasing the maximum penalty that may be imposed on juveniles who possess a firearm. Also, it increases the maximum penalty for illegal possession of a firearm with the intent to take it to a school zone or knowing that another juvenile will take it to a school zone.

It increases the maximum penalty that may be imposed on adults who illegally transfer firearms to juveniles.

□ 1415

It provides for a mandatory minimum sentence for an adult who illegally transfers a firearm to a juvenile, knowing that a juvenile intended to take it to a school zone or commit a serious violent felony.

It enacts a new provision to prohibit any person under 21 from sending, receiving, or possessing explosive materials. Under current law, the distribution of explosive materials to persons under 21 is prohibited, but there is no punishment for the possession of such materials for persons under 21.

The next area this amendment deals with will help deter criminals from gaining access to firearms and explosives by prohibiting the distribution through the Internet and elsewhere of information relating to explosives, destructive devices, and weapons of mass destruction when the person distributing the information knows that the recipient intends to use them to harm others; and by requiring common carriers like UPS or FedEx or a number of others, or other contract carriers such as trucking companies, to report the theft or loss of a firearm it is shipping within 48 hours after the theft or loss is discovered.

Another part of this amendment will help to ensure that criminals are held accountable for their use of firearms and explosives and to deter others from illegally possessing and using these weapons by increasing the penalties for

the discharge of a firearm in a school zone and by providing for mandatory minimum punishments for the knowing discharge of a firearm in a school zone. It increases those punishments if physical harm results, and it allows for the death penalty if somebody uses a gun to kill in a school zone.

Secondly, it increases the maximum penalties for transporting stolen firearms in interstate commerce and for selling, receiving, and possessing stolen firearms.

It increases the mandatory minimum penalty for discharging a firearm during a Federal crime of violence or drug trafficking crime and establishes a mandatory minimum penalty if the firearm is used to injure another person.

It increases the maximum punishment for making false statements to a licensed dealer in order to illegally obtain a firearm if the purchase was to enable another person to carry or possess it in the commission of a serious violent felony. It provides for a minimum mandatory punishment if the person procuring the firearm did so for a juvenile.

It prohibits Federal firearm licensees to continue to operate their licensed businesses after a felony conviction.

It increases the penalty for persons who illegally deal in firearms.

It raises the maximum penalty for knowingly transporting, shipping, possessing, or receiving a firearm with an obliterated or altered serial number.

It establishes, for the first time, criminal background checks prior to the sale of explosive materials by nonlicensed purchasers by licensed dealers.

These checks, similar to the Brady gun background checks, will reduce the availability of explosives to felons.

This is another instant-check type of system, but this one is designed as it should be for explosives and the sale of explosives.

We all know from the Columbine experience that there were not just guns involved there, but there were certainly explosives as well.

In the last provisions in my amendment, we address further the punishment of gang violence and drug trafficking to minors and witness intimidation. It will increase, this amendment, the existing mandatory minimum penalty that is imposed on adults convicted of using minors to distribute drugs.

It will increase the existing mandatory minimum penalty that must be imposed on adults convicted of distributing drugs to minors.

It will increase the existing mandatory minimum penalty that must be imposed on any person convicted of distributing, possessing with the intent to distribute, or manufacturing drugs in or within 100 feet of a school zone.

It will increase the punishment in current law for certain crimes if they were committed by a person as a part of a criminal street gang and adds new crimes for which the increase may be applied; among them, crimes involving extortion and threats, gambling, obstruction of justice, money laundering, and alien smuggling.

It addresses the problem of gang-related witness intimidation by making it a crime to travel in interstate or foreign commerce with the intent to delay or influence the testimony of a witness in a State criminal proceeding by bribery, force, intimidation, or threat. It allows for the death penalty if a person kills another to keep them from testifying in such a setting.

I think this is extremely important. We have a lot of witness intimidation, unfortunately, in this country today, and we do not have good law provisions at the Federal level to deal with it.

We also have in this legislation provisions encouraging a memorandum of understanding as sort of a suggested format, a model format that States might use for witness protection programs among the States to avoid some complications we have seen such as existed in my State of Florida recently with respect to it and Puerto Rico.

These are tough provisions, all of them that I have outlined. They are intended to be. But the harm that is being done through illegal guns, through explosives, and through drugs cannot be ignored. Our young people deserve nothing but our fullest efforts to protect our children at home, at school, and during play.

I ask all of my colleagues to support this amendment.

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

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek to control the time in opposition?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SCOTT) for 20 minutes.

Mr. SCOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the committee.

Mr. CONYERS. Mr. Chairman, this proposal by the gentleman from Florida (Mr. MCCOLLUM), the subcommittee chairman, actually openly reneges on his pledge to pursue a substantive bipartisan juvenile justice bill.

He is now, with one amendment, loading this bill, H.R. 1501, up with more than two dozen criminal penalties, including the death sentence. It is now clear that these provisions were rejected and certainly not supported during the orderly subcommittee process that he himself chaired.

I want to bring forward now one part of this that cannot be unremarked as we go forward. I want to thank Senator PAUL WELLSTONE and David Cole for their assistance.

Because what the gentleman from Florida (Mr. MCCOLLUM) is doing is repealing the Federal law that requires States to identify and improve disproportionate incarceration of members of minority groups, a law that has been in place since 1992 and has had more than 40 States develop programs to reduce minority involvement in the juvenile justice system. It is now under attack.

The resulting Republican juvenile justice bill with this amendment would repeal the existing mandate, effectively closing our collective eyes to racial disparity in the juvenile justice system. Consider with me for one moment, although African American juveniles ages 10 through 17 are 15 percent of the population, they are 26 percent of the arrests, 32 percent of the referrals to juvenile court, 41 percent of the juveniles detained in delinquency cases, 46 percent of juveniles in correctional institutions, and 52 percent of juveniles transferred to adult criminal courts after judicial hearings. In short, African American youths start off overrepresented in juvenile justice, and the problem gets worse at every step. With this amendment, it will continue to proceed in the wrong direction.

This policy of creating a long-term custody rate for African American youth five times the rate of white youth must stop in the House of Representatives. I suggest to my colleagues that we do not even address the problems but plan to make them far worse.

In addition, and I will conclude on this note, the McCollum amendment requires the implementation of the armed criminal apprehension program, similar to the one in Richmond, Virginia that has been described by a United States district court judge as expensive, unnecessary, racially biased, and a misuse of the Federal court system.

Now, if we do nothing else here today, I urge that we reject the McCollum amendment, which will begin to increase the racial disparity of youngsters that are caught up in this process in a huge way, more than two dozen criminal penalties. It is the wrong way. It is too much. It was not accepted even in his own committee.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I simply want to say to the gentleman from Michigan (Mr. CONYERS), with all due respect, I understand he disagrees with this amendment, but a couple of things he pointed out I do not think were quite accurate, and I am sure unintentionally so.

The subcommittee considered H.R. 1501, but the full committee has never considered any of this process, nor did any of the provisions of this amendment get considered in this Congress as we brought this bill to the floor, as the

gentleman knows, the main bill, with all of these other provisions to be discussed and debated in amendment process. So they have not been rejected by the committee. They just never have been brought up or considered.

Secondly, I believe the gentleman, if he would carefully read my amendment, which is a pretty thick thing, I know, would find there is no mention in here of the Office of Juvenile Justice's delinquency prevention programs where the racial mandate, the racial composition mandate exist. We do not touch that in my amendment. I know there is concern about that. There may be other provisions in somebody else's amendment, but this amendment does not touch that. I just want to be sure everybody understands that.

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

Mr. SCOTT. Mr. Chairman, may I inquire how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 9 minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 16 minutes remaining.

Mr. SCOTT. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I hope my colleagues were listening carefully to the comments that were made by the gentleman from Florida (Mr. MCCOLLUM) in support of his proposed amendment.

What he said is that his proposed amendment would strengthen the Federal juvenile justice system. It is that point that I want to spend my time talking about, because my question to my colleagues is: What Federal juvenile justice system is he talking about? We do not have one juvenile counselor at the Federal level. We do not have one juvenile judge at the Federal level. We do not have one juvenile facility in the Federal system. What juvenile justice system is the gentleman from Florida (Mr. MCCOLLUM) talking about?

What he is talking about is federalizing juvenile justice for the first time in this country. Now, why is there no Federal juvenile justice system? For the same reason we do not have any Federal school system in this country. We do not have a Federal juvenile justice system, because, historically, throughout the whole history of this country, juvenile justice has been handled as a State and local issue. They have juvenile courts. They have juvenile judges. They have juvenile facilities. They have counselors. They deal with local juvenile issues as a local issue, which it is and should be.

Local communities are closer to our juveniles and the children, just like the local school systems, are closer to juveniles and the system.

So is not it ironic that my colleagues who profess to believe in States rights would come and say we are here to strengthen and take over the juvenile justice system?

Let me tell my colleagues one final reason that we do not have a juvenile justice system at the Federal level, and that is that we have not done an especially good job of handling the Federal adult justice system. Here we go, saying, those of us who say that we believe in States rights, my Republican colleagues in particular, would have us now come and say we know more about juvenile justice than local communities know about it.

This is a bad idea. It is a revolutionary idea. We should not march into this territory without knowing exactly what we are doing. We should reject this amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply have to respond to the gentleman from North Carolina (Mr. WATT). I do not know if the gentleman has really seriously read chapter 403 of the United States Code with respect to criminal law. But chapter 403 is nothing but about a juvenile justice system at the Federal level.

□ 1445

There are several hundred juveniles who are adjudicated as delinquents every year in the Federal system, most of them on Indian reservations, and there are several hundred more that are prosecuted in the Federal system for violent crimes. So there certainly is a juvenile justice system, and it certainly needs improvement, and that is what the first section of my amendment does.

And the administration has requested every single line and every single word that is in my amendment related to improving this system. The Clinton administration has requested this. The gentleman's own party President has requested it.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, would the gentleman tell me, is he proposing that we apply the same juvenile justice system at the Federal level that we are applying on Indian reservations? Is that what the gentleman is proposing, instead of allowing local communities to handle their own juvenile justice system?

Mr. MCCOLLUM. Mr. Chairman, I reclaim my time to say that we have a Federal juvenile justice system and it applies to any juvenile brought into the system, whether on an Indian reservation or not. It is all the same. It is this Federal juvenile justice system that we are applying here and amending in chapter 403.

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

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, here it is, it is one of the poison pills for this bill, H.R. 1501. I think we all knew on the Committee on the Judiciary that the amendment being offered by the gentleman from Florida (Mr. MCCOLLUM) could not become law and should not become law. That is why H.R. 1501 was devised with the broad bipartisan support that it had, at least, until the slaughter in Columbine High School. That incident changed our common understanding of what we should do here in America about juvenile crime.

This amendment would make it easier to prosecute a 13-year-old as an adult. And, actually, to be clear, it would make it easier for the less than 300 children prosecuted in the Federal system to be prosecuted as adults. So let us be more specific. It would make it easier to prosecute a 13-year-old Native American child as an adult.

What has that got to do with the murders at Columbine High School? I am sorry, who are we fooling with this? There are assorted other portions of the amendment, things about the Internet and guns, which I think are serious issues, but the boys at Colorado bought their guns through gun shows, not on the Internet. There are things about enhancing the penalties if a firearm was discharged in a school. Well, those two boys who killed those kids in school in Colorado, they committed suicide. So I do not think that the 5-year enhanced penalty would do one darn thing to deter those two boys from the slaughter that they wrought on their classmates and the families.

What we need to do is to focus on the ability of a child to commit such damage if a child is so disturbed that he or she wants to kill others. And that focus is what we are avoiding through this really very disturbing setup, considering amendments calculated to sink this bill, tomorrow's bill, and so the American people will not get what they are asking for: Sensible, modest, moderate gun safety measures that will prevent future tragedies such as those all the parents in America observed saw and cared about at Columbine High School and cared deeply to cure.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), a member of the committee.

Mr. CHABOT. Mr. Chairman, it is unfortunate that violence occurs throughout our Nation every day. In our classrooms, in schoolyards and playgrounds, children are all too often at the mercy of violent criminals.

Nationally, we are faced with staggering statistics. The Bureau of Justice statistics report that for 1997 there were 2500 juveniles arrested for murder. That is a 90 percent increase from 1986.

Our Nation's youth are now among the most likely to fall victim to violent crimes, crimes often committed, unfortunately, by their own peers.

To me, these numbers indicate an epidemic of youth violence, one which must be confronted head on. We must pass stronger laws that target and punish violent juvenile offenders. Stiffer sentencing guidelines, trying for violent juveniles as adults and opening those juveniles' criminal records would be a good start. The amendment of the gentleman from Florida (Mr. MCCOLLUM) would enact some of these important provisions.

For example, this amendment gives Federal prosecutors rather than judges the discretion to prosecute violent juvenile felons as adults. This provision would send a clear message to juveniles that if they commit serious crimes, they will do adult time. No more slaps on the wrist, no more short sentences followed by a quick release. So I commend the gentleman for offering this important amendment.

Over 6,000 kids were expelled for bringing guns to schools during the 1996–97 school year, but only nine of them were prosecuted by the Clinton administration, by the U.S. Attorney's Office under this administration. That is a travesty.

Mr. Chairman, regardless of what we accomplish here today, we must acknowledge that the juvenile violence problem in this country is not simply the product of laws or lack thereof. It is a societal one. Our children are inundated every day with negative images, violent messages, and much less than positive role models, unfortunately. Parenting has become a struggle in a country where the government taxes an inordinate amount of a family's paycheck and forces parents to spend more time at work and less time raising and supervising their own kids.

We should not lose sight of the fact that most of our parents are doing a good job, and an overwhelming majority of the kids in this country are good kids who go to school to learn and to make friends and to participate in positive activities. We could help these families by cutting their taxes and helping parents spend more time with their own kids.

There are a lot of things we can do, and I commend the gentleman from Florida (Mr. MCCOLLUM) and the other members of the committee for a job well done and look forward to the debate on this particularly important issue to our country.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I am from Colorado, and Columbine High School is just a few blocks from my district. My constituents in Colorado and our constituents across the country are very sensitive about the conclusions that we take from the terrible Columbine shootings of just a few weeks ago. They are very sensitive that their political leaders do not use this tragedy as an excuse to pass some legislation that will really do very little, if nothing, to solve the problem of youth violence in our country today.

The truth is that under 300 kids per year in the entire country, most of them Native Americans, are even prosecuted under the Federal laws. So the truth is amendments like this will do nothing to stop the kind of youth violence that we saw at Columbine and that we have seen so tragically at high schools across this country.

I suppose that we could send Dylan Klebold and Eric Harris to jail for extra time, if they were not dead at this point. I suppose we could give them the death penalty for shooting all these people on the school grounds of Columbine, but that would be little comfort to the parents of the students and the families of the teacher who were killed there. Instead, our constituents demand that we take action in this Congress to help prevent youth violence in a way that will work across the country for the many tens of thousands of kids in this country who need help every year.

That is why we need different programs to help across the board. We need to reauthorize the COPS program, we need to fund school safety programs, we need prevention block grants, we need to do the things that will actually help instead of giving the American people the illusion that because we are increasing sentences and doing a few things that will work around the edges on a few Indian reservations that we are doing something.

The other thing that my constituents and our constituents are demanding is common sense child gun safety legislation; legislation that will stop the multiple round ammunition cartridges that Klebold and his colleague used; legislation that will stop people from getting guns at gun shows, because these kids got all four of their guns from a gun show, not from the Internet; legislation that will have child safety locks on guns. This is the kind of common sense legislation that begins to help, that we can use as a legislative tool in conjunction with our community action that is nonlegislative that we so desperately need in this solution.

Please, let us not marginalize this issue, let us do something that will really help.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the McCollum amendment.

I think we all agree that there are multiple factors playing a role in youth violence and we are going to be trying to address several of those over the course of this day as we debate this juvenile justice bill. We are all familiar with what some of those issues are. Certainly violence in the media is a factor.

We have seen more than 3,000 studies on this issue, the majority of which have concluded there is a relationship. Drugs is a factor and certainly dysfunctional families. Indeed, one of the highest correlates of youth violence in any community is the incidence of fatherlessness in that community. We are going to try to address some of these things. Obviously, the issue of fatherlessness in the community we cannot address, but I do rise in support of this amendment.

There are several features of this amendment that I think are good. It gives prosecutors rather than the courts the discretion to charge a juvenile alleged to have committed a felony. It makes fines and supervised release available. It also, very importantly, provides that the records of these juvenile proceedings will become public records and available to the community. This is a very, very important factor.

The amendment is a big one. It has a lot of features, but I think we need to take a comprehensive look at the problem that we are trying to address, which is the terrible problem of youth violence, and look at all these different areas. And, yes, there are some weaknesses in our criminal justice system, but the McCollum amendment here is a good amendment that tries to shore up those weaknesses and strengthen the underlying bill, and I encourage my colleagues to support the amendment.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, today we are going to witness a lot of rhetoric about what causes juvenile crimes. If we were to accept the majority's position, one would think that it is access to the Power Rangers that kill our children, not the access to guns.

The rhetoric is tired. Let us be clear. We know that prevention works. Despite this common knowledge, we have witnessed time and time again the Republicans' failure to properly fund education, Head Start programs and other programs we know that work. Instead, the majority wants to rush our children from the crib to the jails.

The McCollum amendment allows Federal prosecutors rather than judges the discretion to try children as adults, lowers the age to 13 in some cases at which children can be tried as adults in the Federal system, and broadens the scope of Federal crimes for which juveniles can be tried as adults.

This provision would mean that more children would be placed in adult jails, and children are not specifically prohibited from contact with adults. This

places children at serious risk of abuse and assault and flies in the face of current studies which indicate that trying children as adults increases rather than decreases youth crime.

The McCollum amendment allows children to come in contact with adults in adult jails in the Federal system. Children as young as 13 years old would be allowed to be in the same jail cell with adults. Allowing contact between juveniles and adults in adult jails would place children at risk of assault and abuse, as children are 8 times more likely to commit suicide, 5 times more likely to be sexually assaulted, and twice as likely to be assaulted by even staff in the adult jails than in juvenile facilities.

The McCollum amendment imposes new mandatory minimum sentences for children who are convicted of certain offenses. These new draconian mandatory minimums would likely impose harsher penalties on youthful offenders than adult criminals guilty of the same offenses under the current law.

Let me say this. Because I am an African American woman, I have had to pay attention to the disproportionate sentencing of minorities. When we take a look at what is going on according to the September 1998 Juvenile Justice Bulletin, it was estimated in two States that one in seven African American males would be incarcerated before the age of 18.

□ 1445

This statistic is compared with one in 125 white males. And then I come here today and find that there is a bill being produced that talks about putting more Indian children, more Native American children, in jail because of the way the Federal system is constructed.

According to the September 1998 Juvenile Justice Bulletin, minority youth represented 68 percent of the juvenile population in secured detention and 68 percent of those in secured institutional environments such as training schools, even though minority youth constituted about 32 percent of the population at the time of the study. I could go on and on and on.

Let me just say that I am absolutely worried and concerned that we are going in the direction of placing more minority youth in prisons and in the Federal system. It is not right and we should not allow it.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SCOTT. Mr. Chairman, I have an amendment that has been made in order by the rule to the McCollum amendment. Do I have to offer that before the time runs out?

The CHAIRMAN. The gentleman may offer his amendment at any time up until the time that the question is posed on the underlying McCollum amendment.

Mr. SCOTT. Mr. Chairman, I would just notify the chair that I would like to introduce the amendment at the end of the debate.

Mr. Chairman, I yield 10 seconds to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I say to my colleagues, listen up. Federalizing juvenile justice without federalizing with funds the resources necessary to hire additional judges, prosecutors, probation officers, and for the very first time Federal juvenile counselors, this is absolutely ridiculous. It has no impact study with it. They cannot do this and do it safely.

Mr. SCOTT. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) has 3¾ minutes remaining.

Mr. SCOTT. Mr. Chairman, I yield 2¼ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I think it is important to focus on the acknowledgment by the Chair of the subcommittee that these particular provisions apply only to Native Americans who reside on reservations for all intents and purposes.

I think it is very, very important that the American people do not be misled into thinking that these measures will have any impact on the rest of the United States. I submit that there will not be an iota's worth of difference in terms of the violence in the streets if this amendment should pass. They should not be misled.

I am just surprised. I was unaware of the fact that there is a substantial problem of juvenile crime on Native American reservations. I would be willing to hear from the Chair of the subcommittee if there had ever been a hearing on a Native American reservation. Has there been any consultation with State's attorneys that deal with Native American reservations?

This is about imposing the most severe sanctions on Native Americans, mandatory sentences, the death penalties, remedies that have been proven over and over again do not work. Let us follow the example of the States and maybe, maybe, we will have some good results.

For example, because of the leadership by the States, not by the Federal Government, not by Washington, this is what has occurred. The juvenile homicide rate has dropped by more than 50 percent since 1993. And for those of my colleagues that are not aware of that, that was the date that President Clinton was inaugurated and began the initiative on crime to work with the States. The States have the answer.

Another interesting statistic: Juvenile arrest rate for all violence is down 37 percent in the past 5 years. And lastly, the percentage of violent crimes attributable to juveniles is at its lowest point since 1975.

Let us follow the lead of the States. Defeat this amendment.

Mr. SCOTT. Mr. Chairman, I yield the balance of the time to the gentlewoman from Texas (Ms. JACKSON-LEE).

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 1½ minutes

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me the time.

I guess we ask the question again, whose side are we on as we work in the United States Congress? Let me associate my remarks with that of the gentleman from Florida (Mr. HASTINGS) and my colleague the gentleman from North Carolina (Mr. WATT). We are creating something with nothing.

What we really should be doing is supporting H.R. 1501. I would like to share very briefly with my colleagues what we are talking about here. We are simply talking about a system that responds to juveniles where they find them. They are children. And we have to find a way to rehabilitate children.

We have an amendment that takes away from the underlying premises of the bill that we can, in fact, rehabilitate children. In the system that we are trying to create by this amendment, we are not really putting into place the kinds of resources that are needed, juvenile judges, prosecutors who are sensitive to juveniles, counseling officers, individuals in schools who are sensitive to juveniles, a mental health system that intervenes and assesses juveniles as to whether or not they need mental health services.

The American Pediatrics Association says, ''We do not support any amendments. We support H.R. 1501.'' Because they know what happens when they incarcerate children with adults. One, they increase crime, they endanger children, and they certainly federalize State juvenile laws.

What we are hoping for, Mr. Chairman, is that we can come to our senses, pass H.R. 1501 without any amendments, provide the resources for our children, and begin to really rehabilitate children and give them a future in America.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I want to clarify a few things. First of all, I have heard some of the other side say some things that are simply not in this amendment. Probably they do not understand that but I want to make it very, very clear that there is nothing in the amendment I am proposing today that will in

any way allow a child to be put in the same cell with an adult. There never has been and, as a matter of fact, never will be under any amendment or offering that I propose.

In fact, this amendment explicitly sets forth in the Federal system where no child may be incarcerated with an adult under any circumstances.

It is also wrong to say, as some have just alleged, that the Federal juvenile procedures only apply to Indian reservations. This is only one area of Federal jurisdiction for juveniles. All Federal drug laws and all Federal gun laws, crimes, can be prosecuted anywhere in the United States that they occur in the Federal system if a juvenile is involved and the juvenile may be prosecuted in that system maybe as an adult or otherwise.

It is also wrong to suggest that there is nothing in this amendment that deals with the Columbine situation. The illegal possession of a firearm by somebody not licensed or allowed to own a firearm certainly applies there, and we increase the maximum penalty for that. We have a provision in here for adults who illegally transfer a firearm to a juvenile knowing that the juvenile intends to take it to a school zone or to commit a serious, violent felony, and quite a number of others.

But the one thing I want to point out that is in this amendment and a lot of focus has been on the very first section of a very comprehensive amendment that simply deals with improving the Federal juvenile justice system, which is a very small portion of this debate today. The biggest thing that is in here that has not been thought about a lot is the provision that requires a prosecutor, an assistant U.S. Attorney at every U.S. Attorney's office in the Nation in any every district of this country to be set aside to prosecute gun crimes.

I want to put a chart up here that shows that in 1997, and I understand a comparable number last year, there were over 6,000 juveniles expelled for possession of a firearm on school grounds. There could have been prosecutions for the possession of guns on school grounds under Federal law this year last year, et cetera, but the Federal Government only prosecuted a handful of them. I think in 1997, as another chart will show, there were only, like, five that were prosecuted. And last year I think there were 13 prosecutions.

Where has the U.S. Attorney General's office and U.S. Attorney's offices been under this administration in prosecuting Federal gun laws dealing with children in schools when we have all of these guns having been possessed in those schools and only a handful of prosecutions versus the 6,000 or so that we know were recorded?

So the amendment I am offering does a lot of things. It increases penalties where they should be increased, especially in the firearms section. Fifteen of the sections in this amendment were proposed by the President himself in addition to those dealing with the question of Federal juvenile justice.

So I strongly urge the adoption of this amendment.

Mr. FORBES. Mr. Chairman, I rise in strong support of the McCollum amendment which amongst other things increases and mandates severe penalties for violating Federal firearms regulation.

According to the Bureau of Justice Statistics, 82 percent of Federal offenders convicted of firearms offenses in addition to other more serious offenses such as homicide or robbery, used or carried a firearm during another crime. 36 percent of Federal offenders involved with firearms had been incarcerated in the past for at least 13 months.

The fact is too many prisoners are violent or repeat criminals and if they've misused a firearm to commit a crime are likely to do in the future.

Our first order of business if we are to protect ourselves and our loved ones from adult or juvenile violent criminals, armed with firearms, must be restraining those criminals. Long term mandatory penalties are required to do the job.

Under the McCollum, amendment for example, the penalty for discharging a firearm in connection with a Federal crime of violence or drug trafficking will be raised to 12 years, from the existing 10. The bill also establishes a mandatory minimum penalty of 15 years if you discharge the weapon and cause injury to another person during the commission of a crime.

Again, while I support the McCollum Amendment, we should have gone a step further. I offered an amendment that I hoped would have been made in order, that would have increased the penalty for discharging a firearm from 10 years to 25 years and imposed a 30 year sentence for injuring another person.

In addition, my amendment would have imposed severe penalties of 10 years for possessing a firearm during the commission of a crime and 20 years for brandishing for threatening individuals with the weapon. Similar provision, although not as severe, were passed by the House in March of 1996 and exist in Federal law.

Empirical studies and common sense clearly suggest, if we freed any significant number of imprisoned felons tonight, we would have more murder and mayhem on the streets tomorrow. Millions of violent crimes are averted each year by keeping convicted criminals behind bars.

Keep firearms felons behind bars—support the McCollum Amendment.

The CHAIRMAN. All time for debate on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM) has expired.

It is now in order to consider Amendment No. 8 printed in Part A of House Report 106–186.

AMENDMENT NO. 8 OFFERED BY MR. SCOTT TO AMENDMENT NO. 6 OFFERED BY MR. MC COLLUM

Mr. SCOTT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Part A amendment No. 8 offered by Mr. SCOTT to Part A amendment No. 6 offered by MCCOLLUM:

Strike title II.

Redesignate succeeding titles and sections, and amend the table of contents accordingly.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Hyde-McCollum amendment before us and to offer an amendment to strike a major portion of it.

Unfortunately, the underlying amendment to the Hyde-McCollum amendment seeks to amend a bill containing only sound bipartisan juvenile justice policy by adding policies that have been shown to actually increase crime and violence against the public and the youth involved in policies which were specifically rejected by the sponsors of the amendment when we were working together to put together H.R. 1501.

One of the problems with the underlying amendment is that it provides for trying more juveniles as adults without any judicial review. Under current law, a judge must decide whether the public interest requires a child to be tried as an adult, with just very limited exceptions.

Now, there are numerous studies which indicate that trying more juveniles as adults will probably result in them being treated more leniently in an adult court and all of those studies show that the crime rate will increase with new crimes being committed sooner and more likely to be violent.

Now, the judge in adult court is confined to two options. He can put the person on probation or he can lock that person up with adult murderers, robbers, and drug dealers. Juvenile court judges have other options, and that is why the juveniles coming out of the juvenile system are much less likely to commit crime. If they treat a juvenile as an adult for trial, if they are incarcerated, they will be locked up with adults. And it does not take a brain surgeon to know that they will not only be endangered but they will be more likely to commit a crime when it is all over.

Mr. Chairman, in March we had hearings on what we need to do to reduce juvenile crime and delinquency. And H.R. 1501, without the Hyde-McCollum amendment, was the result. No one presented any coherent information to lead us to believe that trying more juveniles as adults was a responsible action.

Now, one of the other problems this underlying amendment needs to be struck by my amendment is that, without my amendment, we will be federalizing juvenile crime.

Now, Chief Justice Rehnquist has talked for years about the problem of federalizing crime. And I am sure he would look at this bill and say, there they go again. Obviously, if we had pursued the regular order, the provision that federalizes juvenile crime would not have been in the underlying bill.

Mr. Chairman, the underlying bill also contains numerous mandatory minimum sentences. Mandatory minimum sentences have been studied. In fact, the Rand study considered mandatory minimums, regular sentences, and drug treatment. And for every $1 million that they would spend, they could reduce crime by 13 with mandatory minimums. The $1 million could reduce crime by 27 with traditional law enforcement. Or they could reduce crime by 100 if they used drug treatment.

Obviously, mandatory minimums came up last and almost a waste of money and, therefore, would not have survived the regular legislative process.

□ 1500

H.R. 1501, without the Hyde-McCollum amendment, constitutes responsible, effective juvenile justice legislation, the product of extensive hearings and thoughtful deliberations within the Subcommittee on Crime of the House Committee on the Judiciary. It is legislation which is unique because it was responsive to the problems and concerns of all of the experts who testified and enjoys the full support of all of the subcommittee members.

Mr. Chairman, remember we began this process with two bipartisan bills, one in Judiciary, one in Education. Both bills were drafted as a result of extensive hearings, and now we are in the middle of participating in a political charade where we consider slogans and sound bites which might score well in political polls but never would have made it through the regular legislative process.

Now in the wake of Littleton, Colorado, and Conyers, Georgia, this sudden change in approach is both a spectacle and an embarrassment.

For these reasons, Mr. Chairman, I believe that the committee should reject the underlying Hyde-McCollum amendment so we do not counteract the effective, sensible and proven policies in H.R. 1501 and replace them with counterproductive proposals in the pending Hyde-McCollum amendment.

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

The CHAIRMAN. Does the gentleman from Florida (Mr. MCCOLLUM) seek time in opposition to the amendment?

Mr. MCCOLLUM. I do seek time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) is recognized for 10 minutes.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I strongly oppose this amendment. It would strike the title of the amendment, the portion of the amendment which I am offering, which deals with improving the Federal juvenile justice system, and strike it all together. We do have a juvenile justice system at the Federal level. Only a few hundred are ever tried in a given year, juveniles in the Federal system, but it is antiquated, it is out of date.

For example, juvenile judges simply do not have the discretion that most State court judges have in their sentencing. They have fewer options with juveniles, and we would give them the full range of discretion that one would expect all courts to have in dealing with juveniles. The amendment of the gentleman from Virginia (Mr. SCOTT) would strike that provision that the administration has urged on us for a number of years.

With regard to the question that seems to be the central focus of his discussion with me over time and including today, and that is with respect to the question about the authority of trying a juvenile as an adult, what we are doing is not mandating that any juvenile who happens to come into contact with the Federal system be tried as an adult, and I want to make it perfectly clear that this proposal I am offering today has nothing to do with the State juvenile systems, only those handful of juveniles that may be tried in the Federal system. But what we are doing is taking away from the judges the discretion they have today under my amendment; that is, under the current law with my amendment we are talking that discretion they have to decide which children are tried as adults and which are not in the Federal system and giving that to the prosecutors, which is the most common thing one finds in most of the States today. That is not an unreasonable thing to do, and they were only giving that discretion, by the way, up to the most serious violent crimes that have been committed by juveniles.

So it is in May, it is permissive, not mandatory, it is a discretion being given to prosecutors to try the juvenile as an adult instead of the judge, which is present in most State juvenile systems, and it is limited only to very serious crimes. Let me read the list:

Murder, manslaughter, assault with intent to commit murder or rape, aggravated sexual abuse, abusive sexual contact, kidnapping, aircraft piracy, robbery, carjacking, extortion, arson or any attempt, conspiracy or solicitation to commit one of those offenses, and any crime punishable by imprisonment for a maximum of 10 years or more that involves the use or threatened use of physical force against another.

So we are talking only about very serious crimes that a juvenile would commit, and then we are allowing discretion in the prosecutor's hands that is common in the State systems all over the country if there is a Federal prosecutor dealing with those limited number of Federal cases of juveniles that come before us in our Federal court system. This is long overdue. The amendment offered by the gentleman from Virginia (Mr. SCOTT) should be defeated, and we should let an antiquated Federal juvenile system be improved.

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

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise to strongly support the Scott amendment and adamantly against the McCollum amendment. The McCollum, for example, this amendment would negatively impact children by placing children at risk of assault and abuse in adult jails. The McCollum amendment allows Federal prosecutors rather than judges the discretion to try children as adults. The McCollum amendment would lower the age to 13 in some cases at which children can be tried as adults in the Federal system. This amendment, the McCollum amendment broadens the scope of Federal crimes in which juveniles can be tried as adults. Simply put, more children will be placed in adult jails, and they will be as young as 13.

I am extremely concerned because the McCollum amendment will also make it easier to put more children, and just tell it like it is, more black and brown children in jail. Children of color make up one-third of all children nationwide, but two-thirds of all incarcerated juveniles are considered ethnic minorities. African American youth aged 10 to 17 constitutes 15 percent of United States population in that age group, but they account for 26 percent of juvenile arrests, 32 percent of delinquency referrals to juvenile court, 41 percent of juvenile detained in delinquency cases, 46 percent of juveniles in correction institutions and 52 percent of juveniles transferred to adult criminal court after judicial proceedings.

Minority youth are much more likely to end up in prisons with adult offenders. In 1995, nearly 10,000 juvenile cases were transferred to adult criminal courts by judicial waiver. Of those proceedings, cases involving African American children were 50 percent more likely to be waived than cases involving Caucasian. Mandatory minimum sentencing will enable our children to be at serious risk of abuse and assault. This, the McCollum amendment, goes against current studies which indicate that trying children as

adults increases rather than decreases youth crime. Allowing contact between juveniles and adults in adult jails would make children eight times more likely to commit suicide, five times more likely to be sexually assaulted and twice as likely to be assaulted by staff in adult than in juvenile facilities.

I support the Scott amendment.

By the McCollum amendment imposing new mandatory minimum sentences for children who are convicted of certain offenses—mandatory minimums will impose harsher penalties on youthful offenders than adult criminals guilty of the same offenses under current law.

For example, under the McCollum amendment any juvenile who discharges a firearm in a school zone would get a minimum 10-year sentence. An adult currently charged with the same offense would not be subject to the same mandatory penalty.

Let me remind you that mandatory sentences are expensive, unfair, and often ineffective. A 1997 Rand study shows that mandatory minimum sentences are not cost effective in reducing drug-related crimes. Even Chief Justice Rehnquist had criticized mandatory minimum sentences as unduly harsh punishment for first-time offenders.

We must help our children when they are charged of a crime. We must provide education and counseling services to rehabilitate them back into society. We must not write them off! We must remember that they are still children and we must try harder to help them because they are the future.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume. I just want to make it very clear, and I do not know where this idea of commingling children with adults in facilities, prison facilities, is coming from. There is no change in my amendment to the current law with respect to prohibiting commingling. It cannot happen. Under Federal law today it is impermissible to mingle a juvenile with an adult. Whether that juvenile is waiting for trial and sentencing or even after a child has been tried as an adult in an adult court and they are still under the legal age of 18, they may not be housed with or commingled with adults. There is nothing in my amendment that would change that in any way, shape or form, and I want to make that again very clear.

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

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, as difficult as we try to make this, it is not rocket science. We know what works and what does not work. Every single study that has ever been done indicates that juveniles as adults and locking them up as adults increases crime, does not decrease crime, and I thought we were here today to talk about what decreases crime and what was effective.

Here is the thing. Lock up a 13-year-old with a murderer, a rapist and a robber, and guess what he will want to be when he grows up? We know what he will want to be when he grows up. He will want to be a murderer, he will want to be a rapist, and he will want to be a robber, and that is what this amendment proposes to do. It wants to treat young 13-year-old kids as adults. Every single study in America that has ever been done says it is counterproductive. This is politics and we got to quit playing politics with the futures of our children.

Mr. SCOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I rise in support of the Scott amendment.

In the wake of a series of tragic incidents at high schools in Colorado and Georgia, Democrats and Republicans came together to craft H.R. 1501. We put aside the politics of polltested sound bites—"do the crime do adult time;" mandatory minimums; "3 strikes you're out"—to hold thoughtful deliberations that yielded a unique piece of legislation responsive to the concerns of experts in the field and supported by all members of the subcommittee, both Democrat and Republican.

This is why I am deeply disappointed to see the Republican majority abandon bipartisanship to play politics with juvenile justice; abandon orderly legislative process to pursue legislation by ambush; and abandon its commitment to the American people to follow the lead of special interests.

How do we know the Republican Majority has decided to play politics with juvenile justice? They now advocate policies that just weeks ago even they acknowledged lacked merit. Listen to their own words.

On March 11, 1999 Crime Subcommittee Chairman MCCOLLUM stated: "Taking consequences seriously is not a call for locking all juveniles up, nor does it imply the housing of juveniles, even violent hardened juveniles, with adults. I, for one, am opposed to such commingling."

On April 22, 1999 he repeated: "I believe the bill we move today [represents] a balanced effort to strengthen juvenile justice systems so that they are able to insure appropriate measured consequences for delinquent acts of the most youthful offenders who because of their age are amendable to being directed away from later, more serious wrong doing."

Yet today, the Majority is pushing legislation which tries more children as adults, houses more juveniles as adults, and imposes a whole slew of new mandatory minimum penalties and death penalties.

What's really extraordinary about these proposals is just how meaningless they really are. Fewer than 150 prosecutions in the federal system each year, and such changes are likely to affect only a small percentage of those cases. These proposals do not represent serious attempts at legislation. Rather they are a transparent attempt to legislate by sound bite and kill a bill that they themselves agreed was the best approach to juvenile justice.

Housing juveniles in adult prison facilities means more kids are likely to commit suicide, or be murdered or physically or sexually abused than their counterparts in juvenile facilities. As a matter of fact, children in adult jails or prisons have been shown to be five times more likely to be assaulted and eight times more likely to commit suicide than children in juvenile facilities in adult prisons.

Judiciary Committee hearings have turned up numerous instances of such abuse. In Ironton, Ohio, a 15 year-old girl ran away from home overnight, then returned to her parents. A juveile court judge put her in a county jail to "teach her a lesson." The girl was sexually assaulted by a deputy jailer on her fourth night in jail. In Boise, Idaho, 17 year-old Christopher Petermen was held in adult jail for failing to pay $73 in traffic fines. Over a 14 hour period, he was tortured and finally murdered by other prisoners in the cell. In LaGrange, Kentucky, 15-year-old Robbie Horn was confined in an adult facility for refusing to obey his mother. Soon after he was placed in jail he used his own shirt to hang himself.

Repeated studies of prosecuting juveniles as adults indicates that rather than serving as a deterrent to juveile crime prosecuting more juveniles as adults merely leads to greater and more serious recidivism. This is because adult jail facilities have little capacity to offer the educational, counseling, and mental health services needed to deal with juvenile offenders.

Other aspects of the Majority's juvenile justice proposals are just as misguided. For example, a Rand commission study showed that mandatory minimum sentences reduced crime less and cost much more money when compared to discretionary sentencing and release laws. Increased death penalties are also problematic—in addition to the increasing problem of prosecutor error, capital punishment diminishes the value of all life and could not begin to deter suicide killers like those at Columbine High School.

The reality is that a continuum of services aimed at-risk youth—such as teen pregnancy prevention, Head Start, recreational programs, drop-out prevention programs, summer jobs, drug treatment, mental health services, and education and treatment programs during incarceration—are needed to significantly reduced juvenile crime. This is the approach found in H.R. 1501, but is subsequently abandoned by the Majority.

If we are truly interested in juvenile justice reform, we must begin by rejecting unprincipled amendments allowed by the Rule that would cut out the heart of this bill and stick to the principles of H.R. 1501. This was a bill produced by a bipartisan process and unanimously approved by the Crime Subcommittee. In the wake of the recent school yard tragedies in Littleton, Colorado and Conyers, Georgia, the American people deserve and expect reform. We cannot and should not allow false arguments about "getting tough on crime" and prosecuting juveniles as adults to prevent us from achieving these important goals.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I and others who have taken to the floor to speak about this attempt by the gentleman from Florida (Mr. MCCOLLUM) to open up the Federal system to youth

and try them as adults is very serious with us because of what we already know about how the system works. Let me continue with some of the statistics that we have begun to roll out. Black youth are much more likely to end up imprisoned as adult offenders. In 1995 nearly 10,000 juvenile cases were transferred to adult criminal court by judicial waiver. Of these proceedings, cases involving black youth were 52 percent of all the children and adolescents waived to the adult court.

Youth Law Center, America's assault on minority youth, the problem of over representation of minority youth in the justice system; we are telling the gentleman from Florida (Mr. MCCOLLUM) aside from the problem with minority youth we are exacerbating the problem for Native Americans. As my colleagues know, what they are doing is going to have a disproportionate impact on them, and let me just say that minorities do fare worse in this system because they do not have the contacts, and people acting on their behalf and tweaking the system; Mr. MCCOLLUM, he has used his influence to get off people in the system who have committed serious charges. Black youth and minority youth do not have that opportunity to have that kind of support.

Mr. SCOTT. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding this time to me, and there is one provision that I do support, one out of all of the provisions that I support in the McCollum amendment, and that is the one that designates an Assistant United States Attorney to focus in on the issue of guns. However, I say to the gentleman from Florida (Mr. MCCOLLUM), what he fails to do in the amendment is to provide an authorization for the funding for the additional Assistant United States Attorney. Myself and the former attorney general of the State of Arizona, who now serves in this body, the gentleman from Colorado (Mr. UDALL) had that amendment before, before the Committee on Rules, and it was not ruled in order, and I would hope that the gentleman would consider unanimous consent to adopt that amendment.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Virginia is recognized for 30 seconds.

Mr. SCOTT. Mr. Chairman, the Hyde-McCollum amendment was not subjected to the regular process and therefore we do not know what is wrong with the present law in trying juveniles as adults or what is wrong or why the mandatory minimums need to be imposed. I point out on page 12, line 14 of the amendment there are changes in incarceration with adults where the protections of juveniles are very seriously jeopardized.

Finally, Mr. Chairman, I will ask unanimous consent at the end of the time for the gentleman from Florida that I be able to ask unanimous consent to withdraw the amendment and go right to the vote on the McCollum amendment. I will make that unanimous consent request at the end of his time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman. I will not consume by any means all of it. I just want to respond to a couple things that have been said out here today. One of those concerns, the issue of again this commingling question. There is no commingling at all that would be allowed in this legislative proposal that I have. But I understand there are concerns that other Members on the other side of the aisle have with allowing prosecutors the discretion in these very serious criminal cases in the Federal system to try juveniles as adults. I find that to be one of those kinds of things where we just have a disagreement because most of the States have that option for prosecutors. That is all my amendment does, is to revise very old and antiquated Federal laws dealing just with those limited handful of juvenile cases that come before the Federal system every year to revise those laws, to let them comply with the State laws where there is often and most often a prosecutor's discretion allowed when we deal with murder, rape, robbery, those really serious crimes, and only with those, and it is discretionary again, and again no commingling.

And last, the gentleman from Massachusetts is making a point, we did not authorize any funding for an additional prosecutor in the underlying amendment dealing with prosecuting gun crimes where we require a separate U.S. Attorney, Assistant U.S. Attorney, to be set aside to prosecute those crimes.

□ 1515

But I did not intend that we hire a new assistant U.S. prosecutor. The amendment contemplates that every U.S. Attorney in this country set aside one of the existing ones with no additional funds. That is what was done in the Bush administration. A priority was set among the existing prosecutions in the country so that gun crime prosecutions had high priority, such a high priority that I think should be here with this administration to prosecute gun crimes as we have had so few prosecuted.

That is the sole purpose of that provision. No additional prosecutors are necessary and no additional money need be authorized in this setting.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, my colleague and I are from Florida. Am I correct that Florida has a law that allows for us to be able to prosecute juveniles who commit even the heinous crimes that the gentleman's measure calls for? If that is true, why, then, federalize this particular process?

So many times, I say to my colleague, we come to the floor saying, leave things in the hands of local authorities. How is it all of a sudden the Federal system is going to be better?

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I know that the gentleman probably misunderstands my amendment, because the gentleman has been a former Federal judge and I respect the gentleman a lot on this. The amendment I am proposing in no way Federalizes those crimes that the States are involved with. It does not add any new dimension to Federal jurisdiction.

Where Federal law already allows for prosecutions such as in drug cases and in gun cases, which it does, there could be prosecutions of juveniles as adults if prosecutors decided. Today, as the gentleman knows, there could be prosecutions of juveniles as adults in the Federal system in those kinds of cases if the judges, Federal judges decide.

So I am not really adding any new crimes or going into the State jurisdictions with my amendment, I say to the gentleman. I was very careful not to do that. So I am glad the gentleman pointed that out, because it should be clarified. I thank the gentleman for doing so.

Mr. DELAHUNT. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding.

I would point out to the gentleman that since 1993 there have been innumerable burdens deposited on United States Attorneys' offices. If we are going to be really serious about the issue of guns and violence in a realistic approach in terms of the appropriate role for the Federal Government, I dare say a price tag of $8 million to save lives, to reduce violence in our streets, is something that ought to occur. We have got to pay for it. We cannot do it on the cheap, I say to my colleague from Florida.

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I would say that the Bush administration, the previous administration did this with the existing resources and made it a priority. I think that should be done first. I am certainly willing to go with the gentleman to add more prosecutors, generally speaking, whether they are designated or not. I think we do have a lower number of Federal prosecutors and too few Federal judges, especially in Florida, my State, and there may be

an opportunity later on in this bill to do something about that with some of the other amendments. But I respect the fact that the gentleman wants to see more Federal prosecutors. That in no way diminishes the fact that my amendment proposes that an existing prosecutor in every Federal district be set aside to prosecute gun cases and be given that as a top priority with existing resources. That is what my amendment does; that is what should be done.

Mr. Chairman, I oppose the Scott amendment, I urge that it be defeated, if it is not withdrawn. If the effort is going to be made to withdraw it, I will not oppose it.

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

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The question is on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249, noes 181, not voting 4, as follows:

[Roll No. 211]

AYES—249

Aderholt	Canady	Franks (NJ)
Andrews	Capps	Frelinghuysen
Archer	Castle	Frost
Armey	Chabot	Gallegly
Bachus	Chambliss	Ganske
Baird	Clement	Gekas
Baker	Collins	Gibbons
Ballenger	Combest	Gilchrest
Barcia	Condit	Gillmor
Barr	Cook	Gilman
Barrett (NE)	Costello	Goodlatte
Bartlett	Cox	Goodling
Barton	Cramer	Gordon
Bass	Crane	Goss
Bateman	Cubin	Graham
Bereuter	Cunningham	Granger
Berkley	Davis (FL)	Green (TX)
Berry	Davis (VA)	Green (WI)
Biggert	Deal	Greenwood
Bilbray	DeLay	Gutknecht
Bilirakis	DeMint	Hall (OH)
Bishop	Deutsch	Hansen
Bliley	Diaz-Balart	Hastings (WA)
Blunt	Dickey	Hayes
Boehlert	Doyle	Hayworth
Boehner	Dreier	Hefley
Bono	Duncan	Herger
Borski	Dunn	Hill (IN)
Boswell	Edwards	Hilleary
Boucher	Ehrlich	Hobson
Boyd	Emerson	Holden
Brady (TX)	English	Holt
Bryant	Etheridge	Hooley
Burr	Evans	Horn
Burton	Everett	Hulshof
Buyer	Ewing	Hunter
Callahan	Fletcher	Hutchinson
Calvert	Forbes	Isakson
Camp	Fowler	Istook
Jenkins	Norwood	Shimkus
John	Nussle	Shows
Johnson (CT)	Ortiz	Shuster
Johnson, Sam	Ose	Simpson
Jones (NC)	Oxley	Skelton
Kelly	Packard	Smith (MI)
King (NY)	Pallone	Smith (TX)
Kingston	Pascrell	Smith (WA)
Knollenberg	Peterson (MN)	Spence
Kolbe	Peterson (PA)	Stabenow
Kuykendall	Petri	Stearns
LaHood	Phelps	Stump
Lampson	Pickering	Sununu
Largent	Pitts	Talent
Latham	Pomeroy	Tancredo
Lazio	Porter	Tauscher
Leach	Portman	Tauzin
Lewis (CA)	Quinn	Taylor (MS)
Lewis (KY)	Radanovich	Taylor (NC)
Linder	Ramstad	Terry
LoBiondo	Regula	Thomas
Lowey	Reyes	Thompson (CA)
Lucas (KY)	Reynolds	Thune
Lucas (OK)	Riley	Toomey
Luther	Roemer	Traficant
Maloney (CT)	Rogan	Turner
Mascara	Rogers	Udall (NM)
McCarthy (NY)	Rohrabacher	Upton
McCollum	Ros-Lehtinen	Vitter
McCrery	Rothman	Walden
McHugh	Roukema	Walsh
McInnis	Royce	Watkins
McIntosh	Ryan (WI)	Watts (OK)
McIntyre	Ryun (KS)	Weiner
McKeon	Salmon	Weldon (FL)
Mica	Sanchez	Weldon (PA)
Miller (FL)	Saxton	Weller
Miller, Gary	Schaffer	Wexler
Minge	Sensenbrenner	Whitfield
Moore	Sessions	Wicker
Moran (KS)	Shadegg	Wolf
Myrick	Shaw	Wu
Nethercutt	Shays	Young (AK)
Northup	Sherwood	Young (FL)

NOES—181

Abercrombie	Foley	Matsui
Ackerman	Ford	McCarthy (MO)
Allen	Fossella	McDermott
Baldacci	Frank (MA)	McGovern
Baldwin	Gejdenson	McKinney
Barrett (WI)	Gephardt	McNulty
Becerra	Gonzalez	Meehan
Bentsen	Goode	Meek (FL)
Berman	Gutierrez	Meeks (NY)
Blagojevich	Hall (TX)	Menendez
Blumenauer	Hastings (FL)	Metcalf
Bonilla	Hill (MT)	Millender-McDonald
Bonior	Hilliard	Miller, George
Brady (PA)	Hinchey	Mink
Brown (FL)	Hinojosa	Moakley
Brown (OH)	Hoeffel	Mollohan
Campbell	Hoekstra	Moran (VA)
Cannon	Hostettler	Morella
Capuano	Hoyer	Murtha
Cardin	Hyde	Nadler
Carson	Inslee	Napolitano
Chenoweth	Jackson (IL)	Neal
Clay	Jackson-Lee (TX)	Ney
Clayton	Jefferson	Oberstar
Clyburn	Johnson, E.B.	Obey
Coble	Jones (OH)	Olver
Coburn	Kanjorski	Owens
Conyers	Kaptur	Pastor
Cooksey	Kennedy	Paul
Coyne	Kildee	Payne
Crowley	Kilpatrick	Pease
Cummings	Kind (WI)	Pelosi
Danner	Kleczka	Pickett
DeFazio	Klink	Pombo
DeGette	Kucinich	Price (NC)
Delahunt	LaFalce	Pryce (OH)
DeLauro	Lantos	Rahall
Dicks	Larson	Rangel
Dingell	LaTourette	Rivers
Dixon	Lee	Rodriguez
Doggett	Levin	Roybal-Allard
Dooley	Lewis (GA)	Rush
Doolittle	Lipinski	Sabo
Ehlers	Lofgren	Sanders
Engel	Maloney (NY)	Sandlin
Eshoo	Manzullo	Sanford
Farr	Markey	Sawyer
Fattah	Martinez	Scarborough
Filner	Schakowsky	Velázquez
	Scott	Vento
	Serrano	Visclosky
	Sherman	Wamp
	Sisisky	Waters
	Skeen	Watt (NC)
	Slaughter	Waxman
	Smith (NJ)	Weygand
	Snyder	Wilson
	Souder	Wise
	Spratt	Woolsey
	Stark	Wynn
	Stenholm	
	Strickland	
	Stupak	
	Sweeney	
	Tanner	
	Thompson (MS)	
	Thornberry	
	Thurman	
	Tiahrt	
	Tierney	
	Towns	
	Udall (CO)	

NOT VOTING—4

Brown (CA)	Houghton
Davis (IL)	Kasich

□ 1542

Messrs. COBURN, BONILLA, FOSSELLA, and DOOLITTLE changed their vote from ''aye'' to ''no.''

Mr. BACHUS, Mrs. CUBIN, Mr. UPTON, and Mr. MORAN of Kansas changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to notice to the Committee, it is now in order to consider amendment No. 31 printed in Part A of House Report 106–186.

AMENDMENT NO. 31 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 31 offered by Mr. HYDE:

Add at the end the following new title:

TITLE ___—PROTECTING CHILDREN FROM THE CULTURE OF VIOLENCE

SEC. ___. PROTECTING CHILDREN FROM EXPLICIT SEXUAL OR VIOLENT MATERIAL.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

''§ 1471. Protection of minors

''(a) PROHIBITION.—Whoever in interstate or foreign commerce knowingly and for monetary consideration, sells, sends, loans, or exhibits, directly to a minor, any picture, photograph, drawing, sculpture, video game, motion picture film, or similar visual representation or image, book, pamphlet, magazine, printed matter, or sound recording, or other matter of any kind containing explicit sexual material or explicit violent material which—

''(1) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal or pander to the prurient, shameful, or morbid interest;

''(2) the average person, applying contemporary community standards, would find the material patently offensive with respect to what is suitable for minors; and

''(3) a reasonable person would find, taking the material as a whole, lacks serious literary, artistic, political, or scientific value for minors;

shall be punished as provided in subsection (c) of this section.

''(b) DEFINITIONS.—As used in subsection (a)—

''(1) the term 'knowingly' means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of—

''(A) the character and content of any material described in subsection (a) which is reasonably susceptible of examination by the defendant; and

''(B) the age of the minor;

but an honest mistake is a defense against a prosecution under this section if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor;

''(2) the term 'minor' means any person under the age of 17 years; and

''(3) the term 'sexual material' means a visual depiction of an actual or simulated display of, or a detailed verbal description or narrative account of—

''(A) human male or female genitals, pubic area or buttocks with less than a full opaque covering;

''(B) a female breast with less than a fully opaque covering of any portion thereof below the top of the nipple;

''(C) covered male genitals in a discernibly turgid state;

''(D) acts of masturbation, sodomy, or sexual intercourse;

''(E) physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person be a female, breast;

''(4) the term 'violent material' means a visual depiction of an actual or simulated display of, or a detailed verbal description or narrative account of—

''(A) sadistic or masochistic flagellation by or upon a person;

''(B) torture by or upon a person;

''(C) acts of mutilation of the human body; or

''(D) rape.

''(c) PENALTIES.—The punishment for an offense under this section is—

''(1) a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense which does not occur after a conviction for another offense under this section; and

''(2) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense which occurs after a conviction for another offense under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding at the end the following new item:

''1471. Protection of minors.''.

SEC. ___. PRE-PURCHASE DISCLOSURE OF LYRICS PACKAGED WITH SOUND RECORDINGS.

(a) IN GENERAL.—It is the sense of Congress that retail establishments engaged in the sale of sound recordings—

(1) should make available for on-site review, upon the request of a person over the age of 18 years, the lyrics packaged with any sound recording they offer for sale; and

(2) should post a conspicuous notice of the right to review described in paragraph (1).

''(b) DEFINITION.—The term 'retail establishment' means any physical place of business which sells directly to a consumer, but does not include mail order, catalog, or online sales of sound recordings.

SEC. ___. STUDY OF EFFECTS OF ENTERTAINMENT ON CHILDREN.

(a) REQUIREMENT.—The National Institutes of Health shall conduct a study of the effects of video games and music on child development and youth violence.

(b) ELEMENTS.—The study under subsection (a) shall address—

(1) whether, and to what extent, video games and music affect the emotional and psychological development of juveniles; and

(2) whether violence in video games and music contributes to juvenile delinquency and youth violence.

SEC. ___. TEMPORARY ANTITRUST IMMUNITY TO PERMIT THE ENTERTAINMENT INDUSTRY TO SET GUIDELINES TO HELP PROTECT CHILDREN FROM HARMFUL MATERIAL.

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

(1) Television is seen and heard in nearly every United States home and is a uniquely pervasive presence in the daily lives of Americans. The average American home has 2.5 televisions, and a television is turned on in the average American home 7 hours every day.

(2) Television plays a particularly significant role in the lives of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Hundreds of studies have proven conclusively that children who are consistently exposed to violence on television have a higher tendency to exhibit violent and aggressive behavior, both as children and later in life.

(6) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(7) A growing body of social science research indicates that sexual content on television can also have a significant influence on the attitudes and behaviors of young viewers. This research suggests that heavy exposure to programming with strong sexual content contributes to the early commencement of sexual activity among teenagers.

(8) Members of the National Association of Broadcasters (NAB) adhered for many years to a comprehensive code of conduct that was based on an understanding of the influence exerted by television and on a widely held sense of responsibility for using that influence carefully.

(9) This code of conduct, the Television Code of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) ''In selecting program subjects and themes, great care must be exercised to be sure that the treatment and presentation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity.''.

(B) ''Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the sound, balanced development of children to help them achieve a sense of the world at large and informed adjustments to their society.''.

(C) ''Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.''.

(D) ''The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly, but with sensitivity.''.

(E) ''Above and beyond the requirements of the law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.''.

(10) The National Association of Broadcasters abandoned the code of conduct in 1983 after three provisions of the code restricting the sale of advertising were challenged by the Department of Justice on antitrust grounds and a Federal district court issued a summary judgment against the National Association of Broadcasters regarding one of the provisions on those grounds. However, none of the programming standards of the code were challenged.

(11) While the code of conduct was in effect, its programming standards were never found to have violated any antitrust law.

(12) Since the National Association of Broadcasters abandoned the code of conduct, programming standards on broadcast and cable television have deteriorated dramatically.

(13) In the absence of effective programming standards, public concern about the impact of television on children, and on society as a whole, has risen substantially. Polls routinely show that more than 80 percent of Americans are worried by the increasingly graphic nature of sex, violence, and vulgarity on television and by the amount of programming that openly sanctions or glorifies criminal, antisocial, and degrading behavior.

(14) At the urging of Congress, the television industry has taken some steps to respond to public concerns about programming standards and content. The broadcast television industry agreed in 1992 to adopt a set of voluntary guidelines designed to ''proscribe gratuitous or excessive portrayals of violence''. Shortly thereafter, both the broadcast and cable television industries agreed to conduct independent studies of the violent content in their programming and make those reports public.

(15) In 1996, the television industry as a whole made a commitment to develop a comprehensive rating system to label programming that may be harmful or inappropriate for children. That system was implemented at the beginning of 1999.

(16) Despite these efforts to respond to public concern about the impact of television on children, millions of Americans, especially parents with young children, remain angry and frustrated at the sinking standards of television programming, the reluctance of the industry to police itself, and the harmful influence of television on the well-being of the children and the values of the United States.

(17) The Department of Justice issued a ruling in 1993 indicating that additional efforts by the television industry to develop and implement voluntary programming guidelines would not violate the antitrust laws. The ruling states that ''such activities may be likened to traditional standard setting efforts that do not necessarily restrain

competition and may have significant procompetitive benefits . . . Such guidelines could serve to disseminate valuable information on program content to both advertisers and television viewers. Accurate information can enhance the demand for, and increase the output of, an industry's products or services.''.

(18) The Children's Television Act of 1990 (Public Law 101–437) states that television broadcasters in the United States have a clear obligation to meet the educational and informational needs of children.

(19) Several independent analyses have demonstrated that the television broadcasters in the United States have not fulfilled their obligations under the Children's Television Act of 1990 and have not noticeably expanded the amount of educational and informational programming directed at young viewers since the enactment of that Act.

(20) The popularity of video and personal computer (PC) games is growing steadily among children. Although most popular video and personal computer games are educational or harmless in nature, some are extremely violent. One recent study by Strategic Record Research found that 64 percent of teenagers played video or personal computer games on a regular basis.

(21) Game players of violent games may be cast in the role of shooter, with points scored for each ''kill''. Similarly, advertising for such games often touts violent content as a selling point—the more graphic and extreme, the better.

(22) Due to their increasing popularity and graphic quality, video games may increasingly influence impressionable children.

(23) Music is another extremely pervasive and popular form of entertainment. American children and teenagers listen to music more than any other demographic group. The Journal of American Medicine reported that between the 7th and 12th grades the average teenager listens to 10,500 hours of rock or rap music, just slightly less than the entire number of hours spent in the classroom from kindergarten through high school.

(24) Teens are among the heaviest purchasers of music, and are most likely to favor music genres that depict, and often appear to glamorize violence.

(25) Music has a powerful ability to influence perceptions, attitudes, and emotional state. The use of music as therapy indicates its potential to increase emotional, psychological, and physical health. That influence can be used for ill as well.

(b) PURPOSES; CONSTRUCTION.—

(1) PURPOSES.—The purposes of this section are to permit the entertainment industry—

(A) to work collaboratively to respond to growing public concern about television programming, movies, video games, Internet content, and music lyrics, and the harmful influence of such programming, movies, games, content, and lyrics on children;

(B) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(C) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics on the development of children in the United States and stimulates the development and broadcast of educational and informational programming for such children.

(2) CONSTRUCTION.—This section may not be construed as—

(A) providing the Federal Government with any authority to restrict television programming, movies, video games, Internet content, or music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics under law as of the date of the enactment of this Act; or

(B) approving any action of the Federal Government to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

(c) EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS.—

(1) EXEMPTION.—Subject to paragraph (2), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(A) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing—

(i) violence, sexual content, criminal behavior; or

(ii) other subjects that are not appropriate for children; or

(B) to promote telecast material, movies, video games, Internet content, or music lyrics that are educational, informational, or otherwise beneficial to the development of children.

(2) LIMITATION.—The exemption provided in paragraph (1) shall not apply to any joint discussion, consideration, review, action, or agreement that—

(A) results in a boycott of any person; or

(B) concerns the purchase or sale of advertising, including restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

(3) DEFINITIONS.—In this subsection:

(A) ANTITRUST LAWS.—The term ''antitrust laws''—

(i) has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(ii) includes any State law similar to the laws referred to in subparagraph (A).

(B) INTERNET.—The term ''Internet'' means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(C) MOVIES.—The term ''movies'' means theatrical motion pictures.

(D) PERSON IN THE ENTERTAINMENT INDUSTRY.—The term ''person in the entertainment industry'' means a television network, any person that produces or distributes television programming (including theatrical motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any person that produces or distributes video games, the Recording Industry Association of America, and any person that produces or distributes music, and includes any individual acting on behalf of any of the above.

(E) TELECAST.—The term ''telecast material'' means any program broadcast by a television broadcast station or transmitted by a cable television system.

(d) SUNSET.—Subsection (d) shall apply only with respect to conduct that occurs in the period beginning on the date of the enactment of this Act and ending 3 years after such date.

(e) REPORT.—The Attorney General shall report to the Congress, not later than 90 days after the period described in subsection (d), on the effect of the exemption made by this section.

SEC. ___. PROMOTING GRASSROOTS SOLUTIONS TO YOUTH VIOLENCE.

(a) ESTABLISHMENT OF NATIONAL YOUTH CRIME PREVENTION DEMONSTRATION PROJECT.—The Attorney General shall, subject to appropriations, award a grant to the National Center for Neighborhood Enterprise (referred to in this section as the ''National Center'') to enable the National Center to award subgrants to grassroots entities in the following 8 cities:

(1) Washington, District of Columbia.

(2) Detroit, Michigan.

(3) Hartford, Connecticut.

(4) Indianapolis, Indiana.

(5) Chicago (and surrounding metropolitan area), Illinois.

(6) Dallas, Texas.

(7) Los Angeles, California.

(8) Norfolk, Virginia.

(9) Houston, Texas.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a subgrant under this section, a grassroots entity referred to in subsection (a) shall submit an application to the National Center to fund intervention models that establish violence-free zones.

(2) SELECTION CRITERIA.—In awarding subgrants under this section, the National Center shall consider—

(A) the track record of a grassroots entity and key participating individuals in youth group mediation and crime prevention;

(B) the engagement and participation of a grassroots entity with other local organizations; and

(C) the ability of a grassroots entity to enter into partnerships with local housing authorities, law enforcement agencies, and other public entities.

(c) USES OF FUNDS.—

(1) IN GENERAL.—Funds received under this section shall be used for youth mediation, youth mentoring, life skills training, job creation and entrepreneurship, organizational development and training, development of long-term intervention plans, collaboration with law enforcement, comprehensive support services and local agency partnerships, or other activities to further community objectives in reducing youth crime and violence.

(2) TECHNICAL ASSISTANCE.—The National Center, in cooperation with the Attorney General, shall also provide technical assistance for startup projects in other cities.

(3) FISCAL CONTROLS.—The Attorney General is authorized to establish and maintain all appropriate fiscal controls of sub-grantees under subsection (a).

(d) REPORTS.—The National Center shall submit a report to the Attorney General evaluating the effectiveness of grassroots agencies and other public entities involved in the demonstration project.

(e) DEFINITIONS.—

For purposes of this section—

(1) the term ''grassroots entity'' means a not-for-profit community organization with demonstrated effectiveness in mediating and addressing youth violence by empowering at-risk youth to become agents of peace and community restoration; and

(2) the term ''National Center for Neighborhood Enterprise'' is a not-for-profit organization incorporated in the District of Columbia.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $5,000,000 for fiscal year 2000;

(B) $5,000,000 for fiscal year 2001;

(C) $5,000,000 for fiscal year 2002;

(D) $5,000,000 for fiscal year 2003; and

(E) $5,000,000 for fiscal year 2004.

(2) RESERVATION.—The National Center for Neighborhood Enterprise may use not more than 20 percent of the amounts appropriated pursuant to paragraph (1) in any fiscal year for administrative costs, technical assistance and training, comprehensive support services, and evaluation of participating grassroots entities.

□ 1545

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Illinois (Mr. HYDE), and a Member opposed, each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is an unfortunate fact that it often takes a tragedy such as happened recently in Colorado to get our attention to help us focus on a festering problem.

In the light of the recent rash of school shootings and the continued prevalence of youth violence in America, I think it is crucial that Congress address some of the cultural issues that influence the behavior of America's young people, factors that may actually be causing kids to find a gun and commit a violent act.

The fact is new gun laws and tighter control of the juvenile justice system are not by themselves a cure for the epidemic of youth violence. Although gun legislation has its utility, the real problem is what is going on in our kids' minds and hearts and souls.

The young assailants in Colorado violated 15 Federal gun and explosive laws and 7 State laws. So passing a few more laws and piling them on does not seem to me to get at the heart of the problem.

In order to be truly responsive to the issues of youth violence, Congress must address the cultural influences that cause young people to become violent. We need to get at the issues of the heart.

Part of the problem is that children have been overexposed to violence and, this, coupled with a spiritual vacuum leaves many youngsters desensitized to violence and unable to fully appreciate the consequences of their sometimes brutal actions.

As popular entertainment becomes more violent and more sexually explicit and as it depicts more and more disrespect for life, and the rights and well-being of others, some of our children are starting to believe this behavior is normal and acceptable. They do not seem to understand that acts of violence have real life tragic consequences.

We know as a result of several hundred studies, there is a link between media violence and violent behavior in our country, particularly among young people. Both the American Medical Association and the American Association of Pediatrics have warned against exposing children to violent entertainment. One 1996 AMA study concluded that the link between media violence and real life violence has been proven by science time and time again.

Another American Medical Association study concluded that exposure to violence in entertainment increases aggressive behavior and contributes to America's sense that they live in a mean society. Much of the make-believe violence that kids are exposed to today is presented not as horror with devastating human consequences but simply as entertainment. This is enormously harmful to young people whose values and conscience are still being developed.

Well, what can we do about this? Are we impotent? Are we paralyzed? It is not easy, but I believe my amendment, which includes five specific proposals addressing this cultural breakdown, is a beginning and gets at some of the worst influences on our children.

The first and most important section of my amendment creates a new Federal statute to protect minors from explicit sexual and explicit violent material. The First Amendment is not absolute and does not protect obscenity. That has been the law for 40 years. There is an exception to the First Amendment, and it is obscenity.

Furthermore, under current law, it is constitutionally permissible to adopt an obscenity standard which restricts the rights of minors to obtain certain sexually-related materials that are not considered obscene for adults. In other words, there is a double standard and it is a tougher standard for minors than for adults, and that is the constitutional law.

Currently, many States do this through harmful to minor statutes that prohibit the sale of sexually explicit material to minors that would not necessarily be considered obscene for adults. Thus, in most States with harmful to minor statutes adults can buy certain pornographic magazines but minors cannot.

Right now, there is no Federal law that prohibits the sale of material that is considered too explicit for minors but not for adults. My amendment would change that by creating a Federal law that would prohibit the sale of certain explicit sexual and explicit violent material to minors under the age of 17. My amendment covers violent material because I believe if the Constitution permits us to restrict the type of sexual material kids can purchase, then it makes sense that we can also prohibit the distribution of material to minors that is graphically violent and glorifies this violence to a level that is harmful.

I believe certain extremely violent movies, video games and music can have just as much or more of a detrimental effect on the development of kids than some explicit sexual material that many States currently try to protect them from.

In other words, at their worst, violence and pornography are equivalent evils, especially where minor children are concerned.

This new obscenity for minors statute does not restrict the rights of adults or parents to view certain sexual or violent material. It does not prohibit anyone from producing such items and does not provide an unworkable standard. Rather, it empowers parents to make decisions about what type of material is appropriate for their children.

With enactment of this legislation, parents, not merchants, many of whom are responsible, but there will always be some who without the threat of law will pursue profit over decency and sell harmful materials to minors, will decide whether their kids can see explicit sexual or violent material.

Some, of course, have questioned the constitutionality of this proposal. It is clear that this proposal is going to be challenged in the courts should it become law. However, I submit that those who assert that the statute is patently unconstitutional are engaging in knee-jerk analysis and have not thoroughly studied the law in this area. This statute, this amendment, was carefully drafted to comply with the Supreme Court's precedent.

First, a detailed definition of sexual and violent material is included to address the constitutional concern of vagueness. The definition of sexual material was taken almost verbatim from a New York statute that was upheld by the Supreme Court in a case known as Ginsberg versus New York. The definition of violent material is new, but I believe it is sufficiently precise that if someone challenges the bill on vagueness grounds it will survive the challenge.

Secondly, the statute incorporates the standard three-prong test validated by the Supreme Court and used to determine if the sexual or violent material as defined by the statute does or does not qualify for First Amendment protection. I am confident the Court will uphold this test.

Third, someone may argue to the courts that violent material can never

be obscene. The Supreme Court has never held directly that extremely violent material may not, for that reason only, be banned.

I submit that extreme violence, properly defined, can be obscene. If sexual images may go sufficiently beyond community standards for candor and offensiveness and hence be unprotected, there is no reason why the same should not be true of violence.

I understand some people may disagree with the Court's decision to carve out an exception to the First Amendment freedom of speech for obscenity, but if one believes the Supreme Court is justified in maintaining a First Amendment exception for obscenely sexual material, then what are the policy arguments that justify this exception that do not also apply to violent material?

There are no theories of the First Amendment that justify an exception for sexual obscenity that can't reasonably be extended to justify an exception for violent obscenity.

It is also important to remember that this amendment would not declare any violent materials as obscene for adults only; only for minors under the age of 17.

The Supreme Court has recognized there is a compelling interest in protecting the physical and psychological well-being of minors. This interest extends to shielding minors from the influence of literature that is not obscene by adult standards.

Under my proposed amendment it would still be legal to produce and distribute any explicitly violent material but some of it would not be permitted to be sold to minors.

I think this new provision is exceedingly important. It says that we are on the side of parents and not the purveyors of harmful material to our children.

I realize the big money of the entertainment industry is on the other side of my argument, but I believe the parents of America are on my side.

This legislation is not an attack on the First Amendment, despite what has been charged by many of my colleagues. Rather, it is simply saying that some material is beyond the pale and should not be sold to minors. We are not trying to ban anything or censor anyone. We are just saying one cannot sell some of this horrible stuff to kids.

If my colleagues do not believe that parents should have more control over their kids' access to these harmful materials, then by all means vote against my amendment. However, if they believe we should do something to slow the flood of toxic waste into the minds of our children, then please do vote for my amendment.

There are four other parts to this amendment that will make a difference in addressing the culture of violence, and I would like to take a few moments to explain them.

I have included as a second section a provision whereby Congress, through merely a sense of Congress resolution, asks retail establishments that sell music to allow parents to review, in their store, the lyrics accompanying the sound recordings they offer for sale. This is a simple way for parents to read the lyrics accompanying the CDs they are considering buying for their kids. It is my hope that retailers can take this responsible step on their own and allow parents to review in their store a copy of the lyrics.

We are not asking them to give away copies of lyrics. We are merely asking them to give the parents a right to look at them so they can determine for themselves whether the lyrics are appropriate for their own children.

Many CDs contain foul language. While others contain vulgar and graphic lyrics describing and glamourizing murder, gang violence, suicide and sex, many lyrics are hateful, racist or misogynistic. Although there is a voluntary labeling system within the recording industry that calls for placement of a sticker on CDs that contain explicit language, there is still no way prior to purchase for the parents to review the lyrics in the store.

□ 1600

Hopefully this section will result in establishment of a right to review in the stores.

The third section of this amendment essentially mirrors part of an amendment sponsored by Senator BROWNBACK that was included in the juvenile justice bill passed by the Senate. This section requires the National Institutes of Health to conduct the study of the effects of violent video games and music on child development and youth violence.

The NIH is directed to address in the study whether and to what extent video games and music affect the emotional and psychological development of juveniles and whether violence and video games and music contributes to juvenile delinquency and youth violence.

While numerous studies, one counts it at over 300, have been conducted regarding the impact of violence in television and movies, there have been very few studies done on the impact of music and video games on young people.

The popularity of video games is rapidly increasing. One study, conducted by Strategy Records Research, found that 64 percent of young people play video games on a regular basis, and many are nothing more than a contest to see which competitor can kill the most efficiently.

The graphics are startling. Some advertisements for these games make pitches like ''Psychiatrists say it is important to feel something when you kill.'' This game is ''more fun than shooting your neighbor's cat.'' ''Kill your friends guilt free.''

Determining what impact video games like this might have on the decisions and behavior of young people is clearly in the public interest. By some estimates, the average teen listens to music around 4 hours a day. Between 7th and 12th grade, the average teen is going to listen to around 10,000 hours of music. That is more time than they will spend in school.

Last month, Bill Bennett commented on the possible effects of music lyrics on child development by first quoting Socrates who wrote, ''Musical training is a more potent instrument than any other, because rhythm and harmony find their way into the inward places of the soul, on which they mightily fasten, imparting grace.''

Mr. Bennett then stated that rhythm and harmony are still fastening themselves on to children's souls today. However, much of the music they listen to is imparting mournfulness, darkness, despair, and a sense of death. This is something many parents fear, and we ought to study if some modern music does indeed impart a sense of death upon America's youth.

The fourth section of this amendment is very similar to a Senate amendment providing a limited antitrust exemption to the entertainment industry to enable the entertainment industry to work collectively to develop and implement voluntary programming guidelines that alleviate the negative impact of television programming, movies, Internet content, and music lyrics on the development of children.

Nothing in this amendment curtails freedom of expression in any way. It gives, rather, the entertainment industry the freedom to enter into a voluntary code of conduct.

The fifth section of the amendment, promoting grassroots solutions to youth violence, authorizes the Attorney General to award $5 million annually for 5 years to the National Center for Neighborhood Enterprise for the purpose of funding direct demonstration operations and program development grants to community organizations in nine cities across the country.

During the 105th Congress, the Committee on the Judiciary held a hearing on a number of inner city programs that have succeeded in reducing youth crime and violence. One of the programs showcased was the National Center for Neighborhood Enterprise, based in Washington, D.C. Since 1981, this organization has successfully dealt with gang violence, teen pregnancy, drug abuse, and fatherless children.

One of the most remarkable successes occurred in 1997, not far from the Capitol, where this organization helped broker a truce between warring

gangs that had turned the Benning Terrace neighborhood into a combat zone. That truce has lasted to this day, and Benning Terrace has been transformed into a neighborhood where people can again walk their streets in safety.

The Benning Terrace truce showcased what has made the National Center for Neighborhood Enterprise approach to inner city violence so successful. Faced with an intractable problem, they stepped in, tapped local groups that understood the problem, and helped rival gang members recognize their mutual interests. This provision is an attempt to replicate this approach in nine violence-plagued cities across the Nation.

If Congress is going to spend funds on social programs, it is important for us to try to direct Federal funds to community renewal organizations in our cities that actually have succeeded in reducing violence and putting kids on the right track. The National Center does this, as evidenced by their transformation of the Benning Terrace housing project, and helped prevent countless young persons from engaging in the life-style of violence.

I know Congress does not have all the answers to the terrible problem of youth violence in America. Some of these proposals I have discussed are modest. But we ought to do what we can. Study after study has shown that exposure to violence adversely affects the development of children and leaves some of them more disposed to commit acts of violence.

Even the most caring and responsible parents cannot prevent these influences from reaching their kids. Parents need our help. Let us stand with them. Nothing we do in this life is more important than how we raise our children.

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

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) claim the time in opposition?

Mr. CONYERS. Yes, I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. CONYERS) for 30 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is an amendment that I speak to with some disappointment that the chairman of the Committee on the Judiciary would launch an unparalleled assault on the first amendment without committee deliberation.

Now, we are all concerned about the impact of depictions of violence on children, but to try to approach a very difficult cultural problem in this way is, I think, to ignore at least two Federal court decisions, Reno versus ACLU, and yet another, the Video Software Dealers Association versus Webster, cases that clearly make it abundantly plain that creating a vast new Federal cultural police that overlaps with State law enforcement creates, honestly, a logistical nightmare for the Justice Department, which would have to apply local community standards in determining whether the material is sexual or violence.

Also, since the statute does not have a specific intent requirement, the only alternative available for video and drug store clerks who are the poor mensches that will be prosecuted under this and would want to avoid prison, is to watch every movie, read every book to determine their content and then determine whether the community standards would prohibit the sale of these movies or books to minors.

So just briefly, and I have a letter of explanation, the amendment is patently unconstitutional. I would remind my colleagues that, in our substitute, we have both the antitrust exemption and the industry guidelines that would start us on a more normal course of action.

Please reject the amendment.

The letter of explanation I referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 16, 1999.

VOTE NO ON HYDE'S FEDERAL CENSORSHIP AMENDMENT

AMENDMENT IS UNCONSTITUTIONAL, UNWORKABLE, AND UNNECESSARY

DEAR COLLEAGUE: Today, Rep. Hyde will offer an amendment (Amendment 31) providing for a sweeping new Federal censorship regime that generally prohibits the dissemination of ''explicit sexual material'' or ''explicit violent material.'' This is a transparent attempt to turn the focus of the debate away from common-sense gun-safety legislation and instead scapegoat our nation's newspaper, magazine, book, television, movie, and video industries, and I urge a NO vote.

THE HYDE AMENDMENT IS UNCONSTITUTIONAL

The Hyde amendment violates the First Amendment because it is both vague and overbroad. Recently the Eighth Circuit struck down a similar state obscenity statute on vagueness grounds, observing that ''to survive a vagueness challenge, a statute must 'give the person of ordinary intelligence a reasonable opportunity to know what is prohibited' and 'provide explicit standards for those who apply [the statute]' '' *Video Software Dealers Ass'n* v. *Webster*, 968 F.2d 684, 689 (8th Cir. 1992). The Hyde amendment is unconstitutionally vague because among other things, it does not define the terms used to reference violence, namely, ''torture,'' ''flagellation,'' or ''mutilation.'' Failing to define ''multilation'' means that even pricking someone with a pin might fall within meaning of the term.

The Supreme court has held that restrictions on speech will be held unconstitutional also where they are overbroad. The Hyde amendment is overbroad in several respects. For example, it goes so far as to prohibit newspapers and magazines from accepting such basic advertisements as those for underwear. The amendment would also preclude minors from seeing a movie such as Home Alone, which contains slapstick violence and appeals to the ''morbid'' interest in minors who want to see people get hurt. Further, because there is no exception in the amendment for parents, the amendment would also subject a parent to prison for up to five years for showing his or her child a movie or book with supposedly—sexually-explicit or violent content. The Majority's track record on these issues are not very good—it was only two years ago that their statutory restriction on Internet access to materials with sexual content in the form of the Communications Decency Act was struck down by the Supreme Court by a vote of 9–0 as being overbroad. *Reno* v. *ACLU*, 117 S. Ct. 2329 (1997).

THE HYDE AMENDMENT IS UNWORKABLE

Creating a vast new Federal ''cultural police'' that overlaps with state law enforcement creates a logistical nightmare for the Justice Department, which would have to apply local ''community standards'' in determining whether the material is sexual or violent. Also, since the statute does not have a specific intent requirement, the only alternative available for video and drug store clerks who want to avoid prison is to watch every movie or read every book to determine their content and then determine whether the ''community standards'' would prohibit the sale of those movies or books to minors.

The creation of a Federal censorship statute threatens to cultivate a generation bereft of literary enrichment and enlightenment. As a matter of fact, there are numerous materials that were at one time considered to have too much sexual or violent content but now are regarded as classic pieces of literature. For example, works that were considered too sexually-explicit include Nathaniel Hawthorne's ''The Scarlet Letter'' in the 1850's by Reverend Arthur C. Coxe (a judge noted that, while the book was criticized when it came out, it was fully accepted in 1949); and J.D. Salinger's ''The Catcher in the Rye'' by school boards in Pennsylvania (1975), New Jersey (1977), Washington (1978), and Iowa (1992). Ernest Hemingway's ''The Sun Also Rises'' was considered ''offensive'' by the school boards of San Jose and Riverside, California (1960's), and by the Watch and Ward Society of Boston (1927); and William Golding's ''Lord of the Flies'' was found to be excessively violent by critics in Texas (1974), South Dakota and North Carolina (1981) and Arizona (1983).

THE HYDE AMENDMENT IS UNNECESSARY

Perhaps the most hypocritical aspect of the Amendment is its internal inconsistency. Other provisions of the proposal would institute an NIH study of the impact of violence on children and grant members of the entertainment industry an antitrust exemption so they could voluntarily agree on appropriate community standards. Yet the censorship proposal would take effect before the study is completed.

Moreover, there are already several guidelines, methods, and studies addressing violence in entertainment. For example, the Motion Picture Association of America already rates each movie for content and exhibits the rating every time a movie is advertised. The National Association of Theatre Owners has just initiated a new national ID-check policy for admission to ''R''-rated films. And the video game industry puts on its products the ratings that the Entertainment Software Rating Board devises for games so that purchasers of such games can be aware of their content. Some networks have agreed not to air commercials for R-rated movies with violent content before 9 PM. And just recently, the Clinton administration and Democratic Members of Congress

successfully pushed for mandating the V-chip on television sets, thereby letting parents block out television programs and movies having certain ratings.

All of these provisions will be redundant and unnecessary if we put the cart before the horse and mandate Federal obscenity and violence standards *before* we give these approaches an opportunity to work. I urge you to vote ''no'' on the Hyde cultural amendment.

Sincerely,

JOHN CONYERS, Jr.,
Ranking Member.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), chair of the Entertainment Caucus.

Mr. FOLEY. Mr. Chairman, I rise in opposition to the Hyde amendment. I understand the concern of the gentleman from Illinois (Mr. HYDE) for what is happening in America. We have had tragic incidents around our country. But like others, we are looking to seek and put the blame on groups rather than reflect on the problems that face society.

Everybody is fingerpointing in our communities, trying to find a scapegoat for the problems in our communities. This solution grows the government ever larger. It will create a police force of what is decent, what is violent, what is excessive.

Who would be the arbiter of those type of standards? Who would set the guidelines? Who will be the first to be prosecuted under this vague law?

The store clerk could be subject to 5 years in prison and a fine for the first offense, 10 years in prison or a fine for the second offense.

Is that a movie like ''Home Alone''? Is that a movie like ''Ben Hur''? Is that a movie like ''Private Ryan''?

Now, I have had discussions with the chairman who suggests those would not be covered under this law, but the chairman will not always be chairman of the Committee on the Judiciary, and the people at the Department of Justice will not always be the ones that we will know what is in their minds, what is in their thoughts, and what is in their hearts.

I do not want the government taking the role of parents. I do not want the government stepping in, telling parents we are going to take care of their problems for them.

Mr. Chairman, how do people under 17 who do not drive cars get to the malls to buy the videos? How do they get the games in their homes? How do they watch the TVs? They are allowed to by their parents. This should not be about the government stepping in, saying we are now their parent, we are Mr. Mom or Mr. Dad.

We are here today debating an amendment that I do believe tramples on the first amendment, that I do believe tries to assume the role of parents in communities. I would regrettably say that while the chairman is well intentioned and is troubled by violence, this will not solve it.

What happens if the videos in the home of a consenting adult person are loaned to the neighbor and the neighbor's children? Now it says ''sale''. It says ''sale''. But it also shows, I believe, in the amendment ''viewing.''

So these amendments cause me great concern, and I would hope the committee and the Members will vote against the amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. BERMAN), the ranking member of the Subcommittee on Courts and Intellectual Property.

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on Judiciary for yielding me this time. My colleagues do not have to be intellectual to be on that subcommittee.

Three points I would like to make in a very short time. This is very uncharacteristic of the gentleman from Illinois (Mr. HYDE), chairman of the committee. He asserts as a matter of belief, but without any case evidence to support it, that he can graft in what I view as a somewhat clumsy and inartful way, the obscenity logic onto the depiction of violence.

This has been tried before; and every single time it has been tried, the courts have knocked it down. They said, the Nassau County Board of Supervisors, this is in the second circuit, Eclipse Entertainment versus Gluota, the Nassau County Board of Supervisors simply adapted the Miller obscenity standard to minors into violence. However, this was not a sufficient measure to shield the law from successful constitutional challenge, because the standards that apply to obscenity are different than those that apply to violence. Obscenity is not protected speech. This is, case after case. Time does not give me the time to make this argument.

Secondly, Ginsberg, yes, Ginsberg allowed a differentiated standard on obsenity to minors. This seeks to track that by doing a different standard on the depiction of violence to minors. But in Ginsberg, there was an exception from any criminal prosecution where there was parental participation or consent.

This measure has absolutely no such exception. The parent can be in the video store, in the theater, with the minor, and be quite willing to have the child, the minor see this. The vendor who sells it, ironically, we do not go after the studio, the author, the distributor, we go after the vendor, the poor guy at the video store, at Blockbusters.

There is no exception whatsoever here for parental consent, and there is no standard that is contained in Ginsberg for utterly without social redeeming value.

□ 1615

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I rise today as a parent and a legislator to oppose the Hyde amendment.

While the Hyde amendment intends to establish a standard to regulate children's exposure to violence, I believe this legislation will neither protect children nor help parents shield their children from harm. This amendment's overly broad attempts to regulate portrayals of violence raises serious constitutional questions that may result in this law being tied up in the courts for years. While the court battles are waged, not one child will be protected nor one parent's peace of mind enhanced.

We need to truly empower parents with common sense protective measures, such as the V-chip, establish TV ratings, strict enforcement of age requirements at movie theaters, and software filters for the Internet. We all agree our children should be shielded from violence and that parents should have the tools to protect their children. I would rather the industry spend the time in developing these tools than fighting protracted legal battles.

I urge my colleagues to oppose the Hyde amendment and to support common sense and effective measures that will truly protect our children.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROGAN), a member of the Committee on the Judiciary.

Mr. ROGAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, it is with great reluctance that I rise in opposition to the amendment by the distinguished chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE).

I start with the proposition, Mr. Chairman, that it is my responsibility as a parent to make sure that my children are watching age-appropriate material. And if they are watching something that is inappropriate, the responsibility rests with me to correct the deficiency. It is not the responsibility of Congress or Hollywood or any other group to correct that deficiency.

I do not believe the author of this amendment intends to censor movies depicting violence engaged in for a noble, heroic or socially worthy purpose. The problem, Mr. Chairman, is that the severe punitive measures put in this amendment put creators and distributors in a vise. They essentially have to ''gamble'' before they release material and make a guess whether it fits some vague literary, artistic, political or socially redeeming value test. And should they gamble incorrectly, they could spend 5 years in Federal prison.

There is also something disproportionate about language in a bill that allows a negligent parent who lets their children watch horribly violent material have no acknowledged culpability, but the person who fails to pay attention one day and does not check for I.D. at the local video store could do up to 5 years in prison.

I do not think that is an appropriate response from Congress. I do not think it will solve any of the troubles or the pathologies we are attempting to address. It is with that reluctance, Mr. Chairman, that I rise in opposition to the amendment.

Mr. HYDE. Mr. Chairman, could the Chair tell us how much time is remaining?

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) has 11 minutes remaining; and the gentleman from Michigan (Mr. CONYERS) has 21½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. FROST), the distinguished ranking member of the Committee on Rules.

Mr. FROST. Mr. Chairman, just last week, on June 10, the U.S. Supreme Court, in the City of Chicago vs. Morales, struck down a city ordinance that was intended to stop gang members from loitering. In so doing, the court held the ordinance was overbroad and vague. It failed to give proper notice of what was forbidden and what was permitted.

The language of this bill commits the same fatal error. It fails to explain what is covered in its terms and, in so doing, sweeps up educational and entertaining material that is irrelevant to the sponsor's concerns.

This Hyde amendment stems from a laudable purpose and high hopes. We must stop the prevalence of juvenile violence just as we must stop destruction by gang members. Yet the Constitution tells us we cannot do this by curtailing expression under the First Amendment.

Courts have consistently found definitions for violence to be vague. For instance, in this bill we address ''sadistic or masochistic flagellation.'' Would a film about slavery have to cut scenes of slaves being whipped, creating the appearance that there were no violent acts done towards slaves? Producers most certainly delete these scenes simply to play it safe. Are children to be led to believe that slavery was not cruel? We cannot teach our children about societal issues if we are not allowed to give them a depiction of it. Ignorance is not the answer.

The bill also defines violent material as torture by or upon a person. Again, this vague and overbroad definition steps into a black hole. Every kid likes watching the super hero catch his villain. Look at Spiderman, Wonder Woman and Batman and Robin. Are these the characters the sponsors are really afraid of?

Much of our comedy also includes actions of ''torture'' that few would find any connection with violence. Look at Jim Carey, one of the most popular actors of today. Many of his films contain experiences that most humans would rarely survive. How about other movies, such as Home Alone, in which the child left a home, tarred the robbers, put nails out for them to fall on, and did a variety of other torture activities. Parents and children alike, however, flocked to this film.

This amendment must be rejected. It is unconstitutional on its face, no matter how laudable an objective it seeks to achieve.

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise today in strong opposition to the Hyde amendment. It has been almost a month since Littleton and the Republican House has once again fumbled an issue important to the health and safety of America. They bring a bill to the floor today which has had no scrutiny from the Judiciary Committee, much less the whole House and will move amendments which will move us from a debate on gun control in order to engage in a book burning!

The House Republican Leadership has been doing the bidding of the gun lobby since the shots were fired in Littleton. The other body had no problem in engaging this topic head-on and voting on serious legislation. In fact, most Americans are dead serious about keeping their children safe. But not here, my colleagues. Here in the Republican House, they are concerned with the gun lobby. The gun lobby needs time to stall; the Republican Leadership gives them time to stall. The gun lobby needs a little misdirection and scapegoating, no problem. The Republican Leadership is happy to accommodate.

Today, the gentleman from Illinois will move an amendment that is a new twist on the NRA mantra, ''guns don't kill people . . . George Orwell does. Guns don't kill people . . . Steven Speilberg does.'' ''Guns don't kill people . . . Verdi and Puccini do.'' As a parent, I am just as concerned about exposing my children to media violence, but tearing up the Constitution is not the way to do it. I share Chairman Hyde's motives to protect children but let's have a serious discussion on the safety of our children and not a replay of Fahrenheit 451 which, by the way, would be banned under this amendment.

In the end, my colleagues, this House will produce a messy bill, which will have great difficulty clearing the Senate or the President's signature. And this is exactly what the gun lobby and the Republican House wants. Meanwhile, more children will suffer.

I urge my colleagues to reject the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, it is amazing to me how the Republican leadership seeks to deal with difficult and important issues. Their solution to the campaign finance mess is not to debate reform and limit special interest contributions, but to stonewall action and advocate lifting all spending limits.

How do they deal with the problem of cigarette smoking, where we know 3,000 kids start smoking each day because the tobacco industry targets them in order to get them to smoke? They refuse to bring up any legislation on the subject.

Their solution to the horror of children killing children with guns is not to make it harder for kids to get weapons, but to try to shift the cause of the problem to movies and propose unconstitutional attacks on the First Amendment.

Mr. Chairman, I want to say at the outset that it ought to be clear that movie makers, and many of them are my constituents, have an obligation to think through the consequences of what they offer their audiences, especially impressionable kids. They bear a serious responsibility for their action. But it is important for us to also keep in mind that these films are creative works that audiences line up here and around the world to see, and that is why they are America's largest export.

And other countries see these very same films, but we do not see the level of violence that we do see in America. It is startling to realize that the death rate in the U.S. involving guns was nearly 14 per 100,000 people. Yet when we compare that with Canada, it is four; or Australia, three; Sweden, two; Germany, 1.5; and in Japan, less than 1. Why such a disparity between our country and all these countries that watch our films? Violent films and TV programming are notoriously popular in Japan, yet the Japanese thrive in a society with a very low crime rate.

The obvious answer is the availability of guns and lack of common sense control laws in our country. And it is exactly that which the Republican leadership has contrived to have us not be able to deal with because of the NRA, the tobacco, and other lobbyists that are so supportive of their political efforts.

Mr. BERMAN. Mr. Chairman, could we be advised of the time allotted to both sides?

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) continues to have 11 minutes remaining; and the gentleman from California (Mr. BERMAN) has 17½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I want to express my appreciation to the gentleman from Illinois for his diligent work on a very important issue. I am concerned about the second amendment, but I am also concerned about the first amendment.

If we look at this amendment, it criminalizes the selling or loaning or

showing to a minor a book or printed matter that includes explicit violent material, which is defined, in part, by torture by or upon a person, among other things. We have to apply clearly the community standards in applying this definition, which I believe is vague, but this is the type of government chilling effect that is harmful to freedom in our society.

For that reason, I reluctantly oppose this amendment. I do hope that we can have hearings to move forward in this area in a manner that does not violate and do damage to our first amendment.

The book sellers have raised questions about books that it could jeopardize, and they realize there is a harmfulness test. But as pointed out, book sellers would not jeopardize them going to jail in order to make a decision about these books. So there will be a chilling effect, and I think there is certainly a problem that the courts would address.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

The gentleman from Arkansas makes a very good point. Ironically, when we look at the definition of ''depiction of violence,'' the one thing it does not include is murder, mass murder, or bombing. None of those are included. It all gets into sort of bizarre and weird acts of mutilation and flagellation, but nothing about spraying a hundred people with assault weapons.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Chairman, I thank the gentleman for yielding me this time.

The gentleman from Illinois attempts solutions to youth violence which threaten to undermine our basic freedoms. The amendment calls for yet another study of the effects of music on child development. The Smart Symphonies Program, initiated by the National Academy of Recording Arts and Sciences, provides classical music to infants in response to what we already know, that early exposure to classical music increases a child's ability to learn to read, and to be proficient in math and science.

We need not more studies but a national initiative to replicate and expand upon successful programs which further enhance academic excellence and reduce youth violence. We must encourage and allow parents to take an active role in teaching their children right from wrong and allow parents to make the decisions about what children read, listen to and watch.

The Federal Government should support funding for solutions that work, such as arts programs in our schools. The Federal Government should not infringe on individual liberties.

I intend to vote ''no'' on this amendment, and I urge my colleagues to do the same.

As we attempt to reach consensus on how to protect our children, can we rise above partisan rhetoric and focus on the means to reduce youth violence in our country? The gentleman from Illinois attempts solutions which threaten to undermine our basic freedoms.

The Chairman of the House Republican Entertainment Industry Task Force has highlighted the dangerous implications of this amendment which would ''dramatically increase the power of the federal government in far too many areas'' (from Mr. Foley's press release, June 15, 1999). The amendment's definition of violence would affect not only many comic books, video games, and movies, but it would also in fact, keep the Holy Bible out of the hands of children, as the Bible itself includes many narrative accounts of sadistic or masochistic acts, torture by or upon a person, and acts of mutilation of the human body, including, of course, the crucifixion of Jesus Christ. Stifling our expression and cultural experience is not a solution but an equation for isolation and violence.

The amendment calls for a study of the effects of music on child development. Current research indicates that children who are exposed to the arts perform 30% better academically. Another study on high risk elementary students showed that children who participated in an arts program for one year gained 8 percentile points on standardized language arts tests. The Smart Symphonies program initiated by the National Academy of Recording Arts and Sciences (NARAS) provides free CD's of classical music for infants in response to findings that show, among other things, that early exposure to classical music increases a child's ability to learn math and science. We need a national initiative to replicate and expand upon successful programs which further enhance academic excellence and reduce youth violence.

We must encourage and allow parents to take an active role in teaching their children right from wrong, and allow parents to make the decisions about what their children read, listen to, and watch. The federal government should support funding of solutions that work, such as arts programs in our schools. The federal government should not infringe on individual liberties. Therefore, I find it necessary to vote ''no'' on Mr. HYDE'S amendment, and I urge my colleagues to do the same.

Mr. Chairman, I submit for the RECORD documents highlighting the Smart Symphonies program I referred to earlier and other materials important to this issue:

BABIES TO BENEFIT FROM ''SMART SYMPHONIES''

The NARAS Foundation, the non-profit music education and preservation arm of the National Academy of Recording Arts & Sciences, and Mead Johnson Nutritionals, maker of Enfamil infant formula, announced today the launch of Smart Symphonies, a national program designed to raise awareness of the benefits of exposing infants to classical music.

The cornerstone of the program is a new, specially created compact disc entitled Smart Symphonies, which features Grammy-winning classical music. Scientists and early childhood development experts say that recent studies indicate playing classical music can help stimulate brain development in babies. Beginning in early May, the CDs will be included in more than one million Enfamil Diaper Bags given to new mothers as they leave the hospital.

The Enfamil brand is contributing $3 million over the next three years to help establish the Smart Symphonies initiative. The contribution will be used to further research the effect of classical music on brain development in early childhood, and to assist in bringing classical music to more families. This year, more than one million Smart Symphonies CDs will reach parents and newborns throughout the country.

''There are few things more important than giving our children every scientific and cultural advantage possible. The Recording Academy has dedicated itself to aggressively supporting research into the educational and developmental benefits of music and helping to put those findings to practical use,'' said Recording Academy President/CEO Michael Greene. ''Partnering with Enfamil in the Smart Symphonies project is just another example of how the Academy and NARAS Foundation use the power of science and music to give the youngest members of our community a head start.''

Research indicates that babies unconsciously respond to the qualities of classical music—rhythm, melody and harmony. The relationships among these qualities make it easier for infants to understand other kinds of relationships later on—relationships of time, space and sequence—skills that children need to be proficient in science, math and problem solving. Findings also suggest that good pitch discrimination is associated with children learning to read by enhancing the phonemic stage of learning.[1]

''The first year of life is a critical time for development of both a baby's mind and body,'' said Mead Johnson, Vice President of Pediatric Nutritionals, Michael P. Russomano. ''For nearly 100 years, Enfamil has been dedicated to children's healthy growth and development. Through research we continue to strive to provide babies with the best nutrition possible. Now through the Smart Symphonies initiative, we hope to contribute further to babies' brain development.''

The NARAS Foundation and Enfamil consulted numerous experts in music and early childhood development to choose several well-known classical selections for the Smart Symphonies CD. The disc features 16 classical favorites including Beethoven's Symphony No. 8 in F major, Op. 93 (2nd movement), Bach's Prelude in D minor and Mozart's Concerto for 2 Pianos & Orch, K 365 (3rd movement).

''Music enriches our lives and it often touches us emotionally; moreover, music can help our children to think, reason and be creative,'' said John W. Flohr, professor of music at Texas Woman's University, Denton TX. ''Research indicates brain activity is also affected by the style of music.[2,3] Many researchers believe classical may be particularly effective.''

The NARAS Foundation is a non-profit organization dedicated to helping restore

[1] Lamb, SJ and Gregory AH. The relationship between music and reading in beginning readers. Educational Psychology. 1993; 13:19–26.

[2] Flohr JW and Miller DC. ''What's going on in there? Music and brain research with young children.'' Connections. Austin: Music Educators National Conference, Texas Music Educators Conference. 1998; 12(3):10–13.

[3] Fagen J, Prigot J, Carroll, M, Pioli L, Stein A, and Franco A. Music aids memory retrieval in infants. Child Development. 1997; 68(6):1057–1066.

music education to all schools across America and works to ensure access to the nation's rich music history. In partnership with the National Academy of Recording Arts & Sciences and its chapters throughout the country, the NARAS Foundation engages in a variety of cultural, professional and educational activities designed to enhance music education and preserve recorded musical legacy.

Mead Johnson Nutritionals is a world leader in nutrition, recognized for developing and marketing quality products that meet the nutritional and lifestyle needs of children and adults of all ages. Mead Johnson Nutritionals is a Bristol-Myers Squibb Company. Bristol-Myers Squibb is a diversified worldwide health and personal care company whose principal businesses are pharmaceuticals, consumer products, beauty care, nutritionals and medical devices.

FOLEY HIGHLIGHTS DANGEROUS IMPLICATIONS OF GOVERNMENT RESTRICTIONS INCLUDED IN ''CULTURAL'' BILL

Many mainstream films, CDS, video games, books and other materials would be banned for teenagers under legislation about to be considered by the House of Representatives. The Chairman of the Republican Entertainment Industry Task Force, Rep. Mark Foley (R–FL), held a news conference to highlight the dangerous implications various cultural provisions could have on our society.

Foley said the legislation would do little to combat youth violence. ''Most of the provisions in this bill are desperate attempts to make Congress look like it is doing something, no matter how unworkable, to respond to the tragedy in Littleton,'' Foley said. ''In fact, the legislation—while well-intended—is little more than a hodge-podge of phony solutions which won't stop violent activity among America's young people.''

''To suggest that the federal government has a role in manipulating what kind of music kids listen to, what kind of video games they play or what kind of books or magazines they read is unrealistic,'' Foley said. ''Furthermore, the government has no business trying to supplant the role of parents in raising their children.''

Foley pointed out that virtually all of the provisions in the legislation are either unworkable, unconstitutional or simply unnecessary. In many instances, the bill is so broadly drafted it could make it illegal for minors to view or listen to a vast range of films, music, and reading material which few would find inappropriate for teenagers.

''This bill would allow federal authorities to prosecute retail outlets, libraries or video rental stores to lend, sell or rent a teenager great films like Ben Hur, Lawrence of Arabia, and The Color Purple,'' Foley said. ''More recent films like Rocky, Indiana Jones & the Temple of Doom, and Schindler's List would be illegal for minors to view.''

''I find it stunning that some in this Congress would have the federal government make criminals out of those who would allow teenagers to read certain books, listen to certain music or view a broad range of films,'' Foley said. ''It is very likely that the government would be given broad new powers to prosecute a bookstore owner for selling any number of books, the manager of a discount store for selling certain video games or compact discs, or a museum for displaying certain works of art.''

''As a Republican, I thought our party was committed to lessening government interference in the affairs of commerce and our personal lives. Instead, this reckless proposal would dramatically increase the power of the federal government in far too many areas.''

The task force was originally formed by the late Rep. Sonny Bono (R–CA) to forge closer ties between Republicans and the motion picture, music and other entertainment-oriented industries.

HOW MANY OF THESE WORKS COULD BE INCLUDED IN A GOVERNMENT-IMPOSED BAN ON VIOLENT OR SEXUALLY SUGGESTIVE MATERIALS?

1. George Orwell's ''1984'' (depicts torture).
2. ''The Accused'' with Jodie Foster (depicts rape).
3. ''The Autobiography of Miss Jane Pittman'' with Cicely Tyson (depicts sadism)—and, indeed, any work about slavery.
4. ''The Bible'' (depicts mutilation, including the crucifixion itself, as well as rape, torture and sadism).
5. Toni Morrison's ''Beloved'' (depicts sadism, mutilation and rape).
6. Toni Morrison's ''The Bluest Eve'' (depicts rape).
7. Edgar Allan Poe's ''The Cask of Amontillado'' (depicts torture).
8. Stanley Kubrick's ''A Clockwork Orange'' (depicts rape and sadism).
9. Alice Walker's ''The Color Purple'' (depicts rape).
10. Dostoevsky's ''Crime and Punishment'' (depicts sadism)—and indeed, any work about violent crime.
11. ''Death and the Maiden'' (depicts torture)—and, indeed any work about torture as human rights violation.
12. Donizetti's ''Lucia de Lamamoor'' (depicts mutilation) Lucia kills her fiance, appears onstage in a bloody dress, usually with a dagger and kills herself.
13. Waris Dirie's recent account of female genital mutilation.
14. Anthony Mingholla's ''The English Patient'' (depicts torture).
15. ''Ghandi'' (depicts beatings)—and indeed, any work about nonviolent resistance to violence.
16. ''Gone With The Wind'' (depicts rape).
17. ''Hansel and Gretel'' (depicts sadism).
18. Thomas Pynchon's ''Gravity Rainbow'' (depicts sadomasochism).
19. Homer's ''Iliad'' and ''Odyssey'' (depicts sadism).
20. Dante's ''Inferno'' (depicts torture).
21. ''The Killing Fields'' (depicts torture)—and indeed, any work about war.
22. Shakespeare's ''King Lear'' (depicts mutilation).
23. Stephen King's best-selling works (depicts torture and mutilation).
24. Yeat's ''Leda and the Swan'' (depicts rape).
25. ''Life is Beautiful'' (depicts sadism)—and indeed any work about the Holocaust.
26. ''Little Red Riding Hood'' (depicts sadism).
27. ''Marathon Man'' with Dustin Hoffman (depicts torture and sadism).
28. Ovid's ''Metamorphoses'' (depicts rape).
29. Unberto Eco's ''The Name of the Rose'' (depicts self-flagellation).
30. ''Oedipus Rex'' (depicts self mutilation).
31. ''Ordinary People'' (depicts self-mutilation).
32. ''The Old Woman Who Lived in a Shoe'' (depicts flagellation).
33. Kafka's ''The Penal Colony'' (depicts torture).
34. Edgar Allan Poe's ''The Pit and the Pendulum'' (depicts torture).
35. Tina Turner's ''Rock Me, Baby'' (depicts sexual material).
36. Anne Rice's best-selling works (depicts sadomasochism).
37. ''Roots'' (depicts torture and sadism).
38. ''Saving Private Ryan'' (depicts sadism).
39. Nathaniel Hawthorne's ''The Scarlet Letter'' (depicts self-flagellation).
40. ''Schindler's List'' (depicts torture and sadism).
41. Verdi's ''Ostello'' (depicts mutilation) Ostello strangles his own wife with his bare hands.
42. Tennessee Williams ''Streetcar Named Desire'' (depicts rape).
43. Billie Holiday's ''Strange Fruit'' (depicts lynching).
44. Terence Malick's ''The Thin Red Line'' (depicts sadism).
45. Clint Eastwood's ''Unforgiven'' (depicts rape).
46. Frank Sinatra and Kurt Weil's ''Mack the Knife'' (depicts acts of mutilation).
47. Linda Ronstadt's ''Tumbling Dice'' (depicts rape).
49. E.L. Doctorow's ''Ragtime'' (depicts multilation)—character is beaten to death onstage.
50. Puccini's ''Tosca'' (depicts torture and mutilation)—the main character, Cavaradossi, is tortured by Scarpia. Tosca also kills Scarpia by stabbing and commits suicide.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time, and I want to salute him as one of the giants in this body and a Member who has distinguished himself by seeing things many times much more clearly than the rest of us.

Let me just say to all of my colleagues who have talked about those who would be inconvenienced by this legislation. Legislation does tend to inconvenience people. And in determining that we are going to pass legislation and inconvenience some people so that we might do a service for others, we establish a priority list.

I have heard on the other side of this argument an interesting priority list. It seems to be the same time after time. First, we have to worry about the vendor at the 7–Eleven. That is a person we really have to be concerned about. Of course, we do not worry about that vendor when we establish criminal sanctions for selling cigarettes to minors because it might damage their lungs, but we should really worry about that vendor if we are selling stuff that might damage their minds and damage their souls. In that case the vendor has to be the number one person on our priority list to be concerned about.

Secondly, of course, the recording artist. We have to be very concerned about them. We have to be very concerned about the distributors. And I presume we should be very concerned about those who write the PAC checks.

Finally, at the bottom of our concern list, our priority list, are the children and maybe a little bit below them the family.

I understand that this is complex legislation. All of those of us who have tried cases involving freedom of speech understand that. But we can work our way through this. This is excellent legislation. It goes to the heart of the problem that is hurting America right now. Let us pass the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, if I believed that passing one additional law or a library filled with law books would prevent incidences of school violence in America, I would stand here and lead the charge.

□ 1630

But the fact is the answer to school violence in America is not here in Washington. The answer to tragedies like Littleton, Colorado are found in Littleton, Colorado.

Were it in my power, Mr. Chairman, I would urge this body to adjourn and urge all Members to go home to have listening sessions with students home from student breaks, to encourage parents to get more involved in raising their kids.

My sentiment on this issue is just as strong today as it will be during tomorrow's debate. And just as I believe it is inappropriate to point the barrel of the gun at manufacturers or at lawabiding citizens who enjoy the protections of the second amendment, I believe it is equally inappropriate to train the lens of the video camera on the entertainment industry or those that are enjoying their first amendment rights.

Regrettably, I ask for a vote of ''no'' on the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I rise in reluctant opposition to this amendment, and I rise in support of the first amendment. Tomorrow I will be rising in defense of the second amendment.

At the rate this Congress is going, by the Fourth of July, we will probably have successfully trampled upon the entirety of the Bill of Rights.

I do love my good friend the gentleman from Illinois (Mr. HYDE), the author of the amendment. And I want to pay him my great respect and affection, he is a wonderful gentleman and a valuable Member of this body, and also to other Members on both sides of the aisle. I am satisfied that they are doing what they believe is right, and I believe that these are sincere and well-intentioned efforts. But I believe that the amendment is flawed and, in all probability, unconstitutional.

We know the difficulty of trying to define exactly what materials may be offensive or harmful or dangerous. In any event, I do not think it is the business of the Congress to let the courts do our jobs for us. There is a difference between assigning blame and assuming responsibility. Assigning blame is not going to bring back the children who were senselessly and tragically taken from us in Colorado and Georgia. But in assuming responsibility, we might proceed toward better legislation and prevent another Littleton in the future.

Unfortunately, too much of the juvenile justice legislation is about blame and too little about responsibility.

What I would like to see, however, is legislation that does not attack the Bill of Rights but instead deals with the root causes of juvenile crime, including the reduction in poverty, improvement of education and mental health and the development of job opportunities for decent wages.

I would like to see legislation that will attack the problem that our juvenile court judge back home talks about, where he has to release kids to the street who are functionally insane and a threat to the society. I believe that that would be something which we could do that would be really important. We are in the unusual position on the juvenile justice bill of having a legislative process which usually works with the Senate stepping in after the House acts to calm the passions of this body.

Today the House appears eager to join in trouncing the amendments to the Constitution. I ask my colleagues to vote ''no'' and to protect the cherished constitutional rights.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Committee on the Judiciary for yielding me the time.

Mr. Chairman, there is no greater responsibility than raising a child. It does not help parents when children are besieged by graphic violence, promiscuous sex, and foul language on TV, in the movies, in music, and on video games.

Ironically, current laws actually prevent entertainment industry executives from meeting to create a voluntary code of conduct on the grounds that such meetings might hinder competition.

To solve this problem, I introduced bipartisan legislation this Congress that would grant a narrow exception to current laws that bar such meetings. The entertainment industry should have the opportunity to meet and discuss voluntary standards that could help improve the content of television, movies, music, and video games.

I thank the gentleman from Illinois (Mr. HYDE) for including this provision in the amendment to protect children from the culture of violence.

The small screen and CD at home, the large screen in the theaters, and video games wherever they are played, all too often fill young hearts and minds with a poisonous effluent. Violence is glorified and graphic stable families are ridiculed or ignored. Authority figures, including parents, are mocked. Religion is deemed irrelevant. Right and wrong are relative.

Entertainment executives need to assume some responsibility for undermining American values whether they intended to do so or not. They can change our culture for the better simply by agreeing to turn their microphones and cameras in a different direction. This provision gives them that opportunity.

Mr. BERMAN. Mr. Chairman, it gives me special pleasure to yield 1½ minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman for yielding me the time.

I regretfully rise to oppose this amendment, and I do so despite the fact I have the greatest respect for the gentleman from Illinois (Mr. HYDE). Like him, I believe we should have more control over the content of what our children watch. My concern is giving that control to Washington, D.C.

Now, if the gentleman from Illinois (Mr. HYDE) were around to police and interpret these broad guidelines in the future regarding the first amendment, I would be more at ease. Regretfully, though, he will not. I fear the law of unintended consequences will kick in and the Federal Government's further involvement in the first amendment will prove troublesome.

We have the best of intentions today working around the first amendment, just like tomorrow we will have the best of intentions working around the second amendment. But, regretfully, I think both efforts are misguided. And I would hope my friends who are so eagerly defending the first amendment today will just as eagerly defend the second amendment tomorrow, because I believe, like the gentleman from Missouri (Mr. HULSHOF), that the answers to Littleton, Colorado lie not in Washington, D.C., but in listening sessions at home, by more engaged parents and by prayerful communities that once again turn their focus back to God.

Regretfully, I do oppose this amendment and ask my friends to do the same and vote ''no.''

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I think this amendment is a good example of why it is too bad that we have short-circuited the committee process. I actually have a very strong interest in seeing whether we may extend the obscenity statutes to violence.

After all, what is more dangerous, sex or violence?

As the mother of two teenagers, concerned about violence, I have a legitimate interest in an amendment that

would deal with violence. But I look at this amendment and I see it will instantly be declared unconstitutional.

Taking a look at the legislative drafting on the first page, as someone who works with the Internet a lot, I can see that this proposal closely patterns the Communications Decency Act, which the Supreme Court declared unconstitutional.

I must say that I am concerned, if this were to pass as written, we would be in the awkward situation of telling my teens that whoever sold them ''Shakespeare In Love'' on a video would be subject to criminal sanctions, and whoever sold them ''Attack D.C. 9'' would not. I think that is preposterous.

Chairman HYDE has asserted that his amendment would not bar the selling of a film like ''Shakespeare in Love'' to minors because the film has ''redeeming social value'', the standard utilized in the analysis of sexually explicit material.

It would appear, however, that Chairman HYDE is not familiar with his own amendment. Nowhere within his amendment may those words be found. Instead, the standard found in section 1471 includes material that, with respect to minors, is designed to appeal or pander to the prurient, shameful or morbid interest, as well as material that is patently offensive and not suitable for minors and material which ''lacks serious literary, artistic, political or scientific value for minors''.

I think it is clear that the winner of this year's academy awards, a movie rated ''R'' for a reason, would run afoul of the Hyde amendment.

I repeat my distress that we would put behind bars those who sell a video of ''Shakespeare in Love'' to a teenager, but continue to allow persons to sell a Tec–DC9 assault weapon to that same teenager.

As a mother of two teens, I have a genuine interest in seeing whether we could extend the obscenity laws to violence. But the Hyde amendment is not a serious effort to do that. Instead, it is a patently political attempt to try to discredit those who would stand up for the First Amendment as political cover for those who, tomorrow, will misuse the Second Amendment in an effort to protect the culture of gun violence and those who profit from gun violence in America.

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) has 7½ minutes remaining. The gentleman from California (Mr. BERMAN) has 10½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Chairman, I want to thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the Hyde amendment. I have great respect for the chairman of the Committee on the Judiciary and his intentions, and I admire him for trying to do something about the violence which pervades our culture and, more particularly, affects our young people. We were all horrified by the shootings in Colorado and Georgia; and, like most people, we must all work to ensure a similar event does not occur again.

The amendment before us has significant constitutional repercussion. And while the chairman raises significant questions, not one hearing on this new legal concept that violence is obscenity has occurred, and that has been particularly disappointing to me.

As a father, I share the chairman's determination to keep violence and obscenity out of the hands of our Nation's children. But look at the volumes of case law on obscenity. All the laws and judges' opinions in the world have not done very well in ridding our society of obscenity. We need to change people's hearts and minds. If we do, the power of consumers and the marketplace will be more powerful than any law we could pass.

The amendment before us tramples on the first amendment. I urge a ''no'' vote.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I have a 14-year-old boy who confronted me with the fact that he was able to get in his hand, because he found some videos, a material that he, as a 14-year-old, knew was obscene violence.

There is going to be a lot of debate about the Bill of Rights today and tomorrow. But all I have got to say is that those of my colleagues that so fear any one of the restrictions on any one of the Bill of Rights, remember that reasonable applications of restrictions do not threaten the Bill of Rights, they reinforce and protect them. And I would ask my colleagues to understand that we have accepted, as a society, that we do not accept sexual obscenity to be sold to our children.

I praise the gentleman from Illinois (Mr. HYDE) for being brave enough to confront us with the fact that violent obscenity should not be sold to our children either.

I hear my colleagues who are outraged at Joe Camel somehow getting our kids to smoke and demanding that that be stopped. But if they would see the videos and the VCRs and the other information that our children are being exposed to, then they would see what a 14-year-old would know; that obscene, violent action should not be sold to our children.

Mr. BERMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to the Hyde amendment.

Just before coming to Congress, I served as the Cuyahoga County prosecutor. It was my responsibility to prosecute cases much similar to what the gentleman from Illinois (Mr. HYDE) is proposing on this date.

I tell my colleagues, as a prosecutor, I would stop and say, huh, what exactly is it he is asking me to prosecute? How can I prosecute such a case as this?

I am a mother of a 16-year-old, and I am concerned about him, too. But it is my responsibility, not Congress', to decide what violent material we should be taking from our children and not allowing them to see.

So, as a mother and a prosecutor, I rise in opposition to this amendment.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Chairman, today's amendment focuses on the culture of violence that has saturated our society.

While some would argue that television, the Internet, satellite transmissions, movies, and video games have not contributed to this culture of violence, I disagree. I believe their misuse has desensitized all of us by making murder, rape, assault, and mayhem appear commonplace and acceptable through the process of repetition and overexposure.

To claim that the first amendment renders us powerless to deal with this issue is to claim that our Bill of Rights is static, such as never has been the case. Just as the Bill of Rights is flexible enough to prevent the innovative and technology-enhanced intrusions of government on the rights of individuals, it is, likewise, rationale enough to prevent it from being used as a cloak to conceal and protect conduct that is ultimately destructive to society as a whole.

I urge the adoption of the amendment.

Every generation wrestles with the reality that the internal universe of society is constantly expanding. Advances in technology continue to push back the darkness of the unknown and open up new territories that were hidden from the view of our ancestors. Our generation has experienced an explosion of technologies—television, the Internet, satellite transmissions, movies, video games, and cellular telephones, to name a few. These have expanded the scope of our childrens' world far beyond that which existed during our own childhood.

Even though the world in this last decade of the 20th century, as magnified by the information age, is vastly different from the world of our founding fathers in the last decade of the 18th century, we are firmly committed to maintaining the structure of order embodied by our founding fathers in our Constitution and Bill of Rights. Today's debate focuses on a culture of violence that has saturated our society. While some will argue that the new technologies previously enumerated have not contributed to this culture of violence, I disagree. I believe their misuse has desensitized all of us by making murder, rape, assault and mayhem appear commonplace and acceptable through the process of repetition and overexposure. If, therefore, these advanced technologies, which should be the tools for advancing civilization,

have in fact nurtured primitive instincts of violence that are not compatible with making us more civilized, the clear questions arises as to what can government do to reverse this process without infringing on the individual liberties of our citizens'

To claim that the 1st Amendment renders us powerless to deal with this issue is to claim that our Bill of Rights is static. Such has never been the case. Just as the Bill of rights is flexible enough to prevent the innovative and technology enhanced intrusions of government on the rights of individuals, it is likewise rational enough to prevent it from being used as a cloak to conceal and protect conduct that is ultimately destructive of the society as a whole.

I commend Chairman HYDE for his amendment which applies the constitutionally sanctioned constraints on obscenity to the matter of violence as directed at children. Since both have adverse effects on society it is altogether appropriate for this Congress to confront our culture of violence in this orderly approach, and I urge adoption of this amendment.

Mr. HYDE. Mr. Chairman, I ask unanimous consent that each side be granted an additional 2 minutes; 2 minutes for the gentleman from California (Mr. BERMAN) and 2 minutes for us.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1645

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in strong support of the Hyde amendment. Senator MOYNIHAN said a few years ago that we have been defining deviancy down, accepting as a part of life what we once found repugnant. How true this is, and unfortunately it is becoming more so every day.

I remember several months ago coming home one Friday night and hearing Barbara Walters say she was about to show on 20/20 the most important program she had ever presented on television. With her long career, I wondered what this could be. What it turned out to be was a program warning parents about the warped, evil, sick things mainly of a violent or sexual nature available to children over the Internet and on videos and tapes and so forth. We should all do whatever we can, even in a small way, to slow this flood of this toxic mind warping, sick, evil, violent, and obscene material that is reaching our children today.

This is one of the most important amendments we have ever had before us in this House, and it is time to say that enough is enough and that today we started a new and better direction. As a judge who dealt with constitutional issues for 7½ years before coming to Congress, I urge support for this very well-crafted amendment.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I rise today in very strong support of the intent and the purpose and the goals of this legislation, but unfortunately I am unable to support the legislation, as drafted, and urge rather than move forward and vote for H.R. 2036, we defeat this amendment, this bill, and move forward with a long-term study to really get to the bottom of why these pieces of material, why these materials are being marketed, what is the relationship between these materials being marketed and violence so that we can better craft a more narrowly focused and constitutionally sound piece of legislation.

I listened intently to the debate and have studied this issue extensively and find myself also in agreement with my colleague from California (Mr. ROGAN). I cannot, and I do not think any of us can, escape the fact that ultimately it is parents that have the ultimate control over what our children see, hear and do, and we can pass all of the legislation we want that places all sorts of restrictions, labeling, access to materials that we want, but if parents allow their children to watch these materials, if they allow them to listen to these materials, as vile, as disgusting, as disgraceful, as obscene, as pornographic as they may be, it is the parents that have to assume ultimate responsibility, and no amount of legislation that we can pass will do that, and I am afraid that, if we pass this legislation, it will set us back because I do not think there is really any way that this can avoid being struck down, at least provisions of it, as being unconstitutional, and then we are back behind the 8 ball once again.

So I would urge all of our colleagues who want, I believe on both sides of the aisle, to address this problem of youth violence, obscenity, to take a harder look at it, to work together, all of us, to try and craft a sounder piece of legislation, but ultimately recognizing that unless the parents of America's children take more of an interest in ensuring that their children do not watch, hear or read the material that we are trying to reach here, nothing that we do is going to solve the problem.

So, again I urge defeat of this bill and strong support for what it is trying to do for future legislation.

Mr. BERMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, before the gentleman from Georgia leaves the floor, I just wanted to take this opportunity to express my agreement with the gentleman from Georgia to help advance the legislative process and to satisfy all that hunger for civility out there in the country.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the Hyde amendment, not because I oppose what the gentleman from Illinois (Mr. HYDE) would like to see in this country. I think all of us would like to see less violence, all of us would like to see less obscenity in movies, all of us would like to see the culture expressed in our media, on the Internet and in the books and games and movies that our children watch to be less violent and less obscene.

The problem basically, as I know has been expressed many times here, but I need to say it again as chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection whose principal responsibility is to protect this free speech society, is that we cannot constitutionally do this. We cannot constitutionally dictate the content of speech in America as much as we would like to, as emotionally as I feel, as deeply as I hurt when I see the scenes on television that we have seen of children killing children.

I am reminded about that child at Columbine who said, look, we all watch the same movies, we all play the same games, but we do not go around killing our classmates. Go check with that family, go check with those kids, go check with that culture that these kids grew up in, and do something about it. But do not think that because we see these same movies we are going to end up killing each other. We need to do something much more basic than regulate free speech.

Mr. HYDE. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the amendment, and I commend the chairman, the gentleman from Illinois (Mr. HYDE), for including antitrust protection to the entertainment industry in order for them to establish a set of guidelines to help protect children from harmful behavior. I was working on introducing a bill to provide this type of antitrust protection, and I was extremely pleased to see the chairman include this in his amendment.

The National Association of Broadcasters had a code of conduct that they abided by until it was abandoned by the broadcasters in 1983. Since then standards which broadcasters find acceptable have deteriorated. Eighty percent of Americans have expressed concern about the increasingly graphic portrayals of sex, violence, vulgarity and programming that sanctions and glorifies criminal, antisocial and degrading behavior. The Hyde amendment will permit the entertainment industry to work collaboratively to develop a set of voluntary programming guidelines. This system worked well for decades. It was not perfect, but it did put the impetus on Hollywood to refrain from exploiting the American

people and producing products that are directed toward the prurient interests of our young people.

Hollywood has cast aside responsibility in recent years, and it is time that they respect traditional values. The reestablishment of a code of conduct will enable the American people to know clearly where the entertainment industry falls on this issue.

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in opposition to the Hyde amendment, which is a well-intended but flawed proposal that does violence to the First Amendment.

Mr. Chairman, I rise to oppose the Hyde amendment.

While we must take action to address violence in our schools and to save children's lives, some in Congress seem to feel that it should be more difficult to see a picture of a gun, than to go out and buy one.

This amendment is overly broad and unconstitutionally vague.

It would take obscenity, which is removed from First Amendment protections, and expand its definition beyond the limits established by the Supreme Court.

In the process, it would create a federally imposed ban on the sale of certain material. It would challenge retailers to decide whether or not a particular work has redeeming value. This amendment would be incredibly difficult to implement, lead to confusion for both the creators and distributors of artistic works, and could inadvertently chill free speech for adults as well as children.

There is far too much violence in the media today, but we must not compromise the First Amendment in our efforts to protect our children. Parents already have the right to deny their children access to violent movies, music, magazines, and video games that they do not find appropriate for their children. If we stop buying this violent material, people will stop selling it.

Many leaders in the arts and entertainment community care deeply about the proliferation of violent material and are taking steps to address this problem. The media can and should also play a role in promoting nonviolent activities, youth problem solving, and ways to avoid gun violence. We can address excessive violence in the media without trampling on our First Amendment rights.

I will leave you with one final note. We ought not to make the entertainment community the scape goat for the massacre at Columbine High School. Surely, this bill will not effectively address school violence unless it also addresses youth access to guns. Popular films and music lyrics are not the root cause of violence in our society and guns are far more deadly than any CD or video tape could ever be. As one Columbine senior pointed out, if the media was at fault, then every one of the 1,850 students at Columbine would all be killers because they all watch the same movies and share in other types of entertainment. In fact, if films caused violence then one would expect crime rates to rise in every country which imports American movies. However, Japan, which is a heavy importer of American films, has one of the lowest crime rates in the world.

I urge my colleagues to reject the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, far from putting parents in charge, as my esteemed colleague from Illinois has stated, his culture of violence amendment puts big brother squarely in control of the games, art, movies, books and other materials available to our children. No work of art, magazine or CD is exempt from government scrutiny. No sales clerk at Blockbuster, ticket sales at the movies, librarian, museum employee would be free from the threat of a jail term. In fact, even if a parent explicitly consented to the purchase of materials deemed to be too violent or obscene, that sales clerk is at risk.

This is big government at its worst, supported, it seems, by the same individuals who rail against big government. It is intrusion into the personal lives of every American, a threat to educational and artistic freedom, a direct assault on the First Amendment, and above all, this amendment undercuts the freedom which is at the core of our American values.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me time.

It is time for all America to come together collectively and say that we do wish to get rid of the violence, the obscenity, that we see constantly on our television, hear on radio, read in print, but I hope that we would turn away from the proposals that would have us create a new Federal cultural police that would be empowered to determine what is violent and what is sexual in the material that we will see, hear or read.

With all due respect to the chairman of the Committee on the Judiciary whom I respect dearly, this is not the way to go. I have three young children, and it is my responsibility, along with my wife's to make sure that they grow up understanding what is right and what is wrong and knowing when it is right to read, to listen, to watch and hopefully teach them enough that they will make the right decisions as they grow older. But for us to say that the national government can do it better than I can is to completely abandon our values and our responsibilities.

I would hope that we would learn that the message we try to send to America is one of collectively getting together and resolving this issue of violence that we see pervasively invading our communities, but let us not do it by putting the heavy hand of government on top of that.

Vote against this amendment.

Mr. HYDE. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding this time to me. I fully support this amendment and urge my colleagues to vote in favor of this amendment. This is not an assault on the First Amendment or freedom of speech. This is a courageous step to limit vulgarity and violence.

Let me take a second to talk about big brother, the Federal Government. The Federal Government helps parents protect their children from dirty air, the Federal Government helps parents protect their children from dirty water, the Federal Government helps parents protect their children's equal rights.

So I think it is only incumbent upon us for the Federal Government to help parents protect their children from vulgar, violent videos.

Mr. HYDE. Mr. Chairman, I hate to keep doing this to the gentleman from Hollywood, but people keep wandering up and wanting a little time. Would the gentleman endure one more unanimous consent request for 2 more minutes on each side?

Mr. BERMAN. Mr. Chairman, reserving the right to object, I would simply like to point out to the gentleman, as I have told him several times, that I am from North Hollywood, not from Hollywood; and secondly, that I thought last fall in the Committee on the Judiciary I was in Hollywood.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, I rise in favor of the Hyde amendment in H.R. 1501 as a whole because we need to provide physical safety for our children, and we need to protect our children from the influence of explicit, obscene material.

I support the Hyde amendments because we need to do what we can to protect our children from those who would sell them offensive material. Michael Carneal is currently in jail for killing three students in 1997's school shooting in Paducah, Kentucky. Michael was an avid computer user who logged on to the Internet and immersed his brain in the sexually material he found there. Ever since the Clinton administration stopped all prosecution of extremely violent and sexual pornography our children and those who prey upon them have had easy access to the most disturbing, mind-impacting material. This amendment seeks to protect

the minds of our children by holding people who sell obscene material to children accountable and by evaluating the impact of violent products on our children.

H.R. 1501 attempts to protect the majority of our children who make the right choices from those who make the wrong choices by treating juveniles like adults, when they act like adults and commit violent crimes by keeping guns out of the hands of juvenile criminals, and by making the largest community investment in juvenile justice reform in history.

□ 1700

Congress cannot make a perfect world, but we can empower families and communities to protect their children.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, we are all concerned about violence. However, I never dreamed that I would see the chairman of the Committee on the Judiciary assault the Constitution in the way this amendment does.

This amendment is outrageous and it does danger not only to the children of this society, but to all of the citizens of this society. I say to the gentleman from Illinois (Mr. HYDE), we are not going back to burning books, we are not going to lock people up for artistic expression. The Constitution of the United States guarantees us freedom of expression. We cannot violate the Constitution in the name of wanting to do something about violence.

What we should be doing is using our power to assist families and children and to help parents, many of whom are working, to deal with the problems of young people in a considered way. I am absolutely outraged by the fact that one of the best legal minds in this House would bring this trash to the floor of the Congress of the United States of America. It is outrageous and it should be defeated.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. GRANGER) in support of this trash.

Ms. GRANGER. Mr. Chairman, in the wake of Littleton, I think many of us are prepared to produce solutions and often guarantee that they will save America. Well, I am going to say that it is more than gun control, it is more than all that we are looking at; it is less violence on television, it is more of the culture of guns and the culture of violence, and we have to address the culture of our country.

To be honest, I do not know what the solution is and neither does anybody else. I know that we do not today want to confuse motion with action. I am afraid too many of us are anxious to be seen doing just something about youth violence. I do not want to do something, I want to do the right thing, and I think that is passing reasonable measures and not overbilling the effect that they have.

I know one thing for sure, and that is that to do this we have to touch the minds and the hearts of our young people. We also have to touch what is around them and what is entering their mind. That is why I am so supportive of the Hyde amendment. I think it is a very common-sense approach to an all-too-common problem of criminals transmitting sexual and violent material to our children.

There is never, ever, ever a reason for pornography to reach the hands and the hearts of our children, and we must stop it, and this will do that.

Mr. BERMAN. Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, in order to protect my 5 children and my 4 grandchildren, I rise in opposition to this frightening amendment, and I urge my colleagues to vote ''no.''

Mr. BERMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I think that given that this measure did not have the scrutiny of the Committee on the Judiciary and a chance to fine-tune it, I think it pays to take just a minute or two to sum up a few of the criticisms of the piece of legislation in front of us.

First of all, it is not just about motion pictures, it is not just about television, it is not just about musical recordings; it applies to books, to pamphlets, to magazines, to drawings, to photographs, to sculptures.

Secondly, as I mentioned earlier, it seeks to translate the obscenity formula grafted onto depictions of violence and federalize the entire matter, and then claim to provide community standards so that a particular sculpture or movie or picture or book may have one standard and be quite fine for sale to minors in Manhattan, New York, and not in eastern Montana or in Jackson, Mississippi. A law which seeks to federalize the criminal conduct of selling inappropriate depiction of minor children, depictions of violence to minors, and at the same time decentralize community standards all across the country is going to have to fall as vague, impermissibly broad, and setting up an absence of adequate notice to any single person who might be regulated.

Thirdly, it exonerates the producers of this; it criminalizes the activity of the vendors.

Fourth, in response to the gentleman from Maryland, yes, the Federal Government spends a great deal of time protecting the clean air and the health and the welfare of the population, but a long time ago, we decided there were some limits on what the Federal Government could do.

The first and foremost of that was the prohibition on the Federal Government interfering with protected speech. This seeks to strike at and criminalize protected speech. It is unconstitutional, and I think the Members of this body should not support and willingly pass a measure which has no chance whatsoever of being held up in the courts.

Mr. HYDE. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from California (Mr. BERMAN) has 4¼ minutes remaining; the gentleman from Illinois (Mr. HYDE) has 4½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, we could stress that there are important aspects of this amendment which are not controversial and which will be presented in other forums: the antitrust exception, the health-related study.

One of the problems with this amendment is we are not talking here only about fiction or things that people make up. This amendment covers depictions of the truth. This amendment covers depictions of unpleasant events. This amendment does not exempt the news, if it is presented for commercial purposes. What this amendment does is introduce an element of censorship by the Federal Government into the presentation by the media, as long as they are not working for free, and none of them are that I have ever met; it introduces this element of Federal censorship into the media's depiction of unpleasantness.

Yes, we should treat 16-year-olds and 15-year-olds seriously. Shielding them, screening them through a Federal process before they hear about some of the terrible things that go on in the world, torture is part of the world. These things are part of what goes on. I do not want people portraying what happened in Kosovo and helping explain why we were in there militarily to have to check with the Federal statutes before they decide how they can present this to 16-year-olds.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Youngstown, Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, no one perhaps in the history of this body knows or understands or has fought to uphold constitutional rights better than our chairman, the gentleman from Illinois (Mr. HYDE). Evidently, in listening to this debate, the gentleman from Illinois (Mr. HYDE) has decided to challenge some of the interpretations by some appointed judges who have maybe unknowingly or without meaning protected the rights of many murderers, while leaving a wake of victims in cemetery plots all over America.

The first amendment was never intended to promote harm. I join today with the gentleman from Illinois (Mr. HYDE), the chairman of our Committee on the Judiciary, on the floor of this House in that challenge of interpretations by judges that we as Members of Congress should have a say in creating those laws and, when necessary, challenging those decisions. I want to applaud our chairman for the courage to come out here and take the shots of attacking our Constitution. He has never done that.

Mr. BERMAN. Mr. Chairman, could I inquire as to the remaining time on both sides?

The CHAIRMAN. The gentleman from California (Mr. BERMAN) has 3¼ minutes remaining; the gentleman from Illinois (Mr. HYDE) has 3½ minutes remaining.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in strong opposition to this amendment. Once again, we are going down a path where we are going to be asking the government to set some standards on what really does constitute violence, and what will have the impact of encouraging our children to engage in behavior that could be destructive to other families and to our society.

But I also take exception to that, because as a father of two teenage daughters, I know that at times they are exposed to violent movies and other forms of violence that could be destructive to them. But they do not act out in a violent way. It is because my wife Linda and I have done the job of instilling the values in them that allow them to be exposed to this material and still make the right choices.

It is, quite frankly, a cop-out for parents and families and people to accuse people who are perhaps putting together information or videos or different material as being the cause of widespread violence that is leading to so much trouble in our communities.

Once again, the responsibility lies with the families, with the community that supports the principles and the values of our country, and we should oppose this amendment.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I rise to ask for the defeat of the Hyde amendment. With all of the respect each of us has for the gentleman from Illinois (Mr. HYDE), he is not an Oracle of Delphi when it comes to the Constitution of this country.

The Constitution of this country gives us a right as parents to make our youngsters behave. That is what we have done wrong in this country. We think that this law, no other law can protect us, if we do not raise our children the way we want them to be raised. If we do not raise them with some respect, if we do not make them turn off the TV when it is time, if we do not say to them that this is wrong, that there should not be any violence, and the Bible says thou shalt not kill. So why is it that we will sit here in this Congress feeling that we have such a noble position that we can put laws in that will mandate morality and help us teach our children when we are not teaching them ourselves?

I say to my colleagues, as a grandmother of 6 and a mother of 3, that this is wrong, I say to the gentleman from Illinois. This Constitution, as much as the gentleman wants it to help, he is violating it by putting this in the statutes of this country.

So I ask this Congress to please oppose and vote against the Hyde amendment.

Mr. BERMAN. Mr. Chairman, I yield our remaining time to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I want to thank the gentleman from California (Mr. BERMAN) and my colleagues who have spoken here today.

In a way, I think we all realize the importance and significance of this amendment offered by the Chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), because it is a watershed. Either we are to overlook the existing case law, the first amendment as most of us appreciate it, and move in a very overreactive way to deal with the cultural aspects of the problem of youth violence, or we do not. And it is clear to me that this debate has put on record that in this area I can proudly associate myself with the views of the majority of the Members of this House of Representatives.

Now, in addition and over and above the constitutional problems, let us not rush to judgment on this quote, Hollywood phenomenon. Let us recognize that the V chips, let parents block out television programs; that movies have ratings.

Mr. Valenti has told us that he is putting the word out that the House of Representatives and the Committee on the Judiciary are not taking the cultural problem lightly. Please join us in turning back an amendment that would be unworkable and likely unconstitutional.

Mr. HYDE. Mr. Chairman, I yield myself my remaining time.

Mr. HYDE. Mr. Chairman, I want to thank the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. BERMAN) for a very civil and I think enlightening debate, and some of the other, not all, but some of the other participants.

I would like to read from Ginsberg v. New York, a Supreme Court case, 390 U.S. 629: ''A legislature could properly conclude that parents and others who have primary responsibility for children's well-being are entitled to the support of laws designed to aid discharge of that responsibility.''

I would like to tell my friend, the gentlewoman from California (Ms. LOFGREN) that ''Shakespeare in Love'' has redeeming artistic quality. It does not fit in this definition, although there is a gratuitous sex scene in it which, if your children saw it, they might think it is normal and acceptable, and I guess maybe the gentlewoman might think it is too. I do not.

□ 1715

But the movie could be shown without any problem because if you read the bill, if you read the definition, it would have to be utterly without any redeeming social value.

Now, for 40 years Congress has been wrestling with this problem, 40. Do Members know what it has come up with? Nothing. Nothing. We posture, we pass resolutions, viewing with alarm, but the entertainment industry gets away literally with murder.

All we are doing is saying that obscenity for 40 years has not been protected by the First Amendment. We are saying some of this violence is as egregious and horrible and vulgar and harmful as sexual obscenity. Why confine the proscription just to sexual obscenity? Why not to mutilation? Why not to sadomasochism? Why not to flagellation? Why not to rape?

Those are four specific categories, and only four, that we say ought not to be protected by the First Amendment. If that is doing violence to the Constitution, I have never read that document.

So let us do something, not do nothing. It is my opinion that what happened in Littleton, Colorado, and what happened in Conyers, Georgia, cannot be solved by one more gun law. There were 15 Federal laws having to do with guns and ammunition that were violated by these two assailants in Colorado, and seven State laws. Is our answer to pile a couple of more laws on?

No. Let us examine what it is in the psyches of these young people that made them want to kill, the culture of death. There is something missing. We have to look at it. Anybody that does thinks rotten movies, rotten television, rotten video games are not poisoning, toxically poisoning our kids' minds and making some kids think that conduct is acceptable just is not paying attention.

I cannot match the Political Action Committees of the entertainment industry, but I will tell the Members, there are a lot of parents who need help. My friend, the gentleman from Georgia (Mr. BARR) said it is up to the parents. If Members can watch their four kids all the time every day, at

night and at school, and know what they are seeing and know what they are reading, they have solved a wonderful problem and should tell me how they do it.

This is an effort to solve the problem. I hear nothing from the other side but ridicule. Please support the Hyde amendment.

Mr. DELAHUNT. Mr. Chairman, I rise in opposition to the amendment. I do so, not to defend ''Rambo,'' or ''The Terminator,'' but to defend the Constitution. Because this amendment is both unwise and unconstitutional.

There is much in the amendment that I could support, Mr. Chairman. It provides for a study by the National Institutes of Health of the effects of video games and music on child development and youth violence. It encourages the entertainment industry to develop voluntary guidelines to minimize the extent to which minors are exposed to sexual and violent materials.

These are sensible provisions, which were passed by the Senate earlier this month and are included in the Democratic substitute which Mr. CONYERS will offer later today.

But the Hyde amendment goes further. Much further. It would make it a crime to ''sell, send, loan or exhibit'' to minors any materials containing ''explicit sexual material or explicit violent material.''

Most of us—especially those of us who are parents—are naturally disturbed when unsuitable material finds its way into the hands of young people. And many genuinely believe—rightly or wrongly—that there is a connection between access to such material and the juvenile violence in our nation.

There may or may not be a connection. But before we pass a law codifying this theory we ought to have some facts. The amendment directs the National Institutes of Health to study the issue. But it doesn't wait to find out the results.

And since the subject was never considered by the Judiciary Committee, there is No Evidence on the record that criminalizing music sales or video rentals would have any impact whatsoever on the level of youth violence in this country.

But there is Plenty of evidence that the amendment would harm the precious freedoms we enjoy. Parents can and should decide what their children watch and listen to. But it is not for the government to decide this for them.

Others have pointed out that the gentleman's amendment could prohibit sales to minors of such edifying but disturbing films as Amistad, Saving Private Ryan, or Schindler's List. All of these films contain violent content—some of it Extremely violent. This is clearly material that may be appropriate for some young people and inappropriate for others.

But the amendment would prohibit sales of these films to All minors, unless, and I quote, ''the average person, applying contemporary community standards,'' would find that the material has ''serious literary, artistic, political, or scientific value for minors.''

The gentleman from Illinois claims that films such as these would NOT be prohibited by his amendment, He says, and again I quote, ''taken as whole, [they] are not designed to pander to the morbid interest of minors, are not patently offensive, and have literary and artistic value. We are talking about harmful material only.'' End of quote.

Now I have great respect for the gentleman, and I do not question his sincerity. I only wish it were that simple. A few years ago, a Member of this House launched an attack on one of the most celebrated films of our time, Schindler's List. He criticized it for its realistic depictions of violence and nudity in a concentration camp, and castigated the network which broadcast it for putting it on the air where children might see it.

That Member was roundly criticized for failing to recognize the moral and political context of those scenes. But if a member of Congress can be wrong about a film, how are we to suppose that a video salesman or theater owner will make that judgment?

For make no mistake about it—that is what the amendment would require. It would demand that the checkout clerk at Blockbuster or the ticket vender at the local Cineplex make a determination—on pain of imprisonment—as to whether a reasonable person would find that the degree of violence contained in the film is offset by the literary, artistic, or political value that a minor would derive from seeing it.

And I think we all know that a reasonable person would have to be crazy to take a risk of guessing wrong.

As a parent, I do not believe this is an appropriate or workable means of regulating access to minors.

If I think it is important for my daughter to understand what happened on Omaha Beach, I don't want a clerk at the video store to decide whether she can see Saving Private Ryan.

If I think it is important for my daughter to understand what happened to Africans brought to this country in chains, I don't want a ticket vendor to decide whether she's allowed to see Amistad.

If I think it is important for my daughter to understand what happened in Dachau or Auschwitz, I don't want the government of the United States to decide whether she's ready to see Schindler's List.

I know that the gentleman is well-intentioned, Mr. Chairman. But this amendment is a disaster, and it should be defeated.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to this amendment offered by Mr. HYDE. I applaud his attempt to address the issue of rampant violence in our popular culture, but there are serious First Amendment concerns I have about this amendment.

This amendment prohibits any picture, sculpture, video game, movie, book, magazine, photograph, drawing, similar visual representation, or sound recording with explicit sexual or violent material from being sold or given to children.

According to this language, books like ''Beloved'' or ''The Bluest Eye'' by Nobel Prize Laureate Toni Morrison would not be sold or loaned from the library to a student. There are possibly violent and sexual situations detailed in these works to tell the story that might be prohibited under this amendment.

Television programs like ''Star Trek'' and movies like the popular ''Star Wars'' trilogy would also be prohibited. Historical representations like ''Amistad'' or ''Schindler's List'' might be banned. The standard that would ban these works is problematic and vague.

This amendment also contains a provision that would require that retail outlets that sell music recordings would have to make the lyrics available for the parents before purchase. However, this amendment contains a loophole for internet music companies and mail order companies. I seek to establish a process in my district where retail stores voluntarily work with parents and legal guardians of children to keep such reprehensible items/materials out of the hands of children.

This loophole would simply alter the method in which such music is sold. If children wanted to obtain certain types of music, then they could go on-line or place a phone call to order the recordings.

This loophole illustrates how this bill is simply not an appropriate vehicle to urge change in the popular culture. It is an attempt to censor the freedom of expression contained in the First Amendment. This amendment creates a standard that would drastically alter the First Amendment.

However, I agree with Rep. HYDE's remarks that popular culture has persisted in presenting increasingly violent and sexually explicit entertainment. The industry must enact internal standards to ensure that children are not overly exposed to inappropriate material.

The provision that requires a study by the National Institutes of Health is an important measure to determine the effects of the media on our children. I support this provision because it allows the industry to conduct an internal review of its content and it encourages the media to take responsibility for what it presents as entertainment.

I also support promoting grassroots solutions to youth violence. One of the demonstration cities is Houston, Texas, but I am concerned that this provision was included in this amendment.

I appreciate Rep. HYDE's concern for the messages that our children receive in the media. However, we cannot limit the freedom of the First Amendment. The First Amendment is at the core of our basic freedoms and I respectfully oppose the Hyde Amendment.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HYDE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Illinois (Mr. HYDE) will be postponed.

It is now in order to consider amendment No. 9 printed in Part A of House Report 106–186.

AMENDMENT NO. 9 OFFERED BY MR. SALMON

Mr. SALMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. SALMON:

Add at the end the following:

SEC. ___. AIMEE'S LAW.

(a) SHORT TITLE.—This section may be cited as ''Aimee's Law''.

(b) DEFINITIONS.—In this section:

(1) DANGEROUS SEXUAL OFFENSE.—The term ''dangerous sexual offense'' means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term ''murder'' has the meaning given the term under applicable State law.

(3) RAPE.—The term ''rape'' has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term ''sexual abuse'' has the meaning given the term under applicable State law.

(5) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given the term under applicable State law.

(c) REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.—

(1) PENALTY.—

(A) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(B) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(C) STATE DESCRIBED.—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(ii) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) EXCEPTION.—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Arizona (Mr. SALMON) and a Member opposed each will control 15 minutes.

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

Mr. SALMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a pretty awesome time to be here. I am offering today, along with the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Washington (Mr. SMITH), an amendment that is known as Aimee's Law. I would like to take a few moments to discuss why this is important to Americans, and how come a nationwide grass roots effort has worked towards its passage.

First of all, I would like to reference this chart. According to the Department of Justice, the average time actually served by a rapist in this country and released from State prison is 5½ years; for molesting a child, 4 years; and for murder, 8 years. This is outrageous. It is unconscionable. We have to act today to change this.

It is not as if these criminals are suddenly Boy Scouts after their release from prison. The recidivism rates for sex offenders are very high. I think most people agree, once a molester, always a molester. As the Department of Justice found in 1997, over the 3-year period following the prison release, an estimated 52 percent of discharged rapists and 48 percent of other sexual assaulters were rearrested for a new crime. Here is that statistic. Many of those go on to commit other sex offenses.

Light sentences for today's most heinous crimes contribute to an epidemic of completely, yes, I said it, completely preventable crimes. Consider, each year more than 14,000 rapes, molestations, and murders occur every year by somebody who was let out of prison for committing that exact same crime. In some 1,700 of these cases, individual cross State lines and then reoffend again.

We talk a lot about accountability in this Chamber. It is time to restore some accountability to States that release these dangerous predators into our neighborhoods. Aimee's Law would add an additional factor to the formula for distributing Federal crime funds to the States.

Specifically, the amendment would provide additional funding to States that convict a murderer, rapist, child molester, if that criminal had previously been convicted of one of those same crimes in a different State. The cost of prosecuting and incarcerating that criminal would be deducted from the Federal crime assistance funds intended to go to the first State.

In other words, the State that is irresponsible, lets the rapist, murderer, molester out and then they cross State lines and reoffend again, a portion would be taken away from their crime assistance funds and given to the new State, enough to cover the costs of incarceration, prosecution, and apprehension of that monster.

A safe harbor would not require the funds transfer if the criminal has served 85 percent of his original sentence and if the first State was a truth-in-sentencing State, with a higher than average typical sentence for the crime.

Aimee's Law, a bipartisan effort from day one, passed the Senate last week with a whopping 81 to 17 vote. Aimee's Law is enthusiastically supported by law enforcement and victims rights groups nationwide. Here is just a smattering of those who are supportive.

The law enforcement community in particular, they understand the need for this legislation. They are in the trenches. They are fighting this fight every day. The Nation's largest police

union, the national Fraternal Order of Police, representing some 250,000 brave police officers nationwide, has strongly backed this amendment and has appeared at all public events to help push for its passage. Their president has said, ''The bill addresses this issue smartly, without infringing on the States and without federalizing crimes.''

Among the other law enforcement groups that have endorsed the bill is the California Correctional Police Officers Association, and some of the others Members can see.

Victims rights and child advocacy groups have also endorsed the bill, and made this one of the most important issues that they focus on: Child Help U.S.A., Klaas Kids Foundation, Kids Safe, Mothers Outraged at Molester, and the list goes on and on and on.

From around the country, Americans have signed petitions, called our offices, and sent e-mails demanding passage of Aimee's Law. Even Dr. Laura is urging her 18 million listeners across America, and has been doing it all week, also including it on her web site, for a call to action on this particular piece of legislation.

Mr. Chairman, this is Aimee Willard. I never met her. This legislation is named for her. But I have become very close with her through the passage of this legislation, and close with her family. Aimee was senselessly raped and murdered by a man who was let out of prison for serving 12 years for murder for killing somebody over a parking spot. If this man had served 85 percent of his sentence, Aimee Willard would still be alive today.

Aimee was an all-American college athlete who wanted to work with children. We are never going to know all that we lost when she was taken from us, but we should do what we can to prevent others from enduring the same kind of pain and agony, and following her to a needlessly early grave.

Many courageous victims and survivors have made extraordinary efforts to help me pass this bill. I cannot mention them all, but I wanted to list a few. Many of them came to Washington twice to support the bill and testify before the Subcommittee on Crime.

There is Gail Willard, who lost her daughter, Aimee; Mark Klaas, who lost his daughter, Polly; Mary Vincent, a rape survivor; Fred Goldman, who lost his son, Ron; Mika Moulton, who lost her son Christopher; Trina Easterling, who lost her daughter Lorin; Jeremy Brown, a rape survivor; Louis Gonzalez, who lost his brother Ipollito; the Greishabers, who lost their daughter Jenna; the Pruckmayrs, who lost their daughter Bettina; the Schmidts, who lost their daughter Stephanie; and the list goes on and on, because again, that number is 14,000 rapes, murders, molestations, that occur each year by somebody let out of prison for doing exactly the same crime.

Sadly, the list goes on and on and on. Too many victims, too much suffering. We have to do more, and we can do it today with passage of this amendment.

Mr. Chairman, before I close, I wanted to express my heartfelt thanks to the survivors, the groups, and everyone else who has joined with me to fight this fight and to protect families.

The gentleman from Florida (Chairman MCCOLLUM) deserves the lion's share of the credit for his fine leadership on this issue. I wanted to thank my staff for all their hard work.

I would like to close with a couple of quotes. First of all, they are not from a famous leader, world leader, or a law enforcement official, but from the very heart of the problem. I want to quote a pair of child molesters whose despicable, unspeakable crimes cry out for justice.

Mr. Chairman, there are more than 134,000 convicted sex offenders currently living in our neighborhoods, on probation or on parole right now in our neighborhoods. Let us hear from two of them scheduled for release. They have never met, but their message could not be more clear:

''I am terrified of being released, because I fear without counseling, I will molest more children. Since I don't want to return to prison, I would be forced to kill them.''

The next quote: ''I am doomed to eventually rape, then murder my poor little victims to keep them from telling on me. I might be walking the streets of your city, your community, your neighborhoods.''

Mr. Chairman, let us pass the amendment today and strike a blow against the revolving door of prisons, murders, and sexual predators.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

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

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for bringing this measure to the floor at this time. Today we have an opportunity to take a giant step in the fight against repeat offenders. I commend the gentleman from Arizona (Mr. SALMON) for bringing this legislation to our attention.

It has become too common in recent years that victims are violated by someone who has been previously convicted of a crime and then released. Many who commit murder, rape, and child exploitation cannot be rehabilitated, as the gentleman from Arizona (Mr. SALMON) pointed out. We owe it to our communities to put a stop to this pattern of violence.

Aimee's Law will do just that. It will impede the ability of convicted felons to repeat their offenses at the cost of innocent human lives. Too often we have heard personal stories of these terrible crimes that legislation would help to eliminate.

Jeremy Brown, that the gentleman recited, comes from my own congressional district in New York and was the only survivor of a man who raped and murdered a number of other women. Having been through this horrible ordeal and having persevered, she has demonstrated tremendous courage and has become symbolic of the reason that we should pass this legislation today.

To all the courageous people who hope that together we will be able to prevent future violence, our hearts, our prayers and support are with them, now and always. That is why I urge support for this measure.

Mr. SALMON. Mr. Chairman, I reserve the balance of my time.

□ 1730

The CHAIRMAN. Does the gentleman from Virginia seek time in opposition?

Mr. SCOTT. Mr. Chairman, yes.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 15 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment emphasizes the need for us to have held hearings on some of these so that we could determine actually what is going on. This seems well intended; it might work, might not but we just do not know.

It is interesting that there is an exemption in this bill for those States that have abolished parole and require prisoners to spend 85 percent of their time in prison; it is truth in sentencing. I like to call it not truth in sentencing but a half truth in sentencing, because as that poster points out if parole is abolished, people can no longer be held.

The half truth is a person cannot get out early but they cannot hold them longer either. If a person has a short sentence for which they have to serve 85 percent, they would be eligible for the exemption under this, but if they have a much longer sentence with parole, then they would have been able to retain them.

Let us give an example of how that thing works. I am not sure whether I heard the gentleman from Arizona (Mr. SALMON) right, but I thought he mentioned Mr. Klaas in California. The perpetrator in that case was Richard Allen Davis, who was in prison on a 6-month to life sentence. He was denied parole, denied parole, denied parole. They finally cracked down on crime and abolished parole. He was resentenced to 7.2 years which he had already served and he got on out because they had to let him out, and he committed another crime.

He received 8 years; served 8 years. They could not hold him longer because they had abolished parole. Then he got out and kidnapped and murdered Polly Klaas. If that had been parole, he

never would have been out on the first offense, certainly never would have been out on the second offense, but because parole was abolished they had to let him out.

Even the people, with quotes that the gentleman said, they had to let them out because they could not hold them longer.

Maybe if we had had a hearing, maybe we could flesh some of this out so we could determine whether abolishing parole and letting somebody out is better than having a much longer sentence when there is some discretion.

Mr. SALMON. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Chairman, there is nothing in this bill that suggests that we do away with parole by any stretch of the imagination. I think that the goals of the gentleman and my goals are the same. We want to do what is right by families.

The fact is that 14,000 rapists, child molesters and murderers go on to reoffend every year and States are not doing a good job.

I go back to the statistics, that the average time served for molestation, 4 years; 5 years for rape; 8 years for willful murder.

Mr. SCOTT. Reclaiming my time, that has nothing to do with parole. As a matter of fact, if a person had 4 years and they had to serve it all, maybe I misread it.

CQ has the summary of the amendment of the gentleman which says the amendment would not require funds transferred if the criminal had served 85 percent of his original sentence and if the first date had, quote, truth in sentencing with a higher than average typical sentence for a crime, which means the average sentence, all one has to do is serve the average. Someone cannot be held longer than average.

Virginia went through this. We took a 10-year sentence, which was a year and a half to 10 years, average 2½, doubled the average time served so that the average time was 2½. We doubled the average time so now everybody has to serve 5 years.

Now, if we think about it for 15 seconds, the person that could not make parole at all would have served all 10 years. Now that there has been a crackdown on crime, they have to be released after 5 years, even if they are telling stuff that was on those posters.

Maybe if we had had some time in committee we could have discussed this, but the gentleman comes springing this out on us without hearings, and we are just doing the sound bite.

Mr. SALMON. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Chairman, we did have a very, very thorough hearing last year and this is not a surprise. We have been working on this for a year and a half. We did have a hearing before the Subcommittee on Crime, and frankly the Supreme Court has determined that for violent sex offenders the courts can hold somebody beyond their sentence. They can put them in security, but beyond that I am not prescribing how States deal with the parole issue. All I am saying is that a State ought to certify. Rather than play Russian roulette with somebody else's head, all I am saying is the State ought to be accountable.

If a State is going to let somebody go, make sure that they are not going to reoffend again, and if they want to deal with that with a combination of counseling or parole or whatever the case may be, all I am trying to do is restore a modicum of accountability back to the States. If they want to address that for parole, that is their option.

Mr. SCOTT. If the gentleman could have convinced a majority of the members of the committee after we had had a hearing and a markup through the regular process, maybe it would have worked, but we are not doing that. We are coming out here and exchanging sound bites.

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

Mr. SALMON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank my colleague, the gentleman from Arizona (Mr. SALMON), for yielding me this time, and I applaud him for this law.

Mr. Chairman, we are here to support Aimee's Law. As we know, laws are about people.

This is Aimee. Aimee lived 2 miles from my home in Pennsylvania. Aimee was a bright 22-year-old, promising young lady, great in athletics, great in school, who had an unbelievable career ahead of her. Her life was snuffed out because a man who had been repeatedly involved in hurting other people struck her car on a freeway to make her pull over. When she pulled off the side of the road on June 20, 1996, and got out to see what was wrong, as any normal person would do, he accosted her. She was abducted. She was raped. She was brutally murdered.

She was found in a dumpster with two trash bags over her head and a stick between her legs. The man who was convicted of brutally murdering Aimee Willard served 11 years of a life sentence that had been given to him for killing someone else, but that State paroled him early. They let him out without serving his full sentence.

Not only did he kill Aimee Willard, he is now the suspect in a second murder, Maria Cabuenos, who disappeared in March 1997 and was also found murdered. The same individual who has been convicted of murdering twice was driving Miss Cabuenos' car when he was found while trying to burglarize another house.

How many times are we going to let someone out early? And why should not we create a disincentive to have States thoroughly review the process for people who have been convicted of rape, of murder and child molestation from getting out prematurely?

This does not provide a one-size-fits-all answer. It simply says to States that we are going to hold a person accountable. If someone allows people who commit these brutal crimes to get out prematurely, then they are going to pay the price of the other State where that person is convicted of their costs in having to convict that person a second time.

In the name of Aimee Willard and all of those other thousands of people, I ask our colleagues to support Aimee's Law.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time, even though we disagree on this amendment.

Mr. Chairman, I am a cosponsor of the amendment and strongly support it. I think the issue of parole is not what we are dealing with here. However an individual State wants to handle it, wants to pass out the sentencing, is fine with us. The question is are they going to pass out strong sentences? If they do it under a parole system and hold them for longer, the point of this bill is to try to give incentives to States to hold the most dangerous of criminals, murderers, rapists and child molesters for as long a period as possible so that they do not reoffend.

We are trying to drive dollars out to encourage that decision and to move them in that direction for a very good reason. We want to protect the citizens of our country.

There are many reasons for punishment in crimes, but one of the biggest is to protect society with a very simple notion. If an individual who is given to committing crimes is behind bars, they are not victimizing other people. That is one of the clearest ways to protect our citizens, is to lock them up when they have made it clear that they are dangerous to the citizens.

Right now, too often crimes as serious as rape and child molestation have very short sentences and those people are free to reoffend all over again. We need to do a better job of protecting our citizens, and I commend the gentleman from Arizona (Mr. SALMON) for putting forward this modest piece of legislation to try to do that, to try to give States the encouragement they need, the financial encouragement, to

hold these dangerous offenders for a longer period of time.

There are many reasons why the crime rate has fallen in recent years, but one that should not go unnoticed is that we have increased punishment for crimes of all types, but certainly of the most serious nature. That keeps dangerous offenders off the streets so they cannot reoffend so that we can protect future victims.

I again commend the gentleman from Arizona (Mr. SALMON) for bringing this piece of legislation forward and hope that the effect of it will be to save lives and to keep dangerous offenders behind bars where they cannot victimize the people that we represent.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have, as I have indicated, a great deal of problem with the amendment. We should have gone through subcommittee.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM), the chairman, to explain how this got here and let him say a little bit about the amendment.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time.

Mr. Chairman, I want to first of all say that we did have a hearing on this bill last Congress in the Subcommittee on Crime, not in this Congress. The gentleman from Arizona (Mr. SALMON), I think, has produced a remarkably good product. It would have been highly desirable had we brought this or been able to bring this through the subcommittee this time because I have no doubt that we would have reported it out virtually intact as it is here today.

I think this is a terrific product, and the reason I am going to support it and I am supporting it today is because of that reason, even though it would have been more desirable had we been able to mark it up in committee. It happens to be this is a good vehicle and he has convinced the Committee on Rules to let it come to the floor, and I think it is an appropriate thing to vote for. I am going to support it because if a State adopted a truth in sentencing, which half the States in the United States have, well, more than half, almost 30 now have, where a person has to serve at least 85 percent of their sentence for any major crime, that State would not be, and those States that already have will not be, affected by this proposal because they will not lose any money or risk it if somebody gets out early, because they will not.

Other States that the gentleman from Arizona (Mr. SALMON) has been very creative with, they do not have to adopt truth in sentencing. There are other ways to deal with it under his proposal, but I do think the incentive is there to keep people in jail for long periods of time to serve at least 85 percent or higher of their sentence if they have committed murder, rape or child molestation, and that should be the law of the land for every State in the Union.

This is an extraordinary bill. It was widely supported in the hearing that we had before the subcommittee in the last Congress, and I strongly urge the adoption of the amendment.

Mr. SALMON. Mr. Chairman, I yield 1 minute to the honorable gentleman from Texas (Mr. DELAY), the distinguished whip of the House of Representatives.

Mr. DELAY. Mr. Chairman, I want to congratulate the gentleman from Arizona (Mr. SALMON), for bringing this amendment. He has worked so hard on this, and it is very creative in trying to bring safety to our children. There is no better cause than the safety of our children.

I rise in support of the amendment because it does protect America's children from predators. This amendment, better known as Aimee's Law, fights that plague of repeat offenders. Specifically, this law tracks criminals that have crossed state lines, guilty of murdering, rapists and otherwise assaulting children under the age of 14. Why are these monsters set free? Aimee's Law holds States responsible for felons they release who commit further violent crimes in other States.

So, Mr. Chairman, our kids need to be protected from these violent criminals. States need to be encouraged to keep child molesters behind bars, and I urge my colleagues to support this amendment.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my good friend, the gentleman from Virginia (Mr. SCOTT) for yielding me the time.

Mr. Chairman, like the gentleman from Washington (Mr. SMITH), I am on the other side on this amendment.

I was honored to serve 20 years in the legislature in Texas and so I have some hesitation in requiring States to do something that we typically do not pay for but there are exceptions to this, and frankly we cannot accomplish this without a change in Federal law.

If a person is released from one State and commits a crime in another State, then without a Federal law we have to have Federal action to be able to require that.

I am proud to be a cosponsor of the Aimee's Law legislation by the gentleman from Arizona (Mr. SALMON), the gentleman from Washington (Mr. SMITH) and the gentleman from Pennsylvania (Mr. WELDON), because of the problem with repeat offenders, dealing with murder, rape or child molestation.

The only crimes that are more heinous than murder and rape are those same crimes committed against children. I believe that individuals who commit these violent or sexual crimes against children should spend the rest of their lives in prison.

□ 1745

Lord knows, in Texas, we have had the biggest building boom in prison in many years, so we are trying to build a place for them.

If, however, a State believes that such a criminal has been rehabilitated and decides to release this person back to society before the end of their term, then that State should be held responsible if that person commits the crime again in someone else's neighborhood, if it is in another State.

Under the Salmon-Smith amendment, these States who have an early release of violent criminals would pay to incarcerate these criminals in the other State. This is the only fair and just approach. I urge my colleagues to support it simply because the repeat offenders are what we are trying to get to.

We have seen some good numbers on our crime statistics, and the reason is because a lot of States are keeping people in prison longer because they are the repeat offenders, and this will make it even, hopefully, make those statistics even sound better.

Mr. SALMON. Mr. Chairman, may I inquire of the Chairman how much time remains?

The CHAIRMAN. The gentleman from Arizona (Mr. SALMON) has 2½ minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 4 minutes remaining.

Mr. SALMON. Mr. Chairman, I yield 30 seconds to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, as the father of several children and husband of 20 years, I rise today in support of the amendment of the gentleman from Arizona (Mr. SALMON) better known as Aimee's law. I commend him for his hard work in bringing this commonsense legislation to the forefront of today's debate.

As on editorial page put it, ''Giving a one-way ticket to a sex offender might improve the community he leaves, but it is the equivalent of shipping toxic waste to unsuspecting States.''

The practice of returning criminals to freedom for which they can prey on the innocent is outrageous and must stop. This body has an opportunity to act with clarity, to demonstrate to law breakers that are serious about keeping these violent offenders off the streets, and from repeating these acts.

I urge passage of this amendment.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT), the ranking member, very much for his kindness,

and I respect his position on this legislation and acknowledge the fact that the better route would have been to have this particular legislative initiative, as all of the amendments that we are dealing with in these 2 days on guns and juveniles, to come through the committee procedure.

But I want to rise in support of this amendment because I believe that some crimes are heinous enough that deserve incarceration. It is tragic that we face, on a daily basis, the attack of our children, child molesters and murderers and rapists who go about our Nation and repeat their crimes.

Right now in the State of Texas, we are fighting a serial killer whose trail of killings have gone throughout the city of Houston into States in the Midwest; and, still, he is not found, killing innocent victims, ministers of gospel, elderly and young women.

The most terrible tragedy that a parent has to confront is a murdered child. I think it is important when we begin to talk about how we solve this problem, it is simply that we not allow them to do it again.

In the State of Texas, we attempted to place on the books a bill that would allow incarceration without parole for heinous crimes for those who may oppose the death penalty. We were not successful. But I think it is extremely important that we realize that we can put murderers and rapists and child molesters away, where they do not have an opportunity to prey on innocent victims again.

I am saddened by the loss of Aimee and many other Aimee's and Peters and Pauls across this Nation. As a mother, I stand up and say those kinds of individuals must be incarcerated. If they go into another State and are convicted, let us lock them up. I think it is a terrible tragedy that each day we come about having to see another tragic incident.

I know that there are other responses to the idea of repeat offenders, but I think the best way to deal with it is to ensure that they never see the light of day to perpetrate these offenses of murder, rape, and child molestation again.

I ask that my colleagues support this amendment.

Mr. SALMON. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, I want to thank the gentleman from Arizona (Mr. SALMON) for his leadership and his partnership in working with him on no second chances legislation, legislation that is very simple. No second chances for those who prey on kids, murderers, rapists, and those who commit sexual assaults.

Fourteen thousand murders, rapes, and assaults on children have occurred each year, and it is time to get them off the streets. When I think of this legislation, I think of a mother who came to me, Mika Moulton, a mother of a child who was murdered in 1995, a child who would be alive today if this legislation was law.

In particular, the murderer of Christopher Moulton is a murderer that had already received a short sentence when he was released. This legislation would have kept him in prison for a long time. Let us pass it. No second chance.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SCOTT. Mr. Chairman, does this side have the right to close since we are defending the committee position?

The CHAIRMAN. The gentleman from Virginia is correct. The gentleman from Virginia (Mr. SCOTT) has the right to close.

Mr. SCOTT. Mr. Chairman, I reserve the balance of my time.

Mr. SALMON. Mr. Chairman, I yield 45 seconds to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, as a member of the Committee on the Judiciary, I would like to thank the gentleman from Arizona (Mr. SALMON) for his leadership in this area.

It is my hope that passage of this bill will make States take a hard look at what too often are lax parole systems that will let dangerous felons back out in society without proper safeguards.

Aimee's law includes a clear statement that it is the sense of this Congress that any person who is convicted of a murder should receive the death penalty or life in prison without the possibility of parole. It also emphasizes that rapists and child molesters, criminals who are classic recidivists, be put away for life without the possibility of parole.

Right now, the average time served in State prison for rape is only 5½ years and for child molestation only 4 years. These criminals are then free to do it again, and many of them do. These statistics are outrageous, and States need to get back to it and do the right thing.

The family of Clara Swart, who was killed in my district in Cincinnati, also endorses this legislation.

Mr. SALMON. Mr. Chairman, I yield 30 seconds to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, today the average murderer in the United States serves only 6 years in prison. One out of ten convicted rapists serves no jail time. Time and time again we hear about repeat offenders out on the street repeating their crime.

It is time to draw a line in the sand. If one commits murder, rape, or molests a child, one should spend the rest of one's life in prison.

Let us pass this amendment because some criminals do not deserve a second chance.

Mr. SALMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this really is a no-brainer, a common-sense amendment. This amendment has been a long time in the process. There are a lot of far greater people out there than I that have fought for this; and for them, please let us do it.

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

Mr. SCOTT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this may be a no-brainer, but it would have been nice if we had brought it up under the normal procedure so we would have time to evaluate it.

Under this amendment, a State would have to pay if they hold somebody for 10 years of a 20-year sentence and then let them go because they only served half the time. But they would have an exemption if they held them for 4 years of a 4-year sentence. If the person served all of the time of a 4-year sentence, held them for 4 years, same offense, they would not have to pay. If the State had held them for 10 years of a 20-year sentence, they would have to pay.

I think it would have been nice if we had the opportunity in committee to develop this issue, to see if it made any sense or not. We were denied that opportunity, and, therefore, I will oppose the amendment.

Mr. RILEY. Mr. Chairman, I rise today to support the amendment offered by the gentleman from Arizona.

In 1996, 22 year old Aimee Willard was raped and brutally murdered by a man who had been previously convicted of murder and later released after serving only 12 years of a life sentence in a Nevada prison.

What a tragedy, Mr. Chairman. Aimee was a bright, energetic young woman who had a promising future. But, her life was snuffed out by a so-called "model prisoner."

Who is to blame? Certainly, Aimee's killer. But to some extent, the State of Nevada should shoulder some of the blame. Why? because it let out of prison a man who already proved that he was a threat to society and who was supposed to spend the rest of his life behind bars.

One might think that this is an isolated case. But, unfortunately, Mr. Chairman, it's not. More than 14,000 murders, rapes, and sexual assaults are committed each year by previously convicted murderers and sex offenders. That's outrageous.

Why are states letting these people out of jail? Maybe they just need some more incentive to keep people behind bars.

Well, Mr. Chairman, we give them that incentive with this amendment. In short, under Aimee's Law, states that keep criminals in jail receive more federal crime funds. States that let criminals out of jail, who later commit a similar crime in another state, lose a portion of those funds. It's simple as that! I can't think of a better way of convincing states to keep these types of criminals in jail where they belong.

I commend the gentleman from Arizona for his amendment and urge all my colleagues to support it.

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SALMON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SALMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the Hyde amendment No. 31 on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 412, noes 15, not voting 7, as follows:

[Roll No. 212]

AYES—412

Abercrombie	Capuano	Farr
Ackerman	Cardin	Fattah
Aderholt	Carson	Filner
Allen	Castle	Fletcher
Andrews	Chabot	Foley
Archer	Chambliss	Forbes
Armey	Chenoweth	Ford
Bachus	Clayton	Fossella
Baird	Clement	Fowler
Baker	Clyburn	Franks (NJ)
Baldacci	Coble	Frelinghuysen
Baldwin	Coburn	Frost
Ballenger	Collins	Gallegly
Barcia	Combest	Ganske
Barr	Condit	Gejdenson
Barrett (NE)	Cook	Gekas
Barrett (WI)	Cooksey	Gephardt
Bartlett	Costello	Gibbons
Barton	Cox	Gilchrest
Bass	Coyne	Gillmor
Bateman	Cramer	Gilman
Becerra	Crane	Gonzalez
Bentsen	Crowley	Goode
Bereuter	Cubin	Goodlatte
Berkley	Cummings	Goodling
Berman	Cunningham	Gordon
Berry	Danner	Goss
Biggert	Davis (FL)	Graham
Bilbray	Davis (VA)	Granger
Bilirakis	Deal	Green (TX)
Bishop	DeFazio	Green (WI)
Blagojevich	DeGette	Greenwood
Bliley	Delahunt	Gutierrez
Blumenauer	DeLauro	Gutknecht
Blunt	DeLay	Hall (OH)
Boehlert	DeMint	Hall (TX)
Boehner	Deutsch	Hansen
Bonilla	Diaz-Balart	Hastings (FL)
Bonior	Dickey	Hastings (WA)
Bono	Dicks	Hayes
Borski	Dingell	Hayworth
Boswell	Dixon	Hefley
Boucher	Doggett	Herger
Boyd	Dooley	Hill (IN)
Brady (PA)	Doolittle	Hill (MT)
Brady (TX)	Doyle	Hilleary
Brown (FL)	Dreier	Hilliard
Brown (OH)	Duncan	Hinchey
Bryant	Dunn	Hinojosa
Burr	Edwards	Hobson
Burton	Ehrlich	Hoeffel
Buyer	Emerson	Hoekstra
Callahan	Engel	Holden
Calvert	English	Holt
Camp	Eshoo	Hooley
Campbell	Etheridge	Horn
Canady	Evans	Hostettler
Cannon	Everett	Hoyer
Capps	Ewing	Hulshof
Hunter	Minge	Serrano
Hutchinson	Mink	Sessions
Hyde	Moakley	Shadegg
Inslee	Mollohan	Shaw
Isakson	Moore	Shays
Istook	Moran (KS)	Sherman
Jackson-Lee (TX)	Moran (VA)	Sherwood
	Morella	Shimkus
Jefferson	Murtha	Shows
Jenkins	Myrick	Shuster
John	Nadler	Simpson
Johnson (CT)	Napolitano	Sisisky
Johnson, E.B.	Neal	Skeen
Johnson, Sam	Nethercutt	Skelton
Jones (NC)	Ney	Slaughter
Kanjorski	Northup	Smith (MI)
Kaptur	Norwood	Smith (NJ)
Kelly	Nussle	Smith (TX)
Kennedy	Oberstar	Smith (WA)
Kildee	Obey	Snyder
Kind (WI)	Olver	Souder
King (NY)	Ortiz	Spence
Kingston	Ose	Spratt
Kleczka	Owens	Stabenow
Klink	Oxley	Stark
Knollenberg	Packard	Stearns
Kolbe	Pallone	Stenholm
Kucinich	Pascrell	Strickland
Kuykendall	Pastor	Stump
LaFalce	Paul	Stupak
LaHood	Pease	Sununu
Lampson	Pelosi	Sweeney
Lantos	Peterson (MN)	Talent
Largent	Peterson (PA)	Tancredo
Larson	Petri	Tanner
Latham	Phelps	Tauscher
LaTourette	Pickering	Tauzin
Lazio	Pickett	Taylor (MS)
Leach	Pitts	Taylor (NC)
Levin	Pombo	Terry
Lewis (CA)	Pomeroy	Thompson (CA)
Lewis (GA)	Porter	Thompson (MS)
Lewis (KY)	Portman	Thornberry
Linder	Price (NC)	Thune
Lipinski	Pryce (OH)	Thurman
LoBiondo	Quinn	Tiahrt
Lofgren	Radanovich	Tierney
Lowey	Rahall	Toomey
Lucas (KY)	Ramstad	Towns
Lucas (OK)	Rangel	Traficant
Luther	Regula	Turner
Maloney (CT)	Reyes	Udall (CO)
Maloney (NY)	Reynolds	Udall (NM)
Manzullo	Riley	Upton
Markey	Rivers	Velázquez
Mascara	Rodriguez	Vento
Matsui	Roemer	Visclosky
McCarthy (MO)	Rogan	Vitter
McCarthy (NY)	Rogers	Walden
McCollum	Rohrabacher	Walsh
McCrery	Ros-Lehtinen	Wamp
McDermott	Rothman	Watkins
McGovern	Roukema	Watts (OK)
McHugh	Royce	Waxman
McInnis	Rush	Weldon (FL)
McIntosh	Ryan (WI)	Weldon (PA)
McIntyre	Ryun (KS)	Weller
McKeon	Sabo	Wexler
McKinney	Salmon	Weygand
McNulty	Sanchez	Whitfield
Meehan	Sanders	Wicker
Menendez	Sandlin	Wilson
Metcalf	Sanford	Wise
Mica	Sawyer	Wolf
Millender-McDonald	Saxton	Woolsey
	Scarborough	Wu
Miller (FL)	Schaffer	Wynn
Miller, Gary	Schakowsky	Young (AK)
Miller, George	Sensenbrenner	Young (FL)

NOES—15

Clay	Kilpatrick	Payne
Conyers	Lee	Roybal-Allard
Frank (MA)	Martinez	Scott
Jackson (IL)	Meek (FL)	Waters
Jones (OH)	Meeks (NY)	Watt (NC)

NOT VOTING—7

Brown (CA)	Houghton	Weiner
Davis (IL)	Kasich	
Ehlers	Thomas	

□ 1816

Messrs. PETERSON of Pennsylvania, BLAGOJEVICH, UDALL of New Mexico, and MORAN of Kansas changed their vote from ''no'' to ''aye.''

Ms. LEE changed her vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. EHLERS. Mr. Chairman, on rollcall No. 212, I was unavoidably detained. Had I been present, I would have voted "yes."

AMENDMENT NO. 31 OFFERED BY MR. HYDE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. HYDE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 282, not voting 6, as follows:

[Roll No. 213]

AYES—146

Aderholt	Gutknecht	Portman
Archer	Hall (OH)	Radanovich
Armey	Hall (TX)	Ramstad
Bachus	Hansen	Regula
Baker	Hayes	Reynolds
Bartlett	Hefley	Riley
Barton	Herger	Rogers
Bereuter	Hill (MT)	Roukema
Bilbray	Hilleary	Ryun (KS)
Bilirakis	Hobson	Saxton
Bliley	Holden	Sessions
Blunt	Horn	Shadegg
Boehlert	Hostettler	Shays
Brady (TX)	Hunter	Sherwood
Bryant	Hyde	Shimkus
Buyer	Isakson	Shows
Callahan	Istook	Shuster
Calvert	Jenkins	Simpson
Canady	Johnson (CT)	Skelton
Chabot	Johnson, Sam	Smith (MI)
Chambliss	Jones (NC)	Smith (NJ)
Chenoweth	Kelly	Smith (TX)
Clement	King (NY)	Souder
Coburn	Kingston	Spence
Collins	LaHood	Stearns
Combest	Largent	Stenholm
Cook	Lazio	Stump
Cubin	Lewis (KY)	Sweeney
Cunningham	Lipinski	Talent
Danner	LoBiondo	Tancredo
Deal	Lucas (KY)	Taylor (MS)
DeLay	Lucas (OK)	Taylor (NC)
DeMint	Maloney (CT)	Tiahrt
Duncan	McCrery	Traficant
Ehlers	McHugh	Turner
Emerson	McIntosh	Upton
English	McIntyre	Vitter
Everett	McKeon	Walden
Ewing	Metcalf	Watkins
Franks (NJ)	Mica	Watts (OK)
Frelinghuysen	Miller, Gary	Weldon (FL)
Gallegly	Mollohan	Weldon (PA)
Gilchrest	Norwood	Whitfield
Gillmor	Oxley	Wicker
Goode	Packard	Wilson
Goodlatte	Peterson (MN)	Wise
Goodling	Peterson (PA)	Wolf
Granger	Pickering	Young (FL)
Greenwood	Pitts	

NOES—282

Abercrombie	Allen	Baird
Ackerman	Andrews	Baldacci

Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Camp
Campbell
Cannon
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Goss
Graham
Green (TX)
Green (WI)
Gutierrez
Hastings (FL)
Hastings (WA)
Hayworth
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holt
Hooley
Hoyer
Hulshof
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Petri
Phelps
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Sisisky
Skeen
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—6

Brown (CA)
Davis (IL)
Houghton
Kasich
Thomas
Weiner

□ 1824

Mr. LUCAS of Kentucky and Mr. METCALF changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 10 printed in Part A of House Report 106–186.

AMENDMENT NO. 10 OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 10 offered by Mr. CUNNINGHAM:

At the end of the bill, insert the following:

TITLE ___—MATTHEW'S LAW

SEC. ___. SHORT TITLE.

This title may be cited as ''Matthew's Law''.

SEC. ___2. ENHANCED PENALTIES FOR CRIMES OF VIOLENCE AGAINST CHILDREN UNDER AGE 13.

(a) IN GENERAL.—Title XVII of the Violent Crime Control and Law Enforcement Act of 1994 is amended by adding at the end the following:

''Subtitle C—Enhanced Penalties for Crimes of Violence Against Children Under Age 13

''SEC. 170301. ENHANCED PENALTIES FOR CRIMES OF VIOLENCE AGAINST CHILDREN UNDER AGE 13.

''(a) IN GENERAL.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 5 levels above the offense level otherwise provided for a crime of violence, if the crime of violence is against a child.

''(b) DEFINITIONS.—In this section—

''(1) the term 'crime of violence' means any crime punishable by imprisonment for a term exceeding one year that has as an element the use, attempted use, or threatened use of physical force against the person of another; and

''(2) the term 'child' means a person who has not attained 13 years of age at the time of the offense.''.

(b) CONFORMING REPEAL.—Section 240002 of such Act (28 U.S.C. 994 note) is repealed.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by striking the item relating to subtitle C of title XVII and the items relating to sections 170301 through 170303 and inserting the following:

''Subtitle C—Enhanced Penalties for Crimes of Violence Against Children Under Age 13

''Sec. 170301. Enhanced penalties for crimes of violence against children under age 13.''.

SEC. ___3. FEDERAL BUREAU OF INVESTIGATION ASSISTANCE AVAILABLE TO STATE OR LOCAL LAW AUTHORITIES IN INVESTIGATING POSSIBLE HOMICIDES OF CHILDREN UNDER THE AGE OF 13.

To the maximum extent practicable, the Federal Bureau of Investigation may provide to State and local law enforcement authorities such assistance as such authorities may require in investigating the death of an individual who has not attained 13 years of age under circumstances indicating that the death may have been a homicide.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. CUNNINGHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, Aimee Willard, Megan's Law, Polly Klaas, now Matthew's Law. Mr. Chairman, the children I just named, every Member in this House is tired of having to name bills after murdered children.

I know, Mr. Chairman, this is a very bipartisan amendment. The same amendment passed by Mr. Chrysler in the House on H.R. 2974 passed 414 votes to 4. And with that, this is something that my colleagues can stand for.

Mr. Chairman, I yield to the gentleman from California (Mr. PACKARD), a great leader.

Mr. PACKARD. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I rise today in strong support of the Cunningham amendment. This amendment will increase Federal penalties for criminals who commit Federal crimes of violence against children.

Last November, 9-year-old Matthew Cecchi was brutally murdered in my hometown of Oceanside, California. Matthew was not a troubled runaway, not a child that was allowed to wander far from his parents. He simply walked into a public restroom and moments later he was dead, the victim of the killer who carefully stalked and hunted down a young and helpless child. This crime shocked our community and struck fear in the hearts of parents.

Mr. Speaker, unspeakable crimes deserve the harshest of penalties. The Cunningham amendment ensures that those who seek to harm the helpless are met with severe punishment. His amendment will dramatically increase sentencing requirements for those individuals who commit violent crimes against children under 13 years of age.

I strongly urge all of my colleagues to support this very important amendment that will protect our Nation's children from violent crimes.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek time in opposition?

Mr. CONYERS. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, could I ask the gentleman that has promoted the amendment, how much time did the awful murderer of 9-year-old Matthew Cecchi get? What was his sentence?

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman would yield, I do not know the answer to that.

□ 1830

Mr. CONYERS. Mr. Chairman, let me just point out two things.

I think that would be pretty important in this kind of a matter because the implication is, of course, that there was an insufficient sentencing of the killer of this 9-year-old boy.

The second point I would like to make is that the State handles most of these kinds of crimes, and to my knowledge these are not normally Federal issues, and finally, the U.S. Sentencing Commission is the body that we established in the Congress to make sentencing recommendations independent of the political process. Now if for some reason we were dissatisfied with them, then we may want to communicate that through the Committee on the Judiciary which regularly brings and hears reports from the Sentencing Commission.

So I just want to point out that this may not be the most orderly way to pass criminal statutes raising the Sentencing Commission's levels in this way.

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

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

I would tell my friend that this is the same, actually the same language. I will not submit this for the RECORD in the full House because it is almost the same verbatim that the gentleman spoke to with Mr. Chrysler about the commission. I am very familiar with the commission. As a matter of fact, the gentleman here goes through 15 minutes of dialogue on how that it should not be germane, that it was political. This vote was 14 to 4, and the gentleman from Michigan (Mr. CONYERS), who wrote consenting language, actually ended up voting for it after fighting it on the floor.

I would say to the gentleman this is about leadership in this House and in the body. It is not about a particular person. Whether we have Aimee or Megan's Law or whoever you have, this is an important factor. This goes after the family values of this body. It also tells people in this time of summer when people are going on vacations that our parks and recreation areas are for children, not for murderers.

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

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I appreciate the gentleman yielding this time to me, and I rise in opposition to this amendment not because it may not be a worthwhile thing to do, to increase the offense level for such a heinous crime by five levels over what it currently is for somebody who is 13 years or younger, but for the very reason that my good friend, the gentleman from California (Mr. CUNNINGHAM) just alluded to or made obvious. If every time we get emotional in response to some criminal offense, we come onto the floor of the United States House of Representatives and we beat our chests and try to show America how hard we are on crime by directing that sentences be increased, what we are doing is undermining the whole integrity of our sentencing system in this country, and we end up with a hodgepodge of sentences that make absolutely no sense and make a mockery of our whole sentencing structure in this country.

That is the very reason that we put in place a U.S. Sentencing Commission so that every time somebody gets murdered and we get emotional, we do not come in and make an emotional political response which undermines the orderly administration of justice in this country, and colleagues are going to see throughout this debate a number of different times where for various reasons people are going to come in and try to undermine the system that we have put in place through the United States Sentencing Commission.

The reason that we have a U.S. Sentencing Commission is so that we do not have haphazard sentencing in this country, we do not end up with a hodgepodge of inconsistent, not well-thought-out sentencing for criminal offenses in this country.

So it is the very reason that the gentleman from California (Mr. CUNNINGHAM) just articulated that impels me to rise in opposition to this amendment. We do not need to beat ourselves on the chest and show how difficult and harsh we are on crime. We have a Sentencing Commission that sets a uniform standard.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the gentleman on the other side of the aisle knows me well enough. I have never had to beat on my chest. Life has been difficult at times, and I have always carried through with action.

If the gentleman says that I am emotional about children being murdered in the vernacular, I plead guilty. I am very emotional about it, and I know the gentleman is about it, too, and I am not suggesting that he is not.

I do not have much time, only 5 minutes, but this was the same arguments about the Sentencing Commission. As a matter of fact, the gentleman from Michigan (Mr. CONYERS) made this. I would be happy to submit it to the RECORD in the full body, the same exact verbiage right down the line, and 414 people said that the gentleman was wrong. Mr. CONYERS, who spoke in the same language that the gentleman about the Sentencing Commission, ended up voting for the legislation after he made the same statements that the gentleman just made.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I appreciate the gentleman yielding. Just because 400 and some people vote for something is the very reason that I am saying we are in a political position here, and sometimes we cannot afford not to vote for something, and that is why we took this sentencing process out of politics, so that we would have a reasonable and rational sentencing policy in this country.

It is not that I am not emotional about it, I am emotional about it.

Mr. CUNNINGHAM. Reclaiming my time, Mr. Chairman, let me read to the gentleman what the Sentencing Commission itself says.

If Congress feels that additional measures need to be taken in this area, it should direct the commission to take them without micromanaging the commission's work. In order they have asked us to do this, and this is exactly the reason that we have gone forward. The Senate did not have time to take this bill up last time. We feel just like in Aimee's law or Megan's Law every single thing that we do to help prevent children being murdered is a plus, and this is a win, this is a win-win and a positive in a crime bill that we are trying to fight for.

As my colleagues know, I wanted to call Megan's law Duke-Dunn-Deale because JENNIFER DUNN and NATHAN DEAL were the ones that really started it, and I kind of piggy-backed on it. But they were the same things said, and I would challenge the gentleman to look on the computer. I used to think there were 1 or 2 bad sexual abusers, there are hundreds in your district.

Mr. Chairman, I thank the gentleman and I ask for the support of this amendment.

The CHAIRMAN. All time for debate on this amendment expired.

The question is on the amendment offered by the gentleman from California (Mr. CUNNINGHAM).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CUNNINGHAM. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from California (Mr. CUNNINGHAM) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in part A of House Report 106–186.

AMENDMENT NO. 11 OFFERED BY MR. GREEN OF WISCONSIN

Mr. GREEN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 11 offered by Mr. GREEN of Wisconsin:

Add at the end the following:

SEC. ___. MANDATORY LIFE IMPRISONMENT FOR REPEAT SEX OFFENDERS AGAINST CHILDREN.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—

''(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

''(2) DEFINITIONS.—For the purposes of this subsection—

''(A) the term 'Federal sex offense' means an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2243 (relating to sexual abuse of a minor or ward), 2244 (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), or 2251A (relating to selling or buying of children), or an offense under section 2423 (relating to transportation of minors) involving the transportation of, or the engagement in a sexual act with, an individual who has not attained 16 years of age;

''(B) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred forming the basis for the subsequent Federal sex offense, and which was for either—

''(i) a Federal sex offense; or

''(ii) an offense under State law consisting of conduct that would have been a Federal sex offense if, to the extent or in the manner specified in the applicable provision of title 18—

''(I) the offense involved interstate or foreign commerce, or the use of the mails; or

''(II) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151;

''(C) the term 'minor' means any person under the age of 18 years; and

''(D) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) TITLE 18 CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECTION 2247.—Section 2247 of title 18, United States Code, is amended by inserting '', unless section 3559(e) applies'' before the final period.

(2) SECTION 2426.—Section 2426 of title 18, United States Code, is amended by inserting '', unless section 3559(e) applies'' before the final period.

(3) TECHNICAL AMENDMENTS.—Sections 2252(c)(1) and 2252A(d)(1) of title 18, United States Code, are each amended by striking ''less than three'' and inserting ''fewer than 3''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Wisconsin (Mr. GREEN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we debate and consider legislation aimed at protecting our young people from crime and violence. Well, Mr. Chairman, I rise today to offer an amendment aimed at protecting our children from a particularly devastating form of violence, and that is sexual violence. The amendment is known as the Two Strikes and You Are Out Child Protection Act. It is similar to my bill, H.R. 1989, which enjoys bipartisan cosponsorship. Furthermore, it builds upon the fine work done by my colleague from Texas (Mr. FROST) and his law known as the Amber Hagerman Child Protection Act of 1996.

Now this is really a very simple proposal. It provides for a life sentence for those sick individuals who repeatedly prey on our children. This amendment says something very simple. It says that if someone is arrested and convicted of a serious sex crime against kids and then, after serving that time they do it yet again, under this plan, Mr. Chairman, they will go to prison for the rest of their life.

Now almost as important as what this bill does is what it does not do. This bill in no way conflicts with the fine work of my colleague the gentleman from Texas (Mr. FROST). It builds upon it. It makes it stronger, just as it builds upon the three strikes and you are out law passed by this Congress several years ago.

This bill does not federalize in any way our sexual assault laws, and finally, this bill does not simply pile criminal penalties on for sexual assaults. It has been narrowly drafted to target a very small group of individuals, but individuals who cause so very much damage and destruction in our society, damage to children, damage to families, damage to communities. It focuses on those who repeatedly molest our children.

Mr. Chairman, in my home State of Wisconsin 77 percent of all sexual assault victims are juveniles, and the recidivism rate of the monsters who prey on these children is extraordinarily high. An Emory University report done some years ago suggested that the average child molester will commit 150 acts of child molestation during his lifetime, 150. Furthermore, there is actually a study from the Washington Post that suggests the number is higher, perhaps twice as high. I know these numbers sound unbelievable, I know we do not want to believe them, but unfortunately they are real, and they demand our action. Every time one of these sexual offenders offends, he destroys another life, he steals innocence yet again. When we find someone who has done this terrible act, after having served time for doing it before, in my view that person is self-defiant. He has shown us that he is unwilling or unable to stop his chain of violence.

This amendment, I admit, is not about punishment, it is not about deterrence. Quite simply, this amendment is about removing bad actors from society, keeping them away from our friends, our families, our streets.

Now many of my colleagues are familiar with my good friend Mark Klaas, whose name has come up quite a bit in the debate today, and as many of my colleagues are aware, he is a dedicated child safety advocate. He is the founder of the Mark Klaas Foundation for Kids.

□ 1845

The story is unfortunately all too famous. His daughter, Polly, 12 years old, was kidnapped from her home in California, brutally molested and murdered. I have in fact here in my file a letter from Mr. Klaas strongly supporting the amendment that we have here today.

I would also like to recognize, once again, the great work done by my colleague, the gentleman from Texas (Mr. FROST) who offered the Amber Hagerman Child Protection Act of 1996. The gentleman from Texas (Mr. FROST) was successful in creating a Federal two-strikes law covering the crime of aggravated sexual abuse. I commend his work and I hope to build on his achievement today.

This bill creates a new repeat offender clause, or a two-strikes provision. It not only includes aggravated sexual abuse, but it also includes other serious sex crimes as well. Crimes like sexual abuse of juveniles, the selling and buying of children, and the transportation of those under 16 for illicit, illegal sexual activity. I would also like to point out that under this amendment, just as with the Frost amendment, previously State offenses which would have qualified as a Federal crime, a Federal strike, had they been prosecuted as such, would count as a strike.

Mr. Chairman, I urge all of my colleagues to support this common-sense, yet very important child protection amendment. If my colleagues want to strike back at the alarming rate of sexual offenses against kids, my colleagues will support this amendment. I hope that they do.

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

Mr. CONYERS. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 10 minutes.

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

Mr. Chairman, I would begin by pointing out that we are now in the slippery slope of mandatory minimums, and there is a question about

the policy wisdom of mandatory minimums that would affect this kind of an amendment. We are taking judicial discretion in individual cases away from the judge and unless there is some compelling reason that this discretion in the judiciary has been abused, or that there are more and more cases coming into the Federal system, this seems to be another emotional statement in the form of an amendment that we are now dealing with.

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

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

I certainly agree with my learned colleague from Michigan. This is a very emotional subject, there are no two ways about it. Of course the day we cease to be emotional about child molestation is the day I cease to be proud to serve in this institution, and I know the gentleman shares that sentiment. I respect his opinion, and that is why this proposal is so carefully and narrowly tailored. It is built upon the three-strikes proposal that was passed by a democratically-controlled Congress some years ago. It is also based upon the proposal of the gentleman from Texas (Mr. FROST) which again I commend.

I took to heart the gentleman's arguments on a previous matter in which he talked about adding clutter, I think was the term, to the law, and was concerned about a lack of clarity when we take sentencing away from the Sentencing Commission. I respect that. In the case, though, of this proposal, I would submit that we add clarity and simplicity to the law, because we send a very strong signal with it. Instead of having conflicting terms and sending conflicting signals, this one is rather simple. Again, this is based upon the three-strikes law which this institution has previously passed and which many, if not most, States in the Nation have.

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

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, one of the problems of doing this outside of the committee is that we do not have the opportunity to research and figure out exactly what the impact of the amendment is.

Section 2241 of the code already has a two-strikes provision. If I could engage the gentleman from Wisconsin in a colloquy, I would like to inquire of him, how does this amendment change present Federal law?

Mr. GREEN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Wisconsin.

Mr. GREEN of Wisconsin. Mr. Chairman, with respect to this provision, it would not. It would essentially recodify the proposal and position of the gentleman from Texas (Mr. FROST).

What this bill does is create a two-strikes provision, a new provision within Federal law; codifies the proposal of the gentleman from Texas (Mr. FROST) and puts that within that. It does not in any way conflict with it.

Mr. SCOTT. Mr. Chairman, reclaiming my time, it does not conflict, but what does it apply to? Because it appears, looking through all of these sections, that some crimes for which one could get probation, two of those would result in a life imprisonment.

I mean that is why we have a Sentencing Commission. They can go through this to determine what the appropriate sentence would be, and we are having a great deal of problems trying to determine all of the areas to which it might apply. It obviously applies to the very serious sexual offenses, but there are a lot of offenses listed in there, touching through clothing, for example, that it may apply to, and two offenses of that for which probation would probably be the sentence would result in a mandatory life sentence. Is that right?

Mr. GREEN of Wisconsin. Mr. Chairman, if the gentleman would yield, which part is the gentleman's question?

Mr. SCOTT. Mr. Chairman, reclaiming my time, what else does it apply to other than section 2241? What kinds of activities does it apply to?

Mr. GREEN of Wisconsin. Mr. Chairman, if the gentleman will yield, it explicitly provides, section 2241, as the gentleman referred to, the aggravated sexual abuse, which is currently the maximum sentence is any term of years or life. It provides for sexual abuse for which the sentence is 20 years; sexual abuse of a minor, 15-year penalty; abuse of sexual contact, 12-year penalty; sexual abuse resulting in death which is a term of years or life or capital punishment; the buying and selling of children, not less than 20 years; and the transportation of minors across State lines for illegal sexual purposes.

I would also remind the gentleman that we are talking in all of these cases about a second offense. So the individual that we are referring to here must have been arrested, convicted, and served his time for a previous commission of such an offense.

Mr. SCOTT. Mr. Chairman, reclaiming my time, are there any offenses in here that if one does twice, do the sentencing guidelines now provide for a year or less for any predicate offenses that the gentleman is describing?

Mr. GREEN of Wisconsin. Mr. Chairman, if the gentleman will continue to yield, the information that I just gave the gentleman, the information I have on the sentences reaches those crimes.

Mr. SCOTT. Mr. Chairman, the gentleman has crimes that are very serious crimes. My question was, are there any crimes for which the sentencing guidelines now are a year or less?

Mr. GREEN of Wisconsin. Mr. Chairman, it covers no other crimes besides the ones that I have stated to the gentleman.

Mr. SCOTT. Do any of those crimes provide for a penalty by sentencing guidelines of a year or less?

Mr. GREEN of Wisconsin. I have given the gentleman the maximum sentences that I have under these.

Mr. SCOTT. What I have asked for is for sentences for which the normal punishment is a year or less. Are there any of those covered?

Mr. GREEN of Wisconsin. Mr. Chairman, I have just given the gentleman the information that I have.

Mr. SCOTT. Mr. Chairman, we cannot get an answer to the question, and that is the problem with trying to do this on the floor and not in committee.

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

Mr. GREEN of Wisconsin. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. GREEN) has 3 minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 5 minutes remaining.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I strongly urge passage of the Green amendment to put repeat sex offenders behind bars once and for all.

When a child is robbed of his innocence by a sex offender, there are no second chances for that child. The little boy or girl must carry the shame, the fear, and the hurt for the rest of their life. Ironically, when a sex offender is released from prison, they do have a second chance to change the course of their life. There are considerable resources available for them to get treatment and counseling so that they can control their problems. Studies show that a considerable number of sex offenders have molested more than one child before and after their first conviction.

Once a sex offender is caught, they must be punished and treated immediately so that more children are not put in danger. The average convicted child molester only spends 2.2 years in prison. Sex offenders cannot be allowed to repeat their crimes. We cannot continue to put our children at risk, and I strongly support the Green amendment on two strikes.

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

To the distinguished author of the amendment, might I try to make the point that the gentleman from Virginia was discussing in a little bit different way?

What the concern is, is whether or not this amendment allows a misdemeanor State offense such as a misdemeanor sexual battery as a predicate offense. And if it does, the gentleman sees the problem of some very minor offenses, a couple, that would then bring us into a mandatory life sentence.

This could move us into the cruel and unusual punishment prohibition of the eighth amendment, and I ask my colleague if there has been consideration of this point. I raise it again because we have not had hearings.

Could the gentleman comment on that?

Mr. GREEN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. GREEN of Wisconsin. Mr. Chairman, first off, I appreciate the point. I do better appreciate the question now that it was raised. The answer to the first question about misdemeanor State offense is no, it would not be covered by this.

Secondly, this is the law in Wisconsin already, and this has been the law for some time in Wisconsin. Obviously, I keep referring back, we have a three-strikes law here on the Federal level that would cover many of these same crimes and we have a three-strikes law that would cover many of these same types of crimes in nearly every State in the Union. Again, we are talking about repeated offenses; an offense that is committed after someone has been arrested and convicted of one of these offenses, and that after having served his time, doing it yet again.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I thank the gentleman. Does the gentleman appreciate that had we had a hearing in the Subcommittee on Crime, these kinds of questions might not have been raised here in a colloquy fashion which we have to research the answers on after the debate, and unfortunately, after the vote. But I see where the gentleman is coming from. He is assuring us that these would all be serious felonies that would result in a mandatory life sentence by virtue of this amendment.

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

Mr. GREEN of Wisconsin. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I certainly support this amendment. I concur with the gentleman from Michigan that this is unfortunate in many ways. We have a number of amendments out here that might have been separate bills going through our subcommittee and ironed some of these things out, but I am being reassured by staff who have looked over this that we are not indeed trampling on anything that would be a minor offense. These are major offenses the gentleman is talking about. These are major sex offenders. They are repeat offenders. And I certainly, for one, believe that we ought to put them away as the gentleman from Wisconsin wants to do, so I strongly support his amendment, and I thank him for offering it.

□ 1900

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just briefly summarize. I appreciate gentleman's concerns about the lack of a hearing. I did not choose the pace with which this moved.

But let me say this, today we are taking or seizing upon a historic opportunity to not only punish young offenders, but hopefully create protections for young victims. That is obviously what this is all about.

This is a commonsense measure, not a radical departure from law. We have a two strikes and you are out for some sexual offenses, for one type of sex crime we have a three strikes law.

This is a commonsense proposal. It says that for a narrow class of criminals, those who repeatedly prey upon young people, we cannot wait around for three strikes. Three strikes is too many: Too many criminals, too many victims.

This bill says if we find someone who has done it a second time, they are a self-defined repeat offender and we must remove them for the sake of our children, our families, and our communities.

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

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I will not take the full minute. I would just point out that one of the reasons we have a problem is the term in the bill is ''Federal sexual offense.'' The code goes back and forth between what a sexual act is and what sexual contact means. Sexual contact could be patting someone on the rear end. If that is what we are talking about, getting two offenses of that and getting life imprisonment, it is obviously out of control.

That is why we need a committee hearing, so we can actually deliberate and get a straight answer to the questions we have been asking. We have been denied that, and here we are, looking at a mandatory life imprisonment potentially on information that we cannot quite understand because it is presented outside of the regular order.

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

Mr. Chairman, the committee finds itself at some point of difficulty here. It would seem to me, especially with the comments of the Chair of the subcommittee and the ranking member of the Subcommittee on Crime, that this amendment, as salutory as it is intended to be, might better serve the purpose of an orderly process if it were withdrawn at this time for a committee review.

The gentleman from Wisconsin (Mr. GREEN) has made a very good and strong case, but it seems to me that we are leaving some things that really have to be researched by staff, and that we might be able to proceed on this very quickly as a freestanding bill. After all, we still have a great number of months remaining before this term is over, and my fears have not been allayed.

It would seem to me that this juvenile justice bill itself would not be harmed in any way were the gentleman to accede to my invitation.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. GREEN).

The amendment was agreed to.

It is now in order to consider amendment No. 12 printed in Part A of House Report 106–186.

AMENDMENT NO. 12 OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 12 offered by Mr. CANADY of Florida:

Add at the end the following:

SEC. . INCREASE OF AGE RELATING TO TRANSFER OF OBSCENE MATERIAL.

Section 1470 of title 18, United States Code, is amended by striking ''16'' each place it appears and inserting ''18''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Florida (Mr. CANADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for decades it has been a Federal crime to distribute in interstate commerce material that is obscene; that is, material which is patently offensive, sexually explicit, and without serious value. As it has been defined by the Supreme Court, obscenity is by definition outside the protection of the First Amendment of the United States Constitution.

Last year this Congress passed a law which has been codified at 18 U.S.C., section 1470, providing enhanced penalties for distributing this illegal obscene material to children under 16 years of age. Under this law, purveyors of obscenity under the age of 16 are

subject to imprisonment for up to 10 years, rather than 5 years.

The amendment I have submitted would simply increase the age of the minors to which the prohibition would apply from children under 16 years of age to children under 18 years of age. There is no reason why Congress should not fully protect all minors from obscene material.

Again, I would point out to my colleagues that the material we are talking about here is material which, by definition, is unprotected under the First Amendment. I believe that those who provide such material to minors should be singled out for a harsher penalty. This proposal that is before the House now would simply ensure that all minors receive the protection of the law that was passed last year protecting minors under 16 years of age.

I would urge my colleagues to support this simple amendment.

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

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek time in opposition?

Mr. CONYERS. Mr. Chairman, I move to strike the last word, rather than seek time in opposition.

The CHAIRMAN. The gentleman is unable to strike the last word.

Without objection, the gentleman from Michigan is recognized to control 5 minutes in opposition.

There was no objection.

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

Mr. Chairman, I wanted to point out to the gentleman from Florida (Mr. CANADY), who I believe is a member of the Subcommittee on Crime, that it would have been my hope that we would have brought this through the committee process.

I have no objection to the measure. As a matter of fact, on its face I quite agree with it. But it is this process that could have quite as easily brought this to the floor through the full committee and the subcommittee.

I was wondering if there were some reason that it did not happen that way.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Chairman, let me express to the gentleman from Michigan my agreement that it would be preferable for us to move all items through the committee process. That is my preference. I would have preferred for this whole process to be operated differently.

But I will tell the gentleman that it is my view that this process is going the way it is because there are certain people not on this side of the aisle who decided that they were going to force the issue, that we could not act quickly enough to satisfy them. We are going through the process we are going through now to avoid the disruption of the process of the House that would have otherwise incurred. I believe that is the reality of why we are here today.

Frankly, I think it is unfortunate. I would have preferred to see hearings and markups conducted on all these matters. But under the circumstances, I think we are dealing with this in the best way possible, given the determination, the apparent determination, of some people to disrupt the legislative process unless these issues were brought to the floor immediately.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his response. I happen to recall that the juvenile justice markups were canceled on one, two, three, maybe four different occasions, and I do not think that whatever the objection that anybody on the Committee on the Judiciary may have had to any of the substance, I do not think this would have run into any difficulty. I do not think the gentleman imagines that this was part of whatever the problem was.

Mr. CANADY of Florida. I would certainly agree. I would hope that all the Members of the House could support this amendment. I believe it is appropriate for us to be dealing with this very simple amendment at this point.

Mr. CONYERS. Mr. Chairman, I have three sentences on this. The fact of the matter is that legislating from the floor on matters of Federal criminal law is not the most orderly process in the world, even when it appears to be a matter that we can all, on the surface, support.

I refer to the immediately preceding amendment offered by the gentleman from Wisconsin (Mr. GREEN), which certainly sounds appropriate, but we ran into a problem. In the 10 minutes we have been debating this measure we have not run into a problem, but it is not beyond my understanding that there might be a problem in here.

I do not think our staff has spent much time on this. There have been no hearings. As I have indicated, I support the measure, from what I have heard of it on the floor. It still is not an orderly way to proceed. I regret that we had to do it this way. I am sorry that whatever concerned persons did not cooperate so that these hearings in the committee could be scheduled. I do not think it was around this measure, which is coming to my attention rather late.

So Mr. Chairman, I have no objection to this amendment offered by the gentleman from Florida (Mr. CANADY). I do put the committee on notice that I am going to ask my staff to continue to research the matter and bring to the gentleman's attention anything that may be the fruits of that research.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just in responding to the gentleman's point, I would observe that it is not at all unusual for Members to go to the Committee on Rules with an amendment which has not been through the committee process, to have that amendment made in order, and then have it debated on the floor without the benefit of hearings.

So the fact that this amendment is here without having been through the hearing process is by no means extraordinary. I am sure the gentleman from Michigan has brought amendments to the floor that have not been through the committee process. I do not have examples, but I do not think we would have to search far or wide to find examples of the gentleman from Michigan doing that. That is nothing that is against that.

I do agree with the gentleman's general point, that it is better to work issues through the process, but that does not mean that every amendment has to be considered in that way. I certainly think in amendments such as this that the gentleman, as I understand it, agrees to, that it is appropriate for us to bring them to the floor.

I urge all the Members to support this amendment that I think really more than anything else corrects an oversight in the law that we passed last year, and frames that law more appropriately than we did in the last Congress.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. CANADY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 13 printed in Part A of House Report 106–186.

AMENDMENT NO. 13 OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 13 offered by Mrs. KELLY:

Add at the end the following new section:

SEC. ___. CHILD HOSTAGE-TAKING TO EVADE ARREST OR OBSTRUCT JUSTICE.

(a) IN GENERAL.—Chapter 55 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1205. Child hostage-taking to evade arrest or obstruct justice

''(a) IN GENERAL.—Whoever uses force or threatens to use force against any officer or agency of the Federal Government, and seizes or detains, or continues to detain, a child in order to—

''(1) obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ, process, or warrant of any court of the United States; or

''(2) compel any department or agency of the Federal Government to do or to abstain from doing any act;

or attempts to do so, shall be punished in accordance with subsection (b).

''(b) SENTENCING.—Any person who violates subsection (a)—

''(1) shall be imprisoned not less than 10 years and not more than 25 years;

''(2) if injury results to the child as a result of the violation, shall be imprisoned not less than 20 years and not more than 35 years; and

''(3) if death results to the child as a result of the violation, shall be subject to the penalty of death or be imprisoned for life.

''(c) DEFINITION.—For purposes of this section, the term 'child' means an individual who has not attained the age of 18 years.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

''1205. Child hostage-taking to evade arrest or obstruct justice.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from New York (Mrs. KELLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today for the purpose of offering an amendment that addresses the problem of children being taken as hostages. Far too many scenarios have been documented in which children are taken as hostages and exposed to violence, emotional trauma, or physical harm at the hands of adults.

For example, in New York a woman's estranged husband took her and their three children hostage at the point of a loaded shotgun. He held them for nearly 4 hours, and at one point he allegedly traded his 7-year-old son for a pack of cigarettes.

In Texas a man took 80 children hostage at an area day care facility. They were held at gunpoint and released over a 30-hour period before the standoff was brought thankfully to a nonviolent conclusion.

In Florida a suspected drug addict and murderer held two children ages 2 and 4 hostage for 2½ days. An entire Orlando neighborhood was evacuated during the standoff. Only when he threatened to use the children as human shields did a SWAT team rescue the children in a raid that resulted in the death of the suspect.

In Baltimore a man broke into a second-floor apartment, stabbing a young mother and holding her 9-month-old child hostage for 2 hours before a quick response team could rescue the baby and apprehend the suspect.

□ 1915

Situations such as these are unacceptable and cannot be tolerated. We in Congress must do our part to prevent scenarios in which children are used as pawns by a violent adult.

The amendment I offer today is based on my bipartisan legislation, H.R. 51, and will give new protection to our children. It establishes the strictest punishments for those who would evade arrest or obstruct justice by using children as hostages. This provision toughens penalties against any person who takes a child 18 years of age or younger hostage in order to resist, compel or oppose the Federal Government.

Such a person would serve a minimum sentence of 10 years to a maximum of death depending on the extent of injury to the child.

A number of States, including California, Illinois, Florida, are already enforcing tougher penalties on people convicted of stealing children for their own personal gain.

I ask my colleagues to join me in this important effort to protect the lives and well-being of our Nation's children. It is my hope that together we can make our Nation a safer place for everyone, especially those who are least able to protect themselves.

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

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) claim the time in opposition?

Mr. CONYERS. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield as much time as he may consume to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Subcommittee on Crime.

Mr. SCOTT. Mr. Chairman, this bill, again, did not go through the committee so we do not know the impact. The gentlewoman from New York (Mrs. KELLY) has mentioned several heinous crimes and has not indicated what time was given to those people upon conviction. It would be interesting to see what the Sentencing Guidelines would say in those situations.

Without a hearing, it is difficult to determine what impact this would have one way or the other and, therefore, Mr. Chairman, again, it shows that we are just out here trading sound bites, who can come up with a name for a bill, who can come up with and state a heinous crime and then raise whatever the penalty it was to something we do not know what it is.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentlewoman from New York (Mrs. KELLY), and ask if she would give us an idea of how much time was given in each of those cases that she mentioned. It would be helpful.

Mrs. KELLY. Mr. Chairman, quite frankly, I cannot give the gentleman that information because I did not bring it to the floor with me. It may be important for the gentleman to recognize the fact that this amendment that I am offering passed the floor of the House last year. It passed not only with the membership of the Republican Party but also with a number of Members of the Democratic Party supporting this bill, as they again do this year.

Mr. SCOTT. Reclaiming my time, Mr. Chairman, I am sure it would probably pass. I just wanted to know what we were doing. Apparently we will not find out.

Mrs. KELLY. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I rise to make a strong statement for the protection of America's children. Time and time again we speak of our children as our Nation's most precious possession. This amendment, the Kelly amendment, sends that message to our children. I commend the gentlewoman from New York (Mrs. KELLY) for introducing this legislation.

Just this month two fugitives were arrested after kidnapping a five-month-old boy from a Georgia trailer park to escape capture. After fleeing for 4 days across half a dozen States, the fugitives were finally apprehended in Quebec. Fortunately, the child was unharmed and returned to his parents.

Crimes like this must not be taken lightly. This Kelly amendment toughens penalties against any person who dares to take a child hostage in order to evade arrest. This amendment provides any criminal bringing a child as a hostage into a crime will spend 10 years in prison; harm that child, he serves 20 years in prison; and should the child die, the perpetrator will serve life or be subject to the death penalty.

Today Congress is considering sending a message to America's communities about safety for our Nation's children. We are considering legislation that will give communities the tools, the opportunity and protection they want to give their children, a safe environment in which to grow up. However, this legislation must also send a message to those communities that America will not take any threat to their children lightly. This amendment clarifies that message.

Accordingly, I urge our colleagues to support the Kelly amendment.

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

Mr. Chairman, this proposal is similar to those that are imposed upon adult offenders of the drug and firearms laws, but what we are doing is promoting the use of mandatory minimums because it is concerned with punishment and not prevention.

We have yet to realize that prevention is indeed the best way to address violence.

So I want to suggest to the committee that mandatory minimums, as this is, are not good policy; that they are, in fact, misguided because they create unfairness and require judicial and correctional expenditures disproportionate to any deterrent or rehabilitative effect that they may have.

That is taken directly from a Drug Policy Research Center study of 1997.

I do not think it is inappropriate to suggest that judges in individual cases are still in the best position to determine what sentences are appropriate for individual offenders. Mandatory minimums take discretion away from the Court to utilize other problem-solving approaches to crime prevention.

What about the U.S. attorneys? When a mandatory minimum crime is involved, this makes any attempt at plea bargaining, if they are moving up a chain of crime figures, literally impossible. In this decade, the U.S. Sentencing Commission reported that over one-third of the Federal defendants whose criminal conduct should have triggered application of a mandatory minimum provision have somehow even yet escaped the effects of such provisions.

So here for the third time in a single evening we have criminal laws named after some poor victim for whom our sympathies are overflowing, but whether or not this is the best way for us to proceed as a matter of process still remains much in doubt.

We are still legislating with no committee of original jurisdiction, that I can recall, having had anything to do with what might be an otherwise well meaning amendment, to impose severe penalties on people who take children as hostage to evade arrest.

Why this was not able to come through the committee in an orderly way is not clear to me. This is not gun legislation. It is the meat and potatoes of the Subcommittee on Crime of the Committee on the Judiciary.

So I am again sorry that this could not have been taken up in a more orderly way.

Mrs. KELLY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the subcommittee.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentlewoman from New York (Mrs. KELLY) for yielding me this time.

Mr. Chairman, I strongly support this amendment. It is a great bill that she introduced last year that we passed here in the House, and I believe this is the perfect case for a minimum mandatory sentence.

If someone is going to take a child as a hostage to try to avoid a judicial writ or court process or to try to compel an agency of the government to do something, they ought to have a minimum mandatory sentence. It is a deterrent message. That is what a minimum mandatory sentence is. It takes a really bad apple off the street and takes them off the street for a period of time.

I commend the gentlewoman from New York (Mrs. KELLY) for offering the bill. It is a good proposal and it should be adopted.

Mrs. KELLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, once again, the passage of this amendment would give law enforcement across the country a new and powerful weapon in the fight against violent criminals. As I mentioned earlier, there are disturbing examples of hostage situations involving children. I hope my colleagues will join me and pass these new protections and protect children from crime in America.

Mr. Chairman, I want to also point out that in the last Congress, this bill did pass through the committee process. So I believe the gentleman from Michigan (Mr. CONYERS) did have a chance to look at it.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in part A of House Report 106–186.

AMENDMENT NO. 14 OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer amendment No. 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 14 offered by Mr. HUTCHINSON:

At the end of the bill, insert the following:

SEC. ___. PROHIBITION ON TRANSFERRING TO JUVENILE A FIREARM THAT THE TRANSFEROR KNOWS OR HAS REASON TO BELIEVE WILL BE USED IN A SCHOOL ZONE OR IN A SERIOUS VIOLENT FELONY.

(a) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer any firearm to a person who the transferor knows or has reasonable cause to believe is a juvenile, and knowing or having reasonable cause to believe that the juvenile intends to possess, discharge, or otherwise use the firearm in a school zone.

''(2) It shall be unlawful for a person to sell, deliver, or otherwise transfer any firearm to a person who the transferor knows or has reasonable cause to believe is a juvenile, and knowing or having reasonable cause to believe that the juvenile intends to possess, discharge, or otherwise use the firearm in the commission of a serious violent felony.

''(3) For purposes of this subsection, the term 'juvenile' means an individual who has not attained 18 years of age.''.

(b) PENALTIES.—Section 924(a) of such title is amended by adding at the end the following:

''(7)(A) A person, other than a juvenile, who violates section 922(z)(1) shall be fined under this title, imprisoned as provided in section 924(a)(6)(B)(ii), or both.

''(B) A person, other than a juvenile, who violates section 922(z)(2) shall be fined under this title, imprisoned as provided in section 924(a)(6)(B)(iii), or both.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Arkansas (Mr. HUTCHINSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

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

Mr. Chairman, my amendment makes it unlawful to transfer any firearm to a juvenile if the transferror knows or has reason to believe that the firearm will be used in a school zone or in the commission of a serious violent felony.

This amendment goes to the heart of the problem of straw purchasers, where someone else purchases a firearm for someone else who is disqualified or for the purpose of giving it to a juvenile for an unlawful purpose. Those are straw purchasers.

Under current law, even if the transferror knows that the juvenile intends to use the weapon to commit a crime, the prohibition only covers handguns and handgun ammunition.

Now, amendments have been offered that expand this prohibition to semiautomatic assault weapons and large capacity ammunition feeding devices, or will be considered by the House. However, even with the adoption of these amendments, it will not be against the law to transfer a rifle or a shotgun to a juvenile when the transferror knows that the weapon will be used to commit a crime.

This does not impact any legitimate transfers of firearms, shotguns for hunting purposes or other legitimate purposes. But as we know from the Colorado tragedy, any firearm is sufficient to cause death, whether it is a handgun or not. My amendment closes this loophole and actually does something positive to keep guns out of the hands of violent juveniles.

The penalties for violating this provision are the same as those found in current law, which carries up to 10 years in prison. However, this amendment anticipates the adoption of the McCollum amendment, which amends current law to provide for certain mandatory minimums for violations of school zones and for use during the commission of a serious violent felony.

Mr. Chairman, I believe it is important to note that in many of the recent school shootings, students did use long guns, rifles and shotguns. To the extent that an older friend or relation acquires these guns for such unlawful uses, I believe it is important to hold those accomplices accountable for their actions and to discourage such purchases and transfers when it is used for a serious violent felony or for purposes of use in a school zone.

Mr. Chairman, I would ask support for this amendment.

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

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek time in opposition?

Mr. CONYERS. Yes, Mr. Chairman, I do, for purposes of debate.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

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

Mr. Chairman, could I ask the gentleman from Arkansas (Mr. HUTCHINSON), who is a member of the Committee on the Judiciary and the author of the amendment, whether shotguns and rifles are now within the purview of his amendment?

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arkansas.

Mr. HUTCHISON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, all firearms would be under the purview of the amendment that I am offering if the transfer is with the knowledge that it is going to be used for the commission of a serious violent felony or to be used in a school zone.

Mr. CONYERS. Mr. Chairman, in view of that then I would like to state that we on this side have no objection to this amendment and withdraw any opposition to it.

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

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM)

Mr. MCCOLLUM. Mr. Chairman, I do not need 2 minutes but I thank the gentleman from Arkansas (Mr. HUTCHINSON) for yielding me this time.

Mr. Chairman, I just want to say I strongly support this amendment. The gentleman is right, it does perfect an amendment I have already offered that has been adopted out here today, and I think it fills a loophole that needed to be filled so we do not have kids possessing a gun in conditions where they should not.

I think the gentleman has done a good service, and I support the amendment.

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

Mr. Chairman, I thank the gentleman from Florida (Mr. MCCOLLUM) for his comments, and if I just might conclude on this issue by saying that I have approached the entire issue of violent juvenile crime in terms of what can we do to keep firearms out of the hands of violent teenagers, people who are prone to crime, as well as criminals?

□ 1930

That is why we can legitimately look at solving those problems. This amendment certainly goes to the heart of that by making sure there is a strong penalty for those who engage in straw purchases. We have seen that where we would use someone else to purchase a firearm when they are disqualified or have an unlawful purpose. I think this really puts a clamp and will be helpful in addressing the serious problem that this Congress as a whole is trying to address in a bipartisan basis.

I want to thank the gentleman from Michigan (Mr. CONYERS) for his courtesies that he has extended.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in part A of House Report 106–186.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SCOTT. Mr. Chairman, is there a provision for skipping an amendment and coming back to it?

The CHAIRMAN. The Chair would respond to the gentleman that—the one-hour notice procedure established in House Resolution 209 aside—only by unanimous consent in the full House could a change of sequence be accomplished.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TRAFICANT. Mr. Chairman, is it a rule to prohibit another Member from offering an amendment so printed?

The CHAIRMAN. The rule provides that an amendment may be offered by the Member designated in the report or by his or her designee.

AMENDMENT NO. 15 OFFERED BY MR. QUINN

Mr. QUINN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 15 offered by Mr. QUINN:

At the end of the bill, insert the following:

TITLE ____—EXPLOSIVES RESTRICTIONS

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Restricted Explosives Control Act of 1999''.

SEC. ___2. PROHIBITION AGAINST THE DISTRIBUTION OR RECEIPT OF RESTRICTED EXPLOSIVES WITHOUT A FEDERAL PERMIT.

(a) IN GENERAL.—Section 842 of title 18, United States Code, is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A)—

(i) by inserting ''that are not restricted explosives'' after ''explosive materials'' the 2nd place such term appears; and

(ii) by striking ''or'' after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

''(B) to distribute restricted explosives to any person other than a licensee or permitee; or''; and

(C) in subparagraph (C) (as so redesignated), by inserting ''that are not restricted explosives'' after ''explosive materials''; and

(2) in subsection (b)(3), by inserting ''if the explosive materials are not restricted explosives,'' before ''a resident''.

(b) RESTRICTED EXPLOSIVES DEFINED.—Section 841 of such title is amended by adding at the end the following:

''(r) 'Restricted explosives' means high explosives, blasting agents, detonators, and more than 50 pounds of black powder.''.

SEC. ___3. REQUIREMENT THAT APPLICATION FOR FEDERAL EXPLOSIVES LICENSE OR PERMIT INCLUDE A PHOTOGRAPH AND SET OF FINGERPRINTS OF THE APPLICANT.

(a) IN GENERAL.—Section 843(a) of title 18, United States Code, is amended in the 1st sentence by inserting ''shall include the applicant's photograph and set of fingerprints, which shall be taken and transmitted to the Secretary by the chief law enforcement officer of the applicant's place of residence, and'' before ''shall be''.

(b) CHIEF LAW ENFORCEMENT OFFICER DEFINED.—Section 841 of such title, as amended by section 2(b) of this Act, is amended by adding at the end the following:

''(s) 'Chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.''.

SEC. ___4. EFFECTIVE DATE.

The amendments made by this Act shall apply to conduct engaged in after the 180-day period that begins with the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from New York (Mr. QUINN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to discuss an amendment made in order by the rule. Earlier today the House adopted legislation which addresses my concerns regarding the purchase of explosives. I therefore intend to withdraw my amendment here this evening. However, before I do so, I would like to just make a few comments if I may.

First, I want to thank the gentleman from California (Chairman DREIER) and all of my colleagues on the Committee on Rules for making this amendment in order.

I would also like to thank the gentleman from Upstate New York (Mr. REYNOLDS), my friend and neighbor for his assistance.

We have been working to restrict the sale of explosives since 1993 when four bombs exploded in western New York State, killing five people. Current law enabled those responsible for the murders, who have been convicted and are now serving time, to buy the deadly dynamite over the counter in another State ssimply by providing false identification, completing a short Bureau of Alcohol and Tobacco and Firearms form, and promising not to cross State lines.

Although New York State has tough laws with respect to the purchase of explosives, the murderers were able to purchase dynamite simply by going to another State with weaker laws.

As we well know, however, we do not need to go back 6 years to think of a

tragedy brought about with the use of explosives. Recent events have again demonstrated the pressing need for increased controls on the purchase of such explosives. Over the weekend, in fact, in my hometown of Hamburg, New York, two of my constituents were killed within a mile of my own house in a violent explosion. The bombing in Oklahoma City and the recent tragedy in Colorado are all obviously examples as well.

Again, currently, certain States allow dynamite and other explosives to be sold over the counter. Language in the McCollum amendment, which was approved by the House earlier today, requires criminal background checks before explosive materials can be transferred to nonlicensed buyers. This McCollum amendment also requires individuals to obtain explosives from federally licensed dealers to obtain that same Federal permit.

I would like to thank the gentleman from Florida (Chairman MCCOLLUM) and the Committee on the Judiciary for addressing the problem.

Mr. Chairman, I yield to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from New York for yielding to me.

I simply want to commend the gentleman for the work he has done over the years on the explosives issue. As the chairman of the Subcommittee on Crime, I know he has been involved, and I appreciate the fact that he is going to withdraw this amendment for reasons of technical nature dealing with what has already been passed.

I think the gentleman from New York (Mr. QUINN) deserves commendation for this. He has been very, very involved with this issue. If it were not for his efforts, we might well not have the provisions we had in my amendment earlier today. So I thank the gentleman from New York for his efforts.

Mr. QUINN. Mr. Chairman, reclaiming my time, I thank the gentleman from Florida (Mr. MCCOLLUM) for his kind words. I also appreciate the work of the House on the floor to make sure that the gentleman from New York had an opportunity to rise here this evening.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. CONYERS. Mr. Chairman, reserving the right to object, I ask the author of the amendment, the gentleman from New York (Mr. QUINN), with all due respect, all examples he gave were good reasons to have this amendment. It sounded like this could be a very important amendment. He says that it is now to be found elsewhere in the McCollum amendment. Is that correct?

Mr. Chairman, under my reservation of objection, I yield to the gentleman from New York (Mr. QUINN) for an answer.

Mr. QUINN. Yes, it is, Mr. Chairman.

Mr. CONYERS. Mr. Chairman, further reserving the right to object, could the gentleman from New York indicate to me where within the voluminous McCollum amendment is the language that would make it unnecessary for his amendment?

Mr. QUINN. Will the gentleman yield?

Mr. CONYERS. Mr. Chairman, under my reservation of objection, I yield to the gentleman from New York.

Mr. QUINN. We are perfectly satisfied with the intent and the language of the McCollum amendment this afternoon, that it met the concerns that we had. Although technical in nature, we had discussions this afternoon with the Treasury Department and others to make certain that our bill, fashioned after Brady and others that have been before the House years before, are satisfied here today.

Mr. CONYERS. Mr. Chairman, could I point out to the gentleman from New York (Mr. QUINN), the author, I am glad he had these discussions earlier. I do not know anything about them, of course. I am not sure, but it is suggested that the gentleman's amendment is stronger than the language he is referring to that appears in Mr. MCCOLLUM'S amendment. Is that correct?

Mr. Chairman, under my reservation of objection, I yield to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Chairman, I appreciate the gentleman from Michigan yielding to me. That is for the gentleman's decision to decide, I guess, whether it is stronger or not. I know that for our purposes in working on this bill and the amendment, for now, going on 4 or 5 years, that we are satisfied that today's action is more than adequate, and we are prepared to go forward with the chairman.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his explanations, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from New York (Mr. QUINN) is withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 16 printed in part A of House Report 106–186.

AMENDMENT NO. 16 OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 16 offered by Mr. DELAY:

At the end of the bill, insert the following:

SEC. ___. LIMITATION ON PRISONER RELEASE ORDERS.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1632. Limitation on prisoner release orders

''(a) LIMITATION.—Notwithstanding section 3626(a)(3) of title 18 or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court listed in section 610 shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or admission to a facility because of a conviction of a felony under the laws of the relevant jurisdiction, or a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

''(b) DEFINITIONS.—As used in this section—

''(1) the terms 'civil action with respect to prison conditions', 'prisoner', 'prisoner release order', and 'prison' have the meanings given those terms in section 3626(g) of title 18; and

''(2) the term 'prison conditions' means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

''1632. Limitation on prisoner release orders.''.

(c) CONSENT DECREES.—

(1) TERMINATION OF EXISTING CONSENT DECREES.—Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

(2) DEFINITIONS.—As used in this subsection—

(A) the term ''consent decree'' has the meaning given that term in section 3626(g) of title 18, United States Code; and

(B) the term ''prison conditions'' has the meaning given that term in section 1632(c) of title 28, United States Code, as added by subsection (a) of this section.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Texas (Mr. DELAY) and a Member opposed each will control 5 minutes.

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

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment in the form of a bill that passed overwhelmingly in this House last year. So I bring it to the House because I think it is so appropriate to put it on this bill at this time.

Mr. Chairman, we have been talking about crime all day. I rise to introduce this amendment that seeks to cut at the very heart of crime. Early release of felons due to prison conditions puts all Americans at risk, and this practice should stop. All the talk about fighting crime and keeping children safe boils down to nothing if we are not willing

to keep prisoners behind bars where they belong.

Now, many States have tried to combat crime by assessing truth in sentencing laws. However, these noble efforts are countered by activist judges who side with predators over victims. Activist judges are accessories to crime. Every day, laws are ignored, misinterpreted, and overturned by radicals in robes who have stolen the role of legislative bodies.

Article III of the U.S. Constitution allows the Congress to set jurisdictional restraints on the courts, and this amendment reasserts that right.

Tragically, judges have used the excuse of overcrowding to empty prisons of violent offenders and drug dealers. These judicial magicians create prison caps out of thin air and then empty jail cells until they reach their arbitrary number.

In Philadelphia, for instance, after some convicts complained, Judge Norma Shapiro created a prison cap that resulted in the release of 500 prisoners every week; 9,732 of these criminals onto the streets because of her own arbitrary caps. These criminals were released. They were later rearrested for new crimes, including murder and rape.

Now, in recent years, 35 percent of all offenders arrested for violent crime were already on probation, parole, or pretrial release at the time of their arrest. Studies show that up to 76 percent of former inmates are rearrested within 3 years of their release.

Even more criminals are released before their trial because activist judges claim that they have no room to keep them in custody. These people should not be let loose, and my amendment assures that they cannot be released due to the prison conditions loophole.

We will not reduce crime until we stop letting criminals back onto the streets to continue to prey on innocent Americans.

This amendment does not prevent any other methods to correct prison conditions. It simply stops judges from releasing dangerous convicts to alleviate overcrowding or other conditions.

Justice may be blind, but it is and does comprehend common sense. This amendment makes neighborhoods safer by keeping convicts behind bars.

Mr. Chairman, no American is free if he does not feel safe in his house or on the streets. Congress must act now to take back our streets. Congress must combat judicial activism. I urge my colleagues to support this amendment.

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

The CHAIRMAN. Does any Member seek to claim the time in opposition to the amendment?

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

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

The gentleman from Texas (Mr. DELAY), the distinguished whip, has offered an amendment that would drastically and, in my view, unconstitutionally limit the authority of Federal judges to remedy inhumane prison conditions where they are brought to their attention to the judicial process.

I would remind the gentleman that, where this kind of a permission is granted, where relief is granted for this condition, it is probably in consonance with the eighth amendment to the Constitution.

I think that the Philadelphia case that the gentleman from Texas (Mr. DELAY) referred to is a State matter. I would like just to inquire that, in his research, since this has not come before the committee, was it his impression that this practice, which he decries, is something that occurs in the Federal system, or is he referring to the Philadelphia case which, it is my understanding, occurred in the State system?

I will repeat it. Apparently the gentleman from Texas did not hear the question that I was posing to him.

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The question is whether or not the conditions of which the gentleman complains, that is the litigation that does release prisoners in inhumane prison conditions, does that turn on State prison conditions or is the gentleman referring to Federal prison conditions? Because it is my understanding that the Philadelphia incident, of which the gentleman remarked, was a State matter.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

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

Mr. DELAY. Mr. Chairman, I am having a hard time understanding the gentleman's question. I guess what he is talking about is the specific case in Philadelphia. It was a Federal judge, and on her own set her own arbitrary limits to overcrowding in the Federal system and started releasing prisoners as a condition of overcrowding. Violent prisoners, if I might say.

Mr. CONYERS. All of them were violent?

Mr. DELAY. Well, what is the gentleman's definition of violence?

Mr. CONYERS. The gentleman is asking me for my definition of violence?

Mr. DELAY. It is the gentleman's question.

Mr. CONYERS. Yes, but it is your term.

Mr. DELAY. It is the gentleman's question. What is the gentleman's definition of violence?

The CHAIRMAN. All Members will follow regular order. The time is controlled by the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Well, reclaiming my time, Mr. Chairman, let me make a case in a different way for the gentleman from Texas. It just so happens that this amendment would improperly interfere with the work of the judicial branch in our constitutional system of government because these cases are legally and properly brought, they are heard by a court, they can even be appealed to from the court.

And so I think that this is a dangerous proposal that would terminate ongoing consent decrees in prison condition cases. In addition, it would prohibit judges from issuing prisoner release orders to remedy unconstitutional overcrowding.

So the gentleman is saying that it does not matter where we put people who have violated the law; it does not matter what circumstances that they are put; that under no circumstances can a judge, having heard all of these arguments on both sides from the Department of Justice or the State Attorney General, they would then be precluded from passing judgment in these kind of cases.

I think this is an unwarranted limitation on States rights. I object very strenuously to the gentleman's amendment, Mr. Chairman, and I include for the RECORD information detailing examples of horrible prison conditions:

Examples of Horrible Prison Conditions Involving Women

Women housed in the previously all-male Federal Detention Center in Pleasanton, California were sexually harassed and abused. They had no privacy when showering, dressing or using the toilets. Prison guards harassed the women and unlocked the women's cell doors at night to allow male prisoners to enter their cells and abuse them. When one of the women complained to a senior officer, her complaint was made known to the other officers and prisoners and she was beaten, raped and sodomized by three men who gained access to her cell during the night. She was denied medical attention for some weeks after the attack despite the serious injuries she sustained. [*Lucas v. White*, filed 1996]

In Georgia, women, some as young as 16 years old, were forced to have sex with prison guards, maintenance workers, teachers, and even a prison chaplain. The sexual abuse came to light when many women prisoners became pregnant and were pressured into having abortions. More than 200 women testified by affidavit that they had been coerced into having sex or that they know other prisoners who had. [*Cason v. Seckinger*, consent decree, 1994]

In Washington, DC, the court found that correctional officers and other prison employees routinely sexually assaulted, touched, and harassed the women in their care. On one occasion, a correctional officer sexually assaulted an inmate while she was a patient in the infirmary. He fondled her, tried to force her to perform oral sex and then raped her. Another officer forced an inmate to perform oral sex on him while she attempted to empty trash as part of a work detail. [*Women Prisoners v. District of Columbia*, post trial order, 1994]

Prison staff in Louisiana engaged in sexual abuse of women prisoners ranging from vulgar and obscene sexual comments to forcible

sexual rape. Prison staff not only participated in the sexual misconduct but also allowed male prisoners to enter the female prisons to engage in forcible intercourse with women prisoners. [*Hamilton v. Morial*, consent decree, 1995]

In California, women prisoners received almost no pregnancy-related medical care and, as a result, some gave birth to stillborn or severely deformed babies. One woman, while in active labor, was transported to an outside hospital seated in an upright position in shackles; her daughter suffered severe trauma at birth. Another prisoner, who received almost no prenatal care, gave birth on the floor of the jail without medical assistance three hours after informing staff that she was in labor. [*Yeager v. Smith* and *Harris v. McCarthy*, consent decrees, 1989]

EXAMPLES OF HORRIBLE PRISON CONDITIONS INVOLVING MENTALLY ILL AND DISABLED PRISONERS

In California, a severely mentally ill prisoner was locked naked, without medication, for two years in a ''quiet room,'' where she rubbed feces onto her face and hair, talked incoherently, and did not bathe. Another severely mentally ill inmate was in segregation when she set herself on fire and died. A bulimic, diabetic inmate was placed in a unit with inadequate staff to monitor her condition. When two officers notified a nurse that she was having seizures, the nurse told them ''not to make a fuss over her.'' She died later that afternoon. [Coleman v. Wilson, posttrial order, 1995]

A prisoner with an IQ of 54, was subjected to both verbal and physical attack by other prisoners. Correctional officers dismissed his attempts to express his fears, allowing other prisoners to slash his throat and repeatedly rape and assault him. The California Department of Corrections offered virtually no screening to identify the developmentally disabled and makes little effort to protect them. [Clark v. California, filed 1996]

A Utah prisoner with a long history of mental illness, including depression, self-inflicted wounds, suicide attempts and hearing voices, inflicted deep razor wounds in his abdomen. When he returned from the hospital to the Utah state prison, the prison doctors stopped all of his psychiatric medications and shackled him to a stainless board with metal restraints. He remained shackled for 12 weeks (let up on average about 4 times a week) and developed pressure sores. When he defecated he was hosed off while remaining on the board. He was stripped to his undershorts and frequently not allowed a blanket. He was eventually released from the board and sent to the mental hospital by judge's order and over the objections of prison officials. [N.L.S. v. Austin, filed 1996]

A mentally-ill prisoner at the Moscogee County Jail in Georgia was observed by jailers to be barking like a dog. Without consulting a doctor, they put him into solitary confinement where his condition quickly deteriorated and he committed suicide within hours. A recent investigation by the U.S. Justice Department reported that the medical care at the jail, which houses 1,000 prisoners, consisted of one doctor working a total of four hours per week. The report also noted that jail staff regulatory placed prisoners with serious mental health problems in isolation without consulting a psychiatrist. [Porter v. County of Moscogee, filed 1996]

EXAMPLES OF HORRIBLE PRISON CONDITIONS INVOLVING JUVENILES

A 17-year-old boy in an adult prison in Texas was raped and sodomized. His request to be placed in protective custody was denied. For the next several months he was repeated beaten by older prisoners, forced to perform oral sex, robbed, and beaten again. Each time, his requests for protection were denied by the warden. He attempted suicide by hanging himself in his cell after a guard had ignored the warning letter he wrote. He was in a coma for four months until he died. [Case to be filed this year]

In Pennsylvania, children in a juvenile detention facility were regularly beaten by staff with chains and other objects. The facility was severely overcrowded and, as recently as February 1995, was at 160% of capacity. [*Santiago v. City of Philadelphia*]

In a state-run juvenile institution outside of Philadelphia, the children were routinely beaten by facility staff, staff trafficking in illegal drugs was rampant, and sexual relations between staff and confined youth were commonplace. [*D.B. v. Commonwealth*, consent decree, 1993]

In Delaware, juvenile were housed in overcrowded, dirty living units with serious fire danger. Their food and clothing were inadequate. The children were physically and verbally abused, beaten and maced, and shackled. The medical and mental health care and educational programs they received were all below even minimally acceptable standards. [*John A. v. Castle*, consent decree, 1994]

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

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DELAY. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I strongly support the work of the majority whip, the gentleman from Texas (Mr. DELAY), and I will tell my colleagues why. As a Floridian, as a resident of that State, we released 127,486 prisoners early, and the judges said we had to do it. It did not matter what crime they committed.

Now, some around here would like us to think we need Holiday Inns and Ritz Carltons for prisoners. I can tell my colleagues what early release did, and they can talk to these families: A 78-year-old woman murdered in an orange grove by a 21-year-old convicted burglar out of prison on early release; a 30-year-old convicted armed burglar who killed a convenience store owner in Palm Beach; a teenager whose corpse was found in a Miami Beach bathtub last year, murdered and mutilated by a 30-year-old murderer and drifter out of jail on early release; or Fort Pierce police officer Danny Parrish, who had to die because we let a convicted murderer out on early release. We do not need any more facts or information than that.

I feel for these families. I do not feel for the criminal. I do not feel for the prisoner. I do not feel for these people who have violated society's laws. I feel for the victims.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HASTINGS of Florida. Mr. Chairman, I ask unanimous consent that each side be given an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. DELAY) each will control an additional 2 minutes.

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

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

Like my good friend and colleague whose district and mine abut each other, I too am a Floridian with extraordinary concern.

I wish to address the distinguished whip in what I hope is a meaningful way, and that is when you use language, Mr. DELAY, that is so strong to allow that those who get perceptions other than those of us that are playing legislative gamesmanship, as rightly we should.

Federal judges are extremely responsible people in this country, and to the man and woman activists or strict constructionists, if they are construed that way, they act in a very responsible manner. For you to suggest that they are complicit with predators because they have followed the law and made rulings having to do with prisons is just not fair.

I, as a former Federal judge, feel very strongly about speaking up for my colleagues who still do this job. There are judges in South Florida who right today have under their tutelage and curtilage jails that are unfit in these times. Never mind about who is in them.

What you need to understand, when you say that something is done——

POINT OF ORDER

Mr. DELAY. Point of order, Mr. Chairman. Is the gentleman not supposed to speak through the Chair?

Mr. HASTINGS of Florida. Fine.

The CHAIRMAN. The gentleman will suspend.

The gentleman is correct that all Members should address their comments to the Chair.

The gentleman from Florida (Mr. HASTINGS) may proceed.

Mr. HASTINGS of Florida. Mr. Chairman, I understand that I am speaking through you on the basis of the other person that spoke through you.

And what I want you to understand, Mr. Chairman, is that in Florida, since 1996, we have spent more money on prisons and prisoners than we have on the entire university system of Florida, and that is scandalous. For us to continue down this road of just beating up on people who do their jobs responsibly is irresponsible.

What I want him to understand, Mr. Chairman, is that they do not do it out of thin air. We have built prisons in Palm Beach County more because taxpayers could not afford it. And Federal judges did that and I am proud of the fact that they did.

The CHAIRMAN. The time of the gentleman from Florida has expired.

The gentleman from Texas (Mr. DELAY) has 2 minutes remaining.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MCCOLLUM), the distinguished chairman of the subcommittee.

Mr. MCCOLLUM. Mr. Chairman, I want to strongly support the proposal here today of the gentleman from Texas (Mr. DELAY). We have had early release problems for a long time. The interest of inhumanity and inhumane conditions in any prison should be of concern to all of us, but early release, releasing prisoners or not allowing more in prison, should not be the remedy Federal judges use to correct that problem. There could be tent cities, they could require the building of additional prisons, there are a lot of other possible remedies, but public safety is the question.

Letting really terrible criminals loose, as has happened in the State of Florida, violent criminals, in the name of somehow trying to force the legislature of a State to do something is wrong, and that is a very, very bad situation. The remedy the gentleman from Texas has proposed is a reasonable step in the right direction.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, I just wanted to underscore that there was no distinction in Florida whether they were violent or nonviolent offenders. Everyone was treated equally.

Mr. MCCOLLUM. Reclaiming my time, that is correct, Mr. Chairman. Everybody got out. Even violent offenders got out. It was a terrible situation. And, unfortunately, the courts have continued to be a problem in this regard, and the gentleman from Texas (Mr. DELAY) is trying to do something about that problem.

Mr. DELAY. Mr. Chairman, I yield myself the balance of my time.

It is easy to claim we know what is constitutional or not. I just referred to the Constitution and Article III. It is very specific. This Congress, when we create courts, can set their jurisdiction. And when the courts abuse that jurisdiction and overreach by releasing violent criminals, or any criminals, out on the streets because of overcrowding conditions, then we have every right to limit the jurisdiction of these Federal courts.

I might also say to the gentleman from Michigan, in answer to his comments, this amendment in no way eliminates the ability for courts to enter into consent decrees, it does not have anything to do with prisoners filing claims that prison conditions are cruel and unusual.

The gentleman, Mr. Chairman, mischaracterizes my amendment. My amendment is very simple. It just limits the jurisdiction of Federal courts and says that they cannot turn violent criminals out on the streets.

I might also say, Mr. Chairman, that when Federal judges have no concern for the victims of crimes and turn violent criminals out, they should have their jurisdiction limited.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to add and submit the examples of horrible prison conditions involving women, examples of horrible prison conditions involving mentally ill and disabled prisoners, and examples of horrible prison conditions involving juveniles directly after my remarks.

Mr. DELAY. Reserving the right to object.

The CHAIRMAN. The gentleman from Texas (Mr. DELAY) reserves the right to object.

Mr. DELAY. Mr. Chairman, I do not intend to object, because I think it is very important to submit this kind of information, but for the gentleman, Mr. Chairman, to submit such information . . . to think that my amendment has anything to do with bad prison conditions, it has nothing to do with bad prison conditions. It does not limit anybody's right to claim there is bad prison conditions.

Mr. OBEY. Mr. Chairman, I demand the gentleman's words be taken down. The gentleman said the gentleman was trying to mislead this body.

The CHAIRMAN. The gentleman will suspend.

Mr. OBEY. I think he owes a retraction to the gentleman.

Mr. DELAY. Mr. Chairman, I ask unanimous consent to retract the word ''misleading.''

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. DELAY) reserves the right to object to the request of the gentleman from Michigan.

The gentleman from Texas (Mr. DELAY) is recognized under his reservation.

Mr. DELAY. Mr. Chairman, I appreciate it, and under that reservation I apologize for claiming that the gentleman is misleading the House. What I meant to say was the gentleman is confusing the issue on my amendment by offering this information. My amendment has nothing, has nothing to do with cruel and unusual punishment or the rights of people to bring actions if they think that prison conditions are outrageous. It has nothing to do with other remedies to correct those kinds of conditions in prisons.

All my amendment says is that the jurisdiction of the judges to release violent criminals on the streets of this country because of overcrowded conditions will be restricted.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

It is now in order to consider amendment No. 17 printed in part A of House Report 106–186.

AMENDMENT NO. 17 OFFERED BY MR. GALLEGLY

Mr. GALLEGLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 17 offered by Mr. GALLEGLY:

Add at the end the following:

TITLE ___—JUVENILE GANGS

SEC. ___1. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITY.

(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

''§ 522. Recruitment of persons to participate in criminal street gang activity

''(a) PROHIBITED ACT.—It shall be unlawful for any person, to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded or caused to be or remain a member of such gang participate in an offense described in section 521(c).

''(b) PENALTIES.—Any person who violates subsection (a) shall—

''(1) if the person recruited, solicited, induced, commanded, or caused—

''(A) is a minor, be imprisoned not less than 4 years and not more than 10 years, fined in accordance with this title, or both; or

''(B) is not a minor, be imprisoned not less than 1 year and not more than 10 years, fined in accordance with this title, or both; and

''(2) be liable for any costs incurred by the Federal Government or by any State or local government for housing, maintaining, and treating the minor until the minor attains the age of 18 years.

''(c) DEFINITIONS.—In this section:

''(1) CRIMINAL STREET GANG.—The term 'criminal street gang' has the meaning given the term in section 521.

''(2) MINOR.—The term 'minor' means a person who is younger than 18 years of age.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 26 of title 18, United States Code, is amended by adding at the end the following new item:

''522. Recruitment of persons to participate in criminal street gang activity.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. GALLEGLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Chairman, my amendment targets one of the most central causes of violence among young persons, the proliferation of violent street gangs. My amendment will give law enforcement an important tool to fight this growing problem by attacking the lifeblood of gangs, the recruitment of young, impressionable members.

The amendment would make it a Federal crime to use interstate or foreign commerce to recruit a person to join a criminal street gang for the purpose of having that person commit a serious felony. It would impose a prison sentence of 4 to 10 years for the recruitment of a minor into a criminal street gang, and for the recruitment of an adult to commit a serious crime, the amendment imposes a sentence of 1 to 10 years.

This provision was included in S. 254, the companion Senate bill dealing with juvenile crime by the chairman of the Senate Committee on the Judiciary ORRIN HATCH.

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The language was drafted jointly with Senator FEINSTEIN and Senator HATCH. Senator FEINSTEIN first included this provision in the Federal Gang Violence Act of 1996 after lengthy discussions with California law enforcement officials.

Mr. Chairman, this amendment is necessary because gangs are no longer just a local problem involving small groups of teenagers. Instead, gang organizations have become national and in some cases international in scope.

A nationwide survey conducted last year by the Department of Justice found that there was an estimated 25,000 gangs with 652,000 gang members operating in the United States. Many are sophisticated crime syndicates that regularly cross State lines to recruit new members and traffic drugs, weapons, and illegal aliens. They also steal, murder, and intimidate State and Federal witnesses.

Despite the downturn in violent crime nationally, gangs continue to expand their criminal operations into new areas. Here are just a few examples:

The Gangster Disciples, a Chicago-based gang, has 30,000 members, operates in 35 States, traffics in narcotics and weapons, and has an estimated income of $300,000 per day.

The 18th Street Gang, based in Los Angeles, now deals directly with the Mexican and Colombian drug cartels and has expanded its operation to Oregon, Utah, El Salvador, Honduras, and Mexico.

And finally, the Bloods and Crips have, according to the FBI and local law enforcement agencies, spread their tentacles from California to more than 119 cities in the West and Midwest.

One of the ways in which these and other gangs expand is by recruiting children into the criminal enterprise and indoctrinating them into a life of crime. In addition, by having children and teenagers actually do the gang's dirty work, the gang's leaders, many of whom are adults, are able to evade conviction.

This amendment focuses on this problem by giving the Federal law enforcement officials the ability to prosecute gang leaders for the recruitment of new members with the intent of having them commit gang crimes.

I urge the Members to support this bipartisan common-sense crime fighting provision.

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

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek time in opposition to the amendment?

Mr. SCOTT. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, we have the use of new mandatory minimums with the crime that we have not been able to review in committee. I would ask the gentleman from California if he could respond to let us know how the street gang statute has been used so far, whether it has been effective in reducing crime?

Mr. GALLEGLY. Mr. Chairman, would the gentleman please repeat his question? I am sorry, I did not hear it.

Mr. SCOTT. Mr. Chairman, whether or not the street gang statute has been effective in reducing crime?

Mr. Chairman, I yield to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Chairman, no.

Mr. SCOTT. Mr. Chairman, reclaiming my time, that is the problem. The street gang statute is replete with constitutional problems and freedom of association proof problems and really irrelevant, because the normal conspiracy theories will give persons more time than they would ordinarily get.

To compound that with a 4-year mandatory minimum or a 1-year mandatory minimum just goes into another area. But we do not know what we are doing. It would have been extremely helpful if we could have had a hearing to determine what the implications of this amendment might be, one way or the other. We did not have that opportunity.

We are trading sound bites, what sounds good, what makes common sense or may not make common sense. We just do not know.

Mr. Chairman, I yield to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Chairman, I appreciate the gentleman yielding.

This is a problem that we have been contacted by law enforcement agencies, prosecutors from all across this country. The broad bipartisan support that has been indicated on the Senate side that this bill, of course, has been working its way through the system for some time with the leadership of Senator DIANE FEINSTEIN of California and, of course, also with the chairman of the Senate Judiciary Committee, Mr. HATCH, at the appeal of law enforcement officers and prosecutors across this Nation.

Mr. SCOTT. Reclaiming my time, Mr. Chairman, it would have been nice to have had this explained to the committee where we might have been able to consider it in a deliberative fashion. We have been denied that.

And so we are just guessing. It might be a good idea. It might not.

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

Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentleman from El Paso, Texas (Mr. REYES), the former chief of the Border Patrol.

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am pleased to rise in support of the Gallegly amendment to the juvenile justice bill.

Today, as we consider this bill, it would be wrong for us not to address the issue of gangs and the increasing numbers of juveniles that are being recruited into their ranks.

As someone who spent 26½ years in Federal law enforcement, I can tell my colleagues that I have personally observed an increasing violence in the number of street gangs and it continues to be a growing problem all across this country.

These gangs have evolved from local and regional criminal elements into large-scale and well-organized criminal enterprises. They are involved in a range of serious crimes including narcotic trafficking, open violence, intimidation and extortion. Their reach stretches across the country, and they have members in nearly every major metropolitan area, creating a nationwide network of violence and well-organized crime.

The evolution and growth of these gangs is a result of heavy recruitment

that takes place by gangs to attract our Nation's youth. Gangs have found that the juveniles are impressionable and easily led into a life of crime. They have also learned that they can direct these recruits to commit and take the fall for crimes while the gang leaders escape responsibility and prosecution. With their emphasis on recruitment of juveniles, they are a significant breeding ground for the rise in crime all across this country.

I am, therefore, pleased to join the gentleman from California (Mr. GALLEGLY) and support his amendment. It provides our Federal law enforcement officials an important tool to prosecute these gang leaders who recruit juveniles to a life of crime.

We simply cannot stand here today and credibly say that we are addressing juvenile crime unless we support this amendment. This amendment provides an effective tool in our law enforcement arsenal and allows our agencies to combat these gangs. I am convinced that this is a proper tool at the proper time for this bill.

Mr. SCOTT. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Virginia has 2½ minutes remaining.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, one of the problems with the mandatory minimums is the gentleman from California mentioned common sense. It takes all common sense out of sentencing.

Last year we passed legislation that provided for mandatory sentence for showing someone a firearm in the commission of a drug deal would get them more time than just shooting the person, in just cold-blooded shooting. Those kind of situations where we just come up with the crime of the day and whatever crime we come up with; we have to be serious about crime, and we take it out of perspective is really the problem with the mandatory minimum sentences.

That is why we have a Sentencing Commission who can look at the crime and put it in perspective, compare it to similarly serious crimes, and give an appropriate sentence rather than just the crime of the day.

I would have hoped that we could have had this in committee. We would have had time to consider it, assess a reasonable sentence in relationship to the crime, considering other similar crimes. But we do not have that opportunity. We are on the floor. We have good vote-getting sounds bites. We have somebody say that we have got to be serious about crime and this is serious and, therefore, a 4-year mandatory minimum is what we have got to go along with.

That is not the way we ought to legislate. And I would hope that we would in the future consider these bills in committee and also consider the Sentencing Commission to take the politics out of crime.

Mr. DAVIS of Illinois. Mr. Chairman, I stand to voice my support of the Gallegly Amendment to H.R. 1501, The Child Safety & Protection Act. This Amendment, specifically, targets the gang recruitment of young persons that occurs every day across this great country. I see the need for such action every day in the Seventh Congressional District of Illinois. I walk down Madison street and across Western street, and I see how gangs rob America's youth of their future by inducing them, threatening them, and seducing them into a life of crime. Every day, I see the terrible price these children eventually pay. We lock them up and throw away the key or they end up dead, it is time that Congress did something to stem gang recruitment.

By making it a federal crime to travel in, or use the facilities of interstate or foreign commerce to recruit someone to be a member of a criminal street gang we are making a strong stand against gang violence. As a nation we need to take this strong action to reduce the numbers of youth entering street gangs. This worthy amendment represents a large step forward in combating gangs and crime. I stand with my worthy colleague from California in voicing support for this needed amendment and congratulate him on its passage.

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

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. GALLEGLY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 18 printed in part A of House Report 106–186.

AMENDMENT NO. 18 OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 18 offered by Mr. GOSS:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. DISTRICT JUDGES FOR DISTRICTS IN THE STATES OF ARIZONA, FLORIDA, AND NEVADA.

(a) SHORT TITLE.—This section may be cited as the ''Emergency Federal Judgeship Act of 1999''.

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the district of Arizona;

(2) 4 additional district judges for the middle district of Florida; and

(3) 2 additional district judges for the district of Nevada.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

''Arizona ..... 11'';

(2) the item relating to Florida in such table is amended to read as follows:

''Florida:
Northern 4
Middle 15
Southern ..... 16'';

and

(3) the item relating to Nevada in such table is amended to read as follows:

''Nevada ..... 6''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Florida (Mr. GOSS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment parallels an amendment offered by the gentleman from Florida (Mr. MCCOLLUM) and the efforts of the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Florida (Mr. CANADY) and the gentleman from Nevada (Mr. GIBBONS).

It is short. It is to the point. It provides for four new district judges for the middle district of Florida, three for Arizona, and two for Nevada. This exact language is already contained in the Senate juvenile justice bill and similar legislation overwhelmingly passed this House last year.

In these communities, the need for judges has hit the emergency level. In the middle district of Florida, for example, we have experienced a 62-percent caseload increase since 1990, the last time we added a new judgeship. In fact, the active caseloads for judgeships exceeds the national average by as much as 100 percent. These statistics are important, but they do not begin to describe the human impact.

In Ft. Myers, my hometown, a brand new Federal courthouse has an empty judge's chambers, absolutely empty. While there are more than 800 active cases pending, there is no Article III judge to hear them.

While we may disagree on the merits of further gun restrictions or increased penalties for juveniles, one thing is absolutely certain, that all of us suffer when justice cannot be delivered. Even the best laws are neutered if the judicial branch fails to adjudicate in a timely fashion.

Mr. Chairman, I understand that there are as much areas of this country with compelling arguments for more judges. These three States, however,

are among the top six court districts having the highest weighted caseloads. In fact, the independent judicial conference recommended a total of 19 new judgeships for these States.

This amendment contains nine paralleling the Senate language. This is a responsible, necessary step to restore swift and certain justice in some of the highest growing areas in the land. It is a bipartisan amendment in both Houses. I urge its adoption.

Mr. Chairman, I yield to the distinguished gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to point out the middle district of Florida encompasses 5 of the 10 fastest growing cities in the United States. It is a 400-mile district from Jacksonville to Naples. And we have had no new Federal judges since 1990 and during that time have had a 60-percent increase in total filings and cases per judge, which is extraordinary.

So I commend the gentleman for letting me join with him in this amendment and urge its adoption.

Mr. GOSS. Mr. Chairman, I am happy to yield to the distinguished gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I thank my friend and colleagues for yielding and applaud him on his leadership on this issue.

Mr. Chairman, of course, this issue is one of fundamental fairness. The basic tenet of all our judicial system is the right to a speedy trial. The addition of these Federal judges will allow not only Florida, Arizona, and Nevada, who are rapidly growing; in fact Nevada has one of the highest growth-rate cities in the Nation, to be able to compete with that and complete that speedy-trial requirement.

The Federal average caseload is about 400 cases per judge. In Nevada, the caseload per active judge is about 863. These two new Federal judges for Nevada will allow for Nevada to compete with that fundamental fairness and justice.

I urge the passage of this amendment.

Mr. GOSS. Mr. Chairman, I have to point out that the gentleman from Florida (Mr. CANADY) and the gentleman from Florida (MR. MCCOLLUM) have taken the lead efforts in this matter and we are grateful.

Mr. Chairman, I yield to the distinguished gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman for yielding; and I want to thank him for the leadership that he has demonstrated, along with the gentleman from Florida (Mr. MCCOLLUM) and the others who have been involved in this effort.

We are facing a serious problem in the middle district of Florida. There is an unacceptable backlog of cases. The administration of justice is not going forward as it should in a timely fashion. This is something that has to be addressed, and I believe it is important for the House to step forward and meet its responsibility to make the judicial personnel available to deal with the cases that are there.

This is an urgent matter. And if we are serious about the timely administration of justice in the middle district of Florida and in these other areas that are affected by this amendment, we will adopt this amendment unanimously and get on with the business of seeing that justice is administered.

Mr. GOSS. Mr. Chairman, I reserve the balance of my time.

Ms. BERKLEY. Mr. Chairman, I am not opposed to this amendment, but I ask unanimous consent to be recognized to control debate time.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. BERKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Florida (Mr. GOSS) for offering this amendment.

Mr. Chairman, I rise today in strong support of the Goss amendment to provide additional judgeships for Florida, Arizona, and Nevada, clearly the three neediest States in the country.

As the representative of southern Nevada, I stand before you today to demonstrate how great our need is for more judges. Nevada is ranked second out of 94 in the Nation for caseload per judge and first in the Ninth Circuit. Nevada is third in the Nation for growth of civil cases per judge and eighth for felony cases.

In 1998 a total of 863 cases were filed in Nevada, almost double the national average of 467 cases. Nevada is fifth in the country for pending cases. If a constituent in my district files a lawsuit today, that case will not be heard until January of the year 2002. Other citizens across the United States have only to wait 9 months for justice.

The reason for this delay in Nevada is that we do not have enough judges for this extraordinary caseload. And justice delayed is justice denied.

The Goss amendment would give much needed relief to our overworked system. The two judgeships provided for Nevada would be the first additions to our judicial circuits since 1984. While Nevada has not seen an increase in the number of judges in its Federal courts in 15 years, Nevada's population has almost tripled.

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It is imperative that our judicial system is expanded to handle this explosive growth. With 5000 new residents pouring into southern Nevada every single month with no end in sight, this crisis in our judicial system will only get worse if we do not address it today. Because of the dynamic commercial development in southern Nevada we have some of the most complex and difficult cases in the Nation. Southern Nevada is truly a microcosm of our Nation's judicial system. Whatever can be found in the United States will be found in my district tenfold.

As an attorney I can tell my colleagues that our judges handle complex antitrust cases, intricate security litigation and a wide array of employment discrimination cases and civil rights cases. They also hear an unusually high number of fraud and criminal cases. We need these additional judgeships.

Mr. Chairman, this is an emergency amendment to handle an emergency situation. If Members review the facts, they will see that there are solid reasons why Florida, Arizona and Nevada are distinguished from the other jurisdictions. I urge my colleagues on both sides of the aisle to provide this relief. Let us pass the Goss amendment and ensure that our judicial courts can continue operating with the goal of protecting all of our citizens.

Mr. GOSS. Mr. Chairman, we have no further speakers. I yield back the balance of my time.

The CHAIRMAN. All time for debate expired.

The question is on the amendment offered by the gentleman from Florida (Mr. Goss).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 19 printed in Part A of House Report 106–186.

AMENDMENT NO. 19 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:

Part A amendment No. 19 offered by Mr. Traficant:

Page 4, line 23, strike ''To'' and insert the following ''Except as provided in section 1803(f), to''.

Page 13, after line 19, insert the following:

''(f) SPECIAL RULES.—

''(1) In general.—The funds available under this part for a State shall be reduced by 25 percent and redistributed under paragraph (2) unless the State has in effect throughout the State a law which suspends the driver's license of a juvenile until 21 years of age if such juvenile illegally possess a firearm or uses a firearm in the commission of a crime or an act of juvenile delinquency.

''(2) REDISTRIBUTION.—Any funds available for redistribution shall be redistributed to participating States that have in effect a law referred to in paragraph (1).

''(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

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

MODIFICATION OFFERED BY MR. TRAFICANT TO AMENDMENT NO. 19 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the pending amendment be modified by the modification I have submitted to the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 19 offered by Mr. TRAFICANT: In the text of the matter proposed to be inserted, strike ''25 percent'' and insert in lieu thereof ''10 percent''.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that the amendment be modified?

Mr. CONYERS. Reserving the right to object, Mr. Chairman, could I inquire of the author of the amendment what is the purpose or what is this reduction about?

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, relatively we do not want to really penalize States and make it overly burdensome to enact this legislation, but we want to, in fact, try and encourage the States to move towards this prevention modality that I am offering.

Mr. CONYERS. So, it is from 25 percent to 10 percent of what?

Mr. TRAFICANT. Of the justice funds be made available to the State under the act.

Mr. CONYERS. I thank the gentleman from Ohio.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

As my colleagues know, Mr. Chairman, I am a former sheriff, and I think this bill is lacking in one major area, and that is prevention. The only acceptable crime to me was the crime that was never committed, an old axiom, an ounce of prevention is worth a full pound of cure. The Traficant amendment simply says there be a 10 percent reduction in funds under this bill for any State that does not enact the following law:

Any juvenile that commits an offense involved with a gun or firearm and convicted, in addition to any other penalties that are placed before under the State, they would also have their driving privileges revoked to age 21.

It is a very simple little preventive measure. Kids love to drive cars, and many of them make mistakes they wish they had back 30 seconds of their life, and I could see a new attitude and mentality in saying, ''Look, Bob, I dig you, but I don't want to hear about it with that gun,'' and for the first time we begin to modify some behavior.

I think it is very important for Congress to look at prevention elements, to try and reduce the potential of crime. Not every kid in jail for a crime is as bad as he is purported to be, for sure, and there is some kids and some parents we have to tell it is their kids that other kids should stay away from for sure.

I think it is a very good amendment, I think mandatory minimums and all of the heavy penalties we put are not going to make much of a difference, and I am not going to say this is going to affect every kid and have a great reduction in crime, but I think it will become the universal applied law through the States where most of the crime is committed; the word will get out and say, ''Look, man, I don't want to lose my driving privileges,'' and I think it will have some beneficial effect, enough of a beneficial effect that I think it would be good for the country.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I want to rise to support the amendment with the gentleman from Ohio. Having had the accommodation that he granted a moment ago in the modification, I think the gentleman has been gracious about that. In principle I have agreed with him all along, that the idea of a child, a youngster, losing their driving privileges is an extraordinary incentive. That is probably the best disciplinary tool we have got for a teenager, and I think that it does work.

The only question I ever had was the attachment as a condition that perhaps in some larger States in the Nation, cost the money in this bill if their legislatures did not go along, which they might well not, and the money, being money in this base bill that goes to improvement of the juvenile justice systems and the States for more juvenile judges, probation officers and so forth, that is extraordinarily important.

The only restriction in the bill other than this one that exists is the one on requiring States to demonstrate graduated sanctions punishing the first time offender, which is not happening right now, and we are worried about putting consequences, and, as the gentleman knows, and accountability into the law now making sure that from the very first early delinquent act a child receives some kind of sanction.

So I understand the gentleman has been sympathetic to my concerns, I am sympathetic to his, and with the reduction of the amount of loss of money for failing to do this to a State down to 10 percent as the condition, I support the gentleman's amendment, and I appreciate his accommodation.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate it. In closing I would just like to add the following:

We should be about trying to prevent crime. This message does that. As a former sheriff, I know that most of the deal, most of the debate we have about crime, is really in the State province, and I think this is one way to deal with the volumes of cases that are affected by State law.

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

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek to control the time in opposition?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SCOTT) for 5 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this seems like a reasonable bill to add loss of driver's licenses to the myriad of different options available to a judge. However, we have had no hearing on this provision, and so we do not know what it might do.

I would also add that we are telling the States to change their laws to accommodate this particular provision. It is another mandatory sentence, and one of the things we heard from judges and advocates and researchers was that the punishment should be individualized to the particular juvenile. This does not individualize the punishment. It gives a one size fits all. There may be some young people for whom the loss of license may not be appropriate, a young person who may need the license to continue employment, for example. There may be other punishments that may be more appropriate for that individual, and for that reason, Mr. Chairman, I think this needs some more work. It should be considered by committee and should be opposed at this time.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio is recognized for the 30 seconds remaining.

Mr. TRAFICANT. Mr. Chairman, it would be up to the States, and, as they have done in some DUI cases with juveniles, they could grant exceptions for young people who have to use their car for work.

The bottom line, that is up to the States. It would simply reduce the funds if they did not enact the law that would cause them to lose and revoke their driving privileges.

Mr. Chairman, I urge the Congress for an aye vote.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 20 printed in part A of House Report 106–186.

AMENDMENT NO. 20 OFFERED BY MR. MEEHAN

Mr. MEEHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 20 offered by Mr. MEEHAN:

At the end of the bill, insert the following:

SEC. ___. YOUTH CRIME GUN INTERDICTION INITIATIVE (YCGII).

(a) IN GENERAL.—The Secretary of the Treasury shall expand—

(1) to 75 the number of city and county law enforcement agencies that through the Youth Crime Gun Interdiction Initiative (referred to in this section as YCGII) submit identifying information relating to all firearms recovered during law enforcement investigations, including from individuals under 25, to the Secretary of the Treasury to identify the types and origins of such firearms; and

(2) the resources devoted to law enforcement investigations of illegal youth possessors and users and of illegal firearms traffickers identified through YCGII, including through the hiring of additional agents, inspectors, intelligence analysts, and support personnel.

(b) SELECTION OF PARTICIPANTS.—The Secretary of the Treasury, in consultation with Federal, State, and local law enforcement officials, shall select cities and counties for participation in the program under this section.

(c) ESTABLISHMENT OF SYSTEM.—The Secretary of the Treasury shall establish a system through which State and local law enforcement agencies, through online computer technology, can promptly provide firearms-related information to the Secretary of the Treasury and access information derived through YCGII as soon as such capability is available. Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the Chairman and ranking Member of the Committees on Appropriations of the House of Representatives and the Senate, a report explaining the capacity to provide such online access and the future technical and, if necessary, legal changes required to make such capability available, including cost estimates.

(d) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit to the Chairman and ranking Member of the Committees on Appropriations of the House of Representatives and the Senate a report regarding the types and sources of firearms recovered from individuals, including those under the age of 25; regional, State, and national firearms trafficking trends; and the number of investigations and arrests resulting from YCGII.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Treasury to carry out this section $50,000,000 for fiscal year 2000 and such sums as may be necessary for fiscal years 2001 through 2004.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Massachusetts (Mr. MEEHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment expands the youth crime gun interdiction initiative to 75 cities and county law enforcement agencies throughout the country. The ATF's youth crime gun interdiction initiative is a cutting edge strategy to disrupt the illegal supply of guns to juveniles.

Following the example of the fantastic successes of the Boston gun project led by Professor David Kennedy, local law enforcement officials in 27 cities are employing ATF's expertise and resources to trace firearms used in crimes. This number of participating cities is currently slated to grow to 37 cities and counties by the end of Fiscal Year 2000.

Now the Boston gun project, also known as operation cease-fire, is aimed at preventing youth homicide. It combines Federal efforts with those State and local law enforcement authorities to crack down on the illegal guns supplied, those officials who identify sources and patterns of illegal firearm trafficking and develop law enforcement strategies to reduce the flow of weapons to the youngest members of our society. Once we know how the kids are getting the guns, and from whom they are getting the guns, and where those guns are coming from, we will be far more likely to be able to prevent the kids from getting guns in the first place.

For example, through gun tracing the Boston Police Department discovered that the guns being used by gang members in one particular neighborhood were purchased by one individual in Mississippi and then transported to Boston. Now after that individual was arrested, shootings in that neighborhood declined dramatically. The connection between guns and juvenile crime is well known. Virtually all of the striking rise and the homicide rate between 1987 and 1994 was associated with guns.

Now the Senate included an expansion of the youth gun control interdiction initiative in their version of the juvenile justifies legislation. In fact, the other body passed this legislation and expands the programs to 250 cities or counties by October 1, the year 2003. As time goes on and this program continues to demonstrate success, we can add cities to the list. My amendment is not gun control legislation, but rather it is a proven effective crime control. It simply keeps illegal guns out of the hands of those kids who use them to commit crimes and seeks out and punishes those who provide guns to kids.

I was disappointed that this program was not included in the gentleman from Illinois' juvenile justice bill, especially in light of the fact that it has proven so successful. Trafficking of guns drives the worst kind of violent crime. We can address this problem with the youth gun interdiction initiative that has already started to do just that.

Mr. Chairman, keeping guns out of the hands of children is not a new debate. Over 30 years ago Robert Kennedy spoke about the dangers of kids and guns in words that have proven unfortunately timeless. We have a responsibility to the victims of crime and violence, Robert Kennedy said. It is a responsibility to think not only of our own convenience but of the tragedy of sudden death. It is a responsibility to put away childish things to make the possession and use of firearms a matter undertaken only by serious people who will use them with the restraint and maturity that their dangerous nature deserves and demands.

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Let us end kids' access to guns once and for all.

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

The CHAIRMAN. Does any Member seek to control time in opposition to the gentleman's amendment?

Mr. MEEHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I want to suggest that what the gentleman from Massachusetts, a member of the Committee on the Judiciary is doing, is extremely important, because rather than trying to determine penalties and negative means of controlling dangerous weapons, we are going to the root of the problem. Many of these young people get guns from sources that are not entirely clear to us, and this gun control initiative is going to surely be helpful. I want to congratulate the gentleman on this, because the Senate has already moved and they are waiting for us.

So I am happy to add the support of the Democrats on the committee for this important measure.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume, and I thank the ranking member, and I would say that there are success stories in cities across the country; in Boston, I mentioned, and in my hometown of Lowell, Massachusetts where the police department is initiating similar goals and objectives. I thank the gentleman for his support.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MEEHAN).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 10 offered by the gentleman from California (Mr. CUNNINGHAM);

Amendment No. 16 offered by the gentleman from Texas (Mr. DELAY).

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

AMENDMENT NO. 10 OFFERED BY MR. CUNNINGHAM

The CHAIRMAN. The pending business is a demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CUNNINGHAM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 401, noes 27, not voting 6, as follows:

[Roll No 214]

AYES—401

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
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
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
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
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
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
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
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
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—27

Campbell
Clay
Clayton
Conyers
Cummings
Engel
Hastings (FL)
Hilliard
Jackson (IL)
Johnson, E.B.
Jones (OH)
Kilpatrick
Lee
McDermott
Meek (FL)
Meeks (NY)
Mink
Owens
Paul
Payne
Pelosi
Rush
Sanford
Scott
Shadegg
Waters
Watt (NC)

NOT VOTING—6

Brown (CA)
Ewing
Houghton
Kasich
Thomas
Weiner

□ 2055

Mr. HILLIARD, Mr. PAUL, Mrs. CLAYTON, and Mr. CONYERS changed their vote from ''aye'' to ''no.''

Mr. DELAHUNT changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated For:

Mr. EWING. Mr. Chairman, on rollcall No. 214, I was unavoidably delayed. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 16 OFFERED BY MR. DELAY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DELAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 296, noes 133, not voting 5, as follows:

[Roll No. 215]

AYES—296

Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle

Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kildee
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOES—133

Abercrombie
Ackerman
Allen
Baldacci
Baldwin
Barrett (WI)
Becerra
Berkley
Berman
Blumenauer
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Engel
English
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lantos
Larson
Lee
Lewis (GA)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Pomeroy
Rahall
Rangel
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Slaughter
Snyder
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Waters
Watt (NC)
Waxman
Woolsey
Wynn

NOT VOTING—5

Brown (CA)
Houghton
Kasich
Thomas
Weiner

□ 2103

So the amendment was agreed to.

The result of the vote was announced as above recorded

PARLIAMENTARY INQUIRY

Mr. CONYERS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CONYERS. Mr. Chairman, can the Chair inform us of the schedule at the present moment for the balance of the evening as to whether there will be further votes?

The CHAIRMAN. The Chair has no information on the schedule.

Mr. CONYERS. Could leadership give us a clue?

Mr. MCCOLLUM. Mr. Chairman, it is my understanding that we are going to roll votes through the DeMint amendment in the order that we are and probably take any votes that have been ordered then. I do not know if the intent is to go further than that but I do not believe Members generally will be required to stay for votes after that. I am not quite sure how long that will take.

Mr. CONYERS. I thank the subcommittee chair. It is our hope on this side that we will roll all the votes for the balance of the evening, if it pleases the leadership.

The CHAIRMAN. It is now in order to consider amendment No. 21 printed in part A of House Report 106–186.

AMENDMENT NO. 21 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 21 offered by Mr. STEARNS:

At the end of the bill insert the following:

SEC. ___. FINDINGS.

The Congress finds that—

(1) more than 40,000 laws regulating the sale, possession, and use of firearms currently exist at the Federal, State, and local level;

(2) there have been an extremely low number of prosecutions for Federal firearms violations;

(3) programs such a Project Exile have succeeded in dramatically decreasing homicide and gun-related crimes; and

(4) enhanced punishment and aggressive prosecution for crimes committed with firearms, or possessing a firearm during commission of a crime, are common sense solutions to deter gun violence.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 10 minutes.

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

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the legislation we are discussing today and tomorrow will be a major factor in demonstrating how this Congress addresses the concerns of our Nation. My amendment inserts a set of congressional findings into H.R. 1501 regarding enforcement of Federal firearms laws.

Mr. Chairman, both the House and the Senate have heard hours of testimony regarding this current epidemic of youth violence, with both bodies examining the role that guns have played in the issue. One of the most striking facts to emerge from these hearings is a very small number of prosecutions for Federal firearm violations.

Now, all of us in this Chamber remember the Brady Act which passed in the 103rd Congress. It was a law designed to prevent criminals or other ineligible individuals from obtaining firearms through waiting periods and background checks.

President Clinton announced earlier today that since passage of the Brady bill over 400,000 sales to individuals prohibited from owning a firearm were prevented. Two-thirds of those were prior felons.

Under current law, it is illegal to submit false information in attempting to purchase a firearm. However, Mr. Chairman, not even a tenth of those attempts were prosecuted.

Let me just give a few statistics from the Executive Office of the U.S. Attorney on Firearms from 1996 to 1998. Out of all violations in the first phase of the Brady Act, only one person was prosecuted for unspecified violations under the Brady Act. Less than 100 were prosecuted since the beginning of the second phase; the instant check phase, there has not been a single prosecution.

Now, let us compare the Brady Act to another program, one that was not initiated by Federal mandate and not initiated by this Congress, Project Exile out of Richmond, Virginia.

This was initiated by the U.S. Attorney's Office in Richmond, Virginia. Specifically, the program increased the number of prosecutions for felony possession of firearms when an individual was apprehended in possession of a gun.

When an individual was apprehended in possession of a gun, he was exiled to prison for a minimum of 5 years. Law enforcement officers carried a laminated card specifying the types of criminals targeted under the program: Felons, drug users and fugitives. If a suspect was caught with a firearm, and it was determined that any Federal law had been broken, prosecution began immediately.

In 1997, Richmond had one of the highest homicide rates in the Nation. Within one year, under Project Exile, Richmond's homicide rate was reduced by one-third. Furthermore, at the end of 1998, 309 Federal criminal gun law violations were prosecuted. These were prosecutions in one city, in one county.

The Brady Act is nationwide and cannot even begin to compete with this program, Mr. Chairman.

The administration in testimony before the House Committee on the Judiciary stated that the number of prosecutions are not a good measure of the law's effectiveness. In fact, Attorney General Reno, in her May 5 appearance before the Senate Committee on the Judiciary, stated, ''I cannot promise improvement in the numbers of prosecutions.''

Prosecution is a key to the law's effectiveness. The Brady Act may have prevented 400,000 illegal purchases but knowing that two-thirds were prior felons, how many of those then obtained guns illegally? If they were prosecuted for attempting to purchase a firearm as the law requires, we would not have to ask that question.

Mr. Chairman, my enforcement amendment simply states that this body recognizes that our country has over 40,000 firearm laws at all levels of government, and there has been less than adequate prosecution of these 40,000 laws. It acknowledges the success of Project Exile through vigorous enforcement and prosecution of current laws.

Finally, Mr. Chairman, my amendment states that enhancement and aggressive prosecution of gun crimes is the best deterrent to gun violence. Enforcement and prosecution is the key to curbing gun violence and protecting our children, and I urge the adoption of this amendment.

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

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from Ohio (Mrs. JONES) is recognized for 10 minutes.

Mrs. JONES of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Florida (Mr. STEARNS) admits that the Brady Act is working. He cites 400,000 criminals and others who could not get guns, but he says that those 400,000 prohibited persons should have been tried or prosecuted for false statements.

I would say to the gentleman from Florida (Mr. STEARNS), this shows that he does not understand Brady's purposes. It is preventive. If 400,000 ex-cons are stopped from getting semiautomatic and other illegal weapons, the law worked. Prosecutions were never the purpose of the Brady Act.

First, the amendment notes that with thousands of current Federal and State and local firearms laws in existence, there have been very few prosecutions under those laws.

This finding is simply inaccurate. The total number of Federal and State prosecutions is up sharply. About 25 percent more criminals are sent to prison for State and Federal weapons offenses than in 1992. It is a rise from 20,681 to 25,186. This argument also does not acknowledge that the violent crime rates in America have dropped significantly since 1992. The Nation's overall violent crime rate has dropped by nearly 20 percent since 1992.

□ 2130

The collaboration between Federal, State and local authorities and community leaders has led to more significant decreases in specific areas. The drops in the violent crime rate extends specifically to crimes involving guns as well.

Between 1992 and 1997, violent crimes committed with guns, including homicides, robberies, and aggravated assaults fell by an average of 27 percent. Overall, these statistics show that the government is pursuing actively any violations of the current firearm laws.

The argument that the decrease in the number of Federal prosecutions indicates otherwise ignores the cooperation between the several levels of government and members of the community to maximize prosecutorial resources.

Second, the amendment notes that programs such as Project Exile, which shifts prosecution of gun offenses from State court to Federal court, have reduced homicide rates. While Project Exile has reduced homicide rates, it is not without its share of criticisms.

First, it greatly expands the number of criminal cases handled in the Federal court, which prevents the court from adequately handling other cases that are the proper domain of the court such as civil rights case and multistate civil cases. Further, by requiring the U.S. Attorney to charge the most serious offense possible, it takes away prosecutorial discretion.

Finally, encouraging Federal prosecutors to prosecute State court offenses is another example of the Federal Government encroaching on the domain of the States.

When I got elected to Congress, Mr. Chairman, I committed to my colleagues, members of the National District Attorneys Association, that if I had an opportunity to stand on the floor of the House to oppose any legislation that will require Federal prosecutors to do our job, I would do that. I stand here today in opposition to this amendment and many of the other amendments that have come to this floor to take away the discretion of State prosecutors.

State prosecutors are elected and well endowed with the ability to handle many of the offenses that we are considering here on this floor today. So I rise in opposition to the amendment.

Further, Mr. Chairman, I would say, drying up the supply of firearms and building on the success of Brady is what we intend to do. Since 1993, when Brady became law, it meant more than 250,000 felons, fugitives, and other prohibitive purchasers have been denied access to firearms.

Let us talk about the purpose of Brady. It was preventive. It meant we do not even let them get to have a gun in order to commit an offense. By considering the amendment that is on the floor today, Mr. Chairman, we deny the importance of Brady and make a suggestion, just by assuming the facts of the amendment of the gentleman from Florida (Mr. STEARNS), that that is going to do something to curb the gun problem in our country.

To make statements is not going to curb the problem. The way we curb gun problems in our country is gun control, gun safety, and gun trigger locks.

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

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think, while I have my other speaker speak, I would like the gentlewoman from Ohio (Mrs. JONES) to read the Federal Criminal Code. It is a Federal crime to even attempt to buy a firearm. Perhaps she would like to read 922. I do not think she quite understands the amendment.

Mr. Chairman, I am delighted to yield 1 minute to the gentleman from Virginia (Mr. BLILEY), the distinguished chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Let me say this, I commend the gentleman for his amendment. Project Exile has worked in Richmond. It has the support of the Richmond City Council, the Richmond City Police Department. It has been responsible for reducing homicides in the city by a substantial amount.

Let me read, though, it has been recognized that most violent crime is committed by just a few repeat offenders, the U.S. Attorney for the Eastern District of Virginia, whose office initiated Project Exile, says, and I quote, ''Officials were shocked at the extent of Project Exile. Suspects criminals records: Several have been four, five and eight convictions of offenses as serious as robbery, abduction, and murder. Let me say, this has been a project

that has worked, and I hope that more cities and communities around the country will adopt it.''

Mrs. JONES of Ohio. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from Ohio for yielding me this time, and I thank her for her very pointed and very responsive comments to the gentleman's amendment.

I think it is all right to recite as findings that we all can do a better job at law enforcement. But I think it is important to be clear on just what has happened over the last 5 years. Gun laws are enforced more vigorously today than 5 years ago by nearly any measure. Prosecutions are more frequent than ever before. Sentences are longer, and the number of inmates in prison on gun offenses is at a record level. The number of inmates in Federal prison on firearm or arson charges increased 51 percent from 1993 to 1998 to 8,979.

I think it is certainly commendable of the Committee on Rules to have allowed just about every amendment that Republicans offered to get in, some good, some not. But it certainly does not speak to what we are trying to do here, to be responsible.

I think my colleague made it very clear that the Brady bill is preventive. It is to get guns out of the hands of felons and criminals so that they do not commit crimes.

I have a letter from the City of Houston, Houston Fire Department EMS that indicates that passing laws in and of themselves are preventive.

I hope we will be able to pass, for example, closing the gun show loophole. Those provide chilling effects, as the Brady bill did, to prevent people from even going, when I say people, prevent those individuals who have criminal interests from even going into a gun show. I hope the gentleman from Florida (Mr. STEARNS) will join us in passing that.

The city of Houston EMS director wrote and said the gun safety legislation we passed in 1992 saw a sizable decrease in intentional shootings by children just by the passing of the law.

So I would take issue with the fact that we have a problem with enforcement. But I would also ask my colleague if he would join me in supporting increasing the ATF, as I had offered in the Committee on Rules, by some thousand officers to increase it to 2,800.

All of these things I think contribute to a better response to gun violence. But certainly I am not talking about the fact that we have not been enforcing the law.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just would remind the gentlewoman from Texas (Ms. JACKSON-LEE), who serves on the Committee on the Judiciary, that the Brady bill was not passed just to persuade people not to get firearms. It was put in place to actually enforce people who were felons. As I pointed out earlier to the gentlewoman from Ohio (Mrs. JONES), in the Federal Criminal Code, on Rule 922, unlawful acts, it is unlawful to attempt to buy a firearm if one is a felon.

We have had plenty of data to show that occurred, and it was not prosecuted. So if that side of the aisle wants to make the case and excuses that they do not want to prosecute, that is their case.

Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I rise in strong support of the gentleman's amendment, and I want to make it clear what it does and what it does not do.

Project Exile is a very simple project initiated by the U.S. Attorney in Richmond, Virginia, and it is straightforward. It simply says we will have zero tolerance for two things: crimes committed with guns and possessing a gun when one commits a crime.

The U.S. Attorney in Richmond, Virginia said, ''You know what? We have got lots of criminals committing crimes with guns and lots of criminals, indeed many of them previously convicted felons, who cannot possess a gun, committing crimes while they possess a gun; and we are going to adopt a policy that says we will tolerate that not one iota, zero tolerance for crimes committed with guns and for possessing a gun while committing a crime.''

So they decided to aggressively prosecute those two crimes. What was the net effect? Three hundred ninety defendants have been prosecuted in Federal court. But that is the shocking result. The shocking result is that the crime, the homicide rate in the city of Richmond, Virginia was cut by one-third.

Let us talk about what this amendment says. The amendment says straightforward, findings about what has happened, and says ''enhanced punishment and aggressive prosecution for crimes committed with firearms, or possessing a firearm during the commission of a crime, are common-sense solutions to deter gun violence.''

Who can argue with that? We need to prosecute those crimes as aggressively as possible and should hope we can achieve the results that Richmond, Virginia has achieved.

I urge Members to support the amendment.

Mrs. JONES of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, so that the other side of the aisle is not confused, no one on this side of the aisle is not encouraging prosecution. The statement that has in fact been made is that the Brady bill's intention was to take guns out of the hands of criminals.

Now, it is important that since my colleagues think it is important to set forth findings in the RECORD in this juvenile crime bill with regard to the Richmond case, why not set forth some findings that, in fact, if we had a trigger lock on the gun, people would not be able to kill other people so quickly? Why not set forth a finding that, if, in fact, we had a waiting period on the purchase of a gun, people might not have opportunity to shoot people so quickly?

My colleagues talk about common-sense solutions. The common-sense solutions, as I said, Mr. Chairman, would, in fact, set forth the finding that, if, in fact, this Congress would find that gun control and gun safety were important, we would have less homicides and less killings in this country.

So when we talk about common-sense solutions, let us get some common sense in the House and pass gun control right here, right now, today.

But let us go back to findings as we call common-sense solutions. In fact, prosecutors throughout this country, both Federal and State prosecutors, have done a great job at prosecuting all types of offenses. Crime in this country is down as a result of the prosecution by numerous prosecutors throughout this country. Homicide rates are down as a result of numerous prosecutions by prosecutors, both State and Federal.

Mr. Chairman let me state to my colleagues that I rise in opposition to the amendment.

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

Mr. STEARNS. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Florida for yielding me the time.

I thank the gentlewoman from Ohio (Mrs. JONES), Mr. Chairman, although I do wish with parliamentary decorum she would address her remarks through the Chair.

As former President Reagan said, facts are stubborn things. The fact is, Mr. Chairman, 300,000 convicted felons have not been prosecuted under the Brady law.

Project Exile and the amendment offered by the gentleman from Florida (Mr. STEARNS) is a common-sense solution to say that criminals who commit crimes with firearms and with firearms in their possession will go to jail.

Mr. STEARNS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I strongly support this amendment. The fact is that, if one is a felon and one goes to buy a gun anywhere or possess

one, one has committed a crime and one ought to be prosecuted.

Under the Bush administration, under what they call Operation Trigger Lock, that was happening all over the country so that we could take felons who committed the crime of having a gun on their person after they have been convicted previously off the streets. This administration has been unwilling to do that.

Sure we have State prosecutions that may be up on gun crimes, but we sure as heck do not have Federal prosecutions. The gentleman from Florida (Mr. STEARNS) has a very good amendment to point that fact out.

We should be prosecuting these folks. We should be locking them up. Notwithstanding that Brady may have other purposes as well that are good, this is a very important one, and it should be done.

Mrs. JONES of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to, for the record, make it clear that I have addressed all of my remarks to the Chairman and will continue to do so because I understand decorum on the floor as well.

Let me suggest that, under the Bush administration, we did not have the Brady bill. So, surely, they had to do trigger lock.

Under the Clinton administration, we have had in fact had the Brady bill, and trigger lock is still operating throughout many of the jurisdictions throughout this United States.

It is important again, I say, that if in fact we are making findings, let us make findings that, without guns, people cannot kill. Without the NRA pushing so many of my colleagues on the floor to vote against gun controls, we would not have guns in our streets.

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

The CHAIRMAN. The gentlewoman from Ohio (Mrs. JONES) has 45 seconds remaining. The gentleman from Florida (Mr. STEARNS) has 1 minute remaining.

□ 2130

Mr. STEARNS. Mr. Chairman, I have the opportunity to close, as I understand.

The CHAIRMAN. The gentleman is correct.

Mr. STEARNS. Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mrs. JONES of Ohio. I am raising the question of his right to close with the entire time, Mr. Chairman.

We are defending the committee position, so I am raising the parliamentary inquiry as to why he has the opportunity to close.

The CHAIRMAN. The Chair understands that the gentlewoman is not a member of the committee. It is only a member of the committee controlling time in opposition to the amendment who has the right to close.

Mrs. JONES of Ohio. Mr. Chairman, I ask unanimous consent to yield the balance of my time to a member of the committee and that that individual be allowed to control the time.

Mr. STEARNS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentlewoman from Ohio (Mrs. JONES) has 45 seconds remaining, and the gentleman from Florida (Mr. STEARNS) has 1 minute remaining and reserves the right to close.

The Chair recognizes the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the committee.

Mr. DELAHUNT. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I find it interesting that during the course of this debate we are talking about enforcement, and yet earlier, when I asked the chair of the subcommittee whether he had authorized $8 million to fund the additional or designated assistance, the answer was ''No, we will do it someplace else.''

I just want to close by saying just imagine if we are reluctant to do that what the cost would be to prosecute 10 percent of 400,000 cases. This is absurd. These cases are prosecuted, as the gentlewoman has indicated, at the State level. Crime is down. Homicides are down. Why? Because of the Brady bill.

Mr. STEARNS. Mr. Chairman, I yield myself the balance of my time, and would respond to my good friend from Massachusetts, who was not here earlier, that my colleague the gentleman from Florida (Mr. MCCOLLUM) did offer an amendment to provide $50 million additional money for prosecution.

At any rate, let me close, Mr. Chairman, by saying if the general public understood the truth about crime and guns, there would be virtually no support for the gun control measures that are continually posed here in Congress. Crime and criminals are what the public is really concerned about. And the uncomplicated truth is that under existing Federal laws any violent felons or drug dealers who pick up any firearms are committing serious Federal crimes, crimes punishable by long prison terms.

The law can work, but only, I say to my colleagues on that side, if it is enforced. It has been, with great success, enforced in Richmond, Virginia, under a program we talked about earlier, Project Exile. Project Exile adopts a zero tolerance for Federal gun crimes with Federal, State and local law enforcement.

Mr. Chairman, I urge the passage of my amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

It is now in order to consider amendment No. 22 printed in part A of House Report 106–186.

AMENDMENT NO. 22 OFFERED BY MR. LATHAM

Mr. LATHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 22 offered by Mr. LATHAM:

Add at the end the following new title:

TITLE ___—DRUG DEALER LIABILITY

SEC. ___. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

(a) IN GENERAL.—Part E of the Controlled Substances Act is amended by adding at the end the following:

''SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

''(a) IN GENERAL.—Except as provided in subsection (b), any person who manufactures or distributes a controlled substance in a felony violation of this title or title III shall be liable in a civil action to any party harmed, directly or indirectly, by the use of that controlled substance.

''(b) EXCEPTION.—An individual user of a controlled substance may not bring or maintain an action under this section unless the individual personally discloses to narcotics enforcement authorities all of the information known to the individual regarding all that individual's sources of illegal controlled substances.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the time relating to section 520 the following new item:

''Sec. 521. Federal cause of action for drug dealer liability.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I would like to take the opportunity to thank the Committee on Rules and the gentleman from Florida (Mr. MCCOLLUM) for giving me the opportunity to offer my amendment to this very important bill addressing juvenile crime in America.

Unfortunately, juvenile crime is a growing trend across this Nation. For years, the rural States thought themselves immune from serious juvenile

crime and drug problems that were affecting America's coasts and the big cities. However, this is no longer the case. In fact, nowhere is juvenile crime growing faster than in America's heartland. This, of course, is directly related to the incredible growth in drug use.

According to the U.S. Department of Justice's latest statistics, juvenile drug arrests across the Nation have more than doubled since 1988. My home State of Iowa is experiencing an unprecedented influx of methamphetamines. Just last week in Storm Lake, Iowa, with a population of just 8,769 people, 10 were arrested for trafficking and drugs. Four of those arrested were only 18 years old. Those kids are probably just finishing high school and pushing that poison on other students.

Clearly, our children are the most innocent and vulnerable to those affected by illegal drug use. The very nature of drug abuse makes this an epidemic that has severe monetary costs as well, creating significant financial challenges for parents, law enforcement and human service providers. For many of the juvenile addicts, who are increasingly female, by the way, the only hope is extensive medical and psychological treatment, along with physical therapy or even special education. All of these potential remedies are expensive. Very, very expensive. In fact, the most recent figures estimate the annual cost of substance abuse in the United States to be nearly $100 billion.

Juveniles, through their parents or through court-appointed guardians, should be able to recover damages from those in the community that have entered and participated in the sale of the types of illegal drugs that have caused those injuries. The amendment I am offering today would provide a civil remedy for the people harmed by drugs, whether it be the actual user, the family of a user, or even the clinic or the community that provides treatment to hold drug dealers accountable for selling this poison that is tearing apart the very fabric of our society.

There are drug pushers in all of our congressional districts who profit from this culture of death, pain and dependency that must be taken to task. Many of them elude the authorities by getting off on technicalities in criminal actions or through their positions as affluent members in the community. However, that should not make them immune for paying for the destruction they cause.

This amendment would empower victims to take action, like the Utah housewife who sued her husband's drug dealer ''friend'' of 6 years under that State's drug dealer liability law. Her husband actually shared a vacation cabin with the dealer until after years of abuse her husband lost his job and ruined his family. Other States, such as California, Arkansas, Illinois, Michigan, Georgia, Louisiana, Indiana, Hawaii, South Dakota and Oklahoma, have enacted similar laws.

The first lawsuit brought under a State drug dealer liability law was brought by Wayne County Neighborhood Legal Services in Michigan on behalf of a drug addicted baby and its siblings. The suit resulted in a judgment of $1 million in favor of the baby. The City of Detroit joined in on the suit and received a judgment of more than $7 million to provide drug treatment for inmates in the city's jails.

This legislation, while not as comprehensive as those State laws, which incorporate a broad reaching liability, does provide a simple tool to empower victims. In fact, this amendment is perfectly suited to go after the white collar drug dealers whose clientele includes their professional friends, who are less likely to be the subject of a criminal investigation.

As we all know, parents who abuse drugs are more likely to have children that abuse drugs as well. It is my hope the prospect of substantial monetary loss, made possible by my amendment, would also act as a deterrent to entering the narcotics market. Dealers pushing their poison on our children and other family members may think again when they consider that they could lose everything, even without a criminal conviction. In addition, this amendment would establish an incentive for users to identify and seek payment for their own drug treatment from those dealers who have sold drugs to the user in the past.

While this legislation is not meant to be a silver bullet, it is another tool to combat and deter drug abuse and trafficking. Current law allows for a producer of a legal product that injures a customer to be held liable for injuries resulting from the use of that product. However, most States do not provide compensation for persons who cause injury by intentionally distributing illegal drugs. The Latham drug liability amendment fills the gap to make drug dealers liable under civil law for the injuries to the victims of the drug.

Finally, I hope I will be able to work with the chairman, the gentleman from Florida (Mr. MCCOLLUM), and ranking member, the gentleman from Michigan (Mr. CONYERS), on a more comprehensive liability measure in the future.

Mr. Chairman, I urge my colleagues to support the Latham amendment and give the victims of illegal drugs an opportunity to hold the drug dealers of this poison accountable under criminal and civil law.

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

Ms. WATERS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. If there is no objection, the gentlewoman from California (Ms. WATERS) may control the time otherwise reserved for the opposition.

Is there objection?

Ms. JACKSON-LEE of Texas. In its present form, Mr. Chairman, I will stand in opposition to the amendment and I exercise the reservation at this time.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) objects. Does the gentlewoman from Texas seek to control the time in opposition?

Ms. JACKSON-LEE of Texas. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 10 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 5 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of this amendment. I think this is an excellent amendment that is being offered by the gentleman on the opposite side of the aisle, the gentleman from Iowa (Mr. LATHAM). And let me tell my colleagues why.

This amendment, as I understand it, is an amendment that would make drug dealers liable for the poison that they put out on the streets and the harm that is perpetrated on those who end up being the victims of these drug sales. And it does not matter who is doing it, but if they are found to be guilty and liable for selling these drugs, then that creates a cause of action.

The reason that I am supporting this is because I have been working for some years trying to help unfold what happens in the intelligence community as it relates to trafficking and drugs and covert operations. What we have discovered is that the CIA, as one of the intelligence agencies, knew very well about the trafficking in drugs, particularly as it related to getting profits from the drugs that went to support the Contras in the war between the Contras and the Sandinistas.

For many months now we have had people who have been working on this, and they have said to us that all of the damage that was caused by these drugs, the crack cocaine that was let loose in these communities in an effort to fund the Contras, is directly the fault of the CIA and those intelligence agencies that were involved in these covert operations.

□ 2145

So this gentleman is absolutely correct. They should be made liable for what they have done. They have admitted now that there were drug traffickers in their midst. They have said they were not responsible directly, but they have said they had a memorandum of understanding, which some of us question. Well, there is no longer a memorandum of understanding, and this amendment would take care of that.

I am thankful to the gentleman for offering this amendment. Because it

does not matter who it is, whether it is a drug dealer on the streets, in the cornfields of Iowa, or a drug dealer up in New York or the Midwest, wherever it is, or the intelligence community, if they are dealing in drugs for any reason, they should be liable for the devastation and the harm that is caused to the individuals who end up being the victims of those drug sales.

So I would ask my colleagues on both sides of the aisle to embrace this amendment, to support this amendment, to vote ''aye'' on this amendment. It is very important that we finally have an opportunity to seek justice for those victims that were created as a result of trafficking drugs by our own intelligence community.

We have some young people who are actively working on a lawsuit coming out of the San Francisco area on this very issue. This will support that. This will help them to be able to get all of the victims to come forth, some of them who will be able to comply with the conditions of this amendment.

As I understand it, the conditions of this amendment would have those victims identify those persons who were responsible for selling the drugs. We have people who are claiming to be able to identify people in the intelligence community who were involved.

Also, we have people who are able to identify the assets of the intelligence community, many of them still in this country, some of them have fled to Nicaragua and down in Guatemala and other places, who should really be extradited and brought back here for the harm that they caused.

I would ask support for this amendment. I think it is a good amendment. I think it is a sound amendment.

Mr. Chairman, finally, I would say to the gentleman from Iowa (Mr. LATHAM) that he is doing the work that is needed to be done to get at the drug dealers who would dare dump this poison on our children and in our midst.

Mr. LATHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me thank the gentleman from Iowa (Mr. LATHAM) for this excellent amendment and remind our colleagues that Carroll O'Connor, a noted actor and TV star, lost his son to cocaine. He has led a fight to bring that gentleman who sold him the drugs to justice because he believed that man infected his son with a drug addiction that caused his untimely demise.

I strongly support this amendment, and I urge my colleagues to do the same. This amendment should serve as a retribution for every individual whose life has been destroyed by drug use and for every family who has had to suffer the pain and turmoil of a loved one being addicted to drugs.

The drug dealers must learn that their evil trade is more than a business. They must be held accountable not only by the justice system but by society for the tragic consequences of their business. They must be forced to see the faces of the mother, the father, the brother, the sister of the teenager who overdosed on cocaine that they sold.

A successful drug dealer can make thousands of dollars a week practicing their illegal trade. In fact, they encourage young people to do this same type of business because they can buy all the fancy cars and fancy toys. And do not be misled to thinking it is only in the inner city where we have drug problems. It is in Palm Beach, in Beverly Hills. It is in the richest enclaves around America.

Drugs have permeated our society. They are destroying our families and our youth. Every drug dealer who is arrested and jailed for possession and the sale of drugs should also be held accountable for the physical damage, the medical bills, the cost of drug treatments, for the funerals that they are responsible for.

So I ask my colleagues to please pass this amendment. Send a message to drug dealers that their profitable trade should stop and, more importantly, if they inflict their dangerous drugs on other people, they will pay a high price not only in prison but the hopeful forfeiture of their assets so that those assets can be conveyed to the families who have lost loved ones.

Again, the amendment of the gentleman from Iowa (Mr. LATHAM) will hold persons who manufacture and distribute illegal, controlled substances liable for civil action for those harmed by the use of the controlled substance.

The CHAIRMAN. The gentleman from Iowa (Mr. LATHAM) has 1½ minutes remaining. The gentlewoman from Texas (Ms. JACKSON-LEE) has 5½ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I indicated my reservation of objection in its present form. I would like to ask the author of the amendment an inquiry if I could to be clear on the position that this amendment now takes.

Does the liability provision enhance existing tort opportunities, if you will, the fact that we can go into court on tort issues? Does this narrowly define them? Are these as relevant to a drug-related incident?

Mr. LATHAM. Mr. Chairman, if the gentlewoman would yield, what it does is empower the family or the community somehow to go after the dealer, the manufacturer of illegal drugs to recover damages for rehabilitation for any kind of help that they need in the future.

Ms. JACKSON-LEE of Texas. Mr. Chairman, does it extinguish in any way any tort liability or rights that they may have under existing tort law?

Mr. LATHAM. Mr. Chairman, if the gentlewoman would continue to yield, no, it would not be my understanding. No.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, then let me say to the gentleman, I thank him for his explanation and want to say to him that we want to offer our support for this amendment, frankly because it goes to the very problem of so many in our community who have seen their houses burned because, for example, they have a crack house next to their home and, in order to destroy the evidence, what happens is that the dealers destroy the property.

Some instances we will find that people have lost their life because of those tragedies that have occurred, drive-by shootings because of drug deals, and innocent victims who are sitting in their home enjoying their dinner or looking at television have lost their life and have left these families in our inner city neighborhood and elsewhere without any remedy.

If this legislation and amendment would answer these questions and particularly give them an enhanced opportunity to sue, then I believe that, alongside of the opportunities they may have under tort law, then this is an amendment that we can certainly support and encourage the passage of.

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

Mr. LATHAM. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the drug dealer liability amendment offered by the gentleman from Iowa (Mr. LATHAM).

In my view, this is a law that should have been on the books a long time ago. The reason is simple. In many cases, there is just not enough evidence to convict a dealer or a manufacturer of illegal drugs in criminal court.

Worse yet, many individuals simply get off on a technicality and, as a result, too many peddlers of this poison slip through the cracks and are never punished for the harm they inflict on our children and our families and our society.

When we know that these people are dealing drugs but we cannot convict them in criminal court, does it not make sense to provide any other judicial remedy possible?

Mr. Chairman, that is the point of the Latham amendment. If we cannot convict them in criminal court, then we will get them in civil court and we will hit them where it hurts them the most, we will hit them in their pocketbook.

This type of legislation has worked well at the State level, and there is absolutely no reason that it will not work at the Federal level.

I urge my colleagues to pass this amendment. Very few votes that we

will make today will have as much impact on reducing drugs in our society and in this country this year.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to inquire, do we have the right to close in defending the committee's position?

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) does, and all time of the gentleman from Iowa (Mr. LATHAM) has expired.

Mr. LATHAM. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will as soon as I determine how much time I have remaining.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) has 3 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am happy to yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I want to thank the gentlewoman very much for her support, all the people that have worked so hard on this bill, and the DEA, which has helped craft this bill to take out some fine points that really I think will be of great assistance to us in the future to tackle this most serious problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I thank the gentleman very much for his comments.

Mr. Chairman, I would simply say to the Chair, it is these bipartisan efforts that I think shows the House in its best light.

I would simply hope that, as we move throughout this legislative initiative trying to deal with juvenile crime, that we not only find an opportunity to have bipartisan agreement on important legislative initiatives, such as providing protection to those who have been civilly damaged by the tragedies of drug use and drug abuse, but that we can also be straightforward in our response to the protection, if you will, of necessary gun laws.

I indicated earlier that I had received a letter from my EMS director who indicated just the passage of gun protection laws provides a chilling effect for those who may want to use guns recklessly or promote more guns on the streets of this Nation.

And so, this legislation dealing with civil liability, Carroll O'Connor was cited, but I can cite many, many people in our respective communities who have suffered time and time again.

I would hope that we would have the opportunity to work in a bipartisan way on other legislative initiatives.

I hope as well, Mr. Chairman, and I heard my colleague the gentlewoman from California (Ms. WATERS) speak eloquently on this, that we would expand the reach of dealing with the liability question to drug kingpins and gun kingpins.

This gun running has been a problem and it has made a terrible blight on all that we are trying to do to protect our children. Drug kingpins have been prominent in our respective communities, controlling drug cartels. We need to reach out and do something about them, as well.

Lastly, Mr. Chairman, I do want to conclude and not take away from the gentleman from Iowa (Mr. LATHAM) because I thank him for his kindness in working in a bipartisan manner, but I do believe that gun trafficking is something that we need to attack.

We also need to promote and increase the numbers of ATF officers. Eighteen hundred compared to some 50,000 FBI officers. Eighteen hundred ATF officers. And the money that has been allotted so far is not enough to assist in making cases with our local jurisdiction.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LATHAM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Iowa (Mr. LATHAM) will be postponed.

It is now in order to consider Amendment No. 23 printed in Part A of House Report 106–186.

AMENDMENT NO. 23 OFFERED BY MR. ROGAN

Mr. ROGAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 23 offered by Mr. ROGAN:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. SAFE SCHOOLS.

(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

(1) SHORT TITLE.—Section 14601(a) is amended by striking ''Gun-Free Schools Act of 1994'' and inserting ''Safe Schools Act of 1999''.

(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after ''determined'' the following: ''to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or''.

(3) DEFINITIONS.—Section 14601(b)(4) is amended to read as follows: ''For purposes of this part—

''(A) the term ''1 weapon'' means a firearm as such term is defined in section 921 of title 18, United States Code;

''(B) the term 'illegal drug' means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

''(C) the term 'illegal drug paraphernalia' means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)', before the period; and

''(D) the term 'felonious quantities of an illegal drug' means any quantity of an illegal drug—

''(i) possession of which quantity would, under Federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

''(ii) that is possessed with an intent to distribute.''.

(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting ''illegal drugs or'' before ''weapons''.

(5) REPEALER.—Section 14601 is amended by striking subsection (f).

(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by—

(1) striking ''served by'' and inserting ''under the jurisdiction of''; and

(2) by inserting after ''who'' the following: ''is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who''.

(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended—

(1) in paragraph (1), by inserting ''current'' before ''policy'';

(2) in paragraph (2)—

(A) by inserting before ''engaging'' the following ''possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or''; and

(B) by striking ''; and'' and inserting a period; and

(3) by striking paragraph (3).

(b) COMPLIANCE DATE; REPORTING.—(1) States shall have 2 years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

(2) Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. ROGAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as parents and as legislators, nothing is more important than supporting safe productive schools.

Today our children face unprecedented threats from drugs and violence

in our Nation's schools. It is time to enact bipartisan legislation to correct this horrible situation.

The President, in his State of the Union Address, called for zero tolerance for guns and drugs in schools. The President is right. It is time for the House to signal its commitment to eliminating drugs from the public schools.

I am pleased to offer this amendment, Mr. Chairman, to help us achieve our goal of drug-free schools. This amendment gives State and local school officials the weapons they need to strike a major blow in the war on drugs. The amendment requires that any school accepting Federal education funds must adopt a zero-tolerance policy regarding felonious possession of drugs. It applies the same standards to drugs as are currently applied to guns. Those who come to school to use or sell illegal drugs simply should not be allowed to attend.

This amendment also addresses the next concern, which is, what next? Current law provides for the education of those expelled in an alternative facility and provide for a case-by-case appeal with a local school official. This amendment would continue that same policy with respect to drugs as we currently have on the books with respect to guns.

Zero tolerance for illegal drugs can work. In a national survey by the Center for Addiction and Substance Abuse at Columbia University, they reported that more than 80 percent of those on the front lines in the war against drugs, teachers, principals and, yes, even students, believe that zero-tolerance policies are effective and will reduce drugs in their schools.

□ 2200

What is more, about the same percentage support adopting similar standards in their school. Nothing underscores this crisis and our need for definitive action more than the news reported by the students in Columbine that I just mentioned. According to their survey, more than three-fourths of the students said drugs were kept, used and sold in their schools. We owe students, parents and teachers decisive action to wipe out drugs in the schools. Our amendment will do for them just that. Zero tolerance for illegal drugs in the schools, Mr. Chairman, will mean just that, zero tolerance.

Mr. Chairman, today we have an opportunity to act in a bipartisan way to help build a safer America. I urge my colleagues to support this important amendment.

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

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek recognition to control the time in opposition?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is another example of a need for deliberation. If we had had deliberation and had a hearing on this, we would have found that all of the available research shows that a suspension is the last thing that we would want to do.

The gentleman from California mentioned the requirement that services be continued for someone that is expelled from school. That is only true for those who are designated as special education students under Individuals with Disabilities Education Act, and of course an amendment to remove that provision is coming up later. In fact, the Elementary and Secondary Education Act that was passed, is present law, provides that in cases of expelling a student nothing in the title shall be construed to prevent a State from allowing the local education agency that has expelled a student from such student's regular classroom from providing educational services in an alternative setting. They are not prohibited from doing it, but there is nothing that requires them to do it.

Now, if we had had a hearing, we would have known that threatening a kid with a 1-year suspension or 1-year vacation, a kid that did not want to go to school anyway would not be much of a threat. We would have known that without an alternative education that that person would be much more likely to get in trouble. As a matter of fact, he has got nothing constructive to do, so he is much more likely to be committing crimes because he is on the street, nothing to do, crime and drug use.

Mr. Chairman, this amendment offers no counseling on why the child was using drugs, no mental health assistance, just a year on the street. Now we know that there is a strong correlation between crime and graduation and graduation rates. People who do not graduate from our school are much more likely to be committing crimes. With a 1-year suspension we make it much less likely that they will ever get out of school.

So, Mr. Chairman, we have a situation where if this amendment passes and allows children to be kicked out of school without any services, we will actually be increasing the crime rate. If we are serious about crime, Mr. Chairman, we will defeat this amendment.

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

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume just in brief response to my friend from Virginia.

I am somewhat nonplused by the suggestion that this bill is a bad idea because it will remove drug sellers from the public schools, and instead it would put them on the street. With all due respect, although I do not agree with the gentleman's suggestion that that is the only alternative, either in the schools or in the streets; if that, in fact, were the case, I would respectfully suggest that most parents with kids in school would rather have those people selling drugs or with guns removed from the school than in school to terrorize the children.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I strongly support the gentleman's amendment. I think that if one is selling felonious quantities of drugs in a school or possessing felonious quantities of drugs in a school, they have no business being there because they are providing harm to the other students.

Now I am very sympathetic to the concern that that person who is doing the selling in some way be diverted into some other program. I think there are agencies of the government that can and should handle that, but the reality is that if a kid is in school with this kind of quantity of drugs, that is a jeopardizing factor for every child of every parent who has a child in that school, and I think this is a very fine amendment, and we need to have this amendment adopted. It makes every bit of sense in the world if we are going to have that with respect to the gun issue.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. All right. What is meant by felonious quantities? Is it the same thing in every State? Is a felonious quantity in Florida the same as a felonious quantity in California?

Mr. MCCOLLUM. Reclaiming my time, it is Mr. Rogan's amendment, but my interpretation is that would be a felonious quantity depending upon the State or Federal law since he has made it in the alternative. But I would yield back to him to let him discuss it with the gentlewoman.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume, and I would invite the gentlewoman's attention to page 2, lines 21 through 25 of the amendment and going into page 3. It says the term felonious quantity means any quantity of an illegal drug possession of which quantity would under Federal, State or local law quantify for that.

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

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Chairman, in 1994, when we reauthorized the Elementary Secondary Education Act, I was a

member of the minority. A gentleman from suburbia in the majority at that time proposed an amendment that said any student bringing a weapon to school would be suspended for a year.

First I asked him what he is doing in relationship to defining a weapon. He then said: Make it a gun. I then reminded him that he also offered an amendment that said one can only suspend a special ed student for 10 days, and because he was micromanaging State and local responsibility for elementary secondary education, he was also micromanaging it when he did the 10 days, and now he puts the school district in a real situation. The lad comes with a gun who is a special needs child along with his neighbor who is not a special needs child who also has a gun, and one goes out for 10 days, and one goes out for a year.

Of course what does that do? That brings a lawsuit immediately to the school. They are discriminating against someone's child, they are sending someone's child out for a year.

The point I am trying to make is that consistently I have said that it is the responsibility, public education is the responsibility, of local and State government, which is exactly what my philosophy and my party's philosophy has always been, and so I think we really have to be consistent.

We are micromanaging State and local government responsibility. It is their responsibility to determine what the rules and the regulations should be, and as I indicated, we have gotten ourselves into real trouble by this micromanaging, a 10-day suspension versus a year's expulsion.

Now I want to make it clear that the statute does not say that they must provide an alternative education under the 1994 statute. They may if they wish. There is nothing in the statute that says they must provide an alternative education. Some States require an alternative education on a suspension or an expulsion. Nothing in the elementary secondary education statute does that.

So I think we must be awfully careful. No matter how good the idea is and how appealing the idea appears, we have to be consistent. Elementary secondary education is the responsibility primarily of the State and local government.

Now colleagues can argue and say, but wait, they are taking Federal dollars, and they do not have to take Federal dollars. Oh, one can argue that for IDEA, for Individuals with Disabilities Education Act. But let me tell my colleagues, if we do not provide that education, I will guarantee they will have a lawsuit, whether it is mandated or whether it is not mandated. So we cannot use that argument to cover us.

Mr. SCOTT. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, let me start by commending the gentleman from Pennsylvania (Mr. GOODLING) for his consistency. It is not always that we see such consistency in this House, and I must say that I agree with him.

Now it strikes me that it is very difficult politically to vote against any bill or amendment that says in the name of the war on drugs let us have zero tolerance, let us expel someone from school, let us keep our children safe. But the fact of the matter is that one can easily imagine situations where that might not be the most intelligent thing to do.

If someone has a 13 or 14-year-old kid who has some marijuana in school, he should be punished. But a year's expulsion? Maybe, depending on the circumstances. Has it happened before? Has he had other delinquencies? Is this the first offense? What is the story?

This amendment makes no distinctions. This amendment says never mind the wisdom or the familiarity of the local school board or local school authorities with the situation. Throw this kid out on the street for a year, let him spend this time in the company of drug dealers and crooks, but in any event not in school because Congress says so.

We always hear, especially from that side of the aisle, about local control. This is quintessentially the time, the situation for local control, and what this amendment says is if a local school board of the City of New York or the City of San Francisco wants Federal money, it had better expel that kid for a year. Maybe it should, maybe it should not, we should not. We should not tell them.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume just in response to my colleague and friend from New York. I would simply suggest that this amendment is limited to an individual that possesses a felonious quantity of drugs in school or possesses a quantity sufficient for distribution or sale. This amendment also allows local schools and school districts to maintain a case-by-case review. If there was some bizarre or unusual circumstance that warranted appropriate review, it would allow for a case-by-case review, and that would be done with a local school district official, and it would not be done from Washington.

The question is simply this, as I see it, Mr. Chairman: Do we in Congress have a right when appropriating Federal funds to schools to expect that those particular school districts are going to maintain a safe environment for the children that are attending those schools, and I would simply submit that having children in school who are known to be in possession of felonious quantities of drugs, just as children who are known to be in possession of firearms, present a clear and present danger to the health and safety of every child in that school and every teacher in that school, and that is not an appropriate environment for either parents, teachers or schoolchildren.

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

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

Mr. NADLER. Is the gentleman aware that under this amendment we may have, depending on any local ordinance, and we do not know what every local ordinance is in the country, a felonious amount that may be a very tiny amount and that may not have been enacted by that local community with the idea that possession of that small amount would result in the automatic expulsion of a student for a year?

Mr. ROGAN. Again, Mr. Chairman, reclaiming my time, I thank the gentleman for the inquiry. I think that addresses the question that the gentleman raised a few moments ago, that it is up to the local communities and to the State legislatures to define what is or is not a felonious amount.

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

Mr. SCOTT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding this time to me, and I think after the Littleton, Colorado, we all are asking ourselves questions, what should we do and how should we act to make sure we reduce the act of crimes by our young people, and I think the gentleman certainly has a well intending goal of having zero tolerance for violence and drug dealing in the school. But to micromanage to achieve that is not only inconsistent with his party's view, but I would like to understand is the gentleman suggesting that the California school districts are not able to determine what they should do to have a zero tolerance for drugs? I mean could the gentleman answer that for me?

Mr. ROGAN. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from California.

Mr. ROGAN. I am more than happy to yield to California or any other State to decide on a statewide level what should be the appropriate toleration level for possession of drugs or guns in their school.

□ 2215

Mrs. CLAYTON. Mr. Chairman, I am thinking about what should be done to have zero tolerance is not necessarily just expulsion of kids from school. It could be a variety of things.

Mr. ROGAN. Mr. Chairman, if the gentlewoman will yield to me so that I can finish answering her question.

Mrs. CLAYTON. Mr. Chairman, if the gentleman could do it quickly, I would appreciate it.

Mr. ROGAN. I am not sure that comes with the nature of a politician, Mr. Chairman.

Mrs. CLAYTON. Mr. Chairman, if the gentleman cannot answer quickly, I will answer it for him.

Indeed, it is inconsistent with your party's position, and I would think that California, like North Carolina, could say what they would want to do with a variety of issues, perhaps expulsion would be one. But to mandate that I think is inconsistent, and I urge my colleagues to vote against this well-intended, but ill-conceived amendment.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. Mr. Chairman, do we on this side have the right to close?

The CHAIRMAN. The gentleman is correct; the gentleman from Virginia has the right to close.

Mr. ROGAN. Mr. Chairman, may I inquire of my colleague, does he have any further speakers, or is he prepared to yield back?

Mr. SCOTT. Mr. Chairman, I have two speakers, including myself, to close.

Mr. ROGAN. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

The gentleman's amendment should be killed, because he is submitting this amendment about felonious quantities, but it is not in line, there is no reference. When he made this, the school system did not know about this amendment. The people who were making these laws back home did not know that this amendment would come up saying to them, any felonious quantity. Because if they had known that, this amendment, this particular thing would not qualify. It is going to force them to change everything for this one amendment.

This amendment should not pass because of that reference.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume to simply suggest to my colleague from Florida that I would be very surprised if there was going to be a rush within the State legislatures of America to increase the definition of what is a felonious quantity of drugs to allow drug dealers and drug users to remain in the public schools. I do not think that is what most school board members, I do not think that is what most principals and teachers are looking for.

Mr. Chairman, I have no quarrel with the philosophical objections of my friends on the other side. That is something that we deal with in this Chamber on a regular basis. I would simply urge them to revisit this issue and take a look and search their hearts and make a determination, if they could see their way clear to voting for an amendment that will take a positive step forward from removing dangerous drugs from the public schools. This is an opportunity to do it. I have submitted the amendment for that purpose. I ask for an aye vote on the amendment.

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

Mr. SCOTT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, first of all, in terms of what amount we are talking about, if it is any amount for sale or even small amounts of something like crack, it could easily constitute a felony. Our community is not better off with students roaming around with nothing to do; no education and no services. These students will not disappear; they are going to be in the community and they are not going to be up to anything constructive. This amendment, if it does anything, will increase the likelihood that our communities will be more dangerous and more crime-ridden. We need to continue educational services for these students and kicking them out on the street will not do anything to reduce the crime rate.

If we are going to be serious about crime, we need to defeat this amendment.

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

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. ROGAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROGAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from California will be postponed.

It is now in order to consider Amendment No. 24 printed in part A of House report 106–186.

AMENDMENT NO. 24 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 24 offered by Mr. TANCREDO:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music, as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial which includes religious symbols, motifs, or sayings that is placed on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fee and costs, notwithstanding any other provision of law; and

(2) the Attorney General is authorized to provide legal assistance to the school district or other government entity that is defending the legality of such memorial service.

The CHAIRMAN. Pursuant to House resolution 209, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 10 minutes.

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

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

Mr. Chairman, difficult as it is to believe, there are people and organizations that would attempt to prevent parents and students from seeking the comfort of their Creator when dealing with the horror of a situation like the one that we experienced in my hometown of Littleton, Colorado.

The amendment I have sponsored clarifies the position of the Congress with regard to these issues. It declares that a fitting memorial on public school campuses may contain religious speech without violating the Constitution. It puts Congress on record with respect to the constitutionality of a permanent memorial or memorial service that contains religious speech. The amendment does not specify what kind of memorial that would be appropriate. That decision is for local schools and communities.

It states that it is fitting and proper for a school to hold a memorial service when a student or teacher is killed on school grounds, and that it is fitting and proper to include religious references, songs and readings in such a service. Prayer, reading of scripture or the performance of religious music can be included in a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on campus.

The amendment also allows for the construction of a memorial that includes religious symbols or references to God on school property.

Mr. Chairman, there are many examples in our government of proper and constitutional references to religion. Chaplains of the Armed Forces conduct memorial services, yet do not compromise the establishment of religion by the government. Both the House

and Senate conduct opening prayers before each legislative day, and Arlington Cemetery has signs identifying it as a Sacred Shrine and Hallowed Ground.

The amendment specifically mentions that religious songs may be sung at such memorials without violating the Constitution. Two Federal appeals courts that have taken up the issue both have ruled that school choirs may sing religious music. The Fifth Circuit Court of Appeals held that it was constitutional for a public high school choir to have ''The Lord Bless You and Keep You'' as a signature song.

In the same way, erecting a memorial that contains religious references such as a quote from the scripture or a religious symbol from the deceased's religious tradition would not violate the Establishment Clause of the Constitution.

This is not the equivalent of a daily school prayer. A memorial service is a very specific response to an unusual and regrettable circumstance.

In either case, if a lawsuit is brought forth, parties are required to pay their own legal fees and costs, and the Attorney General is authorized to provide legal assistance to defenders.

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

The CHAIRMAN. Does the gentleman from New York (Mr. NADLER) seek to control the time in opposition to the amendment?

Mr. NADLER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. NADLER) is recognized for 10 minutes.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are three things wrong with this amendment. First, it is substantively wrong and it is obnoxious to the spirit and the letter of the first amendment of the religious freedom provision of the Constitution.

The Congress of the United States finds that the saying of a prayer or the placing of a memorial which includes religious symbols and motifs on the campus of a public school to honor the memory of someone who was slain does not violate the first amendment.

Well, the first problem is, it may very well violate the first amendment. The courts have held that organized prayer in a school or at a commencement or in a service at a school does violate the first amendment, and certainly the placing of a religious symbol which may offend some people, some future students, maybe even some current students or some future teachers. Imagine if there were a Muslim symbol that may be offensive to Christians or a Jewish symbol or Christian symbol offensive to others or some minority religion. Of course the minority religion would not get its symbol placed there because the local school board would not do that. That is the point. We do not discriminate and we do not make minority religions feel tolerated. They are equally American as anyone else, minority or majority, and that is why the Constitution prohibits an establishment of religion, and the courts have held that precisely what the sponsor of this amendment wants is an establishment of religion, and Congress saying it is not so does not make it not so. That is the first problem with this amendment.

The second problem with this amendment is that the Congress cannot declare what the Constitution means and what violates the Constitution and what it does not. We have accepted since 1803 the case of Marbury v. Madison; everybody learns it the first week in constitutional law in law school or college. It is that the Supreme Court interprets the Constitution and says what the Constitution means and it is not the province of Congress. We determine what the law is. We write the law, but we do not find whether the law violates the Constitution.

We should endeavor in making laws to try to not make laws that contravene the Constitution, but it is the job of the courts, not our job, to determine what does violate the Constitution.

And thank God we have a judiciary to protect the individual rights of Americans. That is why we have a Bill of Rights. The judiciary interprets the Bill of Rights and protects the individual rights of even unpopular people, and it is not the business of this Congress to declare that something does or does not violate the Constitution and try to tell the Supreme Court you are wrong.

The third problem is with the attorneys fees provision of this bill. This amendment says that any lawsuit claiming that this type of a memorial or memorial service violates the Constitution, each party shall pay its own attorneys fees and costs, notwithstanding any other provision of law, and the Attorney General is authorized to provide legal assistance to the school district.

So because the author of this amendment wants this type of service, wants this type of religious prayer or memorial, if someone thinks it is unconstitutional, if someone thinks his or her or someone in that community thinks his or her religious community has been violated and he goes to court to sue the school district, the Attorney General is authorized to support the school district, the Attorney General thinks it is unconstitutional, he is not authorized by the terms of this amendment to oppose the school district to represent the plaintiff or to come in on the side of the plaintiff, and not withstanding any other provision of law, each party should pay its own attorneys fees. So even if the plaintiff, thinking that his, believing that his or her religious liberty and religious rights under the Constitution were violated, goes to court, the court agrees, it goes up on appeal, the appeals court agrees and the Constitution is upheld, he cannot get his attorneys fees.

This is trying to say religious minorities have no rights and certainly not the rights to prevail in court and have the losing party pay their attorneys fees. Only the popular side can get its attorneys fees paid. It is a violation of fundamental American fairness and, I submit, unconstitutional and unworthy of this Congress.

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

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

There are a number of differences that exist in this particular amendment and what it refers to in terms of the kind of religious liberty that it is designed to allow, or at least put the Congress on record that supports a particular expression of religious freedom. The gentleman indicates that there have been a number of cases already heard that have been decided against the expression of religious points of view in schools. That is true, but the significant difference here is that in each one of the court cases that have come down on that side of the issue, they have talked about the fact that there is a captive audience in a particular location in a classroom; and if that is the case, if this audience is held captive by the environment, by the situation in which they are placed, that it is indeed unconstitutional to advance some sort of religious preference.

But that is not the case with anything that we are talking about here in terms of a memorial or a memorial service. There is no one that is there because they have to be there. No one is forced by any sort of law to participate. It is simply an expression of a religious preference, a religious point of view, a degree of religiosity that exists in a community and has every right to be expressed.

There is nothing in the Constitution, it seems to me, or in the first amendment that suggests that that expression should be hampered. All this amendment does is to put the Congress on record that it supports that particular point of view.

□ 2230

In terms of it making a claim that school boards and school districts will automatically reject certain ''minority'' religions, whatever that might be, I do not know where there is proof of that particular statement. I do not know exactly even what the definition of ''minority religions'' might be, but we leave that, of course, up to school boards and school districts.

Mr. Chairman, there is a right, or there is nothing in this amendment

that restricts anyone from taking this thing to court. Of course, it does, as my colleague indicates, suggest that if one loses, one has to pay their own court costs. Again, I do not see anything really wrong with that.

In general, this is not really the kind of issue that should spark a debate, it seems to me, over the essence of the First Amendment, because it is patently clear, at least to me, that we are not doing anything in this amendment that forces anyone to accept one sort of religious ideology. Again, the Constitution guarantees the freedom of religion, of religion, to express one's religious ideas.

In a situation like we faced in Colorado, I must tell the Members that without that ability to express that particular faith, I do not know where any of us would be. And there were people and organizations that really argued against that sort of expression.

I have a letter here that was written by a parent of one of the individuals who was killed in Columbine, a young lady by the name of Cassie Bernall. This was written by her father, Brad Bernall, in support of this amendment when a similar amendment was offered in the Senate by my colleague, Senator ALLARD.

He said, ''My wife, Misty, and I both believe any Columbine incident memorial should memorialize each individual in a personal way. Everyone knows, thanks to a good job by the media, that Cassie was a very strong Christian. To leave this facet of her persona out would be to mis-memorialize her and others.''

I think the statement is accurate, and I believe that this Congress should go on record in support of it.

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

Mr. NADLER. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT), the distinguished ranking minority member of the subcommittee.

Mr. SCOTT. Mr. Chairman, if this amendment becomes law, those who complain of violations of their free exercise rights under the Constitution because the public authorities excluded religious observances, they could get their attorney's fees paid, but those who are complaining about excessive injection of religion would not have the same kinds of rights.

Mr. Chairman, this amendment has significant constitutional implications. It needs deliberation and should not be an afterthought on a juvenile justice bill. I would hope it would be defeated.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I thank the gentleman from Colorado for yielding time to me.

Mr. Chairman, I very much appreciate the gentleman's effort. What is more precious to someone, if we are talking about their memory, than talking about their beliefs, the things for which they were willing to live and the things for which they were willing to die?

Yes, we know about Cassie Bernall, who was asked, do you believe in God; yes, and because of that she was killed. For those who do not want the memory of the religious beliefs to be commemorated at the memorial that they leave behind, I invite them to go across the Potomac River to Arlington National Cemetery, where Members will find row upon row upon row of religious symbols chosen by people who were gone to mark their graves. Some may be crosses, most are, and some may be emblems of another faith, such as stars of David.

But to say that when one is gone, the memory of one's faith must be gone, too, is not the American way. I urge Members to support this amendment.

Mr. NADLER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, my colleague who just spoke on the floor of the House gave us a passionate plea. As a mother, I acknowledge that no one can speak to the pain of the parents who have lost a child or the tragedy of Columbine in Littleton, Colorado. I appreciate my good friend, the gentleman from Colorado (Mr. TANCREDO) in his attempt to bring honor to that memory.

It is now 10:35 p.m. at night, and we are now seeking to amend the Constitution and to change the rights of Americans throughout this land who have come to understand that the First Amendment indicates that Congress will make no law respecting the establishment of religion.

I am unsure of the intent of this initiative, inasmuch as communities can come together and express themselves and their religious beliefs in any way they so desire. It is established, however, that we cannot make a religious standard publicly by the government.

So I would say to the gentleman from Colorado, it would be nice if we could deliberate and begin to refine his desires as it relates to giving honor to the deceased, but to amend the Constitution and to extinguish rights of those who may have opposition to the expression of a particular religion is unconstitutional.

This amendment will have a chilling effect on claims that could be filed to challenge the constitutionality of religious displays or activities in public schools. Let us do the right thing, maintain the sanctity of the Constitution, respect those who are deceased, and not amend this Constitution late into the night on a juvenile crime bill.

Mr. TANCREDO. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I rise to simply make a clarification of some statements that were made earlier. That is that the Congress of the United States does not have the authority to speak on the constitutionality of issues, but rather that must be left in the hands of the Supreme Court.

I would simply remind my colleagues of the oath of office that each Member takes. That is, that I, name of Member, do solemnly swear or affirm that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

At no time here does this say that Members of Congress will in fact support and defend the Constitution according to what the United States Supreme Court or any other Federal court says.

Secondly, the issue has been brought up with regard to the 1803 decision of Marbury vs. Madison, but as Lewis Fisher, senior specialist in separation of powers at the Congressional Research Service reminds us, Chief Justice Marshall's decision in Marbury represents what many regard as the definitive basis for judicial review over congressional and presidential actions, but Marshall's opinion stands for a much more modest claim.

In fact, the specialist goes on to say that ''Marshall and the Supreme Court did not require Jefferson to actually seat the magistrate in question, not because of any constitutional problems, but because they simply realized that Jefferson and Madison would simply disregard their writ.''

As Chief Justice Warren Burger noted, the court could stand hard blows but not ridicule, and the ale houses would rock with hilarious laughter had Marshall issued a mandamus that the Jefferson administration ignored. Please support the gentleman's amendment.

Mr. NADLER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am as religious as anyone else, so I do not take a back seat to anyone when we talk about religion. But I do stand up for the Constitution. It is amazing what I have heard here today, the assault on the Constitution, on First Amendment rights, on freedom of religion; the basic First Amendment rights, the 10 amendments to the Constitution that hold this democracy in good stead.

The gentleman can talk about the Constitution all he wants, but he cannot amend it on this floor tonight, on this piece of legislation. Even the most right-wing of Supreme Court Justices will not allow what the gentleman is trying to do. This speaks to the heart of religious freedom.

No, we do not want to intrude on anybody's rights by having religious memorials and symbols on our schools. The gentleman would not like it if someone denigrated his religion or tried to dominate school property with their religion. The gentleman can speak all he wants to tonight on this crime bill, and the gentleman can assault the Constitution if the gentleman would like, but I guarantee Members, even if the majority of this Congress votes for religious symbols on memorials any time, anyplace, anywhere, they are going to lose in the Supreme Court, because no matter how right-wing those Justices are, they respect the Constitution. They know the Constitution, and they are going to hold that Constitution up and keep it from being defied and dismantled by the likes of Members who do not understand what a democracy is all about.

Mr. NADLER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, despite the good intentions of the gentleman from Colorado (Mr. TANCREDO) in offering this amendment, I cannot believe at 10:30 in the evening, with more staff members than Members on the floor of the House, the gentleman from Indiana just rewrote the Constitution of the United States.

I would suggest that Article III, Section 1 and Section 2 are very clear, that this body, this House, has no right to declare any action or law constitutional or unconstitutional. If the gentleman can show me where in this Constitution right now we have the authority to declare something as constitutional or unconstitutional, I will support this amendment. But I am confident it does not. We cannot rewrite 200 years of history in 5-minute debates on the floor of the House.

Mr. Chairman, I would suggest that Mr. Madison and Mr. Jefferson spent 10 years debating the important principles of the separation of church and State because they realized how fundamental it was to the law of this land.

Yet, late at night, with so few Members on this floor, we are debating that same principle, given not 10 years, not 10 months, not 10 weeks, not even 10 hours of committee hearings, but 10 minutes per side to debate this fundamental issue. That kind of shortshrifting of the Constitution and the Bill of Rights and the first 16 words of the Bill's amendments leaves numerous unanswered questions, not the least of which are who decides how many memorials can be on a public school campus, government employees? Who decides what those symbols can be, which religions are okay? Are wiccan symbols okay? How about satanic symbols?

This does not do respect to our Constitution and Bill of Rights, no matter how well-intended the author is.

Mr. TANCREDO. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. With all due respect to the gentleman from Texas (Mr. EDWARDS) regarding Mr. Madison and Mr. Jefferson, Mr. Jefferson was actually no party to the United States Constitution nor the ratification of the Bill of Rights, because he was in service in France at the time.

But with regard to what the gentleman said about Article III of the Constitution, actually it says nothing with regard to the constitutionality itself. In fact, Chief Justice John Jay, the original Supreme Court Justice, relinquished his Chief Justiceship because he did not believe the Supreme Court would actually carry the weight of the debate with regard to separation of powers and the importance of the issue of the Supreme Court and the judicial system.

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

The gentlewoman from California (Ms. WATERS) said something with which I can agree. She referenced the first amendment, and she said that it guarantees freedom of religion, freedom of religion.

What does that mean? How much more clear could it have been put: Freedom to express one's own religious ideas, freedom to practice one's religion.

□ 2245

It is a statement so clear that it is difficult for me to understand how people can put obstacles in the way of that freedom, and yet that is exactly what has been done. Even in Colorado, that is what has been suggested should be done in cases where the most horrific tragedies have occurred, that we should put obstacles in the way of people expressing their own religious preference and seek God's help.

This amendment hopes to change that experience.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the memory of the victims' religious beliefs can certainly be commemorated and eulogized without offending the Constitution.

The prayer can be said at a memorial on school property after school hours if attendance is voluntary but not if attendance is compulsory.

The legal fees clause of this amendment is clearly aimed at biasing the legal systems against people with a different view of the First Amendment than that held by the sponsor of this amendment. For these reasons, especially the last one, this amendment offends the Constitution, offends the Bill of Rights, offends religious liberty and ought to be defeated.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

It is now in order to consider amendment No. 25 printed in Part A of House Report 106–186.

It is now in order to consider amendment No. 26 printed in part A of House Report 106–186.

AMENDMENT NO. 26 OFFERED BY MR. DE MINT

Mr. DEMINT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 26 offered by Mr. DEMINT:

Add at the end the following:

TITLE __—LIMITATION ON RECOVERY OF ATTORNEYS FEES IN CERTAIN CASES

SEC. __. LIMITATION ON RECOVERY OF ATTORNEYS FEES IN CERTAIN CASES.

Section 722(b) of the Revised Statutes of the United States (42 U.S.C. 1988(b)) is amended—

(1) by striking ''In'' and inserting ''Except as otherwise provided in this subsection, in'';

(2) by striking '', except that'' and inserting ''. However,''; and

(3) by adding at the end the following:''Attorneys' fees under this section may not be allowed in any action claiming that a public school or its agent violates the constitutional prohibition against the establishment of religion by permitting, facilitating, or accommodating a student's religious expression.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from South Carolina (Mr. DEMINT) and a Member opposed each will control 10 minutes.

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

Mr. DEMINT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of my freedom of expression in schools amendment is to ensure that a student's First Amendment right to freedom of religious expression is protected. This amendment is important to school safety, because what we value and believe, as children and adults, directly impacts how we act. It is, therefore, essential that students not be discouraged from participating in positive, faith-based activities or exercising their freedom of religious expression.

As many of us know, public schools are being intimidated into suppressing religious expression by the threat of costly litigation. This litigation often arises from a confusion between a school allowing religious expression by a student, which is protected, and a school sanctioning and endorsing religion, which violates the establishment clause.

Only a few weeks ago, with graduation exercises having been completed around the country, there were valedictorians and class presidents who were actually physically removed from the stage, their speech censored, not because it contained vulgarity or obscenity but because it contained constitutionally protected, student- initiated religious expression.

This has taken place in both California and Minnesota this year. The Indiana Civil Liberties Union wrote a letter threatening to sue any high school or college in the State if they allowed prayer at graduation ceremonies. The letter said, you will pay your own and our attorney's fees, an amount that could run as high as $250,000.

How can schools take this risk? It is much easier just to tell the students not to pray than to risk spending this amount of money.

In cases from Michigan to Maryland to Indiana, so-called civil liberties groups have threatened principals and school boards with lawsuits because of legitimate student religious expression. This is happening because such cases were made exempt by Congress from the common legal practice of each side paying its own attorney's cost. Schools that are accused must face the additional threat, if they lose, that they must also pay the other side's legal fees. This provides a perverse incentive for schools to silence the speech of students rather than to face a punitive lawsuit.

Congress created the one side loser pays exception to the normal practice in order to encourage the defense of civil liberties. However, this exception is now being used as a weapon to suppress these very liberties. The current incentive is for schools to silence student religious expression rather than fight for student constitutional rights. My amendment simply corrects the mistake and returns such cases to the normal practice of each side paying its own fees. Such cases should be decided on the merits, on a level playing field, not by threats and bullying.

Mr. Chairman, Congress has set a clear precedent for this amendment. In 1996, Congress passed and the President signed the Federal Courts Improvement Act. This bill included a provision that exempted certain cases brought against judicial officers from the attorney's fees requirement. It amended the identical section I am amending. The bill passed the Senate by unanimous consent, was brought to the House floor by unanimous consent and passed on a voice vote.

Let me quote a portion of the rationale provided by the Senate Committee on the Judiciary report on the bill. The risk to judges of burdensome litigation creates a chilling effect that threatens judicial independence and may impair day-to-day decisions of the judiciary in close or controversial cases. The same risk of burdensome litigation is threatening our public schools and more. It is threatening the First Amendment rights of our students.

I urge my colleagues to support this reasonable and well-crafted amendment.

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

The CHAIRMAN. Does the gentleman from Virginia (Mr. SCOTT) seek to control the time in opposition?

Mr. SCOTT. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. SCOTT. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment has a very clear and pernicious purpose. Put simply, if one agrees with the sponsor of this amendment on the role government should play in religion and the government violates their rights, they get their day in court and if one wins the government that violated their rights can be ordered to pay their attorney's fees, but if someone disagrees with the sponsor's views and the government violates their rights and they win their case, that is to say a court finds that their constitutional rights are violated, then the court may not under any circumstances order the local authorities to pay attorney's fees.

It does not matter how extreme the violation of one's rights. It does not matter how much it costs to protect one's rights in court. It does not matter how much the local authorities drag their feet or drag down the case to make it more costly or burdensome for someone. None of that matters. A person has to pay the costs and pay a dear price if one disagrees with the sponsor of this amendment.

There is only one effect this amendment will have, and that is to silence dissent against the local majority. Perhaps some people like that idea. Perhaps it is politically popular to stick it to religious minorities, but that is not what this country is supposed to be about. Perhaps the proponents of this amendment should go back to school and do a little homework on the First Amendment.

Both of the religion clauses of the First Amendment were put there to protect religious freedom. The establishment clause, as unpopular as it is in some circles, protects all of our rights to religious liberty to those who would commandeer the power of the State to promote mere particular religious views. Where those views are the views of the majority, that may be politically popular but it is not a stand in defense of religious liberty.

Remember, we are not talking here, despite what the sponsor of the amendment said, about frivolous lawsuits. We are talking about victorious lawsuits, lawsuits which persuaded the courts that they were right, that the plaintiff's constitutional rights were violated by the local government. The judge said, they were right and now this amendment says, but one cannot get their attorney's fees anyway; only the people who agree with the sponsor or with the local majority can get their attorney's fees.

This is not right. It is an attempt to bias the courts, to bias the courts financially against people who would sue on the basis of the establishment clause, and frankly the courts ought to be neutral. They ought to interpret the Constitution, and if someone's rights are violated and they win that fact in court, if the law provides for attorney's fees, then they ought to get it. We should not bias the case one way or the other, as this amendment would try to do, to stifle dissent and to stifle minority religious views.

Again, this amendment is obnoxious to the First Amendment and ought to be defeated.

Mr. DEMINT. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I am intrigued by the comments of the earlier gentleman saying that he was deadly opposed to the fact that the United States Congress should not impose its will on local authorities but it is quite well enough for the United States Supreme Court to do that.

Mr. Chairman, I rise in strong support of the DeMint amendment. It is time that America stop the making of constitutional law by extortion. Let me give an example. In 1992 the Supreme Court in Lee v. Wiseman decided, wrongly I believe, that local graduation prayer conducted by schools was unconstitutional.

In March of 1993, the Indiana Civil Liberties Union wrote to educators in Indiana threatening a lawsuit should the school have any type of prayer at graduation. Let me quote from that letter:

> We know that a few school boards are trying to find a way around the Supreme Court ruling. If you decide to hold graduation prayer anyway, as a matter of principle, four things will probably happen. We will sue both the school corporation and any individuals who approved and authorized graduation prayers. We will win. The Supreme Court has already decided the issue. You will pay your own and our attorney's fees, an amount that could run as high as a quarter of a million dollars. Your insurance will not cover it because it is a deliberate violation

of law so the money will come directly from property taxes.

That is not what our founders intended. It was wrong in 1976 to give an incentive for coercing public officials to act in opposition to the wishes of their constituents. It is right to put some sanity back into this legal process. Constitutional law should be by deliberation and not extortion.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, first I want to say that I am sorry that the gentleman from Colorado (Mr. TANCREDO) decided not to offer the second amendment he had a right to offer. I think he must have realized that offering that amendment, which he had put in there, to circulate the pamphlet put out by the Department of Education on religious rights would have undercut much of the argument we get from the other side, because we were eagerly looking forward to supporting his amendment. Somebody probably tipped him off and that is why he decided to not to offer it, because that pamphlet from the U.S. Department of Education makes clear how broad the right of children is in the schools to engage in appropriate religious exercise within the framework of the Constitution. So they thought better of it and they must have read the pamphlet and realized that it strengthens the case of the other side.

Now I did also want to bring poor Thomas Jefferson back from France, to which he was exiled by the gentleman from Indiana (Mr. HOSTETTLER), while he was Secretary of State. The gentleman from Indiana (Mr. HOSTETTLER) said Thomas Jefferson had nothing to do with the ratification of the Bill of Rights because he was serving in France.

If he was serving in France during that period, he was serving as Secretary of State because he was not the ambassador to France while he was Secretary of State and that is when they did the Bill of Rights. So the gentleman's history is not much not better than his constitutional law. His constitutional law seems to misunderstand the principle. Yes, we take an oath that we are bound by the Constitution. We should not transgress it. I wish that oath meant more to people around here sometimes.

But when there is a decision by the Supreme Court, it is binding on us. The gentleman from Indiana (Mr. HOSTETTLER) appears to want to disregard that. A Supreme Court opinion is binding.

Finally, I want to note that the author of this amendment does not appear to have much faith in the amendment before him of the gentleman from Colorado (Mr. TANCREDO). It does exactly the same thing.

Now apparently what we have here is the Republican leadership has found a way around the FEC, not the Constitution. They found a way to help people with their campaigns.

The gentleman from Colorado (Mr. TANCREDO) offered an amendment, thanks to the Committee on Rules, and it included the very same provision of this amendment, but this gentleman also wanted to offer it.

So what is two amendments that say the same thing in a bill that is kind of crazy anyway?

Now, of course, if we had a functioning Committee on the Judiciary which could contemplate these issues, we would not have this kind of scramble.

That is the final point. Should we or should we not have a situation where public officials deliberately violate the Constitution to have to pay in a lawsuit? Well, maybe they should be allowed not to have to do that, but why pick and choose?

The Republican Party controls the Committee on the Judiciary. If the gentleman thinks it is wrong that we have a situation where public officials who have violated the Constitution have to pay the legal fees of those whose constitutional rights they violated, and were so found by the Supreme Court, why did not the gentleman have a hearing, why did not the gentleman have a subcommittee markup, all these exotic things we used to have?

This is a politically constructive process that is putting together a Rube Goldberg of a bill.

Mr. HOSTETTLER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana, to bring Thomas Jefferson back.

□ 2300

Mr. HOSTETTLER. Mr. Chairman, will the gentleman from Massachusetts tell me where the Secretary of State was serving as a Member of the House of Representatives or a Member of the Senate while the amendments to the Constitution were being offered?

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, the gentleman from Indiana said he was in France. The gentleman from Indiana needs a lot of explaining. He said that Thomas Jefferson was in France during the ratification of the Bill of Rights. He was not in France during the ratification of the Bill of Rights.

Mr. HOSTETTLER. Mr. Chairman, he was in France.

Mr. FRANK of Massachusetts. Mr. Chairman, he had, in fact, been serving as the Secretary of State. I did not say he was in the House or the Senate. I was contradicting the statement of the gentleman from Indiana that he had nothing to do with the ratification of the Bill of Rights because he was in France.

As a matter of fact, Thomas Jefferson here in the United States as Secretary of State and James Madison as a Member of Congress talked to each other.

It was the gentleman's statement, and, again, I understand the gentleman wanted to change the subject, he said, among his many errors, that Thomas Jefferson was in France during the ratification of the Bill of Rights; and he was wrong by about 4,000 miles which, by his standard, is not so bad.

Mr. DEMINT. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I just want to be clear for the RECORD, is it the intent of the gentleman from South Carolina (Mr. DEMINT) that his amendment, when he uses the term ''students' religious expression,'' that the term ''students' religious expression'' includes student prayer?

Mr. DEMINT. Yes, Mr. Chairman.

Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise tonight in support of the students whose first amendment right to religious freedom is being suppressed because his or her school is intimidated by the threat of a costly lawsuit.

I support the DeMint amendment for children like first-grader Zachary Hood who was told by his teacher that he could read his favorite story to his class.

Zachary was extremely excited about the chance to read to his class, and he chose Jacob and Esau, a story about two brothers who quarrel and then make up. The story never even mentions God. However, because it is from the Bible, the teacher would not allow Zachary to read.

What kind of society do we live in that allows the Columbine killers to produce a class video of themselves in trench coats gunning down athletes in a school hallway, yet young Zachary is not allowed to read a story about two brothers, which happens to be from the Bible, to his class?

A member of our own staff shared with me her experience a few years ago as a 10th grade student. She was assigned to write a fictional account of an historical figure. Horror of all horrors, she chose Jesus Christ as her subject. While the English teacher admittedly could not find one single grammatical error in the entire 17-page paper, she claimed she had to fail this student for choosing Jesus as her historical figure.

For many students, faith is an essential part of who they are. Why are we asking them to leave this part of themselves outside the door to the school? Why? Because schools are bullied by big organizations which are suppressing student religious expression at taxpayer expense.

I urge my colleagues to support the DeMint amendment.

Mr. SCOTT. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I would simply like to observe that all of the preceding discussion of the preceding speaker and much of the discussion of the preceding speakers on the other side is irrelevant to this amendment.

This amendment, unlike the amendment of the gentleman from Colorado (Mr. TANCREDO), does not deal with what happened in Columbine, does not deal with memorial services. It is even more brazen. All it says is that someone who complains in court that his constitutional rights were violated on the establishment of religion clause dealing with school prayer, if he wins that suit, cannot have his legal fees paid for.

So all it says on one side of the issue, one can have one's legal fees paid for; on the other, one cannot. It is simply biasing the courts, and, therefore, it is against the Constitution.

Mr. DEMINT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I rise in strong support of the amendment, and I want to continue along what the gentleman from Pennsylvania (Mr. PITTS) talked about.

This first grader was promised, because of the ability to read well and because the child worked hard, that he could read as a reward whatever story he wished to read. Now, there is no question in my mind that the teacher committed two serious problems. First of all, she reneged on her promise. Secondly, she missed a golden opportunity to have them discuss what it means to take advantage of someone who is disadvantaged. She had a golden opportunity to talk about greed and have them discuss greed.

All of these thing could have been done. There is no question in my mind that she could have done it, and any court would have said that was perfectly all right, even if he included the word ''Bible'' and the word ''God,'' which he did not.

But it is the fear, it is the fear of the school district, not only must they pay if they lose for their own expenses, they must pay for the other expenses. They do not have any money for books. They do not have any money for buildings. They do not have any money for anything because they are constantly in court. With the Supreme Court ruling of a week or 2 ago, they will be in court all the time.

So let us level the playing field. Either both sides pay each other, or one side pays theirs, the other pay side pays theirs, but do not make it double indemnity for them.

Again, she missed a golden opportunity. I am sure the courts would have said she was perfectly in her right to allow the child to read that. But it is the fear, it is the intimidation. It appears to me that if we want to be fair about this, we will level the playing field so everybody has an equal opportunity.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to the amendment of the gentleman from South Carolina (Mr. DEMINT), my freshman colleague this evening.

I did not want to miss this golden opportunity. See, this is a golden opportunity for the gentleman's side of the aisle to encourage litigation. As we talk about tort reform, as we talk about not lifting the caps to allow people to litigate about tort issues, we want to give people the opportunity to go into court to litigate something that the Supreme Court has already decided. Usually, when we want to go into court and decide an issue, it is an issue that has not already been litigated by the Supreme Court.

This is a golden opportunity this evening for us to waste our time instead of getting on to the issues that we ought to be getting on to this evening, which are dealing with gun control, dealing with gun safety.

So, Mr. Chairman, I rise in opposition to the motion, because it is a waste of time to discuss the issue. I am a religious person just like anyone else, but I learned about God, Jesus Christ at Bethany Baptist Church, 10518 Hampton Avenue, through the support of my minister and my mother; and every one else can do the same.

Mr. SCOTT. Mr. Chairman, I yield myself 2½ minutes, the balance of the time.

Mr. Chairman, I think this discussion has pointed out the need for the amendment that we skipped. The gentleman from Colorado (Mr. TANCREDO) had an amendment that would have required parents to be notified of the availability of the Education Department's brochure, ''Religious Expression in Public Schools: A Statement of Principles.'' Had that been taken up, that information would have gone out, and people would know what they can do and what they cannot do.

This amendment right now does not require everyone to pay his own legal fees. It requires that those who agree with the gentleman from South Carolina (Mr. DEMINT) can get their attorney fees paid; but if one disagrees with the issue, then one cannot.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I know of no provision in the current law that would allow the school district to recover attorneys fees from a plaintiff who sued them challenging religious expression by the student. Is it not correct that the current law only allows the plaintiff to recover fees, but does not permit the school district which is defending the suit to make a recovery of legal fees?

Mr. SCOTT. Mr. Chairman, reclaiming my time, that is exactly right. But Congress does not decree that one can get one's attorneys fees if one sues under a premise that the gentleman from South Carolina (Mr. DEMINT) agrees with. But if one sues on something he disagrees with, one cannot get one's attorneys fees. It does not say that.

□ 2310

Mr. Chairman, this kind of amendment has significant constitutional implications. We ought not be taking it up as an after-thought to a juvenile justice bill that started out as a noncontroversial, bipartisan, constructive, research-based bill. Yet here we are, after 11 o'clock at night, talking about complex constitutional issues, trying to make law, and trying to make law in an unprecedented fashion, where we get attorneys fees if we agree with the gentleman from South Carolina but we do not get attorneys fees if we do not.

Mr. DEMINT. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from South Carolina.

Mr. DEMINT. Mr. Chairman, just a quick clarification. Congress created this exemption, and it is certainly within our right to change it.

This is an exemption. All we are asking for is a level playing field when two parties go to court. Right now, it is set up that if the schools lose, they pay both. If they win, they pay their own. There is no way for them to win. They are under a threat that is too big a risk. We just want it to be the standard normal practice.

The CHAIRMAN. Time of the gentleman from Virginia has expired. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from South Carolina (Mr. DEMINT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. DEMINT) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 21 offered by the gentleman from Florida (Mr. STEARNS); amendment No. 22 offered by the gentleman from Iowa (Mr.

LATHAM); amendment No. 23 offered by the gentleman from California (Mr. ROGAN); amendment No. 24 offered by the gentleman from Colorado (Mr. TANCREDO); and amendment No. 26 offered by the gentleman from South Carolina (Mr. DEMINT).

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

AMENDMENT NO. 21 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote followed by four 5-minute votes.

The vote was taken by electronic device, and there were—ayes 293, noes 134, not voting 7, as follows:

[Roll No. 216]

AYES—293

Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOES—134

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

□ 2333

Ms. PELOSI and Mr. CROWLEY changed their vote from ''aye'' to ''no.''

Mr. GANSKE, Mr. FORD, Mrs. JOHNSON of Connecticut, Mr. PASCRELL, Mr. BALDACCI, Ms. SANCHEZ, Mr. DEUTSCH and Mr. REYES changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings. The Chair requests all Members to remain within the Chamber.

AMENDMENT NO. 22 OFFERED BY MR. LATHAM

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. LATHAM) on which further proceeding were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 3, not voting 7, as follows:

[Roll No. 217]

AYES—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
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
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell

Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
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
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
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
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (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
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—3

Ehrlich
Gonzalez
Paul

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

□ 2340

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. ROGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROGAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 243, not voting 7, as follows:

[Roll No. 218]

AYES—184

Aderholt
Andrews
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cunningham
Danner
Davis (VA)
Deal
DeMint
Deutsch
Diaz-Balart
Doyle
Dreier
Duncan
Dunn
English
Everett
Fletcher
Foley
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Gutknecht
Hall (OH)
Hall (TX)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hobson
Holden
Horn
Hunter
Hyde
Istook
Jenkins
John
Johnson (CT)
Jones (NC)
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Knollenberg
Kucinich
Lampson
Latham
Leach
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Mascara
McCollum
McInnis
McIntosh
McIntyre
Menendez
Metcalf
Mica
Miller, Gary
Mollohan
Moore
Morella
Myrick
Ney
Norwood
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pomeroy
Radanovich
Ramstad
Regula
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Salmon
Sandlin
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shows
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Tiahrt
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOES—243

Abercrombie
Ackerman
Allen
Archer
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coburn
Conyers
Costello
Coyne
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Forbes
Ford
Fossella
Frank (MA)
Frost
Ganske
Gejdenson
Gilman
Gonzalez
Goodling
Green (WI)
Greenwood
Gutierrez
Hansen
Hastings (FL)
Hastings (WA)
Hefley
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Kolbe
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lowey
Lucas (OK)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Paul
Payne
Pelosi
Petri
Phelps
Pickett
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Reyes
Reynolds
Rivers
Rodriguez
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sanford
Sawyer
Scarborough
Schakowsky
Scott
Serrano
Shaw
Sherman
Shimkus
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (WA)
Snyder
Souder
Stark
Strickland
Stupak
Sununu

Sweeney
Talent
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wicker
Wilson
Woolsey
Wynn

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

□ 2349

Messers. QUINN, DOGGETT, BERRY, BENTSEN, CAMP, PORTMAN, HILL of Montana, and Ms. PRYCE of Ohio and Mrs. CUBIN changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2350

AMENDMENT NO. 24 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 300, noes 127, not voting 7, as follows:

[Roll No. 219]

AYES—300

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—127

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Becerra
Bentsen
Bereuter
Berkley
Berman
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holt
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Morella
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Payne
Pelosi
Pickett
Porter
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stark
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Waters
Watt (NC)
Wexler
Weygand
Woolsey

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

□ 2357

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 26 OFFERED BY MR. DEMINT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. DEMINT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 189, not voting 7, as follows:

[Roll No. 220]

AYES—238

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John

Johnson, Sam
Jones (NC)
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—189

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Cooksey
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Brown (CA)
Dicks
Gephardt
Houghton
Martinez
Thomas
Weiner

□ 0003

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider amendment No. 27 printed in part A in House Report 106–186.

Mr. ISTOOK. Mr. Chairman, the next scheduled amendment to be offered was one which I was to offer. However, I do not intend to offer it because the previous amendment, the DEMINT amendment, was adopted by the House.

My amendment had some similarities with the DeMint amendment. It would have stated that a plaintiff who sued to try to stop voluntary student prayer in public schools would not be entitled to collect attorney fees from the school district. However, since the DeMint amendment concerned religious expression, and certainly prayer is one of those religious expressions, my amendment is unnecessary because my objective was covered in fact in a broader way by the DeMint amendment.

Therefore, I do not wish to offer my amendment at this time.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 28 printed in part A of House Report 106–186.

AMENDMENT NO. 28 OFFERED BY MR. ADERHOLT

Mr. ADERHOLT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 28 offered by Mr. ADERHOLT:

Add at the end the following new title:

TITLE ___—RIGHTS TO RELIGIOUS LIBERTY

SEC. ___. FINDINGS.

The Congress finds the following:

(1) The Declaration of Independence declares that governments are instituted to secure certain unalienable rights, including life, liberty, and the pursuit of happiness, with which all human beings are endowed by their Creator and to which they are entitled by the laws of nature and of nature's God.

(2) The organic laws of the United States Code and the constitutions of every State, using various expressions, recognize God as the source of the blessings of liberty.

(3) The First Amendment to the Constitution of the United States secures rights against laws respecting an establishment of religion or prohibiting the free exercise thereof made by the United States Government.

(4) The rights secured under the First Amendment have been interpreted by courts of the United States Government to be included among the provisions of the Fourteenth Amendment.

(5) The Tenth Amendment reserves to the States respectively the powers not delegated to the United States Government nor prohibited to the States.

(6) Disputes and doubts have arisen with respect to public displays of the Ten Commandments and to other public expression of religious faith.

(7) Section 5 of the Fourteenth Amendment grants the Congress power to enforce the provisions of the said amendment.

(8) Article I, Section 8, grants the Congress power to constitute tribunals inferior to the Supreme Court, and Article III, Section 1, grants the Congress power to ordain and establish courts in which the judicial power of the United States Government shall be vested.

SEC. ___. RELIGIOUS LIBERTY RIGHTS DECLARED.

(a) DISPLAY OF TEN COMMANDMENTS.—The power to display the Ten Commandments on or within property owned or administered by the several States or political subdivisions thereof is hereby declared to be among the powers reserved to the States respectively.

(b) EXPRESSION OF RELIGIOUS FAITH.—The expression of religious faith by individual persons on or within property owned or administered by the several States or political subdivisions thereof is hereby—

(1) declared to be among the rights secured against laws respecting an establishment of religion or prohibiting the free exercise of religion made or enforced by the United States Government or by any department or executive or judicial officer thereof; and

(2) declared to be among the liberties of which no State shall deprive any person without due process of law made in pursuance of powers reserved to the States respectively.

(c) EXERCISE OF JUDICIAL POWER.—The courts constituted, ordained, and established by the Congress shall exercise the judicial power in a manner consistent with the foregoing declarations.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Alabama (Mr. ADERHOLT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the recent shootings in Littleton, Colorado, provide an unfortunate picture of the terror infested in our schools today, children killing children in the halls of our schools, children who do not understand the basic principles of humankind.

Today, I offer the Ten Commandments Defense Act amendment. This amendment would protect America's religious freedom by allowing States, and I repeat that, allowing States to make the decision whether or not to display the Ten Commandments on or within publicly owned property.

As Members of Congress, we have the privilege and the weighty responsibility to make laws for our country which honor the individual, laws that foster value and establish basic guidelines of right and wrong; do not steal, do not lie, do not kill. We are fortunate to live in a country in which the very First Amendment of our Constitution guarantees the freedom of religion.

This does not mean freedom from religion. Rather, it means that we are free to live as we choose; we are free from the tyranny which stifles our expression of faith.

The founders wisely realized that in a free society it is imperative that individuals practice forbearance, respect and temperance. These are the very values taught by all the world's major religions and the Ten Commandments and our Constitution underscore these values.

While this amendment does not endorse any one religion, it states that a religious symbol which has deep rooted significance for our Nation and its history should not be excluded from the public square.

As I look behind me in the House Chamber here tonight, I see other religious symbols. In the balcony there are reliefs of great lawgivers throughout history. Blackstone, Jefferson, Hammarabbi, and the list goes on. However, on the main door to this Chamber is the relief of Moses, the most prominent place in the Chamber. He looks directly at the Speaker.

Above the dais, are the words, in God we trust and each day in this Chamber we open with prayer by our Chaplain. Religious expression is not absent from this public building, and it is not fair to say that public buildings in each of the States are precluded from recognizing this heritage.

The Ten Commandments represent the very cornerstone of Western civilization and the basis of our legal system here in America. To exclude a display of the Ten Commandments and suggest that it is in some way an establishment of religion is not consistent with our Nation's heritage. This Nation was founded on religious traditions and they are integral parts of the fabric of American culture, political and societal life.

This amendment today is not just about the display of the Ten Commandments. It is also about our Nation's children and the role that values play in our national life. Our Nation was founded on Judeo-Christian principles and by our Founding Fathers.

I realize that many things need to happen to redirect this overwhelming surge toward a violent culture. I also understand that simply posting the Ten Commandments will not change the moral character of our Nation overnight. However, it is one step that States can take to promote morality and work toward an end of children killing children. The States we represent deserve the opportunity to decide for themselves whether they want to display the Ten Commandments. This is consistent with the Tenth Amendment to the Constitution, which says those powers not given to the Federal Government are reserved for the States.

I ask my colleagues to join me in giving the States the power to decide whether to display the Ten Commandments, which are the very backbone of the values and the nature of our society.

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

□ 0010

Mr. SCOTT. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 10 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, our rich tradition of religious diversity is a cornerstone of American constitutional rights. Rather than trying to honor and promote that tradition of religious diversity by focusing on the Ten Commandments, this amendment seeks to elevate one particular religion over all others. This singling out of one religion is contrary to the American ideal of religious tolerance and is blatantly unconstitutional.

By contrast, the Chamber of the Supreme Court, one of the best traditions of our religious diversity, the Ten Commandments, depicts Hammurabi, Moses, Confucius, Augustus, Mohammed and others as those who have given the philosophy and law, and does so in a manner that honors the diversity of our religious experience.

The amendment before us today is unconstitutional because it is inconsistent with the first amendment. The case law clearly establishes that placing religious articles such as the Ten Commandments outside the context of other secular symbols, in a government establishment is a violation of the Establishment Clause.

In Stone v. Graham, in 1980, the Supreme Court struck down a Kentucky law requiring the posting of the Ten Commandments in public schools. Another case, in 1994, the 11th Circuit Court of Appeals found a courtroom display of the Ten Commandments to be unconstitutional.

For more than 200 years, we have survived as a government of laws and court interpretations of those laws, and now is not the time on a juvenile justice bill to be debating complex constitutional principles that have nothing to do with juvenile crime.

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

Mr. ADERHOLT. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, we have awoken to a day in which hatred is overlooked, violence is glorified, and random acts of indecency are tolerated. I fear that this has led to a generation that no longer understands the difference between right and wrong.

This segment of our youth population has abandoned the notion that human life should be treasured. It saddens me to conclude that many of these youth are, by their own account, morally destitute. Regrettably, Americans have witnessed a series of heartwrenching incidents of youth violence, casting light on the magnitude of our Nation's problem.

I do not support the Aderholt amendment because I want to impose religion in our schools. I strongly support this amendment because our States should have the opportunity to expose their students to a timeless code which, I believe, could instill ageless values.

I have given much thought to why some of my colleagues are so resistant to the proposal of the gentleman from Alabama (Mr. ADERHOLT), and, frankly, I remain incredulous. Do some truly believe that teaching our children that lying, stealing, and killing is wrong? Listening to some of my colleagues on the other side of the aisle, one might conclude that the amendment of the gentleman from Alabama (Mr. ADERHOLT) would tear at the fabric of our Nation.

It is amazing to me that many of these same Members will, no doubt, vehemently defend the right of commercial vendors who wish to distribute pornography, filth, and violence to our children, and yet rail against States that wish to allow their school districts the right to post the 10 basic tenets of the Judeo-Christian tradition.

Mr. Chairman, when will we as a Congress humbly acknowledge that this Nation was founded on a simple principle of trust in God? We need to get our priorities straight. I support the freedom of religion, and I support this amendment.

Mr. SCOTT. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment again attempts to say that the Congress finds what is constitutional and what is not. It finds to be constitutional what the courts of the land, which have the power and the duty under our system of finding what is constitutional, this says what they have found to be unconstitutional is constitutional. It is usurpation of the power of the courts, number one.

Number two, it says the courts, constituted and ordained and established by the Congress, shall exercise the judicial power in a manner consistent with the foregoing declarations. God forbid, the courts should exercise the judicial power in accordance with the courts' understanding of the Constitution, first of all; and, second of all,

with the laws, not with opinions expressed and findings of Congress.

Third, public buildings shall have the Ten Commandments. The Ten Commandments say a number of things. I think most people who talk about them do not really know what they say. It says, ''I am the Lord, thy God, who has brought thee forth from Egypt. Thou shalt have no other Gods before me, for I, the Lord thy God, am a jealous God, visiting the sins of the fathers on the children even unto the third and fourth generations.''

Do most religious groups in this country really believe that God visits the sins of the fathers on the children to the third and fourth generations? I think not.

''Thou shalt not work on Saturday.'' Most Christian denominations have changed it to Sunday. Do we want to say they are wrong, with the power of the State behind them, the Christian groups are wrong, they ought to be changed back to Saturday? That is what the Ten Commandments seems to say.

I am not expressing a view on religion, but the States should not take a position on that by putting that in the courtroom or the schools.

Let me ask a different question: Whose Ten Commandments? Which version? The Catholic version? The Protestant version, or the Jewish version? They are different, you know. The Hebrew words are the same, but the translations are very different, reflecting different religious traditions and different religious beliefs.

Are our public buildings to be Catholic because the local Catholic majority votes that the Catholic version found in the Douay Bible should be in the public buildings? Or perhaps they should be Protestant because the local majority decides that the Saint James version of the Ten Commandments, which is very different from the Catholic version. Or maybe the Jews have a majority in the local district, and they decide the Messianic version should be in the public buildings.

It was precisely to avoid divisive questions like this that the first amendment commands no establishment of religion; and that is what this ignorant amendment would overturn. I urge its defeat.

Mr. ADERHOLT. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, this is a copy of the Ten Commandments that hangs on the wall of the office of the gentleman from Georgia (Mr. BARR), Representative from the Seventh District. This has been hanging on our wall for close to 5 years now, since I was sworn in as a Member of this Chamber.

Not one time have we had somebody that has walked into that office, seen these Commandments, fallen down on their knees and say, I must pay homage to whatever religion the gentleman from Georgia (Mr. Barr) is. There is nothing in these Ten Commandments that reaches out and grabs somebody and forces them to abide by any particular religious belief.

I challenge anybody on the other side to tell me what in these Ten Commandments they find so objectionable. Do they find so objectionable that it says, Thou shalt not kill? Would they object to having those words, and no more, inscribed on the halls of our schools so that our children are reminded that thou shalt not kill? I dare say no.

It mystifies me what they find so objectionable in the Ten Commandments. They say, oh, this is not the time, Mr. Chairman, this is not the time in this bill about youth violence. I challenge them, if this is not the time, what in God's name is the time? When in God's name, Mr. Chairman, is it time; when we have children killing children in our schools, killing teachers in our schools is the time?

Is it the time when we have another tragedy in schools? Will it be time when we have more teachers killed? Will it be time when we have more weapons of destruction being taken into our schools? Maybe then it would be time. But I say, Mr. Chairman, it is time now.

As was spoken eloquently in testimony before the House of Representatives Subcommittee on Crime on May 27, 1999, in a poem penned by one of the parents of the victims of two of the Columbine High School shootings victims, Darrell Scott, he sent a poem which now hangs on our wall next to the Ten Commandments. He says in closing, ''You fail to understand that God is what we need!'' We do need God. I urge the adoption of this amendment.

In the past, America had one room school houses where moral teaching and strong discipline were a part of each day's lesson. At the same time, we had very few gun control laws on the books. In those days, violence in schools was largely limited to playground scuffles.

Today, we have numerous gun control laws. We also have schools where students are forbidden to pray in class or refer to the Lord, where Bible stories cannot be read, and where teachers cannot discipline students. At the same time, we are forced to fight a rising tide of juvenile violence that would have been unthinkable a few short years ago. Coincidence? Not likely.

One of the most egregious examples of the disconnect between common sense and government is the policy many governments have been forced to adopt, banning public display of the Ten Commandments.

Mr. Chairman, some on the other side of the aisle keep saying that Republicans are working on behalf of the NRA. Their irrational argument against something as simple and nonsectarian as displaying the Ten Commandments proves that many in the Democrat party have been bought and paid for by the trial lawyers. And, those lawyers are getting what they paid for judging from the lengths some are willing to go to in order to keep moral teaching out of our schools.

Frankly, I'll take protecting the rights of law abiding citizens over working to protect the views of special interests any day. What kind of society allows its students to make videos about violence, but won't allow teachers to put a poster on a wall with the words ''Thou shalt not kill'' written on it? Trial lawyers and intimidating federal bureaucrats have dictated school policies for too long. Enough is enough.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, after hearing the last statement on the floor, I am reminded of a statement made by the 18th Century American Baptist preacher, John Leland, who fought mightily for a religious liberty amendment in the Bill of Rights when he said, ''Experience has informed us that the fondness of magistrates to foster Christianity has done it more harm than all the persecutions ever did. Persecution, like the lion, tears the saints to death, but leaves Christianity pure. State establishment of religion, like a bear, hugs the saints, but corrupts Christianity.''

Mr. Chairman, what is wrong with this picture? Our Founding Fathers decided that the issue of religious liberty, the concept of separating church and State in America was so important it should be the first 16 words of the Bill of Rights.

But here we are, after midnight, more staff people on this floor than Members of this House, debating with the gracious allowance of 10 minutes on each side, 10 minutes to debate an issue that is fundamental to the point. It is the very beginning of the foundation of our Bill of Rights and the first amendment.

□ 0020

That is wrong.

Now, I would suggest it is absolutely disingenuous to suggest that tonight is a debate about the goodness of the Ten Commandments. I am a Christian, I would say to my colleague, the gentleman from Georgia (Mr. BARR). I am not going to debate my level of Christianity versus anyone else's. It is not my place in my Christianity to judge anyone else. But that is not what this debate is all about. This debate is whether government has the right to use its resources to push its religious views on other free citizens of this land.

And do not listen to my words tonight. Listen to what the Supreme Court said. The Supreme Court has clearly stated in its cases that the preeminent purpose for posting the Ten Commandments on the schoolroom walls is plainly religious in nature.

This debate does disservice to the Bill of Rights and the principle of religious liberty.

Mr. ADERHOLT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the gentleman from Alabama (Mr. ADERHOLT) for yielding me this time and for his leadership.

This debate is about what is going on with our kids in America, and that is why it is part of the juvenile justice bill. And there are millions and millions, probably the overwhelming majority of Americans, who believe part of this is the lack of moral teaching and the moral influence which we have sucked out of our system in this country.

I am tired of hearing tonight on the floor about how neutral our Founding Fathers were and this and that. The fact is we have lawgivers all around this body, and all their heads are sideways on this side, and all their heads are sideways on that side, except for one. Moses is looking straight down on the Speaker of the House. And up above the Speaker of the House it says ''In God We Trust.'' And it is Moses looking here, not all these on this side and not all these on this side. They are part of a tradition, but this is the central tradition. We have denied and sucked out the central tradition.

We now have diversity, and in the schools we allow posting of posters from the Hindu background, from the Mexican background, prayers from Indian faiths, but not the Ten Commandments. In Congress, Members who are interested can get and have the different plaques, the stone plates, and I hope we do not drop these because I do not want to bring any bolts of lightning down on us, of the Ten Commandments. We can put these in our offices. We can have Moses staring down here, but these things apparently are dangerous for our children. We would not want them to have other gods. We would not want them to learn about killing and stealing. Apparently, this is more dangerous than whether they can wear Marilyn Manson T-shirts, whether they can have posters in the schools advertising rock concerts. Anything goes pretty much in the schools as long as it is not the Ten Commandments.

That is what we are concerned about, is the stripping of the religious freedom for the central part of our culture, not trying to deprive other people of their rights. I am fine with posting different versions of the Ten Commandments, if that is what it takes. We are not trying to restrict other people's rights. We are trying to bring the rights back for the central faith of this country.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I am a protestant, a Baptist in particular. I am not of the Jewish faith, I do not practice Judaism, I do not practice the Muslim faith, I do not know anything about Buddhists. I respect each of those. But when I send my child to school, I expect my child not to be influenced by anybody else's religion. I expect to teach my child in my house what I would like to teach him about religion. While I respect everybody's religion, I do not want it imposed on my child where I send him to school.

Now, my colleague thinks it is all right to have the Ten Commandments. I do not know what is synonymous to that in any of these other religions. I know one thing. I do not want anybody else's religion displayed by way of their commandments in the classroom where my child is, maybe teaching him something different than what I would teach him.

As far as I am concerned, I teach my child that God is God. It may be Jehovah, it may be Allah, it may be something in other religions. But that is the point. The point is this is a Nation where we are allowed to practice whatever we would like to practice. It is central and basic to our democracy. It is installed in our Constitution. It is sacrosanct. It is the most precious thing that we can have, freedom of religion.

When the gentleman talks about the Ten Commandments, he is talking about something that is central to Christianity. Why in God's name would he want that to be the symbol of everybody's religion? The fact of the matter is, he would not like it if somebody else imposed something else on his child. So he has got to see it in a more comprehensive way.

It is unconstitutional. It flies in the face of the Constitution of this land and it should not be done.

Mr. SCOTT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON LEE of Texas. Mr. Chairman, I respect the fact that there are Members who have come to this floor arguing the Constitution on a juvenile crime bill because they see no other hope for them or for the children of America. And I would simply say to the gentleman from Alabama (Mr. ADERHOLT), although I respect his desires and his appreciation for the Ten Commandments, it is important to hold in high regard the Constitution of the United States.

The Constitution requires that we establish no religion. The gentleman from Georgia (Mr. BARR) has asked, ''When in God's name.'' Well, the gentleman has the Ten Commandments, and I would hope that wherever the gentleman from Georgia goes he offers to those who will hear him his belief in the Ten Commandments. And that is what we need to give our children in America, the opportunity for them to choose their beliefs.

For this to be allowed, if the gentleman is attaching it to the juvenile crime bill, he must be saying, put the Ten Commandments in our schools. Well, in our schools, as evidenced by the statement of the Secretary of Education, that I wish the gentleman from Colorado (Mr. TANCREDO) would have offered, we allow our students to express themselves, no matter what their religion is. They can gather voluntarily and pray to their respective gods. If they want to acknowledge the Ten Commandments, do so, and I support them in doing so. I happen to believe in the Seventh Day Sabbath, but if someone does not agree with that, then they have every right to not be forced to do so.

I would say, Mr. Chairman, that the Constitution is violated by that amendment, and I would ask it be defeated.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Amendment I of the Constitution says the Congress shall make no law respecting an establishment of religion. Obviously, picking one religious symbol establishes that religion.

Mr. Chairman, to the extent this measure may be constitutional, if it is constitutional, we do not need it. If it is not constitutional, it does not make any difference whether we pass it or not. We are wasting time. We ought to get back to juvenile crime. We should not be taking up this measure at 12:30 at night. I would hope we would get back to the serious consideration of juvenile crime.

Mr. NADLER. Mr. Chairman, I ask unanimous consent, in view of the importance of this subject, that the time for debate be extended by 1 hour.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

Mr. ADERHOLT. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The question is on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT).

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

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, furthers proceedings on the amendment offered by the gentleman from Alabama (Mr. ADERHOLT) will be postponed.

It is now in order to consider amendment No. 29 printed in part A of House Report 106–186.

□ 0030

AMENDMENT NO. 29 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 29 offered by Mr. SOUDER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. RELIGIOUS NONDISCRIMINATION.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting before title III the following:

''RELIGIOUS NONDISCRIMINATION

''SEC. 299J. (a) A governmental entity that receives a grant under this title and that is authorized by this title to carry out the purpose for which such grant is made through contracts with, or grants to, nongovernmental entities may use such grant to carry out such purpose through contracts with or grants to religious organizations.

''(b) For purposes of subsection (a), subsections (b) through (k) of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply with respect to the use of a grant received by such entity under this title in the same manner as such subsections apply to States with respect to a program described in section 104(a)(2)(A) of such Act.''.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this amendment which I am offering along with my colleague, the gentleman from Pennsylvania (Mr. ENGLISH), to expand the principle of religious nondiscrimination to faith-based providers that may desire to compete for contracts and grants provided through juvenile justice funds.

This principle is known as charitable choice and was first included in the welfare reform legislation that became law in 1996. That passed this House by an overwhelming margin, passed the Senate by an overwhelming margin, and was signed by the President of the United States.

In 1998, this principle was also extended to community services block grant legislation. This passed the House by an even bigger margin, passed the Senate by an even bigger margin, was signed by the President of the United States.

Today this House should extend this principle which treats faith-based organizations fairly if they choose to compete to provide juvenile justice prevention services, as well.

Unfortunately, some have raised concerns about this approach which treats fairly faith-based groups on the basis of a distortion of church-state relations.

Now, interestingly, the leading Republican contender for President George Bush, the Governor of Texas, has been a leader in this. But even more interestingly, Vice President GORE has come to speak out on charitable choice, as well.

In Atlanta, at the Salvation Army, on May 24, he said, ''I believe the lesson for our Nation is clear. In those instances where the complete power of faith can help us meet the crushing social challenges that are otherwise impossible to meet, such as drug addiction and gang violence, we should explore carefully-tailored relationships with our faith community so that we can use approaches that are working best.''

If my colleagues look at his campaign home page, it specifically says that ''Vice President Gore and his presidential campaign supports the concept of charitable choice, which the President of the United States has signed in two other bills.''

It is hard for me to understand why anybody would oppose this amendment since both parties' leading contenders, since the current President of the United States, since both Houses of Congress have adopted it. And I hope we will pass this amendment.

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

Mr. SCOTT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, it is now getting worse. Instead of having 10 minutes on each side of the aisle to debate the fundamental issue of separation of church and State, we now only have 5 minutes; 5 minutes in the middle of the night, with very few Members here, to discuss something that was so important, that was embedded in the very foundation of the Bill of Rights, the principle of separating government's power from the right of citizens in this country to exercise their own religious beliefs.

I would make a suggestion. If it were my intent to undermine the religious tolerance for which we have great pride and respect in America, for intent to undermine that tolerance and to create a Northern Ireland in the United States of America, where one religion is pitted against another, let me tell my colleagues how I would do it.

I would put billions of dollars out on the table and tell churches and synagogues that they ought to compete now for that money to help administer social programs.

Five years from now we will have the Baptists arguing with the Methodists, with the Catholics, with the Jews, with the Hindus, with the Muslims, over who got their proportional share of the almighty Federal dollar.

Since we were not given the privilege of having even a 10-minute debate in committee on this fundamental issue, I would hope the author of this amendment would clarify to this House before we vote on this crucial point whether this will allow money to go directly to pervasively sectarian religious institutions.

Mr. Chairman, I would be glad to yield to the gentleman if he would answer that question.

Mr. SOUDER. Mr. Chairman, this has exactly the same language that my colleague voted for in the human services authorization and that he voted for personally in the welfare. It is the same language.

Mr. EDWARDS. Mr. Chairman, it is the same language that not 5 or 10 Members of this House knew was in the welfare reform bill. And I was here on the floor of the House at 1 a.m. in the morning the last time we debated this. But would the gentleman please answer my question? It is a good-faith question to the gentleman.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

I will answer the question here. I apologize for seeming to avoid it, but in fact it was debated. It was a major debate in conference and was aired nationally in the media.

This would allow money directly to go to those groups. They cannot service just their groups. They do not have to change their internal operations. They cannot proselytize with any of the money or they would lose the grant.

Mr. Chairman, I yield 1½ minutes to my friend and cosponsor, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, the gentleman from Indiana (Mr. SOUDER) and I read what we vote for, and we are offering this charitable choice amendment to level the playing field for faith-based organizations by giving them the opportunity to compete with other private entities and providing juvenile justice services.

Religious organizations we know play a critical role in every community and offer unique ways in dealing with young people's needs. These organizations should have the right to compete for these grants.

The charitable choice amendment empowers faith-based organizations to participate in providing juvenile services, but at the same time it guarantees tolerance of the religious beliefs of individuals participating in those programs.

It gives the beneficiary of services the right to object to receiving services from a religious organization and find an alternative provider. No recipients of juvenile justice services will be forced to accept services from a faith-based provider.

Under current law, any organization who is eligible and receiving a grant from the Federal Government cannot discriminate against a beneficiary because of religious affiliation. And this

amendment would apply that standard to faith-based providers, as well.

In addition, it clarifies that a religious provider receiving grant money may not discriminate against an employee because of religious affiliation.

This proposal respects religious diversity even as it attracts new perspectives for treating juvenile offenders.

I challenge my colleagues to look into their heart and support this provision.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I am sorry that the gentleman did not yield to my question before because I am not sure what this language means.

If it means only that a church or a synagogue can get money to run a hot lunch program or to run a housing project, so long as it does it in a nonsectarian and non-religious basis and does not mix religion into it, then that is the current law and we do not need it and we should vote against it because it is unnecessary if that is all it means.

But if it means, as I suspect it means, that if the Federal Government runs a hot lunch program that the first whatever church of east Oshkosh can apply for a grant and can get that grant and can say to people who want to eat the hot lunch, the condition of their getting the hot lunch is that they listen to their religious sermon, if it means, as I suspect it does, that the Congress believes that faith-based methodology, a belief in God, a belief in particular religious doctrines, helps cure drug addicts and, therefore, we want the churches to do this, then that is a per se violation of the separation of church and State, it is an obvious violation of the First Amendment of the establishment of religion, and it leads to exactly what the gentleman from Texas (Mr. EDWARDS) was talking about a few minutes ago.

The most contentious thing we do here is decide what percentage of transit funds or highway funds New York gets as opposed to Pennsylvania or Indiana. We have our fights here about that.

Can my colleagues imagine if we have the annual appropriations fight because the Committee on Appropriations thinks the Methodists ought to get 6.2 percent and the Baptists 7.8 percent, but of course the Baptists think they ought to get more and the Methodists think they ought to get more and the Baptists less?

It is the most divisive thing I can imagine in this country and it is exactly why the Founding Fathers said no establishment of religion. We do not want to get into those religious wars that have driven Europe apart and have driven Asia apart, and this is the road that that amendment leads us down.

Mr. SOUDER. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Indiana (Mr. SOUDER) has 1 minute remaining. The gentleman from Virginia (Mr. SCOTT) also has 1 minute remaining.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to make it clear that this amendment, as did the amendments in the previous two bills, prohibits any funds from being used for sectarian worship, instruction or proselytization, including conditional. It also specifically forbids discrimination with regards to beneficiaries of services.

I would suggest that, while this is not much time to do this, this Congress, with 346 votes and with 256 votes, previously passed this, that the main differences of opinion seem to be on the other side of the aisle, also with their President and Vice President. And perhaps what they really need is a conference on their side and at the White House to discuss their differences.

□ 0040

This Congress has already spoken twice, and I hope we will speak a third time in favor of charitable choice.

Mr. Chairman, I include the following for the RECORD:

[From USA Today, June 1, 1999]

GORE GOES PUBLIC WITH HIS FAITH AS HE PUSHES CHURCH CHARITY PLAN

(By Cathy Lynn Grossman)

Vice President Gore's recent push to expand government partnerships with religious groups reflects a deep religious faith not everyone knows about him, he says.

''I don't wear it on my sleeve,'' he told religion writers in a conversation at the White House on Friday. But, he added, ''The purpose of life is to glorify God. I turn to my faith as the bedrock of my approach to any important question in my life.''

Gore said in a speech May 24 that he wants to expand ''Charitable Choice,'' the 1996 Republican-sponsored legislation that lets religious groups apply for government contracts to supply welfare-to-work services. Gore wants to add programs that combat drug abuse, homelessness and youth violence.

As the presidential campaign gets under way, the proposal is a move to the political center for Gore. It is similar to some ideas long discussed by Texas Gov. George W. Bush, the front-runner for the Republican nomination. And, as Gore's strategists worry about whether he carries a taint from Clinton administration scandals, it is a way to showcase his commitment to his faith and religious values.

The Interfaith Alliance, a coalition of religious groups that often sides with the administration, raised concerns that involving religious groups in government programs could lead to regulation of those groups.

Barry Lynn, director of Americans United for Separation of Church and State, is skeptical about a requirement that churches separate their social services from their religious services. ''I don't think there's any way you can give funds to a church and tell them they cannot use them for evangelism,'' Lynn says.

Gore avoids the word ''evangelism'' as he reiterates the Charitable Choice rules: Faith-based groups are not allowed to proselytize or require religious participation or commitment from clients, and comparable, nonreligious services must be available in the area.

Despite the objections, Gore sees a broad social consensus recognizing the value of faith in guiding people's lives. ''This is not any great blinding insight from moi,'' he joked.

Asked how his beliefs affect his life, Gore first responded by reading rapidly from the final page of his 1992 book Earth in the Balance: Ecology and the Human Spirit: ''My own faith is rooted in the unshakable belief in God as creator and sustainer, a deeply personal interpretation of, and relationship with, Christ.''

Asked again, he lists his churchgoing Southern Baptist childhood, education in an elite Episcopal school, a year in a seminary after service in Vietnam and a life of reading religious philosophers.

Gore is known as a champion of science, but he sees no separation between his cerebellum and his soul: ''You can have the Earth circle around the sun and still believe in God.''

[From Brookings Institution, Brookings Review, Mar. 22, 1999]

NO AID TO RELIGION?

(Ronald J. Unruh and Heidi Rolland)

As government struggles to solve a confounding array of poverty-related social problems—deficient education, un- and underemployment, substance abuse, broken families, substandard housing, violent crime, inadequate health care, crumbling urban infrastructures—it has turned increasingly to the private sector, including a wide range of faith-based agencies. As described in Stephen Monsma's When Sacred and Secular Mix, public funding for nonprofit organizations with a religious affiliation is surprisingly high. Of the faith-based child service agencies Monsma surveyed, 63 percent reported that more than 20 percent of their budget came from public funds

Government's unusual openness to cooperation with the private religious sector arises in part from public disenchantment with its program, but also from an increasingly widespread view that the nation's acute social problems have moral and spiritual roots. Acknowledging that social problems arise both from unjust socioeconomic structures and from misguided personal choices, scholars, journalists, politicians, and community activists are calling attention to the vital and unique role that religious institutions play in social restoration.

Though analysis of the outcomes of faith-based social services is as yet incomplete, the available evidence suggests that some of those services may be more effective and cost-efficient than similar secular and government programs. One oft-cited example is Teen Challenge, the world's largest residential drug rehabilitation program, with a reported rehabilitation rate of over 70 percent—a vastly higher success rate than most other programs, at a substantially lower cost. Multiple studies identify religion as a key variable in escaping the inner city, recovering from alcohol and drug addiction, keeping marriage together, and staying out of prison.

THE NEW COOPERATION AND THE COURTS

Despite this potential, public-private cooperative efforts involving religious agencies

have been constrained by the current climate of First Amendment interpretation. The ruling interpretive principle on public funding of religious nonprofits—following the metaphor of the wall of separation between church and state, as set forth in Everson v. Board of Education (1947)—is ''no aid to religion.'' While most court cases have involved funding for religious elementary and secondary schools, clear implications have been drawn for other types of ''pervasively sectarian'' organizations. A religiously affiliated institution may receive public funds—but only if it is not too religious.

Application of the no-aid policy by the courts, however, has been confusing. The Supreme Court has provided no single, decisive definition of ''pervasively sectarian'' to determine which institutions qualify for public funding, and judicial tests have been applied inconsistently. Rulings attempting to separate the sacred and secular aspects of religiously based programs often appear arbitrary from a faith perspective, and at worst border on impermissible entanglement. As a result of this legal confusion, some agencies receiving public funds pray openly with their clients, while other agencies have been banned even from displaying religious symbols. Faith-based child welfare agencies have greater freedom in incorporating religious components than religious schools working with the same population. Only a few publicly funded religious agencies have been challenged in the courts, but such leniency may not continue. While the no-aid principle holds official sway, faith-based agencies must live with the tension that what the government gives with one hand, it can take away (with legal damages to boot) with the other. The lack of legal recourse leaves agencies vulnerable to pressures from public officials and community leaders to secularize their programs.

The Supreme Court's restrictive rulings on aid to religious agencies stand in tension with the government's movement toward grater reliance on private sector social initiatives. If the no-aid principle were applied consistently against all religiously affiliated agencies now receiving public funding, government administration of social services would face significant setbacks. This ambiguous state of affairs for public-private cooperation has created a climate of mistrust and misunderstanding, in which faith-based agencies are reluctant to expose themselves to risk of lawsuits, civic authorities are confused about what is permissible, and multiple pressures push religious organizations into hiding or compromising their identity, while at the same time, many public officials and legislators are willing to look the other way when faith-based social service agencies include substantial religious programming.

Fortunately, an alternative principle of First Amendment interpretation, which Monsma identifies as the ''equal treatment'' strain, has recently been emerging in the Supreme Court. This line of reasoning—as in Widmar v. Vincent (1981) and Rosenberger v. Rector (1995)—holds that public access to facilities or benefits cannot exclude religious groups. Although the principle has not yet bet applied to funding for social service agencies, it could be a precedent for defending cooperation between government and faith-based agencies where the offer of funding is available to any qualifying agency.

The section of the 1996 welfare reform law known as Charitable Choice paves the way for this cooperation by prohibiting government from discriminating against nonprofit applicants for certain types of social service funding (whether by grant, contract, or voucher) on the basis of their religious nature. Charitable Choice also shields faith-based agencies receiving federal funding from governmental pressures to alter their religious character—among other things assuring their freedom to hire staff who share their religious perspective. Charitable Choice prohibits religious nonprofits from using government funds for ''inherently religious'' activities—defined as ''sectarian worship, instruction, or proselytization''—but allows them to raise money from nongovernment sources to cover the costs of any such activities they choose to integrate into their program. Clearly, Charitable Choice departs from the dominant ''pervasively sectarian'' standard for determining eligibility for government funding, which has restricted the funding of thoroughly religious organizations. It makes religiosity irrelevant to the selection of agencies for public-private cooperative ventures and emphasizes instead the public goods to be achieved by cooperation. At the same time, Charitable Choice protects clients' First Amendment rights by ensuring that services are not conditional on religious preference, that client participation in religious activities is voluntary, and that an alternative nonreligious service provider is available.

THE FIRST AMENDMENT AND THE CASE FOR CHARITABLE CHOICE

Does Charitable Choice violate the First Amendment's non-establishment and free exercise clauses?

We think not. As long as participants in faith-based programs freely choose those programs over a ''secular'' provider and may opt out of particular religious activities within the program, no one is coerced to participate in religious activity, and freedom of religion is preserved. As long as government is equally open to funding programs rooted in any religious perspective whether Islam, Christianity, philosophic naturalism, or no explicit faith perspective—government is not establishing or providing preferential benefits to any specific religion or to religion in general. As long as religious institutions maintain autonomy over such crucial areas as program content and staffing, the integrity of their separate identity is maintained. As long as government funds are exclusively designated for activities that are not inherently religious, no taxpayer need fear that taxes are paying for religious activity. While Charitable Choice may increase interactions between government and religious institutions, these interactions do not in themselves violate religious liberty. Charitable Choice is designed precisely to discourage such interactions from leading to impermissible entanglement or establishment of religion.

Not only does Charitable Choice not violate proper church-state relations, it strengthens First Amendment protections. In the current context of extensive government funding for a wide array of social services, limiting government funds to allegedly ''secular'' programs actually offers preferential treatment to one specific religious worldview.

In setting forth this argument, we distinguish four types of social service providers. First are secular providers who make no explicit reference to God or any ultimate values. People of faith may work in such an agency—say, a job training program that teaches job skills and work habits—but staff use only current techniques from the social and medical sciences without reference to religious faith. Expressing explicit faith commitments of any sort is considered inappropriate.

Second are religiously affiliated providers (of any religion) who incorporate little inherently religious programming and rely primarily on the same medical and social science methods as a secular agency. Such a program may be provided by a faith community and a staff with strong theological reasons for their involvement, and religious symbols and a chaplain may be present. A religiously affiliated job training program might be housed in a church, and clients might be informed about the church's religious programs and about the availability of a chaplain's services. But the content of the training curriculum would be very similar to that of a secular program.

Third are exclusively faith-based providers whose programs rely on inherently religious activities, making little or no use of techniques from the medical and social sciences. An example would be a prayer support group and Bible study or seminar that teaches biblical principles of work for job-seekers.

Fourth are holistic faith-based providers who combine techniques from the medical and social sciences with inherently religious components such as prayer, worship, and the study of sacred texts. A holistic job training program might incorporate explicitly biblical principles into a curriculum that teaches job skills and work habits, and invite clients to pray with program staff.

Everyone agrees that public funding of only the last two types of providers would constitute government establishment of religion. But if government (because of the ''no aid to religion'' principle) funds only secular programs, is this a properly neutral policy?

Not really, for two reasons. First, given the widespread public funding for private social services, if government funds only secular programs, it puts all faith-based programs at a disadvantage. Government would tax everyone—both religious and secular—and then fund only allegedly secular programs. Government-run or government-funded programs would be competing in the same fields with faith-based programs lacking access to such support.

Second, secular programs are not religiously neutral. Implicitly, purely ''secular'' programs convey the message that nonreligious technical knowledge and skills are sufficient to address social problems such as low job skills and single parenthood. Implicitly, they teach the irrelevance of a spiritual dimension to human life. Although secular programs may not explicitly uphold the tenets of philosophical naturalism and the belief that nothing exists except the natural order, implicitly they support such a worldview. Rather than being religiously neutral, ''secular'' programs implicitly convey a set of naturalistic beliefs about the nature of persons and ultimate reality that serve the same function as religion. Vast public funding of only secular programs means massive government bias in favor of one particular quasi-religious perspective—namely, philosophical naturalism.

Religiously affiliated agencies (type two), which have received large amounts of funding in spite of the ''no aid to religion'' principle, pose another problem. These agencies often claim a clear religious identity—in the agency's history or name, in the religious identity and motivations of sponsors and some staff, in the provision of a chaplain, or in visible religious symbols. By choice or in response to external pressures, however, little in their program content and methods

distinguishes many of these agencies from their fully secular counterparts. Prayer, spiritual counseling, Bible studies, and invitations to join a faith community are not featured; in fact most such agencies would consider inherently religious activities inappropriate to social service programs.

Millions of public dollars have gone to support the social service programs of religiously affiliated agencies. There are three possible ways to understand this apparent potential conflict with the ''no aid to religion'' principle. Perhaps these agencies are finally only nominally religious, and in fact are essentially secular institutions, in which case their religious sponsors should be raising questions. Or perhaps they are more pervasively religious than they have appeared to government funders, in which case the government should have withheld funding.

The third explanation may be that these agencies are operating with a specific, widely accepted worldview that holds that people may need God for their spiritual well-being, but that their social problems can be addressed exclusively through medical and social science methods. Spiritual nurture, in this worldview, is important in its place, but has no direct bearing on achieving public goods like drug rehabilitation or overcoming welfare dependency. Such a worldview acknowledges the spiritual dimension of persons and the existence of a transcendent realm outside of nature. But it also teaches (whether explicitly or implicitly) a particular understanding of God and persons, by addressing people's social needs independently of their spiritual nature. By allowing aid to flow only to the religiously affiliated agencies holding this understanding, government in effect has given preferential treatment to a particular religious worldview.

Holistic faith-based agencies (type four), on the other hand, operate on the belief that no area of a person's life—whether psychological, physical, social, or economic—can be adequately considered in isolation from the spiritual. Agencies operating out of this worldview consider the explicitly spiritual components of their programs—used in conjunction with conventional, secular social service methods—as fundamental to their ability to achieve the secular social goals desired by government. Government has in the past considered such agencies ineligible for public funding, though they may provide the same services as their religiously affiliated counterparts.

Some claim that allowing public funds to be channeled through a holistic religious program would threaten the First Amendment, while funding religiously affiliated agencies does not. But the pervasively sectarian standard has also constituted a genuine, though more subtle, establishment of religion, because it supports one type of religious worldview while penalizing holistic beliefs. It should not be the place of government to judge between religious worldviews—but this is what the no-aid principle has required the courts to do. Selective religious perspectives on the administration of social services are deemed permissible for government to aid. Those who believe that explicitly religious content does not play a central role in addressing social problems are free to act on this belief with government support; those who believe that spiritual nurture is an integral aspect of social transformation are not.

The alternative is to pursue a policy that discriminates neither against nor in favor of any religious perspective. Charitable Choice enables the government to offer equal access to benefits to any faith-based nonprofit, as long as the money is not used for inherently religious activities and the agency provides the social benefits desired by government. Charitable Choice does not ask courts to decide which agencies are too religious. It clearly indicates the types of ''inherently religious'' activities that are off-limits for government funding. The government must continue to make choices about which faith-based agencies will receive funds, but eligibility for funding is to be based on an agency's ability to provide specific public goods, rather than on its religious character. Charitable Choice moves the focus on church-state interactions away from the religious beliefs and practices of social service agencies, and onto the common goals of helping the poor and strengthening the fabric of public life.

A MODEL FOR CHANGE

Our treasured heritage of religious freedom demands caution as we contemplate new forms of church-state cooperation—but caution does not preclude change, if the benefits promise to outweigh the dangers. Indeed, change is required if the pervasively sectarian standard is actually biased in favor of some religious perspectives and against others.

For church and state to cooperate successfully, both must remain true to their roles and mission. Religious organizations must refrain from accepting public funds if that means compromising their beliefs and undermining their effectiveness and integrity. Fortunately, Charitable Choice allows faith-based agencies to maintain their religious identity, while expanding the possibilities for constructive cooperation between church and state in addressing the nation's most serious social problems.

[From the Georgetown Journal, Winter, 1997]

CHARITABLE CHOICE: TEXAS AND THE CHARITABLE CHOICE PROVISION OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996

(Lillemor McGoldrick)

(Summary: * * * In Texas, contracting with faith-based organizations to provide social services is nothing new. . . . For example, at the Texas Department of Human Services (TDHS) approximately 10% of all contracts for delivery of services to clients are already with faith-based organizations * * * One of the primary barriers to working with faith-based organizations is the common perception that, by either contracting with the state or accepting publicly funded vouchers, the faith-based group will have to sacrifice aspects of its religious integrity. . . . TDHS has held many local town meetings to encourage partnerships with smaller, locally-based charities, examined its contract language for potential bias and barriers, assessed its current contracts, and worked to connect grassroots organizations with one another. . . . While the effect of the new laws and agency efforts to promote Charitable Choice in Texas is not yet measurable, the intent is clear. Texas is embracing its tradition of working with faith-based organizations to help those in need receive assistance. Depending on who you talk to, this could be a partnership made in . . . . well, Heaven.)

In Texas, contracting with faith-based organizations to provide social services is nothing new. Well before the Charitable Choice provision of the Personal Responsibility and Work Opportunity Act of 1996 was introduced, Texas has been making the choice to involve faith-based social service providers in its welfare system. For example, at the Texas Department of Human Services (TDHS) approximately 10% of all contracts for delivery of services to clients are already with faith-based organizations. In some categories of contracts, this number has consistently been much higher. Forty percent of contracts for Refugee Assistance programs, and 50% of contracts for Repatriation programs, are with faith-based vendors. While the recent Charitable Choice provision did not introduce Texas to a new way of looking at social service distribution, it did emphasize the need to pursue and nurture new and existing partnerships with faith-based groups and to renew Texas' commitment to work with these organizations.

On December 17, 1996, in direct response to both the Charitable Choice provision and the release of the Governor's Task Force on Faith-Based Community Service Group Report, Faith in Action, Texas Governor George W. Bush, Jr. issued an Executive Order directing state agencies to take affirmative steps to use faith-based organizations to provide welfare-related services. The Governor, asserting that ''government does not have a monopoly on compassion,'' encouraged state agencies to welcome the participation of faith-based organizations in the distribution of welfare-related care. At the TDHS, the response was immediate. On January 30, 1997, the TDHS Charitable Choice Workgroup was formed to assess the current status of TDHS contracts and faith-based groups, to identify barriers to contracting with these groups, and to recommend the most effective ways to fully implement Charitable Choice. Less than four months later, on April 9, 1997, the TDHS Workgroup hosted the Statewide Working Conference on Charitable Choice, which was attended by over 200 individuals from faith-based, community and state organizations.

From its own investigations and from input received at the Statewide Conference, the Charitable Choice Workgroup promulgated recommendations to ensure that no real or perceived barriers exist that could discourage faith-based organizations from working with the state in the distribution of social services. One of the primary barriers to working with faith-based organizations is the common perception that, by either contracting with the state or accepting publicly funded vouchers, the faith-based group will have to sacrifice aspects of its religious integrity. The Charitable Choice Workgroup has sought to assure faith-based organizations that religious social service providers are not required to secularize their programs when working with state agencies. TDHS has held many local town meetings to encourage partnerships with smaller, locally-based charities, examined its contract language for potential bias and barriers, assessed its current contracts, and worked to connect grassroots organizations with one another.

In June 1997, Governor Bush further promoted Charitable Choice by signing four bills into law that encourage religious organizations to provide welfare-related social services to needy Texans by quelling fears that the presence of state money will destroy the religious mission of faith-based organizations. One of the new laws authorizes the private accreditation of religious childcare centers, so that these childcare centers do not have to be licensed by the state. The accrediting agency does, however, have to be approved by the State Department of Protective and Regulatory Services.

Another law encourages prisons, juvenile detention centers and law enforcement agencies to use the services of faith-based organizations in rehabilitation programs. The Governor also signed a bill exempting chemical dependency programs run by religious groups from state licensure and regulations. The final law provides legal immunity to individuals who donate medical supplies and equipment to nonprofit medical providers.

While the effect of the new laws and agency efforts to promote Charitable Choice in Texas is not yet measurable, the intent is clear. Texas is embracing its tradition of working with faith-based organizations to help those in need receive assistance. Depending on who you talk to, this could be a partnership made in * * * well, Heaven.

[From the Georgetown Journal, Winter, 1997]

CHARITABLE CHOICE: MARYLAND'S IMPLEMENTATION OF THE CHARITABLE CHOICE PROVISION: THE STORY OF ONE WOMAN'S SUCCESS

(James D. Standish)

(Summary: . . . As ''charitable choice'' funding has become available, faith-based welfare-to-work programs have had to make difficult choices. . . . While the church community has been generous in its support of these charitable efforts, Payne Memorial was the first faith-based program in Maryland to apply for state funding under the charitable choice program. . . . One of the first clients to benefit from Maryland's charitable choice program was Marsha Beckwith. . . . The staff at Payne even assisted her in setting up interviews. . . . Despite these concerns, Maryland is committed to charitable choice as part of its overall effort to decentralize welfare-to-work programs. Connie Tolbert, a spokesperson for the Maryland Department of Human Resources, says that Governor Parris Glendening is very enthusiastic about the charitable choice program. . . . Because Maryland's goal is to place the administration of the charitable choice program at the local level, the State divides the federal grant into mini-block grants to each county which then decides how best to use the money. . . . According to Ms. Tolbert, charitable choice funding helped the State to meet the federally mandated goal of getting 25% of its base year welfare recipients employed or into work training by the end of 1997. . . .

Jonathan Friedman's Note, ''The Charitable Choice Provision of the Federal Welfare Act and the Establishment Clause,'' addresses the many constitutional issues implicated by the Charitable Choice Provision of the Welfare Act of 1996. Under the new Welfare Act, Charitable Choice not only permits states to provide social services through contracts and voucher arrangements with charitable and religious organizations, but also allows these organizations to maintain their religious character while administering social services.

The following three essays look at Charitable Choice as it is, or may be, implemented. Through these essays many voices emerge: the voice of a benefit recipient who receives social services through a faith-based provider, the voices of directors of charitable organizations that provide social services, the voices of states embracing Charitable Choice, and the voice of a grassroots advocate cautioning against the Charitable Choice movement. Hopefully, these essays will provide a fuller understanding of what Charitable Choice means in practice.)

As ''charitable choice'' funding has become available, faith-based welfare-to-work programs have had to make difficult choices. Two such programs in Baltimore, both working to transfer people from the welfare rolls onto corporate payrolls, have made different choices. Accepting state funds under ''charitable choice'' has allowed at least one organization to create remarkable successes.

The Payne Memorial AME Church has an active ministry providing food, clothing, emergency loans, child care, and assistance with job placement to Baltimore's poor residents. While the church community has been generous in its support of these charitable efforts, Payne Memorial was the first faith-based program in Maryland to apply for state funding under the charitable choice program. According to Marilyn Akin, the Executive Director of the Payne Memorial Outreach program, the church's program fits right in with the state program's goals; ''The state does not know how it [can move enough] people off welfare . . . to reach its goals. In addition, everyone has been disappointed with past jobs programs. There is now a feeling that faith-based organizations may be able to provide . . . a dimension that the state programs were unable to provide.''

So far the application and administration process of the program does not appear to be entangled in bureaucracy. Payne Memorial's application for funds was less than twenty-five pages in length, far less burdensome than applications to other programs with which Ms. Akin has had experience. The application was sent to the Baltimore City Department of Social Services, then on to the State Board of Public Works which approved the proposal. The program operates under a contract model: the church receives a payment for each person who finishes the Payne Memorial job training process, an additional payment for each trainee it places in a community job for thirteen weeks, and a further payment if the trainee is still in that job after twenty-six weeks. The only frustration Ms. Akin reports is the delay between the time that the church invests in the recruitment and training, and the time of the payment. As with most charities, she notes, Payne Memorial does not have a large cash reserve so the time delay creates cash flow problems.

In sum, however, Ms. Akin and the church staff are very excited about the program. They view it as one more way in which the church can achieve its mission of helping those in need, by helping people who cannot be effectively served by any government program. The charitable choice funds have enabled the program to expand dramatically in size. Denise Harper, Assistant Director of the program, notes that although church members have invested an impressive $150,000 in the program to date, this amount is dwarfed by Payne's $1.5 million, two-year contract with the state.

One of the first clients to benefit from Maryland's charitable choice program was Marsha Beckwith. Ms. Beckwith came to Payne Memorial after completing another faith-based program. She had spent five years on public assistance, and needed help in moving back into the work world when a friend told her about the new program at Payne Memorial AME Church. Although the program was so new that no one at the social services office knew about it, Ms. Beckwith managed to obtain a referral and enrolled in the program.

Ms. Beckwith knew she needed to improve her skills, especially her computer skills, in order to re-enter the workforce. The program at Payne not only gave her computer instruction, but also provided her with instruction on how to approach the job search process, on how to behave on the job, and general training related to the workplace and the type of self-discipline necessary to find and keep a job. The staff at Payne even assisted her in setting up interviews. Ms. Beckwith interviewed with a dean at Johns Hopkins University, explained Payne Memorial's program, and noted that she was its first graduate. The dean was enthusiastic about the Payne Memorial program and Ms. Beckwith's success. In offering her the job, the dean commented that Marsha would have to ''set an example of what graduates of the program can do in the workplace.'' Ms. Beckwith has now been working for over two months at Johns Hopkins University, and is setting just the type of example the people at Payne hoped for. Not only is her work progressing well, but she now also volunteers at Payne, helping and encouraging others who are going though the process she has completed. She is pleased that she can be a role model, but gives the credit to God.

Before enrolling at Payne, Ms. Beckwith had gone through a Christian rebirth. ''I had strayed away from God, but He directed me to Payne Memorial. He has opened many doors for me. It has not been easy, but I always know who to call now,'' she says. She is emphatic, however, that the program at Payne does not push religion on its participants. ''I benefited from the faith-based principles. But many of the clients are worldly people with little religious interest. . . . Religion isn't pushed on you at Payne—faith is there if you want it. But you can go through the program without being a Christian. As Payne receives state money, they can't force the religion on clients.'' She notes that some participants may feel uncomfortable with the standards of the program, though, which include strict dress requirements and a ban on the use of profanity.

Ms. Beckwith's story may help others make the transition from welfare to work more easily. She has been asked by the Transportation Research Board, a think-tank based in Washington, D.C., to participate in a conference on the transportation problems faced by people seeking to leave the welfare rolls. It is an issue with which Ms. Beckwith is intimately familiar; she presently takes eleven buses twice a week to get to work, visit her church and assist at Payne. Waiting for buses eats up much of her day. The wasted time and the cost of public transportation are problems facing many people who attempt to join the workforce.

While the staff at Payne Memorial are very encouraged by Ms. Beckwith's story, they realistically note that she is an exceptionally motivated participant. It is unclear how many more clients will share Ms. Beckwith's success, but as welfare funding and availability are reduced, Ms. Beckwith's success story will need to be replicated thousands of times. The ability of welfare participants and organizations like Payne Memorial to ensure this replication is speculative at best, particularly if the economy declines in the future. But for now, this one woman's remarkable transition to independence provides hope that charitable choice can help to break the pattern of welfare dependency.

Despite the positive experience of Payne Memorial, not all faith-based providers are ready to take the plunge into state funding. Genesis Jobs is a multi-faith organization that specializes in training unemployed people and placing them in jobs. Emily Thayer, Director of the program, says that Genesis Jobs has not applied for any state funding. ''When we look for funding,'' she states, ''we

look for support from private donors. We have had fifteen other organizations call us to ask whether we would partner with them in their application for the charitable choice funding. We have agreed to help them, but we are not looking for any funds ourselves.'' Ms. Thayer acknowledges, though, that the new charitable choice provisions open the door to public funding for organizations like hers. ''Until now, if we were faith-based, the government had an allergy to us . . . this releases us from the bondage of never taking public funds.''

Ms. Thayer's reasons for staying away from state funds are practical. The extra funds would boost an organization attempting the mammoth task of meeting the needs of Baltimore's unemployed, but state funds come with strings attached. ''We simply don't have the resources to make the grant applications. Maybe more importantly, with any state program, there are always compliance issues,'' she notes. With only five full-time employees at Genesis Jobs, it is not surprising that Ms. Thayer is unwilling to divert staff attention to the application process, and to ensuring compliance with program rules that may constantly be in flux. She also feels that focusing the attention of her small organization on applying to governmental programs and complying with their regulations will dim its focus on moving people from welfare into work. She states simply ''We're here to do what government can't.'' For Genesis Jobs, that means relying exclusively on funding from the private sector.

Along with the practical difficulties of accepting state funds, there are concerns that the use of state dollars to support church-based organizations will blur the separation of church and state. In time, state funding may corrupt churches that become dependent on state money, and may draw religious groups into politics to ensure that the money supply does not disappear. Churches that take state money may need to make difficult choices down the road, either to reduce dramatically their social programs, or to compromise their religious beliefs to accommodate state regulations. Critics of charitable choice also point to examples of churches being forced to rename their programs, or to turn pictures of Jesus to face the wall, as evidence that state regulations may force programs to compromise their religious convictions. But proponents of charitable choice insist that with the new law, and with a new appreciation for what church-based programs can do for welfare recipients, states will accommodate some religious expression in government-funded programs.

Despite these concerns, Maryland is committed to charitable choice as part of its overall effort to decentralize welfare-to-work programs. Connie Tolbert, a spokesperson for the Maryland Department of Human Resources, says that Governor Parris Glendening is very enthusiastic about the charitable choice program. ''In the past,'' she notes, ''we've never really placed any expectation on welfare recipients. The churches are in the communities, they know the welfare recipients and they are able to work with them. By partnering with these community based programs, we can be much more effective.'' Because Maryland's goal is to place the administration of the charitable choice program at the local level, the State divides the federal grant into mini-block grants to each county which then decides how best to use the money. Along with providing for job development centers, like the one run by Payne Memorial, charitable choice funds are being used by church-based groups to administer child-specific state benefits and transitional-support benefits. According to Ms. Tolbert, charitable choice funding helped the State to meet the federally mandated goal of getting 25% of its base year welfare recipients employed or into work training by the end of 1997. By October 1997, the state had already reduced its welfare rolls by 36%. Despite the controversy and practical hurdles, charitable choice seems to offer a new hope to Maryland's policy-makers and its poor. Whether that hope will be fulfilled remains to be seen.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

I would ask the gentleman from Indiana if the legislative intent is to overturn the present state of Supreme Court law or to read this amendment in the light of the present state of the Supreme Court law in terms of pervasively sectarian programs.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I want to confess up front that I do not understand all the details and implications of what the gentleman is saying.

Mr. SCOTT. Mr. Chairman, my question is whether the gentleman wants this amendment read under the present state of the Supreme Court interpretations or whether the amendment is designed to try to overturn Supreme Court decisions in funding religious organizations.

Mr. SOUDER. The amendment speaks for itself, and that will obviously be determined by who this administration and others would make the grants to, and their potential would be challenges if, in fact, people believe it is not within the current interpretations of the Supreme Court.

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS. Mr. Chairman, considering the important nature of this issue, I ask unanimous consent that we be allowed an additional 30 minutes to try to answer the questions that the author of the amendment just said he could not?

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

Mr. SOUDER. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

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

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

It is now in order to consider Amendment No. 30 printed in part A of House Report 106–1–86.

AMENDMENT NO. 30 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 30 offered by Mr. SOUDER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting before title III the following:

''NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS

''SEC. 299J. None of the funds appropriated to carry out this Act may be used, directly or indirectly, to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of juveniles who participate in programs for which financial assistance is provided under this Act or of the parents or legal guardians of such juveniles.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very straightforward and simple, speaks for itself. My amendment reads simply:

None of the funds appropriated to carry out this act may be used directly or indirectly to discriminate against, denigrate or otherwise undermine the religious or moral beliefs of juveniles who participate in programs for which financial assistance is provided under this act or of the parents or legal guardians of such juveniles.

I believe that we have had cases that are marginal and difficult to sort through, but that in our enthusiasm to fix some problems often we go to the other extreme, and in the case of the juvenile justice bill, some programs designed to reduce the potential for youth violence by promoting tolerance have the effect of undermining the religious beliefs of children and their parents. Sometimes the promotion of tolerance overrides the religious beliefs of students and their parents. Instead of merely encouraging people of all backgrounds and preferences to get along in a civil society, the programs attempt to actually change the moral beliefs that are taught at home. My amendment protects the religious freedom of young people and their parents or guardians by simply stating that none of the funds used to carry out this act

may be used to discriminate against or otherwise undermine the participant's religious beliefs.

I also want to thank the gentleman from Pennsylvania (Mr. GREENWOOD), and the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GOODLING), who have worked for the past month to try to work out compromise language. I am not unhappy with the compromise language we have. I reserve my right to offer an amendment, which I have. I believe that the compromise that is in the base bill is an acceptable compromise. I believe this is a little more direct, and that is why I offer this amendment.

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

The CHAIRMAN pro tempore. Is the gentleman from Virginia opposed to the amendment?

Mr. SCOTT. Mr. Chairman, I am opposed to the amendment and claim the time in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, allow me to speak briefly on my opposition to this amendment.

''The Office of Juvenile Justice and Delinquency Prevention from producing literature which would discriminate against, denigrate or otherwise undermine the religious or moral beliefs of any juvenile or adult in the programs authorized in this bill'' is certainly just simply too broad and too vague, it is too equivocal. The nature of this amendment could be construed to admit any category, race, religion, gender, sexual orientation from inclusion in hate crimes. At a time when violence against gays and minorities is becoming more frequent there is no place for benign legislation. We must have strong and direct legislation in an effort to rid our Nation of hate crimes.

And I would also like to say that I add my remarks regarding the previous amendment that undermines the major precepts that our Nation was founded on, the separation of church and state. The previous amendment seeks to incorporate religion into our justice system. Both of these entities have distinct places in our society and are not to be combined. Religious freedom is a core of our Nation and must be preserved at all costs. Charitable choice is simply going to be divisive.

With that I express my opposition to both of these amendments.

Mr. SOUDER. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, someone will say, ''But, BILL, tomorrow morning at 8 o'clock you will be in the Congressional prayer breakfast. How can you oppose this amendment?''

Mr. Chairman, the reason I oppose this amendment is because, God willing, I will be in the Congressional prayer breakfast tomorrow morning, and my religion tells me that when we make an agreement, whether it is with the minority or with anyone else, it is a good faith arrangement, and if it is going to be broken, then I should have the opportunity to tell the minority as a matter of fact before their opportunity to offer amendments is precluded because they are not printed in the RECORD.

I understand that apparently this was going to be made in order by somebody a week ago. Well, if that is true, then I should have had the courtesy of knowing so I could tell the minority that what we agreed to in good faith is now broken. Therefore they should go and offer all their amendments.

What the minority agreed to was that they would not offer gun language, they would not offer hate language, if as a matter of fact we settled on something that the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) agreed to and I modified which said materials produced or distributed using funds appropriated to carry out this act for the purpose of preventing hate crime should be respectful of the diversity of deeply held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance.

That is what they agreed to, and, as I said, my religion tells me that I should be here right at this particular time opposing this amendment because we are breaking an agreement that we had with the minority in the committee. I cannot operate a committee that way. I have to lose all my respect on either side of the aisle if, as a matter of fact, I do not keep my word.

So I would ask everyone to oppose the amendment simply because we are breaking faith with an agreement that we negotiated in good faith.

Mr. SOUDER. Mr. Chairman, I reserve the balance of my time. We had a number of speakers earlier in the day, but at this point I have no additional speakers, but I reserve the balance because I may want to talk.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Chairman, among the allowable uses of funds of the Juvenile Justice Act are funds that can be used to create programs to prevent hate crimes, to prevent crimes that are based on prejudice. It is a good program. The Federal Government, the Office of Juvenile Justice and Delinquency Prevention, contracted with an organization to create a curriculum, and some of my friends in the various religious communities looked at some of that curriculum, and they said, ''You know, we think they went a little bit too far. In this curriculum they were meant to say that there are ways that religious organizations can become intolerant and promote intolerance, and it appeared to some that that curriculum was generalizing in a way that some folks felt offended by, as if religion implied some kind of intolerance and bias.

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So I worked very hard with the Traditional Values Coalition, with the gentleman from Indiana (Mr. SOUDER) and with the gentleman from Pennsylvania (Mr. GOODLING) and with my good friend, the gentleman from Virginia (Mr. SCOTT), and we crafted language, language in the Goodling amendment that we will offer tomorrow. It has been accepted by the Republican side, it has been accepted by the Democratic side, and it has been accepted by the administration. It is only marginally different than the language that the gentleman from Indian (Mr. SOUDER) offers, and the gentleman is gracious in his comments to acknowledge that.

Mr. Chairman, we think that we need a ''no'' vote on this Souder amendment tomorrow, because we think that eliminating that amendment and taking the agreed-to language to conference is the simplest and most direct way to resolve this very contentious issue, and so we will be asking Members on both sides of the aisle tomorrow to vote in the negative.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment is an impossible amendment to know what it means or to enforce. It says, no funds should be used directly or indirectly to discriminate against, denigrate, or otherwise undermine the moral beliefs of juveniles who participate in these programs. Who knows what the religious or moral beliefs of the juveniles that participate in these programs are.

When I went to school, I was taught the Declaration of Independence in school, that all men are created equal. I was taught that we should not discriminate on the basis of race, creed, color or sex, and that we should not denigrate other people because of their religious views. The Reverend Louis Farrakhan says that whites are devils and that Judaism is gutter religion. Suppose adherents of his religion are juveniles that participate in these programs. Are we to use funds that would undermine their beliefs by teaching that all men are created equal, that we should respect each other because his adherents are among those who participate in these programs? That is what this says.

The fact is, it is impossible to know whose beliefs we are offending, because no one inquires, nor should we inquire, of the beliefs of juveniles who come into these programs.

So this amendment is simply nonsense in what it says. I do not know, it may have a well-intended purpose, but the way it is written, it is impossible of enforcement, impossible of understanding, and perverse in its operation, and ought to be rejected.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in opposition to this amendment.

I would hope that even if my colleagues on the other side of the aisle do not agree with those of us who believe that this is a real infringement, and we believe that it is confusing, and we believe that this is an attempt by some to get rid of the values that we have built up dealing with intolerance, et cetera. Just do it because the gentleman from Pennsylvania (Mr. GOODLING) asks you to do it, and he says that you are breaking faith with Members on this side of the aisle when you said you would not do this kind of thing.

I too do not know what you mean about the religious beliefs of any juvenile or adult in the program. I do know that at one time there was a religion that taught that black people did not have souls. So I do not know what the gentleman is talking about. He is tinkering with something that he does not know what he is doing.

I would suggest that the gentleman needs to get out of the business, number one, of trying to interject religion into government and trying to get it paid for by government, your teachings, et cetera. I would suggest that the gentleman back off all of this, because he is placing us in the kind of situation where there will be confrontation around these kinds of issues.

I would simply say to my colleagues on the other side of the aisle that they have gone too far, and they are treading on the dangerous realm of the unknown and they should not do that. I would hope that my colleagues would take the wise advice of the gentleman from Pennsylvania (Mr. GOODLING) and drop this amendment this evening.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Let me reiterate here that I am not simply going to stand in front of this body and say that this is an extremely clear amendment, and it will obviously go to conference, and we have been working on this language. But I had an uncomfortability, though I signed off on the amendment, as to what exactly people were objecting to on this, because the inverse of this is that one believes that one can discriminate against, denigrate, and undermine the religious and moral values. I am not arguing exceptionalism, and I understand the danger here is that this could protect exceptionalism.

What we are concerned about, many Americans of many different faiths is that, in fact, there is an overt attempt on a number of very difficult issues in our society where there has not been a moral resolution or unlike what has happened in racism, unlike what has happened with sexual abuse or different things, but where there has not been resolution to therefore use in the name of neutrality the imposition of other people's moral views. I do not understand, as I asked in the hearing, why we have to take a stand and why we cannot say people morally differ on this, but regardless of one's moral views, one has no right to harass, to physically assault, to do anything to denigrate another individual, even if one believes their behavior is immoral. Because what we need is a civil society that understands and respects individuals, but we do not need a school system or a society that undermines those basic principles.

Mr. Chairman, I appreciate, as I said, the negotiations that went on, and I want to make it clear. I never gave up my right to offer an amendment, though I did not think my amendment would be made in order, and we do have some confusion. But I did not break any word in the process of the negotiations.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, the gentleman has said that he really does not know what this amendment does, is that correct?

Mr. SOUDER. Mr. Chairman, I know exactly what the amendment does, but I agree that it could be falsely interpreted by some people.

Ms. WATERS. Would the gentleman agree that the Constitution of the United States of America basically protects religious freedom?

Mr. SOUDER. Mr. Chairman, I believe the Constitution was designed to do that, but it is not currently doing so.

Ms. WATERS. Mr. Chairman, if the gentleman will continue to yield, does the gentleman believe that if that is what the Constitution is designed to do, that we should all respect that, not try and rewrite the Constitution, not try and recreate ways by which we can basically say some religion is all right, and some is not all right?

Mr. SOUDER. Mr. Chairman, if I could reclaim my time, I absolutely do not believe we should ever say as a person who grew up in an evangelical church, and I understand the wall of separation was meant to protect the evangelicals from a State church. I have no interest in a State church.

But I also believe that it did not mean to exclude religion from the public arena, and I view it as trying to reclaim the religious freedom that our Founding Fathers gave us, not to impose any one sectarian approach. And, with the diversity of religion in this country, which we did not necessarily have at the beginning of our Nation to the same degree, we need to respect that. But part of that respect is to say, we also have a majority religion that is being stomped on.

Ms. WATERS. Mr. Chairman, if the gentleman would yield to me once again, would the gentleman agree that if we kept religion out of our public schools, we would not have this worry? If we followed the intent of the Constitution for separation of church and state where we were not in any way teaching, imposing religion on anybody at any time, we would not have this worry?

Mr. SOUDER. Mr. Chairman, reclaiming my time, there is a difference between imposing and saying we meant to exclude it. The Founding Fathers all debated religion at all times. It is a fundamental part of all of us, and should be. What we should respect is the diversity of other people's points of view. It was not meant to exclude from the public arena, or in fact we do have a religion which is secular humanism.

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

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) has 1 minute remaining.

Mr. SCOTT. Mr. Chairman, I yield myself the remainder of my time.

We do not need to restate all of the examples of hate crimes that have been perpetrated over the last few years, or even few weeks and months. Hate crime prevention programs constitute an allowable use of the money under the Juvenile Justice Delinquency Prevention Act. We ought not sabotage the hate crime prevention programs by getting into a situation where one has to have anyone's religion that believes that certain groups are not to be respected or to be disrespected, in fact. That is where some of the hate comes from.

What these programs do is to try to teach people, as the gentleman from New York mentioned, that people are equal and ought to be respected. If one's religion tells us something different, we still ought to be able to have hate crime prevention programs so that we can reduce the incidence of hate crimes.

Mr. Chairman, I would hope that this amendment would be defeated. We have language in there that orders us to be respectful of people's religion, but if we have religions that just hate people, then we ought to be able to go along with hate crime prevention programs anyway.

□ 0100

The CHAIRMAN pro tempore. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

Mr. MCCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCCOLLUM) having assumed the chair, Mr. LAHOOD, Chairman pro tempore 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. 1501) to provide grants to ensure increased accountability for juvenile offenders, had come to no resolution thereon.

APPOINTMENT AS MEMBER OF COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Without objection, and pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431) and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following member to a 2-year term on the Commission on International Religious Freedom on the part of the House:

Rabbi David Saperstein, Washington, DC.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. THOMAS (at the request of Mr. ARMEY) for today and the balance of the week on account of a death in the family.

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. SCOTT) to revise and extend their remarks and include extraneous material:

Ms. NORTON, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. CLYBURN, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

ADJOURNMENT

Mr. LAHOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 2 minutes a.m.), the House adjourned until today, Thursday, June 17, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2618. A letter from the Director, Office of Legislative and Intergovernmental Affairs, Commodity Futures Trading Commission, transmitting the Commission's final rule—Fees for Applications for Contract Market Designation, Audits of Leverage Transaction Merchants, and Reviews of the Rule Enforcement Programs of Contract Markets and Registered Futures Associations—received May 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2619. A communication from the President of the United States, transmitting a request for funds to support critical national security activities; (H. Doc. No. 106–83); to the Committee on Appropriations and ordered to be printed.

2620. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report of the exercise of U.S. rights and responsibilities under the Panama Canal Treaty of 1977, pursuant to 22 U.S.C. 3871; to the Committee on Armed Services.

2621. A letter from the Acting Assistant Secretary of Defense (Force Management Policy), transmitting the annual report on the number of waivers granted to aviators who fail to meet operational flying duty requirements; to the Committee on Armed Services.

2622. A letter from the Chairman, National Credit Union Administration, transmitting the proposed rule on Prompt Corrective Action; to the Committee on Banking and Financial Services.

2623. A letter from the Secretary, Department of Education, transmitting Final Regulations—William D. Ford Federal Direct Loan Program (RIN: 1840–AC57), pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2624. A letter from the Secretary, Department of Education, transmitting Notice of Funding Priority for Fiscal Years 1999–2000 for a Disability and Rehabilitation Research Project, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2625. A letter from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting Notice of Final Funding Priority for Fiscal Year 1999 for a Disability and Rehabilitation Research Project, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2626. A letter from the Office of Special Education and Rehabilitative Services, Department of Education, transmitting Notice of Final Funding Priority for Fiscal Year 1999 for a Disability and Rehabilitation Research Project; to the Committee on Education and the Workforce.

2627. A letter from the Acting Assistant, General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting the Classified Matter Protection and Control Manual; to the Committee on Commerce.

2628. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans State of Kansas [KS 078–1078; FRL–6361–8] received June 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2629. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Complaint Procedures [Docket No. RM98–13–000; Order No.] received May 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2630. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 2000; to the Committee on Commerce.

2631. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 99–16), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2632. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a proposed Manufacturing License Agreement with Norway, pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2633. A communication from the President of the United States, transmitting the report on progress toward a negotiated settlement of the Cyprus question, covering the period February 1, 1999, to March 31, 1999, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

2634. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report to Congress on Government of Cuba compliance with the U.S.-Cuba migration agreements of September 1994 and May 2, 1995; to the Committee on International Relations.

2635. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–78, ''General Obligation BONDS and BOND Anticipation Notes for Fiscal Years 1999–2004 Authorization Act of 1999,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2636. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–76, ''Apostolic Church of Washington, D.C., Equitable Real Property Tax Relief Act of 1999,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2637. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–77, ''Children's Defense Fund Equitable Real Property Tax Relief Act of 1999,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2638. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–75, ''Bethea-Welch Post 7284, Veterans of Foreign Wars, Equitable Real Property Tax Relief Act of 1999,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2639. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–70, ''Ben Ali Way Act of 1999,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2640. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. Act 13–69, ''Criminal Code and Clarifying Technical Amendments Act of 1999,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2641. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received May 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2642. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting a vacancy notice within the Department; to the Committee on Government Reform.

2643. A letter from the Administrator, National Oceanic and Atmospheric Administration, transmitting the Annual Report of the Coastal Zone Management Fund; to the Committee on Resources.

2644. A letter from the Secretary of Defense, transmitting the annual reports that set out the current amount of outstanding contingent liabilities of the United States for vessels insured under the authority of Title XII of the Merchant Marine Act of 1936, and for aircraft insured under the authority of chapter 433 of title 49, United States Code, pursuant to Public Law 104–201, section 1079(a) (110 Stat. 2670); jointly to the Committees on Armed Services and Transportation and Infrastructure.

2645. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. Contributions to the Korean Peninsula Energy Development Organization; jointly to the Committees on International Relations and Appropriations.

2646. A letter from the Secretary of Transportation, transmitting the Department's fourth report in the series entitled ''Effectiveness of Occupant Protection Systems and Their Use.,'' pursuant to Public Law 102–240, section 2508(e) (105 Stat. 2086); jointly to the Committees on Transportation and Infrastructure and Commerce.

2647. A letter from the Board Members, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act to make permanent the exemption of the Railroad Retirement Board trust funds from the payment of full commercial rent for real property occupied by the agency; jointly to the Committees on Transportation and Infrastructure and Government Reform.

2648. A letter from the Board Members, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Social Security Act to provide for the provision of new hire information to the Railroad Retirement Board; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

2649. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Congressional Justification of Budget Estimates for Fiscal Year 2000, pursuant to 45 U.S.C. 231f; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 592. A bill to redesignate Great Kills Park in the Gateway National Recreation Area as ''World War II Veterans Park at Great Kills''; with an amendment (Rept. 106–188). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 434. Referral to the Committees on Ways and Means and Banking and Financial Services extended for a period ending not later than June 17, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEPHARDT:

H.R. 2235. A bill to establish a Commission on the Bicentennial of the Louisiana Purchase and the Lewis and Clark Expedition; to the Committee on Resources.

By Mr. LAFALCE (for himself, Ms. KILPATRICK, and Mr. MEEKS of New York):

H.R. 2236. A bill to authorize the Secretary of Health and Human Services to make grants in the form of forgiveable capital advances to help preserve community hospitals experiencing financial difficulties; to the Committee on Commerce.

By Mr. GILMAN (for himself, Mr. WALSH, Mr. MCHUGH, and Mrs. KELLY):

H.R. 2237. A bill to authorize the Secretary of Agriculture to provide emergency assistance to apple producers and onion producers in the State of New York who incurred extensive crop losses in 1998; to the Committee on Agriculture.

By Mr. BALDACCI:

H.R. 2238. A bill to authorize the provision of waivers to allow welfare-to-work funds to be used to cover the start-up costs of forming alliances designed to enable small businesses to purchase discounted health insurance for their employees among whom are individuals eligible for assistance under a welfare-to-work program; to the Committee on Ways and Means.

By Mr. CHAMBLISS (for himself, Mr. BERRY, Mr. PICKERING, Mr. BISHOP, Mr. COOKSEY, Mr. HAYES, Mr. KINGSTON, Mr. BOYD, Mr. EVERETT, Mr. NORWOOD, and Mr. SHOWS):

H.R. 2239. A bill to amend the Federal Crop Insurance Act to improve crop insurance coverage and administration, and for other purposes; to the Committee on Agriculture.

By Mr. COYNE (for himself, Mr. ENGLISH, Mr. HILLIARD, Mr. LEVIN, Mr. SANDERS, Mr. SAXTON, and Mr. SMITH of New Jersey):

H.R. 2240. A bill to amend title XVIII of the Social Security Act to revise payment amounts to home health agencies under the Medicare Program, and for other purposes; 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. FOLEY (for himself, Mrs. JOHNSON of Connecticut, Mr. HAYWORTH, Mr. ENGLISH, Mr. DAVIS of Florida, Mr. PETERSON of Minnesota, and Mr. LARSON):

H.R. 2241. A bill to amend the Balanced Budget Act of 1997 to limit the reductions in Federal payments under the Medicare prospective payment system for hospital outpatient department services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. SHAYS, Mr. SENSENBRENNER, Mrs. JOHNSON of Connecticut, Mr. DEAL of Georgia, Mr. WHITFIELD, Mr. NORWOOD, Mr. SMITH of New Jersey, and Mr. COOKSEY):

H.R. 2242. A bill to establish limits on medical malpractice claims, and for other purposes; to the Committee on the Judiciary, 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. HEFLEY:

H.R. 2243. A bill to restrict United States assistance for certain reconstruction efforts in the Balkans region of Europe to United States-produced articles and services; to the Committee on International Relations.

By Mr. HUNTER:

H.R. 2244. A bill to prohibit United States assistance to the Republic of Panama if a defense site or military installation built or formerly operated by the United States has been conveyed by the Government of the Republic of Panama to any foreign government-owned entity, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, Armed Services, and Intelligence (Permanent Select), 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. MCINTOSH (for himself, Mr. MORAN of Virginia, Mr. PORTMAN, Ms. MCCARTHY of Missouri, Mr. CASTLE, Mr. CONDIT, and Mr. DAVIS of Virginia):

H.R. 2245. A bill to ensure the liberties of the people by promoting federalism, to protect the reserved powers of the States, to impose accountability for Federal preemption of State and local laws, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYUN of Kansas (for himself, Mr. MORAN of Kansas, Mr. TIAHRT, Mr. NETHERCUTT, Mr. STEARNS, Mr. HOEKSTRA, Mr. RAHALL, Mr. HOSTETTLER, Mr. PETERSON of Pennsylvania, Ms. MILLENDER-MCDONALD, Mr. KOLBE, Mr. PAUL, Mrs. MYRICK, Mr. BARRETT of Nebraska, and Mr. MARKEY):

H.R. 2246. A bill to amend the Balanced Budget Act of 1997 to prohibit the Secretary of Health and Human Services to require the collection of data from home health agencies furnishing services under the Medicare Program under the OASIS data collection program from non-Medicare patients, and for other purposes; 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. SHIMKUS:

H.R. 2247. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''Superfund'') to exempt small business concerns from certain liability under that Act; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAMP (for himself and Mr. STUPAK):

H.R. 2248. A bill to provide for the establishment, use, and enforcement of a consistent and comprehensive system for labeling violent content in audio and visual media products; to the Committee on Commerce.

By Mr. WICKER:

H.R. 2249. A bill to establish the Corinth Unit of Shiloh National Military Park in the vicinity of Corinth, Mississippi, and in the State of Tennessee, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 2250. A bill to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of Coastal Plain, and for other purposes; to the Committee on Resources.

By Mr. FILNER:

H. Con. Res. 134. Concurrent resolution expressing the sense of Congress with regard to ''In Memory'' Day; to the Committee on Government Reform.

By Mr. SANDERS (for himself, Mr. ABERCROMBIE, Ms. LEE, Mr. NADLER, Mr. COYNE, Mr. WAXMAN, Mr. SANDLIN, Mr. FARR of California, Mr. HINCHEY, Mr. HILLIARD, Ms. MILLENDER-MCDONALD, Mr. THOMPSON of Mississippi, Mr. ENGEL, Mr. SERRANO, Mr. BRADY of Pennsylvania, Mr. BLAGOJEVICH, Mr. WATT of North Carolina, Ms. PELOSI, Mr. FILNER, Mr. BORSKI, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Mr. LAFALCE, Mr. CAPUANO, Mr. HASTINGS of Florida, Ms. KILPATRICK, Ms. DELAURO, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. MATSUI, Mr. DEFAZIO, Mr. OBERSTAR, Mr. MOAKLEY, Mr. RANGEL, Mr. PAYNE, Mrs. NAPOLITANO, Ms. BROWN of Florida, Mr. MCGOVERN, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. RAHALL, Mr. ROMERO-BARCELO, Mr. CUMMINGS, Mr. WEINER, Mr. BROWN of California, Mr. CLAY, Mr. GEJDENSON, Mrs. JONES of Ohio, Ms. WOOLSEY, Mr. JACKSON of Illinois, Mr. VENTO, Mr. CROWLEY, Ms. BALDWIN, Mr. FALEOMAVAEGA, Mr. TIERNEY, Mr. TOWNS, Mr. FROST, Mr. KUCINICH, Mr. MCDERMOTT, Mr. BONIOR, and Mr. BECERRA):

H. Con. Res. 135. Concurrent resolution expressing the sense of Congress with regard to preserving and expanding Medicare; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BASS (for himself, Mr. CUNNINGHAM, Mr. ARMEY, Mr. FOLEY, Mr. BOEHLERT, Mr. FRANKS of New Jersey, Mr. UPTON, Mr. BURR of North Carolina, Mr. SUNUNU, Mr. FRELINGHUYSEN, Mr. GREENWOOD, Mr. WYNN, Mr. POMBO, Mr. HORN, Mr. ETHERIDGE, Ms. KILPATRICK, Mr. BURTON of Indiana, Mr. MCNULTY, Mr. STEARNS, Mr. SHOWS, Mr. KING, Mr. ROMERO-BARCELO, Mr. BROWN of Ohio, Mr. MURTHA, Mr. BAIRD, Mrs. KELLY, Ms. SLAUGHTER, Mr. BORSKI, Mr. DICKEY, Mr. SHAYS, Mr. HASTINGS of Florida, Mr. BROWN of California, Mr. QUINN, Mr. HINCHEY, Mr. BOYD, Mr. COOK, Mr. MCINTOSH, Mr. DIAZ-BALART, Mr. HOBSON, Mr. FROST, Mr. CANADY of Florida, Mr. THOMPSON of Mississippi, Mr. DAVIS of Florida, Mr. MCGOVERN, Mr. BILBRAY, Mr. BARTON of Texas, Mr. EHLERS, Mr. FILNER, Mr. BALDACCI, Mr. ENGLISH, Mrs. MORELLA, Ms. MILLENDER-MCDONALD, Mr. BILIRAKIS, Mr. KLECZKA, and Mr. FOSSELLA):

H. Res. 211. A resolution expressing the sense of the House of Representatives regarding the importance of raising public awareness of prostate cancer, and of regular testing and examinations in the fight against prostate cancer; to the Committee on Commerce.

By Mr. BLAGOJEVICH:

H. Res. 212. A resolution expressing hope for a peaceful resolution to the situation in Kashmir; to the Committee on International Relations.

By Mr. GREEN of Wisconsin:

H. Res. 213. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued honoring American farm women; to the Committee on Government Reform.

By Mr. HEFLEY:

H. Res. 214. A resolution expressing the sense of the House of Representatives regarding the United States share of any reconstruction measures undertaken in the Balkans region of Europe on account of the armed conflict and atrocities that have occured in the Federal Republic of Yugoslavia since March 24, 1999; to the Committee on International Relations.

By Mr. LAMPSON (for himself, Mr. SANDLIN, Mr. PALLONE, Mr. DIAZ-BALART, Mr. BECERRA, Mr. ORTIZ, Mr. REYES, Mr. GREEN of Texas, and Mr. BENTSEN):

H. Res. 215. A resolution expressing the sense of the House of Representatives with regard to the return of Saif Ahmed; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

113. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 4 HD1 SD1 memorializing the United States Congress to expand and make permanent the temporary Visa Waiver Program established under the Immigration Control and Reform Act of 1986; to the Committee on the Judiciary.

114. Also,a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 203 memorializing the United States Congress, the President of the United States, and the Secretary of Health and Human Services to support Hawaii's Congressional Delegation's Effort to Amend the Social Security Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ISTOOK introduced A bill (H.R. 2251) for the relief of Renato Rosetti; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. PICKETT and Mr. CRANE.

H.R. 137: Ms. MILLENDER-MCDONALD, Mr. OLVER, and Mr. WEINER.

H.R. 170: Mr. CALVERT.

H.R. 194: Mr. PETERSON of Pennsylvania.

H.R. 263: Mr. FROST.

H.R. 274: Mr. BARCIA, Mr. SPRATT, Mr. BECERRA, Mr. DAVIS of Virginia, Mr. BOSWELL, Mr. CAPUANO, Mr. BROWN of Ohio, and Mr. FORD.

H.R. 275: Mr. BAKER and Mr. FROST.

H.R. 330: Mr. HEFLEY and Mr. BARR of Georgia.

H.R. 354: Mr. SHAW.

H.R. 382: Mr. EHLERS.

H.R. 405: Mr. OWENS, Mr. MCCOLLUM, Mr. DIAZ-BALART, and Mr. DAVIS of Florida.

H.R. 408: Mr. BEREUTER.

H.R. 423: Mr. KUYKENDALL.

H.R. 456: Mr. MCCOLLUM.

H.R. 483: Mr. GORDON.

H.R. 488: Mr. NEAL of Massachusetts and Mr. DAVIS of Illinois.

H.R. 534: Mr. ROTHMAN, Mr. GARY MILLER of California, and Mr. HUTCHINSON.

H.R. 546: Mr. TOWNS.

H.R. 566: Ms. SLAUGHTER.

H.R. 599: Mr. ROMERO-BARCELO.

H.R. 623: Mr. BALLENGER, Mr. BARCIA, Mr. BLUNT, Mr. CAMP, Mr. COBURN, Mr. COLLINS, Mr. CRAMER, Mr. DICKEY, Mrs. EMERSON, Mr. EVERETT, Mr. FRELINGHUYSEN, Mr. GOODLING, Mr. GUTKNECHT, Mr. HILLEARY, Mr. ISTOOK, Mr. JENKINS, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. LATHAM, Mr. LINDER, Mr. HILL of Montana, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Mr. SCARBOROUGH, Mr. STUPAK, Mr. TERRY, Mr. THORNBERRY, Mr. TURNER, Mr. WAMP, and Mr. YOUNG of Alaska.

H.R. 653: Mr. RYAN of Wisconsin.

H.R. 691: Mr. GILMAN.

H.R. 728: Mr. PRICE of North Carolina and Mr. RAHALL.

H.R. 730: Mr. PRICE of North Carolina.

H.R. 750: Mr. GONZALEZ.

H.R. 772: Mr. HILLIARD.

H.R. 777: Mr. ROMERO-BARCELO and Mr. BARRETT of Wisconsin.

H.R. 798: Mr. DIXON, Mr. FROST, Mr. GREEN of Texas, Mr. KIND, and Mr. DAVIS of Illinois.

H.R. 827: Mr. INSLEE and Mr. JEFFERSON.

H.R. 828: Mr. SAWYER.

H.R. 844: Mr. HOSTETTLER, Mr. PRICE of North Carolina, Mr. STUMP, Mr. CARDIN, Mr. MICA, Mr. HYDE, Mr. GREENWOOD, Mr. CAMP, Mr. CHAMBLISS, Mr. DEUTSCH, Mr. GOODE, Mr. ACKERMAN, Mr. SWEENEY, Mr. SHOWS, Mr. DREIER, Mr. POMEROY, Mr. LATOURETTE, Mr. WEINER, Mr. NEY, Mr. PICKERING, and Mr. WATT of North Carolina.

H.R. 850: Mr. SAWYER.

H.R. 884: Mr. PALLONE.
H.R. 886: Mrs. MALONEY of New York.
H.R. 979: Mr. CLAY, Mr. GREEN of Wisconsin, Ms. DELAURO, Mr. HOEKSTRA, Mr. MCGOVERN, Mr. PASTOR, Ms. SLAUGHTER, Mr. LANTOS, Mr. GEJDENSON, and Mr. EVANS.
H.R. 997: Mr. BROWN of Ohio, Mr. CAPUANO, Mr. GIBBONS, Mr. BOSWELL, Ms. BALDWIN, Ms. NORTON, and Mr. FORD.
H.R. 1042: Mr. BLUNT.
H.R. 1070: Mr. SIMPSON.
H.R. 1096: Mr. GEJDENSON.
H.R. 1105: Mr. SANDLIN and Mrs. TAUSCHER.
H.R. 1109: Mrs. MALONEY of New York.
H.R. 1111: Mr. GORDON and Mr. DEUTSCH.
H.R. 1144: Mr. BARR of Georgia.
H.R. 1172: Mr. WICKER, Mr. BURTON of Indiana, Mr. FORBES, Mr. PICKETT, Mr. DUNCAN, Mr. SESSIONS, Mr. MCCRERY, Mr. SPRATT, Mr. STARK, Mr. MALONEY of Connecticut, Mr. PEASE, Mr. MCINTOSH, Mr. KINGSTON, Mr. BLUMENAUER, Mr. KUCINICH, Mr. LUCAS of Oklahoma, Mr. OBERSTAR, Mr. RUSH, Mr. LAFALCE, Ms. SLAUGHTER, Mr. CAMP, Mr. LEVIN, Mr. BARRETT of Nebraska, Mr. SIMPSON, Mr. LOBIONDO, and Mrs. NORTHUP.
H.R. 1180: Mr. MORAN of Kansas.
H.R. 1193: Mr. BORSKI, Ms. STABENOW, Ms. RIVERS, Mr. KIND, Mr. SMITH of New Jersey, and Mr. NETHERCUTT.
H.R. 1200: Mr. OWENS.
H.R. 1215: Mr. WALDEN of Oregon.
H.R. 1221: Mr. LIPINSKI, Mr. BLUMENAUER, Mr. CANADY of Florida, Mrs. MALONEY of New York, and Mr. HOLT.
H.R. 1256: Mr. PAUL and Mr. REYNOLDS.
H.R. 1261: Mrs. NORTHUP, Mr. NEY, and Mrs. FOWLER.
H.R. 1271: Mrs. MORELLA, Ms. MCKINNEY, Ms. WOOLSEY,, Mrs. MEEK of Florida, Mr. FRANK of Massachusetts, Mrs. JONES of Ohio, Mr. HILLIARD, Mr. MEEHAN, Mr. ABERCROMBIE, Mr. STARK, Ms. PELOSI, Mr. OLVER, Ms. MALONEY of New York, Mr. SANDERS, and Ms. MILLENDER-MCDONALD.
H.R. 1275: Mr. DOOLEY of California, Ms. PRYCE of Ohio, Mr. PHELPS, Mr. METCALF, and Mr. THOMPSON of California.
H.R. 1287: Mr. BOEHLERT and Mr. MCHUGH.
H.R. 1291: Mr. GUTKNECHT, Mr. RUSH, Mr. SWEENEY, Mr. SKELTON, and Mr. WEINER.
H.R. 1292: Mr. GARY MILLER of California, Mr. BRADY of Pennsylvania, and Mr. WEINER.
H.R. 1299: Mr. BONIOR.
H.R. 1337: Mr. PORTMAN and Mr. JEFFERSON.
H.R. 1344: Mr. CLYBURN, Mr. CRAMER, Mr. ADERHOLT, and Mr. NETHERCUTT.
H.R. 1358: Mr. EHLERS.
H.R. 1386: Mr. HAYES.
H.R. 1389: Mr. GOODLATTE, Mr. LATHAM, Mr. PHELPS, and Mr. BUYER.
H.R. 1429: Mr. MARKEY.
H.R. 1433: Mr. LAMPSON, Mr. RODRIGUEZ, Mr. DICKS, Mr. ORTIZ, Mr. REYES, Mr. HINOJOSA, Mr. TURNER, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mr. SANDLIN, Ms. BROWN of Florida, Mrs. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BERKLEY, Mrs. THURMAN, and Mr. HASTINGS of Florida.
H.R. 1505: Mr. NORWOOD and Mr. PALLONE.
H.R. 1511: Mr. KUCINICH, Mr. WELDON of Florida, and Mr. BEREUTER.
H.R. 1535: Mr. SANDERS and Mr. THOMAS.
H.R. 1586: Mr. LUCAS of Oklahoma.
H.R. 1592: Mr. WALDEN of Oregon, Mr. BAKER, and Ms. STABENOW.
H.R. 1598: Mr. HYDE and Mr. GREEN of Texas.
H.R. 1600: Ms. MCKINNEY and Mr. KUCINICH.
H.R. 1614: Mr. BEREUTER.
H.R. 1621: Mr. WU, Mr. EVERETT, and Mr. FRANK of Massachusetts.
H.R. 1632: Mr. BARRETT of Wisconsin.
H.R. 1648: Ms. ESHOO, Mr. LANTOS, and Mr. SNYDER.
H.R. 1732: Ms. BERKLEY and Mr. MINGE.
H.R. 1775: Mr. WEYGAND, Mr. ROTHMAN, Mr. DAVIS of Florida, Mr. MEEHAN, Mr. PALLONE, Mr. FOSSELLA, and Mr. EHLERS.
H.R. 1777: Mr. THOMPSON of California and Mr. WALSH.
H.R. 1795: Mr. PRICE of North Carolina, Mr. BARTON of Texas, Mr. TRAFICANT, Mr. TAYLOR of North Carolina, and Mr. BACHUS.
H.R. 1841: Ms. ROS-LEHTINEN.
H.R. 1850: Mr. SMITH of New Jersey, Mr. RYAN of Wisconsin, and Mr. LOBIONDO.
H.R. 1874: Mr. BLUNT.
H.R. 1926: Mr. WYNN, Mr. SAXTON, Mr. BILIRAKIS, Mr. PETERSON of Minnesota, and Mr. PALLONE.
H.R. 1932: Mr. CAMP, Mr. BEREUTER, Mr. CHABOT, Mr. LATOURETTE, Mr. SHAYS, Mr. LIPINSKI, Mr. CAMPBELL, Mr. KNOLLENBERG, Mr. GRAHAM, Mr. MCKEON, Mr. PETRI, Mr. VENTO, Mr. SAXTON, Mr. OXLEY, Mr. HULSHOF, Mr. MCCRERY, Mr. WELDON of Pennsylvania, Mr. EHRLICH, and Mr. VITTER.
H.R. 1941: Mrs. JONES of Ohio, Mr. MCGOVERN, Mr. JEFFERSON, Mr. ROEMER, and Mr. STARK.
H.R. 1993: Mr. SNYDER, Mr. LAFALCE, and Mr. JEFFERSON.
H.R. 2004: Mr. PALLONE.
H.R. 2014: Mr. PALLONE, Mr. ROTHMAN, Mr. PASCRELL, Mr. MALONEY of Connecticut, and Mr. SHAYS.
H.R. 2028: Mr. GARRY MILLER of California, Mr. ADERHOLT, Mr. BLILEY, Mr. BARTLETT of Maryland, Mr. BAKER, and Mr. BURTON of Indiana.
H.R. 2038: Mr. CAMP.
H.R. 2056: Mr. SALMON, Mr. MCINTOSH, and Mr. LAHOOD.
H.R. 2057: Mr. DEMINT.
H.R. 2091: Mr. MCGOVERN.
H.R. 2096: Mr. SANDERS and Mr. WEINER.
H.R. 2202: Mr. GILCHREST and Ms. DEGETTE.
H.J. Res. 2: Mr. GREEN of Wisconsin.
H.J. Res. 15: Mr. GREEN of Wisconsin.
H.J. Res. 21: Mr. PETERSON of Minnesota.
H.J. Res. 29: Mr. DEAL of Georgia.
H.J. Res. 55: Mr. BRADY of Texas, Mr. MCINTOSH, and Mr. CRANE.
H. Con. Res. 21: Mr. MEEKS of New York.
H. Con. Res. 58: Ms. ROS-LEHTINEN and Mr. STUPAK.
H. Con. Res. 60: Mr. MCGOVERN, Ms. SLAUGHTER, Ms. SANCHEZ, Mr. YOUNG of Alaska, and Mr. ETHERIDGE.
H. Con. Res. 119: Mr. SHERMAN and Mr. STUMP.
H. Con. Res. 128: Mr. INSLEE, Mr. KNOLLENBERG, Ms. MCKINNEY, Mr. EWING, Mr. MCNULTY, Mr. HOLT, Mr. LOBIONDO, Mr. WEYGAND, Mr. HASTINGS of Florida, Mr. FOLEY, and Ms. LEE.
H. Con. Res. 130: Ms. DEGETTE, Ms. WATERS, Mrs. JONES of Ohio, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. ROMERO-BARCELO, Ms. KILPATRICK, and Mr. WEXLER.
H. Con. Res. 133: Mr. HASTINGS of Florida and Mr. SHOWS.
H. Res. 16: Mr. PETERSON of Minnesota.
H. Res. 41: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 94: Mr. INSLEE, Mr. DOYLE, Mr. CUMMINGS, Mr. GARY MILLER of California.
H. Res. 115: Mr. JEFFERSON.
H. Res. 183: Mr. GRAHAM.

EXTENSIONS OF REMARKS

TRIBUTE TO JODY HALL-ESSER

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. DIXON. Mr. Speaker, I am pleased to pay tribute today to Mrs. Jody Hall-Esser Chief Administrative Officer for the city of Culver City, California. On July 9, 1999, Mrs. Hall-Esser will retire from city government capping a distinguished career spanning a quarter of a century in public service to her community. To honor Jody for her many years of exemplary service to the citizens of Culver City, a celebration in her honor will be held at the Culver City City Hall on Wednesday, July 7. As one who has worked closely with this extraordinary and selfless public servant for many years, and who possesses first-hand knowledge of her outstanding service to our community, I am pleased to have this opportunity to publicly recognize and commend her before my colleagues here today.

Jody has served in many capacities since joining the Culver City government in 1971. She was initially hired as the first Director of the Culver City Senior Citizens Center, a position she held for a few years before leaving to work in the private sector. In 1976 she returned to the city as the first Housing Manager in the Community Development Department, where she spent the next three years designing and executing Culver City's rent subsidy and residential rehabilitation loan and grant programs. She also is credited with implementing the construction of the city's first rental housing development for the low-income elderly citizens of Culver City.

In 1979 Jody was named Community Development Director and Assistant Executive Director of the Culver City Redevelopment Agency. For more than a decade, she headed the city agency tasked with Planning, Engineering, Redevelopment, Housing and Grants operations. Among her many accomplishments were establishment of the Landlord-Tenant Mediation Board; the Art in Public Places Program; and the Historic Preservation Program.

Jody was appointed Chief Administrative Officer and Executive Director of the Redevelopment Agency in 1991. For the past nine years, her many responsibilities have included implementing public policy mandates promulgated by the Culver City City Council, as well as managing the city's human, financial, and material resources. She has compiled an impressive and enviable record of accomplishments, despite seeing the city through a period of civil unrest, a major earthquake, damage caused by torrential rains, and a severe economic recession. While just one of these occurrences would test the tolerance of most individuals—not Jody Hall-Esser. She merely redoubled her efforts to ensure that the residents of Culver City received the necessary local, state, and federal resources they needed to remain afloat.

Jody Hall-Esser is an exceptional woman and her presence around city hall will be sorely missed. She has made enormous contributions to Culver City and leaves a legacy that will stand the test of time.

It has been a privilege to work with her, and it is a special pleasure to have this opportunity to highlight just a few of her exemplary achievements with my colleagues. On behalf of the residents of the 32nd Congressional District of California, I salute her and publicly thank her for her numerous contributions to our wonderful city and for her outstanding public service career.

Congratulations, Jody! I wish you, Jack, and your family a future that is filled with great joy, good health, and abundant prosperity. You've earned it!

TRIBUTE TO GENERAL DENNIS J. REIMER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SKELTON. Mr. Speaker, today, I wish to recognize the outstanding service to our Nation of General Dennis J. Reimer, the Army's 33rd Chief of Staff who will retire on June 21, 1999. General Reimer's career spanned over 36 years during which he distinguished himself as a soldier, leader, and trusted advisor to both the President and the U.S. Congress.

As chief of Staff, General Reimer prepared our Nation's Army well for the challenges of the 21st Century. He leaves the Army trained and ready, a disciplined force that supports our Nation and its interests in 81 countries around the globe. In a period fraught with leadership challenges, General Reimer defined the Army's values of Loyalty, Duty, Respect, Selfless Service, Honor, Integrity and Personal Courage throughout the total force. As a result of his efforts, he created a seamless force which maximizes the unique and complementary capabilities of its three components—Active, Army Reserve and National Guard, creating a "Total Army." He can take great pride in the Army's accomplishments and preparedness. General Reimer created the vision and set the stage for the Army of the 21st Century, a strategically responsive force.

Throughout his career, General Reimer distinguished himself in numerous command and staff positions with U.S. Forces stationed both overseas and in the continental United States. In Asia, he served two tours of duty in Vietnam and a tour in Korea. In Europe his assignments included Commander, Division Artillery and Chief of Staff of the 8th Infantry Division. General Reimer's stateside assignments included serving as the Commanding General, 4th Infantry Division, at Fort Carson, Colorado, and Commanding General, Forces Command, at Fort McPherson, Georgia. Since June 1995, General Reimer has served in his present assignment as the 33rd U.S. Army Chief of Staff.

Mr. Speaker, General Reimer has dedicated his life to our soldiers and our Nation. He has served our Nation with honor and distinction. I know the Members of the House will join me in paying tribute to this outstanding American patriot and wishing him well upon his retirement from the Army. He is truly a "Leader of Leaders" and will be sorely missed.

HONORING THE CENTRAL CALIFORNIA HISPANIC CHAMBER OF COMMERCE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Central California Hispanic Chamber of Commerce for their past successes and continued effort to encourage small business development in the San Joaquin Valley.

I want to congratulate the 1999 Board of Directors for the Central California Hispanic Chamber of Commerce at their 15th Annual Installation of Officers Dinner and Gala. The Board members are: *Executive Committee*: Gilbert Servin-President, Danny Parra-President Elect, Rosemarie Rosales-Secretary, Gustavo Corona-Treasurer. *Board Members*: Leonel Alvarado, Santiago Guvera, Olivia Hastings, Gloria Morales Palacios.

Mr. Speaker, I congratulate the Central Valley Hispanic Chamber of Commerce for 15 years of outstanding service. I urge my colleges to join me in wishing them best wishes for many more years of continued success.

WHEAT PRICES LOW IN COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SCHAFFER. Mr. Speaker, every year since being elected to Congress, I have participated in a wheat tour sponsored by the Colorado Association of Wheat Growers and the Colorado Wheat Administrative Committee.

Typically, I have reported to this House, the findings of the tour. However, this year, I will be content to submit to the RECORD a newspaper article written by Jean Gray, publisher of the Haxtun-Fleming Herald. The article

clearly describes the challenge facing wheat growers and requires no additional comment.

Mr. Speaker, America's wheat growers have suffered record-low prices for three years running. I hereby commend the account of Jean Gray to all Members and submit it now for the RECORD.

[From the Haxtun-Fleming Herald, June 9, 1999]

CONGRESSMAN SITS AT THE TABLE OF FARMERS

(By Jean Gray)

Even as agriculture struggles with low commodity prices, American farmers continue to do what they do best, feed the human race.

A prime example occurred this past Saturday, June 5, as 65 people sat down to a luncheon at the home of local producers, Richard and Cathy Starkebaum. The occasion was a visit to the area by United States Congressman Bob Schaffer (R-Colo.) Schaffer's visit was sponsored by the Colorado Association of Wheat Growers and the Colorado Wheat Administrative Committee.

This was the third-annual CAWG/CWAC tour. Prior to Schaffer's being elected to Congress, his predecessor Wayne Allard participated in the event. According to Jay Wisdom, president of CAWG, the tour has been held in the southern part of the state the last two years. ''Congressman Schaffer asked that it be held in northeastern Colorado this year,'' said Wisdom. ''And Rich graciously agreed to host it.''

The visit started with a tour of some area wheat fields and culminated with the buffet lunch of barbecue-beef sandwiches, potato salad, baked beans and condiments provided by caterer Joyce Schepler of Fleming.

Thanks to recent rains, the wheat in northeastern Colorado appears healthy with full heads of grain, but prices remain depressed. Darrell Hanavan, executive director of CAWG/CWAC, said that one of the first things the group did that morning was to go through the history of the wheat market. ''What we discovered is that wheat prices are at the lowest level since 1991–92,'' said Hanavan. On Saturday, the wheat market closed at $2.25 per bushel, according to Jan Workman, Grainland Cooperative, Haxtun. Workman said the Coop's records show that wheat was at $2.34 per bushel on July 15, 1991, and on July 15, 1990, it was at $2.56 per bushel. Workman said she has seen wheat at $2.20 and $2.13 at harvest time, but could not recall the years.

Wisdom explained to those attending that CAWG is a dues-paying organization that lobbies government, both on the state and federal level, on issues that affect wheat producers. He pointed out that Schaffer is the wheat leader for the State of Colorado in Washington. ''The rest of Congress looks to Congressman Schaffer for advice when they vote on ag-related issues,'' said Wisdom.

He also reported that there have been some success in Colorado recently, specifically with the passage of two pieces of state legislation that offer tax relief to producers. ''That will help because we desperately need an influx of money into the ag community,'' said Wisdom.

Wisdom was referring to House Bills 99–1002 and 99–1381. Both were passed during the 1999 legislative session, and both take effect on July 1, 1999. The two bills are expected to offer $6.2 million in tax relief to Colorado farmers.

House Bill 99–1102, which was partially sponsored by District One State Senator Marilyn Musgrave, exempts farm equipment from state sales tax.

Senator Musgrave was also involved in sponsoring House Bill 99–1381, which exempts chemicals used in the production of agriculture products from state sales tax. State Representative Diane Hoppe, 65th District, also helped sponsor the measure. Phillips and Logan counties are located in both the 65th House District and Senate District One.

Wisdom said that CAWG is also working on getting some legislation passed that will make crop insurance more beneficial to farmers. ''We are trying to get a safety net program set up,'' said Wisdom. ''It is tough out there.''

CAWG has done a good job in its lobbying efforts over the past two years, said Wisdom. ''But there's a lot of resistance out there right now. Agriculture is hurting and Congressman Schaffer knows it, so this is your chance to hit him up about your issues.''

Brad Barth, a Larrar producer who serves as president of CWAC, thanked Schaffer for his strong support of the wheat industry and said the group is looking forward to working with the Congressman on future issues.

Congressman Schaffer, 36, is originally from Cincinnati, Ohio, but now resides in Fort Collins. He and his wife, Maureen, have four children ranging in age from three to 11. He currently serves on the House agriculture committee.

Barth noted that there are only five members of Congress who represent larger agriculture areas than Schaffer does.

Schaffer told the group that attending these tours helps him represent the ag community better. ''When I am standing on the House floor talking about the farmers I just met, and the fields that I just walked, it gives me a lot more authority when I talk about agriculture issues.'' He added that he needs input from producers like them to do his job well. ''With the wide range of topics we deal with in Washington, sometimes agriculture can be overlooked,'' said Schaffer.

With respect to the American people's apathy to the recent scandals coming out of Washington, Schaffer said the reason most give is that the economy is doing so well. ''Most feel as long as the economy is doing well they could care less about the scandal and corruption that is going on,'' said Schaffer.

He added, however, that while the economy is good for most segments of the business community, that is not true in agriculture. ''The biggest reason is trade,'' said Schaffer. ''When it comes to cars, computers, and other hi-tech manufacturing, the United States is doing well because they have worked hard at opening those areas of trade. But when they sit down with a representative from these other countries, they have to offer some kind of trade in return. The only thing these other countries have to offer is agriculture products, so American farmers have gotten a bad rap.''

He added that it is a big political battle. ''One that we have to be prepared to fight.'' He said one way to fight is through organizations like CAWG/CWAC and he encouraged them to join and participate.

PRESIDENT CLINTON ADDRESSES INTERNATIONAL LABOR ORGANIZATION CONFERENCE—REAFFIRMS AMERICAN COMMITMENT TO INTERNATIONAL LABOR RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. LANTOS. Mr. Speaker, today at the Geneva Conference of the International Labor Organization, President Clinton became the first President of the United States to address the International Labor Organization (ILO) in Geneva. In this particularly excellent address, the President reaffirmed in the strongest terms the commitment of the United States to the ILO and to the protection of international labor rights.

The ILO—an organization established in the aftermath of World War I and affiliated with the United Nations after its creation in 1945—is in the forefront of the fight to assure that workers have the right to organize, the right to bargain collectively, the right to a safe work place, and the rights to speak out and to assemble in the defense and protection of these rights.

Mr. Speaker, President Clinton also called attention in particular to the fight of the United States against abusive child labor. In far too many places around, children are forced to work unconscionably long hours, which interferes with their education and limits their future opportunities. More serious is the exploitation of children in pornography and prostitution, which happens in many places around the globe. Children are recruited by some governments and by some political movements to serve in military conflicts, and we must work to end that pernicious practice. Children also work in hazardous and dangerous occupations where they risk their lives, their health, and their future.

Mr. Speaker, I urge my colleagues to support the request of the President to the Congress to provide $25 million in funding to help create a new arm of the ILO to work with developing countries to put basic labor standards in place to assure workers in these countries basic health and safety protections as well as assuring them the right to organize. I also urge support of the President's request to the Congress for $10 million to strengthen U.S. bilateral support for governments seeking to raise their own fundamental labor standards. I also urge support for the President's requests for funding of programs to reduce child labor.

Mr. Speaker, I ask that President Clinton's outstanding address to the International Labor Organization be placed in the RECORD, and I urge my colleagues to give thoughtful attention to his excellent remarks.

REMARKS BY THE PRESIDENT TO THE INTERNATIONAL LABOR ORGANIZATION CONFERENCE

THE PRESIDENT. Thank you very much, Director General Somavia, for your fine statement and your excellent work. Conference President Mumuni, Director General Petrovsky, ladies and gentlemen of the ILO: It is a great honor for me to be here today with, as you have noticed, quite a large

American delegation. I hope you will take it as a commitment of the United States to our shared vision, and not simply as a burning desire for us to visit this beautiful city on every possible opportunity.

I am delighted to be here with Secretary Albright and Secretary of Labor Herman; with my National Economic Advisor Gene Sperling, and my National Security Advisor Sandy Berger. We're delighted to be joined by the President of the American Federation of Labor, the AFL–CIO, John Sweeney, and several of the leaders of the U.S. labor movement; and with Senator TOM HARKIN from Iowa who is the foremost advocate in the United States of the abolition of child labor. I am grateful to all of them for coming with me, and to the First Lady and our daughter for joining us on this trip. And I thank you for your warm reception of her presence here.

It is indeed an honor for me to be the first American President to speak before the ILO in Geneva. It is long overdue. There is no organization that has worked harder to bring people together around fundamental human aspirations, and no organization whose mission is more vital for today and tomorrow.

The ILO, as the Director General said, was created in the wake of the devastation of World War I as part of a vision to provide stability to a world recovering from war, a vision put forward by our President, Woodrow Wilson. He said then, ''While we are fighting for freedom we must see that labor is free.'' At a time when dangerous doctrines of dictatorship were increasingly appealing the ILO was founded on the realization that injustice produces, and I quote, ''unrest so great that the peace and harmony of the world are imperiled.''

Over time the organization was strengthened, and the United States played its role, starting with President Franklin Roosevelt and following through his successors and many others in the United States Congress, down to the strong supporters today, including Senator HARKIN and the distinguished senior Senator from New York, PATRICK MOYNIHAN.

For half a century, the ILO has waged a struggle of rising prosperity and widening freedom, from the shipyards of Poland to the diamond mines of South Africa. Today, as the Director General said, you remain the only organization to bring together governments, labor unions and business, to try to unite people in common cause—the dignity of work, the belief that honest labor, fairly compensated, gives meaning and structure to our lives; the ability of every family and all children to rise as far as their talents will take them.

In a world too often divided, this organization has been a powerful force for unity, justice, equality and shared prosperity. For all that, I thank you. Now, at the edge of a new century, at the dawn of the Information Age, the ILO and its vision are more vital than ever—for the world is becoming a much smaller and much, much more interdependent place. Most nations are linked to the new dynamic, idea-driven, technology-powered, highly competitive international economy.

The digital revolution is a profound, powerful and potentially democratizing force. It can empower people and nations, enabling the wise and far-sighted to develop more quickly and with less damage to the environment. It can enable us to work together across the world as easily as if we were working just across the hall. Competition, communications and more open markets spur stunning innovations and make their fruits available to business and workers worldwide.

Consider this: Every single day, half a million air passengers, 1.5 billion e-mail messages and $1.5 trillion cross international borders. We also have new tools to eradicate diseases that have long plagued humanity, to remove the threat of global warming and environmental destruction, to lift billions of people into the first truly global middle class.

Yet, as the financial crisis of the last two years has shown, the global economy with its churning, hyperactivity, poses new risks, as well, of disruption, dislocation and division. A financial crisis in one country can be felt on factory floors half a world away. The world has changed, much of it for the better, but too often our response to its new challenges has not changed.

Globalization is not a proposal or a policy choice, it is a fact. But how we respond to it will make all the difference. We cannot dam up the tides of economic change anymore than King Knute could still the waters. Nor can we tell our people to sink or swim on their own. We must find a new way—a new and democratic way—to maximize market potential and social justice, competition and community. We must put a human face on the global economy, giving working people everywhere a stake in its success, equipping them all to reap its rewards, providing for their families the basic conditions of a just society. All nations must embrace this vision, and all the great economic institutions of the world must devote their creativity and energy to this end.

Last May, I had the opportunity to come and speak to the World Trade Organization and stress that as we fight for open markets, it must open its doors to the concerns of working people and the environment. Last November, I spoke to the International Monetary Fund and World Bank and stressed that we must build a new financial architecture as modern as today's markets, to tame the cycles of boom and bust in the global economy as we can now do in national economies; to ensure the integrity of international financial transactions; and to expand social safety nets for the most vulnerable.

Today, I say to you that the ILO, too, must be ready for the 21st century, along the lines that Director General Somavia has outlined.

Let me begin by stating my firm belief that open trade is not contrary to the interest of working people. Competition and integration lead to stronger growth, more and better jobs, more widely shared gains. Renewed protectionism in any of our nations would lead to a spiral of retaliation that would diminish the standard of living for working people everywhere. Moreover, a failure to expand trade further could choke off innovation and diminish the very possibilities of the information economy. No, we need more trade, not less.

Unfortunately, working people the world over do not believe this. Even in the United States, with the lowest unemployment rate in a generation, where exports accounted for 30 percent of our growth until the financial crisis hit Asia, working people strongly resist new market-opening measures. There are many reasons. In advanced countries the benefits of open trade outweigh the burdens. But they are widely spread, while the dislocations of open trade are painfully concentrated.

In all countries, the premium the modern economy places on skills leaves too many hard-working people behind. In poor countries, the gains seem too often to go to the already wealthy and powerful, with little or no rise in the general standard of living. And the international organizations charged with monitoring and providing for rules of fair trade, and enforcement of them, seem to take a very long time to work their way to the right decision, often too late to affect the people who have been disadvantaged.

So as we press for more open trade, we must do more to ensure that all our people are lifted by the global economy. As we prepare to launch a new global round of trade talks in Seattle in November, it is vital that the WTO and the ILO work together to advance that common goal.

We clearly see that a thriving global economy will grow out of the skills, the idea, the education of millions of individuals. In each of our nations and as a community of nations, we must invest in our people and lift them to their full potential. If we allow the ups and downs of financial crises to divert us from investing in our people, it is not only those citizens or nations that will suffer—the entire world will suffer from their lost potential.

It is clear that when nations face financial crisis, they need the commitment and the expertise not only of the international financial institutions, they need the ILO as well. The IMF, the World Bank and WTO, themselves, should work more closely with the ILO, and this organization must be willing and able to assume more responsibility.

The lesson of the past two years is plain: Those nations with strong social safety nets are better able to weather the storms. Those strong safety nets do not just include financial assistance and emergency aid for poorest people, they also call for the empowerment of the poorest people.

This weekend in Cologne, I will join my partners in the G–8 in calling for a new focus on stronger safety nets within nations and within the international community. We will also urge improved cooperation between the ILO and the international financial institutions in promoting social protections and core labor standards. And we should press forward to lift the debt burden that is crushing many of the poorest nations.

We are working to forge a bold agreement to more than triple debt relief for the world's poorest nations and to target those savings to education, health care, child survival and fighting poverty. I pledge to work to find the resources so we can do our part and contribute our share toward an expanded trust fund for debt relief.

Yet, as important as our efforts to strengthen safety nets and relieve debt burdens are, for citizens throughout the world to feel that they truly have a hand in shaping their future they must know the dignity and respect of basic rights in the workplace.

You have taken a vital step toward lifting the lives of working people by adopting the Declaration on Fundamental Principles and Rights at Work last year. The document is a blueprint for the global economy that honors our values—the dignity of work, an end to discrimination, an end to forced labor, freedom of association, the right of people to organize and bargain in a civil and peaceful way. These are not just labor rights, they're human rights. They are a charter for a truly modern economy. We must make them an everyday reality all across the world.

We advance these rights first by standing up to those who abuse them. Today, one member nation, Burma stands in defiance of the ILO's most fundamental values and most serious findings. The Director General has

just reported to us that the flagrant violation of human rights persists, and I urge the ILO governing body to take definite steps. For Burma is out of step with the standards of the world community and the aspirations of its people. Until people have the right to shape their destiny we must stand by them and keep up the pressure for change.

We also advance core labor rights by standing with those who seek to make them a reality in the workplace. Many countries need extra assistance to meet these standards. Whether it's rewriting inadequate labor laws, or helping fight discrimination against women and minorities in the workplace, the ILO must be able to help.

That is why in the balanced budget I submitted to our Congress this year I've asked for $25 million to help create a new arm of the ILO, to work with developing countries to put in place basic labor standards—protections, safe work places, the right to organize. I ask other governments to join us. I've also asked for $10 million from our Congress to strengthen U.S. bilateral support for governments seeking to raise such core labor standards.

We have asked for millions of dollars also to build on our voluntary anti-sweat shop initiative to encourage the many innovative programs that are being developed to eliminate sweat shops and raise consumer awareness of the conditions in which the clothes they wear and the toys they buy for their children are made.

But we must go further, to give life to our dream of an economy that lifts all our people. To do that, we must wipe from the Earth the most vicious forms of abusive child labor. Every single day tens of millions of children work in conditions that shock the conscience. There are children chained to often risky machines; children handling dangerous chemicals; children forced to work when they should be in school, preparing themselves and their countries for a better tomorrow. Each of our nations must take responsibility.

Last week, at the inspiration of Senator Tom Harkin, who is here with me today, I directed all agencies of the United States government to make absolutely sure they are not buying any products made with abusive child labor.

But we must also act together. Today, the time has come to build on the growing world consensus to ban the most abusive forms of child labor—to join together and to say there are some things we cannot and will not tolerate.

We will not tolerate children being used in pornography and prostitution. We will not tolerate children in slavery or bondage. We will not tolerate children being forcibly recruited to serve in armed conflicts. We will not tolerate young children risking their health and breaking their bodies in hazardous and dangerous working conditions for hours unconscionably long—regardless of country, regardless of circumstance. These are not some archaic practices out of a Charles Dickens novel. These are things that happen in too many places today.

I am proud of what is being done at your meeting. In January, I said to our Congress and the American people in the State of the Union address, that we would work with the ILO on a new initiative to raise labor standards and to conclude a treaty to ban abusive child labor everywhere in the world. I am proud to say that the United States will support your convention. After I return home I will send it to the U.S. Senate for ratification, and I ask all other countries to ratify it, as well.

We thank you for achieving a true breakthrough for the children of the world. We thank the nations here represented who have made genuine progress in dealing with this issue in their own nations. You have written an important new chapter in our effort to honor our values and protect our children.

Passing this convention alone, however, will not solve the problem. We must also work aggressively to enforce it. And we must address root causes, the tangled pathology of poverty and hopelessness that leads to abusive child labor. Where that still exists it is simply not enough to close the factories where the worst child labor practices occur. We must also ensure that children then have access to schools and their parents have jobs. Otherwise, we may find children in even more abusive circumstances.

That is why the work of the International Program for the Elimination of Child Labor is so important. With the support of the United States, it is working in places around the world to get children out of business of making fireworks, to help children move from their jobs as domestic servants, to take children from factories to schools.

Let me cite just one example of the success being achieved, the work being done to eliminate child labor from the soccer ball industry in Pakistan. Two years ago, thousands of children under the age of 14 worked for 50 companies stitching soccer balls fulltime. The industry, the ILO and UNICEF joined together to remove children from the production of soccer balls and give them a chance to go to school, and to monitor the results.

Today, the work has been taken up by women in 80 poor villages in Pakistan, giving them new employment and their families new stabilities. Meanwhile, the children have started to go to school, so that when they come of age, they will be able to do better jobs raising the standard of living of their families, their villages and their nation. I thank all who were involved in this endeavor and ask others to follow their lead.

I am pleased that our administration has increased our support for IPEC by tenfold. I ask you to think what could be achieved by a full and focused international effort to eliminate the worst forms of child labor. Think of the children who would go to school, whose lives would open up, whose very health would flower, freed of the crushing burden of dangerous and demeaning work, given back those irreplaceable hours of childhood for learning and playing and living.

By giving life to core labor standards, by acting effectively to lift the burden of debt, by putting a more human face on the world trading system and the global economy, by ending the worst forms of child labor, we will be giving our children the 21st century they deserve.

These are hopeful times. Previous generations sought to redeem the rights of labor in a time of world war and organized tyranny. We have a chance to build a world more prosperous, more united, more humane than ever before. In so doing, we can fulfill the dreams of the ILO's founders, and redeem the struggles of those who fought and organized, who sacrificed and, yes, died—for freedom, equality, and justice in the workplace.

It is our great good fortune that in our time we have been given the golden opportunity to make the 21st century a period of abundance and achievement for all. Because we can do that, we must. It is a gift to our children worthy of the millennium.

Thank you very much.

TRIBUTE TO RETIRING MIDDLE SCHOOL PRINCIPAL TOM HAYES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that a distinguished career in teaching has come to an end. The Honorable Tom Hayes, Principal of Lexington Middle School, recently retired after 34 years as a teacher, coach, counselor, and administrator.

Mr. Hayes started teaching in the Lexington school system as a student teacher in the spring of 1965. He was offered a contract to teach full time in the fall of the same year. Mr. Hayes served as a teacher, coach, and counselor until 1986, when he left Lexington to take a position in the St. James School District. In 1993, Mr. Hayes found his way back to Lexington to serve as principal at the Middle School.

Mr. Hayes educated Missouri's youth and enjoyed watching his students grow and mature into adults. He is also gratified when the young people he taught come back to him years later as adults to thank him. As a coach, he coached multiple championship teams, both in football and wrestling. Through hard work focusing on fundamentals, he helped average athletes develop into skilled players.

Although Mr. Hayes has retired from the Lexington School District, he is still an active community member as the Mayor of Lexington, Missouri.

Mr. Speaker, Mr. Hayes had an outstanding career in education, and he will surely be missed by everyone at Lexington Middle School. I wish him and his wife Sherry all the best in the days ahead. I am certain that the Members of the House will join me in paying tribute to this fine Missourian.

BOND PRICE COMPETITION IMPROVEMENT ACT OF 1999

SPEECH OF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 1999

Mr. ENGEL. Mr. Speaker, fellow colleagues, I rise in support of the Bond Price Competition Improvement Act of 1999. The Committee on Commerce and Subcommittee of Finance, of which I am a member, has held a number of hearings to review the process and competition in mutual fund fees and bond prices.

Witnesses repeatedly testified that transparency of corporate bonds was poor. Witnesses also revealed that individual purchasers of the same bond from the same dealer at approximately the same time may be given widely divergent prices.

Mr. Speaker, fellow colleagues, improved transparency of the bond market would lead to improved bond prices for investors, and increased transparency would assist the relevant regulators with development of an audit trail.

In today's ever changing global economy, information is our most valuable resource. By

improving the information available to investors, leading to more competitive prices for bonds, we hope to eliminate price discrimination and promote a more fair and competitive market.

The Bond Price Competition Improvement Act, which is supported by the NASD, SEC and Bond Market Association has many advantages. However, the three economic benefits that I am mostly enthusiastic about are:

1. It will bolster investor protection by providing investors with better opportunities to monitor the behavior of the entities that make markets in secondary securities;

2. It will help improve market liquidity by boosting investor and market confidence in a market; and

3. It will enhance market efficiency by boosting the price discovery process of moving toward the "optimal price" for a particular security.

Market power invested in one bond dealer enables the dealer to charge prices that are higher than those that would be available in a fully competitive market. Due to the lack of transparency in the current bond market dealers sometimes offer the same bond to different customers at significantly different prices. This price discrimination is facilitated by the lack of pricing information to investors.

I am convinced that improved transparency in the corporate debt markets as addressed in the Bond Price Competition Improvement Act will eliminate this practice.

I would like to commend my fellow colleagues on the Commerce Committee, committee staff, and legislative staff on working together to draft this important bill and I hope that we can continue to work together in this spirit of bipartisanship in the future.

Mr. Speaker, Congress is at its best when we work together to solve problems such as these. The American people deserve nothing less. The Bond Market Price Competition Act of 1999 is an important piece of legislation that will preserve this country's place as a leader of bond market transaction in the international marketplace.

I urge my colleagues to vote in favor of this bill.

INTRODUCTION OF THE OUTPATIENT PRESERVATION ACT

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. FOLEY. Mr. Speaker, I was (and still am) a proud supporter of the Balanced Budget Act and its attempts to bring about greater fiscal discipline to save Medicare from bankruptcy. However, when we passed this bill, we did so with the understanding that Medicare services to seniors would not be harmed.

Sadly, the current form of the prospective payment system (PPS) for hospital outpatient services such as surgery, radiology, clinical services, emergency room care, chemotherapy, and psychotherapy makes drastic cuts in payments so that many hospitals may be forced to limit or discontinue outpatient services that patients depend on. Initial projections show that when the PPS is fully implemented, some hospitals stand to lose between 40 and 50 percent of their revenue. This could have a devastating effect on the availability of certain services. For many individuals, outpatient care is a safer, more convenient, and less costly alternative to being admitted overnight to a hospital for a minor procedure. I do not want to see patients' choice of health services and care settings limited.

Today, I am introducing the Hospital Outpatient Preservation Act. This legislation will put a limit on the Medicare payment reductions hospitals receive under the outpatient PPS for the first three years it is in place. This bill will allow hospitals to gradually reorganize their budgets and operational structures in order to smoothly transition to the new payment system without having to eliminate services. It is my intention that this bill will preserve the intent of the Balanced Budget Act to enforce fiscal responsibility in the Medicare system, while preventing any negative consequences that drastic revenue reductions would have on hospitals and their patients.

IN HONOR OF CELESTICA OF COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to congratulate Celestica, a Ft. Collins company determined to provide total customer satisfaction, superior value, quality, and technological leadership through designing electronic memory solutions and manufacturing printed circuit boards. This prosperous corporation has not only benefited itself, but its community as well. Celestica currently employs 1,000 Colorado citizens, and has grown strong enough to add 500 new jobs to the Ft. Collins area. Celestica workers provide jobs in nine countries and employment opportunities for over 15,000 worldwide while generating economic growth and health benefits.

Mr. Speaker, Celestica is successful because it strives to meet its customers' needs, guarantee long-term value and have innovative ideas for products. For this reason, it is obvious why Celestica is the third-largest electronics manufacturing company in the world.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Ms. CLAYTON. Mr. Speaker, on rollcall No. 187, the Souder amendment—to "prohibit any fiscal year 2000 funding for military operations in the Federal Republic of Yugoslavia," I was absent for the above-referenced vote because I was in North Carolina attending the funeral services for the father of my District Office Director. Had I been present, I would have voted "nay."

HONORING JOSHUA VANDIVER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SCHAFFER. Mr. Speaker, I rise to honor Mr. Joshua Vandiver of Swink, Colorado, a student at Swink Junior-Senior High School. He has received an outstanding recognition of being a Presidential Scholar. I am pleased to take a moment and extend Joshua congratulations for his phenomenal academic prowess, artistic success, scholarship, leadership, and involvement in school and community. He possesses the key to success because the attributes of his personality, hard work and persevance are strong and long lasting. With these skills Joshua Vandiver will prosper in the future.

HONORING SYLVIA LASK

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. ENGEL. Mr. Speaker, Sylvia Lask, a tireless advocate for her community and a woman who has worked with me for all of my elected life, is celebrating her 65th birthday, an occasion to celebrate her and all the wonderful things she has done. She has worked with me from my start in the New York State Assembly, but even more, she has been a great friend. She developed a specialty in the area of mental health while at my Assembly office and her dedication led her to join me in late night visits to State psychiatric hospitals to check on the care of the patients. Currently she is Chair of the New York State Board of Visitors of Psychiatric Hospitals and is a member of the Board of Bronx Municipal Hospital. She also led her building in the Co-op City rent strike. Her caring and concern have won her the affection and appreciation of virtually everyone she has come in contact with. She is also a State Committeewoman for the 82nd A.D. She is a committed Zionist and Jewish causes are her passion. She is an ardent supporter of the Kibbutz movement. She dearly loves her two children, Marc and Vicki. When I picture Sylvia in my mind I see her dancing around a campfire at a Kibbutz. She is a very dear friend and I join all in wishing her a very special birthday.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mrs. CLAYTON. Mr. Speaker, on rollcall No. 189, the Skelton amendment—"prohibiting any funding for combat or peacekeeping operations in the Federal Republic of Yugoslavia," I was absent for the above-referenced vote because I was in North Carolina attending the funeral services for the father of my District

Office Director. Had I been present, I would have voted "yea."

HONORING DONNA WHEELER TEACHER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to commend the work of an extraordinary teacher from the Fourth District of Colorado, Ms. Donna Wheeler. Ms. Wheeler teaches at Swink Junior-Senior High School in Swink, CO. Teachers provide one of the most valuable services to society educating students. By promoting integrity, knowledge, proficiency, and wholehearted interest in her students, Ms. Wheeler has proven her ability as an educator. Caring and talented teachers are of immense worth in our society and proficient teachers are the backbone of the Republic. It takes a very dedicated person to encourage children. Ms. Wheeler has set an example each of us can follow to nurture our nation's youth in becoming responsible adults. I congratulate Ms. Wheeler.

HONORING MOUNT VERNON HEIGHTS CONGREGATIONAL CHURCH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. ENGEL. Mr. Speaker, this year, the good parishioners of the Mount Vernon Heights Congregational Church celebrate the church's 100th anniversary. The history of the church is actually longer when we remember that it was in 1892 that its meetings began in the Garden Avenue School. The church became fully organized in 1896 with the Rev. F.B. Kellogg named pastor of the new church. By the following year the congregation had grown so large that it moved to a barn on Bedford Avenue and, on July 4th of that year, the new church was dedicated.

By 1910 the church has become self-supporting and in 1916 construction on the current building was started. The church, a New England colonial design reflecting a post Civil War spirit of unity and self determination, was completed by 1922. Subsequently a sanctuary was added as well as tower chime.

The Mount Vernon Heights Congregational Church has always practiced community activism as well as charitable works and community projects, such as its youth seminars and elderly centers.

The church also is part of the annual pulpit exchanges in which ministers from 19 churches deliver sermons at sister churches.

The church is justly proud of its fellowship of many denominations and its ministers of many differing ethnic and social backgrounds. The Rev. Maximilian Bernard Surjadinata, pastor since 1988, was born in Indonesia. I warmly congratulate the Mount Vernon Heights Congregational Church on its centenary and for its wonderful accomplishments in those hundred years.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mrs. CLAYTON. Mr. Speaker, on rollcall No. 190, the Shays amendment—"to reduce troop levels in Europe from 100,000 to 25,000 by fiscal year 2002; excludes troops assigned to Greenland, Iceland, Azores, and those serving for more than 179 days under a military-to-military program; and does not apply in the event of war or attack on NATO member nation," I was absent for the above-referenced vote because I was in North Carolina attending the funeral services for the father of my District Office Director. Had I been present, I would have voted "nay."

THANK YOU BUFORD RICE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor Mr. Buford Rice, administrator and executive vice president of the Colorado Farm Bureau. Mr. Rice has announced his plans to retire September 1, 1999, after 38 years of distinguished service to the agriculture industry.

Raised on an irrigated farm in the Yellowstone River Valley of eastern Montana and later graduating from Montana State University, Rice began his career with the Montana Farm Bureau in 1961 as an area field services director. In 1972, he became the executive secretary for the North Dakota Farm Bureau and in 1976 he accepted the offer to serve as public affairs director for the Colorado Farm Bureau. Rice was named manager of the Colorado Farm Bureau in 1979 and was promoted to administrator/executive vice president in 1990.

Rice and I first met and quickly became friends while I was serving in the Colorado State Senate. Through our professional relationship, I gained tremendous respect for his knowledge of agriculture issues and dedication to the survival of the farm and ranch industry. Because of his passion for the tradition of farming, Rice has always looked forward to going to work every morning these many years.

Currently, Rice serves on various public and private councils and advisory committees. Some of those include the Colorado Public Expenditures Council Board of Directors, Colorado Extension Advisory Committee, CSU Livestock Leaders Council, External Committee—CSU Institute on Environment and Natural Resources and the Colorado Public Lands Multiple Use Coalition.

He and his wife Darlyne reside in Littleton, CO, and have two children, four grandchildren and two step-grandchildren.

Buford Rice is a man who embodies the western tradition of what is good about this great country—sound land and water conservation practices, private property rights, and most importantly, preservation of the family farm. The state of Colorado owes Buford Rice a great debt of gratitude for his life-long work on behalf of the agriculture community. Thank you Buford.

HONORING RHONDA (RANDI) WEINGARTEN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. ENGEL. Mr. Speaker, today I would like to praise a woman who has accomplished much. Rhonda (Randi) Weingarten is the new president of the 130,000-member United Federation of Teachers, the largest local union in the United States. She is also vice president of the 960,000 member American Federation of Teachers, the UFT's national affiliate and is a member of the Board of Directors of both the New York State United Teachers and the New York City Central Labor Council.

From 1986 to 1998 Randi served as counsel to UFT President Sandra Feldman, taking a lead role in contract negotiations for teachers and other school employees. When Ms. Feldman became president of the American Federation of Teachers, Randi was selected to serve as president. She has a B.S. from Cornell and graduated cum laude from the Benjamin N. Cardozo School of Law. She was also an adjunct professor at Cardozo from 1986–91. She first became affiliated with the UFT when working for a prestigious law firm which had the union as a client.

She has served as legislative assistant for the New York State Senate Labor Committee and as a mediator on disputes originating in the New York Criminal Court. She has served as a member of the board and then as chairperson of the Health Insurance Plan of Greater New York. She is also a certified teacher of social studies and American History.

Randi continues to advance the cause of education in New York. I look forward to working with her to keep that education of our youth as the highest priority of the people and our governments at every level.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mrs. CLAYTON. Mr. Speaker, on rollcall No. 188, the Weldon amendment—to "provide $7.3 million for the operation and maintenance of space launch facilities and require a study of space launch ranges and requirements," I was absent for the above-referenced vote because I was in North Carolina attending the funeral services for the father of my District Office Director. Had I been present, I would have voted "yea."

IN MEMORY OF BETTY DESANTO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of one of Cleveland's greatest softball players, Betty DeSanto.

Betty DeSanto has been a dedicated sportswoman all her life. She has been a part of many softball teams and has won countless city titles. She was even inducted into the Greater Cleveland Sports Hall of Fame in 1984 and the Greater Cleveland Slow Pitch Hall of Fame in 1991.

Betty DeSanto was a person who not only played the sport well, she exemplified great sportsmanship. As the assistant manager and later as the manager of the Cudell Recreation Center, she organized various sports teams and encouraged both boys and girls in their athletic pursuits. She is an inspiration to all who participate in sports and with a little dedication, love and heart you can go on to achieve greatness.

My fellow colleagues, please join me in honoring this great sportswoman, Betty DeSanto. She was a very talented athlete and she will be greatly missed.

HONORING DR. GARY SCHNEIDER UPON HIS RETIREMENT

HON. JOHN J. DUNCAN, JR

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. DUNCAN. Mr. Speaker, Dr. Gary Schneider, one of the foremost experts on forestry at the University of Tennessee, Knoxville, is retiring this year.

Dr. Schneider has been an asset to the University for many years, having served as a Professor and Head of the Department of Forestry, Wildlife and Fisheries. Currently, he serves as the Associate Dean of Agricultural Sciences and Natural Resources at UT.

Mr. Speaker, Dr. Schneider has also served as a consultant for many organizations including, the U.S. Department of Energy, U.S. Forest Service, U.S. Agency for International Development and many others. Additionally, he has published several academic articles.

Dr. Schneider has advanced the study of forestry and related fields during his tenure at the University of Tennessee, and I know that his leadership and expertise will be missed.

Mr. Speaker, I know that I join with his friends, family and colleagues in congratulating Dr. Gary Schneider for an outstanding career at the University of Tennessee, Knoxville.

A TRIBUTE TO THE TEMPLE PATROL OF THE TUSCAN MORNING STAR LODGE NO. 48

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the Temple Patrol of the Tuscan Morning Star Lodge No. 48, located in Philadelphia. The Temple Patrol was originally formed in 1990 to provide a communal protective service for members attending meetings at the Prince Hall Masonic Complex. Since its formation, the Temple Patrol committee has grown to over 30 members and has received many accolades for its valuable safety services.

The Temple Patrol has been so successful that only one criminal incident has been recorded in its area of operations since its inception. The Tuscan Morning Star Lodge No. 48 has received high praise due to the success of the Temple Patrol; it was awarded Ex-Large Lodge of the Month on several occasions and even Ex-Large Lodge of the Year. In addition to these past recognitions, I would also like to commend these gentlemen who bring peace to the streets through their self-sacrifice.

Once again, Mr. Speaker, I would like to commend the efforts of the members of the Tuscan Morning Star No. 48 Temple Patrol committee. I wish them luck in the future and thank them for all their hard work that has made the streets of Philadelphia safer.

HUMAN RIGHTS LEADERS SUPPORT HUMAN RIGHT INFORMATION ACT, H.R. 1625

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. LANTOS. Mr. Speaker, recently I introduced in the House The Human Rights Information Act (H.R. 1625). This legislation has already found strong bipartisan support with over 50 of our distinguished colleagues joining as original cosponsors of this bill.

When our legislation was introduced, prominent human rights leaders and victims of human rights abuses joined us at a press conference announcing the legislation. Their comments about the Human Rights Information Act and their personal and professional insights regarding this legislation are particularly helpful.

Mr. Speaker, I ask that the statements these human rights leaders made regarding the Human Rights Information Act be placed in the RECORD. These outstanding statements are by Dr. William F. Schultz, Executive Director of Amnesty International USA; Adriana Portillo-Bartow, a Guatemalan mother whose eldest two daughters were kidnapped and disappeared and have not been seen for the past 17 years; Sister Dianna Ortiz, a Roman Catholic nun who was abducted, tortured and repeatedly raped by members of the Guatemalan security forces; and Carlos M. Salinas, the Advocacy Director for Latin America and the Caribbean of Amnesty International.

STATEMENT OF DR. WILLIAM F. SCHULTZ, EXECUTIVE DIRECTOR, AMNESTY INTERNATIONAL USA

Good afternoon. I'm Dr. William F. Schultz, Executive Director of Amnesty International USA. I join my esteemed colleagues today to support legislation that addresses the tragic legacy of political violence: torture, assassinations, ''disappearances,'' and massacres. This legislation will put criminals behind bars and help families heal from their devastating losses at the hands of brutal torturers and thugs.

Over the past few decades, we witnessed immense suffering in Guatemala and Honduras. The fierce counterinsurgency campaign by Guatemalan military governments beginning in the 1960s left 200,000 dead or ''disappeared'' according to the Guatemalan Truth Commission. The campaign became one of a ''scorched earth strategy'' in which hundreds of villages were wiped out in what the Trust Commission called acts of genocide. Thousands of men, women and children were killed—often after brutal torture or in more than 600 wholesale massacres, according to the Commission. Thousands more were ''disappeared''—never to be seen again.

The politically-driven violence in Honduras during the 1980s resulted from a deliberate strategy by the government and military to treat non-combatant civilians as military targets. This ''dirty war'' meant torture, assassination and ''disappearance'' for student activists, teachers, journalists, trade unionists, human rights lawyers and leftist politicians.

Out of the ashes of this bloody history has risen legislation vital to the promotion and protection of human rights—not only in Honduras and Guatemala but in every country in the world. The Human Rights Information Act orders the declassification or release of U.S. government documents about human rights violations when the U.S. receives a request from a bona fide truth commission or judicial authority. It will give survivors of torture and ''disappearances'' information about who was responsible for their abuse and the reasons why they were targeted. It also will allow family members to recover the remains of their ''disappeared'' loved ones.

Amnesty International is proud to support the Human Rights Information Act and our activists are ready to mobilize for its passage. Last year, we brought over 100,000 petitions and letters to Congress—and we will bring 100,000 more this year, if need be. I believe that every American watching the Kosovo crisis unfold would support this Act as a means to ensure justice for the thousands of refugees we see on our television screens each day.

There are three compelling reasons why Congress must pass this Act.

First, the Human Rights Information Act is profoundly pro-family. The Act will help families torn apart by torture, assassination or ''disappearances'' heal and find some measure of closure in the wake of brutality.

Second, the Human Rights Information Act will fight crime. The perpetrators of human rights violations are responsible not for dozens or even hundreds of brutalities but for tens of thousands of crimes against humanity. As a great forensic anthropologist Dr. Clyde Snow said, ''[t]he great mass murderers of our time have accounted for no more than a few hundred victims. In contrast, states that have chosen to murder

their own citizens can usually count their victims by the carload lot. As for motive, the state has no peers, for it will kill its victim for a careless word, a fleeting thought, or even a poem.'' Assassins, torturers, those who order the brutalities and those who cover them up, however, are rarely punished, sometimes amnestied and often never prosecuted. Successful prosecutions will punish and put behind bars human rights violators who may still be involved in criminal activity. And it will send an unequivocal message that human rights violations will not be tolerated.

Third, the Human Rights Information Act will strengthen democracy. It will deter future violators and strengthen the rule of law. It will tell the world that no one is above the law and it will restore citizens' confidence in their legal institutions.

The wounds from atrocities committed in Guatemala, Honduras and many other countries cannot heal until the whole truth about human rights violations is revealed. Families and survivors need to know—and have the right to know—who ordered the killings, why their loved ones were tortured and killed, and where to find their ''disappeared'' loved ones. If simply telling the whole truth, as the Human Rights Information Act will do, helps thousands of families heal from some of the worst crimes known to humanity, how can we not reveal it?

STATEMENT OF MS. ADRIANA PORTILLO-BARTOW, A GUATEMALAN MOTHER

My name is Adriana Portillo-Bartow and I am a survivor of the war in Guatemala. I am also a mother who for the last 17 years has had to live without knowing the truth about the whereabouts of her two oldest daughters, kidnapped and disappeared by Guatemalan security forces in 1981.

My daughters Rosaura and Glenda, 10 and 9 years old at the time of their disappearance, were detained, together with my 70 year old father, my step-mother, one of my sisters-in-law, and my 18 month old sister, on September 11, 1981, by a large group of military and police forces. They have never been seen or heard from since.

I waited 15 years for the appropriate political conditions to exist in Guatemala so I could begin the search for the truth about the whereabouts of my disappeared family. I have been back to Guatemala eight times since December 1996, when the Final Peace Accord for a Firm and Lasting Peace was signed.

Eight trips to Guatemala I have made in my pursuing of the truth, without any results. On each of my trips I have met with the Guatemalan Presidential Human Rights Commission, I have met with the Guatemalan Human Rights Ombudsman Office, I have met with many non governmental human rights organizations. I have met with U.S. Embassy officials. I have even tried pursuing the truth through the Guatemalan judicial system, which everybody knows does not work. The case of my disappeared family is Illustrative case #87 in the Historical Clarification Commission's report ''Guatemala: Memory of Silence''. And no one has been able to help me, or has wanted to help me.

Because of that, now, more than ever, I am hunted by the memories of my disappeared father, of my little daughters, and of my other relatives. For the past seventeen years I have not slept, unless through the use of artificial means, because I am afraid of waking up to a nightmare of my disappeared children being eaten by dogs and vultures. Some days I am hunted by images of their bodies abandoned in shallow graves in a clandestine cemetery, somewhere in Guatemala. Other days I am hunted by the possibility of my little daughters and sister having been given up for adoption—illegally—to a family in a foreign country.

When will I be able to leave my torment behind? When will I be free from the ongoing torture it means for me not knowing what became of my daughters? When will I be able to be at peace with myself? Only the day I find out the truth about what happened to my disappeared family. Only the day I am able to recover their remains for a proper and dignified burial.

The passing of the Human Rights Information Act by Congress is of critical importance to the relatives of the disappeared in Guatemala. It can offer people who find themselves in the position I am now the real possibility of learning the truth about the whereabouts of their disappeared relatives. It can offer mothers like me an end to the painful and everlasting effects of the most sophisticated form of torture; the disappearance of our children. Furthermore, it can offer mothers like me the possibility of family reunification if our children survived—and if they didn't, the opportunity to bury them and mourn their loss in a healthy and dignified manner.

President Clinton acknowledged on March 10 of this year, while in Guatemala, that the involvement of the United States in the horrors that took place during the war was wrong, and that it had been a mistake that must not be repeated again. He said that the United States must and will continue to support the peace and reconciliation process in Guatemala. Truth and Justice are the foundation of Peace. The passing of the Human Rights Information Act by Congress is a very concrete step that can be taken, for the United States to truly play a historical role in the process towards reconciliation and an everlasting peace in Guatemala.

As a Guatemalan, and as the mother and sister of three little girls that disappeared during the long war in Guatemala I feel that the contribution of the United States to the suffering of the Guatemalan people constitute a moral obligation to assist all of us, relatives of the disappeared, in our search for the truth about the whereabouts of our loved ones. Only the day the full truth of what happened is known, and dealt with, will we be able to say that the suffering the Guatemalan people has endured for so many years is finally a tragedy of the past. Only the day we know the full truth will we be sure that the ''mistake'' President Clinton referred to will not be repeated again—in Guatemala or in any other country of the world.

STATEMENT OF SISTER DIANNA ORTIZ, A ROMAN CATHOLIC NUN

Let me begin by thanking Representatives LANTOS and MORELLA for inviting me to share my thoughts on the importance of the Human Rights Information Act. Two days ago it became all the more evident to me that we must do everything in our means to make certain this bill is enacted. Let me share with you some of my story.

In November of 1989, I was abducted, tortured and repeatedly raped by members of the Guatemalan security forces. During my detention, just as my torturers were readying themselves to rape me yet again, a man came into the clandestine cell, a man my tortures referred to as Alejandro, and their boss *[jefe]*. He was tall; he was fair-skinned; and he spoke poor Spanish with a heavy North American accent. He gave explicit orders to my torturers, which they obeyed, and he warned me not to say anything about my torture—telling me—in American English—that if I did, there would be consequences.

For nearly a decade, I have spent the majority of my waking hours trying to learn the truth of what happened on November 2, 1989. I have spoken openly of what I witnessed and experienced at the hands of the three Guatemalans and Alejandro. In turn, I have been told that I must be mistaken: The U.S. Government would never conspire with human rights violators, let alone provide them leadership. It has even been suggested to me that I am ''obsessed'' with Alejandro. I have been advised to concentrate on my Guatemalan abusers alone, instead of tainting the reputation of the U.S. Government. But no one will answer my two single questions: Why was there an American in a Guatemalan secret prison, giving orders to torturers? Who authorized him to be there?

No one in Guatemala will tell me the truth. And no one in the United State will tell me the truth. For nearly ten years, I have gone from one battlefield to another—asking for the truth for myself and for the people of Guatemala. Following the advice of so many people, I went through all the proper channels. I filed charges in Guatemala and cooperated with Guatemalan government investigators, traveling to Guatemala on numerous occasions to testify and participate in judicial reconstructions. I soon learned that justice in Guatemala is a mirage. The judicial system did not work then—and does not work now. The investigation of the murder of Monsenor Gerardi is a clear example of how impunity continues to reign.

The next battlefield was in my homeland—the United States. Even in my country of origin, government officials refused to provide me with information. and so I thought—file a FOIA request—you're sure to get answers. Documents were released—but they contained no information of substance. In August of 1995, I was told that the Justice Department had begun a serious and impartial investigation of my case. Putting aside my feelings of mistrust, I took the risk of working closely with the investigators. This entailed being interviewed by investigators for more than forty hours; having to relate every detail of the humiliation and cruelty I suffered at the hands of my tortures; going into dangerous and painful flashbacks brought on by the detailed questions. Under such prolonged stress, I lost a portion of the ground that I had gained in my recovery.

But I steeled myself and did all I could for as long as I could to help the investigation along. I hoped that, this time, I might be told the truth. There were warning signs, however—signs that I was wrong. One of the DOJ attorneys openly yelled at me and accused me of lying. And as I heard about the investigators' interviews with my family and friends, it became clear that I was being cast as the culprit, that I was the one being investigated, not those responsible for the crimes against me. After giving almost all of my testimony, I made the decision to disengage myself from direct participation in the DOJ investigation.

Perhaps I am a coward—but I could no longer subject myself to the retraumatization brought on by the investigators' questions and their abusive treatment. They had my testimony in detail and the sketches I had made with the help of a forensic artist. The responsibility for finding the truth lay with them.

Shortly after taking this step, I learned that the Justice Department had concluded its investigation. What did the Justice Department officials conclude after a year of

investigating my case? What did they glean from the countless hours I and my friends and family spent pouring out our hearts to them? I don't know. I'm not allowed to know. Investigators made a report of more than 284 pages—and classified it. They cited a need to protect ''sources and methods''—and MY privacy. How thoughtful of them. Investigators assured me that this report would be kept so secret that it would be seen only by the Attorney General, the Deputy Attorney General and the official in charge of the investigation. Four copies of this report exist, they told me, and they are under lock and key.

I have since learned that the classified report was made available to few privileged people, including former ambassador Thomas Stroock, who is not even associated any longer with the U.S. Government. This is how the DOJ protected my privacy.

The investigation has not helped me one iota and has not helped the American people. The report is about the event that shattered my life, about the event that tore my past from me. The report is about the event that destroyed my sense of myself, my relationships with others and my relationship with God. The report was about the event that has stolen my ability to sleep and to feel safe in the world. I am the one who is tormented by all the questions surrounding that event. And now I have even more. Why is it that the Justice Department refuses to answer my questions? Who are they protecting? What are they covering up?

On June 26th, 1998, I filed a FOIA request, asking the U.S. Government to declassify the report. Again, I allowed myself to hope. During President's Clinton visit to Guatemala, I allowed that hope to grow. Mr. Clinton publicly acknowledged U.S. complicity in human rights violations. Finally, I thought, our government has owned up. The need for secrecy is obsolete. I'll get the report.

Two days ago, I learned from my attorney that the FOIA officer for the U.S. Attorney General's Office denied my FOIA request in full. Why? To protect their sources and methods? What sorts of methods? Torture? To protect the identities of my Guatemalan torturers and the American, Alejandor? Why is it that those who commit human rights violations merit protection while those of us who suffer these abuses at their hands receive none?

Perhaps only another survivor who has been betrayed again and again by her government can know what I feel standing here. I'm tried and all I want to do is close my eyes and not wake up. I literally had to force myself to come here today. The feelings of disillusionment and aloneness are enough to overwhelm me. But I am here.

The words that resound in my head over and over again are: ''The truth will set you free.'' Those words are found in scripture. Ironically enough, these same words are etched on the entrance to that cathedral of secrecy, the CIA. I believe the truth would set me free. I will never feel safe in my own country until I know exactly what the role of my government was in my abduction and torture. How can I feel safe? How can anyone feel safe, if the truth is being concealed? If this is a country concerned with righting the wrongs of the past and the wrongs of our world, our government has nothing to lose by disclosing the truth. It owes that much to the survivors of the political violence we sponsored in Guatemala, Honduras and countless other countries. It owes that much to those of us who paid the taxes. The secret prison was in Guatemala. The prison of secrecy is here. The Human Rights Information Act could be the key.

STATEMENT OF CARLOS M. SALINAS, THE ADVOCACY DIRECTOR FOR LATIN AMERICA AND THE CARIBBEAN OF AMNESTY INTERNATIONAL

I think it's clear that there is real momentum for passage of the Human Rights Information Act—and why shouldn't it be this way?

In the last Congress, the bill went from introduction to mark-up in less than a year even though most observers were surprised that it even got a hearing! But what most observers did not count with the perseverance of Congressman Lantos, Congresswoman Morella, Chairman Horn, then-ranking member Kucinich, and all of their incredibly dedicated and hard-working staffs. The observers did not count on the fact that there were many others ready and willing to add their names and prestige to this effort for truth and justice—so many more than 100 House members became co-sponsors in less than a year! Many observers underestimated the tenacity and perseverance of amazing people like Adriana Portillo-Bartow, Jennifer Harbury, Sister Dianna Ortiz, Meredith Larson, Dr. Leo Valladares Lanza, and so many others.

Washington conventional wisdom, continuing to insist that true intelligence reform is destined to oblivion, did not count on the fact that the yearning for truth and justice is a million times greater than the strongest bureaucratic inertia, that the search for truth will always overpower obfuscation and stonewalling, and that the American people and its elected representatives know and are committed to truly putting people first, to truly strengthening families, to truly fighting crime.

And so, thanks to tens of thousands of voices from Hawaii to Florida, and Maine to Alaska, we hear the message: pass the Human Rights Information Act. This message is supported by organizations like the Latin America Working Group, the Guatemala Human Rights Commission/USA, the Washington Office on Latin America, the Religious Task Force on Central America and Mexico, I could go on and on!

So we begin anew our quest for the truth, our quest for justice, with the knowledge that both republicans and Democrats, Chairs and Ranking members, have shown and are showing their support for a bill that could rend the web of secrecy and lies that keep the public from finding out what it is entitled to know, that keep family members from healing and reaching closure, that keep criminals, mass murderers, torturers, and assorted thugs on the streets, well, we gotta stop that and we will change the law. This law is for you, Dianna. This law is for you, Jennifer. This law is for you, Adriana. This law is for you, Anne [Larson, mother of human rights worker Meredith Larson who survived a stabbing attack in Guatemala City in 1989]. Indeed, this law is for all of us, for a better tomorrow, for a more just today.

IN HONOR OF FRANK VICKERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor one of the USWA's most respected leaders, Frank Vickers. Over the past 30 years, Frank Vickers has dedicated his life to work extremely hard for the Steel Workers of Ohio. He joined the USWA in 1957, and since that time he has served as Local 5684 President, District 30 Organizing Coordinator, Ohio Legislative Coordinator and the Ohio Legislative Representative.

Frank has chaired USWA negotiations with LTV Steel, Timken, American Steel Foundries, Amsted Industries, Armco, Inc. and Republic Engineered Steels. Frank has also served as Vice President of the Cincinnati AFL-CIO Central Labor Council.

Frank Vickers has been a dedicated USWA worker for the last 30 years. In that time he has made tremendous strides in improving the productivity of the USWA. Through his efforts the USWA has expanded their influence all over the country in order to benefit the steel workers.

Frank has not only been a successful advocate for steelworkers but has also been a dedicated family man. His efforts are greatly appreciated by all the members of the USWA. He is not only a hard worker, but a good friend to all.

My fellow colleagues, please join me in honoring this dedicated man, Frank Vickers, for 30 years of serving the Steelworkers. I would like to wish Frank the best of luck and good fortune in the future.

A FAVORITE SON GOES TO WASHINGTON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. PELOSI. Mr. Speaker, I commend to my colleagues the following article about one of our very own, Congressman GEORGE MILLER of California, who this year marks his 25th year of service in Congress.

This article poignantly captures GEORGE's commitment to public service and his unwavering belief in our system of government. As GEORGE says in this article, being a Member of Congress ''is a privilege. It's what makes me get up in the morning and go to work, knowing in one fashion or another you're going to get to be a participant in our Democratic system. It sounds really corny, except it's really energizing.''

This article also presents comments from the people who do not share GEORGE's views but who bestow upon him their respect for his integrity, his candor, and his unrelenting pursuit of what he believes to be right for this country.

[From the Contra Costa Times, June 6, 1999]

A FAVORITE SON GOES TO WASHINGTON—REPEATEDLY

By Daniel Borenstein

WASHINGTON—Despite George Miller's limp from his surgery, the 6-foot-4-inch congressman sets the brisk pace as he and fellow liberal Rep. John Tierney of Massachusetts cross the Capitol grounds.

The pair lament the high prescription drug prices Americans without health insurance are forced to pay. To Miller, it's a political

weapon to embarrass Republicans with ties to drug companies.

And it's a wrong that could be righted—if the Democrats were in the majority. ''It sure would be fun if we could get this place back,'' he says.

Meet George Miller, ambivalent congressman.

On the one hand, he loves throwing political grenades across the aisle and watching Republicans squirm. On the other, he longs for days before the 1994 elections when Democrats ruled the House of Representatives.

Those were days when he wrote landmark legislation on water subsidies, nutritional aid for poor pregnant women, foster care and offshore oil drilling. These days, he tries to defeat Republican bills.

Miller, D-Martinez, was first elected to the House a quarter-century ago, at age 29. Today he is 54. Of the 435 House members, only 17 have been there longer.

He came to Washington with the Watergate class of 1974, one of 75 new Democrats elected to the House three months after President Nixon resigned. Only six remain in the House.

Although most of the players have changed, the game continues. And Miller, who played linebacker in school and belongs to the minority party in Congress, is once again playing defense.

''On offense, you've got control of the game, you know when the ball is going to be hiked, you know what the play is,'' he says. ''On defense, you've got to try to anticipate, you've got to think about it. You've got to stop things from happening.''

A mischievous smile spreads under his white mustache. ''Sometimes,'' he says, ''it's more fun.''

Miller's time on the floor is up, but he won't stop talking.

Rep. William Goodling, R-Penn., chairman of the Education Committee, raps the gavel repeatedly. Finally, he slams it down with a thunderous bang that echoes through the cavernous hearing room in the Rayburn House Office Building.

''Oh, bang it again if it will make you feel better,'' Miller says.

''I'll bang it and I'll bang it on your head,'' Goodling snaps back, then threatens to have the sergeant at arms remove him.

This is what Miller calls ''calculated chaos.''

Later, he marches out of Rayburn House, across South Capitol Street, into the Longworth Building—bypassing the metal detectors as members of Congress are entitled to do—and into the elevator. All the time ranting about the Republicans.

He checks the elevator lights to see what floor he's on and realizes the man next to him is watching Miller complain to a reporter.

''Never mind us,'' Miller says with a smile. ''I'm pontificating.''

A BIG BARK

Miller is a top Democratic pontificator. With his booming voice, imposing physical presence and quick debating skills, he has become a liberal voice for, and within, the party.

''Nobody out-barks George when he's trying to make a point,'' says Leon Panetta, former congressman and former White House chief of staff.

Panetta knows Miller well. He served in Congress with him, lived in Miller's row house 2½ blocks from the Capitol for about eight years and played basketball with him in the House gym.

In some ways, Miller is the same on and off the court, Panetta says. ''If he felt somebody hit him wrong, he'd tell him, he'd yell at him, and sometimes he'd stomp off, and everybody knew George was pissed.'' But, ''stay out of his way for an hour and you'd be fine.''

There was little doubt you'd want him on your team. ''When he plants himself under the basket there aren't a hell of a lot of people who are going to go through him.''

These days, the Democrats plant Miller on talk shows, at news conferences and on the House floor. He is one of about 15 House Democratic leaders who meet almost daily in a small windowless conference room in the Capitol to plot strategy.

Last month, when, in the wake of the Littleton, Colo., high school shooting, the Senate passed new gun laws, Miller insisted House Democrats push for the same without delay, despite warnings from some Democrats that there could be political fallout from the gun lobby.

When former Speaker Newt Gingrich, R-Ga., was facing accusations he used tax-exempt money for political purposes, Democrats sicced Miller on him, dispatching him to make the case on every national television show from Washington that was interested.

When Miller couldn't get the House to take up campaign finance reform, he used delaying tactics that forced Members to repeatedly drop what they were doing and rush to the House floor to vote on motions to adjourn. It was what the Los Angeles Times called ''Miller's guerrilla war.''

POLITICAL BLOOD

It's little wonder Miller thrives on politics. He was reared on it.

His father, George Miller, Jr., was a state senator who became chairman of the powerful Senate Finance Committee. Today, the bridge spanning the Carquinez Strait between Benicia and Martinez bears his name.

George Miller III was born in Richmond on May 17, 1945. He was one of four children, and the only boy. About five years later, the family moved to Martinez.

When he was still a baby, his father was first elected to the Legislature. The Miller household was as political as they come.

''When I was younger, it was race relations. We had people coming to our house to get counseling and encouragement from my father to get involved one way or the other, organizing to send people to the South, the Freedom Riders.

''When I was older, in college, it was the free speech movement, the war in Vietnam. Those were the debates that took place in our living room.''

When he was in high school, his father would drive by the bus stop in the morning.

''He said, 'What's going on in school?' I said, 'Nothing,' 'Get in the car. Don't tell your mother.' And I'd go up and follow him around. Sit in on meetings in the governor's office, or sit on the floor in the state Legislature, run errands for him, and get to know people.

''And watch and listen and watch and listen.''

A LEARNING EXPERIENCE

Shortly after midnight on New Year's Day 1969, Miller's father had a heart attack and died. He was 54.

Looking back, Miller says, that time is a blur. He had just started law school in the fall and he and his wife—Cynthia, who was his sweetheart at Alhambra High School in Martinez—had two young boys.

''I don't think I really had a chance to mourn my father's death the way I would have liked to have,'' he says.

He was soon running in the special election to replace his dad. Though Miller was just 23, then-Assemblyman John Knox, D-Richmond, and Democratic Party leader Bert Coffey, friends of Miller's father, felt he was the best shot to keep Republicans from gaining a majority in the Senate, which at the time was evenly divided between Democrats and Republicans. He beat Supervisor Tom Coll of Concord and banker Fortney Stark of Danville in the Democratic primary. But then he had to face John Nejedly, who had been a district attorney for 11 years.

Miller was outmatched. ''There was no record,'' Nejedly recalls. ''The only thing that could be said was he was his father's son.''

The voters agreed. Nejedly trounced him and served in the state Senate for the next 11 years.

Miller went to work in Sacramento as legislative assistant to then-Sen. George Moscone. While working in the Capitol, Miller completed law school.

OFF AND RUNNING

He says he would probably be practicing law today had Democratic Rep. Jerry Waldie not decided to run for governor in 1974.

''I had been to Washington once,'' Miller recalls. ''I thought back east was Reno.'' But law school had taught him how much influence he could have in Washington. ''There was a real sense you could bring about change.''

Coffey, who had been his father's longtime political ally, conducted a poll and found the young Miller had a shot. With that, Miller was off and running.

''He was still young, but now he was experienced and ready,'' says Philip O'Connor, his campaign manager in 1974. ''He had five years in Sacramento.''

This time, the bigger battle was expected to be the primary, in which Miller faced a local labor leader and Concord City Councilman Dan Helix.

''His previous run against Nejedly helped him a lot,'' says Helix. This time, ''he came over as someone who had studied the issues. He was articulate. He showed a good sense of humor. He was relaxed.''

Miller won the primary and defeated Republican Gary Fernandez, Richmond's vice mayor, in the November general election by 56–44 percent.

It was the last time Miller received less than 60 percent in a congressional election. Blessed by reapportionments for the 1980s and 1990s that continued to leave him a heavily Democratic district, Miller has never had another tough election challenge.

Sanford Skaggs, the prominent Walnut Creek attorney who chaired Fernandez's campaign in 1974, says Miller could easily survive in a less Democratic district.

''I respect him a lot for his attitudes and honesty and devotion to public service,'' says Skaggs. ''Even though I disagree on some of his major positions, I think his motives are pure. He could survive in a tougher district.''

BANKING ON HIS NAME

The most valuable thing his father left him, Miller likes to say, is his good name.

He also left his son his political connections. The senator was not only one of the most influential members of the Legislature, he was also former chairman of the state Democratic Party and one of the early supporters of Rep. Phil Burton.

He supported Burton when he ran for Assembly in 1956. ''Burton never forgot the

kindness,'' writes Burton biographer John Jacobs. ''Miller had helped legitimize his candidacy.''

Burton went on to Congress, where he became one of the most influential liberals ever to serve in the House. When young Miller ran for Congress, Burton, a prolific fundraiser, helped the kid. Miller remembers seeing Burton work a crowd that year on his behalf at a political event for U.S. Sen. Alan Cranston in San Francisco's Fairmont Hotel.

''He was raising money, literally taking it right out of people's wallets,'' Miller recalls. ''He was saying, 'What are you going to do for the kid?' He came to me and said, 'You need to raise money for George Miller.' I said, 'I am George Miller.' He said, 'Wait a minute,' and then he went on to the next guy.''

When Miller arrived in Washington, Burton took him under his wings. ''Phil was really his great mentor,'' Panetta recalls. ''It was as close to a blood relationship as you can get.''

Burton made sure he and Miller were on the same two committees, then called Interior, which handles environmental issues, and Education and the Workforce. Those are the same assignments Miller holds today, although Interior is now called Resources.

And Burton taught Miller the ropes. ''First and foremost, he taught me the place isn't on the level,'' Miller says. ''What you hear is not always what's being said and what you see is not always what's being done. You really have to increase your abilities to observe and dissect information.''

Burton also taught Miller how to bridge the partisan gulf. Known for being loud and brash, Burton cribbed together bipartisan coalitions to pass some of the most significant park bills in the nation's history. He made sure his bills had something in there for everybody.

Where Burton doled out parkland as a way to reward supporters or punish opponents, Miller reaches across the aisle with fiscal enticements.

John Lawrence says Miller's approach has often been through economics. Lawrence went to work for Miller's campaign in 1974 while he was a UC-Berkeley doctoral student, followed him to Washington and has worked for him ever since.

''It's been as much how much it tears at your wallet as how much it tears at your heartstrings,'' Lawrence says. ''From a fiscal standpoint, George has always been very attuned that these programs have to make economic sense.''

It's a concept embraced by Rep. Dan Miller, R–Fla. The two Millers are not related and are far apart on most issues. But they are the lead sponsors of the bill to end sugar subsidies, which they call corporate welfare that stimulates overproduction of sugar, and pollution, in the Everglades.

When it comes to sugar subsidies, cheap mining of federal lands or building roads in national forests. Dan Miller says he and his East Bay colleague find common ground in their opposition.

''I'll come at it from a fiscal perspective, he'll come at it from an environmental perspective, but we agree.''

STAYING POWER

The reality is that the Miller-Miller bill has almost no chance of passage in this Congress. But George Miller is used to that.

Most of his legislative accomplishments have come after years of persistence. ''He's had a lot of staying power,'' says Lawrence. ''That has served him well. That's what is largely responsible for his reputation as a legislator.''

It also helped that he was in the majority party for his first 20 years in Congress. It was then that he won passage of some of his most significant legislation, including:

Poor pregnant and postpartum women and their infants receive free food and nutritional supplements.

Oil drilling rights on federal lands are now awarded by competitive bidding, replacing lotteries that gave the rights away for almost no fee.

The federal government shares revenue it receives from off-shore oil drilling with the affected state. In California, the money is earmarked for education.

Federal matching grants are available for local programs that aid victims of domestic abuse.

Parents who adopt foster children receive federal money for a youngster's care. Previously, funds were cut off when a foster child was adopted, leaving a disincentive for adoption that kept a child from being bounced from home to home.

WATER WARS

Miller's toughest and biggest legislative victories have been in his battle with California farmers over water. It culminated in 1992, when Congress passed legislation cowritten by Miller and then-U.S. Sen. Bill Bradley, D–N.J.

The bill is Miller's ''legacy,'' says one of its opponents, Dan Nelson, executive director of the San Luis & Delta-Mendota Water Authority.

''He is thought to be the father of that legislation. It has fundamentally changed the way we do business. Some of it good and needed and some of it, frankly, punitive or inequitable.''

The Miller-Bradley bill overhauled the distribution of federal water in California.

Farmers lost the open-ended contracts for cheap water and now face tiered pricing that encourages conservation. For the first time, using water to restore fish life in San Francisco Bay and the Delta became a priority.

Many California farmers hate the bill, which dramatically drove up their water costs. And they blame Miller.

''He's got a long history of vilifying and terrorizing agriculture, which has given him a bigger-than-life place in the eyes of farmers,'' says Jason Peltier, manager of Central Valley Water Project Association.

Though Peltier has fought Miller for years, he admires the political skills the congressman displayed as he masterfully pushed through the bill.

The water reforms weren't left by themselves in the legislation, but packaged with dozens of major projects for 16 Western states. The lessons from Miller's mentor were being used.

''We needed the ornaments on the Christmas tree,'' Lawrence says. ''We learned a great deal at Phil Burton's knee.''

CLINTON CLASHING

Those were heady times for Miller. He had just ascended to chairman of the House Interior Committee, the post Burton had held until his death in 1983.

With Bill Clinton's defeat of President Bush in 1992, Miller was about to lead the House's environmental committee while his party controlled Congress and held the presidency.

Miller was even being mentioned as a possible interior secretary in the new Democratic administration. He took himself out of the running, however, saying he didn't want the post.

It's unlikely he would have fit in. The Clinton administration has been a disappointment to him on environmental issues.

''They get a little weak in the knees when the pressure gets turned up,'' Miller says.

Most recently, Miller was sharply critical of a Clinton administration decision to weaken the standards for labeling tuna ''dolphin-safe.'' Miller, who fought for the original standards, says the latest move will increase the number of dolphin caught in tuna nets.

''You have to look at all of this on a continuum,'' he says. ''The clock doesn't run out and you win or lose. Things ebb and flow in politics, and that's what makes it frustrating to some extent because it's never static.''

A HAVEN IN MARTINEZ

Miller is also in continuous motion.

He usually rises Monday morning in Martinez, gets on a plane and heads for Washington. Barring a congressional trip to Brazil, Japan or the Northern Mariana Islands, come Thursday night or Friday, he returns to the district.

That's the way he's done it for the past 25 years. For a few years, his family lived with him in Washington, but his late hours during the week and the need to be back in the district on the weekend led to even less time together.

During that period, the family bought the Washington row house, where Miller still stays when he is in the capital.

The two-bedroom, two-story, pale green brick house with the chipped paint and overgrown front yard in the middle of urban Washington is a striking contrast to Miller's suburban Martinez home nestled under towering trees.

Martinez is his sanctuary. ''It really is the one place where I can just relax,'' he says, ''because I know on Sunday night or Monday morning I have to get back on an airplane and go back to Washington.''

The house is just down the road from the house he grew up in. His mother, now in her mid-80s, still lives nearby. The house is also where his two boys grew up.

They're both grown now. In 1996, the oldest, George Miller IV, tried to follow his father and grandfather by running for the Assembly. He lost in the Democratic primary to Contra Costa County Supervisor Tom Torlakson, whose campaign slogan was ''His own record, his own name.''

Once again, a young Miller was beaten because voters felt he had little to offer other than a family name.

THE FUTURE

Certainly, that can no longer be said of the congressman. At a time when many Democrats can only win by moving to the center, Miller clings to his liberal roots.

''He has never apologized for it.'' says Lawrence. ''He has never taken to the term progressive.''

Although he's been in Congress nearly 25 years, he's relatively young for a senior congressman. The 17 House members who have been there longer are all at least 60.

On the other hand, his mentors—his dad, Burton, Moscone and Coffey—are all dead. And Miller is the same age his father was when he suddenly died from a heart attack.

It all makes him think about his future. Sitting with his sleeves rolled up and his tie loose as he adds hot sauce to his enchilada at a restaurant half a block from his Washington home, he reflects on life in the capital.

''The loneliness factor, the empty house factor, it just wears on you,'' he says. ''But with all the stress and the strain and the long hours, I still think it's worth it.''

Miller still loves to be a political player. He ticks off the issues he had worked on that very day: child labor and sweatshops, sugar subsidies, the war in Kosovo, Sierra forests, Delta water, education standards.

''I've never taken the honor of being a member of Congress lightly,'' he says. ''It is a privilege. It's what makes me get up in the morning and go to work, knowing in one fashion or another you're going to get to be a participant in our Democratic system. It sounds really corny, except it's really energizing.''

The bottom line is that there's no sign Miller will retire any time soon. Indeed, he's making plans for the next phase of his congressional career.

Rep. William Clay, D-Mo., the ranking Democrat on the Education and the Workforce Committee, announced last month that this will be his last term. Miller is in line to succeed him, to lead the Democrat's education agenda in the House. And to become committee chairman if Democrats win back a majority. Miller has put out word he wants the job.

But to get it he will have to give up his ranking position on the Resources Committee. Central Valley water leaders are quietly gleeful.

''I'm excited for him to go pursue other areas,'' Peltier says. ''It also excites me that if the Democrats take control of Congress again, he won't be breathing fire on us immediately.''

Nelson concurs. ''Someone will just have to warn all the education people just what they're in for. It will not be status quo.''

PERSONAL EXPLANATION

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. TURNER. Mr. Speaker, on rollcall No. 50, I was absent because of my participation in a congressional delegation trip to Russia with members of the House Armed Services Subcommittee on Military Research and Development for the purpose of discussing with the Russian Duma pending anti-missile defense Legislation. Had I been present, I would have voted ''yes'' on H.R. 819.

INDIAN COLONEL: TROOPS ''DYING LIKE DOGS''

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. TOWNS. Mr. Speaker, all of us have been following with alarm the Indian attack on the Kashmiri freedom fighters at Kargil and Dras. India has been losing many of its troops in this desperate effort to crush the freedom movements within its borders. Casualties are mounting. The soldiers they sent to discharge this dirty war are demoralized. According to the Associated Press, an Indian colonel said that Indian troops ''are dying like dogs.'' A corporal is quoted as saying ''Even in war we don't have such senseless casualties.''

Unfortunately, Mr. Speaker, most of these troops are Sikhs and other minorities sent to die for India's effort to suppress the freedom of all the minorities. These Sikh troops should not be fighting for India; they should be working to free their own country.

Now there has been a new deployment of troops in Punjab. A mass exodus from villages in Punjab is underway because the villagers are justifiably afraid that India's war against the freedom movements will spread to their homeland.

India reportedly also used chemical weapons in this conflict, despite being a signatory to the Chemical Weapons Convention. India has a record of escalating the situation with regard to weapons of mass destructions. India began the nuclear arms race in South Asia by conducting underground nuclear tests.

There are steps that we can take to make sure that this conflict does not spread and that all the peoples and nations of South Asia are allowed to live in freedom. We should impose strict sanctions on India, the aggressor in this conflict. We should stop providing American aid to India and we should support a free and fair vote on national self-determination not only in Kashmir, Punjab (Khalistan), Nagaland, and the other countries held by India.

I thank my friend Dr. Gurmit Singh Aulakh for bringing this situation to my attention, and I urge India to allow the basic human right of national self-determination to all the people of South Asia.

Mr. Speaker, I place the Associated Press article on the conflict in the RECORD.

''WE ARE DYING LIKE DOGS,'' SAID ONE [INDIAN ARMY] COLONEL

BLACK MOOD HOVERS OVER KASHMIR

(By Hema Shukla)

DRASS, KASHMIR—June 11, 1999 (AP): On the eve of talks aimed at ending a month of fighting in Kashmir, a black mood is settling over Indian army camps on the front line. Casualties are mounting. Troops are ill-equipped for high-altitude fighting. The task, they say, is close to suicidal.

Since early May, the army has mobilized its largest fighting force in nearly 30 years against what India says are infiltrators from Pakistan who have occupied mountain peaks on India's side of the 1972 cease-fire line in disputed Kashmir.

On Saturday, Pakistan will send its foreign minister to New Delhi to discuss whether the fighting can be ended. India says that regardless of the talks it will persist until the last intruder is killed or flees back to Pakistan.

In daily briefings in New Delhi, military spokesmen report the fighters are being driven back. Indian airstrikes are punishing them, peaks are being recovered, the ''enemy'' is taking casualties in the hundreds. India's official casualty rate on Friday stood at about 70 dead and 200 wounded. The story on the front is much different.

In the fading evening light in a forward artillery camp, at checkpoints along a road under steady artillery bombardment, in bunkers where men shelter from showers of shrapnel, soldiers and junior officers grimly tell stories of death and defeat on the mountains. No one can say how many have died, but no one believes the official toll.

Amid the gloom, however, the Indian troops show a gritty determination to fight and a conviction that the opposing forces must be evicted at all costs. ''We have a job to do and we will do the best we can,'' said one officer. ''We will do our duty.''

India says the guerrillas in Kashmir are mostly Pakistani soldiers, a charge Islamabad denies.

On Friday, India produced what it said were transcripts of telephone conversations between two Pakistani generals that proved Pakistan was involved in the fighting. In a transcript from May 26, army chief Pervez Musharraf tells another general that Prime Minister Nawaz Sharif was concerned the fighting could escalate into a full-scale war.

''We gave the suggestion that there was no such fear,'' Musharraf said he told Sharif, according to the transcript. ''Whenever you want, we can regulate it.''

Pakistan called the transcripts false. ''This can't be given any credence or weight,'' Pakistan army spokesman Brig. Rashid Quereshi said.

As officials traded charges, heavy fighting continued in Kashmir. The guerrillas are entrenched on the mountain peaks defending their positions against soldiers scaling steep slopes, constantly exposed to gunfire and rocket-propelled grenades. ''We are dying like dogs,'' said one colonel. Recapturing the peaks, said another officer, is ''almost a suicide mission.'' None of the officers could be quoted by name, and senior officers who earlier briefed journalists on condition of anonymity have been ordered not to speak.

''This is worse than war. Even in war we don't have such senseless casualties,'' said M. Singh, a corporal and a veteran of India's campaign in Sri Lanka in the 1980s. Some of the casualties are from ''friendly fire,'' either from Indian artillery or aerial bombing meant to provide cover to the advancing troops, officers said. The risk increased after the air force began high-altitude bombing to stay out of range of shoulder-fired anti-aircraft missiles. Indian troops wade through chest-high snow. The wind is so strong soldiers must be tied to each other with rope so they don't get blown over a cliff. Their opponents can pick them off with rifles or simply send boulders cascading down the mountain on top of them. One major said his unit was returning down the mountain when it came under withering fire from above. The soldiers dove into the icy water of a Himalayan river to escape.

Some forward units are living on one meal a day, the soldiers said. Mess camps in the rear cook puris—deep fried flat bread—but by the time it is delivered to the front it is frozen and can barely be chewed. The only drinking water is melted snow. There is no chance to pitch tents on the slopes. The men sleep in the open.

Few troops have had time to adjust to altitudes of 14,000 feet or more, where the air is thin and every exertion, every upward step, leaves strong men gasping.

Despite the difficulties, the tremendous pressure to recapture the peaks continues.

RECOGNIZING CART

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognized the Center for Advanced Research and Technology (CART) for their efforts in developing a new model for high school education. CART is a joint project of the Fresno and Clovis Unified School Districts in California.

CART is a collaborative effort between these diverse school districts to develop a new model for high school education. Fresno Unified shares the challenges of urban districts, poverty, gang violence and diversity. Clovis Unified is an affluent district, serving a student population that is college bound. By creating the Center For Advanced Research and Technology the Fresno and Clovis school districts are committed to changing the way high school curriculum is designed and delivered.

In the wake of tragedies at Columbine High School in Denver, and Heritage High School in Conyers, GA, our entire nation has focused their energy on determining why these tragedies occurred. We must look at our nation's high schools. High schools persist in organizing instruction subject by subject with little effort to integrate knowledge to fit a precise time frame. High school graduates must be better prepared to compete for jobs, ready to move on to higher education and able to function in an increasingly technological society. High school education must be restructured to meet the present and future needs of students. Students need and require more and different instruction in science, mathematics and English, coupled with the emerging tools of technology.

The Fresno and Clovis school districts are addressing the need to revamp our nation's high schools. These districts have resolved to commit the resources, share the decision-making, and leverage the assets of both communities to fundamentally change the way the high school curriculum is designed and delivered. The goal is to restructure the high school experience in a way that will contribute to the academic success and ultimately the success in life of all students.

CART is moving forward as they celebrate a groundbreaking ceremony for this project in Fresno. The Center for Advanced Research and Technology represents the nation's largest, most comprehensive high school reform effort to date. CART is focused specifically on the high school program for eleventh and twelfth grade students. The Fresno and Clovis school districts are partnering with business and industry to create a real-world, real work environment.

CART's long-term, community-based projects will engaged students in complex, real world issues that have meaning to the students and to the participating community partners. Through these projects, students achieve simultaneous outcomes by acquiring essential academic knowledge, practicing essential skills, and developing essential values.

A major component of the CART vision is active partnerships with business and industry, and higher education. Leaders from business and industry are involved with CART at all levels providing leadership and fiscal support, consulting on instructional design, and collaborating as instructors and mentors.

Mr. Speaker, the Center for Advanced Research and Technology represents a commitment from the Fresno and Clovis School Districts, the business and education community, parents and students to restructure a high school to provide real world academic and business centered programs designed to contribute to the academic success and ultimately the success in life of all students. I urge my colleagues to wish CART continued success in their effort toward better education.

CRISIS IN KOSOVO (ITEM NO. 10) REMARKS BY JEFF COHEN OF FAIRNESS & ACCURACY IN REPORTING (FAIR)

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. KUCINICH. Mr. Speaker, on May 20, 1999, I joined with Representative CYNTHIA A. MCKINNEY, Representative BARBARA LEE, Representative JOHN CONYERS and Representative PETER DEFAZIO in hosting the fourth in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a lasting peace is to be achieved in the region, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing Congressional Record transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Jeff Cohen, a columnist and commentator who is founder of the organization Fairness & Accuracy In Reporting (FAIR). Mr. Cohen appeared at this Teach-In with Seth Ackerman, a Media Analyst at FAIR. Mr. Cohen is the author of four books and appears regularly as a panelist on Fox News Watch. He has also served as a co-host of CNN's Crossfire. Prior to launching FAIR in 1986, Mr. Cohen worked in Los Angeles as a journalist and a lawyer for the ACLU.

Mr. Cohen presents a superb critique of how the media is covering the War in Yugoslavia, describing the importance of the words and concepts that are being deployed. He talks about the reluctance of the media to even use the term "War," and the concerted attempt to demonize Slobodan Milosevic. He decries the fact that the media has not paid sufficient attention to the legality of the war, the destruction of the civilian infrastructure, and the steady stream of NATO propaganda that the media has adopted without question. Following this presentation are several documents—one from London's The Independent Newspaper and the other from FAIR—which further document these points.

PRESENTATION BY JEFF COHEN OF FAIRNESS & ACCURACY IN REPORTING

It's not a glamorous job, but someone has to monitor Geraldo and Christopher Matthews every night, and that's what we do at FAIR. Seth Ackerman, my colleague, and I, and a bunch of staff members monitor the nightly news, the talk shows, the print press.

We were monitoring Chris Matthews on May 4, and he was railing against President Clinton for trying to dump the war and its failures on Secretary of State Albright. Matthews questions ''is that gentlemanly conduct, to dump this on a woman?'' It was the same show when he was interviewing Senator MCCAIN and Matthews said, ''Are we going back to that old notion of the president as a leader, not a consensus builder?' Senator MCCAIN: ''I hope so.'' Matthews: ''John Wayne, rather than Jane Fonda?'' MCCAIN: ''That's my only chance.'' Matthews: ''Cause, you mean, you're not running as Alan Alda here?'' Senator MCCAIN: ''No.'' Matthews: ''You're running as John Wayne, more or less.'' MCCAIN: ''That's the only way I can succeed.'' Matthews: ''Well, you're doing well. Thank you Senator MCCAIN.'' That's what we call a journalistic wet kiss. It's particularly unusual here from two guys who are trying to be so macho at the time.

The first problem with the war coverage is that many mainstream media outlets, especially network TV, are loathe to even call it a war. It reminds me of the first day of the Panama invasion before the government had signaled to the media that it was ok to call it an invasion. So you had mainstream media calling it a military action, an intervention, an operation, an expedition, a military affair. One TV anchor even referred to it as an insertion. I think that a more accurate explanation might be ''the most unusual and violent drug bust in human history''—but no one put that heading on it.

So look at today. What are the logos? CNN: 'Strike against Yugoslavia.' Fox News: 'Conflict in Kosovo.' The Consensus winner used at CBS, NBC, and ABC: 'Crisis in Kosovo.' I would argue that there had been a crisis in Kosovo. It went on throughout 1998, but no one in any of these networks could find time for even a one hour special on what was then a crisis in Kosovo. That's because that was the year of ''All Monica, All The time.'' So when there was just a ''crisis in Kosovo,'' TV didn't cover it. Now that it's a war, TV won't acknowledge it's a war. The White House and the State Department will not use the word ''war''—and then the media adopt the euphemisms from the government, they're acting more as a fourth branch of government than they are as a fourth estate, and that's very dangerous.

We need only think back to the early years of the 1960s when U.S. government officials would refer to Vietnam as a ''police action.'' At best it was the ''Vietnam conflict.'' And in the early years of the 1960s many mainstream media followed the government lie and did not call it a war until many American soldiers began dying. So words matter.

Then we have the problem with this war of who the enemy is. As usual in our mainstream media, the U.S. is not making a war against a country, Yugoslavia, but against one individual. His name is Slobodan Milosevic. On TV the air war is not something that's terrorizing lots of people in what were once modern cities. It's basically a personalized soap opera. You had Catherine Crier on Fox News on May 5, seemingly with a broad smile on her face, saying ''The bombing intensifies. Just how much can Slobodon stand?''

Anchors talk to military experts about how badly Milosevic has been hurt, how badly he has been humiliated. You'll hear an anchor say to a military expert, ''How much have we punished Milosevic?,'' and you expect that the anchor might get up from behind the anchor desk and show that they're wearing a U.S. Air Force uniform, but they're not. They're using the term ''we'' as if they're an adjunct to the military.

We heard the same thing during the Iraq war. ''How much are we punishing, humiliating, hurting Saddam Hussein?'' We know now that probably one of the only people in all of Iraq who was assured of a safe place to sleep and three square meals a day, and a warm home, was Saddam Hussein. And similarly, Milosevic may well be one of the most safe and secure people in Yugoslavia today.

Now the understandable goal of the White House and the State Department and their propaganda is to demonize Milosevic. Propaganda simplifies issues as it tries to mobilize action. But journalism is supposed to be about covering a story in all its complexity. On that score, Journalism has largely failed. You'll remember the Newsweek cover photograph, with the picture of Milosevic and the headline: ''The Face of Evil'' Then you had the Time magazine writer who writes about Milosevic almost as a sub-human—with ''reddish,'' piggy eyes set in a big, round, head.'' Now, assumedly, Milosevic had the ''reddish, piggy eyes set in a big, round, head'' going back many, many years. But it's only when the American war machine goes into war mode that this particular writer at Time magazine goes into war propaganda mode.

The good news with the end of the Lewinsky story is it ended the wall-to-wall parade of attorneys. The bad news, with the beginning of this war, is we've begun the wall-to-wall parade of military analysts. On March 24th, for example, Margaret Warner introduced her PBS NewsHour panel with, ''We get four perspectives now on NATO's mission and options from four retired military leaders.''

The problem with retired generals is that they're rarely independent experts. They have a tendency to become overly enthusiastic about how smart and accurate our weapons are. You remember all the false hype from the militar experts during the Guld War about the Patriot missile, a missile that was an object failure during that war. And you might remember NBC News did a blowing report about the Patriot, and Tom Brokaw said it was ''the missile that put the Iraqi Scud in its place.'' Completely false. Brokaw neglected to mention that his boss, General Electric, made parts for the Patriot missile, as if makes engines for many of the aircraft like the Apache helicopters that are in the Balkans right now.

Military experts don't remember that it was only last summer when a cruise missile aimed at an alleged terrorist train camp in Afghanistan went four hundred miles off course into the wrong country the country of Pakistan. If we think about it, in the last nine months, the United States has bombed four countries intentionally. It's also important to remember that the U.S. has bombed an equal number of countries by mistake.

Military experts know a lot about anti-aircraft technologies, they know a lot about bomb yields, but they don't know much about the politics or history of the region. What's needed more in the mainstream media are experts on Yugoslavia and the Balkans.

And what we need is a real debate about the war. Because of the split among the politicians here in Washington, there's been slightly more debate over the war, for example, the Gulf War. That's not really saying a lot. Our organization, FAIR, has posted on our website (www.fair.org) a full study of two prestigious TV news shows and the range of debate or non-debate during the first two weeks of this war. I'm talking about PBS's NewsHour and ABC's Nighline. If you look at that study, you'll see that in the first two weeks of this war, opposition to the bomb war was virtually inaudible and when it was heard it was mostly expressed by Yugoslav government officials with thick accents, or Serbian Americans. On Nightline there was only one panelist who was critical of the bombing, and that a Yugoslav government official.

It's partly because of the marginalization of substantive critics of the war that there has been not enough attention in the mainstream media focused even on the legality of this war under international law. What will happen under our Constitution next Tuesday when the sixty day period elapses on the War Powers Act and President Clinton has not won Congressional authorization? That should be an issue that's a raging debate in the American media today. I haven't even seen it in a footnote in today's newspapers. Maybe I missed one.

There's been not enough attention paid in the mainstream media to the environmental damage in the region from U.S. bombs striking petrochemical factories and fertilizer facilities and oil refineries.

There has been not enough attention in the mainstream media paid to NATO's targeting of civilian infrastructure. Whether, for example, the bombing of the broadcast stations, which is a clear violation of the Geneva Convention, was really aimed at keeping video of NATO's civilian victims off the television sets in the western countries. I have a hunch that was its real motive.

Not enough mainsteam media attention has been paid to the use, or possible use, by the United States of radioactive depleted uranium rounds.

Not enough attention has been paid to NATO's propaganda, and a steady stream of claims that have turned out to be false. The Independent newspaper, based in London, on April 6, 1999, published an article collecting about eight of these falsehoods. I would argue that from our monitoring, the mainstream media in Europe have been more independent in their coverage of this war, more skeptical in their coverage of this war, than the U.S. mainstream media.

And there has not been enough attention paid to the events immediately before the war. The best estimate of how many people had died in Kosovo in all of 1998 was 2000 people. That's a serious human rights crisis. It's also less than the number of people who died in homicides in New York City in 1992. We need to look at the events that immediately led up to this war.

[From the Independent, April 6, 1999]

A WAR OF WORDS AND PICTURES

NATO CASTS DOUBT ON THE VERACITY OF YUGOSLAV WAR REPORTING, BUT IS OUR OWN MEDIA ANY LESS GUILTY OF PROPAGANDA?

(By Philip Hammond)

It takes two sides to fight a propaganda war, yet critical commentary on the ''war of words'' has so far concentrated on the ''tightly controlled'' Yugoslav media. We have been shown clips from ''Serb TV'' and invited to scoff at their patriotic military montages, while British journalists cast doubt on every Yugoslav ''claim''.

But whatever one thinks of the Yugoslav media they pale into insignificance alongside the propaganda offensive from Washington, Brussels and London.

''They tell lies about us, we will go on telling the truth about them,'' says Defense Secretary George Robertson. Really? Nato told us the three captured US servicemen were United Nations peacekeepers. Not true. They told us they would show us two captured Yugoslav pilots who have never appeared. Then we had the story of the ''executed'' Albanian leaders—including Rambouillet negotiator Fehmi Agani—whose deaths are now unconfirmed.

When the Albanian leader Ibrahim Rugova, who was said to be in hiding, turned up on Yugoslav television condemning Nato bombing, the BBC contrived to insinuate that the pictures were faked, while others suggested Rugova must have been coerced, blackmailed, drugged, or at least misquoted.

They told us the paramilitary leader Arkan was in Kosovo, when he was appearing almost daily in Belgrade—and being interviewed by John Simpson there. They told us Pristina stadium had been turned into a concentration camp for 100,000 ethnic Albanians, when it was empty. Robertson posing for photographers in the cockpit of a Harrier can't have been propaganda. Only the enemy goes in for that sort of thing.

Nato's undeclared propaganda war is two-pronged. First, Nato has shamelessly sought to use the plight of Albanian refugees for its own purposes, cynically inflating the number of displaced people to more than twice the UN estimate.

Correspondents in the region are given star billing on BBC news, and are required not just to report but to share their feelings with us. As Peter Sissons asked Ben Brown in Macedonia: ''Ben, what thoughts go through a reporter's mind seeing these sights in the dying moments of the 20th century?''

Reports from the refugee centers are used as justifications for Nato strategy. The most striking example was the video footage smuggled out of Kosovo said to show ''mass murder''. The BBC presented this as the ''first evidence of alleged atrocities,'' unwittingly acknowledging that the allies had been bombing for 10 days without any evidence.

Indeed, for days, the BBC had been inviting us to ''imagine what may be happening to those left in Kosovo''. After watching the footage, Robin Cook apparently knew who had been killed, how they had died, and why. Above all, he knew that the video ''underlines the need for military action''.

The second line of attack is to demonise Milosevic and the Serbs, in order to deflect worries that the tide of refugees has been at least partly caused, by Nato's ''humanitarian'' bombing. Parts of Pristina have been flattened after being bombed every day for more than a week. Wouldn't you leave? And what about those thousands of Serbian refugees from Kosovo—are they being ''ethnically cleansed'', too? Sympathy does not extend to them, just as the 200,000 Serbian refugees from Krajina were ignored in 1995. Instead, the tabloids gloat ''Serbs you right'' as the missiles rain down.

The accusations levelled against the Serbs have escalated from ''brutal repression'' to ''genocide'', ''atrocities'' and ''crimes against humanity'', as Nato has sought to justify the bombing. Pointed parallels have been drawn with the Holocaust, yet no one seems to notice that putting people on a train to the border is not the same as putting them on a train to Auschwitz.

The media have taken their cue from politicians and left no cliche unturned in the drive to demonise Milosevic. The Yugoslav president has been described by the press as a ''Warlord'', the ''Butcher of Belgrade'', ''the most evil dictator to emerge in Europe since Adolph Hitler'', a ''Serb tyrant'' a ''psychopathic tyrant'' and a ''former Communist hard-liner''.

The Mirror also noted significantly that he smokes the same cigars as Fidel Castro. Just as they did with Saddam Hussein in the Gulf war, Panorama devoted a programme to ''The Mind of Milosevic''.

Several commentators have voiced their unease about the Nato action from the beginning. But press and TV have generally been careful to keep the debate within parameters of acceptable discussion, while politicians have stepped up the demonisation of the Serbs to try to drown out dissenting voices. The result is a confusingly schizophrenic style of reporting.

The rules appear to be that one can criticize Nato for not intervening early enough, not hitting hard enough, or not sending ground troops. Pointing out that the Nato intervention has precipitated a far worse crisis than the one it was supposedly designed to solve or that dropping bombs kills people are borderline cases, best accompanied by stout support for ''our boys''. What one must not do is question the motives for Nato going to war. Indeed, one is not even supposed to say that Nato is at war. Under image-conscious New Labour, actually going to war is fine, but using the term is not politically correct.

The limits of acceptable debate were revealed by the reaction to the broadcast by SNP leader Alex Salmond. Many of his criticisms of Nato strategy were little different from those already raised by others, but what provoked the Government's outrage was that he dared to compare the Serbs under Nato bombardment to the British in the Blitz. Tony Blair denounced the broadcast as ''totally unprincipled'', while Robin Cook called it ''appalling'', ''irresponsible'' and ''deeply offensive''.

The way Labour politicians have tried to sideline critics such as Salmond is similar to the way they have sought to bludgeon public opinion. The fact that Blair has felt it necessary to stage national broadcasts indicates the underlying insecurity of a government worried about losing public support and unsure of either the justification for or the consequences of its actions.

Audience figures for BBC news have reportedly risen since the air war began. Yet viewers have been ill-served by their public service broadcaster. The BBC's monitoring service suggested that the ''Serb media dances to a patriotic tune''. Whose tune does the BBC dance to that it reproduces every new Nato claim without asking for evidence? Just as New Labour has sought to marginalise its critics, so TV news has barely mentioned the protests across the world—not just in Macedonia, Russia, Italy and Greece—but also in Tel Aviv, Lisbon, San Francisco, Chicago, Los Angeles, Toronto, Sydney and elsewhere. Are we to suppose that these demonstrators are all Serbs, or that they have been fooled by the ''tightly controlled'' Yugoslav media?

[FROM THE FAIRNESS & ACCURACY IN REPORTING, MAY 5, 1999]

SLANTED SOURCES IN NEWSHOUR AND NIGHTLINE KOSOVO COVERAGE

A FAIR analysis of sources on ABC's Nightline and PBS's NewsHour during the first two weeks of the bombing of Yugoslavia found an abundance of representatives of the U.S. government and NATO, along with many other supporters of the NATO bombing. Opponents of the airstrikes received scant attention, however; in almost all stories, debate focused on whether or not NATO should supplement bombing with ground troops, while questions about the basic ethics and rationales of the bombing went largely unasked.

FAIR's survey was based on a search of the Nexis database for stories on the war between March 25 and April 8, identifying both guests who were interviewed live and sources who spoke on taped segments. Sources were classified according to the institutions or groups they represented, and by the opinions they voiced on NATO's military involvement in Yugoslavia.

Of 291 sources that appeared on the two shows during the study period, only 24—or 8 percent—were critics of the NATO airstrikes. Critics were 10 percent of sources on the NewsHour, and only 5 percent on Nightline. Only four critics appeared live as interview guests on the shows, 6 percent of all discussion guests. Just one critic appeared as a guest on Nightline during the entire two-week time period.

The largest single source group, 45 percent, was composed of current or former U.S. government and military officials, NATO representatives and NATO troops.

On Nightline, this group accounted for a majority of sources (55 percent), while providing a substantial 39 percent on the NewsHour. It also provided the largest percentage of live interviewees: 50 percent on Nightline (six of 12) and 42 percent on the NewsHour (24 of 57). (Numerous U.S. aviators who appeared on Nightline's 3/29/99 edition were left out of the study, because their identities could not be distinguished.

Overall, the most commonly cited individuals from this group were President Bill Clinton (14 cites), State Department spokesperson James Rubin (11) and NATO spokesperson David Wilby (10). Of course, these sources were uniformly supportive of NATO's actions. A quote from the NewsHour's Margaret Warner (3/31/99) reveals the homogeneity of a typical source pool: ''We get four perspectives now on NATO's mission and options from four retired military leaders.''

Former government officials were seldom more critical of NATO's involvement in Yugoslavia. Cited less than one-third as often as current politicians, former government officials mainly confined their skepticism to NATO's reluctance to use ground troops. Bob Dole (Nightline, 3/31/99) voiced the prevailing attitude when he said, ''I just want President Clinton ... not to get wobbly.''

Albanian refugees and KLA spokespeople made up 18 percent of sources (17 percent on the NewsHour, 19 percent on Nightline), while relief workers and members of the U.N. Commission for Refugees accounted for another 4 percent on NewsHour and 2 percent on Nightline. Sources from these groups also provided 4 percent of live interviewees on the NewsHour and 25 percent on Nightline.

These sources stressed the Kosovar refugees' desperation, and expressed gratitude for NATO's airstrikes. Said one KLA member (Nightline, 4/1/99), ''The NATO bombing has [helped and] has been accepted by the Albanian people.'' Although one refugee (Nightline, 4/1/99) suggested otherwise—''We run away because of NATO bombing, not because of Serbs''—all other sources in this group either defended or did not comment on NATO's military involvement in the conflict.

Those most likely to criticize NATO—Yugoslavian government officials, Serbians and Serbian-Americans—accounted for only 6 percent of sources on the NewsHour and 9 percent on Nightline. Overall, only two of these sources appeared as live interviewees: Yugoslav Foreign Ministry spokesperson Nebojsa Vujovic (Nightline, 4/6/99) and Yugoslav Ambassador to the United Nations Vladislav Jovanovic (NewsHour, 4/1/99). This group's comments contrasted radically with statements made by members of other source groups, e.g., calling NATO's bombing ''unjustified aggression'' (Nightline, 4/6/99), and charging that NATO is ''killing Serbian kids.'' (NewsHour, 4/2/99).

On Nightline, no American sources other than Serbian-Americans criticized NATO's airstrikes. On the NewsHour, there were seven non-Serbian American critics (4 percent of all sources); these included schoolchildren, teachers and college newspaper editors, in addition to a few journalists. Three out of the seven American sources who criticized the NATO bombing appeared as live interviewees, while the rest spoke on taped segments.

Officials from non-NATO national governments other than Yugoslavia, such as Russia's and Macedonia's, accounted for only 2 percent of total sources (3 percent on the NewsHour, 0 percent on Nightline) and added only four more critical voices overall. Only twice did a government official from these countries appear as a live interviewee (NewsHour, 3/30/99, 4/7/99).

Eleven percent of sources came from American and European journalists: 7 percent on Nightline, 13 percent on the NewsHour. This group also claimed 17 percent of all live interviews on Nightline and 40 percent on the NewsHour. In discussions with these sources, which tended to focus on the U.S. government's success in justifying its mission to the public, independent political analysis was often replaced by suggestions for how the U.S. government could cultivate more public support for the bombing.

Three independent Serbian journalists also appeared—two on the NewsHour and one on Nightline—but they did not add any voices to the anti-bombing camp. Instead, they spoke about the Serbian government's censorship of the independent media. Of a total of 34 journalists used as sources on both shows, only four opposed the NATO airstrikes. Three of these four appeared as live interviewees, and all four appeared on the NewsHour.

Academic experts—mainly think tank scholars and professors—made up only 2 percent of sources on the NewsHour and 5 percent on Nightline. (Experts who are former government or military officials were counted in the former government or military categories; these accounted for five sources.) On the NewsHour, the only think tank spokesperson who appeared was from the military-oriented Rand Corporation, while Nightline's two were both from the centrist Brookings Institution. Just two experts appeared in live interviews on the NewsHour, and no expert source was interviewed live on Nightline. While these percentages reflect a dearth of scholarly opinion in both shows, even the experts who were consulted didn't add much diversity to the discussion; none spoke critically of NATO's actions.

On a Nightline episode in early April that criticized Serbian media (4/1/99), Ted Koppel declared: ''The truth is more easily suppressed in an authoritarian country and more likely to emerge in a free country like ours.'' But given the obvious under-representation of NATO critics on elite American news shows, independent reporting seems to also be a foreign concept to U.S. media.

INTRODUCTION OF THE FEDERALISM ACT OF 1999

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. McINTOSH. Mr. Speaker, today, I rise to introduce the ''Federalism Act of 1999,'' a bipartisan bill to promote and preserve the integrity and effectiveness of our federalist system of government, and to recognize the partnership between the Federal Government and State and local governments in the implementation of certain Federal programs. As James Madison wrote in Federalist No. 45, ''The powers delegated . . . to the Federal government are defined and limited. Those which are to remain in the State governments are numerous and indefinite.''

In May 1998, President Clinton issued Executive Order (E.O.) 13083, which revoked President Reagan's 1987 Federalism E.O. 12612 and President Clinton's own 1993 Federalism E.O. 12875. The Reagan Order provided many protections for State and local governments and reflected great deference to State and local governments. It also set in place operating principles and a required discipline for the Executive Branch agencies to follow for all decisionmaking affecting State and local governments. The Reagan Order was premised on a recognition of the competence of State and local governments and their readiness to assume more responsibility. In August 1998, after a hearing before the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, which I chair, and the outcry of the seven major national organizations that represent State and local elected officials, President Clinton indefinitely suspended his E.O. 13083 and agreed to work with these national organizations on any substitute Order.

The ''Federalism Act of 1999'' is being introduced in response to a request for permanent legislation by the leadership of these seven major national organizations. It is a product of several months' work by a bipartisan group of Members together with those national organizations and their leadership to ensure that the legislation includes provisions most needed and desired by them to promote and preserve Federalism. The absence of clear congressional intent regarding preemption of State and local authority has resulted in too much discretion for Federal agencies and uncertainty for State and local governments, leaving the presence of scope of preemption to be determined by litigation in the Federal judiciary.

The ''Federalism Act of 1999'' has a companion bipartisan bill on the Senate side, S. 1214, the ''Federalism Accountability Act of 1999,'' which was introduced last week. Both bills share nearly identical purposes: (1) to promote and preserve the integrity and effectiveness of our federalist system of government, (2) to set forth principles governing the interpretation of congressional intent regarding preemption of State and local government authority by Federal laws and rules, (3) to recognize the partnership between the Federal Government and State and local governments in the implementation of certain Federal programs, and (4) to establish a reporting requirement to monitor the incidence of Federal statutory, regulatory, and judicial preemption.

The ''Federalism Act of 1999'' establishes new discipline on both the Legislative Branch and the Executive Branch before either imposes requirements that preempt State and local authority or have other impacts on State and local governments. The ''Federalism Act of 1999'' requires that the report accompanying any bill identify each section of the bill that constitutes an express preemption of State or local government authority and the reasons for each such preemption, and include a Federalism Impact Assessment (FIA) including the costs on State and local governments. Likewise, the bill requires Executive Branch agencies to include a FIA in each proposed, interim final, and final rule publication. The FIA must identify any provision that is a preemption of State or local government authority and the express statutory provision authorizing such preemption, the regulatory alternatives considered, and other impacts and the costs on State and local governments.

The bill establishes new rules of construction relating to preemption. These include that no new Federal statute or new Federal rule shall preempt any State or local government law or regulation unless the statute expressly states that such preemption is intended. Any ambiguity shall be construed in favor of preserving the authority of State and local governments.

Besides instituting this new discipline for the Legislative and Executive Branches and providing new rules of construction for the Judiciary, the bill includes other provisions to recognize the special competence of and partnership with State and local governments. The bill provides deference to State management practices for financial management, property, and procurement involving certain Federal grant funds. The bill also requires Executive Branch agencies, for State-administered Federal grant programs, to cooperatively determine program performance measures under the Government Performance and Results Act with State and local elected officials and the seven major national organizations that represent them.

The McIntosh-Moran-Portman-McCarthy-Castle-Condit-Davis bill is a product of work with the seven major State and local interest groups: the National Governors' Association, National Conference of State Legislatures, Council of State Governments, U.S. Conference of Mayors, National League of Cities, National Association of Counties, and the International City/County Management Association.

INTRODUCTION OF THE FEDERALISM ACT OF 1999

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to join my colleagues DAVID MCINTOSH, TOM DAVIS, KAREN MCCARTHY, MICHAEL CASTLE and GARY CONDIT, in cosponsoring the Federalism Act of 1999.

This legislation is a logical and necessary extension of the Unfunded Mandate Reform Act that Congress passed in 1995. The Unfunded Mandate Reform Act and the Federalism Act we are introducing today, seek to protect and enhance our federalism system of government. The process and discipline we set forth in the Federalism Act will make federal decision makers more sensitive to state and local concerns and prerogatives. Passage of this legislation will mark a milestone in improvements in our federalism system of government.

Having served in local government, I know first-hand how even the most well-intentioned federal laws and regulations can disrupt state and local programs and initiatives. Like the landmark National Environmental Policy Act, this legislation establishes a process that includes a federalism impact assessment on both the Congress and the executive branch to ensure that we make more informed and rational decisions on new federal laws and regulations that may affect state and local governments.

I will be the first to admit that much of the legislation Congress considers includes some type of federal preemption. I support strong national standards for clean air and water, fair labor standards and public health. Others in Congress may seek to federalize our criminal justice system. All are legitimate preorgatives of the U.S. Congress and under the Supremacy Clause.

I do not suggest we return to the days of the Articles of Confederation or endorse State Rights' advocates for a limited federal government. What I do suggest is that we establish a procedure to ensure that Congress is both well-informed and accountable for major actions that preempt state and local governments. We also need to set forth a process that provides the courts with greater clarity on congressional intent when legal disputes arise between federal and state law.

I know this legislation is not perfect. I look forward to working with my colleagues to ensure that this legislation defines the scope of judicial review and limits the potential for nuisance lawsuits as well as safeguards the rights of Congress to respond promptly to important national initiatives.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mrs. CLAYTON. Mr. Speaker, on rollcall No. 191, H.R. 1401—final passage, ''to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 to 2001, and for other purposes,'' I was absent for the above-referenced vote because I was in North Carolina attending the funeral services for the father of my district office director. Had I been present, I would have voted ''yea.''

TRIBUTE TO THE LATE WILLIAM ''BILL'' PAVLIS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. DUNCAN. Mr. Speaker, our Nation has recently lost a great public servant. On Sunday, May 9th of this year, William "Bill" Pavlis passed away. Bill Pavlis was born in West Virginia and moved to Knoxville, Tennessee, where he lived for 60 years. He attended the old Knoxville High School and then went on to be one of our community's best citizens.

Bill Pavlis was one of the most respected leaders in the Knoxville area. In 1972, he started a very successful specialty food distribution company in Knoxville.

In 1980, Bill Pavlis entered public service as one of the very first members of the newly created Knox County Commission. He spent six years on that body and even served as its Chairman.

In 1990, he was appointed to the Knoxville City Council to serve the remainder of the term of Councilman Milton Roberts.

Mr. Speaker, Bill Pavlis was a great friend to all that knew him. He was always available to the citizens he represented.

Above all, Bill Pavlis was a true family man. Bill and his beloved wife of 49 years, Jamie, raised a wonderful family. His sons, William A. Pavlis, Frank N. Pavlis, George S. Pavlis, and daughter, Christina Pavlis, comprise one of the finest families in East Tennessee.

Mr. Speaker, I am privileged to have known such a fine man. I have included a copy of a Resolution adopted by the Knox County Commission, as well as a statement from Commissioner Leo Cooper and an editorial from the Knoxville News-Sentinel that honor the memory of William "Bill" Pavlis. I would like to call these to the attention of my colleagues and other readers of the RECORD.

RESOLUTION

Whereas, former businessman, Knox County Commissioner and Knoxville City Councilman William ''Bill'' Pavlis recently passed away at the age of seventy (70), after many years of service and leadership in the Knox County Community; and

Whereas, Bill Pavlis was a native of Logan, West Virginia, where his parents had emigrated from Greece. He was to live in Knoxville for sixty (60) years, where he met his wife of forty-nine (49) years, Jamie, at Knoxville High School, where he was a football player. He founded a specialty food distribution business, A&B Distributing Company, Inc., in 1972, and the business has thrived since; and

Whereas, Bill Pavlis was a notable leader in the community. He served as one of the first nineteen (19) Knox County Commissioners upon his election in 1980. In his six (6) years on this body, he served as Commission Chairman and as Finance Committee Chairman. During his entire tenure of service on the Knox County Commission, he missed only one (1) meeting. He is said to have been proudest, however, of his six years (6) as a member of the Knox County Pension Trust Fund Committee and of his chairmanship of the employees insurance committee. Mr. Pavlis also served as a Knoxville City Councilman, and was considered a strong and popular candidate for mayor; and

Whereas, Commissioner Pavlis, with a reputation of straightforwardness and honesty, also participated in countless civic and spiritual organizations and events. He attended two (2) churches, the Episcopal Church of the Good Shepherd, with his wife Jamie, and the St. George Greek Orthodox Church. As a resident of Fountain City, where he was deeply loved, he contributed toward the construction of a gazebo in Fountain City Park. Always there to help, he often provided assistance to his employees at A&B Distributing; and

Whereas, Bill Pavlis leaves behind a wonderful family, itself carrying on the legacy of community service exemplified by the Commissioner. His wife Jamie was the first woman appointed to the Knox County Jury Commission. He also leaves behind four children, Christina ''Tina'' Pavlis, William A. Pavlis, Frank ''Nick'' Pavlis, also a Knoxville City Councilman, and George ''Sam'' Pavlis. Now therefore be it

Resolved by the Commission of Knox County as follows:

The Knox County Commission wishes to express its condolences to the family and many friends of William ''Bill'' Pavlis, upon the passing of its fellow Commissioner and great friend.

Be it further resolved, That if any notifications are to be made to effectuate this Resolution, then the County Clerk is hereby requested to forward a copy of this Resolution to the proper authority.

Be it further resolved, That this Resolution is to take effect from and after its passage, as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.

STATEMENT OF COMMISSIONER LEO COOPER HONORING FORMER COMMISSIONER WILLIAM P. ''BILL'' PAVLIS

There are no words to truly express the profound sense of loss an entire community feels at the passing of Bill Pavlis.

Bill Pavlis was a man of enormous accomplishments; Bill was successful in virtually every endeavor he undertook in his lifetime. Bill founded and operated a successful business; married an exceptionally lovely woman and raised a beautiful family. Bill was elected to the Knox County Commission and chosen by his colleagues to Chair that body. Bill Pavlis was appointed to serve on the Knoxville City Council, having the distinction of being one of the few individuals ever to serve on both the city and county legislative bodies.

Bill Pavlis lived to see the affection of an entire community and the tradition of public service in the election of his son Nick as City Councilman At Large. One could truthfully say Bill Pavlis was a very lucky man, but I believe his friends were the luckier to have known him and had his friendship.

HE SERVED THE PUBLIC

Knoxville lost one of its finest public servants with the death on Sunday of William ''Bill'' Pavlis at 70.

Pavlis, who served terms on both the Knox County Commission and the Knoxville City Council, was known as someone who brought people together to work out solutions to problems—a characteristic soundly noted by Mayor Victor Ashe.

Pavlis' parents emigrated from Greece to West Virginia, and Bill Pavlis was born in Logan, W.Va. He lived in Knoxville for 60 years, starting a specialty food distribution company, A&B Distributing Co. Inc., in 1972.

Pavlis was one of the first 19 members elected in 1980 to serve on the new County Commission, the local government entity that replaced the old county court. His six years on that body included a term as finance committee chairman and alter as commission chairman.

He ran unsuccessfully for mayor in 1987 but was appointed to City Council in 1990 to serve the remainder of the term of veteran council member Milton Roberts, who died in office. A run for mayor appeared in the offing in 1991, but Pavlis wisely chose family over a political campaign. ''I feel my priorities are in order, and my intentions are good,'' he said in a News-Sentinel interview at the time. ''In spite of that, I just want to spend more time with my wife.''

Pavlis was the kind of citizen we all would like to be—working with quiet determination to improve the community, bearing the full responsibilities of a serious businessman,, contributing to his places of worship and engaged in various civic endeavors.

We extend our sympathy to Jamie Pavlis, his wife of 49 years, and to his family and many friends. He will be missed, but our community is a better place for his presence among us.

A TRIBUTE TO MR. LAWRENCE MEINWALD

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. GILMAN. Mr. Speaker, I rise today to call to the attention of our colleagues the birthday of an outstanding American and resident of the Town of Goshen, New York, Mr. Lawrence Meinwald. This week Mr. Meinwald celebrates his 85th birthday, and I invite my colleagues to join me in congratulating him and recognizing his incredible life.

Mr. Meinwald, along with his wife, Carolyn, have made lasting contributions to their adopted home of Goshen, New York. Recognizing the importance of preserving Orange County's and Goshen's historic past, and wanting to give back to the country that has given him so much, Mr. Meinwald gave his own money for the complete restoration of several village buildings. In that way he helped to preserve the historic nature of the area for many years to come.

Mr. Meinwald came to America in 1920 as a young boy from Warsaw, Poland. His first ten days in the United States were spent at Ellis Island where he waited to be welcomed into his new home. Ellis Island, the gateway to America and a symbol and part of the great state of New York, had a long lasting effect on Mr. Meinwald. He was so awed by his American welcome to New York that he decided to make that state his home. Mr. Meinwald, like so many others, had come to America to live the American Dream. His American Dream would be fulfilled by hard work and dedication. He built a successful and constructive business career, and as a mature adult, attended and graduated from the City University of New York.

Accordingly, Mr. Speaker, I invite our colleagues to join with me in extending birthday greetings to this outstanding citizen of our nation and an irreplaceable citizen of Orange County, New York, Mr. Lawrence Meinwald.

THE BUILDER GENERATION TO LEAD THE BRIDGER GENERATION TO TRUST THE LORD

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SPENCE. Mr. Speaker, I rise to bring to the attention of the House an address that was presented by my constituent, Dr. Al Lutz, to The Veterans' Club in Sun City Hilton Head, South Carolina. I believe that his remarks about the role of chaplains in our military, as well as about the importance of our faith in God, and our duty to train our younger generations of Americans deserve our careful consideration.

MEMORIAL DAY, MAY 31, 1999

THE BUILDER GENERATION TO LEAD THE BRIDGER GENERATION TO TRUST THE LORD

MESSAGE GIVEN AT THE VETERANS' CLUB MEMORIAL DAY CELEBRATION—SUN CITY HILTON HEAD, SOUTH CAROLINA

I appreciate this opportunity to speak today in regard to honoring The Four Immortal Chaplains, because an Army chaplain was very helpful to me. While I was on active duty in Ft. Huachuca, AR, 1955–1957, I came under the ministry of Chaplain John MacGregor, who had been an infantry officer, was converted to Christ, and entered the chaplaincy. He was a man who believed the Bible, preached it and lived it. Seeing his Christ-like character prompted me to enter the Christian ministry forty years ago. The other special help that this chaplain gave was to introduce me to Julie. This year we will celebrate our 40th wedding anniversary.

My wife and I are nearing our one year anniversary residency here in Sun City and enjoying every minute of it. I also have the privilege of being a part of the Veterans' Club.

The Veterans' Club of Sun City has chosen to honor The Four Immortal Chaplains whose brave sacrifice is an inspiring story of personal honor and patriotism. Their heroism of 56 years ago stands today as an eloquent and enduring example of service, fellowship and love.

Chaplains are a very vital part of the United States armed forces. Just as the United States was founded by those who believed in the God of the Bible as the true and living God, so our country has continued in that belief, especially in our military forces.

It is very heartwarming to know that our government considers the ministry of chaplains so vital, that our government pays the salaries of all military chaplains who receive church or synagogue endorsement.

It is also important to know that our government has ordered that each military chaplain is free to practice and teach his own faith as he ministers to the men and women in the military.

Before Desert Storm was initiated, the President of the United States called the nation to prayer, as General Schwartzkopf was preparing the strategy for war. When American troops landed in Saudi Arabia and the General met with the Saudi officials, he was told that Jewish and Christian chaplains would not be allowed on Saudi soil. The General's response to that was basically this, ''We will engage in this war only if we have our full chaplain force to go with us.'' As I mentioned when I spoke for the Veterans' Day program last November, I told of the General calling in his head chaplain, Col. David Peterson, and giving him the orders to work it out so that the chaplains, of all faiths, would be allowed to go with the troops. That was accomplished quickly. Not only that but the General knew that the success depended on the blessing of Almighty God.

He may have been reminded of Proverbs 21:31 which states, ''The horse is prepared for the day of battle, BUT deliverance comes from the Lord.''

Or Psalm 20:7 ''some trust in chariots, and some in horses, BUT we will trust in the name of the Lord our God.''

In the early hours before Desert Storm was launched, the General with his command staff present, asked Chaplain Peterson, to lead in prayer for the blessing of Almighty God. Chaplains have been, and I trust always will be, a vital part of our military.

What was it that prompted the Four Immortal Chaplains and what is it that prompts our present day chaplains to volunteer for military duty?

It is obviously a love for country and a desire to serve.

It is also a love for people who need spiritual guidance in peace time, but especially in the time of war. Probably the underlying motivation was and is a sense of God's love for them and their love for God that prompts them to put their lives on the line to minister to the troops. So we honor them!

We can also honor those Chaplains by learning from their motivation and applying it to our lives. Somehow there must be a return to a reverential fear of the true and living God. The Bible states that one of the greatest sins of mankind is this: There is no fear of God before their eyes.

Let me share with you some sobering statistics about those in America, who claim to be Christians:

Among the Builder Generation (Born 1910 to 1946) 61% of them claim to be Christians,

Among the Boomer Generation (Born 1946 to 1964) 39% of them claim to be Christians,

Among the Buster Generation (Born 1965 to 1976) 25% of them claim to be Christians.

But what about the generation Born 1977 to 1995?

Some are calling this generation, the Bridger Generation. They will take us into the 21st Century.

It is estimated that ONLY 4% of them claim that they are Christians.

If those figures are anywhere close to being correct, do we see what lies before us, unless a mighty spiritual awakening takes place?

Somehow a sense of * * * who the true and living God of the universe is, who should be the true and living God of our nation, and who should the Bridger Generation have as its God, must be again instilled in people of our nation.

Somehow we must see that the disrespect for God, the disregard for human authority, and the devaluation of humanity, brought about to a large extent by the Supreme Court officially ruling that God, the Bible and prayer are no longer allowed in the public schools, must be counteracted.

No one can be neutral about his or her religious beliefs. If the true and living God is left out, other false gods of self and pleasure and power, which are often pushed on us by Hollywood and others, will take God's rightful place.

A father of one the murdered teenagers in Littleton, CO was testifying before the government in Washington last Thursday about gun control. What I heard him say was something to this effect, ''Returning prayer to the classroom is far more important.'' We must deal with the root cause and give the root answer rather than just talking about the symptoms or superficial answers. Senator John McCain stated it clearly what is needed: ''Faith in God.''

It is sad to say that even our country as a whole is feeling the effect of trying to remove God from society by the fact that not nearly enough men and women sense the proper fear of the Lord and a love for country to prompt them to answer the call for military service. It will become harder and harder to find four chaplains who will set the example that they set.

Here is a plea to the Builder Generation: use your retirement years to work with your grandchildren and great grandchildren to help instill within them a genuine love for God, a reverential fear of God, and a solid trust in God, for the glory of God, for their personal good and for the good of our country.

May God help us!! Al Lutz

IN HONOR OF FATHER JOHN WILSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Father John Wilson.

Father Wilson was a former diocesan director of the deaf Apostolate, a longtime pastor of St. Timothy Church in Garfield Heights and was a chaplain for ten years at St. Edward Home in Fairlawn. He was a greatly loved man who was dedicated to helping the deaf community. He began working with the deaf community at his first assignment as assistant pastor at St. Collumbkille Church in Cleveland. When this parish closed, he continued his work with the deaf community as diocesan director of the deaf Apostolate. During his tenure as diocesan director of the deaf Apostolate, Father Wilson built up one of the largest communities in the country.

Father Wilson was a very devoted man who, even when his own health was a risk forcing him to retire as pastor, continued to help the people in his community. This selfless dedication is something that should be recognized, praised and encouraged in our communities today.

My fellow colleagues, please join me in honoring this great man, Father Wilson. He will be greatly missed.

PERSONAL EXPLANATION

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. TURNER. Mr. Speaker, on rollcall No. 52, I was absent because of my participation in a congressional delegation trip to Russia with members of the House Armed Services Subcommittee on Military Research and Development for the purpose of discussing with the Russian Duma pending anti-missile defense legislation. Had I been present, I would have voted "yes" on H. Con. Res. 24.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SHOWS. Mr. Speaker, because inclement weather delayed my connecting flight from Jackson, Mississippi, on Monday, June 14, 1999, I was unable to cast a recorded vote on rollcall No. 204.

Had I been present, I would have voted ''yea'' to suspend the rules and pass H.R. 1400, the Bond Price Competition Improvement Act of 1999.

IN RECOGNITION OF DR. MARTIN J. MURPHY, JR.

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise today to pay tribute to Dr. Martin J. Murphy, Jr. who is retiring this year after more than 35 years of dedicated work in the field of cancer research. Dr. Murphy began his remarkable career in the area of cancer research in the late Sixties, when, as a postdoctoral fellow, he joined some of the most prestigious academic institutions in the world. After leaving academia, in 1975, Dr. Murphy joined the Memorial Sloan-Kettering Cancer Center as an Associate Member. There, Dr. Murphy became a Founding Director of the Hematology Training Program, a renowned cancer research program sponsored by the National Institutes of Health.

A laboratory founded by Dr. Murphy at the Memorial Sloan-Kettering Center later became the Hipple Cancer Research Center. This laboratory, under Dr. Murphy's leadership, provided an opportunity for cutting edge research on the molecular and genetic nature of cancer, as it afforded support to physicians and researchers by engaging the National Institutes of Health and various corporate and individual sponsors.

In 1979, Dr. Murphy brought the laboratory to Dayton, where it became part of the Wright State University School of Medicine. The Hipple Cancer Research Center developed into a prime cancer research facility due to Dr. Murphy's leadership and enthusiasm. Dr. Murphy's work also resulted in the establishment of the consortium of hospitals in the United States and Israel which developed clinical protocols for the vaccine treatment of patients with advanced melanoma. Dr. Murphy made seminal discoveries regarding the identity and characterization of the hematopoietic stem calls and the elucidation and purification of the molecules regulating the cell behavior.

While working relentlessly at the Hipple Center, Dr. Murphy founded Alpha Med Press, a non-profit publishing firm dedicated to the publication of world-class research articles in the area of cancer and AIDS research. Dr. Murphy's work in publishing, as well as his tenures at various universities in China, Latin America and South Africa show a dedication to improving health care on a world-wide basis.

Mr. Speaker, I know my colleagues will join me in congratulating Dr. Martin J. Murphy, Jr. for the outstanding work he has done in the last 35 years, and wishing Dr. Murphy a healthy and productive retirement.

TRIBUTE TO DAVID RAAB

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to offer my deep appreciation to a remarkable citizen of both America and Israel, David Raab of Teaneck, NJ, who will soon be moving to the State of Israel.

As so many people in the Jewish community in New Jersey and across the United States already know, David has been, for decades now, a tireless pro-Israel activist. And through the years, he has shown an almost magical ability to bring people together for the purpose of strengthening America's alliance with their number one ally in the Middle East, the State of Israel. For this, David Raab deserves the admiration and respect of all people who care deeply about the need to ensure the safety and security of Israel and her citizens.

I have known David as a dear personal friend and as an outstanding leader and member of a number of distinguished Jewish organizations. I have also known David as a devoted father and husband, a successful businessman, and an individual committed to making his community and neighborhood a better place to live. In all these respects, David has been supported by his loving wife Leah and his three children, Yitzhak, Aviel and Aliza.

As David and his family prepare to depart for Israel, I want to publicly thank him for the advice and counsel he has generously offered over the years to me and members of this august body on matters concerning Israel and the entire Middle East. Whether it was helping craft a strategy to secure justice for Israel at the United Nations, or helping Members of Congress focus on the need to transfer to the United States those Palestinians suspected of killing Americans in Israel, David's advice has always been highly valued by members of both the U.S. House of Representatives and Senate.

I will miss David and wish him the very best as he begins a new and exciting chapter of his life in the State of Israel.

HONORING MAYOR CHARLES ROONEY, JR., OF SEA BRIGHT, N.J.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. PALLONE. Mr. Speaker, in my home state of New Jersey, at this very moment, children and their parents are starting to pack for their weekend at the Jersey Shore. And they are imagining the beautiful beaches and ocean waters that await them and all the fun and good memories that the coming weekend holds.

Most of these weekend visitors take the Jersey Shore for granted, not realizing that there are people who devoted their lives to protecting and maintaining the shoreline for all to enjoy. Foremost among these coastal champions was Charles Rooney, the mayor of Sea Bright, N.J., from 1988 until his death this year. This Sunday, June 20, the people of Sea Bright will rededicate Swing Bridge Park in Sea Bright, N.J., in his honor.

The Sea Bright residents who will attend know well how hard Mayor Rooney worked over a 20-year period—first as a Councilman and then as Mayor—to get the state and federal funds to protect Sea Bright from the many ''Nor'easters'' that threatened the lives and property of residents. Over the years, these seasonal storms, with their ferocious winds and pounding surf, robbed Sea Bright of its protective seawall and buffer beaches to the point that the town might not have survived another storm season.

My colleagues, you know more about Mayor Rooney and Sea Bright than you realize, because it was to Sea Bright that the New York and national television stations would go for some fearsome footage whenever a hurricane came up the East Coast. Each time, I would talk to a very concerned Mayor Rooney on the phone and later meet him on a tour of the damage and we would agree to press harder and speed up the schedule to repair the seawall and reconstruct the beaches. And, colleagues, it was your vote, year-after-year that helped us finally make the repairs that resulted in the completion of the multi-million dollar Army Corps of Engineers Shore Protection Project along much of the coastline of my district.

Charles Rooney was a man who served his community like no other I know. His eight years as union representative in the Steel Workers Union helped prepare him for the leadership and coalition building skills he would later utilize as Councilman and Mayor. He served as president of the local chamber of commerce and established the senior citizens club, the borough recreation center and the youth program. In November, he was inducted into the League Municipalities ''Mayors' Hall of Fame'' and in January into the ''Elected Officials Hall of Fame'' for having served more than 20 years in local government.

There was an amazing personal side to Charles Rooney. He had tremendous character and was himself a character. He used to say that when he took office, the town of Sea Bright was famous for having twenty-one liquor licenses and to reverse the common attitude of ''let's party in Sea Bright,'' somebody had to be tough. It was that toughness that turned Sea Bright back into a beautiful family resort as it was during the glory days at the turn of the century.

It was also his political toughness, combined with his middle-aged entry into long distance running that gave him the nickname of ''Iron Man Rooney.'' Starting at the age of 48, he ran in 17 career marathons, inspired by another shore legend, Dr. George Sheehan, ''The Running Doc'' of Rumson. Mayor Rooney ran the entire length of the New Jersey

Atlantic Coastline, from Sandy Hook to Cape May in just over four days. As the sponsor of local marathons, "he always cheered the loudest for the people coming in last. He'd be there for the lady running 13-minute miles, when no one else was there. He'd put the biggest smile on her face, making her feel like she'd just won the race," said his son, Charles Rooney III.

It was appropriate that the dedication of Charles Rooney Swing Bridge Park is taking place on Fathers Day, because Mayor Rooney was the father of so many wonderful environmental improvement projects that enhanced the quality of life in Sea Bright for its residents and others to enjoy. He was also a tremendous role model, not only for his son and daughter, but for all of us in public service who could learn so much from the warm and wonderful way he served the people of Sea Bright.

PERSONAL EXPLANATION

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. TURNER. Mr. Speaker, on rollcall No. 51, I was absent because of my participation in a congressional delegation trip to Russia with members of the House Armed Services Subcommittee on Military Research and Development for the purpose of discussing with the Russian Duma pending anti-missile defense legislation. Had I been present, I would have voted "'yes" on H.R. 774

APPLE AND ONION DISASTER LEGISLATION, H.R. 2237

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. GILMAN. Mr. Speaker, the plight of the apple and onion farmers of New York State remains a major concern for many of us in Congress who represent New York State. Following the severe, inclement weather that devastated crops in various Counties throughout our state last year, our farmers found themselves hampered by an ineffective federal crop insurance policy and a bureaucracy that showed very little compassion.

Hardest hit by last year's storm were New York State's apple and onion farmers. Our onion producers in Pine Island, NY in particular, faced catastrophic losses due to a hail storm that passed through the region on May 31st of last year. That storm left many of our farmers with no considerable yields, forcing many to zero out their crops, leaving them without a marketable product.

Faced with last year's losses and still recovering from losses incurred in 1996, our farmers looked to their crop insurance for assistance. What they found instead was an inadequate program that did nothing to assuage the burden that their losses placed upon them.

Regrettably, the Department of Agriculture's response to our farmers plight has been a case of too little, too late. Following last year's hail storm, Congress passed the Omnibus Appropriations Act of 1998, which approved $5.9 billion dollars in disaster assistance for affected farmers nationwide. While payments were made directly and immediately to hog, wheat, cotton and dairy farmers, action to ease our apple and onion farmers plight was much too slow in coming. A sign-up period was enacted by the Secretary for affected apple and onion farmers which was initially to last from February 1, 1999 to May 11, 1999.

The sign-up period proved to be a disaster within itself. Met with poor training, inadequate staffing and numerous delays, our farmers did not see one penny of the disaster assistance until just last week, one year later and months into this year's planting season.

This legislation, H.R. 2237 co-sponsored by Congressman WALSH, provides that the Secretary of Agriculture authorize $40 billion for additional disaster assistance to affected apple and onion farmers in New York State, so that they may fully recover from the damage and losses that they have incurred over the past three years. We look forward to working with the Secretary of Agriculture in the coming months to work towards the implementation of these funds, as well as a thorough revision of the federal crop insurance program, so that we may ensure that the future of our nation's farmers remain prosperous.

H.R. 2237

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

SECTION 1. EMERGENCY CROP LOSS ASSISTANCE FOR NEW YORK APPLE PRODUCERS.

(a) ASSISTANCE AUTHORIZED.—In addition to other authorities available to the Secretary of Agriculture to provide assistance to apple producers who incur crop losses, the Secretary may provide assistance under this section to apple producers in the State of New York who incurred losses in 1998 to apple crops due to damaging weather or related conditions.

(b) SPECIAL RULES.—In providing assistance to apple producers under this section, the Secretary shall calculate the amount of a apple producer's payment in a manner that—

(1) does not discount excess juice production;

(2) allows producers in 1998 to use their historical production as a yield basis;

(3) ensures that losses in each marketing category (primary, secondary, and tertiary) are only added together, and not subtracted as currently proposed by the Department of Agriculture; and

(4) uses the 5-year average market price for apples in New York as established by the National Agriculture Statistics Service.

(c) MAXIMUM PAYMENT LIMITATION.—In providing assistance to apple producers under this section, the maximum payment limitation per farm shall be equal to the higher of—

(1) $80,000; or

(2) the product of $1,350 and the total farm orchard acreage.

(d) IMPLEMENTATION.—The Secretary shall issue guidelines for the provision of assistance under this section, which shall be available to affected apple producers not later than 30 days after the date of the enactment of this Act. Subject to the availability of funds for this purpose, the Secretary shall make payments available under this section in an expeditious time frame in order to alleviate the severe financial strain of New York State apple producers.

SEC. 2. EMERGENCY CROP LOSS ASSISTANCE FOR NEW YORK ONION PRODUCERS.

(a) ASSISTANCE AUTHORIZED.—In addition to other authorities available to the Secretary of Agriculture to provide assistance to onion producers who incur crop losses, the Secretary may provide assistance under this section to onion producers in the State of New York who incurred losses in 1998 to onion crops due to damaging weather or related conditions.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible for assistance under this section, the Secretary must conclude that, because of damaging weather or related condition in 1998, the total quantity of the 1998 onion crop that a New York onion producer was able to harvest was less than 65 percent of the producer's historical yield. The Secretary may accept information provided by insurance adjustors or the Cooperative Extension Service to verify a producer's loss in yield.

(c) CALCULATION OF PAYMENT.—

(1) PAYMENT FORMULA.—In providing assistance to an eligible onion producer under this section, the per acre amount of the producer's payment shall be equal to the product of—

(A) .65;

(B) the applicable annual percentage history; and

(C) payment rate.

(2) ANNUAL PERCENTAGE HISTORY.—For purposes of paragraph (1)(B), a producer may select as the producer's annual percentage history either the producer's own historical yield before 1996, per hundredweight, or the New York State average of 298 cwt.

(3) PAYMENT RATE.—For purposes of paragraph (1)(C), the Secretary shall use the 5-year average market price for yellow onions of $15.00 cwt.

(d) IMPLEMENTATION.—The Secretary shall issue guidelines for the provisions of assistance under this section, which shall be available to affected onion producers not later than 30 days after the date of the enactment of this Act. Subject to the availability of funds for this purpose, the Secretary shall make payments available under this section in an expeditious time frame in order to alleviate the severe financial strain of New York State onion producers.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $40,000,000 to carry out this Act.

THE KOSOVO LIBERATION ARMY: A NAIVE VIEW OF A REBEL FORCE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues this June 9, 1999, Omaha World Herald editorial that cautions NATO not to underestimate the ambitions of the Kosovo Liberation Army (KLA) after the Serbian forces withdrawal from Kosovo.

THE KOSOVO LIBERATION ARMY: A NAIVE VIEW OF REBEL FORCE

NATO told Yugoslavia it would stop the air war if Serbian forces were pulled out of the province of Kosovo in one week. It's easy

to understand why Yugoslavian President Slobodan Milosevic found that idea hard to swallow. He does not want to surrender Kosovo to the Kosovo Liberation Army.

Milosevic sent Serbian soldiers and police into Kosovo to put down a rebellion led by the KLA. The ethnic-Albanian KLA wants independence for Kosovo, whose majority population is ethnic Albanian. Or at least it was before Milosevic, a Serb who obtained political power by exploiting ethnic hatred, managed to kill thousands and expel hundreds of thousands of ethnic-Albanian Kosovars.

News reports say Milosevic nearly succeeded in wiping out the KLA, but the rebels have regrouped. Fueled by recruits from the roughly one million Kosovar refugees Milosevic has created, the KLA reportedly is regaining ground in Kosovo. Some reports indicated that the KLA is helping NATO target Serbian forces in Kosovo.

The KLA and Milosevic's Serbian forces are engaged in the latest round of an ethnic blood feud that is centuries old. Yet here's what NATO spokesman Jamie Shea had to say about a settlement: ''As the Serb forces pull out and the NATO forces move into Kosovo, we expect the Kosovo Liberation Army . . . not to try to take advantage of the situation.''

Shea must be dreaming. The KLA, in its view, is fighting to liberate its homeland. ''The KLA will be the sole force in Kosovo creating institutions,'' said a KLA spokesman Sunday. ''It will be the strongest force influencing the future of Kosovo.'' The KLA is planning to build a nation of ethnic Albanians in what is now Yugoslavian territory.

Of a proposed NATO peacekeeping force, Shea said, ''NATO forces will be operating under strict rules of engagement and, of course, they will not tolerate any hindrance to their mission. More specifically, we hope the (KLA) will renounce violence.''

Imagine France announcing in the early 1780s that, upon cessation of the war between England and the American colonies, the colonies would become an autonomous zone within the British empire and would be occupied by a European peacekeeping force. Oh, and the American freedom fighters, it is assumed, would ''renounce violence.''

NATO's next adversary in Kosovo might be the KLA.

THE MEDICAL MALPRACTICE Rx ACT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SHAYS. Mr. Speaker, today Representative JIM GREENWOOD of Pennsylvania and I are introducing the Medical Malpractice Rx Act.

The Medical Malpractice Rx Act will prevent the unreasonable and frivolous litigation that has caused many doctors to waste resources on ''defensive medicine.'' According to the Congressional Research Service, many analysts have observed that physicians' fears of malpractice suits have caused them to perform additional or unnecessary tests and procedures that serve to drive the cost of health insurance to unaffordable levels for many Americans.

Malpractice insurance premiums for physicians total over $6 billion annually, and the rate of malpractice cases has doubled over the past ten years.

The Act prevents plaintiffs from recovering 100 percent of damages from one party when multiple parties are at fault and sets a $250,000 cap on noneconomic (pain and suffering) damages. In addition, the Medical malpractice Rx Act allows juries to hear evidence of multiple recoveries paid to plaintiffs.

The Medical Malpractice Rx Act allows trial lawyers a maximum of five years from the date of injury to bring a medical malpractice suit, replacing the often vague current law which permits lawsuits 7–10 years from the date of injury.

Finally, the Act requires the losing party to pay attorney's fees.

It is estimated that the Medical Malpractice Rx Act could save the Medicare program $1.5 billion over 10 years and billions more could be saved on private health premiums. These savings will translate into savings for all Americans.

We must act to ensure Americans have access to affordable health insurance and prevent the cost of insurance from reaching even more exorbitant levels.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this important piece of legislation.

TRIBUTE TO LORA LUCKS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mrs. Lora Lucks, an outstanding individual who has dedicated her life to public service and education. She will be honored on Thursday, June 17 for her outstanding contributions to the community during the end of the term party at PS 48 in my South Bronx Congressional district. She is retiring after 23 years as Principal of PS 48.

Born and raised in Brooklyn and a graduate of CUNY Brooklyn, Lora Lucks started her teaching career at Mark Twain Junior High School. She also attended St. John's University and Fordham University where she majored in Education Administration. Thirty two years ago she joined P.S. 48 in the Bronx where she started her supervisory career. For the past 23 years she has served as Principal at P.S. 48 and played a prominent role as a true educational leader. She is responsible for the education and well being of a student body of over 1,100 children and a staff of over 150.

Mr. Speaker, in addition to the daily educational services she provides to the students, Mrs. Lucks has been the Project Director of the Hunts Point Cultural Arts Center for the past 16 years. This after-school program nurtures the artistic talents of and fosters a sense of pride and accomplishment in students within the South Bronx Community. Having forged a strong alliance with businesses, organizations, and foundations, Lora has been able to bring much-needed resources to the school and the children of Hunts Point. The Y.M.C.A.'s Pathways for Youths Program and District 8 sponsored programs are just a few of the wonderful activities offered by the school after school hours. During the course of her principalship, Lora has made Public School 48 the pride of District 8 schools.

Through her years of service she has been given many awards. In 1992 she was honored as the District 8 Supervisor of the year and in 1993 she was the recipient of the Reliance Award for Excellence in Education.

Although not a resident of Hunts Point, she is very active in community affairs. Lora has become a member of the Bronx Borough President's Solid Waste Advisory Board and the Hunts Point Economic Development Corporation.

Mrs. Lucks leaves us with many lessons learned in community service, leadership in education, and wisdom. A talented leader and educator, Mrs. Lucks will continue sharing her knowledge and views with her family and friends.

Mrs. Lucks is married and has two sons, Stuart and Robert, two grandchildren, Arie and Megan, and a daughter-in-law, Charlotte. Her husband, Solomon, is a retired New York City educator and supervisor. He served as the chairman of the Technology Department at Bayside High School for 27 years.

Mr. Speaker, I ask my colleagues to join me in wishing a happy retirement to Mrs. Lora Lucks and in recognizing her for her outstanding achievements in education and her enduring commitment to the community.

TRIBUTE TO MARATHON ASHLAND PETROLEUM

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. PHELPS. Mr. Speaker, it is my great honor to rise today to congratulate Marathon Ashland Petroleum on the recognition of their Illinois Refining Division as an OSHA Voluntary Protection Program Star participant. The Voluntary Protection Program promotes partnerships between the Occupational Safety and Health Administration, labor and management and recognizes those facilities that exemplify effective safety and health program management.

Having personally visited Marathon's Robinson, IL, refinery, located in my congressional district, I can attest to the superior quality of its operation and the dedication and talent of its employees. Although I am not surprised to learn that OSHA has recognized Marathon's efforts on behalf of health and safety, I could not be more pleased.

Under the Voluntary Protection Program, management commits to operate an effective program, and employees commit to participate in the program and work with management to ensure a safe and healthful workplace. OSHA regularly evaluates the site and the program's operation to ensure that safety and health objectives are being met, and participants receive the Star designation when they have complied with all program requirements.

Mr. Speaker, I believe the Voluntary Protection represents the best in voluntary partnerships formed to achieve an important mutual

goal. I am proud to offer my heartfelt congratulations to Marathon Ashland Petroleum's Illinois Refining Division on reaching the milestone of an OSHA Star designation. Their efforts on behalf of health and safety are deserving of such recognition, and I wish them continued success in the future.

INTRODUCTION OF THE MEDICARE HOME HEALTH ACCESS RESTORATION ACT OF 1999

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. COYNE. Mr. Speaker, today I am introductory the Medicare Home Health Access Restoration Act of 1999. I am introducing this legislation because of the dramatic changes the Interim Payment System (IPS) has made in the way home health care is provided in my home state of Pennsylvania and elsewhere. I am concerned that those changes are making it more difficult for the sickest and most vulnerable Medicare recipients to get the home health services to which they are entitled.

Medicare provides home health services to homebound patients who need skilled nursing care. Many of these patients are recovering from surgery or receiving therapy after a serious illness like a stroke. Home care recipients often suffer from chronic illnesses that require monitoring, like severe diabetes and some mental illnesses. Home health care recipients tend to be the oldest, sickest, and poorest of Medicare beneficiaries. They are disproportionately low-income and over 85. They report being in fair or poor health. Three-fourths of them cannot perform at least one basic activity of daily living, like bathing, cooking, or getting out of bed. Almost half of home care recipients cannot perform 3 or more activities of daily living.

In Pennsylvania, where home care costs and visit frequency have always been lower than the national average, home care visits have declined by over 25 percent since IPS became effective. That means the average home care recipient sees a nurse 11 times less under IPS than she did before, perhaps getting one visit a week instead of two. Over 90 percent of my state's home health agencies reported that they will lose money in the first year of IPS and 6,100 home care workers have been laid off. These changes are causing agencies to provide less care, spend less time caring for patients, and avoid the patients who most need help.

Like most other people who are concerned about the home care benefit, I support the shift to the prospective payment system, which will allow us to pay more accurately for the services beneficiaries receive. But it could be quite a while before PPS is implemented, particularly since the Health Care Financing Administration has temporarily suspended collection of the necessary data. The Interim Payment System is what we have now, and we could have it for a long time. It is affecting patient care now, and I do not believe we can just live with it'' for the months or years until the PPS is ready.

The low IPS caps on payments for home health services mean that agencies often can't afford to provide Medicare beneficiaries with the services they need and to which they are entitled. Because the caps are based on individual agency 1994 spending, the problem is particularly serious for historically low-cost agencies. The low-cost agencies were given the lowest caps. Since they have already trimmed the fat from their operations, they are being forced to lay off nurses and cut services. The caps also create wide regional variation, and Medicare beneficiaries in historically efficient areas receiving much smaller benefits.

Because the caps are based on an ''average'' patient, it is particularly difficult for the sickest patients to access care. The IPS does not acknowledge that some agencies specialize in very sick patients and that some individual patients require so much care that few agencies can afford to serve them. The current system creates an incentive for agencies to avoid admitting the sickest patients or to discharge them early.

The legislation I am introducing today would make several important changes in the IPS. (1) It would gradually move toward a more equitable and reasonable payment level by increasing the payments for efficient agencies, increasing the number of times a home care nurse is allowed to visit a sick patient, and repealing the scheduled 15% cut in payments. (2) It would provide exceptions to the caps for the costliest patients and agencies that specialize in treating them. (3) It would protect beneficiaries from being inappropriately discharged because of the caps.

Medicare's sickest and most vulnerable patients cannot wait much longer for Congress to act. Each day that the current system is in effect, home care agencies close or lay off workers, beneficiaries in states with low caps receive less service than they need, and high-needs patients struggle to find agencies that will serve them. These reductions in the quality and quantity of home care services put patients right back where no one wants them to be—in expensive hospital and nursing home beds.

SUMMARY OF MEDICARE HOME HEALTH ACCESS RESTORATION ACT

Purpose: To restore access to home health services for Medicare recipients whose necessary care has been curtailed or eliminated due to provisions in the 1997 Balanced Budget Act.

MAJOR PROVISIONS

Adjusts per-beneficiary limits to provide fair reimbursement to efficient agencies. The bill would increase the per beneficiary limit for agencies with limits under the national average to 90% of the national average in 1999, 95% in 2000, and 100% in 2001. The bill would also cap payments to providers at 250% of the national average in 1999, 225% in 2000, and 200% in 2001.

Provides exceptions to caps for agencies that specialize in a particular type of hard-to-serve patients AND for individual ''outlier'' patients. Agencies that can demonstrate to the Secretary that they specialize in treating a much more expensive population will be exempted from the 250% payment cap. All agencies could apply for quarterly ''outlier'' payments if they treated more costly than average patients. HCFA will also be required to report back to Congress regarding their implementation of the exceptions policy, to ensure that the provisions are implemented in a timely manner and that the relief is reaching agencies.

Increases the per-visit limit to 110% of the median.

Permanently repeals the 15% cut in IPS home health payments. The bill eliminates the 15% cut from the Interim Payment System.

Protects beneficiaries from inappropriate discharge. The bill provides Medicare beneficiaries with a notice of discharge similar to the one provided to Medicare+Choice hospital patients. It requires HCFA to provide information to physicians about how the IPS affects their patients.

Requires a GAO study on the value of home care to the Medicare program. The bill asks the Comptroller General to document the impact that providing home care (or not providing home care) has on other government spending, including Medicare inpatient services and Medicaid nursing home reimbursement.

50TH ANNIVERSARY OF AMERICAN LEGION POST 273, MADEIRA BEACH, FLORIDA

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize the 50th anniversary of American Legion Post 273, in Madeira Beach, Florida, which I have the privilege to represent.

Since 1949, American Legion Post 273 has been serving the community of Madeira Beach and Pinellas County. Post 273 has more than 3,100 members, making it the largest post in the Great State of Florida and the 5th largest post in the World. In its 50 years of service, Post 273 has a record of service that is second to none.

Post 273 has many volunteers who perform thousands of hours of volunteer service at the Veterans Affair's Hospital at Bay Pines. Among these activities are an annual Thanksgiving Day dinner for disabled veterans, and a New Years Day luncheon. The Honor Guard at Post 273 has performed at 108 funerals in the past 12 months, and has participated in several other functions including the biannual reading of Madeira Beach's deceased veterans. The Post also provides financial assistance to the families of needy veterans.

The service of Post 273 goes beyond veterans. Post 273 has sponsored 14 students for Boys State, where enterprising young boys are selected in their junior year of high school to go to Tallahassee and participate in a detailed study of Florida's State Government. In addition, Post 273 also sponsors an annual oratorical contest, where boys and girls compete nationwide for more than $18,000 in scholarships. Post 273 also sponsors activities and events that inform the community's young people about child safety, drug and alcohol abuse, and suicide prevention.

In its service to the community, Post 273 has been active in the Special Olympics, giving mentally challenged youth a chance to

succeed, assists the American Red Cross with an annual blood drive, has a strong record of environmental protection, as it sponsors a recycling program, and raised money to provide sea oats for the Madeira Beach beach renourishment program.

Finally, I would be remiss if I neglected to mention American Legion Baseball. Each year, the American Legion sponsors approximately 86,000 young men in legion ball. Madeira Beach Post 273 sponsors two teams, providing uniforms, equipment, umpires, and travel funds.

Mr. Speaker, the service that American Legion Post 273 has provided veterans and families in the community of Madeira Beach for the last 50 years is remarkable and I wish all the members much success as they begin their next 50 years of service.

THE FOGGY BOTTOM ASSOCIATION CELEBRATES 40 YEARS OF SERVICE TO THE COMMUNITY, 1959–1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Ms. NORTON. Mr. Speaker, I rise to salute the Foggy Bottom Association as it celebrates forty years of service in one of Washington's oldest neighborhoods. The Foggy Bottom Association is not only one of the oldest, it is one of our most active and valuable associations.

The Foggy Bottom Association's recorded history dates back to 1765 when Jacob Funk, a German immigrant, purchased and subdivided 130 lots between 24th and 19th Streets, NW and H Street to the river. This area, known as Hamburg, was the site of docks, glass factories, breweries, a gas works, and later stately homes and what were known as ''alley dwellings.'' Shortly after World War II, public and private developers moved in, building large residential complexes, highways, government and private office buildings, and cultural and educational centers. At the same time, run-down housing stock was being purchased and rebuilt by a mix of people who formed the core of what is now the Foggy Bottom Association. This organization was dedicated to protecting and promoting the neighborhood.

Today, Foggy Bottom is an unusual mixture of homes, apartment dwellings, churches, hotels, restaurants, small businesses, large institutions and government agencies. Many old, historic buildings have been restored and are open to the public.

Music, art, good fellowship, and lots of history are all part of the anniversary program which culminates on June 19, 1999—the day the Foggy Bottom Association was incorporated in 1959.

Mr. Speaker, I ask the members of this body to join me in celebrating the Foggy Bottom Association and congratulating the membership for their commitment to the preservation and protection of one of our treasured neighborhoods.

CONSEQUENCES OF GUN CONTROL

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. PAUL. Mr. Speaker, I recommend that my colleagues read today's Washington Times article entitled ''Disarming Good People'' before voting on unconstitutional and counter-effective gun legislation. Outlined within, are some of the disastrous consequences of enacting more gun control. While the lawmakers demand even more restrictions on the sale, ownership, and the use of firearms, we currently have the highest level of gun control in our Nation's history. Yet only 50 years ago, there were no violent incidents in schools like the recent tragedy. Instead of rushing to disarm the law-abiding, let us first examine the current 20,000 gun laws already on the books for their effectiveness.

DISARMING GOOD PEOPLE

Editor's note: The following is an open letter from 287 economists, law-school professors and other academics to Congress, regarding gun-control legislation before the House of Representatives. Some but not all of the names of the signatories appear here.

After the tragic attacks at public schools over the last two years, there is an understandable desire to ''do something.'' Yet, none of the proposed legislation would have prevented the recent violence. The current debate focuses only on the potential benefits from new gun control laws and ignores the fact that these laws can have some very real adverse effects. Good intentions don't necessarily make good laws. What counts is whether the laws will ultimately save lives, prevent injury, and reduce crime. Passing laws based upon their supposed benefits while ignoring their costs poses a real threat to people's lives and safety.

These—gun control laws will primarily be obeyed by law-abiding citizens and risk making it less likely that good people have guns compared to criminals. Deterrence is important and disarming good people relative to criminals will increase the risk of violent crime. If we really care about saving lives we must focus not only on the newsworthy events where bad things happen, but also on the bad things that never happen because people are able to defend themselves.

Few people would voluntarily put up a sign in front of their homes stating, ''This home is a gun-free zone.'' The reason is very simple. Just as we can deter criminals with higher arrest or conviction rates, the fact that would-be victims might be able to defend themselves also deters attacks. Not only do guns allow individuals to defend themselves, they also provide some protection to citizens who choose not to own guns since criminals would not normally know who can defend themselves before they attack.

The laws currently being considered by Congress ignore the importance of deterrence. Police are extremely important at deterring crime, but they simply cannot be everywhere. Individuals also benefit from being able to defend themselves with a gun when they are confronted by a criminal.

Let us illustrate some of the problems with the current debate.

The Clinton administration wants to raise the age at which citizens can posses a handgun to 21, and they point to the fact that 18- and 19-year-olds commit gun crimes at the highest rate. Yet, Department of Justice numbers indicate that 18- and 19-year-olds are also the most likely victims of violent crimes including murder, rape, robbery with serious injury, and aggravated assault. The vast majority of those committing crimes in this age group are members of gangs and are already breaking the law by having a gun. This law will primarily apply to law-abiding 18- to-21-year-olds and make it difficult for them to defend themselves.

Waiting periods can produce a cooling-off period. But they also have real costs. Those threatened with harm may not be able to quickly obtain a gun for protection.

Gun locks may prevent some accidental gun deaths, but they will make it difficult for people to defend themselves from attackers. We believe that the risks of accidental gun deaths, particularly those involving young children, have been greatly exaggerated. In 1996, there were 44 accidental gun deaths for children under age 10. This exaggeration risks threatening people's safety if it incorrectly frightens some people from having a gun in their home even though that is actually the safest course of action.

Trade-offs exist with other proposals such as prison sentences for adults whose guns are misused by someone under 18 and rules limiting the number of guns people can purchase. No evidence has been presented to show that the likely benefits of such proposals will exceed their potential costs.

With the 20,000 gun laws already on the books, we advise Congress, before enacting yet more new laws, to investigate whether many of the existing laws may have contributed to the problems we currently face. The new legislation is ill-advised.

Sincerely,

Terry L. Anderson, Montana State University; Charles W. Baird, California State University Hayward; Randy E. Barnett, Boston University; Bruce L. Benson, Florida State University; Michael Block, University of Arizona; Walter Block, Thomas Borcherding, Claremont Graduate School; Frank H. Buckley, George Mason University; Colin D. Campbell, Dartmough College; Robert J. Cottrol, George Washington University; Preston K. Covey, Carnegie Mellon University; Mark Crain, George Mason University; Tom DiLorenzo, Loyola College in Maryland; Paul Evans, Ohio State University; R. Richard Geddes, Fordham University; Lino A. Graglia, University of Texas; John Heineke, Santa Clara University; David Henderson, Hoover Institution, Stanford University; Melvin J. Hinich, University of Texas, Austin; Lester H. Hunt, University of Wisconsin-Madison; James Kau, University of Georgia; Kenneth N. Klee, UCLA; David Kopel, New York University; Stanley Liebowitz, University of Texas at Dallas; Luis Locay, University of Miami; John R. Lott, Jr., University of Chicago; Geoffrey A. Manne, University of Virginia; John Matsusaka, University of Southern California; Fred McChesney, Cornell University; Jeffrey A. Miron, Boston University; Carlisle E. Moody College of William and Mary; Craig M. Newark, North Carolina State University; Jeffrey S. Parker, George Mason University; Dan Polsby, Northwestern University; Keith T. Poole, Carnegie-Mellon University; Douglas B. Rasmussen, St. John's University; Glenn Reynolds, University of Tennessee; John R. Rice, Duke University; Russell Roberts, Washington University; Randall W. Roth, Univ. of Hawaii; Charles Rowley, George Mason University; Allen R. Sanderson, University of Chicago; William F. Shughart II, University

of Mississippi; Thomas Sowell, Stanford University; Richard Stroup, Montana State University; Robert D. Tollison, University of Mississippi; Eugene Volokh, UCLA; Michael R. Ward, University of Illinois; Benjamin Zycher, UCLA; Todd Zywicki, George Mason University.

CROP INSURANCE EQUALIZATION ACT OF 1999

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. CHAMBLISS. Mr. Speaker, I rise today to introduce the Crop Insurance Equalization Act of 1999. I am honored to have Representative MARION BERRY, Representative CHIP PICKERING, and Representative SANFORD BISHOP joining me as original cosponsors of this comprehensive crop insurance reform legislation.

The need for an effective safety net could not be more obvious. It is imperative that we provide our nation's farmers with a federal crop insurance program that is affordable and workable. Our farmers cannot and should not become dependent on annual disaster bills; in the past nine years, the federal government has spent over $9.5 billion in emergency farm funds. By crafting a strong program that will both increase participation in the program and increase affordability to farmers across the nation, we have sought to eliminate the need for such yearly crop loss disaster aid.

Back in February, Georgia's Eighth District hosted the House Agriculture Committee's Subcommittee on Risk Management, Research, and Specialty Crops for hearings on the federal crop insurance program. During those hearings, I personally witnessed how frustrated farmers and agents are with the program. Simply put, the program does not work for them.

The Crop Insurance Equalization Act of 1999 addresses concerns that have been voiced to the extent possible. This reform package significantly improves the program not only for farmers in the Southeastern United States, but for those across the entire nation. This bill does not simply make cosmetic changes to the program; it focuses attention on the root of the problem by seeking to restore an improved, updated rating system. Beyond reform for the crop insurance program, this bill expands the non-insured assistance program for those who cannot participate in crop insurance.

Crop insurance reform is a top priority for this Congress, and the Crop Insurance Equalization Act of 1999 is a sufficient vehicle for achieving appropriate reform.

TRIBUTE TO JONAS BRONCK APARTMENTS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. SERRANO. Mr. Speaker, it is with joy and pride that I rise to pay tribute to Jonas Bronck Apartments for Senior Citizens, which will celebrate its 25th Anniversary of services to seniors and the Bronx community on Wednesday, June 15, 1999.

Mr. Speaker, the history of Jonas Bronck Apartments begins with the merger of one nearly-defunct Lutheran congregation and one small but vibrant Lutheran congregation in the Tremont section of the Bronx 32 years ago. In June of 1967, Pr. Albert O. Wollert, the pastor of Trinity Lutheran Church on East 178th Street, was called to serve concurrently as pastor of St. Thomas English Lutheran Church on Topping Avenue. St. Thomas English Lutheran Church had had a short but fruitful life of 59 years, but due to radical demographic changes in the neighborhood after the Second World War it has dwindled to a remnant of old members.

The young and visionary Pr. Wollert, then 39, saw an opportunity to bring life and service out of the death of a church. Within months Pr. Wollert managed to convince the ''old St. Thomas'' members to formally join with Trinity. He also managed to convince the members of Trinity to receive the small remnant of ''old Saint Thomas'' members into Trinity Church, and to name the merged congregation ''Saint Thomas Evangelical Lutheran Church of The Bronx.'' The entire operation was finalized on December 12, 1967, and on Christmas Eve the two congregations worshiped together for the first time. From this time forward the church on East 178th Street, the current location, would be known simply as ''St. Thomas Lutheran Church.''

On June 3, 1968, the ''old Saint Thomas'' building, which is still standing at its original location, was sold to Bethany Church and Missionary Alliance. For over a year, the St. Thomas Congregation considered investing the proceeds in different types of projects.

After many adjustments and readjustments, and some help from then-Governor Nelson Rockefeller, the plans for a building to be called Jonas Bronck Apartments for Senior Citizens were approved, and a combination of state and federal funding was secured. Final approval was received on April 24, 1970, from the New York State Division of Housing and Community Renewal.

Mr. Speaker, on May 5, 1974, Jonas Bronck Apartments for Senior Citizens was formally dedicated and opened its doors to the senior citizens of our Bronx community and the larger New York metropolitan area. Though Jonas Bronck Apartments was the brainchild of a former pastor and the parishioners of St. Thomas Lutheran Church of The Bronx, the 216 unit, 16 story facility for seniors is a success story of cooperation between the private and governmental sectors.

I applaud the commitment and the efforts of everyone involved with Jonas Bronck Apartments for Senior Citizens, its board, staff, and supporters for the assistance they provide to the elderly.

Mr. Speaker, I ask my colleagues to join me in recognizing Jonas Bronck Apartments for Senior Citizens and the individuals who have made 25 years of service possible.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained yesterday returning from my congressional district. Had I been present for rollcall Vote No. 204, I would have voted ''yea'' on H.R. 1400, the Bond Price Competition Improvement Act of 1999.

TRIBUTE TO RABBI RICHARD A. BLOCK

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Ms. ESHOO. Mr. Speaker, I rise to honor Rabbi Richard Block, an outstanding leader of the 14th Congressional District and senior rabbi at the Congregation Beth Am in Los Altos Hills, California for the last twelve years. Rabbi Block steps down as head of this remarkable congregation this weekend to accept the post of President and Chief Executive of the World Union for Progressive Judaism in Jerusalem, the world's largest organization of religiously affiliated Jews.

Rabbi Block was ordained and awarded a Master of Arts in Hebrew Letters at Hebrew Union College-Jewish Institute of Religion in Cincinnati, Ohio in 1982. During his academic career, Rabbi Block earned numerous awards for academic distinction, writing and sermonic excellence.

Upon ordination, he was chosen Rabbi of Greenwich Reform Synagogue in Riverside, Connecticut and in 1987 came to Congregation Beth Am in Los Altos Hills, California.

As senior rabbi he helped create a variety of programs aimed at advancing Jewish education and congregational life. His achievements include: Experiment in Congregation, a unique national partnership aimed at reinvigorating Jewish education and congregational life; the creation of a nationally recognized program to integrate émigrés from the former Soviet Union in Jewish life; the Koret Synagogue Initiative, a collaboration between synagogues, the Koret Foundation and the Jewish Community Federation. Rabbi Block was honored by the Jewish Family and Children's Services of San Francisco with their prestigious 1999 ''FAMMY Award'', in appreciation and recognition of his extraordinary caring and dedicated community service.

Prior to his rabbinical studies, this remarkable man graduated from the Wharton School at the University of Pennsylvania, as well as the Yale Law School. He served as Editor of the Law Review and as a law clerk to a U.S. District Court Judge. Rabbi Block served in the U.S. Navy's Judge Advocate General's Corps, including a term as Special Assistant U.S. Attorney in San Diego.

Rabbi Block and his wife Susan have been married over thirty years and have two exceptional and loving sons, Joshua and Zachary.

Our community will miss Rabbi Block immensely. At the same time, we are extremely

proud of the important work he will take on as President of the World Union.

Mr. Speaker, throughout his remarkable career, Rabbi Richard Block has preached a message of compassion, justice and service to others. Every day of his life he has served as a shining example of these values. It is for these reasons that I urge my colleagues to join me in honoring this noble man of faith and this passionate community leader for his inspired leadership of Congregation Beth Am. We honor him for his eloquent voice for good and his having made our community and our country infinitely better.

HONORING MRS. DORIS SPAIN ON THE OCCASION OF HER RETIREMENT FOR OUTSTANDING SERVICE TO THE TENNESSEE DEPARTMENT OF HEALTH AND THE STATE OF TENNESSEE

HON. BOB CLEMENT

OF TENESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Mrs. Doris Spain and her service to the Tennessee Department of Health and the State of Tennessee.

Mrs. Spain will retire from the Tennessee Department of Health after 33 years of faithful service on June 30, 1999. She will be greatly missed.

Mrs. Spain, a native Tennessean, began her career with the Tennessee Department of Health in September of 1966 as a stenographer in the Division of Statistical Services. She now serves as Assistant Commissioner for the Bureau of Health Services, the department's largest bureau, with overall management responsibility for approximately 3,000 employees and an annual budget of $264 million. As Assistant Commissioner, Mrs. Spain directs the delivery of public health services to the citizens of Tennessee through 95 county health departments and 13 central office programs.

Mrs. Spain is a lifetime member of the Tennessee Public Health Association and has served that organization as co-chairperson of the Program Committee, chairperson of the Arrangements Committee, chairperson of the Awards Committee, board member, vice-president, and, in 1985, as president. In 1995, Mrs. Spain served as chairperson of the Awards Committee of the Rural Health Association of Tennessee. In addition, she is a member of the Southern Health Association, the Middle Tennessee Area Health Education Council, the Graduate Medical Program/Public Health Residency Advisory Committee of Meharry Medical College, the Board of Directors of the National Association of City and County Health Officials, the Board of Directors of the Rural Health Association of Tennessee, and the Board of Directors of the Comprehensive Care Center.

Mrs. Spain has been honored numerous times by her peers throughout her career. These awards include: the Distinguished Service Award, Area Health Education Center, 1987; the Distinguished Service Award, Tennessee Public Health Association, 1987; the Alex B. Shipley, MD Award, Tennessee Public Health Association, 1987; the Presidential Award, Rural Health Association of Tennessee, 1995; the Distinguished Service Award, Tennessee Public Health Association, 1997; and in 1990, she was selected to attend the Tennessee Government Executive Institute.

Mrs. Spain has worked tirelessly to improve the quality of public health in the State of Tennessee and has unselfishly served its citizens for over 33 years. Her caring and leadership have benefited not only the Department of Health, but all Tennesseans. She has served as an example to her peers, her friends and her family. For these reasons I honor Mrs. Doris Spain today and wish her the best in her retirement. God bless.

IN RECOGNITION OF CAPTAIN D.L. ''PAPPY'' HICKS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today to honor and pay tribute to a true American hero, Captain D.L. ''Pappy'' Hicks. In a recent trip to Washington, Pappy was honored by Congress for his dedication and service in the Secret Army, which operated in Laos during the Korean and Vietnam Wars.

Pappy was a deep, covert operator in clandestine operations in South Asia from 1959 until 1982. Many of these operations have remained concealed over the years as a result of their top secret nature. American citizens and U.S. troops, alike, were unaware that any fighting was occurring in Laos during the Vietnam War, hence the operations have often been called the ''Secret War''. The Secret Army was comprised of Hmong and other Laotian Mountain people in cooperation with the Royal Laotian Army and American advisors such as the CIA, U.S. Army Special Forces, and U.S. Army covert operators. Yet, as a result of the covert nature of their service, the men who gave their lives serving in the Secret Army in Laos are not recognized on the Vietnam War Memorial. Their mission was to find potential enemies of the United States operating within the Laotian borders with the North Vietnamese. Reportedly, these men saved thousands of American lives through their efforts; thus, their recent Washington tribute was an emotional one for Pappy.

At the ceremony, Pappy was given a pa'ndua, a ritualistic cloth used to tell the history of the Hmong people, by General Vang Pao, his Laos commanding officer. In his speech, Pappy struggled to fight back tears as he recollected his time in Laos and the injuries he sustained while operating in that area. As he spoke to his fellow soldiers, Pappy remarked, ''Ever so often, years after the fact, when we become old men, we who worked in the dark are let out in the light for a moment of glory. For me, this is the day''.

Captain Hicks, from the Fourth District of Texas, currently resides in Troup, Texas, with his lovely wife of forty-five years, Marjorie Ann Tupa. Mr. Speaker, as we adjourn today, let us do so in honor of this true American hero—Captain D.L. ''Pappy'' Hicks.

UPON INTRODUCTION OF THE COMMUNITY HOSPITAL PRESERVATION ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. LaFALCE. Mr. Speaker, today, I am introducing the Community Hospital Preservation Act. The purpose of this legislation is to provide a financial lifeline to those community hospitals that are struggling for survival.

Hospitals in general are under significant financial pressure from a number of sources, which include Medicare and Medicaid cuts, reductions in managed care reimbursements, and a significant increase in the number of uninsured patients.

Small, non-profit community hospitals are particularly at risk. As non-profits, they lack the access to equity capital that for-profit hospitals have. As smaller hospitals, they lack the economies of scale and negotiating leverage that larger hospitals or chains have in dealing with suppliers, insurers, and managed care firms. In my district, statewide, and nationwide, we are seeing community hospitals cutting health care services, laying off employees, and in too many cases, fighting for survival.

The Community Hospital Preservation Act would help stabilize the finances of these hospitals and keep them operational, by authorizing up to $1 billion a year in capital loans over five years for non-profit community hospitals in financial distress.

Under the legislation, community hospitals are eligible for forgivable capital loans if they are non-profit, have assets of less than $75 million, are experiencing financial difficulties, and are an ''essential source of basic hospital health care services'' in the local community. The forgivable loans may range from $100,000 to $2.5 million per hospital. Each loan must be matched dollar for dollar with a state, local, or private grant or loan. If the hospital continues to meet annual eligibility criteria, including operational efficiencies, the capital loan will be forgiven over time, and thereby converted into a grant.

Non-profit community hospitals serve an essential public purpose in their local communities. Hospital closures or service reductions adversely affect the families and individuals who rely on that hospital for life-saving care. Hospital closure also undermine the broader economic health of a community. There is clearly a public purpose in maintaining and enhancing these institutions.

Two years ago, as part of the Balanced Budget Act, Congress reduced Medicare and Medicaid reimbursements to hospitals. The same federal government that has taken such actions should be prepared to step in to soften the blow of these cuts for those hospitals most at risk. Both political parties have pledged to set aside trillions to save Social Security for our senior citizens. It is not too much to set aside a tiny fraction of that to save the hospitals that provide essential health security for

those same seniors, as well as so many others.

A SALUTE TO RICHARD UMANSKY, MD, DIRECTOR OF THE CHILD DEVELOPMENT CENTER OF CHILDREN'S HOSPITAL OAKLAND

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Ms. LEE. Mr. Speaker, I rise to recognize and honor Richard Umansky's service to children and their families in the East Bay and Northern California. Dr. Umansky is the Director of the Child Development Center of Children's Hospital Oakland and will be retiring at the end of June 1999 after 34 years of dedicated service.

Dr. Umansky has dedicated his career to the provision of quality health care services for infants and children with developmental disabilities and for those with the risk of developmental disabilities.

Throughout his 34 year career with Children's Hospital Oakland, Dr. Umansky has displayed strong and passionate leadership. His highlights include developing and realizing a vision of comprehensive diagnostic and therapeutic services of the highest quality for the child with developmental disabilities; establishing and directing the Children's Hospital Oakland Child Development Center from 1965 to the present with the mission of providing diagnostic, treatment and prevention services for children with or at risk for disabilities, and their families; providing leadership in developing a wide range of service organizations for persons with disabilities, including the Regional Center of the East Bay; working collaboratively with community organizations to effectively link health care with other services for children with disabilities, such as the schools; training hundreds of health care providers, including physicians, public health nurses, NICU nurses, infant development specialists, therapists, nutritionists, psychologists and others; serving as a community and state advocate for improved services and funding for individual children and groups of children with disabilities; conducting and collaborating on basic and clinical research in the areas of child development, medication, behavioral therapies, and nutritional management of children with specific disorders.

Dr. Umansky has made a positive and profound impact on the lives of many individuals and organizations in our community. His leadership skills and dedication will be sorely missed. I proudly join his many friends and colleagues in thanking and honoring him for his remarkable career with Children's Hospital Oakland and extending to him my best wishes on his upcoming retirement.

EAGLE SCOUTS HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, sixteen outstanding young individuals from the 3rd Congressional District of Illinois, who have completed a major goal in their scouting career.

The following young men of the 3rd Congressional District of Illinois have earned the high rank of Eagle Scout in the past months: George C. Hollich, Jason Staidl, Scott Joschko, Edward A. Distel, Joseph Jania, Erik A. Koster, Robert J. Landers, Jr., Thomas X. Polanski, Geoffrey Nikiel, Daniel S. Kantorski, Steve A. Debnar, Marc T. Sands, David Kantorski, Kyle Rusnak, Mark Dries, and Brian E. Backstrom. These young men have demonstrated their commitment to their communities, and have perpetuated the principles of scouting. It is important to note that less than two percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities.

In light of the commendable leadership and courageous activities performed by these fine young men, I ask my colleagues to join me in honoring the above scouts for attaining the highest honor in Scouting—the Rank of Eagle. Let us wish them the very best in all of their future endeavors.

VERN STOVER RECOGNIZED FOR LONGTIME COMMITMENT TO BOY SCOUTING

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. OXLEY. Mr. Speaker, I rise today to salute an outstanding community leader who has devoted himself to public service throughout his life: Mr. Vern Stover of Mansfield, Ohio. His dedication in volunteering his time to the Boy Scouts of America has led to his being honored with the Heart of Ohio Council's Good Scout Award.

The Good Scout Award is presented to civic and community leaders who commit to living by the Scout Oath and the Scout Law, and who demonstrate a longstanding commitment to Scouting. In his 14 years as an active Scouting volunteer, Vern has more than proven his commitment and dedication to the Boy Scouts, serving in numerous capacities on various boards and committees. He is currently the chairman of the Council Advisory Board, and is a member of the Council Executive Board and the Council Long-Range Plan Properties Committee. Vern is also a Past Council Commissioner and Past National Council Representative.

Vern is a retired agent of the Federal Bureau of investigation, and currently serves as a common pleas court bailiff. In addition to his extensive work with the Boy Scouts, he also has an active record of community service with SCORE and Rotary.

As a fellow former FBI agent, I am honored to recognize my friend Vern for his exemplary record of public service, and to add my congratulations to that of many others as he receives the Good Scout Award.

A TRIBUTE TO AN OUTSTANDING PAGE, MS. KAREN RENE SCHULIEN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. PORTER. Mr. Speaker, I rise today to pay tribute to Karen Rene Schulien who has served with distinction as a House Page from September of last year until the afternoon of Friday June 11, 1999. Karen carried out her duties with a smiling face and a good attitude. She provided near-flawless service, emerging as one of only a handful of pages to not receive a single demerit the entire year! Indeed, on many days, she performed her assignments with such speed that the page directors let her leave early because she had finished all the work they could find for her! Her dedication and hard work, coupled with a friendly demeanor, serve as an example we would all be better for following.

Karen's successes speak to the strengths of the page program. Karen and her fellow pages have had the opportunity to watch historic proceedings in these chambers, including a presidential impeachment, debate on the declaration of war, and the deliberations of the budget process. Without the page program, these exceptional young people would not be able to have such learning experiences. This is a wonderful program, and I am happy to be a part of it.

Mr. Speaker, Karen served with distinction and poise, making all our jobs easier and more enjoyable. I heartily congratulate Karen on her service, and officially thank her for the time and friendship she has offered in service to the U.S. House of Representatives.

TRIBUTE TO DR. E. NEAL ROBERTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. BROWN of California. Mr. Speaker, for a number of years now, my colleague Mr. LEWIS of California and I have shared the distinct honor of representing the City of San Bernardino in the House of Representatives. It is a diverse, every-growing and ever-changing community with unique challenges and residents dedicated to working together and to making our local quality of life the best it can be. Today, we wish to recognize the outstanding achievements of a gentleman who has seen the city through a myriad of changes

and who has influenced countless lives through several generations. He has served the heart of this city—its public education system—for 45 years.

Dr. E. Neal Roberts has been with the San Bernardino City Unified School District since 1954. He began as a teacher, then served as an elementary school vice principal and principal, then made his way to the district office, holding three assistant superintendent posts. In 1982, he was chosen to be the Superintendent of San Bernardino City Schools, and in an era where superintendents of urban school districts come and go in as little as three or four years, Dr. Roberts dedicated 17 years of vision and commitment to the children in our community.

Dr. Roberts' list of achievements is practically endless. He is the true definition of an educator and a leader. During his tenure, Dr. Roberts led the district to become recognized across the state for developing and implementing outstanding programs in desegregation, student achievement and performance at grade level, school and student safety, and an assessment/accountability system for all K–12 principals and schools. His long list of honors and awards include the University of Redlands Excellence in Teaching Award, a San Bernardino County Schools Distinguished Service Award, the Golden Apple Award, a Living Legend Recognition Award, and a Citizen of Achievement Award from the League of Women Voters.

Yet what distinguishes Dr. Roberts is not his long list of awards, but his spirit of kindness, professionalism and fairness, and his clear dedication to children and to the community. He is deeply admired and respected by many, especially teachers, throughout the city. Dr. Roberts has been an inspiration and guiding force through good times and bad for the City of San Bernardino. He has seen the city through desegregation, working hard for racial equality; through economic downturns and base closures; and through ever-changing demographics that add new challenges for the school system. He has been a steady presence for students and their families and has always given his best to our community.

Dr. Roberts' stewardship has set an outstanding example and we are proud that he is our constituent. When he retires this month he will be sorely missed, yet his legacy will undoubtedly remain for years. We consider ourselves lucky to have worked with Dr. Roberts and extend our sincere thanks and appreciation for his years of remarkable service and our best wishes for the future.

AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 1999

The House in Committee of the Whole House on the State of the Union has under consideration the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes:

Mr. KOLBE. Mr. Chairman, I rise in opposition to H.R. 1000.

Although I support the reauthorization of the FAA and the Airport Improvement Program, I find the manipulation of the current budget structure in this bill detrimental to the fiscally sound budget process the Republicans have been fighting for, and have achieved, as the majority party.

Why do we want to take a step backwards, back to when this House was governed by a tax and spend policy, in a misguided attempt to drastically inflate a federal agency's budget?

Where is the Republican agenda—the agenda to make the federal government smaller, leaner, more efficient?

It is disappointing to see the bill come before the House today under the slogan of ''unlocking the Aviation Trust Fund.'' Federal trust funds are not your run-of-the-mill trust fund that can be compared to a family or business trust fund. These federal trust funds are authorizations for appropriations, and this has always been the intent since their creation.

But, don't take my word for it. Let me quote a CRS report:

Whatever their intended purposes, federal trust funds are basically record-keeping devices that account for the spending authority available for certain programs. Although frequently thought of as holding financial assets, they do not.

I repeat: trust funds do not hold financial assets; there is not money in them.

The report goes on to say:

Simply stated, as long as a trust fund has a balance, the Treasury Department has authority to keep issuing checks for the program, but balances do not provide the treasury with the cash to cover these checks.

So if it's the right policy to take trust funds off-budget, where is the cash going to come from to cover the checks written on the trust fund balances? Are we going to cut funding for our schools, for law enforcement, for environmental programs, for our Veterans? Are we going to increase the debt, raise taxes? I hope not.

And we are not talking about a few dollars. There are over 100 federal trust funds, and this bill deals with only one. But, at the end of FY1997, these trust funds had a combined ''virtual balance'' of $1.520 trillion—that's one and a half trillion dollars! If we are going to unlock our trust funds because this money was intended for specific purposes, we need to find $1½ trillion to put real money into these funds.

In addition, we simply cannot govern a nation by compartmentalizing our budget through dedicated funding streams. Revenue streams must be spent on the nation's priorities as a whole. You can't run a business by restricting cash flows to expenses directly attributable to their related sales. Can GM effectively compete in the world market if the money they received from selling shock absorbers couldn't be used for maintenance of brake manufacturing equipment? No. GM can't, and neither can the federal government.

We need to take a step back and understand where this road leads us. I understand the supporters of this measure see guaranteed money every year. Wouldn't this be nice if everyone had a guaranteed stream of cash flowing into their coffers every October First? But, that is not the way to run a fiscally responsible government.

Republicans have governed our nation's tax dollars with restraint and have given the taxpayer some of this money back with tax cuts. Let's not sabotage 4 and a half years of work. We should be looking at ways of streamlining federal agencies, not bloating their budgets by creating a mandatory account and increasing the taxes for this account.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 17, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 21

9 a.m.

United States Senate Caucus on International Narcotics Control

To hold hearings to examine the black market peso exchange, focusing on how U.S. companies are used to launder money.

SH–216

JUNE 22

Time to be announced

Foreign Relations

To hold hearings on the nomination of Gwen C. Clare, of South Carolina, to be Ambassador to the Republic of Ecuador.

SD–562

9:30 a.m.

Health, Education, Labor, and Pensions

To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on professional development.

SD–628

Intelligence

Armed Services

Energy and Natural Resources

Governmental Affairs

To hold joint hearings on the President's Foreign Intelligence Advisory Board's report to the President: Science at its

Best; Security at its Worst: A Report on Security Problems at the U.S. Department of Energy.
SD–106

10 a.m.
Foreign Relations
Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee
To hold hearings to examine confronting threats to security in the Americas.
SD–562

Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Lawrence H. Summers, of Maryland, to be Secretary of the Treasury.
SD–538

Finance
Business meeting to mark up the proposed Generalized System of Preferences Extension Act, the proposed Trade Adjustment Assistance Reauthorization Act, and the proposed U.S. Caribbean Basin Trade Enhancement Act.
SD–215

2 p.m.
Judiciary
To resume hearings on S. 952, to expand an antitrust exemption applicable to professional sports leagues and to require, as a condition of such an exemption, participation by professional football and major league baseball sports leagues in the financing of certain stadium construction activities.
SD–226

2:30 p.m.
Energy and Natural Resources
To hold hearings to explore the effectiveness of existing federal and industry efforts to promote distributed generating technologies, including solar, wind, fuel cells and microturbines, as well as regulatory and other barriers to their widespread use.
SD–366

Foreign Relations
To hold hearings on the nomination of Richard Holbrooke, of New York, to be the Representative to the United Nations with the rank and status of Ambassador, and the Representative in the Security Council of the United Nations.
SH–216

Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings to examine the Older Americans and a National Family Caregiver Support Program.
SD–628

JUNE 23

9 a.m.
Environment and Public Works
Business meeting to mark up S. 1090, to reauthorize and amend the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Superfund).
SD–406

9:30 a.m.
Indian Affairs
To hold oversight hearings on National Gambling Impact Study Commission report.
SR–485

10 a.m.
Governmental Affairs
To hold hearings on interagency Inspectors General report on the export control process for dual-use and munitions list commodities.
SD–342

Judiciary
To hold hearings on issues relating to religious liberty.
SD–226

1:30 p.m.
Environment and Public Works
Fisheries, Wildlife, and Drinking Water Subcommittee
To hold hearings on issues relating to salmon recovery.
SD–406

2:15 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 503, designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness''; S. 953, to direct the Secretary of Agriculture to convey certain land in the State of South Dakota to the Terry Peak Ski Area; S. 977, to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land; and S. 1088, to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility.
SD–366

2:30 p.m.
Judiciary
Immigration Subcommittee
To hold hearings on enforcement priorities against criminal aliens.
SD–226

JUNE 24

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine the impications of the proposed acquisition of the Atlantic Richfield Company by BP Amoco, PLC.
SD–366

10 a.m.
Health, Education, Labor, and Pensions
To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on Title VI.
SD–628

JUNE 29

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 161, to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; and S. 1047, to provide for a more competitive electric power industry.
SH–216

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on fire preparedness by the Bureau of Land Management and the Forest Service on Federal lands.
SD–366

JUNE 30

9:30 a.m.
Indian Affairs
To hold hearings on S. 438, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation; to be followed by a business meeting to consider pending calendar business.
Room to be announced

Rules and Administration
To hold oversight hearings on the operations of the Architect of the Capitol.
SR–301

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service Economic Action programs.
SD–366

JULY 1

9:30 a.m.
Indian Affairs
To hold hearings to establish the American Indian Educational Foundation.
SR–485

Energy and Natural Resources
To resume hearings on S. 161, to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; and S. 1047, to provide for a more competitive electric power industry.
SH–216

JULY 14

9:30 a.m.
Indian Affairs
Energy and Natural Resources
To hold joint oversight hearings on the General Accounting Office report on Interior Department's trust funds reform.
Room to be announced

JULY 21

9:30 a.m.
Indian Affairs
To hold hearings on S. 985, to amend the Indian Gaming Regulatory Act.
SR–485

JULY 28

9:30 a.m.
Indian Affairs
To hold hearings on S. 979, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes.
SR–485

AUGUST 4

9:30 a.m.
Indian Affairs
To hold hearings on S. 299, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health; and S. 406, to amend the Indian Health

Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; followed by a business meeting to consider pending calendar business.

SR–485

SEPTEMBER 28

9:30 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.

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