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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. ROGAN].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 4, 1997.

I hereby designate the Honorable JAMES E. ROGAN to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Rabbi Sidney S. Guthman, Congregation Sholom, Long Beach, CA, offered the following prayer:

Almighty God, Author of Liberty, to Thee we pray: Let there be for bigotry no sanction, for intolerance no assistance. For Thy bountiful blessings upon this land, we are, indeed, grateful beyond words.

We now humbly implore Thee to continue to favor us with Thy divine guidance. Inspire our legislators to reaffirm the principles of the Founding Fathers, and to embody them in wise laws.

We beseech Thee, O Merciful Father, to bless our country. May it ever be strong but just, firm but wise, a shining example for all mankind to emulate. Long may our land be bright with freedom's holy light.

May all nations become aware of their common unity and all the peoples of the world be united in the bonds of brotherhood and peace before Thee, the Father of all. May this be Thy will. And let us say amen.

THE JOURNAL

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

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

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. 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. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. THOMPSON] come forward and lead the House in the Pledge of Allegiance.

Mr. THOMPSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO RABBI SIDNEY S. GUTHMAN

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

Mr. HORN. Mr. Speaker, I have known our guest chaplain today, Rabbi Sidney Guthman, since moving to Long Beach in 1970. During the time I was president of California State University, Long Beach, he was deeply involved with the students as friend and as counselor. He is not only a spiritual leader in our region, he is also a popular community leader.

Rabbi Guthman has a long and distinguished record of service. At present he is serving as the president of the Interfaith Clergy Association of Long Beach, as well as chaplain of the Long Beach Police Department and chaplain of the Veterans' Administration Medical Center. He has served on the Long Beach Civil Service Commission by appointment of the mayor.

Rabbi Guthman is the respected conscience of our community. During any time of unrest or confusion, he is there writing articles for the newspapers, organizing forums for airing differences, and generally bringing people together.

This year Dr. Guthman celebrates the 60th year of his ordination from the Jewish Theological Seminary of America. It is an honor to have Rabbi Guthman serve as guest chaplain in the House of Representatives on this day. I thank Rabbi Guthman for his moving prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain fifteen 1-minute speeches on each side.

IN MEMORY OF FORMER MISSISSIPPI REPRESENTATIVE FRANK SMITH

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

Mr. WICKER. Mr. Speaker, my colleague from the Second District of Mississippi and I have the sad duty this morning to report the death of one of our former House Members from Mississippi, Frank Ellis Smith, who served

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capably for 6 terms in the House of Representatives and died on August 2 in Jackson, MS, at the age of 79.

After fighting in the European Theater during World War II, Frank Smith returned to his hometown of Greenwood to become managing editor of the Greenwood Morning Star. Two years later in 1947 he was elected to the Mississippi Senate, and shortly afterward he came to Washington to serve on the staff of Senator John C. Stennis.

He was elected to Congress in 1950 and served until 1962. During that time he was a leader in efforts to bring economic development to the South, serving as president of the Lower Mississippi Valley Flood Control Association. From 1955 to 1962, he was a member of the North American Treaty Organization Parliamentary Committee.

In retirement, Representative Smith served as a visiting professor of public policy at Virginia Polytechnic Institute and State University and was later special assistant to Mississippi Governor William Winter from 1980 to 1983. He was the only Mississippian ever to serve on the board of the Tennessee Valley Authority.

Representative Smith was the author of six books and edited other publications. He operated a well-known bookstore in Jackson for many years. He is survived by his wife Helen, a son, a daughter, and 3 grandchildren.

Mr. Speaker, during his exemplary career Frank Smith made his mark on the Mississippi political scene as a legislator who took care of his constituents, voted his convictions, and worked to improve economic opportunities for his State and Nation.

PASSING OF FRANK ELLIS SMITH

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

Mr. THOMPSON. Mr. Speaker, it is with a heavy heart that I rise today. During the break, Frank Ellis Smith, one of my constituents, passed away. A former Member of this body, Frank Ellis Smith dedicated his life to economic development in my home State, the hospitality State, Mississippi.

Frank Smith fought valiantly in World War II, earning the Bronze Star for his heroic service record. His work with NATO has made the world a safer place and his efforts as an educator have filled the minds of young Americans with the knowledge necessary to realize full, rewarding lives. Mr. Smith was a great Mississippian and a loyal, dedicated American. He has left behind a legacy of achievements that have brought honor to every person proud enough to call themselves a Mississippian.

TERRORIST BOMBINGS IN JERUSALEM

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

Mr. FOLEY. Mr. Speaker, on July 30, the world was shocked to learn that bombings carried out by two Arab suicide bombers in Jerusalem had killed 13 Israelis. Now this morning we are again horrified to learn that yet another terrorist attack in an outdoor mall in Jerusalem has claimed the lives of at least 5 people and injured hundreds more.

Since 1993, terrorism instigated by the Palestinian Authority has resulted in the deaths of over 230 Israelis and United States citizens. When does it stop?

Palestinian leader Yasser Arafat has continually fanned the flames of violence through inflammatory rhetoric and tacit approval of terrorism. Congress must make it clear to the Palestinian Authority that violence must end.

Before Congress adjourned for the August recess, we took a step in the right direction by adopting an amendment to the Foreign Operations appropriations bill that will suspend $100 million in aid to the Palestinian Authority until the President can certify that the Palestinian Authority is meeting certain human rights conditions and fully implementing the Oslo peace accords.

Besides failing to suppress terrorism, the Palestinian Authority has failed to fulfill security agreements mandated by the Oslo accords by refusing to confiscate all illegal arms and refused repeated Israeli requests to extradite known Palestinian terrorists. We must strongly condemn today's action and work for peace in the Middle East.

EDUCATION STANDARDS

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

Mr. PALLONE. Mr. Speaker, students all over the country are going back to school this week. During the budget debate this summer, Democrats in Congress pushed an education agenda over the opposition of Republicans that provided significant help to college students to help finance their education. This included expanded Pell grants, education tax credits and deductions, including the $1,500 HOPE scholarship.

During this fall, Democrats will focus on raising education standards across the country and on the need to rebuild crumbling and overcrowded schools. Republicans have already vowed to fight the President's plan to raise education standards, but Democrats understand that the Federal Government can help students master the basics of reading and math. Raising education standards should be a national goal.

EDUCATIONAL SYSTEM IN DISARRAY

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

Mr. JONES. Mr. Speaker, I rise today to talk about America's future, her children. As an American and as a parent, I know that nothing is more important than our children. One of our children's most critical resources, however, is failing the children.

The educational system in America is in disarray. Test scores are low, dissatisfaction is high, and some children cannot even go to school without fearing for their lives. It is time to get our schools back on track. The way to do this is not to continue to pour Federal money into failing programs but to give control back to the people who know what is best for our children: The parents, the teachers and the community. In these capable hands, America's children can again receive the education they need and they deserve.

TIME TO CLOSE THE SCHOOL OF THE AMERICAS

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, in the next couple of hours, this House will have the opportunity of closing down the School of the Americas. This is one of the worst vestiges of this country's foreign policies over the course of the last couple of decades. While the cold war has ended, the association of this country in hundreds of villages throughout Latin America, in thousands of families where human rights abuses have taken place time and time and time again, those who perpetrated those human rights abuses have one thing in common. They were graduates of the School of the Americas.

This is a school that is funded by U.S. taxpayers. It has trained the Latin American militaries how to come to this country and learn to kill, torture, and maim more efficiently. It is a school that should never have been associated with U.S. taxpayer funds. It is a school whose time has not only come and gone, but whose time should never have been associated with this country.

It is time, I believe, for us to close down the School of the Americas. I ask Members on both sides of the aisle, save the taxpayers money. Close the School of the Americas.

EDUCATION SAVINGS ACCOUNTS

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

Mr. HUTCHINSON. Mr. Speaker, all of our efforts to improve education for America's children are aimed at, in the words of Gen. Colin Powell, allowing all the children in our country to share in the American dream. A good education is not necessary to obtain the American dream, but it is certainly your best bet on the road to achieving it.

Colin Powell has been going around the country talking about the fact that there are still Americans who are not sharing in that dream and ability to succeed in life. One reason they are not is because too many children live in neighborhoods with bad schools and their parents lack the resources to send their children to a private school or to a good public school, a better one in their neighborhood. One way we can help those parents who care deeply about the education of their children is to pass legislation called A-plus Accounts. These are education savings accounts that will make it a little easier for parents who want their children to share in the American dream. A-plus accounts will help those who want to get ahead by making it easier for parents to save money for their children's education, and I think this is important.

□ 1015

PASS H.R. 367 AND PUT SOME CONTROLS ON THE INTERNAL REVENUE SERVICE

(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, the IRS says, ''Members are picking on us.'' Poor, poor IRS; do I hear violins? How about a pity party? Let us tell it like it is:

When an $80,000 disagreement turns into $330,000 in penalties and fines in 3 short years, when taxpayers commit suicide, when taxpayers are told to their face that they just died, when taxpayers, in fact, are targeted for audits because they politically oppose the IRS, we are not picking on the IRS, we are telling the truth.

Mr. Speaker, the further truth is, when the IRS makes Vito Corleone look like a Boy Scout, something is very wrong.

Shame IRS, shame. They should hide their two faces. It is time for the Congress, like the people, to be taxed off, and pass H.R. 367 and put some controls on the executive branch and the Internal Rectum Service.

THE TRAGIC DEATH OF THE PRINCESS OF WALES

(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, I rise today to join my colleagues in recognizing the tragic death of the Princess of Wales. Princess Diana in her very short life won the hearts of millions of Americans from all walks of life.

As a mother, she took her children outside of the palace gates, outside of the wealth of the monarchy, to visit homeless shelters so they could better understand life in the real world. As a caring and compassionate leader, she shook hands with AIDS patients when many were still afraid to touch them.

Princess Diana never considered herself a celebrity; instead she thought of herself as a humanitarian, raising millions of dollars for charities both here in America and around the world as well.

Most recently, she displayed passion for victims of land mines. In this area, she worked tirelessly to change the foreign policies of all nations to ban the use of military land mines.

Mr. Speaker, it is most appropriate that Congress honor the life of Princess Diana today in a resolution praising her numerous achievements and contributions to the world.

THE TIME HAS COME FOR THE REPUBLICAN LEADERSHIP TO PUT CAMPAIGN FINANCE REFORM ON OUR AGENDA

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

Mr. MILLER of California. Mr. Speaker, the cancer of soft money that is growing on our political system continues, and the cancer of soft money that is corrupting and ruining our ability to govern this Nation is continuing.

Yesterday, the Los Angeles Times pointed out that there has been a 250-percent increase in soft money contributions to the Congress in the first half of this year. They point out in the 1996 election that $260 million was collected in soft money contributions, contributions that go around the limits that are placed on Federal elections, and that is three times the amount that was spent in 1992.

Just recently, the American public witnessed large soft money donors to the parties in this Congress, being rewarded with tax breaks in the tax bill, tax loopholes, and tax preferences that no one else could achieve but those who gave hundreds of thousands of dollars in soft money.

The time has come for the Congress to ban soft money. The time has come for the Republican leadership to put campaign finance reform on the agenda of this House so the people can go back to having their voices heard and not those of the special interests who are giving soft money contributions.

THE SOONER WE GET OUT OF BOSNIA, THE BETTER

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

Mr. PAUL. Mr. Speaker, NATO has announced it will now use lethal force in Bosnia. NATO, of course, means the United States, both our dollars and our troops. Little concern is shown here in Congress as we appropriate billions of dollars more for Bosnia with no end in sight.

Policing this area is an impossible task as NATO interferes with TV broadcasts and arresting and trying so-called war criminals. Current policy is only leading to an escalation of the conflict. Ethnic hatred and border fights have been going on in this region for centuries.

Mr. Speaker, the United States will not solve these problems. It is impossible for us to do so. We are already being blamed by the Bosnians as our troops are being attacked with stones and homemade weapons. Congress must bear some of the responsibility for the coming policy disaster. The President cannot act without funds, funds which only Congress can appropriate. Our efforts in Bosnia have nothing to do with national security. We have a responsibility to our troops and our current policy exposes them to unwarranted danger.

Congress must defund the Bosnian conflict. The sooner we get out of Bosnia, the better.

ANNOUNCEMENT OF INTENTION TO USE EXTRAORDINARY TACTICS TO ASSURE DEBATE ON CAMPAIGN FINANCE REFORM THIS MONTH

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

Mr. DOGGETT. Mr. Speaker, this month provides us the last hope to accomplish any meaningful change in the way that the 1998 congressional elections are conducted.

Now Speaker GINGRICH has made clear that he opposes any meaningful change in the way Federal elections operate. Indeed, the only change that the Gingrich Republicans seem to favor is to have not less but more campaign spending, more campaign ads, and more campaign fund-raising. Speaker GINGRICH has set forth a narrow-minded agenda for this month that excludes even the opportunity to debate the many proposals that have been advanced by both Republicans and Democrats to change campaign financing.

I believe we need a strong ban on soft money, but whatever the approach that is taken, we need a debate this month, and we are here today to say specifically to Speaker GINGRICH and the Republican leadership, Whether you schedule a debate on campaign reform this month or not, we are going to have one. We will have vote after vote; we will engage in extraordinary tactics to assure debate on real reform because of your extraordinary refusal to permit that reform.

ATTITUDES AND THE VALUE PLACED ON EDUCATION ARE WHAT MATTER MOST

(Mrs. KELLY asked and was given permission to address the House for 1 minute.)

Mrs. KELLY. Mr. Speaker, in Life magazine this week there is a fascinating article about Oprah Winfrey and the influence books have had on her

life. To my mind, the article reveals more about education and whether a child grows up wanting to read books than all the useless conferences on education that go on in this town. Oprah relates an incident that happened to her as a child that made quite an impression on her. Although she is an avid reader today, her mother was not, and she recalls:

> I remember being back in the hallway when I was about 9, and my mother threw the door open and grabbed a book out of my hand and said, ''You're nothing but a something, something worm. Get your butt outside. You think you're better than the other kids.''

Mr. Speaker, this kind of attitude has harmed the education and future prospects of many children in America. They are not told that books and an education are the ticket to future success.

During all the talk about education reform, let us remember that attitudes and values placed on education are what matters most. Loving parents and teachers who teach the importance of learning matter, plain and simple.

SAFE SCHOOLS FOR OUR CHILDREN—A COMMITMENT WORTH FIGHTING FOR

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, this month our Nation's children will return to school, but for many of these children a schoolroom is not a place to learn but a place to survive. Like our roads and bridges, our Nation's schools are crumbling.

In my district in New York, children are trying to learn in conditions that we should be ashamed of, crumbling walls, leaking roofs, and overcrowding. How can a child be expected to learn to read and write when the walls are literally falling down around them?

Earlier this year the Republicans killed our plan to provide $10 billion to help rebuild our schools. The Republicans seem to think that it is OK for children to study in trailers and closets.

Democrats are committed to making sure that every child in this country has a modern, safe school in which to learn. This is a commitment we have made to our children, and it is a commitment worth fighting for.

PLO CHAIRMAN ARAFAT MUST KEEP HIS WORD AND CARRY OUT AGREEMENTS

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

Mr. SNOWBARGER. Mr. Speaker, again this morning the world is horrified by terrorist violence in Israel. Once again, terrorist bombers have murdered civilians at a Jerusalem marketplace.

When I traveled last month with several of my colleagues to Israel, we met with Prime Minister Netanyahu and PLO Chairman Arafat. In our meeting with Mr. Arafat, we questioned him about the Palestinians' authority, failure to crack down on terrorists, and their continuing incitements and encouragement of violence against Israelis. He claimed to be doing all that he could to prevent terrorism.

But this assertion rings hollow when we contrast the Palestinian Authority's actions or the lack of them with the chairman's words. The Palestinian Authority is obligated to cooperate with Israeli security services but it refuses to extradite known terrorists, and officials of the Palestinian police are themselves implicated in terrorism. It has agreed to refrain from inciting violence and try to prevent others from doing so, and yet key Palestinian officials unleash violent assaults against Israelis, Jews, and Americans.

And Arafat himself has praised terrorists as martyrs. This leads me to question what his words are actually worth. Israelis want peace. They want it so their children can be safer from constant threat of terrorist violence.

Mr. Speaker, we must tell Mr. Arafat that unless he can keep his word and carry out his agreements he has already made, he cannot expect people to take him seriously as a partner in further negotiations.

IMPROVE OUR SCHOOLS AND GIVE EVERY KID IN THE NATION A SHOT AT THE AMERICAN DREAM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it is our responsibility as Members of this body to help ensure that every child in this great Nation has a shot at the American dream. Education has always been a critical part of that dream because it is education that opens the doors to opportunity in our society. It is our responsibility to make sure that every American child is taught to read, to write, to compute, and taught all the other skills necessary for them to compete in a global and in a modern economy.

We need to make sure that the kids in Portland, ME are held to the same high standards as the kids in Portland, OR, and that a high school diploma earned in Albany, NY means as much as the diploma that is earned in Albany, GA.

Republicans have vowed to defeat Democratic initiatives and to reform our schools and to ensure that all of America's children receive a quality education and that, in fact, we have high standards that are adhered to in this country. My Republican colleagues even want to get rid of the Department of Education. However, Democrats are united in this effort. We are going to continue to fight to improve our schools and to give every kid in this Nation a shot at the American dream.

DEMOCRATS AND REPUBLICANS NEED TO WORK TOGETHER ON EDUCATION

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

Mr. SMITH of Michigan. Mr. Speaker, do not make education a partisan issue. We have now proven that Republicans and Democrats can work together when we are doing something the American people want. We have ended up with a balanced budget, the first time in 31 years. We have ended up with tax cuts, the first time in 16 years. We have been able to work together as Democrats and Republicans because we were doing something the people want. Now we need to work together in education.

My wife was a teacher. My daughter, Juliana, is a teacher in Grand Rapids, MI. My daughter-in-law, Diane, is a teacher. We need to get back to some of the old-fashioned dedication where parents are interested in what their kids are doing in school, and spend time with their kids as well as attending school meetings. We need a renewed respect for teachers in their schoolrooms.

Look, when great people are interviewed and they are asked what was the greatest effect on their lives, they say, my parents, teachers that helped me and inspired me.

We need to get rid of 30 years of liberalism in the classroom. Republicans and Democrats need to work together, not to have the Federal Government manage education, but to develop an environment that encourages parents to be more involved in the decisions that affect their children's educational lives.

GET OFF THE TEST ISSUE AND BACK TO EDUCATION

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

Mr. GREEN. Mr. Speaker, I would like to congratulate my colleague from Michigan, and I agree education should not be a partisan issue. In fact, the bipartisan budget agreement, the education tax cuts to help parents prepare to send their kids to college, increased Pell grants, HOPE scholarships, put our money where our values are. That was bipartisan although it was not part of the original budget package until Democrats talked about it. But now he is right; we need to focus our attention on kindergarten through the 12th grade, public education.

Voluntary national standards should be adopted by the States. Many States are already doing it. Texas has already

done this. Education is a national concern, but a State and local responsibility. But Congress needs to help. Congress needs to provide assistance to those parents and those teachers and those principals and those people who are working every day to provide that quality education.

The Republican majority was convinced last month, or in July, that college education was helped. Now the American people need to convince this Congress we need to work on public education, kindergarten through 12th grade.

We talk about national tests today, but we are not talking about really quality education. Let us get off the test issue and get back on just talking about education.

□ 1030

THE 125TH ANNIVERSARY OF ROCKMART, GA

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

Mr. BARR of Georgia. Mr. Speaker, I rise today to congratulate the city of Rockmart, GA, which I am proud to represent, on its 125th anniversary, which it celebrated just last week on August 26, 1997.

Rockmart has a distinguished history as the birthplace of social, economic, and religious trends that have spread across northwest Georgia. Sam Jones, the internationally known 19th century Baptist evangelist, lived in Rockmart. The last survivor of the Revolutionary War in the South, Micajah Brooks, was buried in Rockmart following his death in 1863 at the age of 101½ years.

Rockmart is renowned for the slate and bricks it has exported across the world. Rockmart bricks can be seen on the bricks of London, England, and even occasionally wash up on the shores of Florida.

Rockmart's rich traditions are continued today by its citizens who have the privilege of living in one of the most friendly and beautiful communities in the entire country. The Rockmart of today combines the charm of smalltown America with economic opportunities with an envied quality of life that continues to grow on a daily basis. It is a fortunate person indeed who can claim Rockmart, GA, as their home, and it is a fortunate Member of Congress who has the honor of representing such a beautiful, all-American community in the U.S. House of Representatives.

SOFT MONEY MUST BE BANNED

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

Mr. MEEHAN. Mr. Speaker, as Congress reconvenes this week after successfully passing a balanced budget deal, we have a major piece of business that we need to finish, campaign finance reform. Yet when the Republican leadership was asked what was on the agenda for the rest of this year, campaign finance reform was nowhere in sight.

So far this Congress, the Speaker has delayed over and over, refusing to bring up campaign finance reform, refusing to schedule a vote in the first 100 days, refusing to schedule a vote and accepting the President's challenge by July 4. Now he wants to end this year without dealing with campaign finance reform.

Well, many of us feel it is not too late. In fact, the only way to affect the 1998 elections and change the campaign finance system is to pass campaign finance reform now.

We have proposed ending soft money, abolishing soft money. Surely all of us can agree with all of the political hearings that have been held in Washington that there is a need to end soft money. This is a simple thing to do.

The only way we can affect the 1998 elections is to end soft money, and we are going to begin that battle this week.

SPEND EDUCATION DOLLARS IN THE CLASSROOM

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

Mr. COOK. Mr. Speaker, I would just like to quickly go on record before I talk for a minute about education to say AL GORE has some interesting things in the news today in respect to what my Democratic colleague just indicated on campaign finance reform.

Mr. Speaker, I rise in strong support of the concept that no one knows more about the educational needs of a child than his parents and his teacher. No one knows more about the educational needs of a community than local school boards.

To most of us, this is just common sense. It is obvious. But it is apparently not obvious to those who for decades have poured hundreds of millions of dollars into a Federal education bureaucracy that has done little, if anything, to improve education in the classroom.

It is time to turn that around. It is time to focus our attention on what goes on in the classroom and the community and not what goes on in Washington, DC.

I support the initiatives in Congress that give parents, teachers, and school boards a stronger voice in the education of our children. Initiatives like the Dollars for the Classroom resolution, which puts children first by calling for 90 percent of Federal education dollars to be spent in the classroom and not on the perpetuation of a Federal bureaucracy.

AMERICANS DESERVE A VOTE ON SOFT MONEY

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

Mr. TIERNEY. Mr. Speaker, I join my colleagues today in rising and asking for a vote on campaign finance reform. I understand the desire of many Members of this House to go home and talk about the things that have been accomplished to date, and no doubt there is much that has been accomplished.

But we have unfinished business, Mr. Speaker. Education obviously is one piece of that business, but when we do it, we need to speak with a credible voice. We are not going to speak with a credible voice unless the American people really believe that the people here are voting on their interests, the interests of the American people, and not on special interests. We can do that if we address campaign finance reform. We should talk about it in the most comprehensive terms, but we should at the very least talk about doing away with soft money.

No matter what party may have had grievances in the past, no matter what individuals may be called into question, the only way that this body gets any bit of comprehensive faith and trust from the American people is if we take on the issue, we debate it, we deliberate, and we vote on campaign finance reform before we go home this session. It is the American people's business; it is our business to see to it.

FIRST SURPLUS IN 30 YEARS ANTICIPATED

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

Mr. NEUMANN. Mr. Speaker, I too would like to encourage my Democrat colleagues who are calling for campaign finance reform to start with the Vice President and the hearings today, and let's make sure the laws on the books today are being adhered to.

I rise today with good news for this country. CBO put out new numbers yesterday, and it is more likely than ever that next year, 4 years ahead of schedule, for the first time since 1969 we will have a balanced budget. For first time since 1969, it is going to force Washington to deal with something they haven't dealt with in 30 years, and that is a surplus. For first time since 1969, next year we start looking at a budget surplus.

We need to remember, however, that even after we reach a balanced budget, we still have a $5.4 trillion debt. In order to address this issue, we have introduced the National Debt Repayment Act. It would require that one-third of the surplus be used to reduce taxes further, and two-thirds go to pay down the Federal debt; and in paying down the

Federal debt, we also put the money back into the Social Security trust fund that it has been taken from.

The National Debt Repayment Act would repay the entire Federal debt by the year 2026, would restore the Social Security trust fund, and guarantee additional tax cuts each year as far as the eye can see. Good news for America.

TRIBUTE TO PRINCESS DIANA

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

Mr. LEWIS of Georgia. Mr. Speaker, on behalf of the people of Atlanta and the Fifth District of Georgia, I rise to pay tribute to a beautiful and gracious woman, Princess Diana. With beauty, dignity, and grace, she saw suffering, she saw pain, and she did something about it.

Leading a crusade of love and compassion, Princess Diana put a face on people suffering from AIDS. She comforted the sick and the poor. As she helped war-ravaged children in Angola, she focused the world's attention on the devastation of landmines. As the public gazed on her, Princess Diana opened our eyes and our hearts.

Today, we mourn for her family, especially her two young sons, but we also mourn for all of humankind, because the world has very few Dianas.

We are more than lucky. As members of the human family, we are blessed to have known this beautiful person.

Mr. Speaker, our hearts are heavy from this tragic loss. The world is a darker and colder place without the radiance of Princess Diana.

We will miss you. Rest in peace, Sweet Princess.

VIOLENCE MUST END IN MIDDLE EAST

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

Mr. FOX of Pennsylvania. Mr. Speaker, today, I come to the well of the House to urge my colleagues to support the Fox-Miller amendment to protect the African elephant and support the CAMPFIRE Program. But as I came over here, I learned about the tragic news in Israel.

As the United States is the world's leader for democracy, we have a responsibility to speak up for Israel, the only democracy in the Middle East. Hamas has taken the credit for the latest bombing in Israel that killed innocent victims.

Yasser Arafat has violated the Oslo accords and encouraged violence against Israelis. The Congress and the President must work together now to bring peace to the Middle East and to end the violence.

IMPROVING EDUCATION NATIONWIDE

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, tens of millions of children this week headed back to school. Their parents were taking them to the front doors of the schools and sending them in with high hopes and high expectations.

Those hopes and expectations, unfortunately, might be dashed if those parents were able to see the numbers that we know about here in Washington: that since 1960 we have spent 200 percent more on government schooling, and SAT scores have dropped 70 points in that same time period. Our international comparisons suffer when we line our math and science scores up against our international competitors.

Sadly, people in some quarters still look to Washington to try to fix this problem.

Well, I am here to tell you about some exciting things that have taken place throughout the country. Tuesday morning I was on hand as we opened up the first charter school in northern Colorado. Three of my four children are attending that school today. There are more charter schools in the State, hundreds more throughout the country.

What concerned parents are realizing is that the answers to fixing our schools are not to be found here in Washington by a large, centralized bureaucracy. They are to be found at home where parents are treated like real customers, teachers are treated like real professionals, and school choice allows an opportunity to improve the quality of public education nationwide.

PRIDE IN THE SCHOOL OF THE AMERICAS

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

Mr. BISHOP. Mr. Speaker, for the past 4½ years, I have had the honor of representing the area of southwest Georgia where the School of the Americas is located.

I am proud of the school. All Americans should be. It has provided professional training to thousands of military and civilian police personnel from throughout Latin America, including extensive indoctrination in the principles of human rights and representative democracy.

For less than $4 million a year, the school promotes democracy, builds stronger relationships with our neighbors, and combats narcotics trafficking. Some handful of the school's graduates have committed terrible crimes, but over 68,000 have been on the front lines of the move toward democracy in Latin America.

The school has undergone a series of investigations and studies, and all confirm that it has been a force for good in our hemisphere.

I urge all of my colleagues to visit the school, learn more about the job it is doing, and not to rush to judgment on the basis of false and unfounded accusations made by people who may have good intentions, but who have little regard for the facts.

Mr. Speaker, I urge our colleagues to support the truth. Support the School of the Americas.

POLITICAL ''NEW MATH''

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

Mr. KINGSTON. Mr. Speaker, summer is over, schools are open, the kids are back, reading, writing and arithmetic.

There are a lot of ideas kicking around about how best to teach to our children. One creative, yet controversial, idea in Houston asked math problems using street examples about drug dealers and guns and prostitution and murder and so forth.

Maybe that idea was a bad one, but we could try some political questions.

For example, if illegally using White House phones, AL raises $30,000 a call from Democrat fat cats, how long does it take him to raise an illegal $120,000?

If AL reimbursed the taxpayers $24.20 for raising the $120,000, how much profit does he make?

If Bill rents the Lincoln Bedroom for $100,000 a night, how many nights does he have to rent it to raise a million dollars?

If the Clinton appointees state under oath ''I can't recall'' once a second, how long would it take them before we have heard it one trillion times?

You know, the Democrats are real upset about campaign finance reform. It is about like asking Mike Tyson to lead a fair-fighting commission.

It is absurd, Mr. Speaker. Let us start looking at the White House if we want to talk campaign finance reform.

□ 1045

IN CONDEMNATION OF TERRORIST BOMBING IN JERUSALEM

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

Mr. NADLER. Mr. Speaker, I rise today to condemn the brutal and cowardly terrorist bombing in a shopping area crowded with women and children and tourists in Jerusalem this morning. At least 6 people have been killed and another 138 people wounded.

The United States and the world must be clear and unwavering that murder will never bring peace, and that as long as Mr. Arafat continues to embrace terrorists, as he did only last

week, he cannot be a credible peace partner. He cannot talk peace and give a green light to terrorism.

The Secretary of State is planning to visit the Middle East. The United States can be a force for peace in the region, but not if we overlook these acts of terrorism. Our Government must send a clear and unmistakable message to the PLO that they cannot continue along their current path and expect this Nation to look the other way.

Most of all, we must stand with Israel in support of her efforts to stop these vicious acts of terrorism. In supporting a safe and secure Israel, we will advance the cause of peace, for it is only when Israel's neighbors know that the United States stands unwaveringly behind Israel's right to security will they be willing to consider peaceful coexistence.

It is the right of every nation to provide security for its people. We exercised that right in condemning Timothy McVeigh, and we should support Israel's efforts to do the same.

WHO REALLY WANTS PEACE IN THE MIDDLE EAST?

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

Mr. GILMAN. Mr. Speaker, I regret to inform my colleagues of yet another terrorist bombing in Jerusalem which has left six dead and scores wounded. This latest atrocity against unsuspecting and innocent civilians is an especially serious challenge to the peace process. The militant wing of Hamas took only moments to claim responsibility for today's atrocity, the very same Hamas whose leadership Palestinian Chairman Arafat publicly and warmly embraced this very week that our House delegation was in Israel to assess the status of the peace process.

Clearly there are reactionary forces seeking to destroy the peace process. But, Mr. Speaker, the question we must now ask, what kind of signal did Arafat send to the so-called extremists with his public embrace of Hamas? Was this yet another green light?

Mr. Speaker, it is time to ask the important question, who really wants peace in the Middle East, and who is merely paying lipservice to that goal?

CAMPAIGN FINANCE REFORM

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

Mr. MCDERMOTT. Mr. Speaker, this House has ignored a problem that the Speaker and the President shook hands on over 2 years ago, saying we were going to deal with the whole question of campaign finance.

The amount of money that was spent in the last campaign was absolutely atrocious. It is a scandal how much money is raised and spent in campaigns. It will soon be possible only for those who are very rich or those who accept so much money that they cannot have independent judgment to come into the House of Representatives.

I sit on the Committee on Ways and Means. We passed a tax reform bill in this House giving the tobacco industry a $50 billion tax break, at a time when they are seeking a settlement in many States in this Union for health-related problems that have been caused by the tobacco industry.

Mr. Speaker, the only way we can justify or we can explain a $50 billion tax break is on the basis of the contributions made to campaigns in this House of Representatives. It is wrong and it must be addressed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 695

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 695.

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

There was no objection.

MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the privileged motion.

The Clerk read as follows:

Mr. Miller of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MILLER of California. 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 53, nays 371, not voting 9, as follows:

[Roll No. 355]

YEAS—53

Andrews
Bonior
Boswell
Brown (FL)
Clay
Conyers
Coyne
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Doggett
Eshoo
Farr
Fazio
Filner
Flake
Foglietta
Frost
Gejdenson
Gephardt
Hastings (FL)
Hefner
Jefferson
Kaptur
Kennedy (RI)
Kilpatrick
Lewis (GA)
Lowey
Maloney (NY)
McDermott
McNulty
Millender-McDonald
Miller (CA)
Mink
Oberstar
Owens
Pallone
Payne
Pelosi
Slaughter
Smith, Adam
Stabenow
Stark
Torres
Towns
Waters
Wexler
Woolsey
Yates

NAYS—371

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
Delahunt
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond

Regula	Sessions	Tauzin
Reyes	Shadegg	Taylor (MS)
Riggs	Shaw	Thomas
Riley	Shays	Thompson
Rivers	Sherman	Thornberry
Rodriguez	Shimkus	Thune
Roemer	Shuster	Thurman
Rogan	Sisisky	Tiahrt
Rogers	Skaggs	Tierney
Rohrabacher	Skeen	Traficant
Ros-Lehtinen	Skelton	Turner
Rothman	Smith (MI)	Upton
Roukema	Smith (NJ)	Velazquez
Roybal-Allard	Smith (OR)	Vento
Royce	Smith (TX)	Visclosky
Rush	Smith, Linda	Walsh
Ryun	Snowbarger	Wamp
Sabo	Snyder	Watkins
Salmon	Solomon	Watt (NC)
Sanchez	Souder	Watts (OK)
Sanders	Spence	Waxman
Sandlin	Spratt	Weldon (FL)
Sanford	Stearns	Weller
Sawyer	Stenholm	Weygand
Saxton	Stokes	White
Scarborough	Strickland	Whitfield
Schaefer, Dan	Stump	Wicker
Schaffer, Bob	Stupak	Wise
Schumer	Sununu	Wolf
Scott	Talent	Wynn
Sensenbrenner	Tanner	Young (AK)
Serrano	Tauscher	Young (FL)

NOT VOTING—9

Bono	Lazio	Schiff
Engel	Manton	Taylor (NC)
Gonzalez	McCollum	Weldon (PA)

□ 1110

Mr. HEFLEY, Mr. KASICH, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''yea'' to ''nay.''

Mr. GEPHARDT and Mr. YATES changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I was necessarily absent during rollcall vote 355. If present, I would have voted ''no'' on rollcall 355.

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2159) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous materials.

The SPEAKER pro tempore (Mr. ROGAN). Is there objection to the request of the gentleman from Alabama?

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 24, 1997, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2159.

□ 1113

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 further consideration of the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When the Committee of the Whole rose on Wednesday September 3, 1997, the bill had been read through page 94, line 3, and pending was the amendment numbered 38 by the gentleman from Indiana [Mr. BURTON].

Pursuant to the order of the House of that day, no further amendment is in order except the pending amendment by the gentleman from Indiana [Mr. BURTON]; amendment numbered 1 in House Report 105–184, and the amendment to that amendment, each under the terms of the order of the House of Thursday, July 24, 1997; and the amendment numbered 40 by the gentleman from Indiana [Mr. BURTON].

Is there further debate on the amendment numbered 38 by the gentleman from Indiana [Mr. BURTON]?

□ 1115

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the amendment.

To refresh the Members' memory, last night when we rose, we were debating the Burton amendment which would cut aid to India.

Mr. Chairman, every Member of the House supports the establishment and maintenance of democratic governments throughout the entire world. It is in our national interest and it is in the interest of the people of the world that stable democracies are nurtured and supported. India is the world's largest democracy. Outside of China, it is home to the largest potential free market in the entire world.

Why we would want to jeopardize our relations with India by passing an amendment to cut aid to that country by 25 percent is just beyond me. India is not perfect. Neither is the United States; there is no question about that. But it is also home to half of the poor of the world. Fifty percent of its children are malnourished. Do we want to turn our backs on these problems? Of course, we do not.

Among other things, our assistance program is targeted at economic reform and energy development. The tremendous potential for economic growth and trade with the United States is a key reason for our assistance program and why it should be continued.

Now, the United States is India's largest trading partner. If political disputes with China reduce our trade with that country, where can we turn for an equally large market in Asia? We can turn only to India.

I know human rights problems have existed in India in the past, but I know few countries of the world that have escaped such problems. India has established a national human rights commission, and police and other security force personnel have been successfully prosecuted for human rights violations. Local human rights groups monitor progress in this area and regularly publish their findings.

The United States is also encouraging talks between India and Pakistan to ease tensions between those two countries. It is hard for the U.S. to be an honest broker if we poke India in the eye by adopting this pending amendment.

The House has spoken on this issue before, including the consideration of the 1997 foreign operations bill, when it defeated a similar amendment by a vote of 296 to 127. I urge the House to do what it did last year and to reject this amendment which would cut aid to India.

Mr. Chairman, I include for the RECORD a letter from the Indian Ambassador and ask that it be inserted at this point:

AMBASSADOR OF INDIA,
Washington, DC, July 11, 1997.

Hon. SONNY CALLAHAN,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN CALLAHAN: Almost a year ago when I had just about started my assignment as Ambassador to this great country, I had occasion to write to you on an amendment moved by Congressman Dan Burton on the Foreign Operations Bill. This amendment was not approved by a vote of 296 to 127. It now appears that the House would be moved to consider a similar amendment to the Foreign Operations Bill for FY 1998.

First, I would like to say that my year in Washington has been a most interesting and rewarding experience, the highlight of which has been the encouragement and support that I have received from Members of Congress, like yourself. We have witnessed during this period a further upswing in Indo-US relations and in the growth of bilateral trade making US our largest trading partner as well as the foremost foreign investor in India.

US trade with India which was a mere $500 million in 1991 is now around $9.5 billion. Many US companies are considering further expansion of their operations in India. Enron which had to cross many hurdles to commence the $1.2 billion Dabhul power project is so interested in the opportunities emerging in the Indian market that it has plans to invest an additional $10 billion over the next decade. Many processed foods with American brand names have become very popular in the Indian market. Automobiles of US design are increasing their presence on Indian roads. Banks and financial institutions too are taking advantage of recently created business opportunities. In the insurance sector also, the door has been opened for starting joint ventures in the field of health insurance.

The coalition of parties ruling at the Centre have not only continued with economic reforms but expanded it into many more areas. Custom duties and other taxes have

been further liberalized to encourage foreign investment in infrastructure and other areas of the economy. The US Administration has included India among the 10 most important emerging markets and this is borne out by the number of major US companies operating in India. A list of these companies is enclosed.

There is now in India much greater understanding and acceptance of the need for foreign investment and technology collaboration for meeting the vast needs of India's developing economy. All sections are agreed that this is necessary to maintain and increase the growth rate of around 7 percent that we have been achieving in record years.

While United States aid funds are relatively much smaller than the inflow of capital into business and industry, they do serve the purpose of enabling very important programmes to be implemented in backward areas for the benefit of the disadvantaged in the field of health, family welfare and education. These programmes involving interaction of American experts and officials with NGOs and Indian volunteers is of great help in enhancing people to people understanding between the two countries.

In a month from now we would be celebrating the 50th anniversary of India's independence and democracy. While we have achieved much during this period by way of consolidation of the nation state, providing adequate food security for the people, and setting the base for economic development, there are still many challenges that we have to face and overcome for providing the desirable level of living to large sections of our people. At this time of review and introspection, we are conscious of the benefits that we have derived by way of bilateral cooperation with the US in the important areas of agriculture, education, science and technology. At this time when we are looking for much greater cooperation in these areas, it is unfortunate that we might have to tackle something of a negative nature in the House.

It was gratifying to see in the debate on the House floor that took place in June last year on a similar amendment, that several Congressmen very ably put forth the following points:

(i) India has made a success of its democracy and established powerful instituions like an independent judiciary, a free press and vigorous political parties providing for consultation and participation in Government in accordance with the rule of law.

(ii) India, which like the US has a multi-religious and multi-ethnic society, has resolved conflict situations in a lawful, democratic manner and taken concrete steps to further improve the human rights situation, including the setting up of an effective National Human Rights Commission.

(iii) Indo-US business and trade relations have improved considerably with the US companies taking good advantage of the opportunities emerging in the Indian market, as borne out by the large number of US companies operating successfully in India.

(iv) The situation in Punjab had been resolved and the situation in Jammu & Kashmir has improved.

All the above points continue to be not only valid, but have acquired even greater force. Investment approvals pertaining to US companies are now of the order of $8.5 billion. The opportunities existing for US companies in infrastructure sectors like telecom, roads, ports and power have a potential for fruitful investment of over $20 billion per year.

The US Administration has knowledged the improved situation with regard to human rights and also cited the problems created by the trans-border support for terrorist activities in India; the most recent example of which was the explosion caused in a train in Punjab which killed thirty-four civilian passengers on July 8th with serious injuries to many more. This highlights the need for not doing anything to encourage front organizations created for the sole purpose of mobilizing support and funds for essentially terrorist outfits.

Since last year there have been general elections to the State Assemblies in Punjab with a voter turn-out of over 69% and which brought the Sikh-dominated party, the Akali Dal to power in association with another party, namely, the Bhartiya Janata Party. There could not have been a clearer rejection of the separatist movement in the State of Punjab.

In Jammu & Kashmir too, general elections recorded a good voter turn-out of around 55% and resulted in Dr. Farooq Abdullah gaining majority not only in the Kashmir valley, but also in the regions of Jammu and Ladakh. This democratically-elected State Government has revitalized the Government machinery despite the strains created by terrorist gangs on the law and order machinery with the help of agencies across the border.

Initiatives taken by Prime Minister I K Gujral from the time he was the Minister for External Affairs have greatly helped in improving bilateral relations between India and its neighbors. As part of this policy, special steps have been taken to initiate discussions with Pakistan to tackle all outstanding issues. Agreement has been reached in the talks held so far to set up Working Groups for seeking solution to specific problems including the State of Jammu & Kashmir and terrorism. The House was good enough to applaud these efforts. It is our hope that progress at these talks would help create a better climate for tackling terrorist activity.

This letter has become much longer than I intended, but the subject being very important and your consideration and support of great value to us, I had to put the relevant facts before you. I am confident that with your goodwill and encouragement we shall build upon the strong foundation that has been paid in recent years in our bilateral relations. As always, I and my staff at the Embassy are available to assist you in any way possible. Please do not hesitate to contact me if you have any question.

Thanks for all your help. Best wishes.

Yours sincerely,

NARESH CHANDRA.

AN ABRIDGED LIST OF UNITED STATES FIRMS WITH INVESTMENT AND BUSINESS INTERESTS IN INDIA

1. Abbott Laboratories.
2. Allied Signal Inc.
3. American Home Prod. Corp.
4. American Express Co.
5. American International Group.
6. American President Lines, Ltd.
7. Amoco Corporation.
8. AMP Incorporated.
9. Apple Computer, Inc.
10. Asarco Incorporated.
11. Asea Brown Boveri.
12. AT&T.
13. Avery Dennison Corp.
14. Bank America Corporation.
15. Bank of New York.
16. Bankers Trust NY Corp.
17. Bausch & Lomb.
18. Bechtel Power Corp.
19. Beckton Dickinson.
20. Black & Decker Corp.
21. Black & Veatch International.
22. Boeing.
23. Britco Foods.
24. Brunswick Corporation.
25. Caltex.
26. Caraco Pharmaceuticals.
27. Caterpillar, Incorporated.
28. Chase Manhattan Corp.
29. Chevron Corp.
30. Chiquita Brands.
31. Chrysler.
32. CIGNA.
33. Citicorp.
34. Coca-Cola Company.
35. Cogentrix Corp.
36. Colgate-Palmolive Co.
37. Compaq Computer Corp.
38. ConAgra, Inc.
39. Continental Airlines, Inc.
40. Cooper Ind., Inc.
41. Corning Incorporated.
42. CPC Int. Incorporated.
43. Cummins Engine Co.
44. Dana Corporation.
45. Del Monte.
46. Dell Computers.
47. Delta Air Lines, Inc.
48. Digital Equipment Corp.
49. Dow Chemical Corporation.
50. E.I. Du Pont de Nemours.
51. Eastman Kodak Company.
52. Emerson Electric Co.
53. Enron Corporation.
54. Estee Lauder Co. Inc.
55. Farmland Industries, Inc.
56. Federal Express.
57. Fluor Corporation.
58. Ford Motor Corporation.
59. General Electric Company: GE Capital, GE Power Systems, and GE Transportation Systems.
60. General Motors Corporation.
61. Gillette Company.
62. Goodyear Tire & Rubber Co.
63. GTE Corporation.
64. Harris Corporation.
65. Hasbro Incorporated.
66. Hearst Corporation.
67. Hercules, Inc.
68. Hewlett-Packard Company.
69. Honeywell, Inc.
70. Hughes Network Systems.
71. IBM Corp.
72. InaCom Corporation.
73. Ingersoll-Rand Company.
74. Intel Corporation.
75. International Equity Partners.
76. ITT Corporation.
77. J.P. Morgan & Co., Inc.
78. Johnson & Johnson.
79. Johnson Controls Inc.
80. Kellogg Company.
81. Levi Strauss.
82. Eli Lilly.
83. Lockheed Martin Corp.
84. McDonald's Corp.
85. McDonnell Douglas.
86. McGraw-Hill Co., Inc.
87. Merck & Co., Inc.
88. Merrill Lynch & Co., Inc.
89. Microsoft Corporation.
90. Minnesota Mining & Manufacturing.
91. Mobil Corporation.
92. Monsanto Company.
93. Morgan Stanley Group.
94. Motorola Inc.
95. New Balance.
96. Nordstrom, Incorporated.
97. Northwest Airlines, Inc.
98. Novell.
99. NYNEX Corporation.
100. Occidental Petroleum Corp.
101. Oracle Corporation.
102. Owens-Corning Corp.
103. Parker Hannifin Corp.
104. Pepsico Inc.
105. Pfizer Incorporated.
106. Phelps Dodge Corp.
107. Phillip Morris Companies Inc.
108. Phillips Petroleum Co.
109. PPG Industries, Inc.
110. Proctor & Gamble Co.

111. Raytheon Company.
112. Rockwell International Corp.
113. Rohm & Haas Company.
114. Sara Lee Corporation.
115. Shering-Plough Corp.
116. Silicon Graphics.
117. Sprint Corporation.
118. Sumitomo Machinery Corp.
119. Sun Microsystems.
120. Tenneco Incorporated.
121. Texaco Corporation.
122. Texas Instruments.
123. Textron Incorporated.
124. T.G.I. Friday's.
125. The Tiffany Company.
126. Trans World Airlines, Inc.
127. Turner Broadcasting (CNN).
128. Union Carbide Chemicals.
129. Unisys Corporation.
130. Unocal.
131. US West.
132. USX Corporation.
133. W.R. Grace & Co.
134. The Walt Disney Co.
135. Warner-Lambert Co.
136. Western Digital Corp.
137. Westinghouse Electric Corp.
138. Whirlpool Corporation.
139. Woodward Govemor Company.
140. Xerox Corporation.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to join my friend and the distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs in opposing the Burton amendment which seeks to cut assistance to India. We have got the 50th anniversary of Indian democracy which we have been celebrating this past month. This is not the time to strain our relationship with the country of India; it is the time to deepen that relationship.

India's policy of market reform has contributed significantly to our improving political and economic relations. Should India's growth rate of 7 percent continue over the next few years, India would be the world's fourth largest economy in 25 years. As the base of growth broadens to embrace more and more economic and social sectors in Indian society, relations with the United States should intensify. Now the United States is India's largest trading partner. We have a small but effective foreign aid program, projected in fiscal year 1998 at about $56 million, which focuses on economic growth, population and health, environment and humanitarian assistance. Now is not the time to cut that limited aid.

Thirty percent of India's population remains below the poverty level, but this is a major improvement over 1974 when it was 55 percent. If we are going to reach the point at which India does not need foreign assistance, we should be doing all we can now to assist in India's reforms.

The new Prime Minister of India promises to continue the economic reforms of his predecessors. He has moved to try and deal with the leadership of Pakistan to try to solve and work on their bilateral issues. In the state of Punjab, racked by violence years ago, we have now seen the takeover of democracy where it is thriving in that particular state. They have conducted elections. The elections were won by the opposition, a Sikh party; the Akali Dal now governs in the Punjab. We have had elections in Kashmir. The violence in Kashmir is down.

The Indian Government is worth working with. The Indian country is important to us, and I would urge our colleagues not to take a backward step at this time and support an amendment which would seek to cut that aid.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana [Mr. BURTON]. This amendment, as has been pointed out, will ostracize India at a very, very important time. Just as India is set and has, in fact, celebrated its 50th anniversary, this has been brought up as well, India is moving toward very important economic reforms.

The United States relationship with India, the world's largest democracy, is growing stronger every day. It has been pointed out how the investment, U.S. investment, has grown. Just 6 years ago it was 500 million; today it is 5 billion. That is a tenfold increase. This makes India our largest overseas investor and trading partner. Of course, as has been pointed out as well, India is still a developing country. It does have problems, but it is working to resolve those problems. And for all of the shouting, there is no grave threat to India's steadfast commitment to diversity and tolerance.

The Indian Government has taken crucial steps to end any abuse of human rights within its borders. It has established an independent human rights commission headed by a former justice of the Indian supreme court to investigate and to prevent human rights abuses. Last year it prosecuted some 200 violations. In fact, the most recent State Department human rights report praises India, praises India for the substantial progress the country has made in the area of human rights.

Mr. Chairman, India contains within its borders a greater ethnic, linguistic, and religious diversity than all of Europe from Ireland to Russia, and they have more people. Earlier this year, a government dominated by the Sikh minority replaced the ruling party, the ruling party in the state of Punjab. The elections were open and democratic, and over 65 percent of the electorate turned out to cast its vote. Further, around 80 percent of Indians are Hindus, but its presidents have included two Sikhs, one Muslim, and now a Dhalit. I would point out also that there are more Muslims living in India than there are in Pakistan.

I firmly believe that this amendment on the eve of the celebration of Indian independence will have a devastating effect on the growing relationship between the two countries. Both the chairman and the gentleman from California have pointed that out. It will punish India for making significant efforts to correct its problems. It will bring to a screeching halt United States participation in one of the most important big emerging markets, but most importantly, it will lead us to shut ourselves out of involvement with the Indian Government and hinder our efforts to create a free and prosperous country.

Let us accentuate the positive efforts that India has made. Let us work to eliminate the negative, just as India herself is doing. Let us support a valued friend, not shut the door on a growing relationship.

Once again, Mr. Chairman, I urge my colleagues to oppose this damaging amendment.

Mr. DEUTSCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, last year India held the world's largest democratic elections. This election, called epic by the New York Times and extraordinary by the Washington Times, resulted in a peaceful change in government with nearly 300 million people going to the polls. The government in the state of Punjab, a region the gentleman from Indiana [Mr. BURTON] claims is government repression of a Sikh minority, a Sikh-dominated government, replaced the ruling party in open, democratic elections. Voter turnout was actually over 67 percent. Several Members of Congress were invited to observe these elections.

Like all developing countries, India has experienced human rights problems. However, as the world's largest democracy, it is taking steps to remedy them. India's free press, independent judiciary and vigorous NGO's have been recognized as models for other developing countries. Last year more than 200 security force personnel were punished for their involvement in human rights violations. The most recent United States human rights report praised the commission's independence and noted that India has made substantial progress in the area of human rights.

The Assistant Secretary of State for Asia, Robin Raphel, said in congressional testimony that India's national human rights commission has real teeth to expose the violations of human rights.

Independent national efforts to monitor the situation in Punjab, as well as Jammu and Kashmir, continue. The International Committee of the Red Cross went into Kashmir last year and several Members of the United States Congress have been to Punjab and Kashmir during the past 2 years. Representatives of the New York Times, the Washington Post, the Los Angeles Times, and CNN that have frequently visited Jammu and Kashmir have had unrestricted access to any part of the country. International press reports

underscore that India's security forces labor under constant pressure of international terrorism. Just recently 33 innocent people were killed and 67 injured in a terrorist bomb blast which occurred on a train in Punjab. India recently abolished the Terrorist and Disruptive Prevention Act which was the subject of objections by several human rights groups.

I think the point of these facts to underscore is that when we try to hold India to the same standards that we can hold ourselves, there are not many countries in the world and particularly not many developing countries that can meet that standard. But in the framework that they are working under, I think all of us would agree that there has been a clear effort upon their government to affect the human rights abuses and have made strides and a great deal of progress in those areas. To cut aid at this point in time in this manner would be sending the exact wrong message to the Indian Government and the Indian people.

I urge defeat of the Burton amendment.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. GILMAN. Mr. Chairman, along with the distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, the gentleman from Alabama [Mr. CALLAHAN], I reluctantly rise in opposition to the Burton amendment.

I agree with our good friend from Indiana that India does have a human rights problem in Kashmir. Both Amnesty International and Asia Watch documented proof of severe abuse by Indian security forces. But let us not forget that these same human rights organizations have also denounced Islamic terrorists who receive crucial support from across the Pakistani border.

We know there has been serious misbehavior by India's security forces. We must not lose sight, though, of the context in which that has been taking place. For the past 150 years India has shared a border with Communist China due to Beijing's illegal occupation of Tibet and China added to the tensions along India's border with Pakistan and Kashmir by transferring nuclear weapons production technology and nuclear-capable missiles to Pakistan.

India and Kashmir are between a rock and a hard place. The situation is even more complicated than meets the eye.

□ 1130

While the security forces must be stopped from committing serious abuses, we need to find another way to help end the suffering that has gone on for so long in Kashmir. But cutting off development assistance for democratic India is not the way to do it. It will simply harm the poor of India that deserve an opportunity to try to improve their lives. An economically sound India is one that will enforce human rights standards to a higher level than a poor India. Our aid moves India in the direction of a more prosperous nation where everyone can live under the rule of law.

Mr. Chairman, along with some of my colleagues, I visited India last month where we participated on behalf of the House in India's independence anniversary, recognizing the world's largest democracy. In our meetings, we raised the issues highlighted by the gentleman from Indiana. We raised those issues directly with the President of India and the Prime Minister of India. In my judgment, India is making progress, beginning to negotiate with Pakistan and beginning to improve human rights. Indian officials are also forging closer ties between our democracy and theirs. Accordingly, Mr. Chairman, I urge our colleagues to oppose the amendment by the gentleman from Indiana [Mr. BURTON].

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Burton amendment. Even as the State Department reports again this year that India has made further progress in the area of human rights, the gentleman from Indiana continues to live in the past. His amendment may be appropriate for some countries around the globe, but not for today's India. An India that is the world's largest democracy, an India that has embarked upon a far-reaching and energetic set of reforms to unleash its economic potential, an India whose diplomatic and commercial ties with the United States continue to grow, an India who is a force for regional stability, and an India whose support of free and fair elections and minority rights is a leading light in that area of the world.

As America's most recent ambassador to India, Frank Wisner, said, this is a crucial time for the United States and India. India is ready for a closer relationship with America. She just needs the right signals. Ambassador Wisner is right. The United States and India are on the verge of a deeper and a more beneficial relationship. The signals we send matter greatly. That is why the Burton amendment is so very wrong.

India has made tremendous strides in the last 6 years, yet we would slap this great Nation in the face by cutting aid. Such a move makes no sense and is precisely the wrong signal to send. It boggles my mind in fact, Mr. Chairman, that India is not fast becoming one of our most important allies. As India celebrates its 50th anniversary of independence, the world has long recognized that her commitment to democracy is vibrant and irreversible. Following Indiana's general election of last year, one American commentator called it the most breathtaking example of government by the people in the history of the world. It is a democracy that is open to all, as evidenced by the recent elections in Punjab, which brought to power an opposition Sikh Party who chose the ballot over the bullet to bring about change in this region.

Respect and dignity for all Indians is further guaranteed by the country's increasing emphasis on human rights. In just a few short years the National Human Rights Commission has made its mark on all facets of Indian society. Following the commission's prosecution of more than 200 violations in 1996, the U.S. State Department commended the panel for carving out an important role in improving accountability for human rights abuses throughout the country. Moreover, several versions of the commission have been set up by state governments, including one in the State of Jammu and Kashmir.

In the international community the Red Cross has conducted seminars and training with paramilitary police and army personnel to further increase understanding and observance of human rights within India's military and law enforcement communities. With each passing day, India becomes a more strategic United States partner in this crucial part of the world. Pursuing the Gujral doctrine and similar initiatives, India continues to be a force for stability and a force for growth in South Asia.

Prime Minister Gujral has already reached various trade, water, and other agreements with Bangladesh, with Nepal and with Sri Lanka. Most importantly, Mr. Gujral and Mr. Sharif are taking concrete steps to lessen tensions between Pakistan and India and have established a formal framework for discussion of the disagreements which have plagued these two great countries for so long. Now with the Burton amendment, we are thinking of punishing India for this progress. We could go on and on about India's accomplishments and her potential. It is clear that closer bilateral ties are in the best interest of India, the best interest of America and the best interest of that region as a whole.

It is also clear that in this year of India's 50th anniversary of independence the world's oldest democracy should be congratulating the world's largest democracy for its achievements. Instead we are debating this very bad idea. One can trot out the same old dated information only so many times. The people of India have moved on to a brighter future and have demonstrated their desire for better United States-India relations. The U.S. Congress should do the same. We should defeat the Burton amendment.

Mr. HERGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of this very modest amendment by the gentleman from Indiana [Mr. BURTON].

The Nation of India votes against the United States in the United Nations more than any other nation except for Cuba in the United Nations. More than 90 percent of the time they are on opposite sides than we are in our vote in the United Nations. Not only that and probably much more importantly is the horrendous human rights problems that are continuing to occur within the Nation of India.

I have a very large community of Sikhs formerly from the Punjab within India that live in my district in northern California. They continue to relate the atrocities that take place within their province of their friends and relatives who continue to live there.

Again, I think a minor 25 percent cut on the aid that we are giving to India is a very minor message and at the very least a token of the fact that we expect India to live by the same rules of other countries, to respect human rights within their country, and also that we begin sending a message that we are not going to continue, the taxpayers of this country are not going to continue rewarding countries who are on the opposite side philosophically than we are on major issues.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman from California for yielding.

I would like to illuminate this issue a little bit from my colleagues who are getting their information from where I do not know. First of all, India is getting $52 million in developmental assistance from the United States of America in foreign aid. I know the American people are tickled to death that after 50 years of independence we are still giving $52 million to India in developmental assistance, and that is not all. We are giving them millions more in other areas as well. All I am saying with this amendment, instead of giving them $52 million of American taxpayers money, that we cut that to $42 million.

I would like to have the American people vote on whether they want to give any money to India, but that probably will not happen. But I would also like to ask them if they would like to cut maybe 25 percent of the developmental assistance and cut it to $42 million instead of $52 million, and I bet most Americans would go along with that. The American people do not want to give money to a country that has been independent for 50 years.

But let us get to the point of the human rights violations that one of my colleagues just said indicates I am living in the past. On July 12, 1997, that is really living in the past, that is 1 month ago, 1 month ago, in Bombay, India, 33 black untouchables were killed by the Indian police during demonstrations. They still have the caste system over there and if you are black, you are the lowest form of animal life, according to that government, and you can be killed for just touching a Brahman and they will not prosecute. That is today, not 5 years ago or 10 years ago. And they killed 33 of them just a month ago. That is living in the past.

On July 8, 1997, 36 people were killed in a train bombing in Punjab, and two ministers of the Punjab government have blamed the police for that. That was 1 month ago, and the bombing occurred a day after in July that nine policemen were convicted of murder. That is living in the past.

On March 15, 3 or 4 months ago, 1997, a death squad picked up Kashmir Singh, an opposition party member, he was thrown in a van, he was tortured, he was murdered and they tossed his bullet-ridden body out on the side of the road. That is ancient history. That was 4 months ago.

This guy here was scalped and his fingers were cut off and he was tortured to death. That is not ancient history, that is recently. If there is no problem, why are there still 550,000 troops in Kashmir? Why are there still 550,000 troops in Punjab enforcing martial law where people are afraid to even go out of their houses? Women are still being gang raped. People are being taken out of their homes never to be seen again, found in canals with their hands tied behind their back and their feet tied together and drowned.

That is going on today. Yet we continue to ignore it. My colleagues say they have got a human rights group over there that they have established that is really looking into these things. India has established an Indian human rights group. That is correct. But why will they not let Amnesty International into Kashmir and Punjab?

The CHAIRMAN. The time of the gentleman from California [Mr. HERGER] has expired.

Mr. BURTON of Indiana. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. HERGER] be given 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. PALLONE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The time of the gentleman has expired.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise against the Burton amendment which would limit developmental assistance to India. As we all know, it has been 1 year later, and we are still fighting the same fight, the same bad idea. We defeated a similar amendment last year by an overwhelming margin, 269 to 127.

On August 15, we celebrated India's 50th anniversary of democratic rule. Passage of this amendment will have a devastating effect on the growing relationship between India, the world's largest democracy, and the United States, the world's oldest democracy.

Yes, India has had problems with human rights in the past and in the present. But this Nation has taken exceptionally strong steps forward. In fact, India's human rights commission, headed by a former Supreme Court justice, has been hailed by our State Department for its, and I quote, ''significant progress in resolving human rights problems.''

The gentleman pointed out that there are still acts of terrorism. There still are rapes. There still is racial violence. But we also have acts of terrorism and many problems in our own country. Cutting developmental assistance would hurt the poorest of the poor in India. The amendment would directly undermine the stated objectives of India's democratically elected prime minister to improve the living conditions of the country's poorest citizens. And finally, this amendment would be an enormous blow to United States-India relations at the very moment when we should be strengthening ties between our two democracies.

Last year India held a critical and historic election. Three hundred million people went to the polls to vote in what the New York Times writer William Safire called, and I quote, ''the most breathtaking example of government by people in the history of the world.''

The world's most populous democracy proved that its most powerful weapon is the ballot. We must not pass a punitive, anti-India amendment on the heels of this great election. United States-India relations are strong. American businesses are flourishing in India. The United States is now India's largest overseas investor and its biggest trading partner. The Commerce Department has designated India as one of the most important, and I quote, ''big emerging markets for United States exports.''

Let us send the world's most populous democracy the right message. Let us vote for progress in India. Let us vote for democracy. I urge a ''no'' vote on the Burton amendment.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the chairman of the Subcommittee on Asia and the Pacific, this Member rises in strong opposition to the amendment of the distinguished gentleman from Indiana [Mr. BURTON]. In that capacity and in that opposition, I join the chairman of the Subcommittee on Foreign Operations, the chairman of the Committee on International Relations, the ranking member of the Subcommittee on Asia and the Pacific, and other distinguished colleagues that have commented in opposition and will comment.

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As mentioned previously, we need to reemphasize that India is the world's largest democracy and it is making dramatic progress. Despite civil unrest and terrorism, it has maintained 50 years of unbroken democratic rule since it gained its independence in 1947.

Indians enjoy the benefits of the rule of law, a strong judiciary, and a vigorous and independent free press.

There are persistent and disturbing human rights problems in India. The Government of India does not deny this fact. But the gentleman's amendment seems to ignore the remarkable progress that this 50-year-old regime has enjoyed.

The improvements in the standard of living for the people of India are undeniable, and India's commitment to democracy and improved human rights has repeatedly been demonstrated.

I noted what the gentleman from California [Mr. BERMAN] had to say about the progress in Punjab, and that is exactly right. There have been several encouraging, specifically encouraging, developments in the past year that deserve to be recognized.

In Punjab, a State racked by violent confrontations in the 1980's and the 1990's, the opposition clearly won an election that was notably well run and inclusive bringing to power the Sikh party. Unrest has now subsided in Punjab. In Kashmir, though violence continues, there is now an elected government which is setting up a state human rights commission.

The United States assistance program to India seeks to promote and institutionalize democratic values and human rights. The United States is working closely with India on population, health care, family, welfare, and environmental concerns. The United States needs to maintain and strengthen this relationship.

Mr. Chairman, I would say to my colleagues, we have had remarkable initiatives and progress from India with respect to Bangladesh, Nepal, and Pakistan in just the last year. The Burton amendment would damage the foundation of our relationship with India on this, the 50th anniversary of its independence, and would achieve nothing but the alienation of the Indian Government from the United States.

Put simply, Mr. Chairman, this amendment does not serve American interests nor promote American influence in India. The arguments for the amendment do not reflect the general trend of human rights practices or progress in India today. We should not have to beat back such amendments every year.

Mr. Chairman, India is a nation of increasing economic and political importance to Asia and to the world. While issues of contention remain between the United States and India, this body will not contribute to the resolution of such contentious issues by cutting off a major part of assistance or all assistance as provided by this Burton amendment or ones that may follow.

Now is the time to send a very positive signal of support and understanding to the Government of India by voting against this amendment. Mr. Chairman, I urge my colleagues to vote ''no'' on the Burton amendment.

Mr. MCDERMOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to, first, associate myself with the remarks of the gentleman from Nebraska. In 1991 I went to India for the first time to look at the AIDS epidemic and what was happening there and talked with then-Ambassador Thomas Pickering about the changes that were coming about in India; the Rau government had come in and made a number of changes; and he said, ''Go back to the Congress and start talking about the changes in India, they are real.''

Now I have been back to India six times since 1961, the last time in December, leading a delegation, a trade delegation from my own city, to go to India. I have been in 12 of the States of India, including Kashmir and Punjab. I talked to Punjabi farmers on the ground. I have talked to public officials, human rights people, all through the country.

Now the amendment offered by the distinguished gentleman from Indiana, who has never been in India, in my opinion, reflects one of the problems of making foreign policy by sitting in the United States and trying to decide what somebody else ought to be doing. We are essentially having the half full, half empty glass of water argument here.

Do they have problems? Yes. Have they moved? Absolutely.

If we take the rupee note from India, on it they have 13 official languages. This is a country where we argue about whether English is the official language. They have six major religions. There are more Muslims there than in any country, except Indonesia. And this is a country that has separated church and state in the same way we struggled with in this country. The division of church and state and keeping a secular government has been an enormous problem.

India was born in violence. The splitting off of Pakistan into what is now Bangladesh at the beginning was a problem they had to deal with from the very start, and they have struggled with this for 50 years.

They have not solved all the problems. No Indian official will say that, no Indian journalist.

India has the same basis of common law that we do, the English system. They have a free press that, in fact, in some ways is more free than our own. Read the Indian press and understand that politicians do not get away with anything there without it being in the newspapers.

So there is no question that they have problems, but they are struggling with them, but the real question here is what kind of relationship do we want to have with India? Is it our idea that we want to alienate them in their year of celebration?

I remember that I think it was Jesus Christ was once cautioning people about how they ought to view things when he said, ''Now you ought to look at the plank in your own eye before you point out the speck in your neighbor's eye.''

When my distinguished colleague brings a picture out here and puts it up on the floor and says that is the reason we ought to cut off aid, look at this horrible picture. If some Member of this House put up a tripod here and put up a Rodney King beating picture and then suggested to the House: Well, we ought to cut off small business loans to California because they have human rights problems in California done by officials, we would laugh them off the floor. We would say that is crazy; how could anybody make such a suggestion?

Yet take one example or two or three. Remember India has 900 million people, four times the number in the United States in an area from the Mississippi to the East Coast. One-third of our land mass, they have four times the people. They struggle hard, and I believe that our development assistance is a statement to them that we encourage them.

They have never had a military coup. They have had one democratic election after another. Not only democratic elections, they have a well-established democratic institutional system in the country that does not always function perfectly, but they do not need from us a blackened eye, a slug in the face at their independence celebration by the U.S. Congress.

Mr. Chairman, that is not the message we should send, and for that reason I argue very strongly against the Burton amendment.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Before I get into my own remarks, I would like to say that we have heard speaker after speaker opposing the Burton amendment and only one, the gentleman from Indiana [Mr. BURTON] himself, was able to rise up on this point to defend the Burton amendment, and I would just like to express my disappointment that when so many people have spoken against the Burton amendment and Mr. BURTON asked for 2 additional minutes in a unanimous consent that he was not paid the courtesy that we almost always pay our colleagues to permit them just 2 extra minutes.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, just briefly, because this debate has been conducted in, I think, a very civil manner and I just wanted the gentleman to be aware that Mr. BURTON was afforded unanimous consent for 5 additional minutes yesterday to speak longer on his time, and we all graciously granted that without any objection, and there always was the option available to the gentleman for him to speak as he did with additional time.

Mr. ROHRABACHER. Reclaiming my time, the people listening to yesterday's debate, perhaps most of the people listening today, did not hear yesterday or the debate before on this, and the fact is that we had a lively debate here, but was only one-sided. Mr. BURTON asked for 2 additional minutes.

Ms. PELOSI. Mr. Chairman, if the gentleman will yield, and I will give him additional time, the point is that it is always available for a Member to seek time and yield to our colleagues, as we have done repeatedly in this debate, and I would be pleased to take more time later and yield to the gentleman.

Mr. ROHRABACHER. Mr. Chairman, I have always given my colleagues the courtesy and never stepped forward in unanimous consent and not given them an extra minute.

Anyway, with that said, I support the Burton amendment. I am happy to be the second person in today's debate to step forward supporting a reduction in the taxpayers' dollars that we are sending to India, and of course I agree with my colleague on the China question, but we should be reducing the amount of money asked by the Clinton administration that we would be giving the Government of India for two reasons: No. 1, they do not need it; and, No. 2, we should not be giving this money to a government with such an appalling human rights record.

As to No. 1, the Indian Government maintains a huge military. They have developed nuclear weapons. They have been spending their limited resources on weapons and a huge military, much more than what they need, and after finally rejecting socialism their economy is on an upsurge. So, No. 1, if they are spending money on nuclear weapons and a big army, why should we be giving them aid when they can then spend their own money on weapons?

And No. 2, we are giving someone who is in competition with us, we are providing them aid. Now that is ridiculous for the United States of America to provide aid and assistance to a country that is going to compete and put our own people out of work.

So, as to the second point, there are a half million Indian troops occupying the Punjab and another half a million Indian troops occupying Kashmir, which is considered the most densely occupied territory on this planet. Now, if they have got those numbers of troops up there that are putting money, more and more money, into it, why should we subsidize this effort by giving money to India?

In both of these regions, Punjab and Kashmir, the military forces are recognized by international human rights organizations as routinely committing appalling human rights abuses, murdering civilians, gang raping women, torturing prisoners with impunity.

According to our own State Department, Indian forces in Punjab have received over 41,000 cash bounties for the murder of civilians between 1991 and 1993. Last year, the Indian police reportedly planted explosives in the car of a U.S. citizen, Mr. Babir Dhillon, and he was held up on trumped-up charges for 9 months, and he was tortured, and it was only after the intervention of the U.S. Congress that he was released last January, and these charges were dropped.

The Indian Supreme Court eventually got up to there, and there is a rule of law in India, but what happened was they basically said that Indian police were committing acts that were, quote, worse than genocide, and yes, if Rodney King was just an example, one example even, we would ignore, we would say we are fixing that. But if Rodney King went on and on and on and on and every day we had Rodney King beatings, we would be concerned about it. We would say California has got to clean up its act before we extend aid to California, to its State government. And just like in New York where this poor man was brutalized the other day, if the police over and over and over were brutalizing people like this.

The CHAIRMAN. The time of the gentleman from California [Mr. ROHRABACHER] has expired.

(By unanimous consent, Mr. ROHRABACHER was allowed to proceed for 2 additional minutes.)

Mr. ROHRABACHER. Mr. Chairman, there is not any indication that the situation is getting better in India because those people who have studied the situation, we realize the one conflict, the one flame that is igniting the conflict on the subcontinent, is the decision by India not to permit a plebescite in the Kashmir so those people can determine, as it was mandated by the United Nations, whether they are going to be part of India or they want to be part of Pakistan.

India has refused to have that election. If they would have that, these acts of terrorism they complain about, and this massive military buildup and occupation they have to finance in the Kashmir, would disappear because the democratic process would have worked its will. But they refuse to do that. This is what is causing the problem. This is what is causing the human rights abuses.

As an incentive to the Government of India to abide by policies guided by respect for human rights and civil liberties, we need to send a strong message, and that is exactly what the Burton amendment will do.

□ 1200

We do not need to send a message that they can continue doing what they want, that after 50 years we are going to subsidize them in their development of weapons and their oppression. For us to provide $135 million in aid, which is the total amount, while it is wasting its own resources on the modernization of its weapons systems and military and its own oppression, it is ridiculous for us to do this. To spend $135 million in taxpayer dollars to subsidize one of our own competitors, with the economy emerging as a competitor to the United States, which allows them to spend their own money on weapons, even nuclear weapons, is crazy.

I believe in the Burton amendment; I support the Burton amendment. Let us not subsidize India's expenditure on weapons and the military and oppression. Let us let them make their own decisions. If they are not going to improve their human rights, let us say they are not going to get any foreign aid from the United States.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, last month the people of India celebrated their 50th anniversary of independence and democracy. It takes perhaps a special effort for many Americans to imagine when our democracy was only 50 years old and the great hurdles we had to overcome to try to perfect our legal, political, economic, and social systems.

India today is the world's largest democracy, 950 million people. India is a multi-religious, multi-ethnic society, actively seeking to build a common national identity and overcome religious and ethnic conflict.

In that half century, India has struggled to overcome the legacy of feudalism, followed by colonialism, and all of the problems of underdevelopment and unequal development, including problems of population growth, capital formation, technology development, and infrastructure development.

They have shaped all of the basic institutions of a democratic system, including perhaps most significantly many independent, nongovernmental institutions and organizations dedicated to involving and empowering people.

I rise here today in support of aid to India. Throughout my public career I have worked with the Asian-Indian community. My strong relationship with the Asian-Indian community in Chicago has afforded me opportunities on numerous occasions to meet with Indian officials who have visited Chicago, and this interaction has helped me to understand how important democracy, economic development, and human rights are to India.

While the cold war no longer exists, our relations with south Asia must not be tainted by the cold war legacy. There is a constant state of tension with some of its neighbors who have large and powerful militaries. Several states in India, including Punjab and Kashmir, have in essence been involved in a low-intensity war, involving terrorism with foreign support, as evidenced by the recent bombing of a train in Punjab resulting in 36 deaths. Despite these difficulties, India has proven that she will not tolerate violations of democracy, and has acted to punish those guilty of violations of law and to reduce any such violations in the future.

The United States has become India's largest trading partner, now approaching $9.5 billion per year, and her largest investor. India has adjusted her tax policies to further encourage trade and has become a significant player in many fields, including computer science. Yet India is still a country in need of assistance and development, especially in the most underdeveloped regions, needing assistance with health and educational programs.

These programs involve financial and technical support from the United States, which is matched by volunteer equity on the part of the people of India. These programs have proven themselves to be successful in addressing the problems of underdevelopment, and also as powerful instruments of international understanding, communication and trust.

It makes sense to continue our commitment to India. India has proven a success in its economic development and is a role model for other developing countries. We can take this opportunity now to improve our foreign policy relations with India. We can illustrate how the United States is a reliable friend and model.

A vote against India in this House is not in the best interests of the United States and its reputation as a world leader. Therefore, I urge that we oppose any and all amendments that would single out India for a limitation on development assistance.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to yield the last 2 minutes of my time to my colleague and friend from Indiana for whatever purposes he wishes to use them.

Mr. Chairman, I rise against the Burton amendment. I believe that it is in the interests of the United States to show compassion, to realize we are spending 6.5 cents per person in development assistance in India, and my colleagues' amendment would lower that to 5.5 cents. That is the lowest of any country that receives development assistance. For 800 million people, $51 million.

I had the privilege to go to India at my own expense last autumn. I went to Bombay and I went down the west coast, and I have never seen urban poverty as I have in Bombay. Earlier when I was in Delhi, I also saw it. And yet I never saw such potential as I saw in Bangalore. As one proceeded southward, I saw the effect of educating the population, of cleaning the water; and the potential is tremendous to do the most amount of good for the neediest people.

I hold up the state of Kerala, for example, as an example of where American assistance and the Indian Government's own action have reaped tremendous benefits in ending human suffering, largely by improving the condition of women, increasing their education, lowering the birth rate.

The amount of money that the United States spends is remarkably small, given how much we spend in other countries.

Let me just illustrate where it goes. It goes to clean water, which eliminates or at least reduces the threat of disease. It goes to education; again, particularly important here is the education of women. It goes to develop financial institutions so that units of local government can float bonds that are then used to finance projects such as the water projects to which I have referred.

Given this potential, it seems to me appropriate that our foreign policy has a compassionate element to assist India.

I am going to conclude now with one last comment. I do intend to yield the last 2 minutes to my colleague.

I might have heard my colleague incorrectly, Mr. Chairman, and if I did, please, I apologize. But if I did not, I do believe the statement was made that ''black is the lowest form of life, according to that government,'' and it would be my assumption that the gentleman meant to say, ''according to certain individuals.'' However, he is certainly free to speak to this himself.

I do not believe that it is the policy of the Indian Government to be racist, nor was it my observation that individuals in the government were racist. But if I quoted him correctly, perhaps he could choose to amplify or clarify.

I wish to close my time, just saying if there is a component in our foreign aid that deals with compassion, if we really mean what we say when we read, ''When I was hungry, you gave me to eat; when I was thirsty, you gave me to drink; when I was naked, you clothed me,'' then we should find that compassion and help India.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I thank my colleague for yielding.

Let me say the caste system is still in effect in India, and the lowest caste in India is the Dhalits, or the black people who live there. And the people who are in the higher castes, in the past if they were touched, almost without impunity can inflict pain, suffering, and even kill people in these lower castes.

That is a system that I think we in the United States should abhor, and I think the people, until the Black Caucus who fought for civil rights for so many years and are starting to get a modicum of success, should be very concerned about the prejudice that exists in India. If I implied it was a government policy, that was incorrect, but it is a policy of the system over there that exists; and they look the other way when people are tortured and killed that are from a lower caste.

But the fact of the matter is, I have talked about the repression of that government, government genocide and government repression. Just recently 1,000 cases of unidentified bodies were documented and cremated by the military. The fact is there still are 550,000 troops in Kashmir and Punjab; women are still being gang-raped, people are being tortured, taken out of their houses in the middle of the night without judicial process, never to be seen again.

These are things we should abhor as a nation. We certainly shouldn't be giving a large amount of foreign aid to a country that continues to perpetrate these kinds of atrocities with government sanctions.

I think my colleague from California, Mr. ROHRABACHER, made a very salient point when he said this country is spending more money, I think, almost than any country from that region, on military hardware and nuclear weaponry; and at the same time, they are asking us for foreign aid. It just doesn't make sense.

All I ask for is we cut the aid by 25 percent.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the Burton amendment which would single out India for cuts in foreign assistance. As this body has done repeatedly in the past, I urge colleagues to vote no on this amendment. Contrary to what the gentleman from Indiana has said, opponents of his amendment are not claiming that no problems exist. We take these problems seriously. But we are also recognizing India's attempt to deal with them, and our country's responsibility to encourage such efforts.

India is the world's largest democracy, a fact we celebrated on July 31 with the passage of House Resolution 157, commemorating 50 years of democracy in India. Last year India conducted the largest free election in history with nearly 300 million people voting. The state of Punjab elected a Sikh government, and the nation's new president is a member of the untouchable caste, tremendous achievements in a developing nation struggling to maintain democracy, to build its economy, and to improve the lot of millions of the world's poorest people.

India's government recognizes that human rights abuses have occurred and has taken strong steps to redress these grievances. The government has established an independent national human rights commission to investigate human rights allegations in the states of Jammu and Kashmir and to pursue suspected abusers. More than 200 security forces personnel were punished last year for involvement in human rights violations. The U.S. State Department notes that the commission is independent and praises India's ongoing efforts to end abuses.

India has abolished the Terrorist and Disruptive Prevention Act and has allowed the international community

free access to observe and report on actions in the Punjab and in Jammu and Kashmir.

At the same time as he has moved forcefully to improve the domestic situation, India's new Prime Minister Gujral has taken unprecedented steps to improve relations with India's neighbors. The prime minister has made landmark agreements with Nepal and Bangladesh, initiated a hot line with the prime minister of Pakistan, and worked with Pakistan to develop a framework for future talks aimed at creating lasting peace between those two countries.

The Burton amendment offered this year, as in many past years, takes no account of this progress. The amendment also would damage improved and improving relationships between the United States and India. U.S. businesses are India's number one overseas investor, and U.S. exports to India increased by 40 percent last year alone, making our country India's biggest trading partner. Fortune 500 companies regularly invest in India and many U.S. high-tech firms see India as the most important developing market worldwide for them, eclipsing even China as an investment location.

Mr. Chairman, as our relationship with India grows, the United States must support India's continuing efforts to respect human rights, punish violators, and develop its economy. The issue is not only a matter of development assistance, which amounted to about $50 million last year. Of far greater significance would be the effort that this amendment represents to stigmatize India just as relations between our countries are blooming.

The Burton amendment would punish a country taking the right steps just as it celebrates 50 years of democracy. I urge my colleagues to support democracy in India by voting ''no'' on the Burton amendment.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. STEARNS. Mr. Chairman, thank you very much. I rise also against the amendment offered by my distinguished colleague from Indiana, Mr. BURTON.

As many of you know, every year I have offered a resolution to recognize India's independence. This year I offered it again. Thanks to Mr. BEREUTER, the resolution was made part of legislation, and it has now passed this House; and I am very pleased that after all these years of my offering a recognition amendment, that it has finally passed the House.

□ 1215

When I listen to the debate, there have been a lot of people speaking on both sides. I do not really think the debate is one of U.S. foreign assistance. When we think of the $50 million we are giving them relative to the $12.5 billion in the foreign aid bill, it is a very, very small amount.

I think the issue is not one of foreign assistance. It comes down basically to this sentence. It comes down to whether we want to stigmatize India with passage of the Burton amendment. We have two great powers. These two great powers are working together.

There is another issue I might touch on that was recognized in a Washington Times story on Thursday, July 10, 1997. Let me quote from it: ''New Chinese missiles target all of East Asia.'' That includes India. We have had satellite reconnaissance information, and it is all outlined in this article how India itself is being targeted by China.

We have great interest in protecting India and working with India. At this time we do not want to set up any type of amendment which would create hostility toward India and not continue this working relationship at India's 50th anniversary.

Let me point out that India is one-sixth of the world's population. It is a dominant force in South Asia. Of course, it is an emerging world power. We need to cooperate with this country.

India is a big emerging market. The United States is its leading trading partner and source of foreign investment. India is a nuclear-capable state that has fought three wars with a nonnuclear capable Pakistan, and is a prime focus of U.S. concerns about nonproliferation in reducing regional tension.

I bring this to the attention of my colleagues because this is a larger issue, not just talking about the fiscal side. We are not just talking about foreign aid, we are talking about how these two countries can work together, not only in the area of democracy, but also dealing with our mutual interests and the protection of democracy in that part of the globe.

We need to encourage support for their policies. We need to gain their support for nonproliferation of nuclear capability, and we must encourage its policies that serve both our interests and theirs. We must continue to expand bilateral cooperation, including an enhancement of Indian peacekeeping capabilities.

We need, of course, on the drug side to cooperate on narcotic issues. Improve human rights performance? By all means. They have done that by setting up their commission and trying to be much more forceful in that area.

Lastly, we need to understand that India, above all, is one of the oldest democracies in the world. So I believe the United States should continue its friendship with India. India has tried to strengthen their democracy through free elections. We must strengthen our ties with them and, of course, with all of the South Asia region and the global community.

For this and the other reasons I mentioned, I urge the defeat of the Burton amendment.

Mr. SHERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, those of us who are friends of India should commend the gentleman from Indiana [Mr. BURTON] for bringing this amendment before us, because it gives this Congress a chance to vote down the amendment by an overwhelming majority, and in doing so, demonstrate our respect for India at its 50th year of independence, and to celebrate the increasingly close relationship between the world's most powerful democracy and the world's largest democracy.

Most of the points that can be made against this amendment have already been made, but I want to review a few of them, and perhaps make a few that have heretofore not been brought to the floor.

We ought to commend the President of the United States for agreeing to go to India to celebrate its 50th anniversary of independence. It was mentioned that India, because it has been independent 50 years, should not need American aid. This is the first time I have heard the idea that there should be a term limit on development aid.

We should point out that the gentleman from Indiana is a strong supporter of United States aid to Turkey, which has been independent for over 500 years. I would point out that most of us support American aid for Ethiopia, which has been independent for well in excess of 2,000 years. The question is not how long has a nation been independent, but rather, what are the development needs and how effectively can the United States work toward those needs.

Several of the other speakers have talked about how important our aid is to India, how effective that aid is, and how we are providing very little aid compared to the needs in India and its total population.

We have heard about Punjab. Yet in the Punjab, we have seen an amazing development, the election of a Sikh Party, the election of a party opposite many of the policies of the national government. What better proof that democracy works in India?

We are told about Kashmir, where indeed there have been some brutal actions. But we are given but one picture, and then statistic after statistic without citation, without enumeration, without calculation, and without foundation. What is really going on in Kashmir is a tragedy, but we should remember that some of the most tragic victims are those who support the Government of India.

Millions of Hindus have been driven from their own villages and from their own neighborhoods and from the State of Kashmir itself. We should remember that the human rights abuses which the Indian government is trying to prevent on its side are more than replicated by those entities that are supported often by Pakistan and other outside forces, which the Indian Government has to contend with. Many of

the most brutal pictures that can be taken in India can be taken of the victims of those who oppose the Government, the terrorists in Kashmir.

I know that the vote will be coming up later this afternoon. I hope those in India recognize that at least 100 of our colleagues would vote against foreign aid to any country at any time. I understand that level of fiscal conservatism. I do not happen to agree with it.

When the vote comes in, as I think it will, 300 to 150 or 300 to 120, keep in mind the first 100 of those votes has nothing to do with India and everything to do with a brand of fiscal conservatism that some of my colleagues embrace; that in fact, when there are 300 votes for India, hopefully, there will be no more than 10 or 20 or 30 opposed to India. We are overwhelmingly in this House in support of a strong relationship between the United States and India.

One final point I want to bring up. That is the idea that our economy is in competition with India. In fact, there are no more two complementary economies in the world. India is still a low-wage country. I have urged businesspeople in the Los Angeles area and elsewhere, importers who are dependent upon goods made in China, to look instead at India, look at India as a source of goods that require a low-wage situation, look at a country where American exports are not discriminated against the way they are in China, look at a country that embraces the rule of law, look at a country that I think will be increasingly economically important to us.

Finally, there was the point made that the ''untouchables'' or lower caste are somehow discriminated against by the Government of India. In fact, the phrase, and I think it was misused, was ''lowest form of animal life.'' The President of India is from this group, and in fact religious minorities have been at the highest levels of the Government.

The CHAIRMAN. The time of the gentleman from California [Mr. SHERMAN] has expired.

(On request of Mr. CALLAHAN, and by unanimous consent, Mr. SHERMAN was allowed to proceed for 1 additional minute.)

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. SHERMAN. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, the gentleman made a very good point, but let me correct one misconception that has been portrayed here on the floor, and that is that there is money earmarked in the bill for India. There is no earmark in this bill. Therefore, there is no reason for the fiscal conservatives to vote for this amendment, inasmuch as there is nothing that we are cutting.

They are not cutting foreign aid by voting for this amendment, they are simply instructing the administration that they can only give so much money, but there is no earmark in this bill in the first place for India, so the fiscal conservatives can join with those of us who support the democratic regime in India and support the gentleman's view. Therefore, there is no reason for even the fiscal conservatives to vote against this issue.

Mr. SHERMAN. Mr. Chairman, I would hope, in fact, fiscal conservatives will vote against this amendment. I do know there will be a perception as people walk into this Chamber that the fiscally conservative vote is to vote for the amendment, and if the amendment gains a number of votes for that reason, those should not be regarded as anti-India votes.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would speak very briefly against the Burton amendment. Mr. Chairman, as a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, I rise to support the chairman's position and oppose the Burton amendment.

My position, I think, is that of the majority of those of us in Congress, that we support democracy in India. While at times it may be imperfect, it still needs our support. There are a number of good reasons to oppose the Burton amendment, and many of those have been stated very eloquently today and yesterday. The bottom line for me is that India is one of the few true democracies in the developing world. Last year, as it has been said, India held the largest election in the history of the world. The conduct of that election was universally regarded as free and fair, and described by the New York Times as epic and extraordinary by the Washington Times.

As India celebrates 50 years of independence and democracy, the United States should today, through its congressional representatives, be sending a message of encouragement, not hostility. It is a pleasure to support the chairman's position and to oppose the Burton amendment.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Burton amendment. I have just gotten back from India, where I was part of the official American delegation celebrating the 50th year of independence of India. We were in the parliament at midnight in New Delhi as 12:01 came and 50 years was just put into place, and I could not help but looking down and seeing this vibrant democracy.

There are so few democracies throughout the world, and India has been a vibrant democracy. It has some flaws, and who does not have flaws, what nation does not have flaws. But the fact of the matter is India is a vibrant democracy. There are nearly 1 billion people in India, 943 million people. Why would we want to do anything to alienate them or jeopardize the United States-India relationship? United States investment was over $5 billion in India last year, a ten-fold increase from just a few years ago.

As we went from celebration to celebration, I could not help but thinking this is a real golden opportunity for the world's largest democracy, India, and the world's longest democracy, the United States, to really forge even closer ties.

We had a meeting with the Prime Minister of India, Mr. Gujral, who wants very, very much to have increased United States-India ties. In fact, he was telling us stories where he feels very neglected, feels that the United States has not devoted enough attention to India in the past years, and is delighted that President Clinton is going to be visiting with India.

So I think we have a golden opportunity, particularly with the end of the cold war, when there had been in previous years some kind of close relationship between the Soviet Union and India that does not exist anymore. So at a time when we are going to former Communist countries like Vietnam and trading with former Eastern Bloc countries and bringing them into NATO, why would we not want to forge closer relations with the largest democracy? By the year 2020 they are going to be the country in the world with the largest population.

So I believe that the Burton amendment goes in the wrong direction, in the opposite direction from that which we should be going. It is not good for democracy, it is not good for U.S. trade, it is not good for U.S. business, and it is not what we should be doing.

The people of India have shown tremendous warmth and affection for the United States. We ought to return that affection. I thought for all the reasons we have been given, the fact that United States and India have an opportunity to forge even a closer relationship in the future, that we share common goals of democracy, India has improved on its human rights violations, and with prodding from the United States will improve even more.

Mr. Chairman, I yield to the gentleman from New York [Mr. ACKERMAN].

□ 1230

Mr. ACKERMAN. Mr. Chairman, this amendment is very untimely and the gentleman from Indiana [Mr. BURTON] brings it up and recites time and time again, as if it were a mantra, things that he continuously mentions on the floor.

Mr. Chairman, I want to yet again extend another invitation to the gentleman from Indiana to come with me and others, if he would like, to actually visit India, to see the things that some of us have seen. To come to the States of Jammu and Kashmir, as I have been several times to travel throughout the region; to go to the Punjab, as the gentleman from New York [Mr. ENGEL] and I, together with the gentleman

from New York [Mr. GILMAN], our chairman, did just a week or so ago, and see the horrible conditions, the terrible poverty, and the heroic efforts that are being made to meet those challenges, and to see those things with his own eyes so the gentleman from Indiana does not have to rely anecdotally on the experiences of others who have agendas here in Washington, as they are entitled to have, who bring him pictures and photographs so that he can cite one of them on the floor of the House as an example of national policy.

Mr. Chairman, that is not the national policy of India any more than it is the national policy of the Police Department of the city of New York to go at people with plungers. That is a terrible analogy to make, Mr. Chairman, but that is exactly what is happening here. People who work for the government sometimes do terrible things. That does not mean that it is the government's policy or the government does that.

So it is in India, which has a large military, mostly very much under control and cooperating with ours. But to blame it for all of the atrocities that go on, when individuals anecdotally commit horrible crimes, is certainly not fair or proper.

And to further state that the caste system in India, which does exist at least in practice in some places, is the policy of the government just is not the truth, Mr. Chairman. There is racism in America, but that does not mean that the policy of the government is racist.

And to cite the untouchable class as the lowest form of human life is, first of all a mischaracterization.

The CHAIRMAN. The time of the gentleman from New York [Mr. ENGEL] has expired.

(On request of Mr. ACKERMAN, and by unanimous consent, Mr. ENGEL was allowed to proceed for 1 additional minute.)

Mr. ACKERMAN. Mr. Chairman, will the gentleman continue to yield?

Mr. ENGEL. I continue yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, it is a mischaracterization. The people of India have selected as their President a person from the untouchable class. The gentleman from Indiana is misinformed. And I think it behooves us all, when we come to the floor to do things, especially when it deals with the national policy and our relationships with great societies and large countries, and even small countries, to know from whence we speak and to actually visit and see firsthand what these problems are, without relying on lobbyists to provide us with that kind of education.

Mr. ENGEL. Mr. Chairman, reclaiming my time, I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I just wanted to point out when we talk about the caste system, that the caste system is illegal under the Indian Constitution. Twenty-five percent of the members of India's Parliament are so-called untouchables. The President of India, which is the Chief of State, is from the so-called untouchable class, and untouchables are constitutionally protected. Anyone can be prosecuted, and people are prosecuted, if they discriminate against those people of the so-called untouchable caste.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment. I have great respect for my friend and colleague from Indiana, Mr. BURTON, however on this issue we differ.

I believe that India is the United States' largest trading partner, and that if we approve this amendment, it will have serious consequences for the massive investment that we have in India, totaling $5 billion last year, a tenfold increase from just 5 years before. We play right into the hands of those who would turn back the clock on the major economic reforms that have been instituted. And we are speaking here of great private investment.

The largest democracy in the world is India, one of the few true democracies in the developing world. Last year India held the largest multiparty election in world history. The conduct of this election was universally regarded as free and fair, described as epic by the New York Times and extraordinary by the Washington Times.

Here with the 50th anniversary of independence for India, we need to look to the fact that the elected government has been restored to Jammu and Kashmir. The elected government has established a State Human Rights Commission and democracy is thriving in the Punjab.

United States engagement on the Indian subcontinent through the National Endowment for Democracy, and other efforts, contributes to the strengthening of democratic institutions. Furthermore, human rights problems have existed, but the Indian government is prosecuting such violators and such violations. The National Human Rights Commission is widely regarded as independent and aggressive in pursuing human rights.

India is a nation of increasing economic and political importance for Asia and the world. While challenges remain, India has been a good friend to the United States and has improved its human rights conditions. Now is the time to send positive signals of support and assistance to the Government of India.

Mr. LEVIN. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. LEVIN. Mr. Chairman, I was in India during the winter, and I just wanted to comment briefly on the Burton amendment. It misses what is happening in the Indian subcontinent.

I was in the Punjab. The Indian record on human rights is not a perfect one, but as the State Department has mentioned in its annual report, India is clearly moving in the right direction and is making substantial progress.

Mr. Chairman, the atmosphere in the Punjab was not one basically of repression, but one of democracy growing under difficult circumstances. We had a chance to read about and to view the work of the Human Rights Commission of India. It, again, is performing a function that is a valuable one and a real one in a democratic society, what is basically a democratic society.

On this 50th anniversary of Indian independence, our country needs to be taking constructive, not destructive, steps in terms of our relationship. And what the Burton amendment does, in my judgment, is to move in a destructive rather than a constructive fashion. We need to, with India and other democracies where there are problems, work with those countries as they need to work with us when we have problems here in America.

That should be the spirit between our two great nations, the two great democracies; not the negative import and context of the Burton amendment. So I very much oppose it. India, on its 50th anniversary, has a record much more to be proud of than ashamed of. It has a history the last 50 years that much moves in the right direction more than in the wrong direction.

Are there blemishes? There are. Is there perfection? There is not. Is there movement in the right direction? Clearly so. And what this amendment does is essentially refuse to recognize the movement in the right direction and instead distort the record of accomplishment.

So, in addition to all of the importance of the economic relationships between our two countries, I think we ought to remember supremely the linkage of the United States and India as two democracies each with its own set of problems, but each moving surely in the right direction when it comes to human rights.

This country is a beacon for India in terms of human rights. It is moving, I think, to meet the test of that beacon, and we should not indicate otherwise through actions like the Burton amendment.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in opposition to the amendment offered by the gentleman from Indiana [Mr. BURTON] to cut development assistance to India, but I do want to state clearly for the record, the gentleman is motivated by the best of all reasons and intentions on this floor today. The gentleman from Indiana has displayed himself a caring advocate of people of human rights around the globe, and those who would suggest, as I heard a moment ago, that he is motivated by some

other reason are absolutely wrong. His heart is in the right place and his interest for people is well-known and his record is distinguished in protecting human rights, whether it is in India or China or anywhere else on the globe where human rights matter, and it matters to this Member.

Mr. Chairman, just recently we have celebrated the 50th anniversary of the independence of India, and it is a thriving democracy. Like all developing countries, India has had its experiences with human rights problems; however, India, the world's largest democracy, is making great strides in addressing the human rights concerns that have been addressed by the gentleman from Indiana.

India's free press, independent judiciary, and vigorous nongovernmental organizations have been mentioned as models for other developing countries. Allegations of human rights violations in Jammu and Kashmir prompted India to form an independent National Human Rights Commission, which has already punished more than 200 security personnel for their abuses.

Assistant Secretary of State for South Asia Robin Raphael has said that India's NHRC ''has real teeth'' to expose violations of human rights. The most recent U.S. State Department human rights report praised the commission's independence and noted that India ''made further progress in resolving human rights problems.''

I appreciate, again, I state clearly, the concern for human rights expressed by the gentleman from Indiana. However, while the amendment being debated today will do little to improve India's already significant progress in that area, it will do harm to build strong relationships between the United States and India. And I stress that that is vitally important at this time.

We have witnessed a debate on MFN and China and developing problems in that portion of the world, and we have to recognize India is a friend and a nation of great potential to protect and keep stability in the region; a nation that we can count that we have established great trade opportunities and relationships with.

Mr. Chairman, while problems remain, we need to constructively work with the Government of India, not reproach it. The United States is now India's largest overseas investor, its biggest trading partner, and its preferred source of technology. Let us not needlessly damage this important relationship. Let us work to cement it, but also underscore the concerns of the gentleman from Indiana [Mr. BURTON] and work diligently to protect those people in India, protect human rights, and solve this in a deliberative fashion.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in opposing the amendment that is before us, I, of course, mean no disrespect to the sponsor of this amendment. The gentleman is a respected Member of this House; it is just that we differ on this particular issue.

It seems to me that it is not a wise thing for us now to be reversing a policy of moving in the direction of greater cooperation with India. That is in the interest of the people of the United States as it is in the interest of the people of India and, I believe, generally in the interest of the people of the world.

We have much in common with this country. That, I think, is obvious. We share a common language, we share a basic economic system in common, and we share a basic political system in common.

India is a democracy. That fact has been proven if by no other reason than the recent elevation to the highest office in the land of a person from the lowest strata of society. It shows that there is political mobility based upon democratic principles, democratic ideals that we hold in common with them.

Mr. Chairman, it makes no sense for us to back away from a relationship with this country. By the middle of the next century, India will be the most populous nation in the world, and my remarks are based upon not just observations in the abstract but based upon the fact that I have had the opportunity to be there and to see firsthand the kinds of things that are happening in that country.

□ 1245

Not perfect by any means, a great many things that have to be corrected, obviously and for sure, but progress is definitely being made. We need to continue to work with them on that progress. We have major investments there. India is America's largest trading partner. That trading relationship is only going to grow and it will grow to the benefit of Americans as well.

This is a bad idea. It is something that we ought to reject. We ought to continue to promote better relationships and a closer affinity with the people of this country.

Mr. Chairman, I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I do not intend to take up a lot of time. I just have been listening. I know there have only been one or two speakers in favor of this amendment. Unfortunately, they have made some really incorrect remarks. The remarks about the caste system, you could look back 2,000 years and know that the caste system has existed in India. But the fact of the matter is that for the last 50 years this democracy has tried to root out the caste system. They have made it illegal under their constitution. They have repeatedly tried to go out of their way to establish affirmative action programs so that those of the so-called lower castes are able to play a significant role in Indian society, the point being the President, the chief of state of India.

In addition, I have heard comments about people being killed recently in a lot of different instances. A lot of that is happening because of terrorists, militant terrorist organizations that continue to operate in India.

The bottom line is, if we were to pass this amendment today, which I know we will not, but if we were, we would encourage those terrorists to continue their activities against innocent people in India. It is those militant organizations that are inflicting a lot of the crimes and a lot of the deaths that are talked about by the gentleman from Indiana.

In addition to that, the gentleman from California [Mr. ROHRABACHER] talked about how there has been no indication that the situation is getting better in India in terms of human rights. Just, in fact, the opposite is the truth. Our State Department annually for the last few years has talked repeatedly about progress. There has been incredible progress.

The human rights commission puts out a report on a regular basis, I brought one of the copies today, where they are prosecuting 200 people annually, more people every day. They have these training programs where they deal with the military forces and they explain to them how they are properly supposed to act. They have been dealing with the situations in rape, with rapes. They have been going against child prostitution.

The very things that the two supporters of this amendment talk about are actually being rooted out by the human rights commission on a regular basis. The Government has been spending money trying to do that.

The problem that we have here with the supporters of this amendment is that they do not look at the facts on the ground in India. They are not talking to the people. They do not understand what is going on. They continue to talk about things that have happened in the past.

I have to say, finally, when you talk about Kashmir and again about the Punjab, in both cases there have been democratic elections in those two states of India. So it is wrong to say that there is no plebiscite. It is wrong to say that there is no democratic process. People have voted, the majority of the people. More people than voted in our elections here in the United States have voted for the governments are against separatism in those states in India.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment offered by the gentleman from Indiana, whom I have worked with on other issues. But on this issue I clearly disagree with him. It is ironic that we offer this amendment to cut assistance India on the 50th anniversary of its independence. This amendment takes a swipe at one of the most vibrant and energetic democracies in the world,

and it is the wrong approach to take. It seeks to punish a country which has been a democracy since its independence, it seeks to punish a country that has improved and is improving its human rights record.

Since 1996, India has been taking positive steps to improve its neighborhood. The amendment comes at a time when both India and Pakistan are working to resolve the disputes that exist between them, including Kashmir, in a bilateral manner. Earlier this year this House passed Concurrent Resolution 16 which congratulated the people of India on reaching a 30-year agreement with their neighbor Bangladesh on sharing water from the Ganges River. These are two of the more conspicuous unilateral efforts India has been making with its neighbors to increase cooperation in south Asia.

The amendment charges that India is a country without respect for human rights, particularly in the states of Jammu and Kashmir and Punjab. Mr. Chairman, it is important to note that the party in charge of Punjab is the Akali Dal, a Sikh-controlled party. They control 74 of the Punjab's 117 seats. They came to power after 69 percent of the eligible voters in Punjab went to the polls. Democracy exists in Punjab and the voters spoke by casting their ballots and electing a new party to power. That is democracy.

Let us not forget Jammu and Kashmir. Under the threat of violence and terror from separatist elements, nearly 55 percent of eligible voters in the Indian states of Jammu and Kashmir went to the polls for state assembly elections last September and October. The people of those specific states went to the polls despite a boycott called by Pakistani-backed separatist rebels and despite the separatist threats on their lives.

Our own State Department notes in its annual country report that during 1996 India made further progress in resolving human rights problems. After 3 years of existence, India's national human rights commission continues to play a key role in bringing accountability for human rights abuses and continues to enlarge its useful role in addressing patterns of abuse.

What we are being asked to do today is to cut funds to India that uses such funds to encourage economic growth, which has a direct correlation to our trading with India, stabilize population growth, enhance food security and nutrition, protect the environment, reduce HIV transmission and educate girls and women.

We cannot forget that we are India's largest trading and investment partner. So let us celebrate India's golden jubilee by defeating this amendment.

India has been a success as a democracy with its independent judiciary, free press, and energetic political system. It sought to address conflicts in a lawful, democratic manner. Instead of pursuing punitive measures against a free and democratic country, we should be seeking to expand our economic, political and strategic ties with India so that we can move forward together.

We should pursue an agenda which will not worsen the climate in India and south Asia. We should instead stand steadfast to its commitment to free markets, as well as its commitment to human rights. It is in the national interest of the United States to defeat this amendment and to promote those market reforms and democratic government that India has been pursuing.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

I have been listening to this debate in my office, and I felt I should come down to the floor just to talk a little bit about some feelings I have about this. I think we forget that, first of all, let us look at history.

India was subject to the most brutal colonial power possible. I talk about this with a little personal knowledge. My mother was in India when the great Mahatma Gandhi was first arrested by the British police. She witnessed and told me as a child of the terrible situation for the people of India under that colonialism.

They threw that off. They have for 50 years been a democracy. Who are we, who are we really to talk about these issues that I hear discussed today?

Rape, I have heard a lot of talk about rape. How I wish, as a woman in the United States, how I wish I could say that there is no rape in this country. How many women live in fear of rape? That is not because we are not a great country. We are, and a good country. But bad people do bad things.

We talk about the brutalism. I have heard all this talk about brutal treatment of prisoners. I would remind us, I would remind us of the treatment by the Los Angeles police of Rodney King. Bad people in good countries do bad things.

Then I have heard a great deal of talk about terrorism. Is each of us in this country responsible for the deaths at Oklahoma City when a terrorist, a terrorist decided to attack innocent people? Who are we to speak of this?

I think what we should do is see what the people themselves have said. And the Indian people have spoken. They have gone to the polls and they have voted this government. The Punjabi people have spoken. They have gone to the polls. They are the ones we should listen to, those who have spoken for their own right to be free people in a free country. That is what democracy is about. That is why India can say it is a democracy.

India would never say it is perfect. Can we in this country say we are perfect? No, we are striving for perfection. We are striving to be the best country in the world. We are the greatest of all democracies but India has gone in only 50 years from the most brutal colonial power ruling everything they did. We must remember that as you struggle for perfection, other countries need to help you on that path.

I oppose the Burton amendment. It is the wrong thing to do. We must support democracies. We must encourage them.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. In doing so, I want to commend the gentleman from Indiana [Mr. BURTON] for shining the bright light of our country on the human rights abuses that take place in India and indeed other places in the world. He has a strong human rights record, and I am not here today to defend any of the alleged actions of the Indian Government or their security forces outlined by the gentleman from Indiana [Mr. BURTON] in his amendment.

I am, however, going to vigorously defend the humanitarian aid programs that are funded through AID and, among other initiatives, help one of the most populous countries in the world deal with family planning issues, among other issues which I will address.

The chairman of our committee, the gentleman from Alabama [Mr. CALLAHAN], is the foremost champion in the world on the issue of child survival. It is the keystone of his foreign operations bill. The United States is now engaged with India in providing much needed assistance for child survival, as well as other issues, population planning, the environment, economic reform. This amendment would cut 25 percent of this modest program, the vast majority of which benefits the poorest and most vulnerable portions of Indian society.

I have been and am extremely concerned about the reports of serious human rights abuses in India, particularly in Kashmir and Punjab. The United States has been and remains seriously engaged with the Indian Government on these issues. Limited progress has been made on the human rights front with recent elections in Kashmir and Punjab, as my colleagues have cited, the successful prosecution of the security force personnel and police and military officials and the establishment of a local human rights groups that are now able to monitor events there.

These developments are positive but not definitive. However, the essential point remains: We should not be cutting off aid to help millions of poor in India with some fundamental aid programs that enable them to survive. We should be working with the Indian Government to promote human rights, as we are, and we should know that at risk, if this amendment should pass, is assistance to the women's initiative. Women are a key human resource for economic development and their full participation in a democratic society is an absolute necessity.

The HIV/AIDS activity could be cut back. This would be particularly harmful to the international and global fight against AIDS in view of fact that

India is particularly vulnerable to a dramatic increase in AIDS.

And the environment and energy portfolio would be cut back. There are obvious global pollution implications of a cutback, in addition to the loss of opportunities for U.S. technology providers. It is in our national interest to provide humanitarian assistance to India.

I believe it is important to shine the light of democracy on human rights violations there but I do not think that the Burton amendment is appropriate, and I urge my colleagues to vote ''no.''

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak against the Burton Amendment to H.R. 2159, the Foreign Operations Appropriations for fiscal year 1998, which would prohibit all development assistance funding for India in fiscal year 1998, unless such aid is provided through nongovernmental organizations or private voluntary organizations.

As the world's largest working democracy India is a model for the new world order which is emerging after the collapse of communism in the former Soviet Union and Eastern Europe. The level of diversity in races, languages, ways of life and thought and in its wide disparities in education and illiteracy, in poverty and wealth, India has created a model for others to learn from.

In the 50 years since India's first Prime Minister Jawaharlal Nehru announced that India, the nation, would be born at the stroke of midnight on August 14, 1947, this great new nation set many standards for progress that is responsible and responsive to the needs of a diverse population.

Democracy and freedom are more than just words put to paper, they are the fabric of government policy and laws which knits together a multitude of people. It provides the ground rules that each must play by in order to be included as a good member of that society or nation.

In the early history of the United States, Thomas Jefferson wrote, ''We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness,'' in this Nation's Declaration of Independence. This statement did not extend itself to all men nor to women, but in the course of time and with a strong zest for the survival of this new Nation's democracy, those words now do mean all shades of Americans that we have today.

Today should our Nation's entire Federal Government be condemned and labeled because of the attack on the Haitian gentleman who was in the custody of police officers in the City of New York? I would think and hope not, but from the perspective of governments from around the world this view may be dimmed by culture and custom.

There is no perfect Democracy, but a democracy working toward perfection is more likely to find a state of existence that is rewarding to a majority of its people than one which has given up all hope of ever reaching perfection. This goal of perfection will also allow the people who govern to keep a fresh and open outlook on their role and the role of the people in the proper function of a democratic government.

I believe that the Founding Fathers wrote the Bill of Rights with that idea in mind. That they had not created a perfect union of former colonies, but were starting a work of democracy in progress.

Like the United States, our sister democracy in India had also taken great pains to craft a constitution and legal system to sustain itself during times of plenty and times of need. With a long history of contributing to the cultural, political, and religious diversity of the world, India has forged a working democracy.

We should do all that we can in this body to support a democratic India and hold judgment until there is real evidence to the contrary.

I would ask my colleagues to join me in voting against this amendment.

Mr. MCCOLLUM. Mr. Chairman, I rise today to oppose the amendment offered by my friend and colleague, Mr. BURTON of Indiana. I have been working on issues involving India for probably a decade now. The roots of my interest were India's efforts to counter the plague of terrorism. However, in this process, I have had the opportunity to learn more about India and the importance of its relationship to the United States, and am now the co-chairman of the India Caucus in the House. India has become not only a key trading partner with the United States, but our relationship is also important to U.S. national security.

It is this unique relationship that would be damaged by my colleague's amendment. This amendment would be a slap in the face to an ally with over 4,000 miles of border with China, a very unknown quantity.

Terrorism is a growing threat throughout the world. Much of it is spawned by radical Muslims who see it as a way to accomplish goals and objectives. Some governments in the Middle East and the Near East have permitted and sometimes encouraged the training and arming of terrorists. The U.S. has directly felt these terrorist activities in the bombings of the World Trade Center and more recently, of Khobar Towers in Saudia Arabia where many U.S. servicemen lost their lives. But so too have others felt their acts, India being first among these.

India has the second largest Muslim population in the world. Radical Muslims who use terrorism as their weapon want to control governments of all countries with large Muslim populations. We have an interest in making sure that does not happen.

India and the United States share a lot of bonds in fighting terrorism. We share growing concerns with China, too. And we share an increasingly larger trading interest. Why should this be jeopardized?

I realize that some have pointed to India's human rights situation as a reason to tweak India's nose. I would not deny that there have been some violations in India. But the government is continuing to improve its record in this regard. In fact, there is an independent human rights commission which has brought justice to hundreds of human rights violators. The State Department has gone to great lengths to make note of India's progress by stating that ''during 1996, India has made further progress in resolving human rights problems. The National Human Rights Commission has continued to enlarge its useful role in addressing patterns of abuse, as well as specific abuses.''

The criticisms raised by my colleague from Indiana are old hat. This amendment has been defeated soundly and repeatedly in the past while what little rationale there is for it continues to dwindle.

One specific example is in the state of Punjab. This area is mentioned as a place of oppression against the Sikh minority. However, a Sikh dominated government replaced the ruling party in open democratic elections in Punjab. Furthermore, the Indian and Pakistani governments have shown signs that there can be real negotiations on the divisive issue of Kashmir.

Mr. Chairman, India is the world's largest democracy. The human rights record in India is improving—just ask the State Department. Now is not the time to send negative signals to India. They are important strategic allies. India is also a key economic ally with over $5 billion in U.S. investment in India.

In the end, India has proven itself worthy of its relationship with the United States. This is not the time to support my colleague's amendment to unfairly stigmatize India. I strongly urge a no vote.

Mr. LANTOS. Mr. Chairman, I urge my colleagues to oppose the ill-conceived and highly destructive amendment that has been offered by our colleague from Indiana [Mr. BURTON]. His amendment would cut United States development assistance to India in the next fiscal year.

Mr. Chairman, we have had repeated debates for more years than I would care to remember that have been similar to the one we are having today. Our colleague from Indiana [Mr. BURTON] has offered this or a similar amendment whenever we have debated the foreign operations appropriations bill and whenever we have debated an international relations authorization bill. The House has repeatedly voted to defeat this unfortunate proposal, and I urge my colleagues again to vote against this distasteful demagoguery.

While this annual exercise has not resulted in reducing the small amount of development assistance that the United States has provided to India, it has become an annual opportunity for a few Members of this body to make unfortunate and harmful remarks about the world's largest democracy.

Mr. Chairman, instead of using this opportunity to bash the Government of India, this should be an opportunity for us to join in paying tribute to the people of India, to join in celebrating the 50th anniversary of the founding of this great country. It was just 50 years ago, in August 1947, that the era of British colonial rule ended in India, and a democratic republic was established. Now, 50 years later, there is ample reason to celebrate India's independence and its statehood.

The institutionalization of democracy in India has had its difficult moments—periods of violence, including the bloodshed which accompanied the partition of India and Pakistan at the time of the establishment of the Republic of India in 1947 and more recently at the time of the tragic assassination of former Prime Minister Indira Gandhi. There have been instances of ethnic and religious violence, but a multiethnic, multireligious state like India is not immune to the sectarianism and racism that has afflicted so many countries around the world.

This is a time, Mr. Chairman, to celebrate and rejoice with the people of India in a half-century of great achievements. India remains a democratic society with a democratically

elected parliament and a democratically elected prime minister. Democracy has flourished in a country that has a population of 900 million people. In a society that is multireligious, multiethnic, and multiracial, in a country that recognizes 16 official languages. Further complicating the effort to maintain and foster democracy in India is the fact that this country has a growing population and it suffers from a low level of economic development. I welcome the economic progress that we are witnessing in India, and I welcome the growing economic ties between India and the United States.

Mr. Chairman, I am not one to underestimate or to minimize human rights violations, and I will not ignore or overlook such problems when they occur anywhere. There are human rights violations in India, and I deplore them. At the same time, however, there is evidence of progress in this important area. The 1996 annual State Department Country Reports on Human Rights notes that advances have been made in resolving human rights problems. The establishment of an independent National Human Rights Commission by the Government of India has been an important factor in this development. The governmental and judicial system of India provides legal and constitutional safeguards for human rights. The serious social tensions and violent successionist movements that exist in India create special problems, and police training is deficient in many cases. These are explanations, but they do not justify human rights violations. The important consideration, Mr. Chairman, is that the violations that do occur are not the consequence of government policies and government intentions. These problems are the result of failures in the system, and these failures are in the process of being remedied.

Mr. Chairman, as political, economic, and other relationships between the United States and India are developing and expanding and improving, it would be unfortunate and extremely counterproductive for this House to adopt the ill-conceived amendment that we are now considering. I urge my colleagues to join me in a resounding vote against the Burton amendment.

Mr. MANTON. Mr. Chairman, I rise in strong opposition to the Burton amendment. India has taken great strides in improving its human rights record. As a member of the Congressional India Caucus, I take great interest in issues which directly affect India.

In addition, I am proud to represent one of the largest Indian-American populations in the United States. Should this misinformed, outdated amendment pass, it would have a devastating impact on India; socially, economically as well as politically.

I believe we must continue to fully recognize India's potential as a free, democratic nation, rather than punish them for past human rights abuses.

I am not arguing that India has had a perfect human rights record; however, we cannot turn our backs on the tremendous strides India has made, especially as they celebrate 50 years of democracy and continue to look ahead to great potential for its people.

The United States has played an enormous role in assisting the Indian Government in building itself into a strong democracy and a leader in the Asian region. We should be proud of our strong support of India over the years and the substantial economic doors we have opened for United States businesses.

The United States has benefited greatly through increased investments in India. This amendment would greatly jeopardize the strong business interaction that has flourished between our countries.

I urge my colleagues to continue our current common sense policy toward India. I urge a ''no'' vote on the amendment.

Mr. LEVIN. Mr. Chairman, I rise in strong opposition to the Burton amendment.

Clearly, India's human rights record has been less than perfect, but we must recognize that it is improving, even in the face of some very extraordinary circumstances. In the Indian States of Kashmir and Punjab, terrorist violence has cost the lives of more than 20,000 people. Violence has become a way of life for many who live in this region of the country. International press reports confirm that India's security forces and civilians live under the constant threat of terrorist attack. Just last week, 33 people were killed and 67 injured in a bomb blast on a train in Punjab.

In recognition of international concern, India has taken steps to address these problems. For instance, India has established the National Human Rights Commission, an independent office established to investigate claims of abuse. The commission's work resulted in the prosecution and punishment of over 200 security force personnel last year. In testimony before Congress, Assistant Secretary of State for South Asia Robin Raphael, stated that the watch dog agency ''has real teeth.'' In addition, India has abolished its highly controversial Terrorist and Disruptive Prevention Act [TADA].

Our own State Department, in its annual report on human rights, stated that India has made progress in ''resolving human rights problems.'' The report goes further to state that the ''National Human Rights Commission has continued to enlarge its useful role in addressing patterns of abuse, as well as specific abuses.''

India has also made great strides in reforming its economy and improving conditions for foreign investment. Since 1990, foreign investment has grown from $90 million to a record $10 billion in 1995 with the United States leading the way.

The United States is now India's largest overseas investor. From 1991 to 1996, United States investment in India was 29.5 percent of all foreign investment. United States investment in India totaled more than $5 billion last year—a 40 percent increase in 1996 alone. The U.S. Department of Commerce has designated India as one of the ten most important ''Big Emerging Markets'' for American business.

A virtual ''Who's Who'' of American companies is doing business successfully in India today including: Ford Motor Company, General Motors, Chrysler Corporation, IBM, AT&T, Coca Cola, Levi Strauss, Kellogg Company, Motorola, and Northwest Airlines.

The prospects for continued growth continue. The ruling coalition in India, brought to power last year in the world's largest democratic election in history, has remained committed to the path of economic reform laid by the previous government. In April of this year, India's Prime Minister I.K. Gujral stated, ''India can look forward to the continuation of the reform program, and to its deepening, and widening.''

Not only has India's Prime Minister made continued economic reform a priority, he is also committed to reducing tensions between his country and Pakistan. Just last month, Mr. Gujral met with Pakistan's Prime Minister Nawaz Sharif to begin a dialog by which the two countries might be able to resolve their differences. While the two could only agree on incremental steps, the meeting was a positive step toward resolving the differences between these neighbors.

In light of these developments and others, I firmly believe that cutting aid to India is both unwise and unwarranted. Not only would it be a slap in the face to India and the many accomplishments it has achieved, it would have a severe impact on our relationship with the world's largest democracy. Many of the improvements that have been made in the areas of human rights, economic reform and regional stability could be lost. These would be contrary to both our national and economic security interests.

Mr. Chairman, I urge my colleagues to reject this amendment. It sends the wrong signal at a time of great opportunity for our two countries.

(Mr. CALLAHAN asked and was given permission to proceed out of order for 1 minute.)

LEGISLATIVE PROGRAM

Mr. CALLAHAN. Mr. Chairman, I would like to thank the chairman and to commend him for his professionalism in the handling of this bill. I think he has been very fair and that the Chair has presided in a very professional manner.

Mr. Chairman, I know that the Chair will explain the series of votes, but it is my understanding that the Burton amendment which we have just debated will now be voted upon, that that will be a 15-minute vote.

Then, following the Burton amendment, we will proceed with a 5-minute vote on the additional five amendments that were debated yesterday. After the vote on the Burton amendment and the other five amendments we debated yesterday, we will then proceed immediately to the Smith amendment, which time will be divided on the Smith amendment between Mr. SMITH and the gentlewoman from California [Ms. PELOSI].

Then there will be an amendment offered by the gentlewoman from California [Ms. PELOSI] and the gentleman from New York [Mr. GILMAN] to the Smith amendment.

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Following the vote on the six pending amendments and then the vote on the Smith amendment and the Pelosi-Gilman amendment, we will go to final passage. Is that the Chair's understanding of what we are going to do?

The CHAIRMAN. The gentleman is correct.

The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 24, 1997, further proceedings on the amendment offered by the gentleman from Indiana [Mr. BURTON] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 24, 1997, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 38 offered by the gentleman from Indiana [Mr. BURTON]; amendment No. 76 offered by the gentleman from California [Mr. CAMPBELL]; amendment No. 32 offered by the gentleman from Texas [Mr. PAUL]; amendment No. 41 offered by the gentleman from Pennsylvania [Mr. FOX]; amendment No. 17 offered by the gentleman from California [Mr. TORRES]; and amendment No. 3 printed in House Report 105–184 offered by the gentleman from Florida [Mr. STEARNS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 38 OFFERED BY MR. BURTON OF INDIANA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. BURTON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. BURTON of Indiana:

At the end of the bill, insert after the last section (presiding the short title) the following new section:

LIMITATION ON ASSISTANCE IN INDIA

SEC. 572. Not more than $41,775,000 of the funds appropriated or otherwise made available in this Act under the heading ''Development Assistance'' may be made available for assistance in India.

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 82, noes 342, not voting 9, as follows:

[Roll No. 356]

AYES—82

Aderholt
Ballenger
Barrett (NE)
Bartlett
Barton
Bonior
Brady
Bryant
Bunning
Burton
Buyer
Canady
Chenoweth
Coburn
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Doolittle
Duncan
Farr
Fawell
Fazio
Gibbons
Goodling
Granger
Hastert
Hastings (WA)
Herger
Hill
Hilleary
Holden
Hostettler
Hunter
Hutchinson
Istook
Jenkins
Jones
King (NY)
Klug
Largent
Lewis (KY)
McIntosh
McKeon
Miller (CA)
Myrick
Nussle
Paul
Paxon
Pease
Peterson (MN)
Pitts
Pombo
Porter
Radanovich
Ramstad
Riggs
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shuster
Smith, Linda
Solomon
Stump
Taylor (MS)
Taylor (NC)
Thune
Towns
Wamp
Watts (OK)
Wolf

NOES—342

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hayworth
Hefley
Hefner
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pomeroy
Portman
Poshard
Price (NC)
Quinn
Rahall
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thornberry
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—9

Gonzalez
Hilliard
McCollum
McIntyre
Neumann
Pryce (OH)
Schiff
Thompson
Waxman

□ 1323

Messrs. GANSKE, BALDACCI, RANGEL, and NADLER changed their vote from ''aye'' to ''no.''

Messrs. HERGER, DELAY, DOOLITTLE, and ADERHOLT changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MCINTYRE. Mr. Chairman, on rollcall vote No. 356, the Burton amendment, I was unavoidably detained. I would like the RECORD to reflect that I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 24, 1997, the Chair announces 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 further amendment in this series.

AMENDMENT NO. 76 OFFERED BY MR. CAMPBELL

The CHAIRMAN. The unfinished business is the demand for a recorded vote on Amendment No. 76 offered by the gentleman from California [Mr. CAMPBELL] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 76 offered by Mr. CAMPBELL:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 572. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''ECONOMIC SUPPORT FUND'', and increasing the amount made available for ''CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND'' as authorized by section 526(c) Public Law 103–306; 108 Stat. 163, by $25,000,000.

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 273, noes 150, not voting 10, as follows:

[Roll No. 357]

AYES—273

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Calvert
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Engel
English
Ensign
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Flake
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Reyes
Riggs
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (FL)

NOES—150

Aderholt
Archer
Armey
Baker
Barr
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Cannon
Chambliss
Chenoweth
Coble
Collins
Combest
Crapo
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Duncan
Dunn
Ehrlich
Emerson
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goss
Graham
Granger
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kelly
Kim
King (NY)
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Manton
Manzullo
McCrery
McHugh
McIntosh
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Oxley
Packard
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Porter
Regula
Riley
Rogan
Rogers
Rohrabacher
Roukema
Ryun
Salmon
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shimkus
Shuster
Skeen
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Walsh
Watkins
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (AK)

NOT VOTING—10

Becerra
Conyers
Cox
Farr
Foglietta
Gonzalez
McCollum
Neumann
Pryce (OH)
Schiff

□ 1330

Mr. HOBSON changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 32 OFFERED BY MR. PAUL

The SPEAKER pro tempore (Mr. THORNBERRY). The unfinished business is the demand for a recorded vote on amendment No. 32 offered by the gentleman from Texas [Mr. PAUL] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. PAUL:

After the last section (preceding the short title), insert the following:

LIMITATION ON FUNDS FOR ABORTION, FAMILY PLANNING, OR POPULATION CONTROL EFFORTS

SEC. 572. (a) None of the funds appropriated or otherwise made available by this Act may be made available for—

(1) population control or population planning programs;

(2) family planning activities; or

(3) abortion procedures.

RECORDED VOTE

The SPEAKER pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 147, noes 278, not voting 8, as follows:

[Roll No. 358]

AYES—147

Aderholt
Archer
Armey
Bachus
Baker
Barcia
Barr
Bartlett
Barton
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Camp
Canady
Cannon
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cooksey
Costello
Cox
Crane
Crapo
Deal
DeLay
Dickey
Doolittle
Duncan
Emerson
Ensign
Everett
Forbes
Gillmor
Goode
Goodlatte
Goodling
Graham
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kildee
King (NY)
Kingston
Kucinich
LaHood
Largent
Latham
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McIntosh
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Ney
Northup
Norwood
Nussle
Oberstar
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Quinn
Rahall
Redmond
Riley
Rogers
Royce
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Skelton
Smith (MI)
Smith, Linda
Snowbarger
Solomon
Souder
Stearns
Stenholm
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Young (FL)

NOES—278

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Ballenger
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Callahan
Calvert
Campbell
Capps
Cardin
Carson
Castle
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)

Hamilton
Hansen
Harman
Hastings (FL)
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Pickett
Pomeroy
Porter
Price (NC)
Radanovich
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Spence
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
White
Wise
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—8

English
Gonzalez
McCollum
Neumann
Pryce (OH)
Schiff
Smith (NJ)
Wolf

Mrs. EMERSON, Mr. ROYCE and Mr. SMITH of Michigan changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Chairman, on rollcall vote No. 358, I was mistakenly recorded as voting ''no.''

I ask unanimous consent to have it reflected in the appropriate place in the RECORD that I should have been recorded as voting ''aye'' on this rollcall vote.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Chairman, on rollcall No. 358 I inadvertently voted ''yes.'' I intended to vote ''no.'' I have, throughout my service in the Congress, consistently supported international family planning funds, as long as those funds are not used to perform or promote abortions. The Paul amendment would have cut off all family planning funds, a position which I do not support.

□ 1345

AMENDMENT NO. 41 OFFERED BY MR. FOX OF PENNSYLVANIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 41 offered by the gentleman from Pennsylvania [Mr. FOX] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. FOX of Pennsylvania:

Page 94, after line 3, insert the following:

SEC. 572. None of the funds made available under the heading ''DEVELOPMENT ASSISTANCE'' may be used to directly support or promote trophy hunting or the international commercial trade in elephant ivory, elephant hides, or rhinoceros horns.

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 159, noes 267, answered ''present'' 1, not voting 7, as follows:

[Roll No. 359]

AYES—159

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Bono
Borski
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Conyers
Cook
Coyne
Crane
Cummings
Davis (VA)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Ford
Fox
Frank (MA)
Frelinghuysen
Furse
Gallegly
Gejdenson
Gephardt
Gilman
Goodling
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hinchey
Hooley
Hostettler
Houghton
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Morella
Nadler
Neal
Nussle
Oberstar
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Portman
Price (NC)
Rangel
Rivers
Rogan
Ros-Lehtinen
Roukema
Roybal-Allard
Sabo
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Tauscher
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Waxman
Weldon (PA)
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—267

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
Delahunt
DeLay
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Flake
Foley
Forbes
Fowler
Franks (NJ)
Frost
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Obey
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Poshard
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogers
Rohrabacher
Rothman
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

McDade

NOT VOTING—7

Boucher
Gonzalez
Greenwood
McCollum
Neumann
Pryce (OH)
Schiff

□ 1353

Messrs. KLECZKA, MCINTYRE, MORAN of Kansas, and SANFORD changed their vote from ''aye'' to ''no.''

Mrs. CLAYTON, Mr. WYNN, Mr. FORD, and Ms. Harman changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. TORRES

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 17 offered by the gentleman from California [Mr. TORRES] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. TORRES:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION ON FUNDS FOR SCHOOL OF THE AMERICAS

SEC. 572. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.

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 210, noes 217, not voting 7, as follows:

[Roll No. 360]

AYES—210

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bunning
Camp
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clement
Coble
Coburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dixon
Doggett
Dooley
Doyle
Duncan
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Goode
Goodling
Gordon
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Harman
Hefner
Hinchey
Hinojosa
Holden
Hooley
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Miller (CA)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sawyer
Scarborough
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Stabenow
Stark
Stokes
Strickland
Stupak
Talent
Tauscher
Taylor (NC)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—217

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett
Ewing
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gillmor
Gilman
Gingrich
Goodlatte
Goss
Graham
Granger
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Martinez
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mollohan
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Sandlin
Sanford
Saxton
Schaefer, Dan
Scott
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Tanner
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Visclosky
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bilbray
Gonzalez
Houghton
McCollum
Neumann
Pryce (OH)
Schiff

□ 1402

Mr. WISE and Ms. BROWN of Florida changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. STEARNS

The CHAIRMAN (Mr. THORNBERRY). The unfinished business is the demand for a recorded vote on amendment No. 3 in House Report 105–184 offered by the gentleman from Florida [Mr. STEARNS] on which further proceedings were postponed and on the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. STEARNS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SENSE OF THE CONGRESS REGARDING COSTS OF THE PARTNERSHIP FOR PEACE PROGRAM AND NATO EXPANSION

SEC. 572. It is the sense of the Congress that all member nations of the North Atlantic Treaty Organization (NATO) should contribute their proportionate share to pay for the costs of the Partnership for Peace program and for any future costs attributable to the expansion of NATO.

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 425, noes 0, not voting 8, as follows:

[Roll No. 361]

AYES—425

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey

Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—8

Gonzalez
McCollum
McKeon
Moakley
Neumann
Pryce (OH)
Rothman
Schiff

☐ 1411

Mr. BERRY changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GREENWOOD. Mr. Chairman, on roll-call No. 359, I was inadvertently detained. Had I been present, I would have voted "no."

Mr. COBURN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COBURN. Mr. Chairman, I would like to engage in a colloquy with the gentleman from Alabama [Mr. CALLAHAN], and I thank the gentleman for taking this time and opportunity to discuss the funding for the U.S. Man and the Biosphere Program.

Mr. Chairman, as the gentleman and I are both aware, the U.S. Man and the Biosphere Program operates through the State Department with funding from 15 different Federal agencies. Despite the fact that this program is 100-percent taxpayer funded, it has never been authorized by Congress. And in fiscal year 1996, the last year for which figures are available, the State Department, the U.S. Agency for International Development, and the Peace Corps contributed through interagency transfers over $311,000 to the U.S. Man and the Biosphere Program. Almost a third of that total was funds appropriated under the Foreign Operation Appropriations Act.

Mr. Chairman, I would simply like to ask whether the Subcommittee on Foreign Operations had appropriated such funds for or supports such interagency transfers for the U.S. Man and the Biosphere in the fiscal year 1998 appropriations.

☐ 1415

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, first of all, I would like to thank the gentleman from Oklahoma [Mr. COBURN] for bringing this matter to the attention of the full House. In answer to his question, no, the subcommittee did not appropriate funds for such interagency transfers for fiscal year 1998 or any other year of which I am aware.

As to whether or not the House supports the interagency transfer to U.S. Man and the Biosphere Program, I would have to answer, no, based upon the fact that the House passed Foreign Affairs Authorization Act, H.R. 1757.

As our colleagues are aware, on June 11 of this year the House passed by a vote of 222 to 202 the Coburn amendment to the Foreign Affairs Authorization Act. This amendment prohibits funds authorized by that act from being used in support of the U.S. Man and the Biosphere Program or other related programs. Based upon the actions of this body, no funds appropriated by H.R. 2159 should be used in support of the U.S. Man and the Biosphere Program. Consequently, no Federal agency funded under this act should attempt to transfer funds to the U.S. Man and the Biosphere Program.

Mr. COBURN. Mr. Chairman, I thank the chairman for that clarification. As the Members of this body are aware, the U.S. Man and the Biosphere Program has raised a number of questions ranging from violations of private property rights to misuse of tax dollars. Without specific congressional authorization that defines the role of the Biosphere Program and without congressional oversight, it is impossible to answer any of these questions. I can guarantee my colleagues that it is reassuring to my constituents and those of many other Western States to know that their tax dollars will not be used in support of a program which is not accountable to Congress.

On behalf of myself, our colleagues, the gentleman from Pennsylvania [Mr. PETERSON], the gentlewoman from Missouri [Mrs. EMERSON], the gentlewoman from Idaho [Mrs. CHENOWETH], the gentleman from Florida [Mr. STEARNS], and the gentleman from New York [Mr. SOLOMON], all of whom have assisted in bringing this program to light and assuring the proper use of Federal funds, I would like to thank the gentleman for providing this guidance to the agencies funded under this act.

Mr. CALLAHAN. Mr. Chairman, if the gentleman will continue to yield, I am pleased to have had this opportunity, and I thank the gentleman for engaging me in this discussion.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, I rise to state my position with regard to this program and to respectfully disagree with my distinguished chairman and the maker of this, the initiator of this colloquy.

I do not agree that the statements accurately reflect the status of the Man and the Biosphere Program. Funding for the Man and the Biosphere Program was requested and has not been prohibited in this bill. I therefore want to clarify that, despite the statements made here this afternoon, and I rarely disagree with my distinguished chairman, funding for this project can move

forward if Congress takes no further action, no further definitive action on it.

The citation to the Foreign Affairs Authorization Act does not apply, because that is not even the law. So at this time, this afternoon, at the time of this colloquy, there is no prohibition on Congress' spending funds for the Man and the Biosphere Program.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from California.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding to me. There has been a great deal of discussion over whether Congress has given proper statutory guidance and authorization to the Man and the Biosphere Program and whether Congress has exercised enough oversight. These are of course functions and duties of Congress rather than the responsibility of the Man and the Biosphere Program and thus should not be cited as a reason for terminating funding for the program. These are also matters I have sought in good faith to address. The Man and the Biosphere Program is a program of scientific research, education, and training.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. COBURN] has expired.

Mr. BROWN of California. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Continuing with my remarks, Mr. Chairman, the program does not regulate private property rights, and I am aware of absolutely no evidence that Federal officials have misused taxpayers' funds in carrying out this program.

I would point out that about two-thirds of the program is research conducted by a dozen or more different Federal agencies under their existing authorization to conduct research and does not need to be separately authorized by this legislation or any other. However, I would like to reiterate my areas of agreement with the gentleman from Oklahoma.

In view of the controversy that appears to surround the program, I do believe that it is appropriate to enact a specific organic statute for the program. I have introduced such legislation in the form of H.R. 1801, which, I might add, enjoys bipartisan support. I have also requested the Committee on Science to conduct oversight hearings on this program, and I might also point out that we are the only committee which has ever conducted oversight on this program, although it has been several years ago. Although it is somewhat rare to focus this level of legislative attention on such a small program, I am in full agreement that it would be healthy.

Finally, I would point out that nearly all of the funding expended by the Man and the Biosphere Program is for scientific research. The gentleman's expressed concern, however, is the impact of biosphere designation on private property rights. I would question the wisdom of killing off good peer-reviewed scientific research based on what is essentially an administrative concern. I suggest that it would be far more constructive to simply place a moratorium on new biosphere designations until these concerns are met rather than terminate ongoing scientific research. In fact, I recognize that the gentleman from Oklahoma is a supporter of good research, and I commend him for that.

This is the type of compromise, the one that I am suggesting, that I believe could be accommodated if the gentleman would join me in my efforts to advance H.R. 1801.

May I say further with regard to this whole debate that I want to commend the gentleman from Oklahoma and the gentleman from Alabama for the way in which it has been conducted. I feel that we have considerably enlightened the other Members with regard to this program. I want to thank them for their cooperation.

There has been a great deal of discussion on the floor of the House regarding the merits of the Man and the Biosphere Program and whether Congress has provided adequate legal authority to the executive branch to carry out the program.

In the fiscal year 1998 foreign operations budget request, as in previous years, the Man and the Biosphere Program is specifically detailed as a component of the international contributions for scientific, educational and cultural activities account. The foreign operations appropriations bill on page 37 and report on page 61 indicate no change to the President's request for this program. The principles of appropriations law are clear here—the effect of the bill and past appropriations bills has been to provide the requisite authority to the executive branch to expend funds on the program. When a lump sum appropriation is made for a collection of requested programs, and no specific intent is indicated to provide funds in addition to or less than the request, the executive branch may expend the requested funds. A conflicting intent expressed in another bill, in this case the foreign operations authorization bill, does not have any effect whatsoever on this authority if it is not enacted into law.

If, as the opponents of this program have implied, this is not the case and Federal officials have illegally expended such funds in the past, this would be a very serious violation of law. It would also mean that our somewhat elaborate system of checks and balances to ensure financial integrity within the executive branch has failed and that the chief financial officers for the participating agencies, the Comptroller General and others have been derelict in their duties. I do not believe this to be the case but if that is in fact the allegation that is being made, I would suggest that this be accompanied by a more serious showing of evidence and facts.

In addition, opponents of this program have questioned the authority of the executive branch to make interagency transfers in order to aggregate funds for common scientific purposes. Not only does this make good sense in reducing overhead and interagency duplication of effort, it is a principle that has long been followed and rests on a solid legal basis. The Economy Act of 1932, U.S.C. 1535, provides authority for Federal agencies to effect such transfers.

In addition, 22 U.S.C. 2656 authorizes the Secretary of State to conduct foreign policy including the coordination and oversight of science activities between the United States and foreign countries. Together, these statutes clearly provide the necessary administrative authority to carry out the Man and the Biosphere Program and no further authority is needed in appropriations bills. Thus, it can be said that the appropriations bill such as the foreign operations bill does not provide specific authority for the Man and the Biosphere Program simply because it is not needed.

Likewise, literally thousands of other Federal programs are included in appropriations bills that have not been authorized and are not based on specific organic statutes. To insist that each such program be based on a separate and unique enabling statute would place an unreasonable burden on the legislative process.

For example, the Committee on Science authorizes about $25 billion per year for programs under our jurisdiction. If each program of magnitude of the Man and the Biosphere Program received a separate organic statute and hearing, this would entail over 1 million hearings and bills per year.

However, given the obvious policy questions that have been raised over the Man and the Biosphere Program, it is entirely appropriate that just such special attention be given it in the legislative process. Thus I have introduced H.R. 1801 in an attempt to clarify what this program should do and what it should not do.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I appreciate the gentleman's graciousness in bringing forth his offer.

I think that the American public still needs to recognize that this is a program that has never been authorized by anybody, House or Senate. It has never had recent oversight. The line item appropriations have never been approved in any appropriation process, and the House has voted four times already this year to totally eliminate any funding and any authorization for this program. So I will join the gentleman in bringing forward his bill. I am not sure that I will support it, but I will fully support that we should have a vote on whether or not this should be an authorized program.

That has been my point from the start. If it is unauthorized, it should not be paid for. We should come forward with a bill to authorize it, if that is the will of this House.

I thank the gentleman for yielding.

Mr. BROWN of California. Mr. Chairman, I appreciate the gentleman's statement.

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CALLAHAN. Mr. Chairman, I wanted to respond to the gentlewoman from California. We seldom disagree. Many times we disagree on issues which is what this body is all about. But let me just give you a brief history of where we are on this.

First of all, it was because of my request to this House under a unanimous consent, that the gentleman from Oklahoma [Mr. COBURN] was unable to present his amendment, even though he had filed it in a timely manner. If the amendment had been allowed to come to the floor, very obviously the House would have voted the same way they voted on the foreign relations bill, and indeed there would have been a prohibition in this bill.

My response to the gentleman from Oklahoma [Mr. COBURN] in our colloquy was simply, he asked, was there any money designated in this bill for the Man and the Biosphere Program. And the answer is, no, there is nothing in here. If there is any authorization in here for transfer, no, there is no authorization for transfer. So I think that the gentleman from Oklahoma [Mr. COBURN] and I represent a majority of the views of this House that it is not the will of the U.S. Congress to spend money on this program. In my colloquy, that is what I said. I simply said that based upon the vote on June 11, I have to answer no. It is not the direction of this House to spend money on this program.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, I thank the distinguished chairman for yielding to me and appreciate his elucidation of his previous remarks. However, the authorization bill, as the gentleman knows, is not the appropriations bill. While it is interesting for us to speculate as to what the will of the body is, the gentleman from Oklahoma [Mr. COBURN] regretfully did not have the opportunity to present his amendment and have a vote on it to legitimize the point of view and to have support one way or another registered.

I was only pointing out that there was no action taken by this House and by the Congress, that the law does not prohibit the funding of the Man and the Biosphere Program. I was making a more general statement that no such prohibition exists at this time despite the vote in the authorization.

Mr. CALLAHAN. There is no prohibition against spending a lot of this money in the State of Alabama, but they are not going to do it. And there is no prohibition, that is true, on this program. But it is the will of the House, based upon the June 11 vote, that obviously 222 Members of this body feel it should not be spent.

Ms. PELOSI. Mr. Chairman, if the gentleman will continue to yield, as an appropriator, I want to protect our prerogatives. And as appropriations chairman, I would hope that the gentleman's statement in favor of the position of the gentleman from Oklahoma [Mr. COBURN] would not therefore apply to all other amendments or provisions passed through the authorization process to, therefore, be foisted onto the appropriations process as law, just protecting the prerogative of the Appropriations Committee for those amendments that are not the law.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman again for yielding.

I commend the chairman, the distinguished chairman of the subcommittee, for the precise language that he has used and which I think is correct. I should point out, however, that the Senate, the other body, in its own wisdom, rejected this language in connection with the interior appropriations bill, and in all likelihood this will remain to be resolved in conference.

Mr. CALLAHAN. Mr. Chairman, I think the gentleman would further agree that the wisdom of the House is generally superior to that of the Senate.

Mr. BROWN of California. Mr. Chairman, I would always agree, but it does not always prevail.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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

Mr. TRAFICANT. Mr. Chairman, I ask for a colloquy with the distinguished chairman, the distinguished ranking member, and I want to state that Bucheit International, a company in my district, at the urging of the Vice President, the State Department and the Commerce Department and Builders for Peace was granted political risk insurance from the Overseas Private Investment Corporation [OPIC], to build a concrete molding plant in Gaza, and they are the first to have done so at the request of the administration and try to bring some investment American dollars to Gaza.

In 1995, the company received a $1.1 million OPIC loan. After they invested $4.4 million, the company has experienced unethical if not illegal treatment, and activity which has resulted in almost a default of this OPIC loan. In addition, the company was never reimbursed for any value-added taxes collected on goods headed for Gaza as it was supposed to have been. The company had been promised a 5-year tax moratorium. That was not granted.

The Palestinian Authority agreed to establish and supervise a monetary authority in Gaza, Mr. Chairman, in accordance with international banking law. However, the Bucheit International Co. has found the banking system to be below international standards. For example, I want to cite for the Record and for the gentleman's cognizance and understanding the importance of this issue as a microcosm of other investment in that region.

Corporate accounts of Bucheit International were opened without proper corporate documentation. Corporate checks denominated in dollars were endorsed and cashed by individuals without first being deposited into the corporate account. Canceled checks were not returned. Corporate funds in excess of $100,000 were used to guarantee an overdraft of a private individual without knowledge or approval of the corporation.

□ 1430

And a letter of guarantee was written by a bank without notifying the company, in violation of the management's strict instructions at the time of the process. Here is exactly what I am saying, Mr. Chairman. I had a number of amendments and I agree with the gentleman that legislating in appropriations bills is not the vehicle. We have the authorization chairman here and I am glad he is listening to this. But I ask for the gentleman's help in the conference report, to direct the administration, the Clinton administration and the executive branch, to look into this issue and resolve these lax standards of international banking law and the fact that this first company that was motivated and urged on behalf of the administration to make an investment, could get some justice, some fairness. They have been ripped off.

I am asking that there be some appropriate language placed in the conference report that would at least direct the administration to resolve these issues, to state these issues on the fact, as I believe this is the beginning, and if the Palestinian Authority wants to join the brotherhood of nations, they are going to have to be upfront and honest businesspeople. They cannot have banking systems that are going to rip off American investors who have been encouraged by the White House to make investments there.

I have no other choice here, and I have no other recourse for my company. The Palestinian Authority should not shirk its duties and obligations by blaming any individuals or any bank. I think it is imperative that we as a Congress must insist that Chairman Arafat take immediate steps to reimburse OPIC and the company for the investment before any further damages or any American company decides it is not worth investment in Gaza.

With that, I know it is a very complicated issue, but it is the beginning, Mr. Chairman, and there will be other American companies that will be

ripped off because the precedent has been set. It has been un-American, to say the least, and downright illegal. Mr. Chairman, I ask for the gentleman's support.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Alabama.

Mr. CALLAHAN. I appreciate the gentleman from Ohio bringing this matter to my attention. Hopefully we can begin the process of resolving this issue even before conference, because I have already instructed my staff to contact the administration to ask that they expeditiously look at this problem that the gentleman contends exists, which I am sure it does if he says it does, and to hopefully resolve it before that. But if indeed the gentleman's allegations are correct, and I have no reason to believe they are not, then we should take immediate steps to have it corrected.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. TRAFICANT] has expired.

(By unanimous consent, Mr. TRAFICANT was allowed to proceed for 2 additional minutes.)

Mr. TRAFICANT. Mr. Chairman, I yield to the gentlewoman from California, the ranking member of the subcommittee.

Ms. PELOSI. I thank the gentleman for yielding. I am pleased to follow the lead of our chairman on this issue. He has been a champion for American business investment abroad and has called to the attention of foreign leaders problems that our businesses have had in newly emerging democracies and countries where we are encouraging investment. I know he has established his expertise and his standing on this issue, and I am pleased to follow his lead as he stated in the colloquy.

Mr. TRAFICANT. Mr. Chairman, I want to thank the chairman of the subcommittee, and I am also glad the chairman of the authorizing committee is here because I plan to sit down with the authorizers to see if we could address some general language so that these types of problems can be resolved through a proper authorizing mechanism as well. I again thank the chairman of the subcommittee for his leadership and his courtesy.

I would like to engage Chairman CALLAHAN in a colloquy on Bucheit International, a company in my district that has investments in Gaza.

In 1994, Bucheit International, with the support of the Office of the Vice President, the U.S. Department of Commerce, and Builders for Peace, was granted political risk insurance from the Overseas Private Investment Corporation [OPIC] to build a concrete molding plant in Gaza.

In 1995, Bucheit received a $1.1 million loan from OPIC for the purchase of additional equipment and working capital.

After investing $4.4 million in the area, however, Bucheit has experienced transportation and standards barriers, a mismanaged system of regulations, and unethical, if not illegal, activity, which has resulted in Bucheit's default on the OPIC loan.

In addition, Bucheit has never been reimbursed for any value-added-taxes [VAT] collected by Israel on goods headed for Gaza.

Bucheit has had difficulty obtaining proper invoices from Gaza suppliers, so simply day-to-day accounting has become an impossible task. Bucheit currently has a $75,000 payment pending.

Moreover, Bucheit had been promised, a 5-year tax moratorium by the Palestinian Authority which was never granted. Rather, Bucheit income taxes are automatically deducted on all final payments by the Palestinian Ministry of Finance.

The Palestinian Authority agreed to establish and supervise a monetary authority in Gaza, in accordance with international banking law. However, Bucheit has found the banking system to be well below international standards.

For example, Bucheit has discovered that: corporate accounts were opened without proper corporate documentation, corporate checks denominated in dollars were endorsed and cashed by individuals, without first being deposited into the corporate account, canceled checks were not returned, corporate funds in excess of $100,000 were used to guarantee an overdraft facility of a private individual, without knowledge or approval by the corporation, and a letter of guarantee was written by a bank without notifying Bucheit, in violation of Bucheit management's strict instructions.

Mr. Chairman, I ask for your commitment in including report language in the conference report on this bill, directing the Clinton administration to settle this matter between Bucheit, OPIC, the Cario Amman Bank, and the Palestinian Authority—in favor of Bucheit.

In many ways, the establishment of a lasting peace in the Middle East hinges on the ability of the Palestinians to develop the economies of the West Bank and Gaza strip. That development, to a large degree, will depend on U.S. investment in the region. Bucheit took a considerable risk in investing in Gaza.

Through no fault of its own, Bucheit has endured significant losses. Unless our Government takes strong action to redress this wrong, it will be extremely difficult to convince other U.S. companies to invest in Gaza and the West Bank.

ADDENDUM FROM PETE BUCHEIT

1. The Palestinian Authority issues all bank charters and is responsible for monitoring and governing their local operations. Bucheit was a locally registered company with all employees.

2. The PA and the U.S. Government have a signed agreement wherein the PA guarantees and holds harmless U.S. companies (from what has happened to Bucheit, i.e., expropriation of its bank account which ultimately caused the OPIC loan default and the expropriation of its $4.4 million plant).

3. The PA should not shirk its duties and obligations by blaming individuals or the Cairo Amman Bank. Bucheit has complained to the PA for 1½ years to act and they have ignored all requests.

4. We demand that Chairman Arafat take immediate steps to reimburse OPIC and Bucheit for the money they invested in Gaza before damages (political and financial) go out of control.

AMENDMENT NO. 1 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 105–184 offered by Mr. SMITH of New Jersey:

At the end of the bill, insert after the last section (preceding the short tile) the following new section:

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION OVERSEAS; FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA

SEC. 572. (a) Section 104 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection.

''(h) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

''(1) PERFORMANCE OF ABORTIONS.—

''(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private , nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

''(B) Subparagraph (A) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

''(2) LOBBYING ACTIVITIES.—(A) Notwithstanding section 614 of this Act of any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, non-governmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

''(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

''(3) APPLICATION TO FOREIGN ORGANIZATIONS.—The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required by paragraphs (1) and (2) apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.''.

(b) Section 301 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

''(i) LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that—

''(1) UNFPA has terminated all activities in the People's Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or

''(2) during the 12 months proceeding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China.

As used in this section, the term 'coercion' includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.''.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 24, 1997, the gentleman from New Jersey [Mr. SMITH] and the gentlewoman from California [Ms. PELOSI] will each control 20 minutes.

AMENDMENT OFFERED BY MR. GILMAN TO THE AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. GILMAN. Mr. Chairman, I offer an amendment to the amendment pursuant to the Solomon unanimous-consent request of July 24.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. GILMAN pursuant to the unanimous-consent agreement of July 24, 1997 in lieu of amendment No. 2 printed in House Report 105–184 to the amendment No. 1 printed in House Report 105–184 offered by Mr. SMITH of New Jersey:

Strike all after the title heading and insert the following:

SEC. . POPULATION PLANNING ACTIVITIES OR OTHER POPULATION ASSISTANCE.

(a) IN GENERAL.—(1) Notwithstanding any other provision of this Act or any other provision of law, none of the funds appropriated or otherwise made available by this Act for population planning activities or other population assistance may be made available to pay for the performance of abortions in any foreign country, except where the life of the mother would be endangered if the fetus were carried to term or in cases or rape or incest.

(2) The limitation contained in paragraph (1) shall not apply to the treatment of injuries or illness caused by unsafe abortions.

(b) LIMITATION ON LOBBYING ACTIVITIES.—(1) Notwithstanding any other provision of this Act or any other provision of law, none of the funds appropriated or otherwise made available by this Act for population planning activities or other population assistance may be made available to lobby for or against abortion.

(2) The limitation contained in paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

SEC. . UNITED NATIONS POPULATION FUND.

(a) LIMITATION.—Subject to subsections (b), (c), and (d)(2), of the amounts made available for each of the fiscal years 1998 and 1999 to carry out apart I of the Foreign Assistance Act of 1961, not more than $25,000,000 shall be available for each such fiscal year for the United Nations Population Fund.

(b) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under this section shall be made available for a country program in the People's Republic of China.

(c) CONDITIONS ON AVAILABILITY OF FUNDS.—(1) Not more than one-half of the amount made available to the United Nations Population Fund under this section may be provided to the Fund before March 1 of the fiscal year for which funds are made available.

(2) Amounts made available for each of the fiscal years 1998 and 1999 under part I of the Foreign Assistance Act of 1961 for the United Nations Population Fund may not be made available to the Fund unless—

(A) the fund maintains amounts made available to the Fund under this section in an account separate from accounts of the Fund for other funds; and

(B) the Fund does not commingle amounts made available to the Fund under this section with other funds.

(d) REPORTS.—(1) Not later than February 15, 1998, and February 15, 1999, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the United Nations Population Fund plans to spend China country program funds in the People's Republic of China in the year covered by the report, then the amount of such funds that the Fund plans to spend in the People's Republic of China shall be deducted from the funds made available to the Fund after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 24, 1997, the gentleman from New York [Mr. GILMAN] and the gentleman from New Jersey [Mr. SMITH] will each control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, a ''Dear Colleague'' letter signed by my good friends and colleagues the gentleman from New York [Mr. GILMAN], the gentleman from California [Mr. CAMPBELL], and the gentleman from Pennsylvania [Mr. GREENWOOD] came to my attention by a colleague who came this close to being deceived by it. The bold headline read and I quote from the letter, ''Gilman-Pelosi-Campbell-Lowey-Greenwood-DeLauro-Slaughter oppose abortion and support voluntary family planning.'' I looked at that headline again and again and thought, that looks just like one of my letters.

Did the leading activists in the abortion rights cause, did the seven Members whose abortion advocacy is so extreme that they are opposed even to the partial-birth abortion ban that was before this body recently, had they done an about face and joined the pro-life cause? Are the seven most pro-abortion Members of this House really offering a right-to-life amendment? I mean, that would be truly historic.

I do not think so. In judging their amendment, you might for starters afford them the same amount of credibility to offer a right-to-life amendment that you would give to me or to the gentleman from Illinois [Mr. HYDE] or to the gentleman from Michigan [Mr. BARCIA] or to the gentleman from Minnesota [Mr. OBERSTAR] if we tried to convince you that we were offering a pro-abortion amendment. Somehow you would know that if you really wanted to promote abortion around the world, you should vote against an amendment by some of the most prominent pro-life leaders in the Congress no matter what we decided to call it. It would not pass the straight face test. And you would be right. And if you really want to protect unborn children, you will know enough to vote against this amendment, the so-called amendment offered by my friend the gentleman from New York [Mr. GILMAN], offered again by some of the most prominent leaders of the abortion rights movement.

The ''Dear Colleague'' letter, and I say this with all due respect to its authors, simply does not tell the truth. Perhaps it is unwitting, but do not take my word for it. Look at the language.

It says, and I quote, that the ''Gilman-Pelosi-Campbell-Lowey-Greenwood-DeLauro-Slaughter amendment prohibits all U.S. funds from being spent on abortion or abortion counseling overseas.'' That is simply not true. Current law does that, but the plain letter of the language that is being offered says nothing of the kind. It was misleading, and at least one Member came to me suggesting that he had been misled by that.

Let me also point out, Mr. Chairman, the letter states that the Gilman, Pelosi and company amendment prohibits U.S. family planning assistance from going to foreign NGO's and multilateral organizations that promote abortion as a method of family planning.

My question is, would an abortion done for so-called health reasons, such as mental health, be considered or construed as an abortion done as a method of family planning? And of course we all know the answer to that. What about a woman whose birth control method has failed? It is interesting that Planned Parenthood itself says that no abortion is ever done as a matter of birth control. Adopt this amendment offered by my good friend the gentleman from New York, and you render the policy of the underlying language absolutely meaningless.

As it relates to the Mexico City Policy, and I would remind Members during the Reagan and Bush years, abortion as a method of family planning had a precise definition, the definition that is contained in our amendment, the Hyde - Barcia - Smith - Oberstar amendment, and that is no funding except in cases of rape, incest, or life of the mother.

My simple question to the gentleman from New York [Mr. GILMAN] today is, and I would ask him to respond if he would, is that his definition? That is the longstanding definition of the Mexico City Policy. Is that his definition, which again is clearly delineated in our amendment?

Mr. GILMAN. If the gentleman will yield, I would reserve the opportunity to respond as part of my remarks, and I will be pleased to respond to the gentleman's question.

Mr. SMITH of New Jersey. I would hope the gentleman would define it in detail.

Let me just say that there is vagueness in the language that is contained before us promoting abortion as a

method of family planning. When we look at it, it is not even the worst thing about the so-called perfecting amendment. There is one point that there is no ambiguity about it. If the amendment is adopted, it will absolutely be legal for U.S. family planning grantees and contractors to perform abortions, as many as they like, under whatever circumstances they like overseas.

The Mexico City Policy I would remind Members had two important prohibitions to it. First, foreign organizations could not get U.S. family planning money if they performed abortions overseas except in rape, incest, and life of the mother situations. Second, they could not get the money if they promoted abortion overseas, again with the same three exceptions.

As I have pointed out, I believe that this amendment that is being offered by my friends on the other side of this issue is vague and it will give the Clinton administration a blank check to do whatever it wants to do in the area of promotion of abortion. But to take out the performance part, which this amendment guts, means that again they can perform abortions for gender selection or for any other reason and still get a fat payday from Uncle Sam.

The Smith-Barcia-Hyde-Oberstar amendment on the other hand is clear and nonambiguous. The pro-abortion killer amendment injects sweeping vagueness and gives the administration a blank grant of authority to pour hundreds of millions of dollars into the overseas abortion industry, which means in the end, Mr. Chairman, more dead babies and more injured mothers.

Let us not kid ourselves. The Gilman-Pelosi amendment is a killer amendment and if it were to pass today, and I do not think it will, but if it were I would ask every pro-life Member of this Chamber to vote no on the underlying amendment because I think that is better than adopting a sham.

Mr. Chairman, I urge Members to vote ''no'' on this perfecting amendment and yes on the underlying amendment. Let us erect that wall of separation between abortion and family planning and then the money can flow unfettered to those organizations that will no longer be in the abortion business.

Mr. GILMAN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise to offer this amendment on behalf of myself, the gentlewoman from California [Ms. PELOSI], the gentleman from Pennsylvania [Mr. GREENWOOD], the gentlewoman from New York [Ms. SLAUGHTER], the gentleman from California [Mr. CAMPBELL], the gentlewoman from Connecticut [Ms. DELAURO] and the gentlewoman from New York [Mrs. LOWEY].

Our amendment marks a significant turn in the seemingly endless debate about the Mexico City Policy. Under our amendment, Mr. Chairman, the supporters of voluntary family planning programs would accept the Mexico City Policy but would apply it only to organizations that promote abortion as a method of family planning. We would accept the restrictions blocking funds to organizations which lobby for or against abortion laws but would apply this restriction only to organizations that promote abortion as a method of family planning.

Most important, we agree to cut off all funds to the U.N. Population Fund if the fund restarts any program in China. As we all know, we have worked tirelessly on behalf of human rights in China, many of us have done that, and I have joined the gentleman from New Jersey [Mr. SMITH] and the gentlewoman from California [Ms. PELOSI] on countless efforts to help the victims of human rights abuses in China.

Recognizing the serious situation there, we are willing to send a message to the United Nations that no U.N. population program should move forward until the situation in China changes in a major way. I think that is a major concession. In past bills we offered to reduce our contribution to the U.N. Population Fund by the amount it spent in China. Now we are willing to accept a total cutoff of funds if a program is restarted.

I will remind Members that as of today, the U.N. Population Fund has no program in China. The previous program has expired and the Fund has only an office in Beijing that is used to manage its program in Mongolia. If a program is started, then we would agree with the gentleman from New Jersey to cut off all such funding. That should put the matter of China to rest.

The key issue before us is whether or not our Nation will continue its 30-year lead supporting voluntary family planning. Family planning reduces population pressures that damage our environment, destabilizes governments, and suppresses economic growth. Most important, voluntary family planning has proved to be the best way to improve the survival of mothers and children by increasing the interval between births. Voluntary family planning also frees women to choose when they will have children, allowing them to advance in school and the workplace where unintended pregnancies have held them back. Most important, the best way to stop abortions is to stop unintended pregnancies.

□ 1445

Voluntary family planning is the best way to stop unintended pregnancies, and, therefore, Mr. Chairman, any opportunity for abortion.

With regard to the gentleman's inquiry about abortion used as a method of family planning, I note that this was common in many countries, especially the former Soviet Union.

I will also note our amendment alternative has teeth. It accepts the major portions of Mr. SMITH's amendment.

I want to commend the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from California [Mr. CAMPBELL], the gentlewoman from California [Ms. PELOSI], the gentlewoman from New York [Ms. SLAUGHTER], the gentlewoman from Connecticut [Ms. DELAURO], and the gentlewoman from New York [Mrs. LOWEY] for working with us to craft this bipartisan amendment, and I urge Members to adopt this amendment to the amendment by the gentleman from New Jersey [Mr. SMITH].

Mr. Chairman, to control the balance of my time, I yield to the gentleman from Pennsylvania [Mr. GREENWOOD], who has done so much to support children, to support their mothers, in our voluntary family planning program.

Ms. PELOSI. Mr. Chairman, I rise in support of the Gilman-Pelosi-Campbell-Lowey-DeLauro-Slaughter-Greenwood amendment, and associate myself with the remarks of the distinguished chairman of the Committee on International Relations in acknowledging the bipartisan nature of this amendment, and commend the gentleman from Pennsylvania [Mr. GREENWOOD] for his leadership on it and in strong opposition to the Smith amendment.

Our effort, and we worked hard and long on this, was the result of listening, listening, listening to our colleagues' concern about this issue over the years. As a result, our amendment has two parts to it.

The first part says that if the U.N. family planning is involved in China, they will receive no funding. We yield that point to the gentleman from New Jersey [Mr. SMITH]. He has fought that fight. Members on both sides of the aisle expressed their concern about the forced abortion policies in China. We concede that point because that was a time when that point was being reconsidered.

Second, Members have said they want a separation between family planning and abortion. We do, too. We reject abortion as a form of family planning. We say that family planning is the best way to reduce the number of abortions, and this amendment would disqualify any organization from any assistance here for any foreign and ungovernmental and multilateral organization that, with U.S. funds or with their own funds, promote abortion as a method of family planning. It would also prohibit U.S. family planning assistance to organizations unless they use those funds to prevent abortion as a method of family planning.

We have built this firewall. We have separated abortion and family planning as is appropriate. We have cut off funding unless it can be certified that the UNFPA is not involved in the program in China.

I urge my colleagues to accept this, I believe, smart alternative to the gentleman from New Jersey's [Mr. SMITH], which accomplishes all that we want to do to reduce the number of abortions while promoting international family planning which in turn will reduce the abortions.

Mr. Chairman, with that, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I ask the gentleman from New York [Mr. GILMAN] and I would ask the gentlewoman from California [Ms. PELOSI] if they would answer this: Under the Agency for International Development's policy, during the 1980's and early 1990's, before Mr. Clinton, there was a clear definition as to what abortion is, a method of family planning. It was abortions except in cases of rape, incest, or life of the mother.

Now to legislate ambiguity and vagueness and just toss it all over to the White House and say, ''You decide,'' I asked AID how they would define the Gilman amendment. They do not have a clue. They said, ''Look at what goes on on the House floor.'' I would hope during the course of this debate that my friends on the other side will say yes, there is health abortions, gender-selection abortions, so-called sex-selection abortions. What are we talking about?

Ms. PELOSI. Mr. Chairman, would the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentlewoman from California.

Ms. PELOSI. On the gentleman's time, I am pleased to answer the question that he just posed, what are we talking about? The gentleman asked what do we mean by abortion as a form of family planning. Abortion as a method of family planning in the Gilman-Pelosi amendment means abortion that is used as a substitute for contraception.

Mr. SMITH of New Jersey. Reclaiming my time, this is the problem. When the administration says that it does not know what it means, and we sent them a copy of the amendment exactly as it was proposed, it suggests to me that we are playing a game here that we will then act as if we are doing something when, frankly, my colleagues, we are doing absolutely nothing.

As my colleagues know, I have been in this body 17 years, and it galls me, and it should gall each of us, when we do not legislate with preciseness, and that is what our amendment does. It says there are three instances: rape, incest, and life of the mother; they are exceptions. But after that we are talking about no promotion of abortion.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I come forward today to express my strong support for the Smith-Barcia-Hyde-Oberstar amendment that would essentially restore the two policies that were in effect during the Bush and Reagan administrations.

One concerns future U.S. funding of the United Nations Population Fund, and the second is intended to prevent U.S. funding of nongovernmental organizations which performs and promotes abortion as a method of family planning.

Mr. Chairman, H.R. 2159, as reported from the House Committee on Appropriations, would allow hundreds of millions of U.S. taxpayers' dollars to fund the international abortion industry.

Today, we will hear that we must protect the lives and help the women and children across the globe by providing the necessary economic relief, and we will be told that supporting population funds is not a vote about abortion. But, Mr. Chairman, this is false and misleading. U.S. family planning funds are subsidizing groups in foreign countries that do provide abortions. Millions of U.S. taxpayers' dollars have enabled organizations to expand their field of operations and perform even more abortions.

In fact, the International Planned Parenthood Federation and other organizations, heavily subsidized by U.S. dollars, have been active and outspoken in trying to change the laws of countries regulating or prohibiting abortion.

Mr. Chairman, this amendment is necessary and consistent with our system of laws and heritage. We must not be fooled by the false claims of many international population groups who claim that this is not an abortion issue because it clearly is.

As lawmakers, we have a responsibility to protect the lives of the very youngest, most vulnerable of American citizens, and, in addition, we must protect the sacred little lives in foreign countries where we are providing financial assistance for international family planning programs. As such, we must prevent the abuse of taxpayers' dollars from providing excessive subsidies to organizations that perform and promote overseas abortions.

Mr. Chairman, I urge my colleagues today to support responsible family planning and vote for the Smith amendment and against the Gilman-Pelosi-Campbell-Lowey amendment.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY], a cosponsor of the amendment.

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to the Smith amendment and in support of the Gilman-Pelosi amendment.

The amendment offered by the gentleman from New Jersey [Mr. SMITH] is just an extreme piece of legislation that aims to end family planning aid overseas. What our amendment will do is ensure that voluntary preventive family planning services continue.

The gentleman from New Jersey [Mr. SMITH] claims that his amendment simply cuts abortion funding. What he has not told us is that abortion funding overseas has been prohibited since 1973. His amendment would cut abortion funding from zero to zero. Therefore, the amendment offered by the gentleman from New Jersey [Mr. SMITH] must be after something more, and that something is family planning.

One of the most important forms of aid that we provide to other countries is family planning assistance. No one can deny that the need for family planning services in developing countries is urgent and the aid we provide is both valuable and worthwhile. Nearly 600,000 women die each year of causes related to pregnancy and childbirth, most living in developing countries.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I congratulate the gentleman from New Jersey for his leadership in this very difficult and complicated issue, but actually this issue we are dealing with today is not all that complicated. The difference is between two words, perform and promote.

The amendment that the gentlewoman from California and the distinguished gentleman, and I do not see him here now, from New York [Mr. GILMAN] is offering goes halfway. It denies funds to organizations that promote abortion. Unfortunately, it does not use the word ''perform,'' and I do not care what they promote, it is the performance that counts. That is where the homicides occur or the feticides occur, that is where the unborn children are destroyed, in the womb.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from California.

Ms. PELOSI. The gentleman knows full well because he has been such a leader in this field that U.S. law prohibits any funds from going to any organizations for the performance of an abortion.

The law prevents that. We are just going beyond that.

Mr. HYDE. The gentlewoman from California would have no objection then to including ''perform'' along with ''promote'' in the amendment?

Ms. PELOSI. It is already prohibited. It is already prohibited.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. The problem here is that performance, the Helms amendment of 1973 said very simply, direct funding. What was found to be very infirm about that language, and that is why the Mexico City policy was constructed in the early 1980's under the Reagan administration, was that it was like Swiss cheese. It was not stopping the performance of abortions by the very people that we heavily subsidize in the developing world. They were the abortion mills. We were giving them $500,000 here, and then they would say, and it is not totally concluded that they did not do this, they would say, ''Oh, we're not going to use your money to kill the unborn babies, we'll use our own.''

The problem with that is who we give to does matter. If they were absconding with funds and theft was the issue, this so-called lying of accounting would be meaningless.

The issue comes down to whether or not we want to give to organizations that are promoting and doing abortions on demand, and that is the essence of our amendment and it is simplicity. Their amendment absolutely guts it.

Ms. PELOSI. Mr. Chairman, would the gentleman further yield so I can answer his question?

Mr. HYDE. Mr. Chairman, I would rather the gentlewoman from California use her time.

Mr. Chairman, how much time have I got left?

The CHAIRMAN. Fifteen seconds.

Mr. HYDE. Mr. Chairman, will the gentleman yield me an additional 15 seconds?

Mr. SMITH of New Jersey. I yield an additional 15 seconds to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I just want to take issue with a line in the Planned Parenthood fact sheet that says there is no evidence that abortions exist for gender selection, a problem that does not exist. I recently read a news article about families in British Columbia of the Sikh religion who when the females get pregnant they have a determination as to whether it is a little male or a female. If it is a female, they travel into the State of Washington where an abortionist has a clinic, a mobile clinic, to perform gender-selection abortions, because their custom is to have a rather large dowry with the little female girl when she gets married and they cannot afford it so they have a gender-selection abortion.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania [Mr. GREENWOOD] will control the time of the gentleman from New York [Mr. GILMAN], and the gentleman from Pennsylvania is recognized.

There was no objection.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in strong opposition to the Smith amendment and very much in favor of the Gilman-Pelosi et al. amendment.

The amendment offered by the gentleman from New Jersey [Mr. SMITH] strikes directly at women's rights to access family planning information to space and time their pregnancies to suit the needs of their families.

As my colleagues know, access to family planning information and contraception decreases abortion. The gentleman from New Jersey, by cutting off funding of organizations solely because they have an opinion on abortion will deny money to those groups which have been most effective in preventing unwanted pregnancies.

□ 1500

The amendment would endanger women's health, deny women and couples access to family planning information, and increase, not decrease, abortions.

On the other hand, the Gilman-Pelosi et al. amendment would emphasize U.S. commitment to prevention of abortion. Organizations could continue their current uses of USAID population funds to increase family planning information and services, along with supportive investments in related health and population activities, which together result in more couples using contraceptive methods, and therefore, in prevention of unintended pregnancies and abortions.

Furthermore, under the amendment, funding would be prohibited to any organizations that ''promote abortion'' as a method of family planning.

We in this Chamber have discussed this before. We know that this vote is about family planning, not abortion. We know that to reduce abortion, we must increase access to family planning. We know that women with access to family planning space their pregnancies, producing healthier children; and we know that lack of access to contraceptives leads to abortion, legal or otherwise.

Access will reduce maternal deaths from illegal abortions. Almost 600,000 women die annually during pregnancy and childbirth, including 75,000 due to unsafe abortion, UNICEF figures.

There are many more facts that we have with regard to the fact that family planning will prevent abortion. Vote for the Gilman-Pelosi amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina, [Mrs. MYRICK].

Mrs. MYRICK. Mr. Chairman, I urge a yes vote on Smith-Barcia-Hyde-Oberstar, which will restore the pro-life Mexico City policy; and a no vote on the Gilman-Pelosi-Campbell-Lowey-Greenwood-DeLauro-Slaughter amendment, which would substitute vagueness for clarity and, therefore, defeat the purpose of this important pro-life policy.

The question before the House is simple: Should the United States give many millions of dollars for family planning programs to organizations actively engaged in performing abortions overseas?

When we choose the surrogates in foreign countries, the groups that will represent our country in matters related to family planning and population control, do we really want to choose organizations that are known primarily as abortion providers? What message does this send about American values?

The substitute amendment would substitute a vague, and therefore, unenforceable standard, promoting abortion as a method of family planning for the clear and precise standard in the Smith-Barcia amendment.

Under the substitute language, U.S. family planning grantees can promote abortion as vigorously as they want, so long as the Clinton administration was willing to certify that these abortions were not done as a method of family planning. The Smith-Barcia amendment, in contrast, would prohibit our grantees from either performing or promoting abortion, except in three cases clearly defined: rape, incest, and danger to the life of the mother.

Mr. Chairman, when it comes to protecting human life, we must choose precision and clarity over vagueness and uncertainty. Please vote no on the substitute, and yes on the Smith-Barcia-Hyde-Oberstar amendment.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Ohio [Mr. SAWYER].

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

Mr. SAWYER. Mr. Chairman, I rise today in support of the substitute and against the Smith amendment.

Without the support of U.S. international family planning funds, countless millions in developing countries will have no access to information and services that most of us take for granted. This information is especially important in the developing world, where population, driven by an uncontrolled demographic inertia to explosive levels of growth, threatens the fragile stability of political and social systems.

Population stability is essential to ensuring adequate resources for future populations and real sustainable development.

United States assistance is grounded in a fundamental American value, the freedom of people to choose their own future, to space and plan their families, to reduce infant mortality, and to give children a healthy start in life. That is what this is really all about.

Family planning saves lives. It reduces abortions, reduces infant and childbirth-related mortality, and helps those in developing countries live healthier lives.

The Smith amendment would end family planning services and lead to more unintended pregnancies, more unsafe abortions, tragically, and more infant and childbirth-related mortalities.

Mr. Chairman, I urge my colleagues to vote to save lives and to vote for the Pelosi substitute against the Smith amendment.

Ms. PELOSI. Mr. Chairman, I yield 1¼ minutes to the distinguished gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, I heard the discussion of the gentleman from Illinois [Mr. HYDE] and the gentleman from New Jersey [Mr. SMITH] and I would like to quickly respond, to put this in perspective.

When I was Assistant Administrator of AID in the late 1970's, we faced this very issue of fungibility, so we set up methods to make sure that American dollars were insulated from any expenditure for abortion-related activities.

We faithfully carried out the Helms amendment. It mostly related to IPPF. It does not spend any substantial amount of its own funds, its central funds, on abortion-related activities. It has affiliates that spend its funds. These are essentially semiautonomous or autonomous affiliates who raise their moneys in countries where abortion is legal.

The result of the Mexico City policy is, we could not give any funds to any organization that had any affiliate that spent the funds it raised for anything relating to abortion. That meant we would prevent an organization from being in family planning because, in a third degree, some affiliate spent some money it raised in its local country for something that was legal in this country.

That is why this effort really strikes at family planning throughout the world, and why we should turn it down.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas, [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I rise in support of the Smith-Barcia-Hyde-Oberstar amendment. Our tax dollars should not support countries and organizations that use abortion as a family planning tool.

Every year since 1985 we have denied funds to the United Nations Population Fund because it provides financial support for programs that support overseas abortions.

Mr. Speaker, in 1993, the administration changed the rules and reinterpreted U.S. law in order to claim opposition to coercive population programs, but then actually provide for their financial support. The administration does this by prohibiting our tax dollars from providing direct support for forced abortions or sterilizations, but that does not stop our money from freeing up funds in other accounts to be used for these inhumane acts. This deception must end.

The Smith amendment simply interprets U.S. law as it was originally intended. It stops all payments for organizations that support and provide abortion services.

As a nation deeply concerned about human rights abuses, we have no business sending such signals. For these reasons, I urge a ''yes'' vote on the Smith amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from California, [Mr. CAMPBELL].

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

Mr. CAMPBELL. Mr. Chairman, the important distinction between what the Smith amendment provides and the Pelosi-Greenwood amendment provides is this: Many women seek family planning counseling after they realize that they are pregnant. I wish it were not so, and I am sure everybody agrees with me that they wish it were not so. But as a result, if you deny any opportunity for the United States to assist with the family planning agency because it also offers advice on abortion, you would prevent the opportunity for giving family planning advice that would prevent second abortions, third abortions, fourth abortions.

Let me get into some of the statistics, because it is fascinating how the use of family planning has prevented those subsequent abortions.

The AID studies tell us that in Tanzania, Egypt, Turkey, Kazakhstan, Hungary, and Russia, studies they have made in each category of each country, when opportunities were available for contraception, incidence of abortion dropped dramatically.

It would be the wish of everyone in this debate that the incidence of abortion be eliminated in this world. But we face today an imperfect world, and if you say to a woman, you may go and seek advice, but the agency from which you seek advice cannot offer you help on abortion, she will not go there. And then that woman may have a second, third, and fourth abortion, the horrors that my colleagues have presented to us.

So in good faith, if your concern is to prevent the incidence of abortion, then please support family planning and recognize that you cannot have it both ways. If you wish to encourage women not to have an abortion, then get them into family planning counseling, a family planning clinic, family planning advice, as quickly as possible, and do not tell them that if you go to this particular family planning counseling, advice, service, you cannot receive the advice you seek because of U.S. law.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I would like to comment a little bit on what we have heard here today.

First of all, I would like to make clear, as a practicing physician and obstetrician, I believe in family planning. I believe that women should be counseled and offered the opportunity. But I also do not believe that one of those options ought to be the termination of the life. And as the gentleman from California just alluded to, it is his hope we would prevent further abortions, that is not really what happens. Oftentimes they come and get talked into an abortion; and then they are very upset about that after the fact.

So if we, as a country, truly are concerned about women in the Third World and their ability to have a choice of not reproducing, then what we ought to do is do the best we can and, at the same time, offer real concern that this body has had for a long period of time that this other option, with which we have much difficulty ourselves in terms of our debate in this body.

I would agree with what Mr. CAMPBELL said. The real problem is unintended pregnancy. It is not abortion. It is a shame that our body continues to get hung up on this issue. But we have to be truly honest about what the real issue is.

It is like Ms. PELOSI's amendment. Is it a straightforward amendment that addresses the issue that we are talking about, or is it an amendment that is somewhat less than straightforward so we can cloud the issue?

We all want the same thing. We just disagree on how we get there. And I have the utmost respect for Ms. PELOSI and her views, and she represents a very different part of the country than I do. But we ought to keep in mind that we do want the same thing, and that there is a large body in this country and in this House that says this is a worrisome area to us, this idea of abortion.

So let us be very, very honest about what we are doing and not try to trick the American public. The fact is, there are some disagreements on how we do it. Let us vote to make sure we get family planning money there.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I would just like to finish my point, and if I have any time left, I will be happy to. I think the gentlewoman controls some time on her side.

Ms. PELOSI. The gentleman was questioning the honesty of our proposal.

Mr. COBURN. Mr. Chairman, I think the gentlewoman has plenty of time to answer that.

Mr. Chairman, I would even propose that we might increase those funds. But I think we ought to be very careful about what we want and what the truth is in terms of what really happens in international family planning.

I will support the will of this House, regardless of how this vote comes out, because I think it is important that women do have this service.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume to respond briefly to the gentleman, who was questioning the integrity of our proposal while saying that he recognized the need for international family planning. It is interesting to hear him say that in light of the fact that he just voted for the Paul amendment which would have eliminated all the funding for international family planning in the bill.

Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER], a member of the Committee on Rules.

Ms. SLAUGHTER. Somebody has to speak for the millions of women around this world who desperately want access to family planning. Even with the family planning money, we don't reach enough of them.

Pregnancy and childbirth are very risky propositions for women in many parts of this globe that lack electricity, running water, medical equipment or trained personnel. In Africa, a woman has a 1 in 16 chance of death from pregnancy and childbirth during their lifetime—585,000 women die from

bodies that are worn out from child bearing, child after child, who simply cannot take another.

And there are complications from pregnancy. For each one that dies, 100 others suffer from associated illnesses and permanent disabilities, including sterility.

Studies indicate if we can space a child for 2 years apart, we can prevent an average of 1 in 4 infant deaths.

We are talking about saving people's lives here. Who are we in the United States, where we have so much and so much has been given to us, that we can say to people who have almost nothing, we are not going to give you the information or the knowledge that you need to save your life and to save your family's?

This is the cruelest kind of family planning of all, to let women die from excess pregnancies or self-induced abortions.

□ 1515

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 30 seconds to respond briefly that nothing in my amendment or the amendment offered by the gentleman Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. BARCIA] and the gentleman from Minnesota [Mr. OBERSTAR] cuts family planning. It holds harmless the amount of money.

This policy, known as the Mexico City Policy, first announced at a U.N. conference in 1984, separates abortion from family planning. So you can have it both ways. You can say you are pro-life and also pro-family planning, because the money will flow to those organizations that divest themselves of killing unborn children with suction machines or with injections of high concentrated salt or any of the other hideous methods that are used to kill and abuse and destroy unborn babies.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank my colleague, the gentleman from Pennsylvania, for his tremendous leadership on this issue, and thank him for yielding me time.

Mr. Chairman, the Gilman-Pelosi amendment will allow family planning services in the Third World to continue, while safeguarding the fungibility of funds for abortion services. This amendment will allow U.S. funds to be used only by private and multilateral organizations that do not promote abortion as a method of family planning. I do not know, Mr. Chairman, how this could be any clearer. The Gilman-Pelosi amendment provides this important funding and addresses the concerns of those who would support the Smith amendment.

Mr. Chairman, this debate is not about abortion, it is about women. It is about whether women, poor women in the developing world, will be allowed to use their minds and choose their future. Today, they gather the firewood, they gather the water, they till the fields, and they tend to the children. They have no other opportunity to participate in family and community development beyond these tasks. These women are not offered the opportunity to be educated, no chance at all; They are not given the chance to bring anything economically to the table, to their families, where it is valued.

It seems to me it is time that we value women across the world. They should be valued for their minds and their potential to add to the global community. It seems to me as long as we prevent women from being able to space and number their children through voluntary family planning, which is what the Smith amendment will do, we are undervaluing them in a way that is cruel and wrong.

It is time that we stand up for voluntary family planning throughout the world. Abortion is not a issue in this. None of us favor abortion as a method of family planning. All of us oppose the use of any funds, especially public funds, for abortion in any way. We support voluntary family planning because we support women and their role in society.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, I guess I do not understand some of the arguments in favor of the Smith amendment, because it seems to me that if we oppose unnecessary abortions, as I do, and as I think everyone here does, then we would support the Gilman-Pelosi amendment and oppose the Smith amendment.

The Smith amendment would cause women in developing countries to face more unwanted pregnancies, more poverty, and more despair. What it would do is prevent birth control information and family planning information from going to women in developing countries who desperately need it. It will increase abortions and it will jeopardize the health of millions of women and children internationally.

The Smith amendment will deny funding to international family planning organizations who are giving women desperately needed reproductive health services and delivering vital pre- and post-natal care. I do not see anybody else who is going to do that, other than the fine organizations who are performing those services now. For that reason, I would oppose the Smith amendment and support the Gilman-Pelosi amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida [Ms. ILEANA ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman from New Jersey for his many years of leadership on this important issue for us in the House.

Mr. Chairman, I rise today to reiterate my support for the rights of the unborn, and to state my strong opposition to the use of taxpayer funds for the promotion and performance of abortions. The Smith amendment would prevent the use of U.S. taxpayers' moneys, which now give large subsidies to organizations that provide or lobby for abortions at any time.

We must not allow our hard-earned money to go to these groups. By passing the Smith amendment today, we will in fact prevent hundreds of millions of U.S. taxpayer dollars from being used to fund the international abortion industry, for it is an industry.

Specifically, the amendment would, first, prohibited funding of the U.N. Population Fund if it continues to comply with China's coercive and abusive abortion program. It is not a family planning program, it is an abortion program.

Second, it would restore the Mexico City policy, which prohibits international family planning groups from receiving our taxpayer dollars if they in fact promote abortion as a so-called method of family planning.

Mr. Chairman, I urge my colleagues to pass the Smith amendment today, so our hands and our dollars are not further tainted with the worldwide killing of the innocent unborn. We must put an end to infanticide. Abortion is not family planning, it is murder. I urge my colleagues to reject the bogus Pelosi amendment, which is being presented today as a pro-life vote.

Mr. GREENWOOD. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, the gentleman from New Jersey began his remarks by indicating that he found it disingenuous that those of us who have drafted this amendment would advertise it as an amendment designed to prevent abortion.

The gentleman's argument seems to rely on a myth. The gentleman's myth is that there are two kinds of Americans. There are Americans who are opposed to abortion and want fewer of them, and there are Americans who want more abortions, who favor abortions. That is the myth, that is the damning myth that makes this debate so difficult to overcome.

The fact of the matter is that there is one kind of American on this issue, and those are all of us Americans who want fewer abortions in this country and around the world.

This language is offered as a compromise. We acceded to the gentleman's view on China because we share his concern about coercive abortion in China. We have a difference of opinion, probably, about what the effect of the American presence might be on that coercive abortion, but we acceded to that. That is a huge compromise on our side.

Then we said this. When all the myths are put aside and we look at the real world, here is what happens in the real world. In a place like Kazakhstan, in a place like Romania, in a place like Russia, where family planning is not

available, women have repeated abortions. It is a horror. It is bad for their health. It is bad for their mental health. It is no way to prevent pregnancy. It is no way to plan the number of children in a family.

The language of the gentleman from New Jersey [Mr. SMITH], unamended by that of the gentleman from New York [Mr. GILMAN], says when you have that situation, fold up our American tents and go home; turn your head away, put it in the sand, do not be there, do not be part of the solution. Just let those abortions, let those Russian women, Romanian women, have abortion after abortion after abortion, the thing they decry with such passion.

What our amendment says is we are going to be there. We are going to be there for one reason and one reason alone. That reason is to convert these women into women who will use contraception as a method of family planning, and not abortion.

So there are two options on this vote. Members can vote against the gentleman from New York [Mr. GILMAN], and they turn away from the rest of the world and they say, have as many abortions as you want, because we will not be there to help you with family planning, and you will have no other choice.

Or Members vote with the gentleman from New York [Mr. GILMAN] and the gentlewoman from California [Ms. PELOSI] and myself, the gentlewoman from New York [Ms. SLAUGHTER], the gentleman from California [Mr. CAMPBELL], and you say, we are going to be there to help those little agencies in those backward countries to enter the modern age, and empower women to plan the size of their families using contraception.

Mr. Chairman, if we vote down the Gilman amendment, here is what will happen. We throw the compromise away. This language will be unacceptable to the Senate, unacceptable to the administration. We will be back here voting this over and over and over again. It will be the last thing that keeps us here. It will keep us here in gridlock, and we will be voting it in February.

If Members accept this compromise, we will put this issue behind us. We will save women's lives, and we will move ahead.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 30 seconds.

First of all, if it does cause inconvenience, that is unfortunate, but saving a child's life from the cruelty of abortion, dismemberment, chemical poisoning is worth inconvenience. I know these votes are inconvenient, but that is just a simple fact of the matter.

Let me also point out that during the Reagan and Bush years we provided more than 40 percent of the population control family planning funds going around the world with the Mexico City Policy intact. What we had was contraception, birth control, separated from abortion, and that is all our amendment does. It does not expand or contract the pool of funds available for population planning.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Chairman, so often when we write legislation in this body it is complex, and is made up of provisions that are so arcane our explanations when we go home are really convoluted. But in this case I can go home and say I am voting for Pelosi-Greenwood for exactly four words as a reason: Family planning saves lives. It frees women from the risk of disease and then death from pregnancies when their bodies just cannot take one more pregnancy. It frees children from the dire consequences of losing that parent in an undeveloped region. It absolutely frees struggling nations to devote more of their resources to improving the lot of their people. That is what this is all about.

Far from promoting abortion, this amendment explicitly continues current United States law which prohibits this use of our funds. I thank the gentleman from Pennsylvania [Mr. GREENWOOD] for being so eloquent in his explanation of where we are today, and what the Pelosi amendment does to the Smith amendment.

This whole debate disappoints me so profoundly. For years in this country the best of our people in our communities, Republicans and Democrats, all were for family planning. We put it now in the abyss of the litmus test on this very difficult debate.

I thank those who brought us to this point, and vote, please, for the Pelosi amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. DELAY], the distinguished whip.

Mr. DELAY. Mr. Chairman, I really thank the gentleman from New Jersey [Mr. SMITH] for all his hard work in these areas. There is no greater champion for the unborn than the gentleman from New Jersey [Mr. SMITH].

Mr. Chairman, as the world's last remaining superpower, the United States plays a very important role in international affairs. Everything it does is scrutinized and interpreted, and in many cases, our country is looked up to as a role model. Therefore, we have to take everything very seriously, and the decisions that we make we have to take seriously, especially those decisions about the kinds of policies we want to pursue in other countries.

In this particular case, the debate is about the kinds of family planning organizations we want to assist with funding. According to the State of World Population, 1997, compiled by the U.N. Population Fund, the United States is the largest donor to international family planning programs, contributing about 47 percent of all the external population control moneys worldwide.

□ 1530

So, therefore, it is even more important that we in the United States pursue international family planning principles that are consistent with the kinds of values we want to represent and promote.

Now, President Clinton has already made very clear the kinds of values he would like to promote abroad. In 1993, the Clinton administration abandoned long-standing pro-life policies because of his belief that legal abortion is, and I quote, ''a fundamental right of all women and part of the overall approach to population control.''

Mr. Chairman, I disagree with those values. I do not believe population should be controlled by abortion, and that is why I stand in strong support of the Smith amendment and strong opposition to the Pelosi amendment.

The Pelosi amendment, and we all know what it is, it is a killer amendment and we have to defeat it. It provides, in my opinion, a lesson in ambiguity, as its prohibition on funds going to organizations that promote abortion as a method of family planning is open to all kinds of interpretations, particularly from this pro-abortion White House.

The Smith amendment is very clear. No mistake about it. No United States funds will go to organizations that provide or lobby for abortions at any time for any reason. Now, that is not vague. There is no vague issue regarding the intention of an organization's participation in abortion or the reasons for providing it.

Other than in cases of protecting the life of the mother or forcible rape or incest, the intentions are irrelevant. Intentions are irrelevant. What is relevant is the position the United States is going to take as the largest provider of funds to the international population control programs.

Mr. Chairman, I believe that the United States should stand for life. And as the Reagan-Bush years proved, there are hundreds of organizations that are willing to agree to the conditions that they neither perform nor actively promote abortion in order to receive America's taxpayers' dollars.

These organizations are perfectly capable of providing the family planning services called for by the proponents of the Pelosi amendment that are so valuable to the poor throughout the developing world, and these are the ones that we should be supporting.

So I just urge my colleagues to separate the issues and look very strongly at what the two amendments do. One is the Pelosi amendment, an amendment of ambiguity. And there is no mistaking what the Smith amendment does. So I urge my colleagues to support the Smith amendment and oppose the Pelosi amendment.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would ask the gentleman from Texas [Mr. DELAY], using my own time, if he would respond to a

question. I was concerned about the characterization of the Pelosi amendment and I had some ambiguity on my mind about the position of the gentleman from Texas on international family planning.

Mr. Chairman, I would inquire if the gentleman supports international family planning?

Mr. DELAY. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I would say to the gentlewoman that I support the international family planning that is included in this bill with the Smith amendment added to the bill.

Ms. PELOSI. Mr. Chairman, reclaiming my time, then one would wonder why the gentleman from Texas voted with the gentleman from Texas [Mr. PAUL] to remove all international family planning from the amendment.

Mr. Chairman, I yield to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Chairman, I would like to associate my remarks with the gentleman from Pennsylvania [Mr. GREENWOOD] and respectfully disagree with the gentleman from Texas [Mr. DELAY], my colleague. I am shocked to find that there would be any ambiguity on any legislation considered by this House.

But, Mr. Chairman, I think this is an honorable compromise. We are going to have disagreements over abortion in this House and in future Congresses.

Let us talk about what this really is. This is about whether or not we are going to have an international family planning program sponsored by the United States. And it is about whether or not we, as the last remaining superpower, as the gentleman from Texas just said, we are willing to step up to the plate on this issue, willing to take the lead, as we should as that superpower, on the question of family planning.

Mr. Chairman, the gentleman from Pennsylvania [Mr. GREENWOOD] was very appropriate in saying that we could stick our head in the sand and ignore these problems. I think that would be a mistake for this country and a mistake for the world.

Mr. Chairman, I would ask my colleagues to cut through the ideological purity issues of this and look at pragmatism of the Gilman-Pelosi amendment and adopt it.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. PITTS].

Mr. PITTS. Mr. Chairman, I come before the House today to urge my colleagues to vote for the Smith amendment and against the substitute offered by the gentleman from New York [Mr. GILMAN].

The pro-life safeguards of the Mexico City policy were in effect during the Reagan-Bush years as a way to fully fund family planning without promoting abortion. And the Mexico City policy, which the Smith amendment would reinsert, is both pro-family and pro-life.

During those years the policy was in place, in excess of 350 family planning organizations, including Planned Parenthood affiliates in 57 States and countries, accepted those conditions.

If the bill is passed without the Smith amendment, the House will appropriate $385 million for international population control without the pro-life safeguards. Opponents of Mexico City will argue that this policy is not necessary because we already have the Helms amendment in law. But, Mr. Chairman, the Helms amendment was found to be infirmed. Yes; it stopped direct funding, but there were loopholes and the pro-abortion groups used those loopholes very effectively.

Under current law, U.S. taxpayer dollars go to the international abortion industry which performs abortion on demand, which actively lobbies to overturn foreign country's laws on abortion. This is a fact and our law protects against this blatant misuse of American family tax dollars.

Mr. Chairman, this issue is about abortion. Abortion is violent. It is violence against women. It is violence against their unborn children. We need family planning without abortion. Abortion hurts women. It is humiliating. It is painful. It is demeaning. It is disruptive. It breaks the heart of a woman.

We need to do family planning without abortion. We can live without it. Let us stop our taxpayer dollars from funding this type of international violence. It is our moral obligation to reinstate Mexico City. Vote for the Smith amendment.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO] deputy whip as well as a member of the Committee on Appropriations.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the bipartisan amendment. This debate is not about promoting abortion. Not one penny of U.S. funds can be used for abortion. This vote is a vote to prevent abortion, to improve the health of women and children, and above all, to save lives.

U.S. family planning aid saves the lives of women. UNICEF says that it reduces unintended pregnancies by one-fifth. It would reduce abortions and could save the lives of as many as 120,000 women who would die in childbirth. If the Smith amendment passes, family planning and health clinics across the world will close. Women will be denied Pap smears and will suffer from cancers which could easily have been treated if caught early. Sexually transmitted diseases will go undiagnosed and untreated. More mothers, infants, and children will die.

For 30 years, the United States has been an international leader in reducing the number of maternal and child deaths through its support for family planning. We need to renew this commitment. Vote to reduce abortions, vote to reduce maternal and child death. Vote to support Gilman-Pelosi.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I rise in strong support of the Smith amendment. This amendment will prevent taxpayers' dollars from being spent on abortions overseas. I find it very disturbing that each year, the Federal Government sends millions of taxpayer dollars to family planning organizations in foreign countries that, in turn, use the money to pay for abortions. In essence, these are taxpayer-funded abortions.

Surveys have shown time and time again that whether they are pro-life or pro-choice, the vast majority of Americans do not, and I repeat, do not support federally funded abortions, whether in the United States or overseas.

As a Member of Congress, we are elected to represent and to serve the American people. It is wrong to go against the American people's will and to continue to spend their tax dollars on abortions in foreign countries.

That is why it is critical that we pass the Smith amendment. Without this amendment, American dollars will still be used to fund forced abortions in the People's Republic of China. This is not only a very important human rights issue, it is also a matter of protecting the lives of innocent children around the world.

I personally do not think that Americans should ever have to fund abortions with their tax dollars, especially in foreign countries. But now more than ever during this time of fiscal responsibility and budget tightening, the Federal Government has no business sending American dollars to destroy the lives of innocent children overseas. I strongly urge my colleagues to support the Smith amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I rise today in opposition to the Smith amendment. I find the restrictive Smith amendment to be superfluous. We all know that the 1973 Helms amendment which prohibits any U.S. funds for abortion in international planning is part of the permanent foreign aid statute.

Furthermore, there is no evidence that any recipient of U.S. funds, any recipient of U.S. funds, has ever violated the terms of the Helms amendment. This is unnecessary layering of restrictive law and can only work to harm women and children worldwide by denying them the various health services provided by international family planning organizations.

The effects of the Mexico City policy are far-reaching and negative. According to UNICEF, ''each year, 600,000

women die of pregnancy-related causes. Seventy-five thousand of these deaths are associated with self-induced, unsafe abortion.''

Do we want the blood of these women on our hands? If my colleagues vote for the Smith amendment, that is what they will get.

In addition, the Mexico City policy serves as a threat, a gag order, that results in failure to assist women in need. For example, if a woman is suffering from a life-threatening infection that is the consequence of a self-induced abortion, members of an international family planning organization might fear that treating such a woman could result in a loss of funds. Is this the result we want?

Family planning is a very critical and complex issue. It is prenatal care; it is child nutrition; it is followup with preventive care; and the education provided by international family planning is often what enables children to survive their first year and enables women to survive their pregnancy.

We must not impose this gag order. We must provide the world with family planning education that works to eliminate the need for abortion.

Mr. Chairman, I urge my colleagues to please support the Gilman-Pelosi secondary amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, the Smith amendment would work irreparable harm for women and children throughout the developing world. Gilman-Pelosi is a literal direct response to the concerns of antiabortion advocates. It is almost impossible to sustain a principled position against abortion, without supporting voluntary family planning as it appears in Gilman-Pelosi.

Mr. Chairman, we must have one standard for family planning throughout the world. I would want the same standard there as I would want for myself and my constituents. Family planning is one of the great success stories in economic development. It is not in agriculture; it is not in trade. It is family planning which has been the essential key to economic development itself in the developing world.

Denying family planning is like denying food to children, because that is exactly what happens when families in the developing world have more children than they can support. Gilman-Pelosi is the rational response that is consistent with the values of the American people who strongly support family planning.

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Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, I rise in support of the Smith amendment.

The principle involved here is a serious one, that of the sanctity of a human life. The policy we debate is one of accountability. Do we enforce the law of the American land or do we reward agencies who circumvent our laws?

We are giving agencies overseas who pretend to do family planning a choice, to accept our dollars to conduct true family planning or, as they seek to do, to seek dollars under the guise of family planning to conduct, encourage, and support the promotion of abortion.

To us, to the hard-working people in my district who work very hard for their taxes, who want accountability, we support the Smith amendment and believe it is the best, not just for this country but for every country as well.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY], distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I support family planning both at home and internationally because I think it is the best way to prevent abortions.

The last time the Smith amendment was before the House, I supported it because I thought that he was right and I was personally fed up with the way that the administration and the United Nations continued to finance and apologize for the coercive abortion policy in China. So I voted with the Smith amendment.

I, at that time, asked the gentleman from New Jersey [Mr. SMITH] in the future to please separate the issue of Mexico City from the issue of China because I thought that would at least guarantee some positive steps forward with respect to the Chinese issue. That has not been done in his amendment, but it has been done in the Pelosi amendment.

The Pelosi amendment in essence will say that unless the U.N. population program gets out of China, and there is no question that they practice coercive abortion policies in that country, that we will get our money, we will take our money out of the United Nations population program. That is what ought to happen.

I urge support for the Pelosi amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me the time.

I rise in support of the Smith amendment, and I encourage my colleagues to vote in support of it and against the Pelosi option. The Mexico City policy was established by Ronald Reagan in 1984. It basically said that no family planning organizations that do abortions and promote abortions can get Federal funds. There were claims made at that time that all of these family planning organizations would have to close up shop and all these women would be denied contraceptive services. In truth, all but two of them stayed in business. They made the commitment. They took the money and they stopped promoting abortion.

Now we have a substitute that has been put forward, the Pelosi language, that says that no money would go to an organization that promotes abortion as a method of family planning. The person who will certify whether or not that is the case is Bill Clinton, the man who rescinded the Mexico City policy in 1993, the first act he ever performed. He does not like Mexico City. But we are going to trust him now, the man who vetoed the partial-birth abortion bill. ''Trust Bill'' is what we are being told today.

Another thing that this language does is, they can be performing abortions and, yes, they can be using their U.S. dollars to buy fax machines and dollars from somewhere else to perform the abortions, but as long as they are not promoting it, they can still get all these U.S. dollars. I believe that if you are really pro-life and you are really committed to the principles that are in the Declaration of Independence, which is we are all endowed by the Creator with certain inalienable rights, including the right to life, then you need to support the Smith amendment.

This was Ronald Reagan's policy. The Members who are proposing this alternative are the people who never supported Ronald Reagan's policy.

I believe, if we are committed to the principles that this Nation was founded on, we will support the Smith language. I encourage all of my colleagues to vote with SMITH.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia [Mr. MORAN], a member of the Committee on Appropriations.

Mr. MORAN of Virginia. Mr. Chairman, as you will recall, we debated this issue of the Mexico City policy back in February when we talked about whether the family planning funds should be released. We debated it again in June when we talked about the State Department authorization. And we will continue to be debating it next year and every year thereafter until we come up with a constructive solution. This is a constructive compromise.

This addresses what the opponents have said that they objected to. This says that we will not fund family planning programs where abortion is used as a method of birth control. This says that we will not. So why not agree, shake hands? We have resolved a very difficult issue and now we can work constructively in other countries where women and children and men are forced to live lives of abject poverty, because that is what we condemn them to if we do not make family planning information available to women so that they can control the size of their families.

We have a responsibility, we who live in a country so prosperous and so free, to do something for those people who

do not. Please support this amendment.

The CHAIRMAN. The Chair would inform the Members that the gentleman from New Jersey [Mr. SMITH] has 7½ minutes remaining, the gentlewoman from California [Ms. PELOSI] has 6 minutes remaining, and the gentleman from Pennsylvania [Mr. GREENWOOD] has 4½ minutes remaining.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California, [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, each year in the developing world 600,000 women die from pregnancy-related complications. Maternal mortality is the largest single cause of death among women during their reproductive years. That is why support for family planning services is becoming more important every year.

Voluntary family planning services give mothers and families new choices and new hope. These services increase child survival, promote safe motherhood. Without support for international family planning, women in developing nations face more unwanted pregnancies, more poverty and more despair.

Mr. Chairman, it is ironic that the same people who would deny women in the developing world the choice of an abortion would also seek to eliminate support for family planning programs.

Mr. Chairman, I urge my colleagues to vote in favor of the Pelosi-Gilman substitute.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS], my good friend.

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me the time. I have come to this floor on a number of issues, particularly as they relate to the budget. I think of what we have tried so hard to do, of getting our country's financial house in order and balancing the Federal budget and saving our trust funds for not just future generations but for present generations, and moving from a caretaking society to a caring society. I think of how important those things are.

Yet they pale in comparison to the fact that many of the people around the world live in abject poverty. We have a population in this world of about 5.2 billion and it is climbing. I think of some societies, whose economies grow, but their population growth outstrips their economic growth and they become poorer and poorer and poorer.

For the life of me, I do not know why this great country, the United States of America, would not want to help those countries become more prosperous, and I would like to understand why we would not want them to help control their population growth. This amendment does this.

I just urge, with all that I could urge my colleagues to recognize that this is not the United States of America. I lived as a Peace Corps volunteer overseas. I have seen how people live. They want to live a better life. They want their children to have better lives. But they have got to have a way of knowing how to control their populations and to be able to grow in a logical way.

I urge my colleagues to recognize, this is not about abortion. This is about whether we are going to allow for logical family planning so we do not need abortions and we do not have so many people living in abject poverty.

I urge Members to support the Pelosi and Greenwood amendment. I urge them to allow and help other countries have logical family planning.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER], my good friend and colleague.

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

Mr. HOSTETTLER. Mr. Chairman, I rise today in strong support of the Smith amendment and in opposition to the substitute.

The Supreme Court has opined in Roe versus Wade and its erroneous progeny that we have to allow the killing of preborn children. Clearly this was a misread of the Constitution by the Court.

In any event, the Court has not opined that our Government has an obligation to provide this service here in America or in any other land. We should not take to this course by our own will.

The sanctity of life transcends international boundaries. It is time to say no to a careless export, the notion that abortion is acceptable as a means of family planning.

I would prefer to block all international family planning funding. It is fiscally irresponsible to do otherwise. But if we are to fund this type of program, and the Smith amendment does not end international family planning, we must do all we can to see that we do not fund those which promote abortion.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to the Smith amendment and in support of the bipartisan amendment.

I would like very much to be associated with the comments of my colleague on the other side of the aisle, the gentleman from Pennsylvania [Mr. GREENWOOD], and the gentleman from Wisconsin [Mr. OBEY] that pointed out the compromises in this amendment, particularly with the China language.

Federal funds cannot be used to perform abortions overseas. That is the law. But it appears that some of my colleagues are so jittery over a woman's right to choose that they confuse it with a person's right to medical education and a family's right to plan their lives.

The U.N. Fund for population activities is not an organization which encourages abortion. What it does encourage is the prevention of unwanted pregnancies in 140 different countries. Not only does the U.N. fund work to prevent abortions, it provides programs which promote better nutrition, health and longer life expectancy. Vote for the bipartisan Pelosi-Gilman amendment.

Ms. PELOSI. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me say that I rise in opposition to the Smith amendment, clearly, to say that this is not a vote on abortion and we should recognize that. This is about saving lives, because family planning funds are used to provide effective means of birth control, health care for pregnant mothers and newborns, and education on family planning options.

Let us look at the role and responsibility of this country, sharing its expertise with those nations who need our help in family planning. I support the Gilman-Pelosi amendment, a viable approach to making sure that we save lives, that we do not support abortion in this instance, but we support saving lives through fair and adequate family planning.

Mr. Chairman, I rise in opposition to the Smith amendment to H.R. 2159, the foreign Operations appropriations bill. My colleagues, it is disheartening to see this legislation once again before us on the floor of the House and I urge you to join me in opposing this amendment.

Despite attempts of this amendment's proponents to characterize it as such, this vote is not about abortion. Proponents of the Smith amendment wrongly claim that release of family planning funds without restrictions will allow U.S. aid to support abortion services abroad. These funds, however, can not by law be used to provide or promote abortions. They argue that funding is fungible, but the Agency for International Development has a rigorous process to ensure that the current ban on the use of U.S. funds for abortions is adhered to and that no U.S. funds are spent on abortion services.

Funds to support family planning are not funds for abortions. Family planning funds are used to provide contraceptives to persons who would otherwise not have access to them. Family planning funds support education and outreach on family planning options, family counseling, health care, and technical training for personnel.

These funds help to improve the health and increase the survival rate of women and children during pregnancy, in childbirth, and in the years after. Family planning allows parents to control the number of children that they have and the timing of those births. And in so doing it allows women the opportunity to reach beyond the walls of their homes, to get an education and to work outside of the family. A recent report of the Rockefeller Foundation argued that devoting less time to bearing children, reducing family size, and improving the

health and survival of women and children results in better economic prospects in developing countries.

Withholding these funds will reduce access to contraception and in so doing increase unintended and unwanted pregnancies. Experience demonstrates that as unintended pregnancies increase, so does the abortion rate. In fact, United States funding to Hungary has coincided with a 60-percent reduction in abortions in that country. In Russia, increased use of contraceptives has led to a 30-percent reduction in abortions.

My colleagues, this is not a vote on abortion. This is a vote to provide more options and opportunities for the people of developing nations around the world.

For these reasons, I call upon each Member to signal their support for the health and welfare of women, children and families and vote against the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today to offer my support for my colleague's amendment. I do not believe America should offer financial assistance to any foreign organization that supports abortion. Under today's policies, several agencies that are supported by U.S. funds can do just that.

Groups like the U.N. Population Fund and Family Planning International Assistance freely take U.S. monetary support and use those funds to perform and promote brutal abortion policies. Some of them, like the U.N. Population Fund, help fund China's coercive population control policies which result in thousands of abortions and forced sterilizations.

These organizations are also attempting to change abortion laws in many different countries. They are actively lobbying for abortion with the assistance of U.S. tax dollars.

This amendment will prevent these atrocities. It guarantees that no U.S. funds will be used in any way to promote abortion or sterilization by any group.

If these agencies want to promote abortion as a form of birth control, let them do it without the support of American funds. I encourage all my colleagues to support this amendment and prevent U.S. funds from being used to support coercive family planning.

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Ms. PELOSI. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. EDWARDS], a member of the Committee on Appropriations.

Mr. EDWARDS. Mr. Chairman, we in Congress have a responsibility to look at not just the intent of our actions but the consequences. In my opinion, the reality is that to restrict funding for family planning is to increase abortions, thousands of abortions. In addition, I think the impact of the Smith language, intended or not, will be to stop tens of thousands of women from getting the kind of prenatal care that I am grateful that my wife was just able to have in having a healthy, happy baby.

Let us be clear. The law does not allow any U.S. dollars to be used to fund abortions abroad. If we used the stretch logic of some of the supporters of the gentleman from New Jersey [Mr. SMITH], we would also cut off all military aid to our allies, because the defense money we send to those allies which helps them and us could then be channeled to funding abortions in those countries. Let us support the right of families in other countries to do what we cherish for our families here in America, to plan for our families' futures. Support Gilman-Pelosi. Oppose the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. BARCIA], one of the sponsors of the amendment.

Mr. BARCIA. Mr. Chairman, I offer my gratitude for the tremendous job that the gentleman from New Jersey [Mr. SMITH] is doing on the debate on this very important amendment which he has offered.

Mr. Chairman, I would like to take this opportunity to clarify the exact ramifications of our amendment and the alternative amendment offered by my esteemed colleagues the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from California [Mr. CAMPBELL], the gentlewoman from California [Ms. PELOSI], the gentlewoman from New York [Mrs. LOWEY], and the gentlewoman from Connecticut [Ms. DELAURO].

Quite simply, our amendment will ensure that U.S. tax dollars are not allocated to foreign nongovernmental organizations for international family planning programs unless they agree to, No. 1, not violate the laws of other countries with respect to abortion, No. 2, not wage campaigns to alter a country's laws on abortion except to oppose coercive abortion practices and, thirdly and finally, not perform abortions except to save the mother's life or in cases of rape or incest.

Our amendment is necessary to close a loophole that allows U.S. tax dollars to subsidize organizations which work to increase the availability of abortions around the world. The Gilman - Pelosi - Campbell - Lowey - Greenwood substitute will certainly result in a deadly version of the pea in the shell game when we try to identify those responsible for these abortions. It may not be our dollars, but our dollars freed up those that did not pay for the abortion.

I urge my colleagues to support the Smith-Barcia-Hyde-Oberstar amendment and oppose the alternative. The lives of the unborn are too important to leave to the whimsical nature of a loophole.

Mr. GREENWOOD. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 2½ minutes.

Mr. GREENWOOD. Mr. Chairman, we have heard the rhetoric once again. Members of Congress sitting here, standing here in the Capitol of the United States talking about this issue. On the other side of this amendment, mostly men, but this is not the real world. What really happens in the real world, whether it is in Kazakhstan, whether it is in Bolivia, anywhere around the world, a real woman, somebody's mother, somebody's sister, somebody's daughter, somebody's wife is pregnant and she has five children or six children, she may have lost one or two to hunger or disease already and she is pregnant again because she has no access to family planning and she is terrified and she is determined to get an abortion. She sees that as her only option, rather than starve the children that remain at home. She is going to get that abortion. She is going to get it in some dingy little concrete, damp, dank clinic somewhere out in the middle of nowhere if she is lucky, or she is going to get it in a back alley of some faraway place, terrified, unhygienic, threatening to her health.

That is the world. That is happening as we speak all over the planet every day. There are two things we can do about that. We can turn away. That is what the Smith language does. ''Go away. Don't be there. Let that happen. As long as we're not part of it, nothing we can do about it. It's not our problem. It's not our mother. It's not our sister. It's not our daughter.''

Or we can be there. We can be there with a few scant American dollars to turn on a light bulb in that clinic, to set up a desk, to put some pamphlets on the table, to have a human being with care to say to that woman, ''You do not want to come back here again under these circumstances. We want to give you the birth control pill. We want to teach you how to use a condom. We want to empower you not to have to put yourself or be put in this position again.'' That is what the Gilman amendment does. Please support the compromise.

The CHAIRMAN. The gentleman from New Jersey [Mr. SMITH] has 3½ minutes remaining.

Mr. SMITH of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. PAPPAS].

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

Mr. PAPPAS. Mr. Chairman, I rise in strong support of the Smith amendment.

I have only been here in Congress for 8 months yet this is my third debate on this floor on the issue of whether we ensure that American tax dollars are not used to change the pro-life laws of other countries, whether we truly guarantee that our tax dollars will not be used to pay for abortions, or whether we will allow our tax money to go to organizations that violate the laws of the country to which the aid is sent. Maybe the third time is a charm. The vast majority of Americans agree

with the goals and purpose of this amendment and I urge its passage today.

This amendment is a commonsense effort to make sure that America's foreign aid policy is both morally and fiscally responsible and I gladly support both aspects of the Smith amendment.

My time is short so let me get to the point on the U.N. fund. My parents were able to decide to have more than one child. Because of this freedom, my older sister, Olga, has a younger sibling—a brother—me. However, parents in China do not have this basic right. Until, the UNFPA condemns this brutal coerced abortion policy in China or any other country, no United States tax dollars should go to this misguided program. The bipartisan Smith-Barcia-Hyde-Oberstar amendment is the only way to clearly define what U.S. tax money can be used for in this program.

I would like to concentrate on another aspect of this amendment, specifically the ''Mexico City'' language.

This language is clearly the safeguard that the taxpaying public wants to see on the large expenditure in population control activities that this country pays for. We are talking about $385 million of U.S. tax money. The Smith amendment specifically addresses the ever increasing scourge of U.S. tax dollars being used to change the laws in other countries. Just as this Congress and Nation are seriously concerned about possible efforts by foreign nations to influence our elections and laws, we must not be hypocritical and allow U.S. tax dollar recipients to do the same things to laws in other countries. Clean up this practice and vote for the Smith amendment.

Mr. Chairman, I would like to raise this Congress' attention to one of the greatest ironies of this entire overseas abortion debate. Many of my colleagues who will stand here on this floor and oppose this amendment to restore the pro-family, pro-cultural, pro-child, and successful Mexico City policy are many of the same members who regularly lambaste this body for not moving on campaign finance reform.

Well, if you truly believe in campaign finance reform, this is your vehicle. This is a campaign finance reform vote. This is international campaign finance reform. Vote for the Smith amendment and you will walk the walk of campaign finance reform. Otherwise you are saying that it is OK for U.S. foreign aid money, our hard-earned tax dollars, to be used as soft money to lobby and change laws throughout the world. Planned Parenthood and their kind do not like the pro-life laws in many countries around the world. They will not rest until they bring down these safeguards for the most vulnerable. Make no mistake about it, failure to enact the Smith amendment will be interpreted by the world community that this Congress wants our tax dollars going to foreign lobbyists to change other countries' laws. I am against welfare for lobbyists, especially lobbyists for the abortion industry. So are the American people. The Smith-Barcia-Hyde-Oberstar amendment will prevent this and I urge my colleagues to clean up this travesty and to support the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself the balance of my time.

Let me just speak for a moment to my friends who may feel they can somehow rationalize voting ''yes'' on Gilman-Pelosi and ''yes'' on the underlying pro-life amendment. Please do not. It is not honest law making. If you are against pouring hundreds of millions of dollars into the abortion industry overseas, the only honest vote is ''no'' on Gilman-Pelosi and ''yes'' on Smith-Barcia-Hyde-Oberstar.

Today, Mr. Chairman, the pro-life laws and policies of almost 100 countries that restrict abortion are under siege and the engine driving this global pro-abortion push are the nongovernmental organizations funded by the U.S. Government. Our amendment permits the flow of funds only to those organizations that provide only family planning and not abortion. The innocent children are not put at risk. Who we subsidize, not just what, but who we subsidize does matter and who we give millions of dollars to does matter.

Mr. Chairman, the simple fact of the matter is the long-standing law that no U.S. funds can be directly used for abortion was found to be incomplete. It was like Swiss cheese. The organizations were doing abortions on demand and yet seemingly adhering to the letter of the law with regards to the Helms amendment. That is why we have the Mexico City policy. We do not want to put these unborn children at risk.

Let me be very clear on this. The effect of the Gilman-Pelosi amendment is that even if a foreign nongovernmental organization performs abortion on demand, even if they perform abortions on demand at any stage of the unborn child's development, even if they perform abortions on demand on teenagers without parental knowledge or consent, they still could get huge Federal grants so long as they say they are not promoting abortion as a method of family planning, whatever that is.

To add insult to injury, the phrase ''promote'' is not defined. I asked some questions earlier, define it very clearly like our amendment does, and the answers were not very enlightening. To adopt Gilman-Pelosi is to sacrifice clarity for vagueness, and the consequence will be that the administration will have breathtaking latitude to find that even the most aggressive abortionists in the world are eligible for funding.

The Smith-Barcia language is straightforward. It is absolutely transparent. It establishes a wall of separation between abortion and birth control. By contrast, the Gilman-Pelosi language intentionally blurs the line of demarcation between abortion and contraception and keeps the abortionists overseas on the Federal dole.

Let me make this very clear, Mr. Chairman. The pro-life vote is no on Gilman-Pelosi. This is no compromise. The Gilman-Pelosi amendment is clearly a killer amendment. I urge a ''no'' vote on it.

Let me just remind Members, the 7 sponsors of this amendment, with all due respect, are like a who's who of the abortion rights in this Congress. They all voted against the partial-birth abortion. To suggest that somehow this is a pro-life compromise simply does not have any currency to it. Please vote ''no'' on the first amendment, ''yes'' on the second.

Ms. PELOSI. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from California is recognized for 2½ minutes.

Ms. PELOSI. Mr. Chairman, I thank our colleagues for this very, very informed and serious debate this afternoon. I think those of us who worked hard and long, the gentleman from Pennsylvania [Mr. GREENWOOD] in the leadership of this issue, to put together an appropriate response to the concerns that have been expressed by my colleague in the House, found expression in the supporters of the Gilman-Pelosi-Greenwood-Campbell, the list goes on and on, amendment to the Smith amendment.

I say I am proud of those who spoke on our behalf because they spoke with conviction and consistency. Our colleague in his closing remarks talked about some other issues that have been voted on by those of us who are sponsoring this amendment and since he brought up the subject of votes, I want to bring up the subject of votes as well.

Of the 15 people who spoke in support of the Smith amendment, in opposition to the Gilman-Pelosi-Greenwood amendment, 13 of them voted against international family planning, votes just moments ago, moments before this debate began, for the Paul amendment to eliminate the family planning, international family planning money from this bill. One, the gentlewoman from Florida [Ms. ROS-LEHTINEN] voted against the Paul amendment. The gentleman from New Jersey [Mr. SMITH], the maker of this amendment, was silent on the Paul amendment. He did not vote on that issue. So we do not know where he would stand on that particular amendment.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I will yield if the gentleman would like to say where he would have voted on the Paul amendment, how he voted on the Paul amendment.

Mr. SMITH of New Jersey. I would like to make it very clear that without, and this is why Members voted for the Paul amendment, without pro-life safeguards we are giving money to the abortion industry overseas. That is why Members voted that way.

Ms. PELOSI. Mr. Chairman, I take back my time. Clearly the gentleman does not want to state where he would have been on the motion to cut all family planning funds from this legislation. It should be clear to our colleagues what the intention is of the Smith amendment and of those who spoke in the well to support it. Indeed, the leadership of the Republican Party in this House, the gentleman from

Texas [Mr. ARMEY] and the gentleman from Texas [Mr.DELAY], who spoke on the issue, they all voted for the Paul amendment to cut the family planning funds from here.

So to my colleagues who have a discomfort level with this, I hope they take some comfort in the fact that we came together in a bipartisan fashion, we listened over the years to your concerns and addressed them. Some of my colleagues even today, the gentleman from North Carolina [Mr. JONES], mentioned the force abortion program in China. That is not in the bill any longer. That is not in the bill any longer. And we have widened the separation wall between family planning and abortion.

This is an issue about family planning. Those who oppose our amendment oppose international family planning. If you support international family planning, support the alternative amendment to the Smith amendment.

Mr. CAPPS. Mr. Chairman, I rise in opposition to the Smith amendment. This amendment is nothing more than a global gag rule, denying U.S. funding to overseas family planning agencies.

Agencies which provide women's reproductive health services, improve children's health and reduce the number of abortions around the world.

This amendment will result in the closure of family planning clinics in some of the poorest countries in the world and will surely increase the number of abortions, worldwide.

The Pelosi/Gilman amendment is a fair compromise; it denies funds to any organization which promotes abortion as a method of family planning; and diverts any UNFPA funding that would have gone to operations in China to USAID family planning programs.

People of faith carry the responsibility of stewardship, particularly in the area of human reproduction. Striving to ensure that each child is a blessing for its family and for the world.

The gentleman from New Jersey is clearly a man of conviction. As colleagues on the International Relations Committee he and I have been able to work out compromises in the past. And I hope that we can continue to do so on this important issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of the Gilman-Pelosi-Campbell-Lowey-Greenwood-DeLauro-Slaughter substitute to the Smith amendment to H.R. 2159, the Foreign Operations Appropriations bill. This bipartisan substitute amendment is important to protecting the lives and health of women and children around the globe.

Opponents of this amendment have attempted to paint this vote as one about abortion. That is simply inaccurate. This is not a vote about abortion, but about women having the ability to plan their own families. It is a vote about preventing unintended pregnancies. It is a vote about improving the quality of life for people around the world, fighting overpopulation, and preventing hunger.

The Gilman-Pelosi-Campbell-Lowey-Greenwood-DeLauro-Slaughter amendment will preserve current law prohibitions on the use of U.S. funds for abortion. It will continue the ban on the use of U.S. funds to lobby for or against abortion funds. This amendment will disqualify from U.S. family planning assistance any foreign nongovernmental and multilateral organizations that with their own funds ''promote abortion as a method of family planning.'' The amendment will, in fact, prohibit U.S. family planning assistance from going to these organizations unless they use U.S. funds to ''prevent abortion as a method of family planning.''

Despite the claims of its authors, the Smith amendment will not reduce abortion funding in the foreign operations bill by a penny because there is currently absolutely no abortion funding. The only effect of the Smith amendment will be to defund organizations providing voluntary, preventative family planning services which are the most effective way to reduce abortions.

Around the world, a staggering 585,000 women die each year from pregnancy-related causes, including 70,000 from unsafe abortions. The best way to save lives and reduce the number of abortions is to reduce the number of unwanted pregnancies. The most effective way to do this is through voluntary family planning. Voluntary family planning safeguards the lives and health of mothers and enhances the prospects of their young children.

Abortion is not and should not be a substitute for contraception. Family planning is the primary means of reducing unintended pregnancies and unwanted births. The Gilman-Pelosi amendment addresses and supports this priority and ensures that organizations which promote abortion as a family planning method will be ineligible for funding.

I urge my colleagues to join me in voting for the Gilman-Pelosi-Campbell-Lowey-Greenwood-DeLauro-Slaughter amendment and in so doing vote for family planning and the lives of women and their families. Thank you.

Ms. ESHOO. Mr. Chairman, I rise in support of the Gilman-Pelosi amendment, which will ensure America's continued support for international family planning programs. Global family planning is essential for protecting the health of women, ensuring the health of children, and reducing the demand for abortions. We must not sacrifice the well-being of families around the world on the altar of abortion politics.

Each year, approximately 4 million women will have an unwanted or dangerous pregnancy, resulting in nearly 2 million more abortions or miscarriages. These women do not have access to modern contraception, medical advice or prenatal care.

In the absence of family planning, over half a million women die each year from pregnancy-related causes, including 70,000 from unsafe abortions. Funding restrictions will only add to these numbers.

U.S. support for international family planning has helped families space the birth of their children and has increased the odds that there will be enough food and other essentials to be shared among all family members. We've enabled women to bear children when they are physically strong and can breast-feed normally—increasing child survival by as much as 20 percent.

The Gilman-Pelosi amendment will continue our support for family planning programs while preserving current prohibitions on the use of U.S. funds for abortion. It continues the ban on the use of U.S. funds to lobby for or against abortion rights. It prohibits any organization that promotes abortion as a method of family planning with their own funds from receiving U.S. family planning assistance. And it ensures that organizations that provide voluntary, preventative family planning services will receive the necessary funds to continue their work to reduce the number of abortions and the number of pregnancy-related deaths.

Mr. Chairman, anyone who is serious about promoting the health of women and children must support family planning. And anyone who truly wants to reduce abortions must support these programs as well. I urge my colleagues to support the Gilman-Pelosi amendment.

Mr. NADLER. Mr. Chairman, I rise in opposition to this amendment. I strongly support international family planning because it will improve women's health, reduce poverty, and protect our global environment. Our family planning programs save lives, and they should be continued without unnecessary restrictions.

The only reason why we are even considering the Smith amendment again this year, even though it is already included in the State Department authorization bill, is because the proponents of this amendment are scared their unpopular provision may never be enacted. Apparently, they are confident that, despite support in the House, their view is in fact an extreme position which is not supported by the Senate, by the President, or by the American people.

Why? Because the American people understand that family planning is necessary, successful, and addresses a critical need. According to the World Health Organization, nearly 600,000 women die each year of causes related to pregnancy and childbirth. When couples cannot control the number and timing of births, maternal and infant mortality increases. It is estimated that one in five infant deaths could be averted by birth spacing alone. Our family planning efforts directly address these problems, and as David Broder commented in the Washington Post ''the success of the program is undeniable.'' For example, studies show that our efforts, as part of an international strategy, have prevented more than 500 million unintended pregnancies. I am shocked that proponents of the Smith amendment claim that our family planning program actually increase the number of abortions, when, in fact, the exact opposite is true.

The Smith amendment would severely limit our efforts and lead to a dramatic increase in the number of abortions worldwide. When the so-called Mexico City restrictions were in place during the Reagan and Bush administrations, U.S. funding for the International Planned Parenthood Federation was suspended. This organization currently supports family planning in over 150 countries and helps serve at least 10 million couples annually in developing countries. The Smith amendment may prevent the U.S. Government from funding this organization and helping so many people. That would be a terrible mistake.

This amendment is pernicious, unnecessary, and harmful. If enacted, it would severely limit family planning efforts and simply result in more unwanted pregnancies, more fatalities among women, and more abortions. I urge my colleagues to vote against the Smith amendment.

Mr. BERMAN. Mr. Chairman, I rise in opposition to the Smith amendment reinstating restrictions on American assistance to international family planning.

The Smith amendment, if adopted, would have three effects: First, it would deny U.S. funds to overseas family planning agencies that perform legal abortions with their own funds; second, it would deny funding to the United Nations Population Fund [UNFPA] which is active in more than 140 countries should it spend any funds in China, and third, it would kill all chances for this legislation to be signed into law.

We all deplore policies of forced abortion or coercive population control. There is no doubt that where these policies exist, such as in China, we should make every effort to reverse them.

Mr. SMITH and his cosponsor should support the Gilman-Pelosi amendment which has been carefully crafted to achieve a middle ground in this long-running congressional debate.

This amendment prohibits the use of U.S. funds to lobby for or against abortion.

It prohibits the use of American aid to perform abortions in any foreign country unless the life of the mother is endangered if the fetus were carried to term or in cases of rape or incest.

It prohibits American aid from being distributed to UNFPA if it operates population planning programs in China.

Many would argue that the Gilman-Pelosi alternative concedes too much ground in its effort to find a compromise. With a world population approaching 6 billion people of which 1.2 billion reside in China, many would argue that the best way to convince Chinese authorities to change their policies of coercive abortion and forced family planning is to support legitimate family planning programs by international agencies and nongovernment organizations in China. However, Mr. GILMAN and Ms. PELOSI offer their compromise in a sincere, bi-partisan effort to reach the political middle ground in order to move forward with this important legislation.

I support the Gilman-Pelosi alternative and urge my colleagues to do so.

H.R. 2150

OFFERED BY: MR. GILMAN

AMENDMENT NO. 9: Strike all after the title heading and insert the following:

SEC. . POPULATION PLANNING ACTIVITIES OR OTHER POPULATION ASSISTANCE.

(a) IN GENERAL.—(1) Notwithstanding any other provision of this Act or any other provision of law, none of the funds appropriated or otherwise made available by this Act for population planning activities or other population assistance may be made available to pay for the performance of abortions in any foreign country, except where the life of the mother would be endangered if the fetus were carried to term or in cases of rape or incest.

(2) The limitation contained in paragraph (1) shall not apply to the treatment of injuries or illness caused by unsafe abortions.

(b) LIMITATION ON LOBBYING ACTIVITIES.—(1) Notwithstanding any other provision of this Act or any other provision of law, none of the funds appropriated or otherwise made available by this Act for population planning activities or other population assistance may be made available to lobby for or against abortion.

(2) The limitation contained in paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

SEC. . UNITED NATIONS POPULATION FUND.

(a) LIMITATION.—Subject to subsections (b), (c), and (d)(2), of the amounts made available for each of the fiscal years 1998 and 1999 to carry out part I of the Foreign Assistance Act of 1961, not more than $25,000,000 shall be available for each such fiscal year for the United Nations Population fund.

(b) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under this section shall be made available for a country program in the People's Republic of China.

(c) CONDITIONS ON AVAILABILITY OF FUNDS.—(1) Not more than one-half of the amount made available to the United Nations Population Fund under this section may be provided to the Fund before March 1 of the fiscal year for which funds are made available.

(2) Amounts made available for each of the fiscal years 1998 and 1999 under part I of the Foreign Assistance Act of 1961 for the United Nations Population fund may not be made available to the Fund unless—

(A) the Fund maintains amounts made available to the Fund under this section in an account separate from accounts of the Fund for other funds; and

(B) the Fund does not commingle amounts made available to the Fund under this section with other funds.

(d) REPORTS.—(1) Not later than February 15, 1998 and February 15, 1999, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund in budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the United Nations Population Fund plans to spend China country program funds in the People's Republic of China in the year covered by the report, then the amount of such funds that the Fund plans to spend in the People's Republic of China shall be deducted from the funds made available to the Fund after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

ZERO POPULATION GROWTH,
Washington, DC, August 21, 1997.

Hon. HOWARD BERMAN,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BERMAN: On behalf of the nearly 60,000 members of ZPG across the country, I am writing to ask you to support the Gilman-Pelosi amendment when the House resumes consideration of the Foreign Operations appropriation bill.

The Gilman-Pelosi amendment will come up when Rep. Chris Smith once again offers his amendment to impose a ''global gag rule'' on international family planning providers. As you know, the Smith amendment would deny U.S. funding to overseas family planning agencies that either perform legal abortions (with non-U.S. funds) or which publicly support any changes in the abortion laws or regulations in foreign countries. This far-reaching amendment would have the result of closing family planning clinics in some of the poorest countries in the world, thereby dramatically increasing the number of abortions. The Smith amendment would also deny funding to the United Nations Population Fund (UNFPA), which runs effective family planning programs in more than 140 countries, if they spend so much as one penny in China. While no one denies that the Chinese population program is often brutal, and always coercive, there is not one sliver of evidence that UNFPA has ever been involved with any involuntary practices.

The Gilman-Pelosi amendment is a new effort at compromise that offers real hope for solving this seemingly unending debate. It responds directly to the claim that the U.S. subsidizes the promotion of abortion by denying funds to any organization that promotes abortion as a method of family planning. Rep. Smith and his allies will oppose this amendment because he knows that it will be impossible to find any organization that receives U.S. family planning aid that does truly promote abortion. The Gilman-Pelosi amendment also concedes the UNFPA argument, but says that if UNFPA does operate in China the money appropriated for that agency would instead be given to U.S. Agency for International Development for family planning programs.

While we believe the Gilman-Pelosi amendment is unnecessary, and that strong enough protections already exist to keep U.S. funds from being used to perform abortion, we believe this represents the best opportunity to move beyond this divisive debate and get on with the business of providing important family planning services to women around the world.

I hope you will vote yes for the Gilman-Pelosi amendment.

Sincerely,

PETER H. KOSTMAYER,
Executive Director.

Mr. SKAGGS. Mr. Chairman, I strongly oppose the Smith, Barcia, Hyde, and Oberstar amendment. This amendment would reinstate the Mexico City restrictions and prohibit U.S. funding to any private, nongovernmental, or multilateral organization that directly or indirectly performs abortions in a foreign country. But the 1973 Helms amendment to the Foreign Assistance Act already prohibits U.S. funds from being used to pay for abortions. This amendment would prevent U.S. assistance to agencies that—with their own funds, to U.S. funds—provide abortion counseling or services. The effect of this amendment would be to deny reproductive choice to women in other countries, not matter what their own beliefs, laws, and cultures have to say about this intensely personal and important issue.

The amendment would also prohibit all United States funding for the U.N. Fund for Population Activities [UNFPA] unless it ceases activities in China. But UNFPA has no China program right now, and the authorization bill language already reduces United States contributions to UNFPA, dollar-for-dollar, for any amount UNFPA spends in the future on a China program—meaning that the United States will not be supporting the reprehensively forced-abortion policy.

The Smith amendment cuts family planning—but it won't reduce abortions. Cutting family planning assistance will mean millions more unintended pregnancies—and more, not fewer abortions. Just the reverse happened after contraceptives and family planning were introduced in Russia after the fall of the Soviet Union—Russia's reliance on abortion was reduced by one-third. The United Nations estimates that 40 percent of pregnancies worldwide are unintended, and of these, 60 percent end in abortion. Family planning can dramatically reduce these tragic statistics.

International family planning efforts also help protect the health of women and children by reducing the number of high-risk births from pregnancies spaced too closely together. Everyday more than 31,000 children under the age of 5 die in developing countries from low birthweight and other complications of high-risk pregnancies. The U.S. Agency for International Development [AID] estimates that, by spacing births at least 2 years apart, family planning can prevent an average of one in four infant deaths; and family planning can

prevent 25 percent of all maternal deaths by allowing women to delay motherhood and avoid unintended pregnancies.

Family planning programs can have a dramatic influence on our ability to do something about uncontrolled population growth in many parts of the world. According to AID, more than 50 million couples in the developing work use family planning as direct result of U.S. population program. In the 28 countries with the largest AID-sponsored family planning programs, the average of children per family has declined by one-third, from six to four.

Assistance to other nations that seek voluntarily to limit their population is in our profound national interest. There is no greater threat to our national security than an exploding world population. The world's population now stands at 5.8 billion, and adds another 80 million people every year—the equivalent of adding another New York City every month. If we don't constrain population growth, our work to improve living standards, control pollution, and battle disease is hopeless. More than 95 percent of population growth is occurring in developing countries, where burgeoning population growth contributes to deforestation, water scarcity, global warming, wildlife extinction and other environmental problems that effect us all.

American leadership is crucial to making family planning assistance available to couples in the developing world. Partly because of our leadership, a growing number of countries now provide family planning services of their own. If we retreat, accelerated population growth will pose a direct threat to our national interest.

Support family planning. Oppose the Smith amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GILMAN] to the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announces he may reduce to not less than 5 minutes the period of time within which a recorded vote, if ordered, may be taken on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The vote was taken by electronic device, and there were—ayes 210, noes 218, not voting 5, as follows:

[Roll No. 362]

AYES—210

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kleczka
Klug
Kolbe
Lampson
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Skeen
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
White
Wise
Woolsey
Wynn
Yates

NOES—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Forbes
Fox
Gallegly
Ganske
Gekas
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Quinn
Radanovich
Rahall
Redmond
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Boucher
Gonzalez
Neumann
Pryce (OH)
Schiff

□ 1632

Messrs. SENSENBRENNER, METCALF, WELLER, and SESSIONS changed their vote from ''aye'' to ''no.''

Mr. BENTSEN and Mr. SHAW changed their vote from ''no'' to ''aye.''

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 191, not voting 8, as follows:

[Roll No. 363]

AYES—234

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fowler
Fox
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham

Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—191

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Klug
Kolbe
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
White
Wise
Woolsey
Wynn
Yates

NOT VOTING—8

Boucher
Gonzalez
Jones
Nadler
Neumann
Pryce (OH)
Schiff
Sessions

□ 1641

Mr. WATT of North Carolina and Mr. DINGELL changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1645

Mr. FORBES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a brief colloquy with my chairman, the gentleman from Alabama [Mr. CALLAHAN], chairman of the Subcommittee on Foreign Operations, Export Financing, and Related Programs of the Committee on Appropriations.

Mr. Chairman, I rise today because it had been my intention, and I appreciate the patience of the chairman for entertaining my consideration of an amendment which ultimately we withdrew, which talked about the total elimination of any and all funding from the U.S. taxpayers to the Palestinian Authority.

That amendment was under consideration going back to early July, before we had some of the most recent and horrendous tragedies: the one on July 30, in which 150 people were injured, the tragedy of July 30, which we all are now only too familiar with, in which 13 people were killed, 150 were injured. Five Americans, Mr. Chairman, five Americans were killed in Israel at the hands of the Islamic terrorists and those who would bring Israel down.

Just this morning, as our day was beginning here, we got the news of the tragedy at the Ben-Yehuda Pedestrian Mall in West Jerusalem. We know of at least one American from New Jersey that was killed in that horrendous attack, and this all is with the backdrop of the chairman of the PLO hugging and embracing what I would best describe as an international outlaw, the head of the Hamas terrorist group that is wreaking havoc in Israel.

Mr. Chairman, I appreciate the patience of the chairman of the subcommittee in entertaining my concern for continued U.S. dollars being sent to the Palestinians. I think it is only fair to understand that by anybody's definition the peace process is dead. How many Americans, much less how many Israelis, must be murdered before we understand as a nation that we cannot continue to try to prop up a man who has blood on his hands, who has failed to live by the Oslo accords, who has violated those accords repeatedly?

While we could not get this amendment considered to cut off all aid to the Palestinians, I would just suggest that our State Department seriously consider, as they approach the coming days and discussions with the PLO, that they seriously consider whether it is appropriate to further try to prop up this peace process in the wake of the tragedies and the murders and the wanton disregard for Israeli as well as American lives.

Mr. Chairman, I would suggest, in closing, that they know the characters that have killed half-a-dozen Americans. We know that the PLO has refused to step forward and prosecute them or turn them over to the Americans. That is egregious enough. I think all Americans would join us in what I think can only be an act of conscience, and beginning to focus reality on this entire process.

Mr. Chairman, I appreciate the chairman and the ranking minority member's indulgence in considering earlier my bid to try to offer this amendment. It is obviously now not appropriate, but I do appreciate the chairman's allowing me to talk about this. It is a tremendous tragedy in the world community, and I think we need to rethink where we are in this whole process.

Mr. Chairman, I rise today—during consideration of the Foreign Operations Appropriations Act for fiscal year 1998, that provides aid for the Palestinians—to condemn today's bombing of the Ben-Yehudah Pedestrian Mall in west Jerusalem, that has left at least five dead and well over 100 injured.

This atrocious act comes days before Secretary of State, Madeleine Albright's visit to Israel; and right on the heels of the July 30, 1997 suicide-bombing of western Jerusalem's open air, Mahane Yehuda market—another act of cowardice by militant Islamic terrorists that injured over 150 people, and claimed the lives of 13 others, including 5 Americans.

One of those killed was Leah Stern of New Jersey. Described by friends as a woman with no political interest, Ms. Stern's move to Israel had nothing to do with the peace process—that is, until two homemade explosives containing nails and screws tore apart her body. Ms. Stern came to the United States, via Israel, after World War II. According to her daughter, Yocheved Kushner, Ms. Stern had moved to Israel to, live out the rest of her life in peace. Instead. Ms. Stern has become a victim of what is, ironically, called the Middle East peace process.

Mr. Chairman, between September 13, 1993 and the July 31, 1997 bombing, there were six Americans murdered by Arab terrorists in Israel. At this moment we cannot tell how high this tally will climb. One thing we can be certain of is that there will be more to come. Imad Falouji, a former Hamas leader now serving in Arafat's Cabinet—when asked whether more suicide bombings are likely—said, ''Another explosion will happen, of course, Palestinians

have patience, but if this starvation continues, watch for the revolution.''

As a member of the Appropriations Subcommittee on Foreign Operations, I am in a unique position to follow the progress of the Middle East peace process in great detail; and have done so since coming to Congress 3 years ago. It is with great disappointment that I report to you—there hasn't been any progress. Since the signing of the Oslo accords in 1993, have we had peace? Have the Palestinian Authority and the PLO lived up to their commitments in the Oslo accords? No, we have not, and no, they have not. This is why I coauthored the Forbes-Saxton amendment that suspends U.S. assistance to the Palestinian Authority and PLO until the President can report and certify that they are complying with various elements of the Oslo accords and other human rights laws.

Personally, I would like to eliminate all assistance for the Palestinians, however, I offered this amendment because it is the right amendment at the right time. The State Department has failed the peace process by allowing Arafat's reign of terror to continue, and by not demanding better compliance. There are too many violations and instances of misconduct on the part of the Palestinians for us as a nation to ignore. We need to step back and reexamine what we're getting for our money. Are we getting an honest peace partner who respects its commitments to the Oslo accords? Is the U.S. assistance furthering the peaceful coexistence of Israelis and Palestinians? Currently, this is not the case.

Now the President has nominated Martin Indyk to be Assistant Secretary of State for Near East Affairs. Hopefully Mr. Indyk will be made to answer for his compliance in this conspiracy of silence during his confirmation hearings before the U.S. Senate Committee on Foreign Relations this fall. I strongly oppose Mr. Indyk's nomination.

Year after year, the violations and gross misconduct of the Palestinian Authority and PLO continue to grow. History is sometimes a cruel, but honest teacher. We can never allow the politics of the moment to obscure the essential facts: the Palestinian Authority and the PLO openly violated the Oslo accords and continue to disregard the human rights of Israelis and Americans in Israel.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for his efforts, and for agreeing to allow us to do something that I feel is in the best interests of this country. I do not think it is any secret to anybody in this body that I am a big believer in giving the administrative branch of this Government the authority to handle foreign policy. Nothing in this bill is earmarked for any country, including Israel.

I happen to agree with the gentleman about the PLO, and agree that I am not satisfied with the direction that seemingly they are taking there, and that the administration should ensure that they do everything to put a stop to this.

But my belief, however, is that the administrative branch of Government has the constitutional charge to handle this measure; that they, indeed, agree with the gentleman that different directions should be taken.

The CHAIRMAN. The time of the gentleman from New York [Mr. FORBES] has expired.

(By unanimous consent, Mr. FORBES was allowed to proceed for 1 additional minute.)

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, that is to make certain that our leaders in our foreign policy, Madeleine Albright, the President, have an open book and an open mind going into these negotiations.

I think the gentleman's message has been heard loud and clear. I am sure that the people of Israel and the supporters of Israel agree with the gentleman, as I do, that we must look very seriously at the very serious occurrences that are taking place there and take some actions accordingly.

Ms. ESHOO. Mr. Chairman, I rise today to compliment the members of the Foreign Operations Subcommittee for what they have done regarding aid to Turkey, Armenia, Azerbaijan, and Nagorno-Karabagh. For the first time in recent memory there will not be a floor debate on several amendments regarding Armenia. This is because they have fashioned a fair consensus position.

The provisions included in this bill preserve the House of Representative's longstanding support of the people of Armenia and Nagorno-Karabagh by maintaining the economic sanctions against the Government of Azerbaijan for its blockade of Armenia, while allowing funds to be made available in Azerbaijan for democracy building.

The bill also allows for the crucial delivery of humanitarian aid through nongovernmental organizations to meet the tremendous needs of those affected by the conflict in the Transcaucus region, including refugees, wounded and displaced persons.

Unfortunately, the Senate has not chosen the path of consensus. They have chosen to lift the sanctions against Azerbaijan to curry favor with an oil-rich nation. I therefore urge the chairman and ranking member in conference to remain strong and oppose any weakening of section 907.

In 1992, Congress passed the Freedom Support Act. This law included a prohibition of direct nonhumanitarian assistance to Azerbaijan. This action was taken in response to the blockades placed on Armenia and Nagorna-Karabagh by Azerbaijan. These blockades have remained in place for over 5 years, and the effect has been devastating. They have denied fuel, heat, shelter, and other basic necessities to the people of Armenia and Karabagh, increasing their exposure to disease, hypothermia, and other public health crises. This misery only amplifies the problems created by armed conflict and nearly 400,000 refugees and displaced persons. We should strengthen our resolve to change Azeri Government behavior. Now is not the time to weaken section 907.

Once again I commend all of those who worked to resolve this issue, and hope this a good omen for the future.

Mr. STARK. Mr. Chairman, it is with great concern that I express my opposition to the Foreign Operations Appropriations Act for Fiscal Year [FY] 1998. Nations around the world look to the United States to set the stage for the foreign affairs arena. U.S. citizens look to Congress to set the stage for domestic priorities. This measure sets a poor example for other nations to follow and demonstrates that we care very little for the people in our own country.

H.R. 2159 calls for a $33 million decrease from fiscal year 1997 for the nonproliferation, anti-terrorism, demining and related programs account. China continues the proliferation of nuclear weapons by providing information and materials to rogue nations. The United States must continue to make a concerted global effort to assist foreign countries to combat this threat of nuclear destruction. It is clear that we are making progress toward nuclear nonproliferation but until weapons of mass destruction have been eradicated, we cannot accept cutbacks to these programs.

Meanwhile, we are giving a combined total of $5.2 billion to Israel and Egypt. Of this amount, $1.8 billion is allocated for Foreign Military Finance which can be used for advanced weapons systems. Another $475 million is made available for procurement of defense-related goods and services, including research and development in Israel. Egypt is provided with $1.3 billion with which to purchase a tactical command and control system for its army. It is incomprehensible how we propose to send billions of dollars overseas for foreign defense, yet we expect our elderly to prolong receipt of Medicare benefits until they are sixty-seven. Five billion dollars for defense does not help the people of Israel, Egypt, or the United States when they are sick and in need of health services.

H.R. 2159 fails to provide a separate account for population development assistance. Instead, this measure allows up to $385 million to be provided for international family planning through various accounts, including the child survival account. The Child Survival and Disease Programs fund was established to reduce infant mortality and improve the health and nutrition of children, especially in the poorest nations. It is counterproductive to appropriate funds for one program so that it can support another. If children's health is a priority, then we should treat it as such and leave its funding alone. If women's health is a priority, then we should reinstate a separate account for international family planning activities.

Each year the majority party touts its platform of family values, yet cuts funds and puts restrictions on international family planning. Given that women are the primary caretakers and household managers throughout much of the developing world, their health and well-being undeniably determines how their children will fare in life. According to a 1996 report from the United Nations Children's Fund [UNICEF] almost 600,000 women die during pregnancy and childbirth each year. Of these tragedies, 75,000 die attempting to abort an unwanted pregnancy themselves or with the help of an untrained and unsafe provider. These deaths render at least 1 million children motherless every year. The United States is hypocritical in its message of promoting family values, but limiting assistance for women's health in developing nations.

I will not support a measure that cannot lead by example. I will not support a measure that seeks to limit efforts to end the threat of nuclear destruction yet builds military defenses in foreign lands. I will not support a measure that restricts medical resources from women worldwide. I will not support the Foreign Operations Appropriations Act for Fiscal Year 1998.

The CHAIRMAN. No further Members seeking recognition, the Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998''.

The CHAIRMAN. There are no further amendments permitted by the order of the House of July 24, 1997.

Under that order, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HASTERT) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, under the previous order of July 24, 1997, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 375, nays 49, not voting 9, as follows:

[Roll No. 364]

YEAS—375

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hayworth
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NAYS—49

Barr
Barrett (NE)
Barton
Berry
Campbell
Carson
Chenoweth
Coburn
Combest
Condit
Conyers
Deal
Doolittle
Duncan
Ford
Goodling
Hall (TX)
Hansen
Hastings (WA)
Hefley
Hilleary
Hostettler
John
Jones
Lucas
Minge
Moran (KS)
Norwood
Paul
Peterson (PA)
Petri
Pombo
Rahall
Roemer
Rogers
Rohrabacher
Royce
Sanders
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Solomon
Stearns
Stump
Tanner
Taylor (MS)
Traficant
Watkins
Young (FL)

NOT VOTING—9

Boucher
Gonzalez
Greenwood
Kind (WI)
Neumann
Pryce (OH)
Salmon
Schiff
Smith (TX)

□ 1713

Mr. FORD changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HERGER. Mr. Speaker, on roll call no. 364, final passage of H.R. 2159, the Foreign Operations Appropriations Act for Fiscal 1998, I am recorded as having voted ''aye.'' It was my intention to vote ''no.''

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2159, the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make other conforming changes as may be necessary to reflect the actions of the House today.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

THANKING COLLEAGUES AND STAFF

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

Mr. CALLAHAN. Mr. Speaker, I want to take this opportunity to thank my colleagues on the subcommittee that helped so tremendously in the drafting of this bill and especially to the gentlewoman from California [Ms. PELOSI], the ranking member of the subcommittee and to the staff people: Mark Murray, as well as Carolyn Bartholomew; to the committee staff on our side, Charlie Flickner, John Shank, Bill

Inglee, and Lori Maes, for their tremendous assistance in the handling of this very controversial piece of legislation.

As Members can see, if we work in a bipartisan spirit toward the accomplishment of a goal, we can achieve great numbers success. And certainly the numbers on final passage of this bill today reflect that.

We hope that we will be able to resolve with the Senate some of the differences that we have and are optimistic that we will do so. But without the tremendous success of all of the Members, including my staff person, Nancy Tippins, who worked so tremendously with me on this, we would not be where we are today.

We are going to send to the President and to the administrative branch a good bill. I think under the leadership of the State Department of Madeleine Albright that the administration certainly will have an adequate amount of money to spend in the fashion that they see fit, especially if the Senate sees fit to adopt the procedures that we have sent to them today.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. HASTERT). Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, and rule XXIII, 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. 2264.

□ 1719

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. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. Goodlatte in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 31, 1997, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY], each will control 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to express my appreciation to the gentleman from Wisconsin [Mr. OBEY] for his work and to the gentleman from Louisiana [Mr. LIVINGSTON] who has, with great skill and effort, provided strong support in making this a bipartisan bill. As a result of their efforts, as well as that of many Members, we have resolved many contentious issues such as ergonomics regulations issued by OSHA, methylene chloride regulations and a new Hyde amendment. These initiatives and agreements are the work of many Members of the subcommittee who labored very hard to achieve the compromises reflected in this bill and preserve the broad support for it.

I particularly want to express my gratitude to the gentleman from Illinois [Mr. HYDE] and the gentlewoman from New York [Mrs. LOWEY] for their tireless efforts in achieving a compromise on revisions to the Hyde language in the bill.

The bill I bring to the floor, Mr. Chairman, is the result of a lengthy process of consideration by the subcommittee. We held 31 days of hearings spanning some 14 weeks. In addition to our normal practice of carefully reviewing estimates with the administration, we had 214 public witnesses and 67 Members testify before the subcommittee.

Mr. Chairman, we cannot govern this country by simple agreement between the congressional leadership and the President. While their suggestions and recommendations are very helpful, these suggestions are no substitute for the legislative process that has served this country well for 200 years. As a result, this bill reflects congressional priorities while at the same time reflecting many of the President's concerns and initiatives.

NIH is provided, Mr. Chairman, for example, with a 6 percent increase. The increased funds are being spent on areas of particular national concern including cancer, diabetes and heart disease. However, all Institutes receive an increase over the President's request. The President's request was for only 1.2 percent; we have provided a 6 percent increase.

The Centers for Disease Control is provided an $87 million increase as compared with the President's proposal in the budget agreement to cut CDC by $19 million. Increases in the bill include preventive health, chronic and environmental disease prevention and infectious disease surveillance.

The Community Health Center program is increased by $25 million, and for health professions we rejected the President's proposed cuts and added $13 million over the last year. Ryan White AIDS treatment is increased by $172 million over last year and $132 million over the President's requested level.

In education, the bill provides funding very close to the President's request, but again reflects congressional priorities. The Chapter VI program, the former education block grant which provides broad discretion to local officials to meet local needs, is increased by $40 million to $350 million. The President proposed to terminate it.

IDEA State grant funding, that is, funding for special education, is increased by $305 million over last year. In fiscal 1997, Members will recall, we increased funding by $790 million, making for a total increase of over $1.1 billion in the last 2 years and taking some of the pressure off local school taxes.

College work-study is increased by $30 million. We have also funded a ''whole school reform'' effort which I believe the gentleman from Wisconsin [Mr. OBEY] will discuss in his remarks.

We have also tried to reflect the President's priorities in the bill. Head Start, education technology, job training and the Job Corps are all fully funded.

The maximum Pell grant is set at $3000.

Funds are set aside for the President's Opportunity Areas for Youth, Literacy and the expansion of Pell grant eligibility, all pending separate authorizations.

I would note that with all the rhetoric coming from the administration on the Results act and performance-based management, not one of these new initiatives was based on improvements and outcomes and not one has included the measures by which we will measure these new programs.

The bill also continues efforts at reform. Funding for block and State grant programs are increased by $500 million over the President's requested levels. These programs represent a Republican approach giving greater local control and fewer Washington strings. Conversely, while not all I would want, the bill terminates 25 programs with 1997 funding totaling $250 million.

Programs that cannot justify funding levels on the basis of effectiveness are frozen or cut in the bill. Goals 2000 State grants are cut by $18 million below last year and $145 million below the President's request. Safe and Drug Free Schools and Eisenhower Professional Development are both frozen at last year's level.

Mr. Chairman, as Members well know, the legislative riders present the committee with some of the most difficult issues that we face. They have made passing bills very difficult and have often served to complicate negotiations with the Senate and with the administration. They make broad, consensus-based bills like the one we bring to Members today virtually impossible. As chairman, I worked very hard in conjunction with the gentleman from

Wisconsin [Mr. OBEY] and the gentleman from Louisiana [Mr. LIVINGSTON], as well as other Members, to resolve these many difficult issues.

We have included most of the legislative provisions that were in last year's bill, including a prohibition on human embryo research, and the prohibition on the issuance by the NLRB of regulations relating to single-site bargaining.

As I indicated at the beginning of my remarks, the bill also contains compromise language on ergonomic standards and finally we have reached an agreement on the Hyde language assuring that Federal payments to enroll recipients in managed care plans cannot be used to pay for abortions, except for cases of rape or incest or to save the life of the mother.

In this regard, I particularly want to express my opposition to the Istook amendment on family planning. I am a strong supporter of voluntary family planning. I believe that this amendment, though different in its drafting from versions offered in the full committee and last year during consideration of the bill, would have the same impact. It would undermine voluntary family planning completely.

In deterring teens from seeking family planning services, this amendment actually will cause unwanted pregnancies and, unfortunately, abortions. It will discourage these young women from seeking treatment for sexually transmitted diseases.

There are many other problems with this amendment which I will discuss when it is offered. I would only note that this provision is, at its root, an issue for consideration by the authorizing committee and should be considered there. More importantly, it will disrupt the potential for the kind of broad support that will allow this bill to pass, go to conference and give us the ability for the first time to negotiate with the President from a position of strength.

Mr. Chairman, I believe that this bill represents an example of bipartisanship working to find the common ground that we need to govern this country. I commend it to the Members. I think that it is in very good shape and we have worked very closely together and I believe that it is a bill that should be adopted by the House of Representatives.

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

Mr. OBEY. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, in politics and in governance, there is a time to define differences and there is a time to reconcile those differences. Over the last 2 years, on this bill perhaps more than any other, we have certainly defined our differences. They have been defined to a fare-thee-well, and these bills have been centrally involved in two government shutdowns, protracted debate between the two parties, between the White House and the Congress, and between the two Houses of the Congress.

This year this bill is in quite different shape. It is here because Members in both parties have tried to listen to each other and tried to swallow some things that we differ on in the interest of reaching an ability to reconcile some of the deep differences that we have.

I hope that we can stand here unified on both sides of the aisle and support the package as it is presented from the committee. It is far from perfect and it certainly is very different in some ways from what I would like to see. But in contrast to past years, this is, I think, a reasonable effort at compromise, and I look forward to supporting it, if this bill stays together.

This bill provides a total of $80 billion for the Labor-HHS-Education agencies. The bill is one-tenth of 1 percent below the Clinton request for this bill. It provides 99 percent of the President's education and training budget request, which is $257 million more in funding than would have been possible if the committee had stuck with the 602(b) allocation for the subcommittee which was sent up by OMB in the first place.

□ 1730

This bill is just .2 percent below the total requested for priority programs. Within that overall total, we have, as is the Congress's prerogative, rearranged some of the spending priorities. Funding for the Department of Education is $29.3 billion, $2.8 billion more than in 1997. With the advance funding for the reading initiative, the total amount provided is $31.56 billion, or .2 percent over the budget request. The bill fully funds the America Reads Initiative by providing $260 million in advance funding. It provides $800 million in additional funding for existing literacy programs consistent with the America Reads Initiative, including title I, which is increased $150 million over the request, Head Start, which is funded at the budget request and after-school learning centers, which are funded at the budget request.

The bill rejects some reductions suggested by the administration, including a $122 million suggested cut in community services programs. It provides an increase for CDC, Centers for Disease Control, of $83 million compared to the President's request to essentially freeze that budget. It fully funds the Job Corps. It does a lot of good things. It also falls far short of a lot of the country's needs because of our lack of resources.

But I would like to talk for a moment about a new initiative which this committee has included in this bill. Additional resources alone are not enough to improve the quality of education in this country. I think we also have reached a bipartisan conclusion that we simply have to have basic reforms in the way schools are administered, the way they are organized, the way they are motivated, the way teachers are taught, the way kids are taught, and the way parents and communities are involved in the support of education. That is why I am pleased that the committee is bringing to the floor a new $205 million initiative which the gentleman from Illinois [Mr. PORTER] and I have recommended to the committee, which includes $150 million in additional funding for title I and $50 million under the fund for the improvement of education, in order to provide the ability for local schools to apply for start-up grants so that they can participate in the school reform movement sweeping the country.

For the last 20 years, we have focused our efforts to improve education on attempts to improve the performance of individual children, and there is nothing wrong with that. But there is also a considerable body of opinion which tells us that it is not enough to focus simply on one classroom, or one child at a time unless you have a total atmosphere of reform present on a school-by-school basis. And so we are bringing this reform package to the Congress.

In contrast to many other initiatives in many past Congresses, this is about the only initiative I can think of in the past 15 years which has united virtually every single group in the education community, that has united teachers unions with school boards. It has also brought into the coalition the chief State school officers of the 50 States, the title I administrators from around the country, the National Parent-Teachers Association and many other groups in support of this initiative.

This initiative has in large part been driven by the New American Schools movement, which originally had its genesis in an effort put together by a group of nationally known American businessmen headed by David Kearns who used to run Xerox Corporation. They basically looked at the problems that we were facing in public education. They commissioned the Rand Corporation to study the research to determine what worked and what did not work in the area of school reform, and they have helped around the country to achieve a situation in which some 700 schools have been able to use one model or another to try to improve school performance.

But 1 percent school involvement is not enough, in our view, and this should help some 4,000 schools get into the act of rethinking from the bottom up how those schools are organized, how they are administered and how children are taught within those schools. It is, I think, an exciting initiative not just because of the promise that it holds for progress in academic performance, it is also an exciting initiative because we have bipartisan support for something that can truly move the reform effort forward on the basis not of political ideology but on the basis of what works.

I would like to say one other thing. I know that there are a number of individuals in the caucus of the majority

party who are concerned about this bill and would like to see it shaped far more in their image. Let me simply say to those folks, there are a good many people on this side of the aisle who feel the same way coming from the opposite direction. There are many provisions in this bill that I would prefer not be here. The gentleman from Texas [Mr. BONILLA], for instance, pushed incredibly hard for a provision on ergonomics with which I strongly disagree and most of us on our side of the aisle did, but in the interest of accommodation and trying to build bipartisan consensus, we worked out our differences and the gentleman from Texas has been able to deliver what he considers progress in that area.

The gentleman from Mississippi [Mr. WICKER] was able to persuade the committee to adopt a proposal, about which I frankly have great misgivings, with respect to methyl chloride. The gentleman from Arkansas [Mr. DICKEY] was able to convince the committee to include a provision on the NLRB with which I basically disagree, as do most members of our subcommittee on this side of the aisle, and other members of the subcommittee. And the majority caucus were also able to include provisions that we frankly do not agree with, but as Will Rogers said a long time ago, ''When two people agree on everything, one of them is unnecessary.''

The fact is, in a body of 435 people, if we are going to produce a product which can reach consensus in that body and also receive the support of the President of the United States, we have to have compromises. We have them.

I would simply say to people on both sides of the aisle, we can, if you want, go down last year's road of having division after division after division demonstrated on this floor, or, having already demonstrated the great difference of opinion that we have on a number of these issues, we can try to reach for consensus and produce a bill which we know will be signed by the President and a bill which we know can pass by the fiscal year's end so that we do not have to run the risk of again shutting down government.

I would urge Members on both sides of the aisle to recognize that in the end this institution will be served best if people recognize that we have fought out these differences fiercely in the committee and support the effort that the committee has produced. People are free obviously to offer any amendments that they want, but I do not believe that the interest of either party or this institution will be served by offering amendments for consideration that we know will simply blow up the bill. We have had too much of that the past years and I hope that we have reached the time when we will choose to resolve differences, move forward to new issues and hopefully also in the process produce something that is useful and good for the workers, for the children and for the ill of our society who are served by this legislation.

ADDITIONAL VIEWS SUBMITTED BY THE HONORABLE DAVID OBEY AND THE HONORABLE JOHN PORTER

THE ROAD TO BETTER AMERICAN SCHOOLS

No topic has more consistently been the focus of public debate over the last two decades than the reform of our educational system. Parents know that the competition for jobs and pay which their children will face will be quite different from what they themselves faced only a few years ago. How they fare will be determined not just by how their skills stack up against other workers in their own community but how those skills compare with those of workers around the globe. The relationship between living standards and work skills will become increasingly direct.

As a result, school improvement has been a central agenda item at local school board meetings across the country. It absorbs much of the deliberative time of each state legislature. It is a frequent topic of debate here in Congress and it is a matter of great concern to not only parents and students but corporate leaders and tax payers as well.

Yet the road to school reform has proven elusive. Teachers in many schools complain with apparent justification that students are spending so much time taking newly mandated standardized tests that it has significantly cut back the time available for instruction. In some classrooms, computers purchased with the promise of revolutionizing instruction sit idle day after day serving only as icons of the difficulty of changing the fundamental problems which face our schools. Some thoughtful school board members have reluctantly concluded that the only two things that will really bring positive change to our schools is an infusion of more talented teachers and an infusion of more disciplined and motivated students—two things that they ultimately feel powerless to change.

But in the midst of this debate and the many failed efforts to revolutionize public instruction a promising set of ideas about school organization has taken hold and begun to produce extremely promising results. There is no single father to these new ideas. In fact, they include more than a half a dozen detailed models developed separately by educators at universities in different parts of the country. Each of these models for reforming schools has it own special set of characteristics, but all of the models would significantly change the way that the overwhelming majority of American schools now operate. Strikingly, all of these models have a great deal in common with one another.

Among those who have brought forth proposals for change are James Comer at Yale, Henry Levin at Stanford, Ted Sizer at Brown and Robert Slavin at Johns Hopkins. Each has his own special area of emphasis. The Comer School Development Program for instance focuses on the organization of school decision making. Levin's Accelerated Schools puts forth a curriculum proposal for challenging students identified for remediation. Sizer's Coalition of Essential Schools focuses on the ''triangle of learning,'' the relationship between students, teachers and curriculum. Slavin's Success for All and Roots and Wings call for reallocating resources into the most essential elements for school success, curriculum, instruction and family support.

While the area of emphasis differs from one model to the next, all of these models are based on the concept that effective reform is a school wide proposition. In other words, you can't make sufficient progress by working on one classroom or one teacher or the curriculum for one subject area at a time, the whole school has to be the target for change. All share the concept that parents have to be centrally engaged at every step of the decision making and evaluation process. All concur that a great deal of autonomy is needed for individual schools and that the current top down authority structure existing within most schools has got to go. Each of these concepts requires principals to significantly redefine their roles. They must become consensus builders rather than autocratic directors. They must learn to bring teachers and parents into the decision making process and create a community wide commitment to the behavioral and academic standards of the school.

All argue that the school boards, superintendents and other administrators in the school system have to be aware of the need for these changes and actively support schools attempting change. All are supported by an outside set of experts who are available to advise and help the schools, teachers and principals to successfully retool their school. Finally, each of these concepts is far more than an academic treatise on what people living in the real world should be doing. Each of these models has been developed into real functioning programs being used in a cross section of communities with very specific and detailed guidelines for approaching the real life—every day problems of teaching and learning.

Over the last three decades the principle tool for raising educational performance nationwide has been the Elementary and Secondary Education Act of 1965 and specifically Title I of that Act. Through Title I, the federal government has focused substantial additional resources on underachieving children in lower income schools. What we have learned from these new ''whole school'' models is that the improvements in academic performance of Title I children can be more broadly based and more long lasting if the focus on individual children takes place in an environment in which parents and teachers are working together for goals they both agree with and played a role in developing.

The most remarkable fact about these models is the extent to which they have succeeded in improving school and student performance without becoming better known to the public or even to many in the education community. Among the organizations that have recognized the potential such models hold for improving the effectiveness of American schools are the Annenberg Foundation, the Edison Project and New American Schools. New American Schools was created by business leaders from a number of the nation's largest corporations and began working with local school districts in 1992 to help certain selected schools adapt to one or another of seven selected school reform models—each representing a different version of ''whole school'' reform. More than 500 schools in 25 states have participated for much of that period and another 200 schools have been added recently. While that is a tiny fraction of the more than 100,000 elementary and secondary schools across the country, it is providing a solid information base for examining the potential of these reforms. The Rand Corporation has been hired to evaluate this information. While understanding the long term impact of alternate education approaches on student achievement necessarily takes many years, the early results from these experiments have in many instances been dramatic.

A number of schools in Prince George's County, Maryland using the ATLAS model (a variation on the Comer School Development Program) raised their reading scores by 30% on the Maryland Performance Assessment Program. The proportion of students scoring satisfactory or excellent on the exam tripled

within a three year period beginning in 1992. Most schools experienced a dramatic decline in discipline problems and a dramatic increase in levels of school attendance.

The John F. Kennedy Elementary School in Louisville, Kentucky increased its scores on the Kentucky statewide assessment by 43% in reading and 48% in math using the National Alliance reform model. In three years, the school rose from among the lowest-scoring schools in the state to the top 10%.

The Success for All model developed at Johns Hopkins University appears to have been particularly successful in boosting achievement among language minority students. In six schools located in Baltimore and Philadelphia, first grade students were three months ahead of their counterparts in other elementary schools by the end of their first year. By the end of second grade they were almost a year ahead of their counterparts.

The Hansberry Elementary School in the Bronx increased the percentage of student who passed the New York State essential skills test from 22% to 50% in reading and from 47% to 82% in math in only two years beginning in 1993. Hansberry used a model developed by the Hudson Institute known as the Modern Red Schoolhouse.

The Rand Corporation noted that ''By any number of measures, New American Schools has accomplished a great deal in its first four years of programmatic activity * * * What began as an effort to create small number of outstanding designs for schools has expanded to a comprehensive strategy to reform education.''

While these new approaches to improving schools may represent fundamental change from the way most schools now operate, it is important to recognize that these approaches are very consistent with the kinds of organizational changes being brought about in numerous other institutions in society. Just as American business has learned that enhancing the role and input of workers and suppliers creates a common commitment that improves the product and boosts productivity, the full engagement of teachers and parents in the learning process can and is producing similar results in schools. In fact, one might well argue that the standard structure of American schools has changed so little in the last half century that these types of institutional reforms can have an even greater impact on the classroom than businesses have managed to produce in factories or offices.

We do not know all that we would like to know or should know in order to fully revolutionize the nation's schools. We do not know for certain which of these models works best or which is best suited for particular types of schools or to meet particular types of problems. But we certainly do know enough to know that we should begin. We have sufficient experience to know that many more schools should be participating—that we should not only be experimenting with these approaches in all of the states instead of only half, but that we should have a number of schools working with these reforms in each region of every state.

That is why we encouraged the Appropriations Subcommittee on Labor-Health, Human Services and Education to provide $200 million to start such a whole school reform effort in the education appropriation bill for the coming school year. These funds would be apportioned by state education officials and the Department of Education to school districts interested in making a serious commitment to school improvement. Schools with differing ethnic and socioeconomic backgrounds would be selected as would schools facing differing problems in improving academic performance. Each participating school would receive a grant of at least $50,000 a year to implement a research tested model for whole school reform. The funds would be used to help the school get the necessary outside expertise, hire the staff necessary to facilitate change and train existing personnel to meet the challenges of making fundamental changes in the manner in which the schools operate. The effort would provide a large number of school districts across the country with first hand experience and information to determine whether they wish to provide additional schools with the resources necessary to make the proposed changes.

We have had an extended debate in this country about school reform and that debate will no doubt continue. But it is time to do more than debate. We now have proposals to reform our schools that are not just academic theories but are producing real results in real classrooms across America. With a relatively small amount of outside resources, communities can restructure schools in ways that make them significantly more effective. We should now move to insure that a broader spectrum of our nation's schools have a chance to move forward with these reforms and determine for themselves the impact these changes have on student learning and school effectiveness.

EXAMPLES OF WHOLE SCHOOL REFORM MODELS

Accelerated Schools

Accelerated Schools, developed at Stanford University, is a whole school reform model that focuses on an accelerated curriculum that emphasizes challenging and exciting learning activities for students who normally are identified for remediation. One of the key ideas behind Accelerated Schools is that rather than remediating students' deficits, students who are placed at risk of school failure must be accelerated—given the kind of high-expectations curriculum typical of programs for gifted and talented students. The program's social goals include reducing the dropout rate, drug use, and teen pregnancies.

The Accelerated Schools model is built around three central principles. One is unity of purpose, a common vision of what the school should become, agreed to and worked toward by all school staff, parents, students and community. A second is empowerment coupled with responsibility, which means that staff, parents and students find their own way to transform themselves. A third element, building on strength, means identifying the strengths of students, of staff and of the school, and then using these as a basis for reform. School staff are encouraged to search for methods that help them to realize their vision. There is an emphasis on reducing all uses of remedial activities and on adopting engaging teaching strategies, such as project-based learning. The schools implement these principles by establishing a set of cadres which include a steering committee and work on groups focused on particular areas of concern. Accelerated schools are located in 39 states, including Colorado, Texas and California.

ATLAS (Authentic Teaching, Learning and Assessment of All Students)

The ATLAS Program, builds on concepts embodied in the School Development Program and the Coalition of Essential Schools, but adds other unique elements. One of these is a focus on pathways—groups of schools made up of high schools and the elementary and middle schools that feed into them—whose staff work with each other to create coordinated and continuous experiences for students. Teams of teachers from each pathway work together to design curriculum and assessments based on locally defined standards. Teachers collaborate with parents and administrators to form a learning community that works together to set and maintain sound management policies.

The intent of the model is to change the culture of the school to promote high institutional and individual performance. The emphasis of the design is on helping school staffs create classroom environments in which students are active participants in their own learning. Project-based learning is extensively used. Assessment in ATLAS schools emphasize portfolios, performance examinations, and exhibitions. Community members are active participants on the school governing teams and the schools develop programs to encourage parental involvement. ATLAS schools are operating in Norfolk, Virginia; Prince George's County, Maryland; Gorham, Maine; Seattle, Washington; and Philadelphia, Pennsylvania.

Audrey Cohen College of System of Education

Audrey Cohen College of System of Education is based on the teaching methods used at the Audrey Cohen College in New York City. This whole school reform model focuses student learning on the study and achievement of meaningful ''purposes'' for each semester's academic goals. A holistic and purpose-driven curriculum is the centerpiece of the model. Curriculum and instruction are organized around a single, developmentally appropriate purpose for each semester, cumulating to 26 purposes in a K–12 system. Embedded in each purpose are content areas such as English and math, and essential skills such as critical thinking and researching. Each purpose culminates in a ''constructive action'' undertaken by the class to serve the community. For example, in fourth grade, one purpose is ''we work for good health.'' Students achieve their purpose by using their knowledge and skills to plan, carry out, and evaluate a ''constructive action'' to benefit the community and larger world. Leadership is emphasized. These fundamental changes in the curriculum and instruction become the organizing principles for all other school activities. The total effect is intended to make the school and its programs more coherent and focused.

The purposes help the school and its officials identify key community resources to involve in the educational enterprise. The constructive actions help to bring the community into the school and the school into the community—making schools, parents and children active partners in improving the community. Schools are implementing the Audrey Cohen model in San Diego, California; Phoenix, Arizona; Miami, Florida; Hollandale, Mississippi; Seattle, Washington; and Dade County, Florida.

Coalition of Essential Schools

The Coalition of Essential Schools is based at Brown University. The Coalition is not a reform model per se, but an organization dedicated to ''Nine Common Principles of Essential Schools''. The Nine Principles involve certain ideas about school reform that include building support and collaboration among teachers, students and the families of those students in the community. The Coalition focuses on the relationship between students, teachers and the curriculum—the ''triangle of learning''.

In order to become a member of the Coalition of Essential Schools, a school submits a statement of its long-term goals and an action plan. The action plan must state how structures, pedagogy, curriculum and assessment will change, and it must include a statement of faculty commitment to student learning and engagement. Community support must be solicited throughout the process and a school-site coordinator is identified

to work as a liaison between the school, and regional or state coordinator, and the Coalition. Membership in the Coalition includes a responsibility to participate in a network with other Coalition Schools, and to meet expectations that include commitment, whole-school involvement, documentation and assessment of progress, and funds to support school reform activities over a multi-year period.

Co-NECT Schools

Co-NECT schools focus on complex interdisciplinary projects that extensively incorporate technology and connect students with ongoing scientific investigations, information resources, and other students beyond their own school. Co-NECT uses technology to enhance every aspect of teaching, learning, professional development, and school management. Cross-disciplinary teaching teams work with clusters of students. Most students stay in the same cluster with the same teachers for at least two years. Teaching and learning center of interdisciplinary projects that promote critical skills and academic understanding. Teams of educators and parents set goals. Performance-based assessments are extensively used. In addition to understanding key subject areas, graduates of the Co-NECT school demonstrate the acquisition of specific critical skills, identified as sense-maker, designer, problem-solver, decisionmaker, communicator, team worker, project-oriented worker, and responsible, knowledgeable citizen.

A school governance council, which includes teachers, parents, business/community representatives, and administrators, runs the school. In addition, the school design team provides local input concerning the implementation, performance assessment, and accountability of the Co-NECT approach at that particular school. The Community Support Board fosters access to the local community to support the Council and design team. Mentoring and volunteers are encouraged and community input sought for standard-setting. Co-NECT schools are operating in Cincinnati, Ohio; Dade County, Florida; Memphis, Tennessee; Philadelphia, Pennsylvania; San Antonio, Texas; and Worcester, Massachusetts.

Expeditionary Learning Outward Bound (ELOB)

Expeditionary Learning Outward Bound (ELOB) is built on ten design principles and operates on the belief that learning is an expedition into the unknown. Expeditionary Learning draws on the power of purposeful, intellectual investigations—called learning expeditions—to improve student achievement and build character. Learning expeditions are long-term, academically rigorous, interdisciplinary studies that require students to work inside and outside the classroom. In Expeditionary Learning schools, student and teachers stay together for more than one year, teachers work collaboratively through team teaching and shared planning, and there is no tracking.

Schools using this whole school reform model are in Baltimore County, Maryland; Boston, Massachusetts; Cincinnati, Ohio; Dade County, Florida; Decatur, Georgia; Denver, Colorado; Dubuque, Iowa; Memphis, Tennessee; New York City, New York; San Antonio, Texas; and Portland, Oregon.

Modern Red Schoolhouse

The Modern Red Schoolhouse whole school reform model helps all students achieve high standards through the construction of a standards-driven curriculum; employment of traditional and performance-based assessments; effective organizational patterns and professional-development programs; and implementation of effective community-involvement strategies. The model focuses on high standards in core academic subjects—English, geography, history, mathematics and science. Students master a rigorous curriculum designed to transit common culture, develop character, and promote the principles of democratic government. Modern Red Schoolhouses are divided into three divisions, rather than 12 grades: primary, intermediate and upper. To advance to the next division, students must meet defined standards and pass ''watershed assessment''. Students complete investigations, give oral reports, answer essay questions and take multiple choice exams. Student progress is monitored through an Individual Education Compact, negotiated by the student, parent and teacher. This compact establishes goals, details parent and teacher responsibilities, and lists services the school, parents or community should provide.

Schools using this model are in Indianapolis, Columbus, and Beech Grove, Indiana; Franklin and Lawrence, Massachusetts; New York City, New York; Philadelphia, Pennsylvania; Memphis, Tennessee, and San Antonio, Texas.

National Alliance for Restructuring Education (NA)

The National Alliance for Restructuring Education is a partnership of states, districts, schools and expert organizations created to change the educational system through a five-point set of priorities called ''design tasks'': the design tasks are standards and assessments, learning environments, high-performance management, community services and supports, and public engagement. The model uses results-based, high performance management at the school and district levels with decentralized decisionmaking to restructure the learning environment to support student achievement and provide professional support to teachers and schools.

Alliance sites adapt for education the principles and techniques developed by American business known as high-performance management. These include strategic management, total quality management, decentralized decisonmaking and empowerment, and accountability and incentive systems. At the school level, principals are trained in these areas to better support the integration and implementation of design tasks. Alliance sites at the state, district and school levels are tasked with developing methods for informing and involving parents and the public in the school and restructuring process. Schools in the National Alliance are in Arkansas; Kentucky; Vermont; Rochester, New York; San Diego, California; and Chicago, Illinois.

Roots and Wings

Roots and Wings is a comprehensive, whole school reform model for elementary schools to ensure that all children leave elementary school with the skills required for success. It is based on the Success For All reading program developed at Johns Hopkins University and incorporates science, history, and math to achieve a comprehensive academic program. The premise of the model is that schools must do whatever it takes to make sure all students succeed. Roots and Wings schools provide at-risk students with tutors, family support, and a variety of other services aimed at eliminating obstacles to success.

The Roots component of the model is aimed at preventing failure. It emphasizes working with children and their families to ensure that children develop the basic skills and habits they need to succeed. The Wings component emphasizes a highly motivating curriculum with instructional strategies that encourage children to grow to their full potential and aspire to higher levels of learning. The design reallocates resources into a system of curriculum, instruction and family support designed to eliminate special education and low achievement.

Roots and Wings provides schools with innovative curricula and instructional methods in reading, writing, language arts, mathematics, social studies, and science. The curriculum emphasizes the use of cooperative learning throughout the grades. In each activity, students work in cooperative groups, do extensive writing, and use reading, mathematics, and fine arts skills learned in other parts of the program. Schools using this model are in Anson County, North Carolina; Memphis, Dade County, Cincinnati, Elyria and Dawson-Bryant, Ohio; Columbus, Indiana; Everett, Washington, Flint, Michigan; Modesto, Pasadena and Riverside, CA; Rockford, Illinois, St. Mary's, Baltimore and Baltimore County, Maryland.

School Development Program

The School Development program is a comprehensive, whole school approach to reform based on principles of child development and the importance of parental involvement. The program was developed at Yale and implemented initially at two elementary schools in New Haven, Connecticut.

Each school creates three teams that take particular responsibility for moving the whole school reform agenda forward. A School Planning and Management Team, made up of teacher, parents and administration, develops and monitors implementation of a comprehensive school improvement plan. A Mental Health Team, composed on school staff concerned with mental health such as school psychologists, social workers, counselors and teachers, plans programs focusing on prevention, building positive child development, positive personal relations, etc. The third major component of the model is a Parent Program designed to build a sense of community among school staff, parents, and students. The parent Program incorporates existing parent participation activities (such as the PTA) and implements additional activities to draw parents into the school, to increase opportunities for parents to provide volunteer services, and to design ways for having the school respect the ethnic backgrounds of its students.

The three teams in School Development Program schools work together to create comprehensive plans for school reform. Schools take a holistic approach in looking for ways to serve children's academic and social needs. The School Development Program is operating in schools in 25 states, including Connecticut, Illinois, Maryland, Michigan, New York, North Carolina, and Pennsylvania.

Talent Development Model for High Schools

The Talent Development Model for High Schools was developed at Johns Hopkins University to fill a major current void in American education—a dearth of proven models of high school effectiveness. The Talent Development Model provides a comprehensive package of specific high school changes for at-risk students based on the proposition that all students can succeed in school given appropriate school organization, curriculum, instruction, and assistance as needed to assure their success. The model focuses on a common core curriculum of high standards for all students and emphasizes the creation of small learning communities through the establishment of career-focused academies as schools-within-the-school.

Essential components include (1) making schoolwork relevant by providing a career focus, (2) providing increased opportunities for academic success, (3) providing a caring and supportive learning environment

through enhanced teacher-student interactions, and (4) providing help with student problems, including academic, family problems, substance abuse, disciplinary problems, and employment needs. The Talent Development High School provides assistance to students from social workers and mental health professionals on the school staff and by referrals to an alternative after-hours school in the building designed to meet the needs of students who present the most difficult disciplinary problems. The first Talent Development High School was established at Patterson High School in Baltimore, Maryland. Additional Talent Development sites are being evaluated in Washington, DC, Philadelphia, Chicago and Los Angeles.

NATIONAL ASSOCIATION OF
STATE TITLE I DIRECTORS,
Washington, DC, September, 4, 1997.

Hon. DAVID OBEY,
House of Representatives,
Washington, DC.

DEAR MR. OBEY: The National Association of State Title I Directors believes Title I (Compensatory Education) will be more effective with the reform efforts outlined in the Whole School Reform initiative approved by the House Subcommittee on Appropriations for the Departments of Labor, Health and Human Services and Education. School reform and improvement will not occur without specific support. As it stands today, on average each school teacher annually has over 200,000 interactions with students, parents, and other professionals. To expect these professionals to be able to teach and reform their instructional programs and techniques without specific support is unreasonable. Therefore, we ask that you continue to push for funding for the Whole School Reform effort and reject any attempt to transfer funds out of this initiative. We understand that Congressman Riggs is considering offering an amendment to transfer funds for this reform effort, we hope that this (and any other similar amendments) will be defeated.

Sincerely yours,

RICHARD LONG, Ed.D.
Executive Director.

AMERICAN FEDERATION OF TEACHERS,
Washington, DC, September 4, 1997.

DEAR REPRESENTATIVE: On behalf of the 950,000 members of the American Federation of Teachers (AFT), I urge you to oppose the amendment sponsored by Mr. Riggs to H.R. 2264, the Labor, Health and Human Services, Education and Related Agencies Appropriations bill.

The AFT supports the Whole School Reform Initiative included in H.R. 2264, as reported from committee. The $150 million under Title I—Demonstrations of Innovative Practices Program and $50 million under the Fund for the Improvement of Education would provide schools assistance to fund promising educational strategies, including effective approaches to whole school reform. The AFT believes the real hope for improving public education is by expanding known, effective proven programs and strategies. Parents, the public, and teachers want ''what works'' in the public schools. They want schools in which students achieve at high levels in basic subjects and in which all students are safe and secure.

Providing selected schools across the country with resources to cover the additional costs of implementing academic programs that are known to work is an especially good use of limited resources. The AFT has done considerable investigation of promising means of school reform and has determined that the spread of instructional programs that meet the criteria of having high academic standard, being strongly research-based, having demonstrated effectiveness in raising student achievement, being replicable in diverse and challenging circumstances, and with assistance available from networks of researchers and practitioners offers the strongest promise of educational improvement. The Whole School Reform Initiative in H.R. 2264 would help school adopt programs that meet these important criteria.

I urge you to support the Whole School Reform Initiative and vote against the Riggs Amendment.

Sincerely,

GERALD D. MORRIS,
Director of Legislation.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, September 4, 1997.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 2.3-million members of the National Education Association (NEA), we urge you to oppose the Riggs amendment to H.R. 2264, the Labor, Health and Human Services, Education and Related Agencies Appropriations bill.

NEA supports the Whole School Reform Initiative included in H.R. 2264 as reported from committee. The $150 million targeted to the Demonstrations of Innovative Practices Program and the $50 million for the Improvement of Education would provide schools with the assistance needed to fund and promote innovative and effective approaches to whole school reform. The Riggs amendment would shift $200 million away from this excellent proposal.

As you are aware, schools want effective options for creating high-performance education systems, but they need targeted resources and expert technical assistance to help them adopt these reforms. The Whole School Reform Initiative, as reported from committee, holds out the best promise for helping schools effect these reforms.

NEA urges you to vote against the Riggs Amendment.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, September 4, 1997.

Hon. DAVID R. OBEY,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE OBEY: On behalf of the National School Boards Association (NSBA) and the 95,000 school board members we represent through our federation of 53 states and territories, we strongly endorse the whole school reform proposal in the FY 1998 appropriations bill. The additional $200 million in resources to support the adoption by schools of research-based, whole school reform models is an important innovation. Research has shown us that for long-lasting reform to take place, the principal, teachers, parents, and staff—the entire school—must reflect the reform principles. The whole school reform proposal in the Labor, HHS, Education FY 1998 appropriations bill will move this process forward.

Thank you for your leadership on this important issue and allowing us to work with you. For further information please call Laurie A. Westley, Assistant Executive Director, at 703–838–6703.

Sincerely,

WILLIAM B. INGRAM,
President.
ANNE L. BRYANT,
Executive Director.

NATIONAL PTA,
NATIONAL HEADQUARTERS,
Chicago, IL, September 4, 1997.

Hon. DAVID OBEY,
Ranking Member, Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, House of Representatives, Washington, DC.

DEAR MR. OBEY: I am writing to reiterate our support for your bi-partisan proposal—adopted as part of H.R. 2264, the House Appropriations Committee FY 1998 funding bill for the Department of Labor, Health and Human Services, and Education—that would direct $200 million to whole-school reform initiatives.

We understand that Representative Riggs plans to offer an amendment to redirect this $200 million to Title I basic grants. While we wholeheartedly would support an increased funding allocation for Title I basic grants, we cannot afford to take this money away from whole-school reform initiatives.

We know that effective school reform demands a strong commitment of financial resources and appropriate technical assistance to ensure successful implementation. There are numerous, proven, research-based models of effective schools that communities can replicate if they have the tools. The funding set aside for this purpose in H.R. 2264 would provide the important financial support schools need to implement these whole-school reforms.

We believe the whole-school reform initiative would nicely complement Title I in helping economically and educationally disadvantaged students achieve educational success. We strongly support the $200 million in supplemental assistance for whole-school reform and we oppose Mr. Rigg's amendment to eliminate funding for this purpose.

Sincerely,

SHIRLEY IGO,
Vice President for Legislation.

COUNCIL OF THE GREAT CITY SCHOOLS,
Washington, DC, September 4, 1997.

HOUSE OF REPRESENTATIVES,
Washington DC.

DEAR REPRESENTATIVE: The Council of the Great City Schools, the coalition of the nation's largest central city school districts, writes to urge opposition to Congressman Riggs' amendment to H.R. 2264, the Labor, HHS, Education appropriations bill, which would transfer $200 million for the F.I.E. and Title I Whole School Reform Demonstration initiative into Title I Basic Grants.

On July 28, 1997 the Council wrote to the Subcommittee Chairman Porter and ranking member Obey supporting the Whole School Reform initiative as an important stimulus to facilitate the broader use of effective educational practices and models. The Council is confident that these new School Reform initiatives will be used in the schools which have the greatest need for substantive reform.

The Council is concerned that the amendment transfers funds into a formula vehicle which is no longer authorized by the House Committee of Education and the Workforce. Additionally, the transfer amendment does not target the very limited education funds to high need school districts in a manner which either Subcommittee Chairman Porter or authorizing committee Chairman Goodling have encouraged.

The Council, therefore, requests your opposition to the Riggs transfer amendment.

Sincerely,

JEFFREY A. SIMERING,
Director of Legislative Services.

NEW AMERICAN SCHOOLS,
Arlington, VA, July 14, 1997.

Hon. DAVID R. OBEY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN OBEY: It is our understanding the Subcommittee on Labor-HHS-Education Appropriations will be meeting soon to consider the fiscal year 1998 budget request for the Department of Education. We also understand that the Subcommittee will be considering your proposal to provide approximately $200 million in additional resources to the Department to support a new school reform initiative.

We are writing to express the strong support of the New American Schools Development Corporation for this initiative and for your efforts. As you know, the New American Schools Development Corporation is a bipartisan, nonprofit organization launched in 1991 by American corporate and foundation leaders to help schools adopt systemic reforms to achieve world class, high performing schools. Utilizing corporate and foundation support, we financed the research and development of seven comprehensive, schoolwide reform designs and tested these designs in schools and districts across the country. We are currently working with over 700 schools that are implementing these innovative whole school reform designs with considerable success. Secretary Riley recently commended our efforts in his 1997 Annual State of American Education address.

We believe that the results we are seeing in New American Schools justify a significant public investment at this time to spur the adoption of these and other proven whole school reform designs that have the greatest potential to improve the daily instructional experiences of children on a large scale. We have found that schools want effective options for creating high performance education systems, but that they need targeted resources and expert technical assistance to help them adopt these reforms. Your proposal to provide approximately $200 million in start-up funding to support whole school reform in a significant number of schools would provide a powerful impetus to effective school reform in this country.

Sincerely,

DAVID T. KEARNS,
Chairman.
JOHN L. ANDERSON,
President.

AMERICAN EDUCATIONAL RESEARCH ASSOCIATION,
Washington DC, July 24, 1997.

Congressman DAVID OBEY, *Ranking Member,*
Subcommittee on Labor-HHS-Education,
2462 Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN OBEY: I am writing you on behalf of IGER, an informal coalition of groups interested in sound policy development for the federal education research program. The groups identified below endorse the central ideas proposed by the subcommittee as the whole-school reform initiative, and the general comments offered below. I understanding that others in our coalition, such as the NEA and AFT, already have written letters supporting the proposed school reform strategy.

We note with satisfaction that the Subcommittee on Labor-HHS-Education Appropriations has recommended that substantial funding be provided for start-up costs associated with whole-school reform. Many who have studied improvement have concluded that whole-school reform represents one of the most promising approaches to sustainable education achievements, and we applaud the fact that bulk of the funds will be provided to the most needy schools.

We applaud, also, the emphasis given to development of sound evaluation plans as a condition of receiving the grants, as well as the requirements stipulated for on-going professional development, high academic standards, and community involvement.

We agree with the committee that there are a number of whole-school reform programs for which effectiveness is evidenced by a sound research program, using control groups. However, we caution the committee that there are many more reform programs basing their success only on anecdotal evaluations, than there are programs which have the demonstrated results demanded in the legislation. This is not to challenge the promise of the reform efforts sure to be stimulated by the legislation. Rather, it is to urge that, as opportunity arises, the committee consider the need for a continuing program of research—perhaps best conducted through the institute structure provided by OERI—to complement this innovation with additional, hard data about conditions for effective school reform. Similarly, in addition to providing technical support for schools undertaking to evaluate their efforts, we urge support for a substantial third-party evaluation of this exciting national commitment.

We appreciate the committee's continuing support for federal research, statistics, and the regional laboratories, and look forward to working with you to make this exciting new program a success.

Sincerely,

GERALD E. SROUFE,
for the American Educational Research Association.
HOWARD SILVER,
for the Consortium of Social Science Associations.
DAVID JOHNSON,
for the Federation of Behavioral, Psychological, and Cognitive Sciences.
KAREN ANDERSON,
for the National School Boards Association.
RICHARD HERSHMAN,
for the National Education Knowledge Industry Association.

COUNCIL OF CHIEF STATE SCHOOL OFFICERS,
Washington, DC, July 25, 1997.

Representative DAVID OBEY, Ranking Member, House Appropriations Committee, 1016 Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE OBEY: On behalf of the state commissioners and superintendents of education, I commend your leadership in securing a $405 million increase for Title I ESEA in the FY98 Labor-HHS-Education Appropriations bill. We commend especially your initiative in appropriating $150 million in start up funds for the Whole School Reform provisions, authorized under Part E, Title I, ''Demonstrations of Innovative Practices,'' with an additional $50 million for this purpose to the Fund for the Improvement for Education and $5 million for technical assistance and evaluation.

Title I is an essential resource to assist the nation's most economically and educationally disadvantaged students achieve at the high standards they need to compete in the global economy. We applaud the bipartisan agreement on FY98 funding for Title I which substantially exceeds the Administration's request in additional money and provides first-time funding of Whole School Reform.

Funding of the Whole School Reform program is especially important. Research establishes clearly the importance of comprehensive strategies which combine all resources of a school to raise student achievement. The strategy is especially true for schools with large proportions of low achieving students. The Whole School Reform funds will more than double the resources available for states to assist Title I schools in refocusing their resources toward better performance. Combined with Title I provisions for schoolwide projects in schools with high concentrations of poverty and the state program improvement funds for technical assistance to low-performing schools, these funds offer the additional resource needed to change school practice while other resources maintain continuing direct services to students.

As the FY98 appropriation for education moves through the House and to conference with the Senate bill, we support strongly the Subcommittee's $405 million increase for Title I and the Whole School Reform funding. Thank you again for your leadership in achieving the bipartisan commitment to serve the students most in need of help. An increase in their performance is essential if our nation's capacity for a high skills/high wage economy is to be realized. We look forward to working with you through the process.

Sincerely,

GORDON M. AMBACH,
Executive Director.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, July 17, 1997.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: On behalf of the National School Boards Association (NSBA) and the 95,000 school board members we represent through our federation of 53 states and territories, we strongly urge the FY 1998 funding for K–12 education programs be a high priority. We applaud the bipartisan spirit of the subcommittee bill and the attempts to best the Clinton Administration funding in many programs, especially Title 6 and IDEA. We also applaud Congressman David Obey's (D–WI) whole school reform proposal and the fiscal increase for Title 1. Sadly, these collective increases will not meet the needs in school districts to address exploding enrollments of high-needs children.

Our members' strong support for the $1 billion increase for the Individuals with Disabilities Education Act has been nearly matched by the Senate own expressions of the need for the funds in S. 1, the Majority Leader's highest legislative priority, and later in the Senate Budget Resolution, as well as numerous statements throughout the pendency of the IDEA legislation. Last month the reauthorization of IDEA became law; it provides both the programmatic framework and the urgency for the increase. The long-standing federal commitment to fund IDEA at 40 percent of the excess cost of special education adds to the importance of a $1 billion increase.

As you search for ways to increase the IDEA appropriation to $1 billion, we fervently hope you will not look to other K–12 education programs. The education of some children should not be jeopardized to pay for the education of other children; that would be a travesty.

For further information, please call Laurie A. Westley, Assistant Executive Director, at 703–838–6703. Thank you for your support.

Sincerely,

WILLIAM B. INGRAM,
President.

ANNE L. BRYANT,
Executive Director.

AMERICAN FEDERATION OF TEACHERS,
555 NEW JERSEY AVENUE, N.W.,
Washington, DC, July 15, 1997.

Congressman DAVID OBEY,
Ranking Member, Labor, Health and Human Services, Education and Related Agencies, Appropriations Subcommittee.

DEAR CONGRESSMAN OBEY: On behalf of the American Federation of Teachers, I would like to support adoption of your report language on effective schools as a part of the FY 1998 education appropriations.

The AFT believes there exist in schools throughout the US a number of rigorous educational programs that are solidly based on research, have records of demonstrated effectiveness in improving student achievement of higher academic standards, are supported by networks of researchers and experienced practitioners, and are known to be replicable in diverse and challenging circumstances. The programs meeting these criteria mark a path that other schools can follow with confidence. Some examples of these programs are Success for All, Roots and Wings, Core Knowledge, Direct Instruction, High Schools that Work, International Baccalaureate, and Advanced Placement. No doubt other such programs can be identified, as well.

It is of great importance that schools—especially schools with high concentrations of disadvantaged students—be encouraged to adopt high standards, rigorous educational programs that we know work. Rather than educational fads and ideologically-driven schemes, it is the research-based, widely replicated, demonstrably effective, and network supported programs that will produce solid academic gains for all children.

Sincerely,

GERALD MORRIS,
Director of Legislation.

NATIONAL PTA HEADQUARTERS,
Chicago, IL, July 22, 1997.

Hon. DAVID OBEY,
Ranking Member, Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, U.S. House of Representatives, Washington, DC.

DEAR MR. OBEY: I am writing in support of your proposal—adopted as part of the House Subcommittee on Labor, Health and Human Services, and Education appropriations bill for fiscal year 1998—to direct $200 million to the Department of Education for whole-school reform initiatives.

The nearly 6.5 million members of the National PTA understand that effective school reform demands a strong commitment of financial resources and appropriate technical assistance to ensure successful implementation. We know that good schools share common elements including strong parental and community support, challenging academic standards, and ongoing professional development opportunities. Your proposal, which considers these factors, would provide important financial support for schools that are trying to implement these whole-school reforms.

We believe your initiative would nicely complement proven programs like Title I in helping economically and educationally disadvantaged students achieve educational success. We support an increased Federal funding commitment for Title I and the supplemental assistance offered in your whole-school reform initiative.

Thank you for your efforts on behalf of America's children.

Sincerely,

SHIRLEY IGO,
Vice President for Legislation.

THE NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS,
Reston, VA, July 30, 1997.

Hon. DAVID R. OBEY,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE OBEY: The 43,000 members of the National Association of Secondary School Principals congratulate you on your success in gaining the approval of the House Appropriation Committee to provide $200 million for a new national initiative to develop innovative, successful schools throughout the country.

Your proposal reflects the recommendations of our report, *Breaking Ranks: Changing an American Institution*, that was prepared by NASSP in partnership with the Carnegie Foundation for the Advancement of Teaching. A copy of this report is enclosed.

The clear message in this report is that school reform is not driven by a single person or issue but involves the whole school and community.

Upon releasing this report, NASSP formed the National Alliance of High Schools and is conducting seminars and workshops around the country to assist schools in implementing the recommendations contained in this report.

Your initiative could be used by high schools around the country to assist them in restructuring their school to best serve the needs of the students as recommended in this report. We applaud your foresight and look forward to working with you to ensure that our nation's students and schools are ready for an ever changing world.

If we can be of any assistance, please contact me at (703) 860–7333.

Kind personal regards,

TIMOTHY J. DYER,
Executive Director

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, July 15, 1997.

Hon. DAVID OBEY,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE OBEY: It is NEA's understanding that the Subcommittee on Labor-HHS-Education Appropriations will be meeting soon to consider the FY 1998 budget request for the Department of Education. NEA also understands that the Subcommittee will be considering a proposal by you to provide approximately $200 million in additional resources to the Department to support a new school reform initiative.

The NEA's more than 2.3 million members labor daily in schools and communities across America to support and sustain school reform initiatives. Your proposal would provide important assistance.

As you are aware, schools want effective options for creating high-performance education systems, but they need targeted resources and expert technical assistance to help them adopt these reforms. Your proposal to provide approximately $200 million in start-up funding to support whole school reform in a significant number of schools would provide a powerful impetus to effective school reform in this country.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations.

NATIONAL ASSOCIATION OF STATE TITLE I DIRECTORS,
Washington, DC, July 18, 1997.

DEAR SENATOR: On behalf of the National Association of State Title I Directors, I urge you to support the goals and intent of the school reform plan recently approved by the House Labor, Health and Human Services, Education Appropriations Subcommittee.

The National Association of State Title I Directors (NASTID) released a study this week assessing the status of the Title I program. The study entitled ''Title I: A Program in Transition'' provides information on how the program is changing based on survey results from 43 states. While the program is clearly still in transition, the survey responses are encouraging.

With the passage of the Improving America's School Act in 1994, Congress redefined the Title I program. The program was refocused to align content and performance standards, hold all students responsible for meeting those standards, expand opportunities for professional development, expand parental participation, and implement schoolwide reform. It is this last goal—schoolwide reform—that holds the promise for dramatic school improvements which will enhance student achievement. Schoolwide reform requires the active participation of teachers and parents in setting goals and achieving changes. It involves the dedication of the entire community to the effort with an emphasis on intensive and ongoing professional development for administrators, teachers and staff, increased technical assistance, and other services needed to achieve the desired changes.

The National Association of State Title I Directors supports efforts to encourage and facilitate schoolwide reforms and improvements. Federal support for school reform initiatives coupled with a continued commitment to proven programs like Title I would ensure that our neediest students receive the benefits of improved schools and strong programs designed to enhance learning.

We hope that you will be able to maintain at least last year's commitment to serve the same number of children, while supporting a needed new ''Whole School Reform'' initiative.

Sincerely,

RICHARD LONG,
Executive Director.

COUNCIL OF THE GREAT CITY SCHOOLS,
Washington, DC, July 28, 1997.

Hon. DAVID OBEY,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN OBEY: The Council of the Great City Schools, the coalition of the nation's largest central city school districts, support the school improvement approach using research-based models and effective practices reflected in your Whole School Reform initiative in the Title I and FIE accounts of the FY98 appropriations. Virtually every school district, including the most disadvantaged, have a number of schools and programs which are documenting success. Yet, the adaptation and replication of such effective practices in other schools or systemwide has not been mastered. Your Whole School Reform demonstrations provide an important stimulus to facilitating the broader use of effective programs.

Additionally, the Council would like to commend you and the Subcommittee for investing over $400 million in new funding for Title I, and for using a targeted funding approach. The 1994 Census update has demonstrated that there are 28 percent more low-income children in the nation than under the 1990 Census count. Without this additional investment, particularly for the poorest schools, the per child purchasing power of each Title I dollar would have dropped by nearly one-third, based on this increased number of poor school-age children.

The Council supports your initiative and looks forward to working with you to enact it.

Sincerely,

MICHAEL CASSERLY,
Executive Director.

COMMITTEE FOR EDUCATION FUNDING,
Washington, DC, July 18, 1997.

Member,
Committee on Appropriations, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: The Committee for Education Funding, a nonpartisan coalition of 88 organizations representing the broad spectrum of the education community, commends the remarkable bipartisan effort of the House Appropriations Subcommittee for Labor, Health and Human Services and Education on FY98 spending for education. The bill reported on July 15 takes a solid first step for education funding within the constraints of the subcommittee's budget allocation. Considering the degree to which this allocation falls short of human investment needs and priorities, the subcommittee made a substantial commitment to education.

We commend particularly the increase in the maximum Pell grant to $3,000 and the additional funds set aside to expand access to more students. The bill also makes an important investment in whole school reform beyond the President's request for Title I and restores vital Title VI and Impact Aid funding.

There are areas where the bill falls short which must be addressed as the process continues. This includes restoration and increases needed in campus-based student aid; real growth in programs for professional development, vocational education and other critical programs; fulfillment of Congressional commitments to students with disabilities; and full funding of the budget agreement priorities for elementary, secondary, and postsecondary education.

Again, we commend the bipartisan spirit that has produced this bill and urge the committee to make additional critical improvements as the appropriations process moves forward to a final bill.

Sincerely,

CARNIE C. HAYES,
President.

EDWARD R. KEALY,
Executive Director.

WHOLE SCHOOL REFORM CASE STUDY

SCHOOL DEVELOPMENT PROGRAM

The School Development Program uses child development and relationship theories and principles to improve the academic and psychosocial functioning of students. The collaboration of teachers, administrators, staff, families and community residents, all of whom have a stake in the education of the community's children, is key to the process. The program recognizes the importance of adult relationships and the role of parents and community in schools, while placing children and their needs at the center of all school decisions.

West Mecklenburg High School, Charlotte, North Carolina

West Mecklenburg High School is one of the oldest schools in Charlotte, North Carolina. Once regarded as the country school for the west side of the community, it now serves a highly transient, commercial and industrial area near the airport. In the last five years, the student body has grown by 33% to 1600 students who are largely of middle to lower economic status. In 1992, the school experienced a major upheaval, with the addition of over 300 at-risk students from a competing high school. Incidents with guns and knives rose sharply. Out of 11 high schools in the district, West Mecklenburg was in the bottom quartile. When a new principal introduced the School Development Program in 1992, transformation of the school became a team effort. Within two years, SAT scores had risen by an average of 16 percentage points, the number of students making the honor roll had jumped 75%, the number of students enrolled in advanced-level courses had increased 25%, and attendance rates had gone from 89% to almost 94%. In 1996, West Mecklenburg High School won a Redbook America's Best Schools Project Award for Significant Improvement and an Outstanding Program Award from the Charlotte-Mecklenburg Schools.

Comments

''We recruited a very small nucleus of parents who were bold enough to go into their neighborhoods, knock on doors, make telephone calls, look parents eye to eye, and ask for their involvement.'' West Mecklenburg High School principal.

''If you want to talk about moving from the bottom of the heap and bring one of only two high schools in the district that was able to reach its benchmark goals—through using the SDP process—in two years, then based on the growth pattern, you would consider West Mecklenburg to be the number one high school in Charlotte-Mecklenburg.'' SDP Director for the Charlotte-Mecklenburg Public Schools

ATLAS (AUTHENTIC TEACHING, LEARNING, AND ASSESSMENT FOR ALL STUDENTS)

The ATLAS (Authentic Teaching, Learning, and Assessment for all Students) whole school reform model is a variation of the School Development Program. The model focuses on the organization of school decision making, creating a personalized learning environment for all students, and bridging the gap between home, school, neighborhoods and work. ATLAS communities revolve around pathways—groups of schools made up of a high school and the elementary and middle schools that feed into it. Teams of teachers from each pathway work together to design curriculum and assessments based on locally defined standards. The teachers in each pathway collaborate with parents and administrators to form a learning community that works together to set and maintain sound management policies.

Norview High School, Norfolk, VA

Norview High School is located in Norfolk, Virginia—an urban center in the southeastern part of the state—and forms an ATLAS pathway with Tanners Creek Elementary and Rosemont Middle School. Norview's 1700 member student body is predominantly African-American students, where 40% of the students qualify for free or reduced lunch. The faculty has successfully revised the class schedule to provide 90 minute classes, allowing more time for in-depth assignments and independent projects. Students demonstrate what they have learned through student portfolios, performance examination, and exhibitions. Families and community members are exhibition judges, who ask questions that help determine how well students understand what they have learned.

Since Norview began with ATLAS in 1992, the number of students scoring above 1000 on combined SAT scores has increased over 300%. Parental involvement has increased to nearly 100 percent. Large numbers of parents are attending student-led parent conferences and enrolling in literacy training. In 1996, Norview High School was one of 19 schools recognized nationally for innovation in the classroom by the Redbook Magazine Blue Ribbon School Award.

Comments

''I won't go to a traditional program. I work more with this, but I don't regret it because my kids are taking responsibility for their own learning.'' ATLAS teacher.

''We have been most impressed with the positive outcomes of Gorham's involvement in the ATLAS project * * * During conferences held recently, we had the pleasure of hearing our son explain what he had learned in school. Most rewarding of all, we saw evidence of tremendous growth and involvement in the quality of his work.'' ATLAS parent.

SUCCESS FOR ALL

Success for All is an elementary whole school reform program designed to ensure that all children are successful in reading, writing, and language arts from the beginning of their time in school. It uses innovative curricula and extensive professional development in grades pre-K to six; one-to-one tutoring for primary-age children struggling in reading; and extensive family support activities.

Lincoln elementary School, Palm Beach County, Florida

Lincoln Elementary School, located in the shadow of the beachfront resort hotels, serves a very impoverished population of 1,230 students, 94% of whom are African-American. Eighty-six percent of the students qualify for free or reduced price lunches. Lincoln was one of the lowest-achieving schools in Palm Beach County, and was on the Florida State list of critically low-achieving schools. However, since implementing Success for All, reading scores have improved so much that it is no longer on that list. In 1996–97, Lincoln's reading comprehension scores increased an average of 12 percentage points. Students also made substantial progress on Florida's writing test.

Comments

''We've bought in. And one of the things that's important is that the staff does buy in to the program''. Success for All principal.

''This is the first book I have found that makes a profound, positive impact on the literacy of a whole school population. Success for All works. My students are happy, productive readers.'' Success for All elementary school principal.

ROOTS AND WINGS

This elementary school reform model builds on the Success for All reading program and incorporates science, history, and math to achieve a comprehensive academic program. The premise of the model is that schools must do what it takes to make sure all students succeed. To that end, Roots and Wings schools provide at-risk students with tutors, family support, and a variety of other strategies aimed at eliminating obstacles to success. While the ''roots'' of the model refer to mastery of basics, the ''wings'' represent advanced accomplishments that students achieve through interdisciplinary projects and a challenging curriculum.

Lackland City Elementary School, San Antonio, Texas

Lackland City Elementary School, located in the southwest quadrant of San Antonio, Texas, originally served primarily military families, but now the community is primarily working class families employed in the private sector. The student body is primarily Hispanic; many students live with one parent and depend on public assistance. Student mobility is 40 percent. Lackland City Elementary successfully implemented the Success for All reading component in all grades. Special effort was put into making sure that all students had opportunities to take books home to read. Additional support was provided for reading by having older students listen to younger students read during breakfast served to most students in the school. The school began implementation of the Roots and Wings math component in the third, fourth, and fifth grades in the fall of 1996. The family support component has been in place since 1994. The school's focus on community involvement has led to a partnership with a local hospital to provide immunization services at the school.

Working with the Roots and Wings model, 84% of students achieved grade level objectives on the Texas statewide assessment in reading, and 85% achieved grade level objectives in math—representing an increase of 35 percentage points over the previous year. All students read books of their choice at home for at least 20 minutes each night. The school reports that 99% of parents listing to or discuss the reading with their children and sign a reading response form each week.

Comments

''When using the basal, many students acted like the dreaded math. After we had begun Math Wings and had gone over several lessons, there was a change. Now students get ready very quickly, more students get their homework in, and there is an enthusiasm for math and teamwork . . . More kids are excited, working on-task and enjoying it. It's great to see them enjoying it. I enjoy it more too.'' Roots and Wings teacher

NATIONAL ALLIANCE FOR RESTRUCTURING EDUCATION

The National Alliance is a partnership of schools, states and national organizations created to change the educational system through a five-point set of priorities called ''design tasks''. The design tasks include: standards and assessments, learning environments, high-performance management, community services and supports, and public engagement. This whole school reform model uses results-based, high performance management at the school and district levels with decentralized decision-making to restructure the learning environment to support student achievement and provide professional support to teachers and schools. The National Alliance seeks to enable all graduating high school students to attain the Certificate of Initial Mastery, a credential representing a high standard of academic accomplishment.

John F. Kennedy Elementary School, Louisville, Kentucky

Once known for all the wrong reasons, John F. Kennedy Elementary School—an inner city school in Louisville, Kentucky—has improved student performance remarkably over the past five years working with the National Alliance whole school reform model. Teachers and parents credit the school's remarkable improvement to its commitment to ensuring that all children achieve at high levels and a relentless focus on student achievement.

The school increased its scores on the Kentucky statewide assessment by 43% in reading and 48% in math. Over a three-year period, the school rose from among the lowest-scoring schools in the state to the top 10%. The school's principal, who was once summoned to the superintendent's office to explain a high kindergarten failure rate, in 1996 received a visit from the state commissioner of education who came to present her with a prestigious Milliken Family Foundation award.

Comments

''No child is lost in the shuffle at Kennedy.'' National Alliance Parent

''I could see us getting stronger and stronger. We began to focus on quality work for our students. Our students have many challenges on a personal level—families in distress, families where children are displaced, in homeless shelters. . . . We can give these children extra hugs and love and let them know we care. But when it comes to academic performance, there can be no excuses . . . We say, 'If you want an A, then this is what's required.' '' Principal, John F. Kennedy Elementary School

MODERN RED SCHOOLHOUSE

The Modern Red Schoolhouse whole school reform model strives to help all students achieve high standards in core academic subjects—English, geography, history, mathematics and science. Modern Red Schoolhouses are divided into three divisions, rather than 12 grades: primary, intermediate and upper. To advance to the next division, students must meet defined standards and pass ''watershed assessments''. Students complete investigations, give oral reports, answer essay questions and take multiple choice exams. Student progress is monitored through an Individual Education Compact, negotiated by the student, parent and teacher. This compact establishes goals, details parent and teacher responsibilities, and lists services the school, parents or community should provide.

Beech Grove Middle School, Beech Grove, Indiana

Beech Grove Middle School is located in a stable, suburban community outside of Indianapolis, Indiana. Its 500-student body is primarily Caucasian. Beech Grove began working with the Modern Red Schoolhouse model in the fall 1994. Staff have created a process to review, revise and develop new interdisciplinary, thematic curriculum units. Teachers track student work against the curriculum. The school leadership team works with the principal to make curricular and budgetary recommendations focused on increased student achievement. Each classroom is equipped with a phone, supported by voice mail, that has increased parent to teacher communication. The school has established a student mentoring program in partnership with a local high school with help from the school's community involvement task force.

In 1996, sixth-grade students experienced a 13% increase in total battery scores over the year before. Administrators and teachers attribute the increases in student achievement to enhanced and enriched curriculum content associated with the Modern Red Schoolhouse.

Comments

''We've been extremely pleased with our daughter's progress and willingness to learn. She loves the computer workshops. I would choose the Modern Red Schoolhouse again and again. Progressing at her pace is great and allows the child to feel successful. Super is our rating for MRSh!'' Modern Red Schoolhouse Parent

This is gifted and talented program for all students.'' Modern Red Schoolhouse Parent

AUDREY COHEN COLLEGE SYSTEM OF EDUCATION

The Audrey Cohen College System of Education focuses student learning on the study and achievement of meaningful ''purposes'' for each semester's academic goals. Each purpose culminates in a ''constructive action'' undertaken by the class to serve the community. For example, in fourth grade, one purpose is ''we work for good health''; in grade ten, a purpose is ''I use science and technology to help shape a just and projective society''. In the early grades, each class addresses its ''purpose'' as a group, planning and implementing a ''constructive action'' in the community with the guidance of a teacher. Older students plan and implement their own ''constructive action'' with teacher involvement. Embedded in each ''purpose'' are content areas such as English and math, and essential skills such as critical thinking and researching. Leadership is emphasized and students are expected to meet high academic standards. These fundamental changes in the curriculum and instruction become the organizing principles for all other school activities.

Simmons Elementary School, Hollandale, Mississippi

Simmons Elementary School, an Audrey Cohen College School of six years, is located in Holandale, a small rural town in the lower Delta region of western Mississippi. Simmons, which serves a high percentage of low-income students in one of the poorest communities in the country, has become a success story after state test scores were released in 1995. Across most grades, overall performance rose from the 30–40th percentile to the 50–60th percentile in the 1995–95 school year. Student scores continued to increase through 1996 when fifth grade students ranked third of all districts in the state in language, ninth in reading and 16th in mathematics.

Comments

''The 1994–95 school year has been very rewarding. I'm very much pleased with the relationships that have advanced between the school and the community. The Audrey Cohen College System of Education is really an asset to our rural, Delta town. The students in Hollandale have made some permanent changes in this town due to their Constructive Actions.'' Simmons Elementary School principal

''Sam is excited about each purpose and wants to participate in each step. He uses his mind for ideas of his own. He will be asked to do this to survive in his adult life. This is usually begun in college of private schools. I am extremely pleased that you allow this ability to grow at this young age.'' Audrey Cohen College parent

CO-NECT

The Co-NECT whole school reform model focuses on complex interdisciplinary projects that extensively incorporate technology and connect students with ongoing scientific investigations, information resources, and other students beyond their own school. Co-NECT schools use technology to enhance every aspect of teaching, learning, professional development, and school management. Cross-disciplinary teaching teams work with clusters of students. Most students stay in the same cluster with the same teachers for at least two years. A school team of teachers, administrators and parents sets goals for the school and monitors results. Performance-based assessments are used extensively.

Riviera Middle School, Dade County, Florida

Riviera Middle School is located in suburban Dade County, Florida—a community of mostly middle-income families outside of Miami. The school has primarily Hispanic students, of which 48% qualify for free or reduced price lunch. In 1995, the school began working with Co-NECT with a week-long training session for the staff. During the three years prior to becoming a Co-NECT school, Riviera had begun the process of training staff in how to use technology in the classroom, wiring all classrooms, and setting up a school-wide network. Working with Co-NECT, Riviera began using the technology to enhance a rigorous and challenging project-based curriculum.

After only one year of using the Co-NECT model, Riviera students' reading scores rose by 17% on the Florida statewide writing test. Riviera students also raised their math and reading scores by 3 percentile points across all grades. Faculty and student morale are at an all time high, and the school continues to be featured in local media as an outstanding example of the integration of technology into the classroom.

Comments

''We already had a lot of equipment, and our teachers were well trained in using complex software programs . . . But the emphasis in Co-NECT is not the equipment, it's how you use it''. Riviera Middle School principal

''My kids are straight-A students. There was no reason to pull them out of a traditional school setting. But I wanted them to

do more than just read, memorize and be tested on things they could forget in six weeks. Co-NECT had more to offer them to help them become better-rounded students. This program helps them develop not just academic skills, but also skills to become self-starters, self-thinkers and self-motivators.'' Co-NECT Parent

EXPEDITIONARY LEARNING OUTWARD BOUND

The Expeditionary Learning whole school reform model is based on the belief that learning is an expedition into the unknown. Expeditionary Learning draws on the power of purposeful, intellectual investigations, called learning expeditions, to improve student achievement and build character. Learning expeditions are long-term, academically rigorous, interdisciplinary studies that require students to work inside and outside the classroom. In Expeditionary Learning schools, students and teachers stay together for more than one year, teachers work collaboratively through team teaching and shared planning, and tracking is eliminated.

Lincoln Elementary School, Dubuque, Iowa

Lincoln Elementary School, a 400-student school located in a lower, middle class neighborhood in Dubuque, Iowa, has been working with Expeditionary Learning since 1993. Faculty teach ''learning expeditions'' in every grade as a primary curriculum vehicle. Students now look forward in each grade to the ''famous'' expeditions. Teachers plan together by grade-level or clusters. All students have portfolios. A ropes course installed in the gym is used in all classes to develop teamwork and risk-taking for teachers and students. Test scores have improved significantly—4th graders improved in the Iowa Test of Basic Skills from the 43rd national percentile in 1992 to the 80th percentile in 1994. Parental participation in school affairs has increased dramatically.

Comments

''I felt like a real scientist looking into a microscope, and when I found the specimen I felt awesome. When you are done with the expedition, you go home and tell your mom and dad what you learned and they practically don't even know what you are talking about. Six weeks ago, I would never have known about pond life.'' Fifth grade Expeditionary Learning student, Dubuque, Iowa.

EVIDENCE OF THE RESULTS OF WHOLE SCHOOL REFORM

''Do we need many more models of how we can fix troubled schools? Yes, of course we do and fortunately, help is readily available. Dedicated educators like James Comer, Henry Levin, E.D. Hirsh, Deborah Maier, Ted Sizer, Marc Tucker and Gene Bottoms are doing the hard work of creating new models of excellence. The models are each unique in their own way. But they all have one common denominator—they all set high standards.'' Fourth Annual State of American Education Address, Secretary Richard Riley, 1997.

A 1997 study sponsored by the Department of Education found that students in several schools using schoolwide reforms began the study far below the national average, yet made academic gains toward or exceeding national means. In some schools the gains were dramatic. Progress made by students in the schools using Success for All and Comer School Development was particularly encouraging. The initially low-achieving students in the Success for All and Comer schools began the study with reading comprehension levels below even the average for low-achieving students in high-poverty schools. Yet, over their first three years in school, students in the Success for All and Comer schools produced achievement scores that substantially exceeded both those of other students in high-poverty schools, and equaled or exceeded those of initially low-achieving students in typical schools.'' Special Strategies Studies for Educating Disadvantaged Children: Final Report, 1997.

Since 1992, elementary students from a group of schools in Prince Georges County, Maryland using the ATLAS model (a variation of the Comer School Development Program) raised their reading scores by 30 percent on the Maryland School Performance Assessment Program (MSPAP). The proportion of all students in the ATLAS pathway scoring satisfactory or excellent on the exam tripled between 1992 and 1995.

At Norview High School—an ATLAS school in Norfolk, Virginia, the number of students scoring above 1000 on combined SAT scores has increased over 300% since the school began implementing the ATLAS model. In 1996, Norview High School was one of 19 schools recognized nationally for innovation in the classroom by the Redbook Magazine Blue Ribbon School Award.

After the principal at West Mecklenburgh High School in Charlotte, North Carolina, reorganized the school using the Comer School Development Program, the number of students on the honor roll jumped 75%, the number of students enrolled in advanced classes increased 25%, and attendance rose from 89% to 94%.

Evaluation of seven years of continuous data on the six original Success for All schools in Baltimore and Philadelphia showed that students increase their reading performance significantly compared to a matched control school, as measured by reliable and valid instruments. Researchers found that Success for All students tend to perform about three months ahead of control students by the first grade and more than a year ahead by the fifth grade, indicating that the program has not only an immediate effect on students' reading performance, but also that the effect increases over successive years of use by schools. Research and Development Report, Center for Research on the Education of Students Placed At Risk, Johns Hopkins University, October 1996.

Success for All has had particularly promising results for language minority students. Schools using Lee Conmigo—the Spanish version of Success for All—in Philadelphia found that Lee Conmigo students at the end of the 2nd grade were nearly a grade ahead of students in control schools.

In one review of promising schoolwide reforms, researchers reported significant achievement gains for students in schools using several New American School designs, including Roots and Wings, ATLAS, Co-NECT, Modern Red Schoolhouse, Expeditionary Learning, and the National Alliance for Restructuring Education, Promising Programs for Elementary and Middle Schools: Evidence of Effectiveness and Replicability, Olatokunbo Fashola and Robert Slavin, January 1997.

Using the Modern Red Schoolhouse model, the Hansberry Elementary School in the Bronx, New York increased the percentage of students who passed New York State's essential skills test from 22% to 50% in reading and from 47% to 82% in math from 1993 to 1995. In two years, Hansberry School also doubled its score on the Degrees of Reading Power exam, which measures how many students are reading at or above the 50th percentile.

The John F. Kennedy Elementary School in Louisville, Kentucky increased its scores on the Kentucky statewide assessment by 43% in reading and 48% in math, working with the National Alliance reform model. Over a three-year period, the school rose from among the lowest-scoring schools in the state to the top 10%.

The Riviera Middle School is located in suburban Dade County, Florida and began working with the Co-NECT reform model in August 1995. Since 1995, SAT scores are up 3 percentile points in both reading math across all grades, and the school continues to be featured in local media as an outstanding example of the integration of technology into the curriculum.

A group of Expeditionary Learning schools in Dubuque, Iowa raised test scores in reading and math from 1992 to 1994 on the Iowa Test of Basic Skills. At Lincoln Elementary, 4th graders improved from the 43rd national percentile in 1992 to the 80th percentile in 1994. At Table Mound Elementary, 4th graders' percentiles increased from 39 in 1992 to 80 in 1994 when they were retested in the 6th grade.

Lackland City Elementary School began working with the Success For All model in the fall of 1994, and implemented the math component of Roots and Wings in the fall of 1996. Over 80% of students are achieving grade level objectives in reading and math, and the school reports that 99% of parents help their children with reading for 20 minutes each night.

Significant improvement in student outcomes was achieved by the Central Park East schools in New York City using the principles of the Coalition of Essential Schools. New Leaders for Tomorrow's Schools, North Central Regional Educational Laboratory, Winter 1995.

By developing its own secondary school, Central Park East in New York City—a member of the Coalition of Essential Schools—increased the percentage of elementary school graduates going on to college from two-thirds to 91 percent.

A study of Roots and Wings carried out in four pilot schools in St. Mary's County, Maryland—where an average of 48 percent of students qualified for free lunch and 21 percent were Title 1 eligible—in rural southern Maryland found that Roots and Wings students showed substantial growth on Maryland School Performance Assessment Program 3rd and 5th grade assessments. The number of Roots and Wings students achieving satisfactory or excellent increased by twice as much as the state rate in all subjects tested (reading, language, writing, math, science, and social studies). Bold Plans for School Restricting: The New American Schools Development Corporation Designs, 1996.

From 1993 to 1995, the number of Roots and Wings 3rd graders scoring satisfactory or better increased by almost 19%, while the percentage of other Maryland 3rd graders scoring at least satisfactory increased only 8%. Statewide, 5th graders gained an average of 6 percentage points, compared with a gain of 13 percentage points for Roots and Wings 5th graders.

Recent data analysis from studies of a New York school district indicate significant effects on student achievement in schools using the Comer School Development program. Sixteen schools were arranged into groups based on the degree to which they were effectively implementing the Comer model. In schools implementing Comer to a high degree, 61% of students were at or above the national average in math scores and 56% were above in reading scores. In schools implementing Comer to a low degree, 40% of students were at or above the national average in math scores and only 36% were above in reading scores. Researchers found a significant correlation between the effectiveness of implementation of the Comer model and student outcomes. Comer School Development Program Effects: A Ten Year Review, 1986–1996, Norris Haynes and Christine Emmons, 1997.

An assessment of Comer effects (1987) in the Prince George's County Schools revealed that average percentile gains on the California Achievement Test were significantly greater for Comer schools than for the district as a whole. At the third grade level, program schools gained about 18 percentile points in mathematics, 9 percentile points in reading, and 17 percentile point in language. The district as a whole registered gains of 11, 4, and 9 percentile points respectively in math, reading and language. At the fifth grade level, Comer schools recorded gains of 21, 7, and 12 percentile points in math, reading and language compared to gains in 11, 4, and 7 percentile points for the district as a whole. Academic gains were linked to the degree and quality of implementation of the Comer School Development Program. Rallying the Whole Village: The Comer Process for Reforming Education, 1996.

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, together with my thanks for the absolutely wonderful job that he has done in working with the subcommittee to bring the bill to the floor in its present form.

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

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time. I congratulate him and the gentleman from Wisconsin for the outstanding job that they have done on bringing this most extraordinarily difficult bill thus far.

The fact is, as has been just said by the gentleman from Wisconsin, we currently have a consensus which offers to the Members of the House a bill which fundamentally intact can be presented to the Senate, and if it comes back in roughly the same way, we have every expectation will be signed into law, without all the controversy and the rancor that has taken place in this bill in years past.

I would urge all Members to consider that we went through an exercise in the spring on the disaster relief bill to guarantee that government would stay open and that the Government would be funded at last year's level if we could not reach an agreement. Because of a Presidential veto, that discussion became moot. But we do not have to have a cataclysm. We do not have to disrupt the people's business and erupt into a major political warfare this year if we would understand that we do not, any one of us, get everything we want. But, we must work the magic of this body, in the House of Representatives, and the others do in the other body, to come together, to reach a consensus and to arrive at the consensus, thereby sending it to the President of the United States for his signature in the hopes that he will adopt our consensus.

So far, so good. I am happy that I can say for the most part I think Members will vote for this bill, in bipartisan fashion. But we do have a number of Members on both sides who have, as has been indicated by the gentleman from Wisconsin, who are unhappy with the bill as it currently stands. About a month ago, some Members were advising that they might unload 100, 150 amendments on this bill. I am pleased to report to our friends here that that does not seem to be likely, that those Members that were interested in just totally transforming the face of this bill have used their discretion to narrow their differences. I do not expect a lot of amendments. I expect frankly, certainly fewer than 15 or 10 on our side, and I do not know how many on the Democrat side.

That is a step in the right direction. But obviously there are going to be Members, maybe many Members, who have critical differences with some provisions that are in the bill and who might be vitally unhappy that other issues of interest to them are not included in the bill. To them, regardless of whether they are on the Republican or the Democrat side, let me simply say that, folks, it takes 218 to pass this bill and move it to the other body. Over there it takes 51 to pass it. From the conference, it takes 218 in this body to adopt the conference report, and again 51 over there to adopt the conference report, whereupon that final report will go to the President for his signature, and again currently I expect the President's signature.

That can change. We can decide to dig in. We can opt for total and absolute conflagration or confrontation, whatever we want to call it. I do not think that is going to happen. I commend any Members who have wanted to start out on that road and who have withdrawn that approach in favor of an isolated, single amendment approach.

But let me simply try to calm the tenor of their vehemence or the voracious arguments that they might make on behalf of their positions and say that sooner or later, sooner or later the appropriations bill governing labor, health, and education and related issues will pass. That will take place and it will be signed into law. Either within the next few weeks or the next few months or next year, we are going to get a 1998 labor, health appropriations bill, because it has got to.

□ 1745

I hope very strongly that it is not next year, that it is not 3 months from now, and that it will be within the next couple of weeks. I urge my friends who are thinking that this bill is so defective that they cannot support it to rethink their position for this reason:

The gentleman from Wisconsin [Mr. OBEY] has, indeed, come a long way when he approved the compromise, the bipartisan compromise between those who were fervently pro-life and those who are fervently not, to adopt the Hyde abortion language to extend HMO, something that has never been done before. They came together; we have language in this bill which reaches that compromise.

The ergonomics language pointed out by the gentleman from Wisconsin has been fought by the minority not just since 1994, but whenever it has come up in the past. It has been fought; it has been defeated. We have language which, small and large business alike emphatically embraces.

Under the leadership of the gentleman from Texas [Mr. BONILLA], we have got the Dickey-Wicker amendment preventing research funds, U.S. funds expended for embryo research. We have tons of money for medical research, cancer research. We eliminate 20 new programs. Twenty new programs are completely terminated because of their inefficiency and their waste.

In this bill alone, the gentleman from Mississippi [Mr. WICKER] did prevail for the first time, and he has been trying for several years to help small manufacturers of furniture in the South to overcome the EPA restrictions on methochloride, and the list goes on and on.

This bill is a consensus. I commend the gentleman from Illinois [Mr. PORTER], I commend the gentleman from Wisconsin [Mr. OBEY], I commend all the staff for working together to bring people together to get a bill that can pass and can be signed into law. And I urge any Members who are dissatisfied that it is not a good enough deal to understand that we in the majority will only prove that we can govern if, in fact, we can produce a reasonable bill with as little rancor as possible.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would simply like to follow up the chairman's comments by expressing my appreciation for the fact that the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Illinois [Mr. PORTER] and the staff have worked intensely hard. They have worked in a very fair manner, in a very open manner, and the staff has worked incredibly hard to produce many of the answers that the Members like to claim credit for, and I simply want to express my appreciation for all of that work and hope that that spirit can continue.

Mr. Chairman, with that, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. STOKES], a member of the subcommittee.

Mr. STOKES. Mr. Chairman, I want to thank my distinguished ranking member, the gentleman from Wisconsin [Mr. OBEY], for yielding to me, and I rise in support of H.R. 2264.

First, I want to commend our chairman, the gentleman from Illinois [Mr. PORTER], and our ranking member, the gentleman from Wisconsin [Mr. OBEY], for their joint efforts in producing what I think is an excellent bill.

Mr. Chairman, this year's bill includes enhanced funding for a number of critical quality of life programs that we can be especially proud of. For example, the bill funds for the first time the Youth Opportunity Areas Initiative. The program would be funded at $125 million.

This employment training program is long overdue and is absolutely essential to effectively addressing the continuing double-digit unemployment and the underemployment among our Nation's out-of-school youth. These are young people that in many instances have given up on the system and on themselves and they have been allowed to waste away.

Mr. Chairman, our Nation cannot afford to give up on any of its citizens. It is for this reason that I am pleased that our colleagues from the authorizing committee are working to fully authorize this program.

Members will be interested to note our colleagues in the Senate share our commitment to out-of-school youth and have provided $250 million for the youth opportunity areas in their fiscal year 1998 appropriations measure. It is my hope that in conference we can work to come somewhat closer to the Senate figure.

Mr. Chairman, while more needs to be done to enhance support for this important program and others in H.R. 2264, communities across the country will benefit from the $324.4 million increase provided for Head Start. Our Nation's neediest children will continue to benefit from the Head Start Program's comprehensive development and early learning activities.

The $32 million increase provided for the TRIO programs would help to expand the success of TRIO's activities to additional students. The Nation's continued investment in the TRIO program is absolutely essential. This program is specifically designed to improve the recruitment, retention, and graduation rates of minority and other disadvantaged students.

For health professions' training programs, the bill restores and enhances funding by providing an appropriation of $306.5 million, a $13.7 million increase. Within the appropriations provided, the bill provides significant increases for minority and disadvantaged health professions students. For example, the measure includes a $2.6 million increase for the Centers of Excellence, a $3.2 million increase for the Health Careers Opportunity Program, and a $2.4 million increase for the Scholarships for Disadvantaged Students Program.

The bill also includes a $16.4 million increase for Historically Black Colleges and Universities. These funds will go a long way toward helping to improve and strengthen academic and related areas of infrastructure needs in our Nation's historically black colleges and universities. The $10 million increase for magnet schools would help communities to better carry out school desegregation plans.

The bill also includes a $172 million increase for the Ryan White AIDS program; a $24 million increase for consolidated health centers; $30.4 million increase for substance abuse and mental health services; and the $764.4 million increase for biomedical research.

Now while we can be encouraged by these enhancements, there are many important areas of the bill that need to be strengthened, including youth violence prevention, safe and drug-free schools, magnet schools, health care and substance abuse services, and employment training. I look forward to working with my colleagues in conference to strengthen these very important programs.

Mr. Chairman, I know that in working together we can further strengthen H.R. 2264. Thus, I urge my colleagues to join together in voting yes on H.R. 2264.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK], a valued member of our subcommittee, and I might add an active member of our subcommittee.

Mr. ISTOOK. Mr. Chairman, I appreciate the time. I appreciate the hard effort that so many people have put into this particular piece of legislation, but I really rise not as a member of the subcommittee but as a father because there are so many things in this piece of legislation that affect so many aspects of our lives, our kids and their education, our health, our nutrition, the Labor Department, and all of the impact upon where we work, and, indeed, it also affects very, very directly the relationship between us and our children.

I have five children, two boys and three girls, and all three of my girls are teenagers, and I pay attention when a situation happens such as happened in Illinois recently, when it is disclosed that a 37-year-old teacher begins an affair with a 13-year-old girl, carries it on for a year and a half, and, to continue the affair, takes her to a title X clinic funded by our taxpayers' money to obtain contraception.

Now, if this were to any other type of clinic, they would be required to report a situation that involves something such as statutory rape or child abuse or sexual abuse of a minor. Well, see, title X has a Federal requirement that whatever happens with anyone who comes into a title X clinic, whether they be 30 or 40 or 20 or 15 or 12 or 11, nothing will be told to anyone. A total confidentiality requirement is written into the Federal regulations which supersede State law, and anyone else that would be required to report this incident to the parents or the authorities has to stay quiet under title X.

That is why we have an amendment in this particular bill that is being offered for this particular bill that says providers that are given Federal funding in these are not exempt and must comply with any laws regarding the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

This is a key provision that will be debated, but I think it is one of the most important things because this bill hits us where we live and our families, and the Federal Government should not be inducing people to be able to conduct such activity without even parents being told.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from New York [Mrs. LOWEY], a member of the subcommittee.

Mrs. LOWEY. Mr. Chairman, I fully supported this bill as it was reported by committee. It was a bipartisan effort of which I am quite proud.

Since the beginning of the last Congress, the Labor-HHS education bill has been the focus of contentious debate, which even led to a Government shutdown. At long last, the committee under the strong leadership of the chairman, the gentleman from Illinois [Mr. PORTER], and the ranking member, the gentleman from Wisconsin [Mr. OBEY], has succeeded in producing a bill which reflects our shared priorities.

In keeping with the bipartisan spirit of the bill, the committee voted to oppose all new controversial legislative riders. I strongly urge my colleague to oppose the Goodling and Istook amendments. They are opposed by the administration, highly controversial, and do not belong in this bill. And let me say at the outset, if these amendments pass, support for the bill by Members of this body will be jeopardized and it would be very unfortunate if that occurs.

The bill, as reported by committee, recognizes the clear need for an increased investment in our children's education, and I am pleased that we were able to provide $2.8 billion more than last year in discretionary funds for education. In particular, I am pleased that new funds have been provided to keep our schools open after hours in order to improve reading and other academic skills and that we have increased funding for magnet schools.

I salute the ranking member, the gentleman from Wisconsin [Mr. OBEY], for developing a school reform proposal that would build upon the most successful models across the country, including several located in New York.

I also want to note that we have increased the maximum Pell grant by $300 per student. We made a number of significant increases in health programs. We were able to provide NIH with a 6-percent increase over last year. This will allow NIH to increase funding for breast cancer research so that advances in prevention and treatment will continue to move forward. We were also able to provide a modest increase for the Centers for Disease Control, the agency which safeguards our Nation's public health.

In the labor area, I am particularly pleased that we provided $170 million more than last year for adult job training. These funds will help to assist those on welfare so that they can better obtain decent paying jobs.

Of course there are some programs that I believe should be better funded than they are in this bill. Specifically, I am disappointed that there is no money for the State Students Incentive Grant Program and no increase for teacher training under the Eisenhower

program. I am also deeply concerned about the inadequacy of funds for aging services, particularly for senior centers and meal programs, and I hope that we can move toward the Senate levels on these programs.

I am also concerned that the committee has not provided adequate funds to cities to care for people with AIDS nor to prevent HIV infection and the spread of AIDS. Worker protection programs are also now funded at adequate levels.

But this is a very good bill that meets so many of the important needs of our constituents. Please let us keep it free of new controversial riders.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MILLER], a very, very able member of our subcommittee.

□ 1800

Mr. MILLER of California. Mr. Chairman, I rise in support of this bill, not that I am overly excited about all the details in the bill, but as a fiscal conservative, I have some problems with it. But the bottom line is, with the election last November stating we are going to have a Democratic President and Republican Congress, we must work together.

I am concerned that the total amount of money is too much. I wish we could have frozen the amount of money and forced ourselves here to reprioritize how money should be spent in the committee.

I wish we were not funding all the new programs. I do not think we need to fund new programs. We need to get a better handle on the spending we have to date.

I wish we could zero out some more programs that we do not need any more. We have over 200 education programs in this bill. Maybe the total amount of dollars is okay for education, but do we need 200 programs?

A lot of them are small programs. We made a big effort last year to start reducing those programs. We are moving in the right direction. I wish we could continue more in that direction to consolidate programs and not have as many programs.

There are big programs like LIHEAP, and I know that is a major issue with the ranking member of this committee that I think has outlived its need in this country. It was started back in the Jimmy Carter days when he was President. We have changed. That is $1 billion a year. I would rather put it in the National Institutes for Health.

There are some programs that I think are overfunded in this program, and I wish we could change them. I think NLRB is almost $200 million for government lawyers. I do not think we need that much money for the NLRB.

I think Howard University is getting $18,000 a year subsidy for every student at the school. I support Howard University, but I wonder, do we need to provide $18,000 for every student there? I think we could make a better use of our dollars and spread it out for all the other minority universities and colleges around the country.

And then there are some programs that I think we should even increase more. I was delighted that the NIH got an increase of 6 percent. That is a $764-million increase. The President requested only a 2.6-percent increase. I think we could do even better. If we are going to have a goal to go to $25 billion of funding for something that, to me, is a Federal priority, that is good for this country, that is one of the crown jewels of the Federal Government, I think we need to continue pushing that.

But the bottom line is, we need to govern. The President was elected last November and we need to work out a compromise. This is the best we can do. I commend the chairman for the work he has done.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California [Ms. PELOSI], also a member of the subcommittee.

Ms. PELOSI. Mr. Chairman, I thank the ranking member for giving me this time, and I rise in support of the Labor-HHS-Education appropriations bill for fiscal 1998, as presented. In particular, I commend our chairman, the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the full committee; the gentleman from Illinois [Mr. PORTER]; and the gentleman from Wisconsin [Mr. OBEY], ranking member of the full committee and ranking member of the subcommittee, for negotiating an excellent bipartisan bill, a bill in which the subcommittee can take considerable pride. I congratulate the gentlemen.

This bill is a refreshing change from the last 2 years when the bill has been the focus of deep ideological disputes in spite of the good intentions of our chairmen, and a vehicle for sending objectionable legislative riders to the President.

Thankfully, we have returned to the bipartisan tradition which has historically characterized this bill. As our former chairman, Mr. Natcher, would say, this is a good bill.

As Members know, the bill deals with Labor, Health and Human Services, and Education. With regard to labor programs, the bill makes significant changes in job training, including the Job Corps, and increases for job, youth, and adult job training by $237 million over this year's funding.

At the same time, the bill adequately funds worker protection programs, and unlike the last 2 years, does not include riders designed to weaken the protection of American workers.

I am particularly pleased that under an agreement negotiated by the gentleman from Illinois [Mr. PORTER], and the gentleman from Wisconsin [Mr. OBEY], OSHA will be able to continue its important work in developing an ergonomic standard and will be able to assist business in the next year to adopt important changes in the work environment designed to prevent repetitive stress injuries.

As a recent GAO study concludes, ergonomic programs work, reducing injuries and reducing workers' compensation costs by 31 to 91 percent.

Of particular note, the bipartisan agreement also provides the committee will refrain from any further restrictions on issuing ergonomics standards beyond 1998.

With regard to health, the bill is a significant improvement over the past agreement, which proposed to phase in a 16-percent reduction in public health programs.

Remarkably, this bill provides for a 6-percent increase in important biomedical research programs, including important research on breast cancer. It expands on our Federal response to new and emerging infectious diseases, and restores proposed cuts to training programs in the health professions.

In addition, the bill provides almost $300 million for the AIDS Drug Assistance program, an increase of $132 million, or 79 percent over comparable 1997 funding. This funding will make the difference between life and death for thousands of Americans living with HIV disease. While I wish we had done more to fund important HIV prevention outreach activities, my hope is by the time this bill emerges from conference with the Senate, the problem will be resolved.

With regard to education, I am pleased that so many of the President's important education priorities have been accommodated in this bill. In particular, I am very pleased at the increase of $93 million in the bilingual program and with the investment in support services and professional development to improve the quality of these programs.

I am also pleased with the high priority placed on direct financial assistance for students in higher education.

Mr. Chairman, for all these reasons, this bill is a great improvement over the spending levels assumed in the budget agreement. My hope is that the careful bipartisan work that has brought us to this point is not disrupted by hostile amendments during floor consideration. I urge my colleagues reject amendments that would derail this important legislation.

Mr. Chairman, I commend once again the chairman of the full committee and our ranking member for their leadership.

Mr. PORTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Washington, [Mr. NETHERCUTT] a member of the Committee on Appropriations.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 2264, the Labor-HHS appropriations bill. I know I speak on behalf of the entire Congressional Diabetes Caucus when I thank Chairman PORTER for his efforts to combat diabetes. Along with Speaker GINGRICH, who has drawn the Nation's attention to this terrible disease, Chairman PORTER has persuaded NIH to examine its funding priorities.

This bill will do much to help the 16 million diabetics in our country. It increases funding for NIH by 6 percent and for the National Institute on Diabetes and Digestive and Kidney Diseases, [NIDDK] by 7.5 percent.

Along with funding provided through the Balanced Budget Act, the increase in this bill will begin to make up for past funding discrepancies between NIDDK and the other Institutes of the National Institutes of Health.

Over the last 10 years, funding for diabetes research has not even kept place with inflation, despite the increases provided to NIH by Congress. So it is my hope and my expectation that a significant portion of the 7.5-percent increase will go toward combating diabetes, a deadly disease in our country.

The bill also includes legislation I have introduced, the Diabetes Research Amendments Act, to establish a diabetes working group to outline future diabetes research priorities. A report under these amendments will be submitted to Congress within 1 year, which, in essence, will be a blueprint, a national blueprint, for future diabetes research. This plan is necessary to best direct the funding dollars and to begin a redoubling of our effort to advance a cure for diabetes.

So I thank the gentleman from Illinois [Mr. PORTER] and I thank the gentleman from Wisconsin [Mr. OBEY] and others who had a hand in crafting this bill, and including the very significant efforts to assist in combating the disease of diabetes that affects so many people around our country.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland, [Mr. HOYER] a member of the subcommittee.

Mr. HOYER. Mr. Chairman, I thank the gentleman from Wisconsin, and want to rise in support of H.R. 2264.

For the past 3 years, the bill that came to this floor had very controversial riders and did not provide, in my opinion, adequate funding for education. My colleagues and I have repeatedly argued to increase the Nation's commitment to education.

This year's bill, by and large, provides funding at levels that are good for our children, good for our families, and good for our Nation. The bill does a better job in meeting the needs of children, families, and schools for quality education.

For example, the bill invests $4.3 billion in Head Start, a $324 million increase over the past fiscal year, a program that Ronald Reagan said works, with a goal of serving 1 million children by the year 2002. Not enough, but better.

The bill acknowledges the commitment we must make to our children's education by funding initiatives such as Even Start and After School Centers. The bill provides for an 11-percent increase for education over last year, timely, when we have more students in our public schools than at any time in our history.

Specifically, the bill gives a much needed increase in funding to title I, bilingual education and special education. The bill recognizes important programs that enhance educational resources and improve professional development, such as the National Board of Professional Teaching Standards and the National Education Goals Panel.

Unfortunately, however, the bill spends $145 million less than the President requested on Goals 2000 and provides the $260 million for the President's America Reads program for fiscal year 1999, rather than 1998.

Additionally, the bill does not fully fund the Eisenhower Professional Development program, which assists communities in improving the quality of their teachers, a critical objective.

I would like to have seen the full funding for these important initiatives in this bill, but I will remain faithful to our bipartisan agreement and support this bill.

Like my predecessors on my side of the aisle, I will support this bill with a caveat, and that caveat, Mr. Chairman, is that we do not go down the road that we went down in 1995 and 1996 and add to this bill amendments that are clearly unacceptable, not only to the President of the United States, but to the American people. I would hope we do not do that.

There are amendments pending which, very frankly, the gentleman from Illinois [Mr. PORTER], courageously, in my opinion, and with wisdom and in the best traditions of bipartisan leadership, rejected in our subcommittee. But if they are added on the floor, I am worried that this bill, with the good provisions in it for labor, for education, and for the health of the American public will not go forward.

I would hope that we would not see that, and, if we do not see that, I intend to support this bill.

Mr. PORTER. Mr. Chairman, I am pleased to yield 2½ minutes to the gentlewoman from Maryland [Mrs. MORELLA], my friend and colleague.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of this bill. Chairman Porter and the subcommittee have accomplished a true feat, a bipartisan bill that manages to fund the most critical programs within its jurisdiction, despite the tight allocation for fiscal year 1998.

I am just going to highlight some of the points in the bill, because I do not have time to go through the thoroughness of the issues that are covered so well.

The bill provides a 6-percent increase for the National Institutes of Health. Chairman Porter has truly been a champion of biomedical research and has once again demonstrated his commitment to this critical priority.

The legislation appropriates $1.2 billion for the Ryan White AIDS Program, 17 percent more than 1997. HIV-AIDS prevention received a $5 million increase, less than 1 percent over last year's level, and we hope that funding will be increased.

Mr. Chairman, I thank the chairman for once again including report language I submitted on HIV-AIDS in women, STDs, autoimmune diseases, and violence prevention among youth.

It also appropriates $2.4 billion for the Centers for Disease Control, an increase of $87 million over last year, including increases for breast and cervical cancer screening, sexually transmitted disease prevention, preventive health services block grant, chronic and environmental disease prevention, lead poison prevention and injury control, among others.

The title X family planning program receives a $5 million increase. The bill includes full funding for the Violence against Women Act and provides a $72 million increase for battered women's shelters.

The legislation also provides critical increases in education funding from Healthy Start to Head Start; Even Start, student financial aid, it provides an increase in funding over present levels. Students with disabilities will have programs increased to the tune of $4.3 billion.

As a strong advocate for providing telecommunications service, I am also pleased the Technology Literacy Challenge Fund is also funded and the Women in Apprenticeship in Nontraditional Occupations.

Mr. Chairman, I could really go on for about 5 more minutes, but frankly, I will use these last seconds to simply say again, my commendation, my congratulations, to the gentleman from Illinois [Mr. PORTER], to the gentleman from Wisconsin [Mr. OBEY], the ranking member, and to members of the subcommittee for their fine work.

While difficult decisions had to be made, I believe that this subcommittee has crafted a bill worthy of our support. I urge my colleagues to vote for this bill.

□ 1815

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO], also a member of the subcommittee.

Ms. DELAURO. Mr. Chairman, I rise in support of this bill, which I hope to be able to vote in favor at the end of this debate. I particularly want to commend Chairman PORTER and our ranking member, the gentleman from Wisconsin [Mr. OBEY], for the fine work and the extraordinary amount of time and effort they have put into putting this bill together and trying to deal with the numerous interests of Members, and more than that, with the issues that face this subcommittee, which face the people of this country.

I am particularly pleased that it contains a substantial increase for health research at the NIH, for disease prevention work at the Centers for Disease Control, and for important educational programs, such as Head Start and IDEA.

The bill is not ideal. It does not contain funds for breast and cervical cancer screening, for a program which would serve women between the ages of 40 to 50 who will become eligible for mammograms, and I truly do look forward to working with the chairman in conference to be able to raise this figure.

I would have hoped to have had an opportunity and preferred additional funding for the Goals 2000 State efforts to raise the quality of education in our public schools, and am disappointed that it continues to deny poor women access to abortion services.

I believe overall this is a good bill. My hope is that the bipartisan agreements will be maintained and there not be controversial changes made, those that are threatened; and my hope is that those controversial changes will not jeopardize the bill through unwise amendments.

There have been several amendments which will be proposed which undermine national, State and local efforts to bring our schools up to meet the highest education standards. I hope my colleagues will join me in strenuous opposition to these amendments. The Whole School Reform initiative of the gentleman from Wisconsin [Mr. OBEY] will ensure that our schools teach our children to read, write, and to do basic mathematics, giving them the tools they need to compete in a global economy. Our children will compete for jobs in a national and even a global marketplace. We must be sure that our local school systems are given the tools that they need to meet those national and global expectations.

I will oppose the amendment of the gentleman from Oklahoma [Mr. ISTOOK] of the title XV Family Planning Program. There is no doubt this parental notification amendment will increase teen pregnancy, teen abortion, and sexually transmitted disease. Similar amendments were defeated by bipartisan votes on the floor last year and in full committee this year. I urge my colleagues to vote against these amendments, which would undermine the fine work that was done by the chairman and the ranking member and other members of the subcommittee.

What we need to have and what we need to support is a clean bipartisan bill of which we can all be proud, and which helps to meet the needs of the American people who so desperately depend on the work we do in this committee, which addresses almost every aspect of people's lives in this country.

Mr. PORTER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, in addition to noting and thanking the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, for the key role he has played, and my ranking member the gentleman from Wisconsin [Mr. OBEY] and the ranking member on the full committee for the excellent work he has done to make this a bipartisan bill.

I want to note that we have two new members this year on our subcommittee, the gentlewoman from Kentucky, Ms. ANNE NORTHUP, on our side, and the gentlewoman from Connecticut, Ms. DELAURO, on the Democratic side, in a reprise. We are glad to have both of them with us.

In addition, I want to thank the staff of our full Committee on Appropriations. They have been extremely helpful to us every step of the way, led by Jim Dyer, as they have been to all of the other subcommittees during this very difficult appropriation season on the House floor. They really do a tremendous job for our country and for the House of Representatives.

I also want to thank Mark Mioduski and Cheryl Smith of the minority staff of the committee for the excellent cooperation and courtesy they have extended to us, and I want to thank my own subcommittee staff, Tony McCann, the clerk, Bob Knisely, Sue Quantius, Mike Myers, Francine Mack, and Laura Stephens. Each of them do excellent work, and I do not know how we could possibly bring this bill forward without the kind of attention to detail that they have had. Laura is on detail to the committee from the Department of Veterans Affairs, and she has been a great help to us recently.

I would also thank our previous detailee, Gloria Corral, from the Department of Education. Gloria was with us for several months earlier in the year and did a fine job, as well.

Finally, I want to thank Julie DeBolt and David Sander of my own personal staff for the fine job and hard work they have done all year long in reference to this bill.

Mr. CUMMINGS. Mr. Chairman, I rise today in support of funding in the Labor, Health and Human Services and Education Appropriations bill for historically black colleges and universities in the United States. I am also elated to note that this bill appropriates more funding to historically black colleges and universities than what was officially requested in the President's budget proposal. In all, this funding is indicative of Congress' commitment to the preservation of educational opportunity for students of color in our Nation.

Among many universities, Howard University, my alma mater, here in Washington, DC, will stand to receive approximately $210 million. This money will be used for the continued procurement of academic and educational programming, and to fund much needed renovation efforts throughout various dormitories. I graduated phi beta kappa from Howard in 1973. The wonderful experience and enriching environment of Howard shaped the way in which I view and live in today's world. It is because of Howard University and funding for historically black colleges and universities that I am able to address this distinguished body as a Member of the U.S. House of Representatives.

Mr. Chairman, historically black colleges and universities have graduated many leaders in the world of law, finance, ministry, and government. The late Justice Thurgood Marshall led a fight to end the vestiges of racial segregation. Dr. Martin Luther King Jr., was a leader in the civil rights movement in the 1960's. People not just in the United States, but around the world, have benefited from the contributions and efforts of many graduates of historically black colleges and universities.

Mr. Chairman, as we stand on the brink of the 21st century, it is readily apparent that education is the means by which success is achieved. In our increasingly technical and sophisticated world economy, it is exorbitantly important that we launch an indefatigable initiative toward educational success for all Americans. I believe that the mission of historically black colleges and universities throughout our Nation comport with the mission.

So in conclusion, I exhort my colleagues to vote in support of increased funding for historically black colleges and universities in America. Let us say yes to our children's futures, say yes to our children's success, and say yes to the success of our nation for the years to come.

Thank you, Mr. Chairman, and, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise to commend the chairman of our subcommittee, my colleague from Illinois, Mr. PORTER, for his leadership on this bill because this is a good bill that will have an impact on virtually every American family.

Our subcommittee worked hard to prioritize the resources for the many important health and education programs included in this legislation.

High priority was given to continued funding for the National Institutes of Health, which receives a $764.5 million or a 6 percent increase over the 1997 level and $427.1 million more than requested by the President. As I have said many times, NIH remains the preeminent biomedical research program of its kind anywhere in the world. Our investment in unlocking the mysteries of diseases and identifying new, life-saving therapies are repaid many times over in lower health care costs, a higher quality of life, and a cure for many diseases for which there was no successful treatment just a few years ago.

We have continued to make great strides in the war on cancer including breast and prostate cancer, in addition to heart disease, stroke, diabetes, Alzheimer's disease, Parkinsons disease, mental illness, sickle cell anemia, arthritis, osteoporosis, and other diseases that rob the young and old of years of life and lead to much pain and suffering. When we are so close to winning the battle on so many fronts, this is not the time to retreat from our commitment to remain the world leader in biomedical research.

A health care area of special interest to our committee, where a small continuing investment over the past few years has paid off, is the National Marrow Donor Program. Established by Congress in 1986, we are celebrating the 10th anniversary of a working national marrow donor registry that matches potential donors with patients in need of a transplant who would otherwise die from leukemia or any one of 60 other fatal blood disorders.

Since bringing to my colleagues attention the need for a national registry to provide access to a large pool of prospective unrelated individuals who might have matching bone marrow for patients in need of transplants, I have had nothing but unwavering support from the members of this committee and my colleagues in the House and Senate. The result

of this effort is a program that is a true medical miracle which is saving lives every day throughout our Nation and around the world.

Later this year, The National Marrow Donor Program will register it three millionth prospective donor. My colleagues may recall that early in my search for a home for the national registry, some Federal officials told me we would never recruit more than 50,000 volunteers who were willing to donate their bone marrow to a complete stranger.

We proved them wrong and in doing so have given a second chance at life to thousands of men, women, and children. As the registry continues to grow, so do the number of transplants. More importantly, we have given hope to thousands of families who otherwise would have faced the prospect of certain death for a loved one.

This hope circles the globe as we exchange bone marrow on a regular basis with 14 other nation's who have patterened their national registeries after our own. Because genetics play such a crucial role in a successful match, this access to potential bone marrow donors from throughout the world has helped save the lives of patients here who were unable to find a matched donor in our national registry. Indeed, bone marrow is crossing international borders on a weekly basis, saving lives here and abroad. Nothing I can think of will help bring the nation's of the world closer together.

Our committee has included in the bill $15,270,000 for the continued operations of the national registry under the oversight of the Health Resources and Services Administration [HRSA]. Responsibility for the registry was transferred in 1995 from NIH to HRSA. The Navy continues to play a leading role in providing operational support and direction to the program with additional funding made available by our Appropriations Subcommittee on National Security.

Other small, but significant health care programs established and supported by our subcommittee are also saving lives throughout our Nation. With the $13 million included in this legislation for the Emergency Medical Services Program for Children we are increasing public awareness and training health care professionals for the unique emergency medical needs of acutely ill and seriously injured children. More than 40 States have now established training programs to improve the quality of care available for children. The leading cause of death for them continues to be accident and injury.

We have made a significant investment in this bill in other areas of preventative health care. Notably, we have included $145 million for the Centers for Disease Control's breast and cervical cancer screening program to provide early cancer detection for many low- and middle-income women who otherwise would not receive life-saving early warnings.

Finally, Mr. Speaker, within the Department of Health and Human Services, we have included $14 million for the National Youth Sports Program, which gives many disadvantaged youth their first exposure to a college campus. In addition to inspiring these children to stay in school so they can one day attend college, the program also provides health care screening, hot meals, math and science enrichment, and a strong anti-drug and anti-violence message.

Our subcommittee has also provided for the educational needs of our Nation's children from their preschool years through college. Once again we have increased Head Start funding, this year by $324 million to more than $4.3 billion. This is good news for Pinellas County, FL, which I am proud to say is home to a nationally recognized Head Start program that does an outstanding job in preparing our youngest students for their entry into elementary school.

Also included in this legislation is $7.7 billion in grants to State and local education agencies for disadvantaged youth. This is $395 million more than is available for the current year. We have provided an additional $350 million for school improvement programs, $556 million for safe and drug free school programs, and $4.3 billion for special education.

In the area of higher education, our committee has maintained its emphasis on providing direct assistance to college students. The bill includes funding to allow the maximum Pell Grant to rise to $3,000. In addition, we have increased funding for Federal work-study programs, TRIO, and minority institutions.

Among the myriad of Federal agencies funded in this bill, we continue our support for the Social Security Administration and the Medicare contractors, to allow them to process claims in a timely manner and to update their technological base to improve service to older Americans.

Mr. Speaker, as I said at the outset, this is one appropriations bill which touches virtually every American family. It is also one that makes major investments in improving quality of life through health care services, important biomedical research, educating our children, and providing for the needs of our older Americans. It is a bill that deserves the support of every Member of this House because it will improve the way of life for every congressional district.

Mr. OBEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of Thursday, July 31, 1997, the bill shall be considered for amendment under the 5-minute rule.

Amendments printed in House Report 105–214 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, are considered as read, are not subject to amendment except as specified in the report or pro forma amendments for the purpose of debate, and are not subject to a demand for a division of the question.

The amendment at the desk offered by the gentleman from Illinois [Mr. HYDE] shall be considered in lieu of amendments Nos. 1 and 2 in the report and shall be considered as though printed as amendment No. 1.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 2264

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 the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; the Stewart B. McKinney Homeless Assistance Act; the Women in Apprenticeship and Nontraditional Occupations Act; the National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $5,162,601,000 plus reimbursements, of which $3,872,463,000 is available for obligation for the period July 1, 1998 through June 30, 1999; of which $118,491,000 is available for the period July 1, 1998 through June 30, 2001 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; of which $200,000,000 shall be available from July 1, 1998 through September 30, 1999, for carrying out activities of the School-to-Work Opportunities Act; and of which $100,000,000 shall be available for obligation for the period July 1, 1999 through June 30, 2000 for Opportunity Areas for Out-of-School Youth only if specifically authorized by subsequent legislation: *Provided,* That $52,502,000 shall be for carrying out section 401 of the Job Training Partnership Act, $69,285,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $5,000,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $1,063,990,000 shall be for carrying out title II, part A of such Act, and $129,965,000 shall be for carrying out title II, part C of such Act: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further,* That funds provided for title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver described in section 315(a)(2) may be granted if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services; and that funds provided for discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the enrollment requirements under section 314(e) of such Act, are enrolled in training by the end of the sixth week after grant funds have been awarded: *Provided further,* That service delivery areas may transfer funding provided

herein under authority of titles II, parts B and C of the Job Training Partnership Act between the programs authorized by those titles of the Act, if the transfer is approved by the Governor: *Provided further* That service delivery areas and substate areas may transfer up to 20 percent of the funding provided herein under authority of title II, part A and title III of the Job Training Partnership Act between the programs authorized by those titles of the Act, if such transfer is approved by the Governor: *Provided further,* That, notwithstanding any other provision of law, any proceeds from the sale of Job Corps center facilities shall be retained by the Secretary of Labor to carry out the Job Corps program: *Provided further,* That notwithstanding any other provision of law, the Secretary of Labor may waive any of the statutory or regulatory requirements of titles I–III of the Job Training Partnership Act (except for requirements relating to wage and labor standards, worker rights, participation and protection, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility, review and approval of plans, the establishment and functions of service delivery areas and private industry councils, and the basic purposes of the Act), and any of the statutory or regulatory requirements of sections 8–10 of the Wagner-Peyser Act (except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to job seekers), only for funds available for expenditure in program year 1998, pursuant to a request submitted by a State which identifies the statutory or regulatory requirements that are requested to be waived and the goals which the State or local service delivery areas intend to achieve, describes the actions that the State or local service delivery areas have undertaken to remove State or local statutory or regulatory barriers, describes the goals of the waiver and the expected programmatic outcomes if the request is granted, describes the individuals impacted by the waiver, and describes the process used to monitor the progress in implementing a waiver, and for which notice and an opportunity to comment on such request has been provided to the organizations identified in section 105(a)(1) of the Job Training Partnership Act, if and only to the extent that the Secretary determines that such requirements impede the ability of the State to implement a plan to improve the workforce development system and the State has executed a Memorandum of Understanding with the Secretary requiring such State to meet agreed upon outcomes and implement other appropriate measures to ensure accountability: *Provided further,* That the Secretary of Labor shall establish a workforce flexibility (work-flex) partnership demonstration program under which the Secretary shall authorize not more than six States, of which at least three States shall each have populations not in excess of 3,500,000, with a preference given to those States that have been designated Ed-Flex Partnership States under section 311(e) of Public Law 103–227, to waive any statutory or regulatory requirement applicable to service delivery areas or substate areas within the State under titles I–III of the Job Training Partnership Act (except for requirements relating to wage and labor standards, grievance procedures and judicial review, nondiscrimination, allotment of funds, and eligibility), and any of the statutory or regulatory requirements of sections 8–10 of the Wagner-Peyser Act (except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to job seekers), for a duration not to exceed the waiver period authorized under section 311(e) of Public Law 103–227, pursuant to a plan submitted by such States and approved by the Secretary for the provision of workforce employment and training activities in the States, which includes a description of the process by which service delivery areas and substate areas may apply for and have waivers approved by the State, the requirements of the Wagner-Peyser Act to be waived, the outcomes to be achieved and other measures to be taken to ensure appropriate accountability for federal funds.

AMENDMENT OFFERED BY MR. EVANS

Mr. EVANS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS:

Page 2, line 15, after ''reimbursements,'' insert ''of which $2,500,000 shall be available for purposes of carrying out section 738 of the Stewart B. McKinney Homeless Assistance Act (relating to homeless veterans' reintegration projects);''

Mr. EVANS. Mr. Chairman, first I want to commend the chairman of the Subcommittee on Labor, Health and Human Services, and Education, my colleague the gentleman from Illinois [Mr. PORTER], and the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking Democratic member of the subcommittee, for their efforts in producing this bill.

Likewise, I appreciate the hard work of all members on the subcommittee on this legislation, and I also want to thank the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee, for his most important contributions, and likewise members of the full committee as well.

In particular, I am very pleased that the full committee has provided $2 million in funding for the National Veterans Training Institute. This is a sound investment and money well spent, which will enable the continued provision of essential training. Again, I am most thankful to this committee for its actions.

Mr. Chairman, the amendment that I offered for myself and my colleague, the gentleman from California [Mr. FILNER], provides an additional $2.5 million for the homeless, the Homeless Veterans Reintegration Project, a program administered by the Assistant Secretary of Labor for Veterans' Employment and Training.

I understand $2.5 million has already been designated in H.R. 2264 for homeless veterans under the Department of Labor pilots and demonstrations, and I appreciate the committee's concern for veterans. Nonetheless, the problem of homeless veterans is so severe that additional funding is necessary.

There is virtually no disagreement that one-third of the homeless men in this country are veterans, and that approximately 60 percent of those individuals are veterans of the Vietnam war. This means, Mr. Chairman, that every night in this great country of ours more than 280,000 veterans are sleeping in homeless shelters or on our streets.

Since 1987, this program, a modest, cost-effective program designed to help homeless veterans reenter and succeed in the job market, has proven its worth. More than 41,000 homeless veterans have received help and support from the community-based organizations funded under this program, and many were placed in jobs at a cost of less than $15,000 per veteran.

Few government programs can claim to have achieved so much with so little. Our amendment provides $2.5 million for this needed program, the funding level authorized under section 11448 of title 42, United States Code. Rather than increasing spending in order to fund this important program, our amendment would simply earmark this $2.5 million of the more than $5 billion provided for the Department of Labor's Employment and Training Administration.

Earlier this year the Committee on Veterans' Affairs voted without dissent to fund this program. Republicans and Democrats came together, as they are doing tonight, to show their support for the men and women who served honorably in our Nation's Armed Forces.

I urge my colleagues to demonstrate their commitment to America's veterans and support the Evans-Filner amendment.

Mr. Chairman, I am glad to yield to the gentleman from California [Mr. FILNER], and to wish him a happy birthday, as well.

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding to me, and I thank him for his service to our Nation's veterans as ranking member of the Committee on Veterans Affairs.

Mr. Chairman, a source of particular satisfaction to me as a Member of Congress has been my service on the Committee on Veterans' Affairs. Veterans are special and unique members of our American family, and it has been an honor to work on their behalf.

I am also privileged to represent the extraordinary residents of San Diego, CA, who have earned a nationwide reputation as a community committed to service to homeless veterans. It was the city of San Diego that created the Stand Down, a program which provides health care, legal assistance, dental treatment, clothing, and employment assistance for homeless veterans. This program has been replicated all over the country, and thousands of veterans have benefited because of the creativity and commitment of the veteran community in San Diego.

Mr. Chairman, this amendment offered by the gentleman from Illinois [Mr. EVANS] and myself extends this kind of benefits to homeless veterans all over this Nation. So on behalf of the good and caring citizens of San Diego, on behalf of America's homeless veterans, I urge my colleagues to support the Evans-Filner amendment.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we accept the amendment.

Mr. McINTOSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the chairman has indicated that the committee would like to accept this amendment. Let me say that in addition to this amendment, I have very serious reservations about this bill. I think this is a question of philosophy about which direction the Republican Party should lead this country.

Mr. Chairman, this bill increases spending dramatically over the balanced budget bill that we brought forth in 1995. It increase funding in many categories beyond what President Clinton had asked for in his own budget submission to this Congress. It has policy implications in the area of education, where we will be directing schools, that they have the opportunity now at the Federal level to enter into some new program called a Whole Learning Reform program.

The Federal Government should not be involved in making those decisions. We should not have the Federal Government funding a national test for education. That is the beginning of the problems with this bill.

It also goes into social policy, which many of us would find unacceptable in this Congress, not what we asked for in the Contract With America, or when Republicans went to the American people and asked them for a mandate to be the majority party in this Congress.

One example of that would be a provision in the bill that would allow funds to be used for the distribution of needles to drug users. That is not a Republican platform. It does not help us to reduce drug use in this country. It is not something that we as a Republican Congress should be passing and sending to the President.

I think the philosophy of this bill is to some extent dictated by the budget agreement that our leaders and the President entered into earlier this year, but it goes beyond the general agreement that we would expand Government rather than shrink the Departments of Health, Education, and Welfare, the Department of Labor, the Department of Health and Human Services, the Department of Education, the Department of Labor. It goes beyond the notion that their budgets would increase, and starts to make very liberal decisions in terms of social policy of the funding within those budgets.

□ 1830

I think it would be time for this Republican Congress to have a debate on what is the direction we want to take. Do we want to continue on this budget agreement that expands the role of government? Or do we want to take time and correct the work of this committee and reduce the size of government in some areas, and at least say those areas where we are spending more money, we are going to turn over control to the States and take it away from the bureaucracy here in Washington?

Now, this is not to say that there are not some very good provisions in this bill. And I do say to the gentleman from Illinois [Mr. PORTER] that I commend his efforts in the areas of ergonomics, for example, where the committee has stated there is a lot of bad science that is being foisted upon us in an effort to create more regulations at the Department of Labor. The chairman's bill does put a moratorium for a year on that misguided regulation going into effect.

But, Mr. Chairman, what we need to do in the course of the debate on this bill is have a debate about fundamental principles in the Republican Party, address some very serious questions in this bill, and attempt to lead rather than capitulating to leadership from 1600 Pennsylvania Avenue.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would say to the gentleman from Indiana [Mr. MCINTOSH] that, yes, this bill does increase spending over last year, and I am not happy with that. But the leadership of the Republican Party and the Democratic Party, and the President, agreed earlier this year that there would be tax cuts and that there would be restraints on entitlement spending. In return for those changes in policy, they also agreed that there would be increases in programs that the President considered his priorities.

Mr. Chairman, we have gotten the tax cuts and we have gotten the restraints on entitlement spending. Those bills have been passed and signed into law by the President. Like it or not, an agreement has to be at least substantially carried out, and this bill contains many of the President's priorities.

Mr. Chairman, when Republicans took control of the Congress, this bill carried major cuts in programs when it passed the House of Representatives; a total of $9 billion. While many of the cuts were not in the enacted bill that year, nor did it survive in last year's bill, we certainly have restrained the rate of increase in spending in these accounts over what it might have otherwise been.

With respect to the whole school reform that the gentleman mentions, I would urge the gentleman very, very strongly to look at exactly how this works. It does not put the Government in the reform business. It allows local schools operating under State law, if they wish, to apply for funds on a competitive basis so that they may engage in whole school reform. I believe this is a far better expenditure of money than our present title I program from which the funds derive.

Other issues are going to be shaped on the floor of the House of Representatives as they should be. I would like to be able to please every single Member of the House of Representatives and offer a bill that everyone instantly said, ''I agree with.'' That obviously is not possible. But what we have to do is try to find the center, try to work with one another and find the common ground on which to govern, and to pass a bill that can meet the expectations of the American people. That is what this process is all about.

Mr. Chairman, I think we have done some good things, things that the gentleman from Indiana and others would support very strongly. But obviously there is a certain price to pay for the things that we get. We have to also give something. We have attempted to do both and to find that common ground.

I believe that we have done that in this bill. And while it will not please everyone, and never can, I believe it is a bill that can please the majority of Members in the House and I would very definitely commend it to them.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not in the slightest going to get into a debate about the philosophy of the Republican Party. I simply want to take this time to indicate that on this side of the aisle, we would also accept the amendment of the gentleman from Illinois [Mr. EVANS], if that is indeed what is before us at this point.

Mr. McINTOSH. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN (Mr. GOODLATTE). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MCINTOSH. Mr. Chairman, let me address the point of the gentleman from Illinois [Mr. PORTER], because I do think there is a philosophical difference between whether we should seek the center or stand for principles that are outside the center. Principles of a smaller government, less Federal intrusion into our school systems and into our State levels, and perhaps that is the core question that we should be debating as we talk about the problems that we have with this bill.

Mr. Chairman, one of the problems, for example, that I encountered in the last week as I toured schools throughout central Indiana and visited with the students and teachers and parents, is I asked them what are the concerns that they have that I, as a member of the Committee on Education and the Workforce, would like to address. They time and time again said that they were chasing Federal dollars. They spent a lot of their time filling out forms in order to get the few dollars that they desperately needed, and then found they could not use them for the needs in their classroom.

Mr. Chairman, one school needed additional computers and they found they did not qualify for the computer grant, and so they had to chase other dollars. Another school said, we want to teach the basics but we found that we have to apply for these fancy programs coming out of Washington. And

then once we apply to them, we have to spend all of our time filling out forms rather than teaching our children what they need to know in math, reading, writing, the basic knowledge and skills that Congress says they want us to teach.

The message they sent to me to bring back here was: Get out of the way in Washington. Stop having most of the money have strings attached to it and send it to us in a block grant to the schools where we can decide how it would best be used.

One of the things that I think we have to correct in this bill are provisions like the Whole School Reform Act that comes with strings. They have to apply under that program to take certain actions in order to receive the money; 200 million dollars' worth of funding is now tied to new strings. They wanted old strings from the previous Congress, or the Congress before that, that had authorized them but they had never been funded. So we will be creating a brandnew spending program as a result of that.

There are other questions that I hope we can engage in this debate with the chairman. In some cases we seem to have decided that not only would we agree and compromise and take the President's budget number, we would outdo the President and spend more in certain categories. I do not think that should be our position as we move forward with this bill.

So, Mr. Chairman, I want to say I have a great deal of respect for the gentleman from Illinois [Mr. PORTER]. He is a leader in our party and on this committee. But I do have to fundamentally disagree on that philosophical question of whether we should approach the center or whether we should govern from a conservative, principled approach in this Congress.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. MCINTOSH. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I was in the Cloakroom and I heard the discussions of the gentleman from Indiana [Mr. MCINTOSH], and I wanted to tell him that I know I have been discussing, and many members of the committee have been discussing for many years, trying to enhance the ability of local providers of education who have the primary responsibility with greater opportunities to access Federal dollars without having to go through so many hoops.

Mr. Chairman, I have introduced a bill which is called the Family Services Improvement Act. The gentleman from Connecticut [Mr. SHAYS] is a cosponsor. Senator Hatfield had a bill in the last Congress which tried to simplify the way in which communities access dollars.

If I can make a very crude analogy, a funnel at the top where there are a lot of individual programs, but the child at the bottom of the funnel that we all want to serve, either for health reasons or social service or educational reasons, they have to figure out how to access all of these dollars.

What the bill essentially tries to do is to get the Feds to facilitate that service being performed in a funnel type where it comes in here, but it comes out in a spout at the end not exactly the way the gentleman from Indiana would want it, but in a form that does not put local education or social service agencies or other agencies to the unbelievable difficulty of trying to figure out how we help Mary Jane or Charlie Brown.

So, Mr. Chairman, although it is not directly on point, I wanted to call the gentleman's attention to that, because I think it would be something that perhaps in a bipartisan way we could work on to facilitate what I think both of us want done, although we may have different perspectives on exactly what the ways and means of doing it would be.

Mr. MCINTOSH. Mr. Chairman, reclaiming my time, I appreciate the comments of the gentleman from Maryland [Mr. HOYER] and would hope to be able to address them.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. MCINTOSH] has expired.

(On request of Mr. PORTER, and by unanimous consent, Mr. MCINTOSH was allowed to proceed for 3 additional minutes.)

Mr. MCINTOSH. Mr. Chairman, I agree with the gentleman from Maryland [Mr. HOYER], but I think we have to be careful we do not keep the old encumbered form of bureaucracy and say that we are going to give a roadmap at the local level on how to go through the paperwork, because they still have to go through the paperwork and spend the time and the money and the resources to do that.

Mr. HOYER. Mr. Chairman, if the gentleman will continue to yield, what the gentleman will like about the bill is that it eliminates most of the paperwork and says that there is one form for all of these programs, and it will be the Federal problem of figuring out. But we would only have one form.

Mr. MCINTOSH. Mr. Chairman, again reclaiming my time, see, what I would hope we could do is move to something like title VI where we don't have to justify on a form; we would say that we are going to provide the resources and those at the local level decide how they want to spent them.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. MCINTOSH. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I do not think I heard the gentleman from Indiana [Mr. MCINTOSH] correctly. But if I can say so, I think the role of the Federal Government in education is to supplement or complement the primary role of local schools in educating our children. It is not to supplant them in any way or to require a certain curricula or anything else. And it is not, very definitely, to provide a separate tax source removed from local control simply to funnel money to local schools. That is not the purpose.

Mr. Chairman, if it is the basics that the gentleman wants to emphasize, that should be done, and is done, in every school in America by State and local school districts using State and local funds. That is where it ought to be. We should not be putting the Federal Government into the business of raising the money to provide for basics to be taught. That is done by the State and local school districts.

Mr. Chairman, 95 percent of the money spent in this country is spent by State and local school districts on education. That is the way it ought to be. The Federal Government's role should be to provide national encouragement on things of national interest. And that is exactly what we are doing in this program.

I think the gentleman from Indiana would agree that we are not attempting in any way to supplant local schools or to provide a taxing source removed from the people at the local level to support basics. That is not the role of the Federal Government at all.

Mr. MCINTOSH. Mr. Chairman, again reclaiming my time, in response to the gentleman from Illinois, I agree that is not the role of the Federal Government. The concern I have with this bill is that there is a new program that creates a carrot and says if schools want to get some of these Federal dollars, they have to start teaching the way we think they should teach. And we are going to have a situation where we have got, as my wife says, folks jumping over dimes to go for a nickel because they are going to end up spending a great deal of money trying to apply for those programs.

We would be much better off if we let them spend their money on the basics and we said, ''We have got this $200 million. We are going to give it to you to spend as you see fit on improving the teaching of the basics.'' I think if we are going to spend money at the Federal level, we should always say we are going to send it with the least amount of restrictions and strings attached to it.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to say first off that I think the amendment of the gentleman from Illinois [Mr. EVANS] is well-conceived in the sense of if there is any group in America that has been neglected in the homeless population, it has been the veterans and people who have sacrificed for our country and put their lives at risk deserve that special attention, and I support that.

We have a homeless shelter particularly targeted for veterans that a few Vietnam veterans have put together in Ft. Wayne, and I have been proud to help them and I know that it has been very difficult for them to get attention, because often they get ignored in the process.

□ 1845

I want to address a broader question off of that. That is, in areas where the Federal Government has not been, there is this temptation to say that every time we see a needy group or every time we see a problem that we are going to plunge into that. As we debate tonight and tomorrow and probably into next week this bill, this bill is at the heart of the differences between the two parties and how we are going to govern, and differences in our own party as to what the role of the Federal Government should be in education, what the role of the Federal Government should be in abortion, what the role of the Federal Government should be in labor policy, what the role of the Federal Government should be in health policy.

Many of us are concerned, and I say this as someone who supported the budget agreement. Understanding that at times you have to have compromises and at times you have to move forward because the President is of a different party, the Senate may not agree with the House, and in the House we have a very narrow majority, there are pragmatic things that enter into getting what you can, but many of us feel we went too far in this bill. We were willing to live with many of the funding dollars in that, begrudgingly, and many of us were very divided over that subject.

But there is also the matter, if we are going to spend the money, how are we going to spend the money and in what areas?

We made many pledges. Many of them probably were, needless to say, overdramatic or probably unrealistic; nevertheless, many millions of American people believed that when we said we were going to eliminate the Department of Education and we were going to eliminate the Corporation for Public Broadcasting, we were going to eliminate this organization or that organization, that we were at least going to fight for that.

Now we are faced with a bill that in many of these cases is not eliminating, it is increasing its funding, something that surely we did not run on and say we were going to do. It has caused a lot of grief. And this bill consolidates many of these things; and now not only are we looking at increasing the money in some of the things that many of us came here very concerned about. I myself can hardly believe that we have a real dollar increase in Title X which, while we have many abortion issues that we face in this Congress, is the most controversial because it has the most money going to the organizations that do most of the abortions. Yet, it increases.

We see increases in other categories. We see whole new programs. We can have a debate and we certainly will have a debate on the Whole School program. You have got some of the discussion here and we will have that in the education section.

As I have talked with the gentleman from Illinois [Mr. PORTER] today, and as I have visited schools around the country, first when I was a staff director on the Republican side with the children-families committee, then working with Senator COATS in the Senate, and now being on the Committee on Education and the Workforce, I have seen the merits of some of the ideas in this, school-based management, more flexibility in the schools to make determinations. But what I do not think is appropriate is to have something come in without having gone through the authorizing committee.

The point is that it is authorized, but it was authorized dormant; in other words, it has no funds in it. This Republican-controlled Congress never passed this bill, never moved this bill. Furthermore, it was put in at the tail end in the appropriations subcommittee process and did not get fully aired because even if some of us and, for example, we will hear in this debate that the Heritage Foundation thinks that this is a good idea. The Heritage Foundation has no position on this. The Heritage Foundation has done reports that suggest that it is a good idea at the local level. They do not have a position on Federal initiative.

And while we say we are not controlling local schools, the fact is that when we put the money out, particularly if you have a State law that says you cannot override local union contracts, if you have a State law that says you cannot do some of the things in the Little Red Schoolhouse reform and other types of things like that, and you have 50 to 100 districts that want to get into this pool of money, there will be tremendous pressure on the State legislatures to change their State law.

It is a tad cute to say we are not doing these things from the Federal level when, in fact, we are dumping $200 million into a program that was not funded, that was dormant, has never passed a Republican Congress. And all of a sudden when we say we are reducing Goals 2000, this is much more sweeping than Goals 2000.

In Indiana, it may indeed be a good program. Why not debate it and go through a regular process similar to the National Literacy Initiative?

We will be debating a number of these. We feel there should be a whole debate on this process. We are not trying to be obstructionist.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

I rise to speak on behalf of the Evans amendment to H.R. 2264. This is a positive proposal which is bipartisan, which helps to assist the homeless veterans and increases from $2.5 million to $5 million this very important program which is section 738 of the Stewart B. McKinney Homes Assistance Act, named for a former member of Congress who actually initiated this program and deserves a great deal of credit as a former Member from Connecticut.

I believe that the gentleman from Illinois [Mr. EVANS] has shown again his great leadership for veterans; and working with the gentleman from California [Mr. FILNER] and others on both sides of the aisle, I had the pleasure of working with the Committee on Veterans' Affairs with the gentleman from Illinois [Mr. EVANS], I know how important this issue is to people in my home State of Pennsylvania where many veterans have resided. And some are not only looking for proper health care from this Congress, proper vocational assistance, but now, where we can help those who are homeless, making a big difference.

This will certainly go a long way, I think, in making those steps in a positive way to help our veterans, many of whom gave their lives for others, who are now trying to still make a go of it and are trying to make sure that they have the quality of life that they deserve for the sacrifice they made for this country.

I rise in strong support of the Evans amendment. I believe it really makes this bill even more positive. I thank the gentleman for his leadership and look forward to working with him again on other pro-veteran bills.

Mr. SHADEGG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the American people in my district are deeply concerned about a number of issues, and I am deeply concerned about some issues that we address in this legislation, issues which have not come to the fore until just the last few hours of this debate.

Parents in America want their children educated. One of the things we do in this country is we pay taxes in the hopes that we will give our children the best possible education. Yet what is happening in education in America today is that there is a great debate going on about how we improve education.

I have listened to that debate and I have listened to the citizens of my district talk about it. They want their children to get the best possible education because they care deeply about their children's success as they go forward. But they discovered one thing that is vitally important. It is something that I thought we heard in Washington, D.C., but it appears maybe we have not.

They have discovered out in America that education policy cannot be set in Washington, D.C., that it is simply too far away from the living rooms and the family rooms and the bedrooms of the children studying at home to set education policy thousands of miles away here in Washington, D.C.

So when I ran for the United States Congress, I ran on the promise that I would work to return to the local parents, teachers, students and administrators in the schools in my district

the control of their education and their education dollars, so that those parents working beside the administrators in their schools could decide education policy for their children.

For that reason, I got elected and I am pleased about that. But I have discovered in this bill something that gives me great concern. In this bill, we have decided that that is the wrong policy. In this bill, we have decided once again that the Federal Government should do the carrot-and-stick routine, that the Federal Government should decide what form of education reform works.

Here is what we say in the bill: We say that we are going to reward those schools who pursue what is called Whole School Reform. And we even specify in report language that we will make this $150 million available, but only available to those schools who will follow the Whole School Reform model.

And in report language, we set forth that they should either follow the school development program developed by Yale University psychiatrist James Comer, or the Success for All and Roots and Wings programs developed by Johns Hopkins University, or the Modern Red Schoolhouse program developed by Hudson Institute.

So here we are saying, you local parents, you local administrators, those of you that are charged with educating your children and care most about their education, we will give you $150 million. You just have to jump through one Federal hoop. You have to agree to abide by one of these three programs. You have to spend the $150 million as we in Washington say it should be spent.

Let me tell you, that is not what I was sent to Washington to do. That is not the kind of legislation that I believe America wants. I do not care if you are Republican or Democrat. I do not care if you are a liberal or conservative. I think this is an issue which transcends politics.

I think American parents, whether they are liberal or conservative, Republican or Democrat, rich or poor, believe they know better how to educate their kids than some bureaucrat thousands of miles away in Washington, D.C., or some professor at the Hudson Institute or Yale University or Johns Hopkins.

Yet we are saying, as a United States Congress, there is $150 million in this bill which you parents may have, but only if you let us decide on the education policy. I think that is wrong. I think we are making a grave mistake by including that kind of policy in this bill.

It is not what the American parents want. They trust their teacher. You sit back and think about it: The one person you have to trust in your life is the teacher that your child spends a good portion of every day with.

This last Tuesday was the first day of school for my kids. I took them both to school. I have a 15-year-old and an 11-year-old. I had met their teachers before. I care about them, and I trust their teachers, but I have never met a single professor from Yale University or Hudson Institute that I want deciding how my children get educated.

I trust the PTA at my school and the administrators at my school, but I thought we, as a Nation, had moved beyond this idea of dictating Federal education policy in Washington, D.C. Yet in this bill, I hope that my colleagues are listening and I hope their constituents are listening to them, we break that promise and we set education policy in Washington, D.C. That is dead wrong.

Mr. Chairman, I include for the RECORD the following:

SCHOOL DEVELOPMENT PROGRAM

MISSION AND VISION OF THE SCHOOL DEVELOPMENT PROGRAM

The School Development Program is committed to the total development of all children by creating learning environments that support children's physical, cognitive, psychological, language, social and ethical development.

Our vision is to help create a just and fair society in which all children have the educational and personal opportunities that will allow them to become successful and satisfied participants in family and civic life.

CORE BELIEFS OF THE SCHOOL DEVELOPMENT PROGRAM

We believe that ''it takes a whole village to raise a child,'' noting especially that: children's most meaningful learning occurs through positive and supportive relationships with caring and nurturing adults; parents are children's first teachers; all parents, and staff members, and community member, regardless of position, has an important contribution to make towards improving students' education; and in order to bring out the best in children, adults must interact more collaboratively and sensitively with each other on behalf of children.

We believe children: should be at the center of the educational enterprise; are capable of higher learning; learn through various pathways: physical, cognitive, psychological, language, social, and ethical; and who develop well learn well.

We believe that teachers: work in supportive environments which maximize their ability to teach and prepare students for life beyond school; and develop positive relationships with parents to make the necessary bonds for effective teaching and learning.

We believe school communities: must be structured to promote collaborative decision making in order to create a culture of inclusion; should promote learning as a lifelong process; should embrace cultural, linguistic and ethnic differences to enhance the educational process for all people; use data from all levels of the system—student, school, and district to inform educational policies and practices; should view change as an ongoing process guide by continuous constructive feedback; design curriculum, instruction and assessment to align with and promote child and community development and high content area standards; provide administrators with the support they need to lead and manage schools; and promote organizational synergy among school boards, educators, and parents.

A BRIEF HISTORY AND SUMMARY OF THE SCHOOL DEVELOPMENT PROGRAM

The School Development Program (SDP) was established in 1968 in two elementary schools as a collaborative effort between the Yale University Child Study Center and the New Haven Public Schools. The two schools involved were the lowest achieving in the city, had poor attendance, and had serious relationship problems among students, staff, and parents. Staff morale was low. Parents were angry and distrustful of the schools. Hopelessness and despair were pervasive.

The Child Study Center staff—social worker, psychologist, special education teacher, and child psychiatrist—provided the traditional support services from these disciplines but focused more on understanding the underlying problems and how to correct them. Problems were identified on both sides—family stress and student underdevelopment in areas necessary for school success, as well as organizational, management and child development knowledge and skill needs on the part of the school staff.

Because of pre-school experiences in families under stress, a disproportionate number of low-income children presented themselves to the schools in ways that were understood as ''bad,'' under-motivated, and demonstrating low academic potential. The behavior, in fact, reflected underdevelopment, or else development that was appropriate on the playground, at home or other places outside of school, but inappropriate at school.

The school staffs lacked training in child development and behavior, and understood school achievement solely as a function of genetically determined intellectual ability and individual motivation. Because of this, the schools were ill-prepared to modify behavior or close the developmental gaps of their students. The staffs usually responded with punishment and low expectations. Such responses were understandable given the circumstances, but they usually led to more difficult staff-student interactions and, in turn, to difficult staff-parent and community interactions, staff frustration, and a lower level of performance by students, staff and parents.

Even when there was a desire to work differently, there was no mechanism at the building level to allow parents, teachers, and administrators first to understand the needs, then to collaborate with and help each other address them in an integrated, coordinated way. This led to blame-finding, fragmentation, duplication of efforts, and frustration. There was no sense of ownership and pride in the school. The kind of synergism that develops when people work together to address problems and opportunities could not exist.

The model took shape in response to the conditions in the schools. Dr. Comer and his colleagues, working collaboratively with parents and staff, gradually developed the current nine-component process model (3 mechanisms, 3 operations, and 3 guiding principles). In the first category is (1) a School Planning and Management Team representative of the parents, teachers, administrators and support staff; (2) a Student and Staff Support Team (formerly called the Mental Health Team; and (3) Parent Team.

The School Planning and Management Team carries out three critical operations: the development of a (4) Comprehensive School Plan with specific goals in improving school climate and academic areas; (5) staff development activities based on building-level goals in these areas; and (6) periodic assessment which allows the staff to modify the program to meet identified needs and opportunities.

Successful implementation of the School Development Program requires several important guiding principles and agreements. All the adult stakeholders agree to use (7) a ''no fault'' approach to solving problems. This allows school teams to use all their time and energy on problem solving. Many

groups get bogged down and are unable to move forward because blame creates defensive behavior and conflict. When people use ''no fault,'' they can speak up without fear of attack or blame.

The School Development Program uses (8) consensus decision making rather than voting as the way to make decisions. Discussions keep the developmental needs of children in mind. One of the principal benefits of consensus decision making is that it minimizes ''winner-loser'' behavior and a variety of negative feelings that are common when decisions are made by voting.

Participants on the School Planning and Management Team (9) collaborate with the principal who is often the team's leader. Team members cannot paralyze the principal and on the other hand the principal cannot use the group as a ''rubber stamp.'' In some cases, a staff member rather than the principal serves as a leader of the governance and management team. When this happens, it is often after all involved have become comfortable with the process, but sometimes it occurs at the outset. This works when it is a genuine arrangement to promote leadership from within the staff, and not as an act of disengagement. With this arrangement, it is important for the principal to be present and fully involved both in meetings and in facilitating the process. These nine components, developed in the 1968–69 school year, continue to make up the essential elements of the School Development Program.

A BRIEF SUMMARY OF SCHOOL DEVELOPMENT PROGRAM EFFECTS

Past efforts to document the effects of the School Development Program have been consistent with our philosophy that educational improvement embodies academic as well as personal and social growth. To document the effects, a combination of three research strategies are used: (1) quantitative (e.g., Surveys), (2) qualitative (e.g., our ethnographic protocols), and (3) theory development. These strategies have been employed to document academic effects, behavior and school adjustment effects, self-concept, and our school climate.

Studies conducted by the School Development Program and other researchers provide evidence of significant SDP effects on school climate, student attendance, and student achievement. SDP effects are usually first manifested in the improvement of the school climate, indicated by improved relationships among the adults in the school, better collaboration among staff members, and greater focus on the child as the center of the education process. Research showed that schools in which the SDP guiding principles (''no fault'' problem solving, consensus decision making and collaboration) were followed consistently, there was a significantly greater decline in absenteeism and suspension rates compared to the district as a whole. Comparative studies of SDP and non-SDP schools reported significantly higher self competence, self-concept, and achievement for SDP students than for non-SDP students.

Qualitative analyses of more than 130 interviews of parents, students, teachers, principals, and other school personnel from ten schools indicated (a) improved parental and community involvement, (b) strong, positive climate, (c) increased team work and greater coordination, (d) greater focus on child-centered issues for comprehensive school planning, and (e) greater top-down and bottom-up management. These analyses also showed that the Student and Staff Support Teams (formerly called Mental Health Teams) focused primarily on prevention rather than crisis management. These teams established stronger linkages between schools and communities in order to better facilitate services to students. The three SDP structures (School Planning and Management Team, Student and Staff Support Team and the Parent Team) and the three guiding principles served as vehicles for bringing the school and community together to resolve conflicts and reach solutions.

HUDSON INSTITUTE'S MODERN RED SCHOOLHOUSE TO MOVE TO NASHVILLE

INDIANAPOLIS, IN.—Hudson Institute's Board of Trustees announced today that its highly-touted education project, The Modern Red Schoolhouse, will become an independent entity and relocate to Nashville, TN. Named ''Modern Red Schoolhouse Institute,'' the new organization will receive funding from Alternative Public Schools, Inc., a Nashville-based educational services firm.

Designed and tested over the past five years, Hudson's critically-acclaimed program strives to make all students high achievers in core academic subjects by building upon the virtues of traditional American education while incorporating modern technology in the classroom. It also relies on proven student learning techniques, the wisdom of teachers and parental involvement.

Hudson's Modern Red Schoolhouse was one of eleven plans funded by the New American Schools Development Corporation in 1992 to design ''break-the-mold'' schools that would revitalize American education. Hudson worked in partnership with school districts in Indiana, Arizona and New York to reinvent the qualities and virtues of ''little red schoolhouses'' within a contemporary context.

In making the announcement, Hudson Institute's president Leslie Lenkowsky; Ph.D. emphasized, ''Since Hudson began the Modern Red Schoolhouse, the program has grown from a glimmer in the minds of Hudson's researchers to a well-tested and favorably-evaluated blueprint for comprehensive school restructuring. The Nashville-based managers of the program will bring new resources and marketing 'know-how' necessary for the program to become a model that schools throughout the United States will adopt as well.''

He further remarked, ''The evolution of Modern Red Schoolhouse into its own Institute is an outstanding example of how Hudson can best utilize its talent, expertise and resources for research and development—then turn over finely-tuned and successful products to other organizations for implementation.''

Specifically in Indiana, the following school districts collaborated in the Modern Red Schoolhouse program design: select Indianapolis Public Schools, the Metropolitan School District of Lawrence Township in Marion County, Beech Grove City Schools, Bartholomew Consolidated School Corporation in Columbus, and Eastern Howard School Corporation in Greentown. Schools in Evansville and Michigan City were also included.

Headquartered in Indianapolis, Hudson Institute's experience in education policy research dates to the 1977 publication of Our Children's Crippled Future: How American Education Has Failed. Hudson scholars continue to contribute a number of major books and reports to the debate over the state of American education, including current research on America's charter schools.

In addition, Hudson Institute operates the Educational Excellence Network, a nationally-known clearinghouse on educational issues for scholars and policymakers. Hudson Senior Fellows Carol D'Amico, Chester E. Finn, Jr., and Bruno Manno, who each played a critical role in developing Modern Red Schoolhouse, will remain at Hudson where they have a full agenda of new education-related projects currently underway or planned for the future. In addition, former Modern Red Schoolhouse co-director Denis P. Doyle will rejoin Hudson to develop a new set of school reform efforts centered on the use of technology.

Additional information covering Hudson Institute's education programs and on-going research is available on Hudson's website, WWW.HUDSON.ORG/HUDSON.MEDIA ADVISORY: To arrange an interview with Dr. Lenkowsky, contact Gail McDaniel at (317) 549-4115.

This Modern Red Schoolhouse Homepage has been moved to: http://www.mrsh.org

MODERN RED SCHOOLHOUSE ON THE WORLD-WIDE WEB

PREFACE

The little red schoolhouse of yesteryear, at least as idealized in American memory, was an institution that drew people together for common purposes, to share in one of the most important responsibilities of any community: readying the next generation to take its place in that community by socializing the young, transmitting the culture, and equipping future workers, citizens, and parents with essential knowledge, skills, and habits. The Modern Red Schoolhouse intends to reinvent some of the key virtues of the little red schoolhouse in a modern context and with a modern mission to be a place where all children will learn and achieve academic standards that are truly world class.

This is not to say that all children will learn in the same way, or at the same time, or at the same pace. To this challenge, Modern Red Schoolhouse offers a set of teaching methods tailored to identify and nurture the potential that exists in every child. The Modern Red Schoolhouse standards are high. But they come with the expectation that all children will be afforded many routes towards their attainment. Like its nineteenth-century namesake, the Modern Red Schoolhouse does not lose sight of the fact that mastery of subject matter is the only acceptable goal for all children, wherever they may come from and however they may learn.

The standards documented here will be met by Modern Red Schoolhouse students in eight core subjects defined as English language arts, geography, history, mathematics, science, the arts, foreign languages, and health and physical education. The Modern Red Schoolhouse curriculum consists of Hudson Units both Foundation Units and Capstone Units. Foundation Units are developed or selected at each school for the primary purpose of instruction, although Foundation Units also include some built-in assessment. Capstone Units are developed by Advanced Systems, Inc., assessment contractor for the Modern Red Schoolhouse, in collaboration with teachers at cooperating schools. Their primary purpose is to assess students' academic progress, but because they are integral to curriculum, they also include some built-in instruction. Schools will arrange a series of Hudson Units to meet the individual learning needs of each student. All the performance objectives of all the Hudson Units successfully completed by each student will lead that student to achievement of the standards. All the Capstone Units, supplemented by examinations in each subject, form a Watershed Assessment of the standards which signal students' readiness to move to the next level of schooling.

All Modern Red Schoolhouse students are expected to meet the standards that follow with a few modest qualifications. The foreign language standards assume that students will become proficient speakers of two languages: English and one other. This does

not preclude students from pursuing study of a third language; in fact, they are encouraged to do so. The arts encompass three arts disciplines: visuals areas, music, and drama. Students are expected to meet standards for all three through the intermediate level. Advanced level students will achieve the advanced standards for one arts discipline of the student's own choosing.

The Modern Red Schoolhouse standards are the result of two years of the combined thinking of teachers, administrators, community members, and national subject specialists. During the design phase, representatives of participating school districts began to identify high standards in eight core subjects. The College Board's Advanced Placement standards were used as an initial benchmark to help participants articulate what students should know and be able to do at the time of graduation from high school. Although students in the Modern Red Schoolhouse will reach these standards at different rates and therefore at different ages, the three levels are roughly equivalent to what students should know and be able to do at the end of grades 4, 8, and 12.

Successive drafts of the standards were reviewed by the Modern Red Schoolhouse Standards and Assessment Task Force. This document is the result of considerable revision by a team of subject specialists, all with broad experience in setting high standards and helping students to achieve them. Their joint experience includes work for the Advanced Placement program, the Council for Basic Education, the National Council of Teachers of English, the National Endowment for the Humanities, the Mathematical Association of America, the National Science Teachers Association, and a combined hundred years in classrooms at all levels. Drafts of the standards have been reviewed by subject specialists at Advanced Systems, Inc. and teachers in member schools, whose suggestions have prompted additional revisions. The greatest challenge offered by these standards raising student achievement to meet them will be addressed through innovative curriculum and not by lowered expectations.

While the Modern Red Schoolhouse standards are unique, they are not inconsistent with the recommendations of professional associations striving for excellence in education. We have borrowed heavily from other sets of standards developed in recent years in the great national effort to reform America's schools. We are indebted to the work of the National Assessment Governing Board whose National Assessments of Educational Progress in language arts, geography, mathematics, science, and the arts helped inform the standards. We drew from the College Board's various teacher's guides to their Advanced Placement courses. Publications from the following professional associations informed the development of the standards in their respective disciplines: the Association of American Geographers, the Bradley Commission on History in Schools; the National Center for History in the Schools (UCLA–NEH); the National Council for Teachers of Mathematics; the American Association for the Advancement of Science; National Standards in Foreign Language Education project; and the National Association for Sports and Physical Education.

In addition to these, the standards have been informed by the U.S. Department of Education's ''James Madison'' series and the U.S. Department of Labor's SCANS reports. Standards for the primary and intermediate levels were also informed by E.D. Hirsch's ''Cultural Literacy'' inventory and Smart Start by Patte Barth and Ruth Mitchell.

We are indebted especially to the work of the following authors and associations:

In English language arts:

Barth, P. and R. Mitchell. *Smart Start*. North American Press, 1992.

Gadda, G., E. Jensen, F. McQuade, and H. Wilson. *Teacher's Guide to Advanced Placement Courses in English Language and Composition*. The College Board, 1985.

McQuade, F. *Teacher's Guide to Advanced Placement Courses in English Literature and Composition*. The College Board, 1993.

Reading Framework for the 1992 and 1994 National Assessment of Educational Progress. National Assessment Governing Board, U.S. Dept. of Education.

Reading and Thinking: A New Framework for Comprehension. Massachusetts Department of Education, 1987.

Writing Framework for the 1992 National Assessment of Educational Progress. National Assessment Governing Board, U.S. Dept. of Education.

In Geography:

Geography Framework for the 1992 and 1994 National Assessment of Educational Progress. U.S. Dept. of Education, 1992.

Geography (K–6 and 7–12): Themes, Key Ideas, and Learning Opportunities. Geography Education National Implementation Project, 1989.

Guidelines for Geographic Education. Association of American Geographers, 1984.

In History:

Historical Literacy. Bradley Commission on History in the Schools, 1989.

History-Social Science Framework. California Department of Education, 1988.

Holt, T. *Thinking Historically*. The College Board, 1990.

National History Standards Project. National Center for History in the Schools, UCLA–NEH Research Program, ongoing.

In Mathematics:

Edwards, E.L. *Algebra for Everyone*. National Council of Teachers of Mathematics, 1990.

Curriculum and Evaluation Standards for School Mathematics. National Council of Teachers of Mathematics, 1989.

Mathematics Assessment: 1994 National Assessment of Educational Progress. Submitted to the National Assessment Governing Board by The College Board, 1992.

Meiring, S.P., R.N. Rubenstein, J.E. Schultz, J. de Lange, and D.L. Chambers. *A Core Curriculum: Making Mathematics Count for Everyone: Addenda Series, Grades 9–12*. National Council of Teachers of Mathematics, 1992.

Silver, E., J. Kilpatrick, and B. Schlesinger. *Thinking through Mathematics: Fostering Inquiry and Communication in Mathematics Classrooms*. The College Board, 1990.

In Science:

Fulfilling the Promise: Biology Education in the Nation's Schools. National Research Council, 1991.

National Committee on Science Education Standards and Assessment. National Research Council, 1993 (draft).

Project 2061: Science for all Americans. American Association for the Advancement of Science, 1989.

Science Framework for the 1994 National Assessment of Educational Progress. National Assessment Governing Board, U.S. Dept. of Education.

Science and Technology Education for the Elementary Years. National Center for Improving Science Education, 1989.

Scope, Sequence, and Coordination of Secondary School Science. The Content Core: A Guide for Curriculum Designers. National Science Teachers Association, 1986.

The Modern Red Schoolhouse has also integrated character education into the academic curriculum of its students. In his essay ''Character Education in Our Schools'' (published separately by Modern Red Schoolhouse), Kevin Ryan of Boston University discusses the need for character education and the attempt by the Modern Red Schoolhouse to effectively address this issue. However, discussions about dealing with this subject are best made with the community. Therefore, individual schools are advised to develop their character education programs with the help and guidance of the school's parents and communities. In preparing the curriculum, especially in health and physical education, we encourage educators to review not only the standards enumerated here, but also Kevin Ryan's essay. It discusses in more detail the reasons for character education and the specific goals of the Modern Red Schoolhouse program. This essay can be obtained separately from the Hudson Institute.

The Modern Red Schoolhouse standards are anchored in beliefs and principles that most Americans today as they did a century ago know to be true and valid. We believe that standards can serve as an anchor for those principles while at the same time preparing graduates to take their place in the communities of the twenty-first century.

SALLY B. KILGORE, Ph.D.,
Director.

WELCOME TO THE HOME OF SUCCESS FOR ALL™ AND ROOTS & WINGS™

Success For All™ (SFA) and Roots & Wings™ are comprehensive school restructuring programs for students in grades Pre–K to Six.

The idea behind the SFA™ program is to organize resources to focus on prevention and early intervention, to ensure that virtually every student will succeed in reading throughout the elementary grades—and no student will be allowed to ''fall between the cracks.'' This highly successful model is currently in use in 750 schools in 37 states.

The goal of Roots & Wings™ is to ensure every child a firm foundation in the knowledge and skills needed to succeed in today's world, and to go far beyond this to higher-order learning and integration of knowledge.

Roots refers to strategies designed to ensure that every child meets world class standards—effective instructional programs in reading, writing, and language arts; tutoring for children struggling with reading; integrated health, mental health, and social services; and family support. These elements are based on Success for All™.

Wings refers to improvements in curriculum and instruction designed to let children soar. A key component of Wings is a science and social studies program called WorldLab™, which includes a set of simulations in which students will be able to apply knowledge and skills in flexible, creative, and integrated ways to solve problems. Children in WorldLab™ design and test efficient vehicles, explore African culture and agriculture, write a new U.S. Constitution, or investigate sources of pollution in local waterways.

MathWings™, based on NCTM standards, provides practical constructivist approaches to math emphasizing cooperative learning, complex problem solving, games, and discovery.

SUCCESS FOR ALL™

Tutors

In grades 1–3, specially trained, certified teachers work one-on-one with any students who are failing to keep up with their classmates in reading. Firs grade students have priority for tutoring.

Eight-week assessments

Students in grades 1–5 are assessed every eight weeks to determine whether they are making adequate progress in reading. This information is used to assign students to tutoring, to suggest alternative teaching strategies in the regular classroom, and to make

changes in reading group placement, family support interventions, or other means of meeting students' needs. The school facilitator coordinates this process with the active involvement of teachers in grade-level teams.

Early learning (preschool and kindergarten)

Whenever possible, a half-day preschool program is provided for all four-year-olds. The program emphasizes language development, readiness, and positive self-concept. A full-day kindergarten program continues the emphasis on language, using children's literature and big books, as well as oral and written composition, activities promoting the development of concepts about print, alphabet games, and math concept development. Peabody Language

Reading and writing programs

During reading periods, students are regrouped across age lines for 90 minutes so that each reading class contains students reading at one level. This eliminates the need to have reading groups within the class and increases the amount of time for direct instruction. Also, use of tutors as reading teachers during reading time reduces the size of most reading classes. The reaching program in grades K–1 emphasizes the development of language skills and launches students into reading using phonetically regular storybooks supported by careful instruction that focuses on phonemic awareness, auditory discrimination, and sound blending as well as meaning, context, and self-monitoring strategies. Students become fluent as they read and reread to one another in pairs.

At the second through fifth grade levels, students use school or district selected reading materials, basals, and/or trade books in a carefully structured set of interactive opportunities to read, discuss, and write. This program emphasizes cooperative learning activities built around partner reading, identification of characters, settings, and problem solutions in narratives, story summarization, writing, and direct instruction in reading comprehension skills. At all levels, students read books of their choice for twenty minutes each evening as homework. Classroom libraries of books are developed for this purpose. For schools with Spanish bilingual programs, Success For All™ provides a Spanish reading curriculum, Exito ParaTodos, in grades 1–5.

Writing is emphasized throughout the grades. Writing instruction uses a writer's workshop format in which students plan, draft, revise, edit, and publish compositions with feedback at each stage from teachers and peers.

Cooperative learning

Cooperative learning is the vehicle that drives the Success For All™ curriculum. Students work together in partnerships and teams, helping one another to become strategic readers and writers. Emphasis is placed on individual accountability, common goals, and recognition of group success.

Family support team

The family support team works with parents in ensuring the success of their children. The team focuses on promoting parent involvement, developing plans to meet the needs of individual students having difficulty, implementing attendance plans, and integrating community and school resources. The team is composed of the principal or assistant principal, facilitator, social worker, and other personnel.

Facilitator

A full-time facilitator works with teachers in each Success For All™ school to help them implement the reading program. In addition, the facilitator coordinates eight-week assessments, assists the Family Support Team, facilitates staff support teams, plans and implements staff development, and helps all teachers make certain that every child is making adequate progress.

Staff support teams

Teachers in the Success For All™ program support one another through the training and implementation process in coaching partnerships, grade level teams, and other staff team configurations. These teams become a catalyst for the dissemination of new material, goal setting, and problem solving, and they provide a supportive forum for discussion around new instructional strategies.

Professional development

Professional development for Success For All™ requires three days for all teachers before the program begins. Success For All™ consultants return to the school for three two-day visits during the school year to work with principal, facilitators, and teachers to build a strong implementation. Success For All™ facilitators are available for telephone consultation during the year. Building facilitators follow up on initial training with classroom visits, coaching, and team meetings.

FOR ALL/ROOTS & WINGS™ FREQUENTLY ASKED QUESTIONS

Where is the program used?
What are the results?
What are the costs?
How do schools adopt Success for All™?
Where can I get more information?

Where is the program used?

As of the 1996–97 school year, Success For All™ is being implemented in more than 473 schools in over 126 districts in more than 37 states in all parts of the United States.

What are the results?

Success For All™ has been evaluated in several school districts. In each, matched Success For All™ and control schools have been compared on individually administered reading scales and other measures. The results have consistently favored Success For All™. In average grade equivalents, Success For All™ students perform approximately three months ahead of comparison students by the first grade, and more than a year ahead by fifth grade. Effects are particularly strong for students who are most at risk, those in the lowest 25% of their grades. Effects of the Spanish version of Success For All™, Lee Conmigo, have also been strong. Positive effects have also been found on district-administered standardized tests. Success For All™ has produced substantial reductions in retentions and special education referrals and placements.

What are the costs?

Cost is based on the size and location of the individual school, and number of schools collaborating in training. Sample costs for a school of about 500 students in Pre-kindergarten through fifth grade range from $45,000 to $58,000 for Year 1; $45,000 to $52,000 for Year 2; and $45,000 to $52,000 for Year 3. (Add approximately $55 for each student over 500.) These estimates include training, materials, follow-up visits, and other services. Actual costs will vary for different situations, depending in part on distances from training centers and local capacity to provide some training and follow-up and will be calculated for the individual school. (For more information see Considerations for Adoption)

How do schools adopt Success For All™?

We encourage district and school staff to review program materials, view video tapes, and visit nearby Success For All™ sites. Schools must apply to become a Success For All™ or Roots & Wings school. The application process insures that the school staff are aware of the elements of the program, have the resources to implement the program successfully, and agree as a staff to make the commitment to implement the program. A positive vote of 80% or more of all teachers is required.

Where can I get more information?

For awareness materials or information on training, school visits, or other assistance, contact us at: Success For All™ Program, Johns Hopkins University, 3505 N. Charles St., Baltimore, MD 21218, Phone: 410–516–8896 (in Maryland), or 1–800–548–4998, fax us at: 410–516–8890, or you can browse our Web site.

SUCCESS FOR ALL/ROOTS AND WINGS

SUMMARY OF RESEARCH ON ACHIEVEMENT OUTCOMES

(By Robert E. Slavin, Nancy A. Madden, and Barbara A. Wasik)

Ms. Martin's kindergarten class has some of the brightest, happiest, friendliest, and most optimistic kids you'll ever meet. Students in her class are glad to be in school, proud of their accomplishments, certain that they will succeed at whatever the school has to offer. Every one of them is a natural scientist, a storyteller, a creative thinker, a curious seeker of knowledge. Ms. Martin's class could be anywhere—in suburb or ghetto, small town or barrio—it doesn't matter. Kindergartners everywhere are just as bright, enthusiastic and confident as her kids are.

Only a few years from now, many of these same children will have lost the spark they all started with. Some will have failed a grade. Some will be in special education. Some will be in long-term remediation, such as Title I or other remedial programs. Some will be bored or anxious or unmotivated. Many will see school as a chore rather than a pleasure and will no longer expect to excel. In a very brief span of time, Ms. Martin's children will have defined themselves as successes or failures in school. All too often, only a few will still have a sense of excitement and positive self-expectations about learning. We cannot predict very well which of Ms. Martin's students will succeed and which will fail, but we can predict—based on the past—that if nothing changes, far too many will fail. This is especially true if Ms. Martin's kindergarten happens to be located in a high-poverty neighborhood, in which there are typically fewer resources in the school to provide top-quality instruction to every child, fewer forms of rescue if children run into academic difficulties, and fewer supports for learning at home. Preventable failures occur in all schools, but in high poverty schools failure can be endemic, so widespread that it makes it difficult to treat each child at risk of failure as a person of value in need of emergency assistance to get back on track. Instead, many such schools do their best to provide the greatest benefit to the greatest number of children possible, but have an unfortunately well-founded expectation that a certain percentage of students will fall by the wayside during the elementary years.

Any discussion of school reform should begin with Ms. Martin's kindergartners. The first goal of reform should be to ensure that every child—regardless of home background, home language, or learning style—achieves the success that he or she so confidently expected in kindergarten, that all children maintain their motivation, enthusiasm, and optimism because they are objectively succeeding at the school's tasks. Any reform that does less than this is hollow and self-defeating. What does it mean to succeed in the early grades? The elementary schools' definition of success, and therefore the parents'

and children's definition as well, is overwhelmingly success in reading. Very few children who are reading adequately are retained. assigned to special education, or given long-term remedial services. Other subjects are important, of course, but reading and language arts form the core of what school success means in the early grades.

When a child fails to read well in the early grades, he or she begins a downward progression. In first grade, some children begin to notice that they are not reading adequately. They may fail first grade or be assigned to long term remediation. As they proceed through the elementary grades, many students begin to see that they are failing at their full-time jobs. When this happens, things begin to unravel. Failing students begin to have poor motivation and poor self-expectations, which lead to continued poor achievement, in a declining spiral that ultimately leads to despair, delinquency, and dropout.

Remediating learning deficits after they are already well established is extremely difficult. Children who have already failed to learn to read, for example, are now anxious about reading, and doubt their ability to learn it. Their motivation to read may be low. They may ultimately learn to read but it will always be a chore, not a pleasure. Clearly, the time to provide additional help to children who are at risk is early, when children are still motivated and confident and when any learning deficits are relatively small and remediable. The most important goal in educational programming for students at risk of school failure is to try to make certain that we do not squander the greatest resource we have—the enthusiasm and positive self-expectations of young children themselves.

In practical terms, what this perspective implies is that schools, and especially Title I, special education, and other services for at-risk children, must be shifted from an emphasis on remediation to an emphasis on prevention and early intervention. Prevention means providing developmentally appropriate preschool and kindergarten programs so that students will enter first grade ready to succeed, and it means providing regular classroom teachers with effective instructional programs, curricula, and professional development to enable them to see that most students are successful the first time they are taught. Early intervention means that supplementary instructional services are provided early in students' schooling and that they are intensive enough to bring at-risk students quickly to a level at which they can profit from good quality classroom instruction.

The purpose of this report is to describe the current state of research on the achievement outcomes of Success for All, a program built around the idea that every child can and must succeed in the early grades, no matter what this takes. The idea behind Success for All is to use everything we know about effective instruction for students at risk to direct all aspects of school and classroom organization toward the goal of preventing academic deficits from appearing in the first place; recognizing and intensively intervening with any deficits that do appear; and providing students with a rich and full curriculum to enable them to build on their firm foundation in basic skills. The commitment of Success for All is to do whatever it takes to see that all children become skilled, strategic, and enthusiastic readers as they progress through the elementary grades. In addition, this report describes research on Roots and Wings, a program that adds to Success for All programs in mathematics, science, and social studies (Slavin, Madden, & Wasik, 1996).

PROGRAM DESCRIPTION

Success for All

Success for All exists as a separate program and also serves as the reading/writing/language arts component for Roots and Wings. Success for All is built around the assumption that every child can read. We mean this not as wishful thinking or as a philosophical statement, but as a practical, attainable reality. In particular, every child without organic retardation can learn to read. Some children need more help than others and may need different approaches than those needed by others, but one way or another every child can become a successful reader.

Success for All began in one Baltimore elementary school in 1987–1988, and since then has expanded each year of additional schools. As of Fall, 1996, it is in about 450 schools in 120 districts in 31 states throughout the United States. The districts range from some of the largest in the country, such as Baltimore, Houston, Memphis, Philadelphia, Cincinnati, Cleveland, Chicago, New York, and Miami, to such middle-sized districts as Richmond, Virginia; Rockford, Illinois; and Modesto and Riverside, California, to tiny rural districts, including two on the Navajo reservation in Arizona. Success for All reading curricula in Spanish have been developed and researched and are used in bilingual programs in California, Texas, Arizona, Florida, Illinois, New York, New Jersey, and Philadelphia. Almost all Success for All schools are high-poverty title I schools, and the great majority are schoolwide projects. Otherwise, the schools vary widely.

Success for All and Roots and Wings have somewhat different components at different sites, depending on the school's needs and resources available to implement the program (Slavin et al., 1996b). However, there is a common set of elements characteristic of all Success for All and Roots and Wings schools. These are described on the following pages.

Reading Program

Sucess for All and Roots and Wings use a reading curriculum based on research, on effective practices in beginning reading (e.g., Adams, 1990), and on effective use of cooperative learning (Slavin, 1995; Stevens, Madden, Slavin, & Farnish, 1987).

Reading teachers at every grade level begin the reading time by reading children's literature to students and engaging them in a discussion of the story to enhance their understanding of the story, listening and speaking vocabulary, and knowledge of story structure. In kindergarten and first grade, the program emphasizes the development of oral language and pre-reading skills through the use of thematically-based units which incorporate areas such as language arts and writing under a science or social studies topic. A component called Story Telling and Retelling (STaR) involves the students in listening to, retelling, and dramatizing children's literature. Big books as well as oral and written composing activities allow students to develop concepts of print as they develop knowledge of story structure. There is also a strong emphasis on phonemic awareness activities which help develop auditory discrimination and support the development of reading readiness strategies.

Reading Roots is typically introduced in the second semester of kindergarten or in first grade. This K–1 beginning reading program uses as its base a series of phonetically regular but meaningful and interesting minibooks and emphasizes repeated oral reading to partners as well as to the teacher. The minibooks begin with a set of ''shared stories,'' in which part of a story is written in small type (read by the teacher) and part is written in large type (read by the students). The student portion uses a phonetically controlled vocabulary. Taken together, the teacher and student portions create interesting, worthwhile stories. Over time, the teacher portion diminishes and the student portion lengthens, until students are reading the entire book. This scaffolding allows students to read interesting literature when they only have a few letter sounds. Letters and letter sounds are introduced in an active, engaging set of activities that begins with oral language and moves into written symbols. Individual sounds are integrated into a context of words, sentences, and stories. Instruction is provided in story structure, specific comprehension skills, metacognitive strategies for self-assessment and self-correction, and integration of reading and writing.

Spanish bilingual programs use an adaptation of Reading Roots called Lee Conmigo (''Read With Me''). Lee Conmigo employs the same instructional strategies as Reading Roots, but uses Spanish reading materials.

When students reach the primer reading level, they use a program called Reading Wings, an adaptation of Cooperative Integrated Reading and Composition (CIRC) (Stevens, Madden, Slavin, & Farnish, 1987). Reading Wings uses cooperative learning activities built around story structure, prediction, summarization, vocabulary building, decoding practice, and story-related writing. Students engage in partner reading and structured discussion of stories or novels, and work toward mastery of the vocabulary and content of the story in teams. Story-related writing is also shared within teams. Cooperative learning both increases students' motivation and engages students in cognitive activities known to contribute to reading comprehension, such as elaboration, summarization, and rephrasing (see Slavin, 1995). Research on CIRC has found it to significantly increase students' reading comprehension and language skills (Stevens et al., 1987).

In addition to these story-related activities, teachers provide direct instruction in reading comprehension skills, and students practice these skills in their teams. Classroom libraries of trade books at students' reading levels are provided for each teacher, and students read books of their choice for homework for 20 minutes each night. Home readings are shared via presentations, summaries, puppet shows, and other formats twice a week during ''book club'' sessions.

Materials to support Reading Wings through the sixth grade (or beyond) exist in English and Spanish. The English materials are built around children's literature and around the most widely used basal series and anthologies. Supportive materials have been developed for more than 100 children's novels and for most current basal series. Spanish materials are similarly built around Spanish-language novels and basals.

Beginning in the second semester of program implementation, Success for All and Roots and Wings schools usually implement a writing/language arts program based primarily on cooperative learning principles (see Slavin, Madden, & Stevens, 1989/90).

Students in grades one to three (and sometimes 4 to 5 or 6) are regrouped for reading. The students are assigned to heterogeneous, age-grouped classes most of the day, but during a regular 90-minute reading period they are regrouped by reading performance levels into reading classes of students all at the same level. For example, a 2–1 reading class might contain first-, second-, and third-grade students all reading at the same level. The reading classes are smaller than home rooms because tutors and other certified staff (such as librarians or art teachers) teach reading during this common reading period. Regrouping allows teachers to teach the whole

reading class without having to break the class into reading groups. This greatly reduces the time spent in seatwork and increases direct instruction time, eliminating workbooks, dittos, or other follow-up activities which are needed in classes that have multiple reading groups. The regrouping is a form of the Joplin Plan, which has been found to increase reading achievement in the elementary grades (Slavin, 1987).

Eight-Week Reading Assessments

At eight-week intervals, reading teachers assess student progress through the reading program. The results of the assessments are used to determine who is to receive tutoring, to change students' reading groups, to suggest other adaptations in students' programs, and to identify students who need other types of assistance, such as family interventions or screening for vision and hearing problems. The assessments are curriculum-based measures that include teacher observations and judgments as well as more formal measures of reading comprehension.

Reading Tutors

One of the most important elements of Success for All and Roots and Wings is the use of tutors to promote students' success in reading. One-to-one tutoring is the most effective form of instruction known (see Wasik & Slavin, 1993). The tutors are certified teachers with experience teaching Title I, special education, and/or primary reading. Often, well-qualified paraprofessionals also tutor children with less severe reading problems. In this case, a certified tutor monitors their work and assists with the diagnostic assessment and intervention strategies. Tutors work one-on-one with students who are having difficulties keeping up with their reading groups. The tutoring occurs in 20-minute sessions during times other than reading or math periods.

In general, tutors support students' success in the regular reading curriculum, rather than teaching different objectives. For example, the tutor will work with a student on the same story and concepts being read and taught in the regular reading class. However, tutors seek to identify learning problems and use different strategies to teach the same skills. They also teach metacognitive skills beyond those taught in the classroom program. Schools may have as many as six or more teachers serving as tutors depending on school size, need for tutoring, and other factors.

During daily 90-minute reading periods, certified tutors serve as additional reading teachers to reduce class size for reading. Reading teachers and tutors use brief forms to communicate about students' specific problems and needs and meet at regular times to coordinate their approaches with individual children.

Initial decisions about reading group placement and the need for tutoring are based on informal reading inventories that the tutors give to each child. Subsequent reading group placements and tutoring assignments are made using the curriculum-based assessments described above. First-graders receive priority for tutoring, on the assumption that the primary function of the tutors is to help all students be successful in reading the first time, before they fail and become remedial readers.

Preschool and Kindergarten

Most Success for All and Roots and Wings schools provide a half-day preschool and/or a full-day kindergarten for eligible students. The preschool and kindergarten programs focus on providing a balanced and developmentally appropriate learning experience for young children. The curriculum emphasizes the development and use of language. It provides a balance of academic readiness and non-academic music, art, and movement activities in a series of thematic, interdisciplinary units. Readiness activities include use of the Peabody Language Development Kits and Story Telling and Retelling (STaR) in which students retell stories read by the teachers. Pre-reading activities begin during the second semester of kindergarten.

Family Support Team

Parents are an essential part of the formula for success in Success for All and Roots and Wings. A Family Support Team works in each school, serving to make families feel respected and welcome in the school and become active supporters of their child's education as well as providing specific services. The Family Support Team consists of the Title I parent liaison, vice-principal (if any), counselor (if any), facilitator, and any other appropriate staff already present in the school or added to the school staff.

The Family Support Team first works toward good relations with parents and to increase involvement in the schools. Family Support Team members may complete ''welcome'' visits for new families. They organize many attractive programs in the school, such as parenting skills workshops. Most schools use a program called ''Raising Readers'' in which parents are given strategies to use in reading with their own children.

The Family Support Team also intervenes to solve problems. For example, they may contact parents whose children are frequently absent to see what resources can be provided to assist the family in getting their child to school. Family support staff, teachers, and parents work together to solve school behavior problems. Also, family support staff are called on to provide assistance when students seem to be working at less than their full potential because of problems at home. Families of students who are not receiving adequate sleep or nutrition, need glasses, are not attending school regularly, or are exhibiting serious behavior problems, may receive family support assistance.

The Family Support Team is strongly integrated into the academic program of the school. It receives referrals from teachers and tutors regarding children who are not making adequate academic progress, and thereby constitutes an additional stage of intervention for students in need above and beyond that provided by the classroom teacher or tutor. The Family Support Team also encourages and trains the parents to fulfill numerous volunteer roles within the school, ranging from providing a listening ear to emerging readers to helping in the school cafeteria.

Program Facilitator

A program facilitator works at each school to oversee (with the principal) the operation of the Success for All and Roots and Wings models. The facilitator helps plan the program, helps the principal with scheduling, and visits classes and tutoring sessions frequently to help teachers and tutors with individual problems. He or she works directly with the teachers on implementation of the curriculum, classroom management, and other issues, helps teachers and tutors deal with any behavior problems or other special problems, and coordinates the activities of the Family Support Team with those of the instruction staff.

Teachers and Teacher Training

The teachers and tutors are regular certified teachers. They receive detailed teacher's manuals supplemented by three days of inservice at the beginning of the school year. In Roots and Wings schools, this level of inservice continues over a three-year period as the main program elements are phased in.

Throughout the year, follow-up visits are made to the school by project staff, who visit classrooms, meet with school staff, and conduct inservice presentations on such topics as classroom management, instructional pace, and cooperative learning. Facilitators also organize many informal sessions to allow teachers to share problems and problem solutions, suggest changes, and discuss individual children. The staff development model used in Success for All and Roots and Wings emphasizes relatively brief initial training with extensive classroom follow-up, coaching, and group discussion.

Advisory Committee

An advisory committee composed of the building principal, program facilitator, teacher representatives, parent representatives, and family support staff meets regularly to review the progress of the program and to identify and solve any problems that arise. In most schools existing site-based management teams are adapted to fulfill this function. In addition, grade-level teams and the Family Support Team meet regularly to discuss common problems and solutions and to make decisions in their areas of responsibility.

Special Education

Every effort is made to deal with student's learning problems within the context of the regular classroom, as supplemented by tutors. Tutors evaluate student's strengths and weaknesses and develop strategies to teach in the most effective way. In some schools, special education teachers work as tutors and reading teachers with students identified as learning disabled as well as other students experiencing learning problems who are at risk for special education placement. One major goal of Success for All and Roots and Wings is to keep students with learning problems out of special education if at all possible, and to serve any students who qualify for special education in a way that does not disrupt their regular classroom experience (see Slavin, Madden, Karweit, Dolan, Wasik, Shaw, Mainzer, & Haxby, 1991).

Roots and Wings

Roots and Wings (Slavin, Madden, Dolan, & Wasik, 1994; Slavin, Madden, & Wasik, 1996) is a comprehensive reform design for elementary schools that adds to Success for All innovative programs in mathematics, social studies, and science.

Roots and Wings schools begin by implementing all components of Success for All, described above. In the second year of implementation they typically begin to incorporate the additional major components. MathWings is the name of the mathematics program used in grades 1–5. It is a constructivist approach to mathematics based on NCTM standards, but designed to be practical and effective in schools serving many students placed at risk. MathWings makes extensive use of cooperative learning, games, discovery, creative problem solving, manipulatives, and calculators.

WorldLab is an integrated approach to social studies and science that engages students in simulations and group investigations. Students take on roles as various people in history, in different parts of the world, or in various occupations. For example, they work as engineers to design and test efficient vehicles, they form a state legislature to enact environmental legislation, they repeat Benjamin Franklin's experiments, and they solve problems of agriculture in Africa. In each activity students work in cooperative groups, do extensive writing, and use reading, mathematics, and fine arts skills learned in other parts of the program.

As of Fall 1996, approximately sixty schools in fifteen states are adding either

MathWings or WorldLab to their implementations of Success for All, making themselves into Roots and Wings schools. Demonstration sites for the program are being established in many parts of the United States.

Research on Success for All and Roots and Wings

From the very beginning, there has been a strong focus in Success for All on research and evaluation. We began longitudinal evaluations of the program in its earliest sites, six schools in Baltimore and Philadelphia. Later, third-party evaluators at the University of Memphis—Steven Ross, Lana Smith, and their colleagues—added evaluations in Memphis, Houston, Tucson, Montgomery, Alabama, Ft. Wayne, Indiana, and Caldwell, Idaho. Most recently, studies focusing on English language learners in California have been conducted in Modesto and Riverside by the Southwest Regional Laboratory. Each of these evaluations has compared Success for All schools to matched comparison schools on measures of reading performance, starting with cohorts in kindergarten or in first grade and continuing to follow these students as long as possible (details of the evaluations design appear below). Vaguaries of funding and other local problems have ended some evaluations prematurely, but most have been able to follow Success for All schools for many years. As of this writing, there are seven years of continuous data from the six original schools in Baltimore and Philadelphia, and varying numbers of years of data from seven other districts, a total of twenty-three schools (and their matched control schools). Information on these schools and districts is shown in Table 1.

TABLE 1. CHARACTERISTICS OF SUCCESS FOR ALL SCHOOLS IN THE LONGITUDINAL STUDY

District/school	Enrollment	Percent free lunch	Ethnicity by percent	Date began SFA	Data collected	Pre-school?	Full-day K?	Comments
Baltimore:								
B1	500	83	B–96 W–4	1987	88–94	yes	yes	First SFA school; had additional funds first 2 years.
B2	500	96	B–100	1988	89–94	some	yes	Had additional funds first 4 years.
B3	400	96	B–100	1988	89–94	some	yes	
B4	500	85	B–100	1988	89–94	some	yes	
B5	650	96	B–100	1988	89–94	some	yes	
Philadelphia:								
P1	620	96	A–60 W–2 B–20	1988	89–94	no	yes	Large ESL program for Cambodian children.
P2	600	97	B–100	1991	92–93	some	yes	
P3	570	96	B–100	1991	92–93	no	yes	
P4	840	98	B–100	1991	93	no	yes	
P5	700	98	L–100	1992	93–94	no	yes	Study only involves students in Spanish bilingual program.
Charleston, SC:								
CS1	500	40	B–60 W–40	1990	91–92	no	no	
Memphis, TN:								
MT1	350	90	B–95 W–5	1990	91–94	yes	no	Program implemented only in grades K–2.
MT2	530	90	B–100	1993	94	yes	yes	
MT3	290	86	B–100	1993	94	yes	yes	
MT4	370	90	B–100	1993	94	yes	yes	
Ft. Wayne, IN:								
F1	330	65	B–56 W–44	1991	92–94	no	yes	SFA schools (& controls) are part of desegregation plan.
F2	250	55	B–55 W–45	1991	92–94	no	yes	SFA schools (& controls) are part of desegregation plan.
Montgomery, AL:								
MA1	450	95	B–100	1991	93–94	no	yes	
MA2	460	97	B–100	1991	93–94	no	yes	
Caldwell, ID:								
CI1	400	20	W–80 L–20	1991	93–94	no	no	Study compares 2 SFA schools to Reading Recovery school.
Modesto, CA:								
MC1	640	70	W–54 L–25 A–17 B–4	1992	94	yes	no	Large ESL program for students speaking 17 languages.
MC2	560	98	L–66 W–24 A–10	1992	94	yes	no	Large Spanish bilingual program.
Riverside, CA:								
R1	930	73	L–54 W–33 B–10	1992	94	yes	no	Large Spanish bilingual & ESL programs; year=round school.

Key: B—African American; L—Latino; A-Asian American; W—White.

Evaluation Design

A common evaluation design, with variations due to local circumstances, has been used in all Success for All evaluations. Every Success for All school involved in a formal evaluation is matched with a control school that is similar in poverty level (percent of students qualifying for free lunch), historical achievement level, ethnicity, and other factors. Schools are also matched on district-administered standardized test scores given in kindergarten or (starting in 1991 in six districts) on Peabody Picture Vocabulary Test (PPVT) scores given by the project in the fall of kindergarten or first grade. The measures used in the evaluations were as follows:

Woodcock Reading Mastery Test.—Three Woodcock scales—Word Identification, Word Attack, and Passage Comprehension—were individually administered to students by trained testers. Word Identification assesses recognition of common sight words, Word Attack assesses phonetic synthesis skills, and Passage Comprehension assesses comprehension in context. Students in Spanish bilingual programs were given the Spanish versions of these scales.

Durrell Analysis of Reading Difficulty.—The Durrell Oral Reading scale was also individually administered to students in grades 1–3. It presents a series of graded reading passages which students read aloud, followed by comprehension questions.

Gray Oral Reading Test.—Comprehension and passage scores from the Gray Oral Reading Test were obtained from students in grades 4–5.

Analyses of covariance with pretests as covariates were used to compare raw scores in all evaluations, and separate analyses were conducted for students in general and for students in the lowest 25% of their grades.

The figures presented in this report summarize student performance in grade equivalents (adjusted for covariates) and effect size (proportion of a standard deviation separating the experimental and control groups), averaging across individual measures. Neither grade equivalents nor averaged scores were used in the analyses, but they are presented here as a useful summary.

Each of the evaluations summarized in this report follows children who began in Success for All in first grade or earlier, in comparison to children who had attended the control school over the same period. Students who start in it after first grade are not considered to have received the full treatment (although they are of course served within the schools).

Results for all experimental-control comparisons in all evaluation years are averaged and summarized in the following graph entitled ''Comparison of Success for All and Control in Mean Reading Grade Equivalents and Effect Sizes 1988–1994'' using a method called multi-site replicated experiment (Slavin et al., 1996a,b; Slavin & Madden, 1993).

For more details on methods and findings, see Slavin et al. (1996a,b) and the full site reports.

Reading Outcomes

The results of the multi-site replicated experiment evaluating Success for All are summarized in the following graph entitled ''Comparison of Success for All and Control in Mean Reading Grade Equivalents and Effect Sizes 1988–1994'' for each grade level, 1–5. The analyses compare cohort means for experimental and control schools; for example the Grade 1 graph compares 55 experimental to 55 control cohorts, with cohort (50–150 students) as the unit of analysis. In other words, each bar is a mean of scores from more than 5000 students. Grade equivalents are based on the means, and are only presented for their informational value. No analyses were done using grade equivalents.

Statistically significantly (p=.05 or better) positive effects of Success for All (compared to controls) were found on every measure at every grade level, 1–5. For students in general, effect sizes averaged around a half standard deviation at all grade levels. Effects were somewhat higher than this for the Woodcock Word Attack scale in grades 1 and 2, but in grades 3–5 effect sizes were more or less equivalent on all aspects of reading. Consistently, effect sizes for students in the lowest 25% of their grades were particularly positive, ranging from ES=+1.03 in first grades to ES=+1.68 in fourth grade. Again, cohort-level analyses found statistically significant differences favoring low achievers in Success for All on every measure at every grade level.

Roots and Wings

A study of Roots and Wings (Slavin, Madden, & Wasik, 1996) was carried out in four pilot schools in rural southern Maryland. The Roots and Wings schools serve populations that are significantly more disadvantaged than state averages. They average 48% free and reduced-price lunch eligibility, compared to 30% for the state; 21% of Roots and

Wings students are Title I eligible, in comparison to 7% for the state. The assessment tracked growth over time on the Maryland School Performance Assessment Program (MSPAP), compared to growth in the state as a whole. The MSPAP is a performance measure on which students are asked to solve complex problems, set up experiments, write in various genres, and read extended text. It uses matrix sampling, which means that different students take different forms of the test.

In both third- and fifth-grade assessments in all subjects tested (reading, language, writing, math, science, and social studies), Roots and Wings students showed substantial growth, as shown in the following graphs.*

The State of Maryland gained in average performance on the MSPAP over the same time period, but the number of Roots and Wings students achieving at satisfactory or excellent increased by more than twice the state's rate on every measure at both grade levels.

Effects on District-Administered Standardized Tests

The formal evaluations of Success for All have relied on individually administered assessments of reading. The Woodcock and Durrell scales used in these assessments are far more accurate than district-administered tests, and are much more sensitive to real reading gains. They allow testers to hear children actually reading material of increasing difficulty and responding to questions about what they have read. The Woodcock and Durrell are themselves nationally standardized tests, and produce norms (e.g., percentiles, NCEs and grade equivalents) just like any other standardized measure.

However, educators often want to know the effects of innovative programs on the kinds of group administered standardized tests they are usually held accountable for. To obtain this information, we have sometimes requested standardized test data for students in experimental and control schools, and some districts have done their own evaluations on their own measures. The following sections briefly summarize findings from these types of evaluations.

Baltimore, Maryland—Through the 1992–93 school year we collected CTBS scores for our five Success for All and control schools. On average, Success for All schools exceeded control schools at every grade level. The differences were statistically and educationally significant. By fifth grade, Success for All students were performing 75% of a grade equivalent ahead of controls (ES=+0.45) on CTBS Total Reading scores (see Slavin, Madden, Dolan, Wasik, Ross, & Smith, 1994).

Memphis, Tennessee—A longitudinal evaluation of three Memphis Success for All schools (now becoming Roots and Wings schools) by Ross, Smith, & Casey (1995) included an assessment of program effects on the Tennessee Comprehensive Assessment Program's (TCAP) Vocabulary and Reading Comprehension tests. On average, the three Success for All schools exceeded the three controls by an effect size of +0.38 in first grade and +0.45 in second grade. Again, these effects are educationally and statistically significant.

Flint, Michigan—Two schools in Flint, Michigan began implementation of Success for All in 1992. The percentage of students passing the Michigan Educational Assessment Program (MEAP) in reading at fourth grade has increased dramatically. Homedale Elementary had a pass rate of 2% in 1992, placing it last among the district's 32 elementary schools. In 1995, 48.6% of students passed, placing it first in the district. Merrill Elementary, 27th in the district in 1992 with only 9.5% of students passing, was 12th in 1995 with 22% passing. Over the same period the average for all Flint elementary schools only increased from 18.3% passing to 19.3%.

Ft. Wayne, Indiana—An evaluation in two schools in Ft. Wayne, Indiana (Ross, Smith, & Casey, 1995) found positive effects of Success for All on the reading comprehension scale of the ISTEP, Indiana's norm-referenced achievement test. In first grade, the effect size was +0.49 for students in general and +1.13 for the lowest-performing 25%. In second grade, effect sizes were +0.64, and in third grade, ES=+.13.

Miami, Florida—(Dade County) An evaluation of three Success for All schools (currently becoming Roots and Wings schools) was carried out by Yuwadee Wongbundhit (1995) of the Dade County Public Schools. In comparison to three control schools, the Success for All schools gained seven percentile points from grades 1–2 while matched control schools lost five points on the Stanford Achievement Test (SAT–8). In grades 2.3, Success for All students gained only one percentile point, but controls lost eight.

Wichita Falls, Texas—Fannin Elementary School, the highest-poverty school in Wichita Falls, Texas, began implementation of Success for All in 1991. Its scores on the 1992 Texas Assessments of Academic Skills (TAAS) showed a dramatic improvement. The percentage of third-graders meeting minimum expectations in reading increased from 48% to 70% (during the same year, the district percentage declined by 3%). Fannin students also increased from 8% to 53% in the percentage of students meeting minimum expectations in writing.

Modesto, California—Two schools in Modesto, California have been implementing Success for all since 1991. Each year, their average NCE's in reading comprehension have increased significantly. In 1993, El Vista Elementary showed an NCE gain of 10.8; in grades two and three, the gains were 14.7 and 13.5, respectfully. Orville Wright Elementary showed gains averaging 4.6 in grades 2–3. On the Spanish Aprenda, Orville Wright students using the Lee Conmigo program gained 9.5 NCEs. On the CLAS, California's experimental performance measure, both schools significantly exceeded their matched comparison group in 1993. Principals report that among students who have remained in the program since first grade, no third graders are reading below grade level.

Charleston, West Virginia— Chandler Elementary School began implementing Success for All in 1990. In the two years before the program was introduced, the school averaged an NCE score of 34. This increased to 43 in the first year after implementation and to 54 by the third year.

Changes in Effect Sizes over Years of Implementation

One interesting trend in outcomes from comparisons of Success for All and control schools relates to changes in effect sizes according to the number of years a school has been implementing the program. Figure 4, which summarizes these data, was created by pooling effect sizes for all cohorts in their first year of implementation, all in their second year, and so on, regardless of calendar year.

Figure 4 shows that mean reading effect sizes progressively increase with each year of implementation. For example, Success for All first-graders score substantially better than control first-graders at the end of the first year of implementation (ES=+0.49). The experimental-control difference is even higher for first graders attending schools in the second year of program implementation (ES=+0.53), increasing to an effect size of +0.73 for schools in their fourth implementation year. A similar pattern is apparent for second- and third-grade cohorts.

The data summarized in Figure 4 show that while Success for All has an immediate impact on student reading achievement, this impact grows over successive years of implementation. Over time, schools may become increasingly able to provide effective instruction to all of their students, to approach the goal of success for all.

Success for All and English Language Learners

The education of English language learners is at a crossroads. For many years, researchers, educators, and policy makers have debated questions of the appropriate language instruction for students who enter elementary school speaking languages other than English. Research on this topic has generally found that students taught to read their home language and then transitioned to English ultimately become better readers in English than do students taught to read only in English (Garcia, 1991; Willig, 1985; Wong-Fillmore & Valadez, 1986). More recently, however, attention has shifted to another question. Given that students are taught to read their home language, how can we ensure that they succeed in that language? (See, for example, Garcia, 1994.) There is no reason to expect that children failing to read well in Spanish, for example, will later become good readers and successful students in English. On the contrary, research consistently supports the common-sense expectation that the better students in Spanish bilingual programs read Spanish, the better their English reading will be (Garcia, 1991; Hakuta & Garcia, 1989). Clearly, the quality of instruction in home-language reading is a key factor in the ultimate school success of English language learners, and must be a focus of research on the education of these children.

Francis Scott Key (ESL)—

An adaptation of Success for All to the needs of ESL students was evaluated at Philadelphia's Francis Scott Key Elementary School, a majority-Cambodian school in which virtually all children are in poverty. Francis Scott Key was evaluated in comparison to a similar Philadelphia elementary school.

Results: Asian Students—Success for All Asian students in grades 3–5, most of whom had been in the program since kindergarten, performed far better than control students. Differences between Success for All and control students were statistically significant on every measure at every grade level ($p<.001$). Median grade equivalents and effect sizes were computed across the three Woodcock scales. On average, Success for All Asian students exceeded control students in reading grade equivalents by almost three years in third grade (median ES=+1.76), more than 2 years in fourth grade (median ES=+1.46), and about three years in fifth grade (median ES=+1.44). Success for All Asian students were reading more than a full year above grade level in grade 3 and more than a half-year above in fourth and fifth grade, while similar control students were reading more than a year below grade level at all three grade levels.

Results: Non-Asian Students. Outcomes of Success for All non-Asian students were also very positive in grades 3–5. Experimental-control differences were statistically significant ($p<.05$ or better) on every measure at every level. Effect sizes were somewhat smaller than for Asian students, but were still quite substantial, average +1.00 in grade, +0.96 in grade 4, and +0.78 in grade 5. Success for All students averaged almost two years above grade level in third grade, more

*Graphs were not reproduced.

than a year above grade level in fourth grade, and about eight months above grade level in fifth grade; at all grade levels, Success for All averaged about 2.5 years higher than control students.

Fairhill (Bilingual)—The bilingual version of Success for All, Lee Conmigo, was first implemented at Fairhill Elementary School, a school in inner-city Philadelphia. Fairhill serves a student body of 694 students of whom 78% are Hispanic and 22% are African-American. A matched comparison school was also selected. Nearly all students in both schools qualified for free lunches. Both schools were Title I schoolwide projects, which means that both had high (and roughly equivalent) allocations of Title I funds that they could use flexibly to meet student needs.

Results: All students defined by district criteria as limited English proficient at Fairhill and its control school were pretested at the beginning of first grade on the Spanish Peabody Picture Vocabulary Test (PPVT). Each following May, these students were tested by native language speakers on three scales of the Spanish Woodcock.

ANCOVAs controlling for pretests showed that at the end of grade 2 Success for All students scored substantially higher than control on every measure ($p<.01$ or better). Control second-graders scored far below grade level on all three scales. In contrast, Fairhill students averaged near grade level on all measures. Effect sizes on all measures were substantial. Fairhill students exceeded control by 1.8 standard deviations on Letter-Word Identification, 2.2 on Word Attack, and 1.3 on Passage Comprehension. Fremont (Bilingual), Wright (Bilingual) and El Vista (ESL).

Data from first-graders in three California Success for All schools were analyzed together by Dianda and Flaherty (1995), pooling data across schools in four categories: English-dominant students, Spanish-dominant students taught in Spanish (Lee Conmigo in Success for All schools), Spanish-dominant students taught in English (''sheltered students''), and speakers of languages other than English or Spanish taught in English. The pooled results are summarized in Figure 5.

As is clear in Figure 5, all categories of Success for All students scored substantially better than control students. The differences were greatest, however, for Spanish-dominated students taught in bilingual classes (ES=+1.03) and those taught in sheltered English programs (ES=+1.02). The bilingual students scored at grade level, and more than six months ahead of controls. The sheltered students scored about two months below grade level, but were still four months ahead of their controls. Both English-speaking students and speakers of languages other than English or Spanish scored above grade level and about two months ahead of their controls. The effects of Success for All on the achievement of English language learners are substantially positive. Across three schools implementing Lee Conmigo, the Spanish curriculum used in bilingual Success for All schools, the average effect size for first-graders on Spanish assessments was +0.88; for second-graders (at Philadelphia's Fairhill Elementary) the average effect size was +1.77. For students in sheltered English instruction, effect sizes for all comparisons were also very positive, especially for Cambodian students in Philadelphia and Mexican-American students in California.

Comparing Success for All and Reading Recovery

Reading Recovery is one of the most extensively researched and widely used innovations in elementary education. Like /Success for All, Reading Recovery provides one-to-one tutoring to first graders who are struggling in reading. Research on Reading Recovery has found substantial positive effects of the program as of the end of first grade, and longitudinal studies have found that some portion of these effects maintain at least through fourth grade (DeFord, Pinnell, Lyons & Young, 1988; Pinnell, Lyons, DeFord, Bryk, & Seltzer, 1991).

Schools and districts attracted to Success for All are also often attracted to Reading Recovery, as the two programs share an emphasis on early intervention and a strong research base. Increasing numbers of districts have both programs in operation in different schools. One of the districts in the Success for All evaluation, Caldwell, Idaho, happened to be one of these. Ross, Smith, Casey, & Slavin (1995) used this opportunity to compare the two programs.

In Caldwell, two schools are using Success for All and one is using Reading Recovery. All three are very similar rural schools with similar ethnic make-ups (10–25% Hispanic, with the remainder Anglo), proportions of students qualifying for free lunch (45–60%), and sizes (411–451). The Success for All schools were somewhat higher than the Reading Recovery school in poverty and percent Hispanic. In 1992–93, one of the Success for All schools was in its second year of implementation and the other was a new school that was in its first year (but had moved a principal and some experienced staff reassigned from the first school). Reading Recovery was in its second year of implementation.

The study compared first-graders in the three schools. Figure 6 summarizes the results. As is clear from the figure, students in the Success for All schools performed somewhat better than students in the Reading Recovery school overall (ES=+.17). Differences for special education students were substantial, averaging an effect size of +.77. Special education students were not tutored in the Reading Recovery school and were primarily taught in a separate resource room. These students scored near the floor on all tests. In contrast, Success for All special education students were fully mainstreamed and did receive tutoring, and their reading scores, though still low, showed them to be on the way toward success in reading.

Excluding the special education students, there were no differences in reading performance between tutored students in the Success for All and Reading Recovery schools (ES=.00). In light of earlier research, these outcomes suggest that both tutoring programs are highly effective for at-risk first graders.

A second comparison of Success for All and Reading Recovery was carried out by Ross, Nunnery, & Smith (1996) in the Amphitheater School District of Tucson, Arizona. Three high-poverty schools (about 25% Mexican American students) were compared. One used Success for All, one used Reading Recovery with a whole-language curriculum, and a control school used a whole-language approach without tutoring.

In this study, tutored as well as non-tutored first-graders scored substantially higher in Success for All than in Reading Recovery. For tutored students the difference averaged an effect size of 1.08, with mean grade equivalents of 1.85 for tutored students in Success for All, 1.20 for Reading Recovery students. For all students, Success for All students had an average grade equivalent of 2.18, the Reading Recovery school 1.73, and the control school 1.80, with mean effect sizes of +.68 comparing Success for All and the Reading Recovery school and +.39 comparing Success for All and control.

The comparison of Success for All and Reading Recovery supports a common-sense conclusion. Success for All, which affects all students, has positive effects on all students. Reading Recovery focuses on tutoring and therefore produces its effects only on tutored students. These results suggest that Success for All may be most appropriate in schools serving many at-risk students, while Reading Recovery may be more practical when the number of students at risk of reading failure is small. Some schools have merged the two programs, combining the breadth and comprehensiveness of Success for All with the outstanding professional development for tutors provided by Reading Recovery. Such mergers of Success for All and Reading Recovery are being started in about a dozen schools located around the United States.

Success for All and Special Education

Perhaps the most important goal of Success for All is to place a floor under the reading achievement of all children, to ensure that every child performs adequately in this critical skill. This goal has major implications for special education. If the program makes a substantial difference in the reading achievement of the lowest achievers, then it should reduce special education referrals and placements. Further, students who have IEPs indicating learning disabilities or related problems are typically treated the same as other students in Success for All. That is, they receive tutoring if they need it, participate in reading classes appropriate to their reading levels, and spend the rest of the day in age-appropriate, heterogeneous homerooms. Their tutor and/or reading teacher is likely to be a special education teacher, but otherwise they are not treated differently.

The philosophy behind that treatment of special education issues in Success for All is called ''neverstreaming'' (Slavin et al. 1991). That is, rather than waiting until students fall far behind, are assigned to special education, and then may be mainstreamed into regular classes, Success for All schools intervene early and intensively with students who are at risk to try to keep them out of the special education system. Once students are far behind, special education services are unlikely to catch them up to age-appropriate levels of performance. Students who have already failed in reading are likely to have an overlay of anxiety, poor motivation, poor behavior, low self-esteem, and ineffective learning strategies that are likely to interfere with learning no matter how good special education services may be. Ensuring that all students succeed in the first place is a far better strategy if it can be accomplished. In Success for All, the provision of research-based preschool, kindergarten, and first grade reading, one-to-one tutoring, and family support services are likely to give the most at-risk students a good chance of developing enough reading skills to remain out of special education, or to perform better in special education than would have otherwise been the case.

That data relating to special education outcomes clearly support these expectations. Several studies have focused on questions related to special education. One of the most important outcomes in this area is the consistent finding of particularly large effects of Success for All for students in the lowest 25% of their classes. While effect sizes for students in general have averaged around +0.50 on individually administered reading measures, effect sizes for the lowest achievers have averaged in the range of +1.00 to +1.50 across the grades. Across five Baltimore schools, only 2.2% of third-graders averaged two years behind grade level, a usual criterion for special education placement. In contrast, 8.8% of control third-graders scored this poorly. Baltimore data have

also shown a reduction in special education placements for learning disabilities of about half (Slavin et al., 1992). A study of two Success for All schools in Ft. Wayne, Indiana found that over a two year period 3.2% of Success for All students in grades K–1 and 1–2 were referred to special education for learning disabilities or mild mental handicaps. In contrast, 14.3% of control students were referred in these categories (Smith, Ross, & Casey, 1994).

Taken together, these findings support the conclusion that Success for All both reduces the need for special education services (by raising the reading achievement of very low achievers) and reduces special education referrals and placements.

Another important question concerns the effects of the program on students who have already been assigned to special education. Here again, there is evidence from different sources. In the Ross et al. (1995) study comparing Reading Recovery and Success for All described above, it so happened that first-graders in special education in the Reading Recovery group were not tutored, but instead received traditional special education services in resource rooms. In the Success for All schools, first-graders who had been assigned to special education were tutored one-to-one (by their special education teachers) and otherwise participated in the program in the same way as all other students. As noted earlier (recall Figure 6), special education students in Success for All were reading substantially better (ES=+.77) than special education students in the comparison school. In addition, Smith et al. (1994) combined first grade reading data from special education students in Success for All and control schools in four districts: Memphis, Ft. Wayne, Indiana, Montgomery, Alabama, and Caldwell, Idaho). Success for All special education students scored substantially better than controls (mean ES=+.59).

CONCLUSION

The results of evaluations of twenty-three Success for All schools in nine districts in eight states clearly show that the program increases student reading performance. In every district, Success for All students learned significantly more than matched control students. Significant effects were not seen on every measure at every grade level, but the consistent direction and magnitude of the effects show unequivocal benefits for Success for All students. Effects on district-administered standardized tests reinforce the findings of the studies using individually administered tests. This report also adds evidence showing particularly large impacts on the achievement of limited English proficient students in both bilingual and ESL programs, and on both reducing special education referrals and improving the achievement of students who have been assigned to special education. It compares the outcomes of Success for All with those of another early intervention program, Reading Recovery. It also summarizes outcomes of Roots and Wings, the next stage in the development of Success for All.

The Success for All evaluations have used reliable and valid measures, individually administered tests that are sensitive to all aspects of reading—comprehension, fluency, word attack, and word identification. Performance of Success for All students has been compared to that of matched students in matched control schools, who provide the best indication of what students without the program would have achieved. Replication of high-quality experiments in such a wide variety of schools and districts is extremely unusual. The equally consistent and dramatic impact of Success for All and Roots and Wings on district standardized tests and state performance assessments are further evidence of the broad impact of these programs.

An important indicator of the robustness of Success for All is the fact of the more than 300 schools that have used the program for periods of 1–8 years, only eight have dropped out (in all cases because of changes of principals). Many other Success for All schools have survived changes of superintendents, principals, facilitators, and other key staff, major cuts in funding, and other serious threats to program maintenance.

The research summarized here demonstrates that comprehensive, systemic school-by-school change can take place on a broad scale in a way that maintains the integrity and effectiveness of the model. The 23 schools in nine districts that we are studying in depth are typical of the larger set of schools currently using Success for All and Roots and Wings in terms of quality of implementation, resources, demographic characteristics, and other factors. Program outcomes are not limited to the original home of the program; in fact, outcomes tend to be somewhat better outside of Baltimore. The widely held idea based on the Rand study of innovation (Berman & McLaughlin, 1978; McLaughlin, 1990) that comprehensive school reform must be invented by school staffs themselves is certainly not supported in research on Success for All or Roots and Wings. While the program is adapted to meet the needs of each school, and while school staffs must agree to implement the program by a vote of 80 percent or more, Success for All and Roots and Wings are externally developed programs with specific materials, manuals, and structures. The observation that these programs can be implemented and maintained over considerable time periods and can be effective in each of their replication sites certainly supports the idea that every school staff need not reinvent the wheel.

There is nothing magic about Success for All or Roots and Wings. None of their components are completely new or unique. Obviously, schools serving disadvantaged students can have great success without a special program if they have an outstanding staff, and other prevention/early intervention models, such as Reading Recovery (Pinnell, 1989) and the School Development Program (Comer, 1988) also have evidence of effectiveness with disadvantaged children. The main importance of the research on Success for All and Roots and Wings is not in validating a particular model or in demonstrating that disadvantaged students can learn. Rather, its greatest importance is in demonstrating that success for disadvantaged students can be routinely ensured in schools that are not exceptional or extraordinary (and were not producing great success before the program was introduced). We cannot ensure that every school has a charismatic principal or every student has a charismatic teacher. Nevertheless, we can ensure that every child, regardless of family background, has an opportunity to succeed in school.

The demonstration that an effective program can be replicated and can be effective in its replication sites removes one more excuse for the continuing low achievement of disadvantaged children. In order to ensure the success of disadvantaged students we must have the political commitment to do so, with the funds and policies to back up this commitment. Success for All and Roots and Wings do require a serious commitment to restructure elementary schools and to reconfigure uses of Title I, special education, and other funds to emphasize prevention and early intervention rather than remediation. These and other systemic changes in assessments, accountability, standards, and legislation can facilitate the implementation of Success for All, Roots and Wings, and other school reform programs. However, we must also have methods known not only to be effective in their original sites, but also to be replicable and effective in other sites. The evaluations presented in this report provide a practical demonstration of the effectiveness and replicability of one such program.

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Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding to me.

Let me simply say that this debate is supposed to be on the Evans amendment. We have already accepted the amendment on both sides. There is obviously a little filibuster going on here. As long as there is, let me correct some of the misstatements that have been made on the House floor.

With respect to the school reform initiative contained in this bill, this is the exact opposite of control from Washington. What this bill attempts to do is to recognize that a whole group of American businessmen have tried to figure out what it is that makes schools work and what does not make them work. So instead of following their own individual political philosophy, they simply examined all of the research around the country to see what had been proven to improve student performance and what had not. And they simply came to the conclusion that there were roughly seven different models which helped to achieve much greater student performance.

The fact is that there are, in addition to a New American Schools Movement, there are a broad number of other efforts around the country to try to determine what works to improve schools. A number of Members have said, Gee, if school districts want to apply for this money, they have to fit into one of these molds or they cannot get the money.'' That is absolutely not the case.

What this legislation says is simply that we are making money available not to the Washington bureaucrats, but we are making money available primarily to the State chief school officers, and they will simply receive applications from school districts that want to get a little extra seed money to try to figure out how to improve the operation and organization of their local schools.

If they are not interested in doing it, they do not have to apply. If they are interested in applying, they do not have to follow anybody's single model. They do not have to follow the model of the Little Red Schoolhouse. They do not have to follow Professor Comer's model or anybody else's. These are simply seven illustrative models which the New American Schools Movement feels merit a look-see. But there are many others around the country, and if schools want to add their own wrinkles, they are perfectly free to do so.

In the end, State superintendents of public instruction will simply determine which grants seem to have the best chance to demonstrate success and they will provide these start-up grants. That will simply enable local schools to put together whatever program is agreed to at the local level to reform their schools.

□ 1900

We have people in this Congress who do not like Goals 2000. We have people in this Congress who do not like testing. What we are saying is, ''All right, if you don't like that, let's find some other way to encourage school reforms without Washington itself dictating what those reforms are going to be.'' I doubt very much that we would have the Fortune 500 corporate leaders who have encouraged this approach, I doubt very much that we would find any of them in favor of any approach being imposed from Washington. What we are simply trying to do is to assist local school districts, who often do not have the money available, to step back and reexamine their operations from top to bottom. We are simply trying to offer them some assistance.

We have had 20 years of research in this field. It is about time, it seems to me, that we start applying the results of that research. We spend billions of dollars on title I trying to deal with the problems of individual children, but we often approach that without having an atmosphere that is conducive to learning in the very schools where we are trying to improve individual child performance. And so this is simply an effort to allow local people to design whatever approach they want to take and get a little money to get some outside help, if they want it, to put together a program that works. That is all it is, and I would urge the Members if they are going to oppose this program to at least understand what it is they are opposing.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 5 additional minutes.)

Mr. MILLER of California. I continue to yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman.

Mr. Chairman, I really do not want to say anything more than that. There are evidently some Members of the House who would prefer to create an argument for whatever reason they have. But to suggest that this is a model that imposes a solution on local schools is exactly the reverse from what it in fact is, and I doubt very much that we would find either the gentleman from Illinois [Mr. PORTER] or me supporting anything which required local districts to produce anything but what they wanted to produce in order to improve their own local schools.

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I am not interested in an argument on the

issue. I am interested in the policy behind it. Perhaps I am misreading either the bill's language or the bill report. But let me tell the gentleman what they say. Because lots of times we have these general debates where we talk in great banal generalities but we never get down to the specifics. His proposition is that this language does not mandate any specific type of school reform.

Mr. OBEY. Mr. Chairman, that is absolutely correct.

Mr. SHADEGG. That may be his intent, but that is in fact not what either the bill or the report says. If I might just quote from the bill and the report, we will talk about why I believe what he is doing is exactly that, mandating from Washington DC the specific kind of reform which will be acceptable. By the way, he says it is important that we go forward with school reform. I will tell the gentleman school reform is going forward in Arizona.

Mr. OBEY. If the gentleman does not have a question, I would like to take back the time.

Mr. SHADEGG. I have a question.

Mr. OBEY. What is it?

Mr. SHADEGG. I will tell the gentleman that school reform is going forward aggressively in Arizona. On page 65 of the bill, it says quite specifically at lines 21 through 23, ''$150 million shall be available under section 1002(g)(2) to demonstrate effective approaches to whole school reform.'' Whole school reform is a term of art. We look then to the report and the report repeats that same language twice. At two different points it says, this money is to be appropriated, actually it is a total of $200 million, for whole school reform initiatives.

He says whole school reform initiatives let them do anything they want. Yet they do not.

Mr. MILLER of California. Mr. Chairman, if I can reclaim my time, if I might, and let the gentleman respond to the gentleman.

Mr. OBEY. Let me simply say, the gentleman can define whole school reform any way he wants. So can any local school district.

Mr. SHADEGG. Then the gentleman has no objection to striking the words ''whole school reform''?

Mr. OBEY. We have not yielded. I would like to point out to the gentleman that I doubt that the Parent-Teachers Association of America, I doubt that the School Boards Association of America, I doubt that the School Administrators Association of America, I doubt that the title I administrators in the various 50 States, I doubt that the chief school officers of the 50 States would endorse a proposition which mandates on them requirements from Washington. They are supporting this because they believe this is the best way to make title I work. They believe that schools need the opportunity to review the way they are administered, the way teachers are trained and the way children are taught, and there is nothing whatsoever wrong with that. One percent of schools in the country have already worked through the New American Schools model. There are other schools pursuing other models, and that is fine with me.

Mr. MILLER of California. Mr. Chairman, if I might reclaim my time, I would like to join this debate and say I think the gentleman from Wisconsin is quite correct. If we are going to spend $150 million of the public's money, we have some obligation to spend it in that area where we have some evidence that it will be an effective expenditure of the moneys. These kinds of reforms that are suggested in this legislation are those reforms that have years of research and demonstration behind them as to their effectiveness. There may be districts that want to reform in some other manner. Fine. Go ahead. But for those who believe, because this is not a matter of a demonstration. There are hundreds of school districts and hundreds of schools that are engaging in one or another of these programs, a total of thousands, where local communities, local school boards, local school administrators have initiated the effort and are reaping the benefits. If you want to do something else, you can do something else.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MANZULLO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MILLER of California. We yield time to you and then you object to cut off the debate on a subject that you say is terribly important.

Mr. MANZULLO. I do not want to cut it off.

The CHAIRMAN. The gentlemen will suspend.

Mr. MILLER of California. Is the gentleman objecting to my using the time? I was yielding to the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Arizona [Mr. SHADEGG] so they could carry on, and I would just like to have the debate.

The CHAIRMAN. The gentleman from California will suspend.

Mr. PORTER. Mr. Chairman, I ask unanimous consent to proceed for 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. MANZULLO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. MANZULLO. Mr. Chairman, I withdraw my objection to the request of the gentleman from Illinois for unanimous consent.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] may restate his request.

Mr. PORTER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PORTER. Mr. Chairman, I would ask the gentleman from Wisconsin if I am correct, that the mechanism by which this works is that the funds are made available from the Secretary of Education to State education agencies. That would be the State Department of Education, let us say. No State has to apply for these funds. They can decide they do not want anything to do with this program and not apply. If they do apply, then they are granted funds and then the State parcels these funds out to the school districts that apply to them.

Mr. OBEY. If the gentleman will yield, the gentleman is correct.

Mr. PORTER. On a competitive basis. Then the school district can then decide what type of reform they wish to engage in and who they wish to hire to give them advice and counsel in that reform; is that correct?

Mr. OBEY. The gentleman is correct.

Mr. PORTER. From this Republican's perspective, this is exactly the kind of thing that we need to have in the public schools that I see problems in, where we have entrenched bureaucracies, often teachers unions, I have to say, sometimes entrenched administrators, people that are incompetent that we cannot get rid of, things that we need to address in a broad way to make the school work better. It seems to me that this is exactly the kind of program that will help the inner city schools that need the most help to push away all of that dead weight and get on with a program that works for their kids.

I believe very frankly that this will work extremely well from my philosophical and I think the philosophical standpoint of the gentleman from Arizona as well. This does not impose anything on the States. It does not impose anything on the school districts. It allows the school districts to make their own decisions as to how they want to reform, and it seems to me it gives them every opportunity to do so. This money is money that would otherwise be spent, in my judgment, on a program that does not work well, title I. It simply throws money at inner city schools without any real guidance as to how they use it and it is often used in ways that do not give a better opportunity to the kids. So I think it is good reform.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me speak very frankly about this. I have had some considerable difference with my own administration on the issue of testing, as has

the gentleman from Pennsylvania [Mr. GOODLING], on the issue of Goals 2000. There is great debate about the value of either of those programs. I do not know whether Goals 2000 is going to turn out to be worth much or not, and I do not know whether their testing program is going to turn out to be worth much or not. What we have been trying to do is to find some way to encourage school reform on a neutral basis so that we can help local schools develop their own ideas, to have the time to think through what it is they want to do to improve teacher performance with only one requirement: that they agree afterward to have that approach evaluated so that we can determine which approaches really produce results and which ones do not. Because otherwise the administration can make its claims till the cows come home, so can its philosophical opponents, and we never reach a conclusion in this country although we spend billions of dollars on title I and billions of dollars on research. I supported title I for many years, but I have come to the conclusion that unless it is buttressed with whole school reform, it is not going to produce the kind of improved performance we need from children. I would think every conservative in this body would agree with that conclusion.

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Arizona.

Mr. SHADEGG. I thank the gentleman from Illinois for yielding, and I thank my friend the gentleman from California for at least yielding me some time. We did not get to continue in that dialogue, which I would like to. It seems to me quite clear that if the words ''whole school reform'' had no meaning and if the schools were then free to do what they wanted to do, then there would be no objection to striking those words. But those words are replete in the report and they are specified in the bill. What I think they say and what I think you cannot deny is that this money, this $150 million is going to be controlled from Washington. No, it is quite true that no one has to apply for the money, but that is the way Washington gets into public policy from the beginning and, that is, if you want the money, you must apply to the Federal Government and if you apply to the Federal Government, you must do whole school reform.

Mr. PORTER. Absolutely.

Mr. SHADEGG. The parents in my school districts do not want that. If the gentleman is genuine in saying that parents and teachers and students and local school administrators should control this money, then let me ask the gentleman, is he willing to strike from both the bill itself and from the report language all references to whole school reform?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PORTER] has expired.

(By unanimous consent, [Mr. PORTER] was allowed to proceed for 2 additional minutes.)

Mr. PORTER. Mr. Chairman, reclaiming my time, what I hear this gentleman saying and what the gentleman from Indiana seemed to say earlier was that what you want the Federal Government to do is through taxation to raise the funds and then simply pass it to the local school districts to spend as they wish.

Mr. SHADEGG. It is called block grants.

Mr. PORTER. We went through that debate earlier with revenue sharing, and pretty much I think the country decided that it was the most irresponsible thing you could possibly ever do, to raise tax moneys at one level of government and have another level of government spend it in any way they wish. It seems to me that if the Federal Government wishes to encourage whole school reform and the States want to engage in it, we are providing that opportunity. Just to pass the money through and say spend it any way you want, that is the money that they ought to be raising at the local level, in fact are raising at the local level. They can spend that money any way they want.

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Arizona.

Mr. SHADEGG. Let me just make this point clear. I do not want the money to be raised at the States, sent to Washington and given back with no controls. I want the money to stay in the States, because my parents want that. They believe they can spend it better than any Washington program. Short of getting to that, short of getting to leaving those moneys at home in Arizona, or Illinois, or Wisconsin or California, then I like the concept of block grants, because there is a simple point here. I do not know that whole school reform is the right idea, and I trust the parents in Arizona to shape education in Arizona. That was an issue when I campaigned. It was an issue before the 104th Congress and it is an issue before the 105th Congress. That issue is, are we going to control education reform and education policy from Washington or are we going to let parents in America, out there working with their teachers and their school administrators, decide? This bill has Washington deciding that. If it did not, then it would not say you get the money if you pursue a whole school reform initiative.

Mr. PORTER. If I could reclaim my time, just to respond to that.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PORTER] has again expired.

(By unanimous consent, Mr. PORTER was allowed to proceed for 1 additional minute.)

Mr. PORTER. Mr. Chairman, I would say to the gentleman from Arizona that if every school district out there had the kind of money that my school districts had, that would be a fine concept.

□ 1915

We are dealing with school districts that are being provided a great deal of their tax money through title I that is basically unaccountable, and we are saying that we want to encourage them because they are producing students that are not achieving at the level of the rest of the country, we want to encourage them to really reform their schools to give these kids a real chance.

Mr. SHADEGG. I am not objecting to giving them the money, I support giving the money, but I do not support adding the strings which say, ''You'll get the money only if you do whole school reform, i.e. Washington decides.''

Mr. PORTER. OK, Mr. Chairman, the gentleman is against all Federal involvement in education, and that is fine philosophically, and I can understand. I assume the gentleman is against special education for handicapped students.

Mr. SHADEGG. Absolutely not.

Mr. PORTER. Math and science which is a Federal program and category.

Mr. SHADEGG. I am not even against all Federal involvement in education. What I am against is us telling schools how they have to reform.

We have public schools in Arizona, and they are a tremendous success.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PORTER] has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. PORTER was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, would the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to make one point about the term ''whole school reform.''

We see some people in this country who say the only answer is to bring in computers. We see other people who look at a school and they say the only answer is to have the teacher retrained. We have someone else say the only answer is some other partial approach to the problem.

What our leading American businessmen have discovered through research that they financed on their own is that schools usually produce better performance if they think through how the entire school works rather than just thinking single shot, such as whether we need more computers or whether we need retraining for reading teachers and things like that.

That is all whole school reform means. It means to take a look at the way the entire school operates rather than having some single shot, slapdash approach at which we have usually thrown money through the years,

and it seems to me that conservatives would be far more interested in promoting this than they would be in simply continuing to shovel out large amounts of money without reviewing the way, in fact, we produce the best results for the children we are supposed to be here working for.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this gentleman from Oregon is a bit confused by the debate between the gentleman from Arizona and the gentleman from California.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California to perhaps expand on this and elucidate to the many Members out there who are now listening with rapt attention what is at hand.

Mr. MILLER of California. Let me just say I think the gentleman from Illinois and the gentleman from Wisconsin have put it quite properly. We have spent, as the gentleman from Pennsylvania [Mr. GOODLING] and I who sit on the committee, billions and billions of dollars in title I funds, and we have not exactly gotten the return that we think we should on that dollar.

A number of these programs, not all of them, but a number of these programs are about the reorganization of those dollars where we get a better bang for the buck. The John Hopkins program comes in because schools invite them in, and they go into low-income schools, and they take that title I money, and they reorganize it along some management techniques, along the wise use of resources, they get the school headed off in the right direction, and the fact of the matter is they get kids, a much, much higher percentage of kids, reading at grade level. They did not do that because we told them to do that; they did that because the local school board could no longer face the parents with the results that they were getting.

That is what these programs are about, and the fact of the matter is that these programs have research and pragmatic experience in districts, and there are thousands of districts and schools that are inviting these programs in because they work. So, if we are going to spend $150 million, we ought to, as stewards of the taxpayers' money, put it where we think we can get the best return on their investment.

This is not an exclusive list. This is a illustrative list of programs that have some substance to them. I guess the flip side of whole school reform would be partial school reform; take that home to parents: Oh, we are going to reform part of the school.

The point is this: If they do not want to do it, do not come get the Federal money. We think we should put the money where there is a strong, strong demonstration that we are getting the results we want for these children, and that is what this amendment is about.

It is an alternative, as the gentleman pointed out, to some of the things the administration wanted to do. We thought, the committee thought they would go with some of the empirical evidence, and the fact of the matter is that these are being demonstrated over and over again in all different types of schools in all geographical locations that they are leading to effective change and they are improving the ability of children to compute and to read and to critically think and they are getting parents involved. But the first step has to come from a school district, from a school administrator or from the parents who are seeking to improve their schools and then they go to their States and make application.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Wisconsin.

Mr. OBEY. One principal in Maryland explained that what he was doing under his, and it is a Comer school; he explained he was spending about 30 percent of his time simply in the parking lot getting parents as they bring their kids to school every day, talking to the parents to tell them to get involved, to show them how they can get involved in volunteer programs in the schools, how they can get involved in programs that track what their own kids are doing so that we can involve the parents in buttressing what it is the children are learning.

I would like to ask what in God's name is wrong with that?

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I say one of the Hopkins' programs, again one of the successes they have is they now have parents coming to the school, participating in their education. If they work, the parents are coming to the school, dropping their children off, spending time there, and a novel idea, they are serving them coffee so they can hang around and talk to the teachers.

The point of the matter is that these programs, in fact, work, and that is where we ought to be putting the dollars, and for those school districts that are turned off by the notion that they might have to reform the whole school, then they should go elsewhere and look for dollars.

In my area, in the San Francisco Bay area, the funding now to try to replicate this program is being picked up by industry who are announcing for the first time that they can improve the schools by an investment by the private sector in these very same programs. I mean, that is the kind of credibility we have in terms of the expansion and the workability of these programs.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. To the gentleman from Arizona, I just address one point that he made about the fact that these were specific programs that had to be identically followed. I mention the words, as my colleagues know, of a school in Salem, MA, which is in fact, a whole school concept. With the help of Salem State College, the community got together, teachers got together, parents came on board, they developed a curriculum, they developed a mission, they have a school that goes an hour longer every day, goes all year around, is successful and has 145 volunteers a week.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. DEFAZIO] has expired.

Mrs. NORTHUP. Mr. Chairman, I move to strike the requisite number of words on the Evans amendment.

Mr. Chairman, I would like to respond to some of the debate here tonight. I am from Kentucky, which I believe is the only State that enacted whole school reform statewide, and I have talked for many, many times about the benefits of whole school reform. But I do not believe that it is something that we can enact at the Federal level and have it be effective. The truth is it is very difficult to enact at a State level so that it is effectively implemented by the schools in that State.

The fact is schools succeed school by school. They succeed as they develop their own plans, address what their teachers and what the needs are of their students, what the talents are of their teachers and how they best can meet the needs of their students.

When we have whole school reform, it requires a whole system of support. It requires a school to be able to overcome the provisions of the teacher contract. We cannot do that, Mr. Chairman, here tonight. We cannot do this at the Federal level because we see in this country that the responsibility for the organization and the efficient management of our schools is done in 50 States.

And so in every State we build up an expertise, an understanding of what the needs are and the way to address those needs. I personally do not believe that in every community in Wyoming the needs of schools are the same as in Louisville, Kentucky, and that is why we need each legislature to be able to freely address those needs.

The support for block grants and what we hear from superintendents around this country, and certainly in local districts, is, please, do not keep trying to push the direction and the way we organize our schools by the money that is trickled down to us; what we need is to be able to fill in the blanks and meet the needs of each neighborhood school based on the talents in that school and the needs that they have.

This bill and this whole school reform pushes schools to go in a very specific direction. The bill in the language

mentions the examples of whole school reform that would be accepted. Many of the things that exist in current State laws would not allow real whole school reform.

And, finally, let me say that in Kentucky whole school reform where it is successful is successful because our universities are training teachers in a different way. We have rewards and sanctions for schools that are not successful, and just because they adopted whole school reform, their scores have not all gone up; in fact, some have gone down. And so what we need is a State Department that can intervene in those schools, we need to adopt it as a whole support system, and for us in the Federal level to apply that on every State and every school, if they want the money, would be a terrible mistake.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTHUP. I yield to the gentleman from Illinois.

Mr. PORTER. It is my understanding, and the gentleman from Wisconsin can correct me if I am wrong, but I believe that the States can structure this in any way they want to restrict the schools in their States to apply only in certain ways or in any way they wish to structure. I do not see that it interferes whatsoever in State direction on whole school reform, or they can choose not to participate in it at all.

Mrs. NORTHUP. Reclaiming my time to respond, please, Mr. Chairman, the problem is that whole school reform only works if there are the liberties to truly reform it. As my colleagues know, if a school says we would like to apply for this $50,000 grant and they get it, but the State does not allow the provisions of this, say, to override teacher contracts, to change the size of classes, to do other things that are necessary for whole school reform, the effectiveness of it does not exist.

Mr. PORTER. If the gentlewoman will continue to yield, the State has complete authority over the method under which the application is made. If they want to put those restrictions in place, they can certainly do so. I do not see the problem.

Mrs. NORTHUP. Mr. Chairman, if it is so clear that whole school reform is good, everyone of the 50 States could enact it today. They spend billions. In fact, they spend 95 percent of every dollar in the classroom they appropriate and spend at the State and local government. There is nothing that prohibits them from passing whole school reform in their school.

So if the evidence is so overwhelming, why has only one State in this country passed it, and why would we seek at the Federal level to override the wisdom of those States?

The CHAIRMAN. The Chair notes that 5-minute debate by pro forma amendment may continue, but at this point the Chair will put the question on the amendment offered by the gentleman from Illinois [Mr. EVANS].

The question is on the amendment offered by the gentleman from Illinois [Mr. EVANS].

The amendment was agreed to.

□ 1930

Mr. RIGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was looking for the appropriate juncture to join this debate and did not want to help us digress even further from the debate on the underlying amendment, but I have to say that this has been a remarkable discussion on something called Whole School Reform, a program that has never been reviewed or authorized by the majority party of the Congress, the Republican Party. I can say that from a position of authority, since I chair the Subcommittee on Early Childhood, Youth and Families.

I am looking through the statute now, trying to understand what the previous Democratic-controlled Congress that authorized something called Whole School Reform might have meant by Whole School Reform, and I think I have figured out what is going on in this debate: pure politics, educational payola, in an effort to craft, quote-unquote, a bipartisan bill that can get enough Democrat votes to pass the House of Representatives.

Now, my good friend, the gentleman from California [Mr. MILLER], who is a distinguished member of the Committee on Education and the Workforce, did get it right. He said, this is new money. This $150 million for Whole School Reform is really new money, because again it was authorized by a previous Democratically controlled Congress, and it goes along with the other new money in this bill, an increase of $40 million for the Fund for the Improvement of Education, an increase of almost $50 million for something called 21st Century Community Learning Centers.

All I can conclude, Mr. Chairman, from all of this is that the advice that we gave the appropriators when we went and testified before them to try to further increase Federal taxpayer funding for special education, given the fact that the Federal special education and civil rights statute has already been reauthorized by this Congress and signed into law by the President to try to increase funding to expand vocational and technical educational opportunities for our young people, especially the two-thirds of our young people who are not college-bound, or will not complete college, to try to drive technology down into the local schools, that advice was largely ignored in the desire to accommodate the request of the distinguished ranking member of the subcommittee and the full committee and others who want money to promote Whole School Reform. Again, whatever that might be.

This money could be a lot better spent if in no other area of this bill than on improving education for children with learning disabilities. And what happened to the idea? I say to the gentleman from California [Mr. MILLER], who was a key participant in crafting that bipartisan legislation, what happened to the idea that we would make a good-faith effort of trying to come closer to that original 40 percent obligation on the part of Federal taxpayers for special education?

So I am strongly opposed, as an education subcommittee chairman, to all this new money, this payola being spread around this bill to try and get some sort of bipartisan agreement, when I know that we have greater priorities at the Federal level, and when I know that money is ultimately best spent driven down to the local level, because that is in keeping with the long-standing American tradition of public education, of local control and decentralized decision-making.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I appreciate the gentleman yielding.

I would just say that in a number of these programs, one of the interesting by-products we are having is that the number of children that are later eligible for special education is substantially reduced because, by concentrating on basic skills at the earliest level, the grade level, we find it was really a reading problem that these children had that later caused them to be classified as eligible for special education. Those children are being maintained in the regular classrooms.

Mr. RIGGS. Mr. Chairman, reclaiming my time, I do not doubt that at all. I will point out to the gentleman that we put an emphasis on early intervention in the IDEA amendments and, again, the money could be better spent there.

Mr. Chairman, I really question this money coming into this bill, being spent for, I think, very questionable or nebulous purposes, particularly when again those of us who serve on the authorizing committee were not consulted about this money, and this money again is apparently being made available in an effort to, if you will pardon the expression, buy Democrat votes for this bill.

I might also point out, and I do not usually get personal in debate, but we are attempting to do this now to accommodate one individual Member of the House out of 435 Members of the House, the distinguished ranking member of the subcommittee and full committee, who is opposed to us on the majority side of the aisle on every single major policy initiative in this Congress, whether we are talking about welfare reform in the last Congress, the bipartisan agreement to balance the budget in this Congress, or tax relief for American families and businesses.

So I again have to really question what the thinking and philosophy is behind the crafting of this legislation,

and suggest to my colleagues that we can find better ways to spend this money on Republican education priorities.

PARLIAMENTARY INQUIRY

Mr. LARGENT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LARGENT. Just a question to the Chair: We just had a voice vote on the previous amendment while there were still Members standing at a microphone under an open rule, under the 5-minute rule, and the Chairman closed debate.

I am just wondering what the parliamentary procedure is on that, and could we expect that to occur on any of the other amendments that will be debated this evening and tomorrow?

The CHAIRMAN. The Chair was unaware of any other Members who were intending to debate that particular amendment. Members can be heard under the 5-minute rule to proceed, as the gentleman from California just did, to continue to debate other particular issues, but it was not pertinent or relevant to the amendment offered by the gentleman from Illinois.

Mr. LARGENT. Mr. Chairman, it is my understanding that under normal circumstances the Chair will ask the question, ''Are there any other Members that want to be heard on this particular amendment?'' and that opportunity was not given to the House previously or to the Committee of the Whole.

The CHAIRMAN. The Chair would state again that the Chair was unaware of any Members who wished to debate the issue involving the Evans amendment. The Chair will continue to recognize those Members under the 5-minute rule to debate issues, but the Chair has the prerogative to put the question on an amendment if no Member seeks recognition to further debate that amendment.

Mr. LARGENT. Mr. Chairman, is it parliamentary procedure for the Chair to ask the question, ''Are there any other Members that desire to be heard on this amendment?'' Is that part of the parliamentary procedure, ''yes or no?''

The CHAIRMAN. The Chair ascertains that by whatever proper means the Chair chooses to use.

AMENDMENT NO. 17 OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, pursuant to the rule, I offer Amendment No. 17, printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. GOODLING:

On page 2, line 15, after the dollar amount insert ''(reduced by $21,000,000)''.

On page 2, line 16, after the dollar amount insert ''(reduced by $23,000,000)''.

On page 3, line 9, after the dollar amount insert ''(reduced by $21,000,000)''.

On page 23, line 20, after the dollar amount insert ''(reduced by $1,000,000)''.

On page 68, line 17, after the first dollar amount insert ''(increased by $25,000,000) and after the second dollar amount insert ''(increased by $25,000,000)''.

On page 78, line 18, after the dollar amount insert ''(reduced by $1,500,000)''.

On page 78, line 19, after the dollar amount insert ''(reduced by $1,500,000''.

On page 85, line 5, after the dollar amount insert ''(reduced by $1,500,000)''.

Mr. GOODLING. Mr. Chairman, first of all let me preface my remarks in relationship to this amendment by indicating that there are no Federal mandates dealing with curriculum in any local school district. There is only one Federal mandate dealing with curriculum in relationship to the States, and that is the one that I want to talk about, and that is the one to which my amendment applies.

IDEA is a Federal mandate, the only curriculum mandate from the Federal Government. It is a mandate on the State, who then mandates to the local level what they must carry out in relationship to IDEA.

When it was passed many years ago, 30 years ago, the Federal Government said we are giving the mandate and we are going to give you 40 percent of the money. Unfortunately, they gave 99 percent of the mandate, but about 8 percent of the money. Local school districts now are finding it very, very difficult to fund the special education mandate that comes from the Federal Government.

As a minority member working on the Committee on the Budget for 6 years in a bipartisan way, we tried to change that, and it did not work. Last year I said thank you to this committee, because as long as the mandate is there and we have the responsibility to put the money where our mouth is, this committee that is on the floor today saw fit to raise that amount rather dramatically. The idea was that we would keep doing that, hopefully until we got to the 40 percent.

We reformed IDEA this year, and I think we will bring about savings at the local level. We say, first of all, that when you get to a certain figure, the local level can reduce their expenditures. The State cannot, but the local government can.

We also have introduced in that legislation avenues to bring savings to the local government, because we try to get the attorneys out of the business in the beginning so that the school district is not spending the money on attorneys' fees, the parent is not spending money on attorneys' fees.

It was my hope, as I said, that we could get more. That was not possible with the way the budget agreement was written, and the committee did the best they could.

They have agreed to increase that amount, and I am very thankful for that. The increase that they would give us at the present time is $25 million. That is taken from other programs in order to deal with this one unfunded mandate from the Federal Government in relationship to curriculum.

They also have agreed that they would seek the higher figure that the Senate has in their legislation, and for that, I am also very thankful.

So again we had one mandate from the Federal level. It is the largest unfunded mandate in the history of the Federal Government, I am sure. This will take us one step closer to, as a matter of fact, doing what was promised to local school districts many years ago, that we would put up 40 percent of the money from Federal funds in order to deal with that issue.

Mr. Chairman, I thank the committee, the chairman and the ranking member, for this effort, and again indicate that they have indicated to me that they would go for the higher figure in conference, the Senate figure.

Mr. PORTER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would say to the gentleman from Pennsylvania [Mr. GOODLING] that I have the highest respect for the chairman of the authorizing committee, that we attempt to work together very closely, that this is a mandate upon local districts that takes local tax funds, that in the last fiscal year we raised spending for IDEA by $790 million, and this year by $325 million in the bill as it comes to the floor. This is an additional amount of $25 million.

We are attempting to do everything we can to make this a high priority and to relieve local school districts of the cost of the program. It has been made, with the leadership of the gentleman from Pennsylvania, a high priority in this bill.

Mr. Chairman, we accept the gentleman's amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to say also that on this side of the aisle, we accept the gentleman's amendment.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to congratulate the chairman of the Committee on Education and the Workforce [Mr. GOODLING] for his tireless efforts on behalf of the children with special needs in our school system.

We worked and moved through this body unanimously a bill on IDEA that we had worked through the Senate. We had many differences as we worked through this process, and the gentleman deserves tremendous credit for that.

One of our concerns, as a party that ran on and was committed to not having unfunded mandates, was we set goals that unless we put adequate funding in cannot be met. I think this is an important step.

But one of the things that we will be debating as we go through this bill the next few days is, we believe that rather than creating new Federal programs,

like there are several in this bill, one we have been debating tonight, that have not gone through the committee process, that have not gone through a hearing process, that the money, if we agree, as we did in the budget agreement to spend the money on education, it should be spent in programs that we have already passed by this Congress, that we already have agreement in this Congress on, that we agree on as an appropriate Federal role.

There may be other pieces of legislation where we can work out a compromise, like we did on IDEA. How can we know, if we never have a hearing? How do we know, if we never move it through?

We, as Republicans, were sent here by the American people to say, hey, we want some changes in Washington; and many of the people who voted for us want to see a change in education policy.

As we go through this, I assume that they at least want to see when there are changes in education policies, that we go through a process of debate and we debate the proper role of the Federal Government and the State government and the local government; that we try to have parents involved in as many places as possible.

Like on IDEA, many people throughout America felt people with disabilities were not being treated fairly at the local level. As this bill has a constituency nationwide and as we looked at the failure of the local school systems to meet those needs, there was a decision made by the U.S. Congress, after many hearings and a process, to have a bill passed.

□ 1945

Then we moved to funding of that bill. Then we increased that. This time we fine-tuned it again, made some changes in the overlying bill, but now we are putting more funds into that.

If we are going to spend more money on education, many of us feel it should be spent in areas where we have this consensus, where we have this agreement, where people know what we are doing, not some kind of last-minute attempt to put something into a bill to circumvent what the party has stood for, and quite frankly, which we do not really know, as the chairman of the subcommittee said, of which I also serve on that subcommittee, it is not particularly comforting to all of a sudden hear there is this brand new program that went clear around the process.

I commend the chairman, the gentleman from Illinois [Mr. PORTER] for his willingness on the amendment of the gentleman from Pennsylvania [Mr. GOODLING], and I commend Chairman GOODLING for his tremendous efforts on this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, at this time I would like to engage the gentleman from Illinois [Mr. PORTER] in a colloquy.

Mr. Chairman, in my testimony before the subcommittee this past June, I referenced some revolutionary findings on how children learn to read that have recently come out of the National Institute of Child Health and Human Development, which is part of the National Institutes of Health. I am embarrassed to say that I did not realize that since 1985 they have been doing such research. Dr. Reid Lyons, of course, is the individual who has done this, and I think it would put to rest any debate between the phonics and whole language reading methods.

At that time I asked the subcommittee to set aside the $500,000 to the Fund for Improvement of Education, to fund a special teacher training initiative in the district which would help train teachers consistent with Dr. Lyons' findings. There is no reason for him to put the money in from NIH, as a matter of fact, if the teachers are not trained.

I understand that such a set-aside has been included in the report to accompany H.R. 2264. I would like to ask the chairman of the subcommittee whether it is his intention to include this as a statutory set-aside in the conference report to accompany this bill.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman from Pennsylvania for his inquiry, and for bringing this important research to our attention. As the gentleman has noted, we have included language in our report referencing this research, and instructing the Secretary of Education to give high priority to training D.C. teachers in these methods.

Conferences are always difficult, but I will do all I can to include the $500,000 in this activity as bill language in the conference.

Mr. GOODLING. I thank the chairman.

Mr. PITT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman in a colloquy on the issue that has come before members of the Amish community who reside in 20 States in this country. The Amish are a very committed, hard-working community who do not contribute to the social ills of our society. The Amish are not dependent on government programs.

Mr. Chairman, I am extremely concerned that their lifestyle has been threatened by recent actions taken by the Federal Department of Labor. As Members may know, the Amish have received fines for having their youth under the age of 18 working on their family farms and businesses. This has received attention at both the local and national level.

The Amish wish to have their youth work in vocational settings after completion of Amish school, which is equal to the eighth grade. I, along with several other colleagues in the Congress, have been working with the Department of Labor to find an administrative solution so the Amish can remain in their community and begin their professional training.

Mr. Chairman, it would greatly benefit the Amish communities in Pennsylvania and across the Nation if we found a solution to this problem. I request that the chairman include conference report language in the Labor-HHS appropriations bill urging the Department of Labor to continue its negotiations with the Members who have Amish constituencies, and to come to a compromise by the end of this year which will allow young Amish workers to continue to work in supervised settings.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. PITTS. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I understand the concerns of the gentleman from Pennsylvania. The Amish who also live in my State have unique family values and have a unique situation, since they complete their formal schooling after the eighth grade. Accordingly, the Department of Labor has a responsibility to evaluate the Amish in that light. It is my hope that the Department of Labor will alleviate the problems that have been created for the Amish.

Moreover, I will work to include language in the conference report urging the Department of Labor to resolve this issue by the end of the year.

Mr. PITT. Mr. Chairman, I thank the gentleman.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with the chairman regarding our efforts to move people from welfare to work. I and many others fear that last year's welfare reform effort will not do enough to ensure that the goal we all share, a smooth transition into the job market for people now on welfare, would be achieved.

I am glad to see that the recently concluded bipartisan budget agreement includes a welfare-to-work jobs program to help make welfare reform a success, but it will take a great deal of work and resources for the Department of Labor to design and to implement welfare-to-work so it will be in place by October 1, 1997.

On July 17, 1997, the President sent to Congress a budget amount for $6.2 million for the Labor Department to administer the $3 billion welfare-to-work program. As we prepare to go to conference with the other body, it is important that these funds be provided to the Department of Labor.

I appreciate the chairman's recognition in the committee report of the likelihood that these funds would be

needed. Now that the budget agreement has been reached, I want to ask the gentleman if he would be willing to work with me as we go to the conference on this bill to ensure that the Labor Department has the resources it needs to administer this vital welfare-to-work effort.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, the gentlewoman is a very valued member of our subcommittee. I appreciate very much her interest in the welfare-to-work efforts during the committee hearings this year, and I share her commitment to making welfare reform work. I want to let her know I will do everything in my power to make sure welfare-to-work is implemented successfully.

Ms. DELAURO. Mr. Chairman, I appreciate the Chairman's interest and efforts during the committee hearings this year. I share his commitment to making welfare reform work, and I will do everything in my power to make sure welfare-to-work is implemented successfully. I thank the chairman.

Mr. SOUDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to comment briefly on the colloquy of the gentleman from Pennsylvania, Mr. PITTS, with Chairman PORTER, chairman of the subcommittee.

Mr. Chairman, I have a unique background probably in this Congress in the sense that my great-grandfather was actually Amish; that he left the Amish faith in the 1860's, but up until that point, the Souder family, of which there are many in Pennsylvania and Ohio, many of them have an Amish background.

It is a question of religious liberty in this country as to whether people are going to have some flexibility within our laws, as long as they do not affect other people, to be able to practice professions and do things to earn a living, as we see the land values up, particularly in the areas they live, or whether they have to keep going and trying to find wilderness, of which there is less and less of in America, places where they do not bump into each other or where they can find land of a good price, which is why we see many of them going to South America.

As I see many of these people, many relatives of mine, squeezed as the urban area expands, many of them go into woodworking professions. As we combine this with the flexibility we have given them in the school system, we have run into real problems with the Department of Labor.

I have supported the gentleman from Pennsylvania [Mr. PITTS] and other Members from Pennsylvania where the problem has been highlighted in these meetings with the Labor Department, but it has also spread into Ohio and Indiana, and certainly very easily can spread further into other regions in Illinois and Iowa, where there are many Amish.

I want to make one other point with this, in addition to commending the gentleman from Pennsylvania [Mr. PITTS] and the gentleman from Illinois [Mr. PORTER]. That is, as we debate this bill, there have been a lot of discussions as to whether we are going to be obstructionists and offer lots of amendments. I had an amendment on this bill addressing this question. At the request of the gentleman from Pennsylvania [Mr. PITTS] and working with the gentleman from Illinois [Mr. PORTER], we felt that this colloquy would be a good first step to move this issue forward.

What we are doing tonight and tomorrow and whatever time is necessary is to have an honest debate on the issues. I wish we would work out most things like what has happened with the gentleman from Pennsylvania [Mr. PITTS] in his effort with the chairman. I want to commend them for their efforts, thank them on behalf of many people who are relatively defenseless, who do not have a lot of monetary power, who do not even generally vote. I want to thank them for their efforts, and I hope the Labor Department will hear their voices as they are crying out for how they can live with their religious freedom in our society.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(TRANSFER OF FUNDS)

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $343,356,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $96,844,000.

The funds appropriated under this heading shall be transferred to and merged with the Department of Health and Human Services, ''Aging Services Programs'', for the same purposes and the same period as the account to which transferred, following the enactment of legislation authorizing the administration of the program by that Department.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $349,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $173,452,000, together with not to exceed $3,332,476,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 1201 of the Small Business Job Protection Act of 1996, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1998, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 2000; and of which $173,452,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 1998 through June 30, 1999, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose, and of which $200,000,000 shall be available solely for the purpose of assisting States to convert their automated State employment security agency systems to be year 2000 compliant, and of which $206,333,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1998 is projected by the Department of Labor to exceed 2,789,000 an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the State to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

On page 8, line 18, after the dollar amount insert ''(reduced by $20,000,000)''.

On page 9, line 22, after the dollar amount insert ''(reduced by $10,000,000)''.

On page 9 line 25, after the dollar amount insert ''(reduced by $10,000,000)''.

On page 42, line 22, after the first dollar amount insert ''(increased by $32,835,000 for community based resource centers)''.

On page 64, line 7, after the first dollar amount insert the following: ''(reduced by $12,835,000)''.

On page 64, line 7, after the second dollar amount insert the following: ''(reduced by $12,835,000)''.

Mr. OBEY. Mr. Chairman, a moment ago the gentleman from Pennsylvania [Mr. GOODLING] offered an amendment to correct a misjudgment in the bill, and I am doing the same thing in this instance. I understand the amendment will be accepted by the majority.

Mr. Chairman, I am offering this amendment on behalf of myself and the gentleman from Oregon [Mr. DEFAZIO]. This would simply restore $32 million for the child abuse prevention and treatment program, for the community-based family resource and support grant program within that program. It would pay for it with offsetting reductions in computers, in the contingency fund, and in Goals 2000 of $12,800,000.

I do not think there is any controversy associated with the amendment. We are simply trying to provide the same level of funding that was provided last year to support community-based efforts at preventing child abuse.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, this is the only, only Federal money that goes directly to support State, local, and private coordinated efforts to prevent the growing epidemic of child abuse in this country. We had 1.4 million reported cases of child abuse in 1986, up to 3 million in 1996.

In my hometown of Springfield a precious little girl 3 years old, Tessa Lynn, needed some help, and that help never came. One day the police came in response to some calls by neighbors, and they checked her, and they were told she was asleep.

□ 2000

Well, now, she is asleep forever. She was horribly abused and murdered. We need more community-based programs to prevent child abuse, and this is the only one that receives any Federal funding.

Mr. Chairman, I would urge my colleagues to support it. It is not a new program. It is an authorized program. It is not an unfunded mandate. And it is a program which involves States, communities, and private organizations in a coordinated effort to save the lives of precious youth in this country.

Mr. Chairman, I insert the following for the RECORD:

STATE OF OREGON,
JOHN A. KITZHABER, GOVERNOR,
July 29, 1997.

Hon. PETER DEFAZIO,
House of Representatives, 2134 Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN DEFAZIO: Congressman Peter DeFazio is proposing an amendment to restore funding for local child abuse prevention grants to the states. The budget for the Federal Community-Based Family Resource Support Grant (CBFRS) was eliminated in the House version of the Health and Human Services budget. The Senate version continues the grant at last year's funding level. Congressman DeFazio's amendment will restore the CBFRS budget and increase it by one million dollars. The offset comes from the office of the director of the National Institute of Health and by reducing funding for new buildings to last year's levels.

I strongly urge your support of the DeFazio amendment.

The CBFRS resources will play a very important role in preventing child abuse and neglect in Oregon. One of the most profound gaps in our service system is that of families who are at high-risk of and have an unfounded or undocumented case of child abuse or neglect. This gap lies along the continuum of services between the ''wellness'' (or primary prevention) role of the Commission on Children and Families and the role of the Department of Human Resources in protecting children through its Services to Children and Families division (SCF).

Oregon will use the CBFRS resources to address this gap by establishing ''community safety nets'' at the community and the state levels. These safety nets will be strong community and interagency partnerships designed to respond to the needs of those children and families who fall through the cracks. At my direction work has already begun to lay the foundation for the safety net project.

The restoration of the CBFRS grant will help get Oregon on the road to addressing one of the most serious gaps in our service system for children and families.

I urge your support of the DeFazio amendment. If you need further information, please contact Pam Curtis in my office at 378–6895.

Sincerely,

JOHN A. KITZHABER, M.D.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would simply say that we accept the amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the DeFazio-Fox amendment to the Labor, HHS, Education appropriations. This amendment would restore funding for the important community-based family resource and support grant program to prevent child abuse. Mr. Chairman, I thank the gentleman from Oregon [Mr. DEFAZIO] for his leadership in this issue.

According to the Department of Health and Human Services, instances of child abuse continue to increase sharply. In this environment I believe that it would be irresponsible for Congress to cut funding for child abuse prevention and treatment.

This program establishes a system of safety nets in our communities. These safety nets provide intervention services to at-risk children and their families. These are provided through counseling, training, and treatment services to local communities, including domestic violence prevention.

But unfortunately, funding for this program has been eliminated in the House version of the bill. I believe the program has had an outstanding positive effect. We cannot turn our back on our Nation's defenseless children.

As a former assistant DA in Pennsylvania, I have seen too many victims of child abuse, whether it be shaken-baby syndrome or other victims of abuse in other ways we have seen, whether, as the gentleman from Oregon talked about, the death of child abuse victims or those who have been starved.

Mr. Chairman, this will help reduce child abuse, help agencies identify child abuse, and increase prosecution of violent child abusers. The program provides such a large return for such a small investment we would be remiss in eliminating it, and we must, obviously, eliminate wasteful spending in any form and focus on funding programs that truly make a difference in the lives of our children and families, as this DeFazio-Fox amendment will.

Mr. Chairman, the program was authorized in the Child Abuse Prevention and Treatment Act of 1996 for 3 years. The U.S. Senate has seen the wisdom to continue this important bill, and I thank the gentleman from Illinois [Mr. PORTER] for his agreement to this amendment, and I appreciate the gentleman from Oregon [Mr. DEFAZIO].

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I neglected to say that I was offering the amendment on behalf of the gentleman from Oregon [Mr. DEFAZIO] and the gentleman from Pennsylvania [Mr. FOX]. I apologize and I appreciate the gentleman's activity on the amendment.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. FOX] for his support and his work on this amendment. This will save some children from the horrible fate that Tessa Lynn suffered in my own hometown.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if the gentleman from Wisconsin [Mr. OBEY] might answer a few questions about this amendment for me. I know it has been accepted, but I think it is important to clarify. The money and the goal I fully agree with. I think it is worthwhile. Mr. Chairman, could the gentleman from Wisconsin explain to me again where this money is coming from and why we chose to take it from those various programs?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, as I said, the money is to continue as the existing funding level, the community-based family resource and support grant program.

Mr. COBURN. Mr. Chairman, reclaiming my time, I understand what it is for.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, it is funded by taking $12.8 million out of the administration's Goals 2000 program, and $10 million out of the UI contingency fund, and $10 million out of the UI computers fund.

Both of these accounts are very amply funded and neither account will be damaged by the reduction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The amendment was agreed to.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the remainder of title I is as follows:

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, section 104(d) of Public Law 102–164, and section 5 of Public Law 103–6, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 1999, $392,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1998, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $84,308,000, together with not to exceed $41,285,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $82,000,000, of which $3,000,000 shall remain available through September 30, 1999 for expenses of completing the revision of the processing of employee benefit plan returns.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1998, for such Corporation: *Provided,* That not to exceed $10,433,000 shall be available for administrative expenses of the Corporation: *Provided further,* That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $298,007,000, together with $993,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided,* That $500,000 shall be for the development and implementation of the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission that is indexed and easily searchable by the public via the Internet: *Provided further,* That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further,* That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $201,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided,* That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further,* That balances of reimbursements unobligated on September 30, 1997, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further,* That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1998: *Provided further,* That of those funds transferred to this account from the fair share entities to pay the cost of administration, $7,269,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: *Provided further,* That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,007,000,000, of which $960,650,000 shall be available until September 30, 1999, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $26,147,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $19,551,000 for transfer to Departmental Management, Salaries and Expenses, $296,000 for transfer to Departmental Management, Office of Inspector General, and $356,000 for payment into miscellaneous receipts for the expenses of the Department of Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: *Provided,* That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $336,205,000, including not to exceed $77,941,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided,* That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 1998, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order

under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further,* That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: *Provided further,* That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $199,159,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $327,609,000, of which $15,430,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1999, together with not to exceed $52,848,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $4,402,000 for the President's Committee on Employment of People With Disabilities, $152,199,000; together with not to exceed $282,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided,* That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995): *Provided further,* That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further,* That any such decision pending a review by the Benefits Review Board for more than one year shall be considered affirmed by the Benefits Review Board on that date, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further,* That these provisions shall not be applicable to the review of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

WORKING CAPITAL FUND

The paragraph under this heading in Public Law 85–67 (29 U.S.C. 563) is amended by striking the last period and inserting after ''appropriation action'' the following: '': *Provided further,* That the Secretary of Labor may transfer annually an amount not to exceed $3,000,000 from unobligated balances in the Department's salaries and expenses accounts, to the unobligated balance of the Working Capital Fund, to be merged with such Fund and used for the acquisition of capital equipment and the improvement of financial management, information technology and other support systems, and to remain available until expended: *Provided further,* That the unobligated balance of the Fund shall not exceed $20,000,000.''

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $181,955,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 1998.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $43,105,000, together with not to exceed $3,645,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 103. Funds shall be available for carrying out title IV–B of the Job Training Partnership Act, notwithstanding section 427(c) of that Act, if a Job Corps center fails to meet national performance standards established by the Secretary.

SEC. 104. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate or issue any proposed or final standard regarding ergonomic protection before September 30, 1998: *Provided,* That nothing in this section shall be construed to limit the Occupational Safety and Health Administration from issuing voluntary guidelines on ergonomic protection or from developing a proposed standard regarding ergonomic protection: *Provided further,* That no funds made available in this Act may be used by the Occupational Safety and Health Administration to enforce voluntary ergonomics guidelines through section 5 (the general duty clause) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654).

This title may be cited as the ''Department of Labor Appropriations Act, 1998''.

The CHAIRMAN. Are there amendments to the remainder of title I?

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIGGS. Mr. Chairman, are we still on title I of the bill?

The CHAIRMAN. The remainder of title I, from page 11 through page 25.

Mr. RIGGS. Mr. Chairman, further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIGGS. Mr. Chairman, I did not understand that response. Are we now at the end of title I of the bill?

The CHAIRMAN. This is the last call for title I.

Mr. PORTER. 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. LAHOOD) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. 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 363, nays 46, not voting 24, as follows:

[Roll No. 365]

YEAS—363

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey

NAYS—46

Abercrombie
Borski
Brown (CA)
Clay
Clyburn
DeFazio
Doggett
English
Ensign
Fazio
Filner
Fox
Gephardt
Gibbons
Gutknecht
Hefley
Hill
Hilleary
Hilliard
Hulshof
Johnson, E. B.
Kucinich
LoBiondo
Lowey
Maloney (NY)
McNulty
Miller (CA)
Moran (KS)
Oberstar
Pascrell
Pastor
Pickett
Pombo
Poshard
Ramstad
Sabo
Schaffer, Bob
Slaughter
Stenholm
Stupak
Taylor (MS)
Thompson
Visclosky
Waters
Weller
Wynn

NOT VOTING—24

Bono
Boucher
Buyer
Clayton
Davis (VA)
DeLay
Dicks
Foglietta
Furse
Gonzalez
Goodling
Harman
King (NY)
Lantos
McDade
Neumann
Pryce (OH)
Schiff
Stokes
Taylor (NC)
Towns
Yates
Young (AK)
Young (FL)

□ 2026

Mr. NETHERCUTT changed his vote from ''nay'' to ''yea.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PERMISSION TO INSERT EXTRANEOUS MATERIAL ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. OBEY. Mr. Speaker, I ask unanimous consent to insert extraneous material into the RECORD at the point immediately following my opening statement on H.R. 2264, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1984

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 1984.

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

There was no objection.

□ 2030

MOTION TO INSTRUCT CONFEREES ON H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. TRAFICANT. Mr. Speaker, I offer a motion to instruct conferees on the bill, H.R. 1119, to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mr. TRAFICANT moves that the conferees on the part of the House on the bill, H.R. 1119 be instructed to insist upon the provisions of section 1032 of the House bill relating to the assignment of Department of Defense personnel to border patrol and control.

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent if there is a recorded vote requested that that request be deposed of tomorrow at the schedule of the leadership.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 30 minutes.

PARLIAMENTARY INQUIRY

Mr. REYES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. REYES. Mr. Speaker, under the rules when there are two proponents of the motion which have been recognized, is one-third of the time allotted to a Member in opposition?

The SPEAKER pro tempore. Is the gentleman from South Carolina [Mr. SPENCE] opposed to the motion?

Mr. SPENCE. No, I am not, Mr. Speaker.

The SPEAKER pro tempore. Under the rule, the time will be divided 3 ways. The gentleman from Ohio [Mr. TRAFICANT], the gentleman from South Carolina [Mr. SPENCE], and the gentleman from Texas [Mr. REYES] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

This passed the House by an overwhelming 2 to 1 margin. There has been debate of ethnic bias on my behalf. That has bothered me. There have been talks that they would just simply strip it out in conference. That has bothered me. I pose the question to the Congress of the United States, Congress and Federal Government, the White House said there will be no Cuban cigars and by God there are none in America. Why is it that 10-year-olds in every major city of America can get heroin and cocaine as easily as they can get aspirin?

On the issue of Mexicans and Mexican-Americans, that is a nonissue to me. The issue to me is if you are coming into this country illegally, you should not be. And we have a pitiful record in dealing with illegal immigration. I heard a lot of talk about a war on drugs. We have really gotten tough. We do not have a director of drug affairs. We have a drug czar. The drug czar, to show the power and the clout, is a retired general.

I want to submit to Congress, you have wide open borders. There are 6,800 Border Patrol. The White House admits that we need 25,000 to adequately handle the border. The Traficant amendment to the defense bill is rather calm and moderate. It does not mandate the use of troops. It simply authorizes them, and the administration in an emergency need must request them. And if they in fact are deployed there, they shall have no arrest powers, simply to detain for civil law enforcement to make those arrests.

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

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

Mr. Speaker, I voted in favor of this provision when it was offered as an amendment to H.R. 1119. We have since begun conference with the Senate on this legislation. Over the past several weeks, objections have been raised to this provision expanding the Secretary of Defense's authority to assign up to 10,000 DOD personnel to assist INS and the United States Customs Service on the U.S. border. Even though this provision is likely to remain a contentious issue in conference, I will continue to work with interested Members to support the House position as we do in all matters before the conference.

Mr. Speaker, I remain supportive of the role of the Department of Defense in reducing the flow of drugs into our country. In this bill, I commend the gentleman from Ohio for his work in bringing additional visibility to this serious and important problem.

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

Mr. REYES. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this was a bad idea when it was first proposed, it was an idea that we really did not get a chance to fully debate. I think tonight I rise in opposition because we are all concerned about illegal entries into this country. We are all concerned about drug trafficking. We are all concerned about the attacks on our various neighborhoods. This is a bad idea from my personal experience because I spent 26½ years patrolling the border.

The gentleman from Ohio makes mention that we have got about 9,000 Border Patrol agents patrolling our borders. I should remind my colleagues that we have a plan that will increase the number of Border Patrol agents by 1,000 agents per year until 2001, at which time we will reevaluate the effectiveness of that increase.

I think tonight it is important that my colleagues realize that this proposal does not restrict the utilization of the military to our southern border. I think it is important that if you are one of my colleagues from Idaho, you should worry about this proposal. If you represent Minnesota, you should also worry. If you represent the State of New York, you should be concerned. If you are a Representative from the West Coast or from the coast of Florida, you should be concerned about what this kind of proposal might do to our neighborhoods.

It is important that we keep things in perspective and that we understand that the only rational, reasonable way that we are going to combat illegal immigration, drug trafficking, and all of the associated concerns that we have about our international borders is to hire additional professional bilingual agents.

It is very important that we keep in context the fact that on our southern border, while we may have a serious problem today, that problem may shift to the Canadian border tomorrow. That problem may manifest itself on the West Coast or the East Coast next year or 2 years from now. We are opening up a situation where Representatives from throughout this country that represent districts contiguous to international boundaries will be in a position to have to answer to the people that elect them why we are deploying soldiers to do a job that should be done by professional law enforcement officers.

We are also jeopardizing with this proposal the very soldiers that we are deploying to protect us under this type of solution. It is important that we recognize that there is a serious problem that needs a rational decision.

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

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I rise in support of the resolution, a very moderate proposal, probably the most moderate proposal the gentleman from Ohio has ever presented while I have been on this floor. It does not say that we shall put troops at the border to secure our national frontiers like the Republic of Mexico has done. The Republic of Mexico has felt it is so important to fight the drug and the illegal activities along the border, they have placed their troops at the border.

No, this proposal, Mr. Speaker, does not say that. This proposal is so moderate that it only says that if the administration feels it is absolutely essential to protect the sovereignty of the United States, to enforce its laws, to basically be able to secure our borders, then under their discretion, under the President's discretion and his administration, then they may if they want to use it. The gentleman from Ohio is not mandating any operations at any borders or any ports. He is authorizing that the President in his good judgment, if it is needed in a crisis, will have a resource available to him that Congress has ignored for too long.

Mr. Speaker, let us ask the American people, is it so bad, is it so absurd to think that American troops that travel all around the world to defend the borders and the frontiers of many, many countries for decades, that are in foreign countries all over the globe today, is it so wrong to think that those same troops may, if the President thinks it is essential, have the right to defend the soil that they are born in and that the taxpayers of that soil are paying for their salaries? Is it so wrong to have American troops be authorized to defend their American soil?

Mr. Speaker, I give you that. The gentleman from Ohio is not only moderate and reasonable, I think he is intelligent beyond the level that this House has been willing to accept in the past. Common sense says this moderate proposal is not only our right as a House of Representatives, Mr. Speaker, it is our responsibility of the representatives of the people that we say we represent.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TRAFICANT. Who has the right to close this debate, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Ohio has the right to close.

Mr. TRAFICANT. Mr. Speaker, I have at this point reserved the balance of my time.

Mr. REYES. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas [Mr. RODRIGUEZ].

Mr. RODRIGUEZ. Mr. Speaker, let me first indicate, I think one of the

things that we need to look at is the whole issue of readiness. I am on the Committee on National Security. One of the things that we have been informed is that those 10,000 troops are going to cost us $650 million. I want my colleagues to think about that.

Second, as the gentleman rose and talked about what is so wrong about defending our country, we are there to defend our country.

□ 2045

But do we want troops there that might jeopardize our own citizens, as has already happened? That is what we are concerned about.

When I went up there during the last 30 days, I had an opportunity to travel through my district, and it goes all the way to the Rio Grande, and, yes, they are against drugs, by the way, and, yes, they are against immigration, illegal immigration, and there is a need for us to respond. But they have also indicated that they would prefer to have Border Patrol people handle that, individuals that are well-trained to be able to deal with that.

When we talk about drugs, we are going to need sophisticated individuals who will be able to handle and know the terrain, know the area. We run the risk of having incidents that would occur that happened to that young man, Mr. Hernandez, unfortunate incident where one American citizen got killed. We should not jeopardize that to occur, and we should do every effort to make sure that that does not happen.

I also want to inform my colleagues that both the Department of Justice has considered this very inappropriate and is not in support; the Department of Defense has indicated, and I would like to read some of the things that they have said. The general counsel of the Department of Defense warned in a letter to the Committee on National Security chairman, the gentleman from South Carolina [Mr. SPENCE], that the troops that work along the border are of minimal value to military readiness and detract from the training with war-fighting equipment for war-fighting missions. This lack of training would directly reduce unit readiness.

If we look at it in addition to the Department of Defense, they have indicated that this is not the right thing to do.

The INS has also indicated that they would prefer to handle this in a way that the Border Patrol is involved, and I want to ask my colleagues: Would you want to see troops in your own neighborhoods, in your own community, people that might not know the area? I would ask that you seriously consider that because I would think you would not want them in Ohio, in your own back yard.

Mr. Speaker, as a member of the National Security Committee, I opposed the amendment to authorize up to 10,000 additional troops on the border, and today I rise to oppose this motion to instruct conferees on the National Defense Authorization Act for Fiscal Year 1998. Our military is the world's best trained fighting force; they are not police officers and they are not border patrol agents. They are trained to fight, and we risk grave consequences by deploying them on American soil. Such a dramatic increase of troops on the border is a dangerous proposal that will put border residents in danger and reduce military readiness.

During the August break I travelled throughout my district in South Texas, including counties I represent along the U.S.-Mexico border. At every meeting, residents of the border region expressed overwhelming opposition to the proposal to increase the number of soldiers on the border. The residents expressed concerns that the soldiers are unfamiliar with the people and the area, are not trained to deal with the complexities of immigration along the border, and may not be bilingual. Border residents, just like everyone else, want to stop the influx of illegal drugs and believe in stopping the flow of undocumented immigrants. But the solution they support is more Border Patrol agents. The recently implemented Operation Rio Grande is a first step toward that goal.

Last May, an 18 year old boy was killed by a Marine assisting Border Patrol agents near Redford, Texas. This tragic incident highlights the complexities of placing soldiers on the border and the potential harm to border residents. It is no wonder that the Departments of Defense and Justice and the Immigration and Naturalization Service all oppose this proposal. The Border Patrol has nearly 7,000 agents patrolling our nation's borders and Congress has authorized an additional 1,000 agents every year until 2001. The San Antonio Express-News pointed out that the Redford incident may be isolated but warned against deploying soldiers into an area lawfully and peacefully used by private citizens.

Mr. Speaker, I serve on the House National Security Readiness Subcommittee and the Readiness Panel of the Defense Authorization Conference Committee. At a time when readiness concerns and the increased operation tempo of our military are at their highest we cannot afford to pull 10,000 men and women away from their posts to do the work of Border Patrol agents. The military can provide assistance in numerous ways without this unwarranted diversion of troops.

The General Counsel of the Department of Defense warned in a letter to National Security Committee Chairman Spence that the troops' work along the border are of minimal value to military readiness and detract from training with warfighting equipment for warfighting missions. This lack of training would directly reduce unit readiness levels and would extend the time required before these personnel could be deployed to support contingency operations. The General Counsel summed up his concerns be stating that the proposal would reduce the level of military preparedness and overall combat effectiveness of the Armed Forces.

The Department of Defense estimates that the placement of 10,000 soldiers on the border would cost in excess of $650 million per year. This enormous sum could be put to better use ensuring Border Patrol agents are properly trained and have the resources needed to enforce our Nation's laws and to protect themselves.

Mr. Speaker, I, and the tens of thousands of residents I represent along the border, urge my colleagues to vote against this motion to instruct conferees. The placement of up to 10,000 soldiers on our borders is a dangerous proposal that could have deadly consequences for border residents. We must remember who were are protecting.

Mr. SPENCE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. Roukema asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I just want to commend. I did not realize that the gentleman's amendment was coming up now, my colleague's, the gentleman from Ohio [Mr. TRAFICANT], but I want to commend him for this. I heard his presentation on the Jim Lehrer news broadcast about a week or two ago, and it was very coherent.

I do not believe what I am hearing here, that the same people that have been carrying on the program, whether it is Border Patrol or INS, are being looked to to save us from what has become a war zone on our borders. We are talking about war zones whether it is illegal immigration or, more directly, the drug war that is going on there. And I am telling my colleagues they have not done well for this country under the present circumstances with the present personnel.

The time is long passed for us to do this. It is common sense, and if there are problems with the rest of the military preparedness, then let us fix that. But I will tell my colleagues, someone asked the question, the previous speaker asked the question, do I want those people in my backyard or in New Jersey. I tell him I do not. I do not want my children or my grandchildren to be accosted, and to have to face the influx of drugs, the invasion. It is an invasion and it is a war as much as anything is a war. We can go to Somalia, we can go to Bosnia, we can go to the Ukraine; I am telling my colleagues we need them right here to protect our families and to do the right thing. We cannot. Obviously, the existing personnel have failed us dreadfully.

Mr. REYES. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Mr. Speaker, I rise in opposition to this well-intentioned but ill-advised amendment. My State, Florida, like Texas and many coastal States, faces challenges in controlling our border, but the answer lies in strengthening the Border Patrol to solve this problem.

As the sponsor of the amendment has alluded to, if we have 6,800 Border Patrol officers not taking care of the problem, let us increase the number of Border Patrol officers. There has been no evidence offered to suggest that these people, these men and women, are not qualified to do their jobs.

The answer does not lie in diverting up to 10,000 additional military troops to handle this function, and as the sponsor of the amendment has mentioned, the amendment would have the

effect of authorizing the Department of Defense to use these additional personnel in an emergency situation. If this is such a problem, these additional personnel should not be there just for emergencies, they should be there all the time. We should be strengthening the number of Border Patrol agents down there, not trying to have additional people down there who have not been trained to do the job and only using them in emergency situations.

The Department of Defense has estimated that the diversion of up to 10,000 troops could cost as much as $650 million. Let us use a more cost-effective approach. Let us beef up the Border Patrol.

Mr. SPENCE. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. DELLUMS], the ranking member on the committee.

Mr. DELLUMS. Mr. Speaker, I rise in opposition to the motion to instruct conferees on this matter, and in so doing I would like to first congratulate my distinguished colleague from Texas [Mr. REYES] for his very thoughtful response to the proposition that is before us.

I would now like to make four rather succinct points, Mr. Speaker.

First, in moments of significant problems and high emotion and extraordinary rhetoric, sometimes it is the burden of responsibility of leadership to try to focus on significant principles. I would assert, and assert aggressively here, that the beauty of this country, the beauty of this Nation, the beauty of the United States, Mr. Speaker, is that under the law in the United States law enforcement is left to the civilian Department of Justice and its agencies as it should be.

I would remind my colleagues that the United States military is precluded from becoming a quasi police force, and we were thoughtful about that, and we should be very, very circumspect when we consider the proposition of crossing that significant line.

Thirdly, Mr. Speaker, I would also remind my colleagues that countries in which the military police its citizens are countries lent to oppression by that military. We have all seen it replete through the pages and the annals of time and history.

Second important point: The U.S. military is already engaged to the tune of more than $800 million per year in assisting law enforcement into areas of drug interdiction and border security, mostly with high technology assets at their disposal. In this gentleman's opinion, there is no need for us to increase this level of support.

Thirdly, all of us, many of us on the floor of Congress have talked about the operational tempo that many believe is crippling the American military forces as we downsize. I would suggest that that operation tempo is already extraordinarily high. To have as many as 10,000 military personnel pulled away from their current assignments to assist with law enforcement matters would require a further stretching of personnel resources to cover their absence thereby expanding and increasing operational tempo and stressing the American military personnel.

Fourthly, if the Congress, and I have said to my distinguished colleague from Ohio, particularly where it is dealing with the question of drugs and the impact of drugs and the scourge of drugs in our community, that I agree with his ultimate goal. Where I am debating and stand in opposition to the gentleman is how he seeks to do it. If the Congress feels that the Immigration and Naturalization Service and the Customs Service are indeed understaffed, then the appropriate place to address these shortfalls are the Department of Justice and the Department of Treasury, not by further tasking the Department of Defense.

So, in conclusion, I would urge my colleagues to rethink this matter. This is a significant step. Posse comitatus is an important principle that we have embraced in this society, and that is to keep the military military and keep the issue of civilian policing civilian and not military. When we step across that line, we have made a significant step.

This is a moment of significance, drama, high emotion, very hot rhetoric, but it is important for us to come back to those themes and those principles that have made the United States what it is, and an important democracy and civilian control of the police function is a significant part of that principle.

Mr. TRAFICANT. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, could my friend from Ohio [Mr. TRAFICANT] tell me if he has requested additional personnel for INS, or is it that he feels that the INS is incapable of discharging its duty?

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio.

Mr. TRAFICANT. I am not so sure. All I know is they are not successful.

Mr. CONYERS. That being the case, could I be of some assistance as a humble member of the Committee on the Judiciary to provide the gentleman with some insight as to their effectiveness or whether we can get additional personnel?

Mr. TRAFICANT. I am familiar with the debate and the additional appropriations, and I still believe they fall far short with the massive amount of narcotics and the number of illegal immigrants running across our border, and the INS has, in fact, allowed 80,000 criminals in because they allowed them to do their own fingerprints.

The SPEAKER pro tempore (Mr. LAHOOD). The time of the gentleman from Michigan [Mr. CONYERS] has expired.

Mr. CONYERS. Would the gentleman yield for an additional question?

Mr. TRAFICANT. The gentleman from Michigan is not for this. He should get time over here. I am going to reserve my time.

Mr. REYES. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. If I could continue my dialog with my friend from Ohio, Mr. Speaker, perhaps the Committee on the Judiciary might be of some assistance because I think it may be important based on the discussions going on here tonight; I mean, if INS is not doing the right thing, that is a matter that we who have oversight jurisdiction over them ought to be put on notice. If, on the other hand, the INS is ineffective because of the fact that they are overwhelmed by the nature of the task and they are short of personnel, then that, as the gentleman can appreciate, is another matter.

So I would ask him to indulge me in trying to provide some assistance for him on that matter.

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

Mr. CONYERS. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, I can notify they passed an amendment to the Foreign Ops bill 2 years ago. It called for a study of the effectiveness of our Border Patrol programs and they are now under way.

Mr. REYES. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas [Mr. ORTIZ].

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

Mr. ORTIZ. Mr. Speaker, I rise in opposition to my good friend, an exchair like me. Today, I think that his intentions are very, very good.

I was in the military as well, and I was trained as a military officer where I defended my country, whoever I was defending to kill the enemy, and as a military veteran and as a former law enforcement officer, I understand the unique perspective of those who strive to keep the peace on the border and the view of those in Congress who believe we should put resources we already have in a place that they are needed. And it is not that we do not need more people. If we feel that we need 10,000 more people on the border, let us get qualified people to do the job.

The missions are distinctively different. The military, as when I was in the military, are trained differently, as we are in law enforcement. For 50 years the United States spent millions of dollars and our energy on fighting the war against communism, and in 1989 we saw the Berlin Wall come down.

□ 2100

It would be a mistake of enormous proportions if we erected our own wall along our southern border in the form of the military. Mexico is our neighbor, friend, and economic partner. It would be a mistake to station troops who have been trained to kill the enemy on the international border.

We should also consider the damage to the readiness of the U.S. military when our soldiers get away from their mission. It would be a great mistake to do that.

We are not for illegal immigration. In fact, I believe in strengthening our border, but with people who are well trained, who are qualified to do just that. We do not want to put a Band-Aid on one problem, only to create a new one where we forfeit the civil rights process in the United States.

I think that, yes, we do need help. War zones are not only in south Texas. We find war zones right here in Washington, in many neighborhoods. This is the wrong approach.

My friend knows that I have worked with him on many, many other issues. As a result of the troops being stationed on the border, one young American citizen was killed.

When I talk to immigrants who come here from Mexico and other Central American countries and other countries around the world, they do not want to stay here. They would like to go back to their countries, but because of the economic problems that they have, they come to this great Nation. This is why I support GATT, this is why I support NAFTA, because this will take care of some of the problems they face.

Vote against this amendment.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I hate to be against some of my colleagues from Texas, whom I really revere.

I will say, we have got a problem on the border, and drug traffic is taking over and our Nation's security is at risk. Homes and lands have been taken over by drug lords, Members know that. We have not done anything to help them. We have tried to put more agents down there, and we cannot seem to get it through the House and get more money to do it.

Are we to let that border go awry? I think America needs to protect its borders, and this motion will reinforce that.

Do you know what? The drugs have moved, the drug ops have moved, from Colombia to Mexico. We all are aware of that. Guess what? They target the United States as a drug target.

One of the cities that is really suffering is one that I happen to represent, Plano, TX. We had two guys come in from California the other day and they said they could not believe it. They sensed there was a drug problem, we know we have a drug problem, and guess what? It is all coming across the border.

I think the situation is dire enough where we would be irresponsible if we did not address it now.

We created the military to protect our Nation and its borders. We have troops all over the world, for crying out loud, theoretically protecting the interests of this Nation. Surely we can take action when the freedom and loss of it occurs right in our own backyard.

Mr. Speaker, I encourage the conferees to stand firm on this.

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

The gentleman from Texas [Mr. ORTIZ] said the military is trained to kill. I want to advise the gentleman that our military is giving vaccinations, rabies vaccinations, to dogs in Haiti right now. They are building homes in Haiti. They are guarding the borders in Bosnia and the Middle East.

To the gentleman from Texas, it is a tragic killing of that young Mexican-American, but over 200 illegal immigrants have been killed at the border. Evidently there is not one bit of deterrence at our border. How many more illegal immigrants will be killed trying to cross the border if we do not mandate any troops? These arguments do not wash.

Now, for the cost of the $650 million, are our military troops paid now? Are we just creating a new code? Are they deployed now? Are they cashing their checks in Frankfort and Tokyo and going for dinner and lunch?

Mr. REYES. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona [Mr. PASTOR].

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

Mr. PASTOR. Mr. Speaker, on occasion, Members, when they take the floor, talk about the families they represent and what their position is. I have heard a lot about the Collins family from Georgia. So I thought I would share some of the feelings that the people have along the border.

I represent the border in Arizona, from Nogales to San Luis, and I have to say that supervisors, mayors, councilmen and average Americans who live on the border are also concerned about the traffic of drugs into this country, and they commend us for the additional resources we have given, not only in Customs, Border Patrol and other law enforcement; and they would like to see that continued.

They are also concerned about the traffic of undocumented people coming into this country, and they applaud this Congress for the additional Border Patrol agents and other resources we have given them.

But they are very scared about having military placed on the border in their communities. They understand that the military is not trained for law enforcement, and so they ask, please consider their wishes, please consider their concerns as we fight the entry of illegal drugs with law enforcement.

They also ask this Congress to look at the different programs that we need to implement, not only at the border, but throughout this country, that would stop, eradicate, the desire of American citizens for the intake of drugs.

Mr. Speaker, I would ask consideration in opposition to this amendment.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the gentleman from California.

The SPEAKER pro tempore [Mr. LAHOOD]. The gentleman from California [Mr. BILBRAY] is recognized for 3 minutes.

Mr. BILBRAY. Mr. Speaker, the gentleman from Texas asked the question, would we want troops in our neighborhoods? I live within sight of the border. I am probably the closest, maybe the gentleman from El Paso, a quarter mile from the border.

Let me assure Members as somebody who has seen the death and destruction, seen the assassinations by the drug cartels, and somebody who lives not only north of the border, but north of a military installation, I would much rather see my children tonight being defended by American troops than to be exposed to the drugs and the violent activity that is going on along the border.

But we are not talking about that, Mr. Speaker. We are talking about giving the President the option. What are Members so scared of? Is it that the argument is so logical, so rational, that they fear that we even discuss this rationale?

I would say to my colleague, there are troops at the border today, all along the border. Nobody stood up and protested the troops being placed at the border, and not one Member here protested the troops being at the border.

Those troops are the Republic of Mexico's troops, Mr. Speaker. The Republic of Mexico saw the conditions along the border were getting out of control and that they needed to take some action. They took appropriate action. They were not racist, they were not anti-American, they were prolaw enforcement, and the troops at the border in Mexico are appropriate for the crisis that Mexico has recognized.

We are not proposing that we put troops there today, but we do recognize and ask Members to recognize that the President may recognize in the future the need to have an extra reserve to address a crisis that is coming on faster than most of us in Washington want to admit.

Mr. Speaker, I call on Members again, quit finding excuses for doing the right thing. Quit saying we do not want to have a fence, we do not want to have borders, we do not want to have this or that. Just do the right thing, enforce the law, and let us have safe borders, good fences, but large gates. Let us encourage the legal activity, discourage and stop the illegal activity; and let us learn, even from our friends from the south, that sometimes appropriate action means taking strong, firm action.

Mr. REYES. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I represent the largest populated Army installation in America, cochair the House Army Caucus, and in my opinion the Army does not need this job. The Army does not want this job, the Army cannot afford this job, and the Army should not have this job.

To give the military, the military, a major role in American domestic affairs, is a major change in long-standing national policy. To pass it under any circumstances, I think is wrong. To pass it without a hearing by the National Security Committee is absolutely irresponsible.

Mr. Speaker, there are two more serious problems caused by this amendment. First, it undermines our national security. The job of the U.S. Army is to train soldiers to fight battles and win wars. In the last several years, we have downsized the active duty Army from 18 divisions to 10 divisions. We could not even fight Desert Storm the same way today as we did just a few years ago.

Yet to take 10,000 Army soldiers out of training, out of combat training, and put them on the borders, along brush country in Texas and Arizona and California, is absolutely the same as downsizing the Army by 10,000 soldiers. Some may want to do that in this Chamber; I certainly do not.

The second problem is this: The average Army soldier spends 138 days away from his or her family. I met a young soldier in my district recently who missed the birth of his first two children because of deployments. I do not want that soldier to miss the birth of his third child because he is along the Texas-Mexican border, patrolling our own borders of America. I want that soldier either with his family or training to defend our national security interests across this world.

This may be good politics for some, but it is bad policy for the Army, and it is bad policy for America. I urge its defeat.

Mr. TRAFICANT. Mr. Speaker, it would be a tragedy to have the soldier miss the birth of his child, but how many people are speaking out for children being born addicted all over America?

And I want to agree 100 percent: The Army does not need this, the Army did not ask for this, the Army does not want it, the Army does not deserve it. But the Army does not govern. The American people want it, the American people need it, the American people deserve it, and the American people, by God, are the ones that we are sent here to represent.

This is a civilian government, and when the Army tells us what they want and what they need, then we should pack our bags and get out.

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

Mr. SPENCE. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas, Mr. Bonilla.

Mr. BONILLA. Mr. Speaker, there is no Member in this body who represents a larger portion of the Mexican border than I do. I have almost 800 miles of the Texas-Mexico border in my congressional district.

I oppose this motion, not because I am against enforcing our borders. In fact, we do have a war zone in some portions of my district with drugs and illegal aliens swarming across the river. But today's vote is not about having our military support the Border Patrol; they already do that. This is about having the military replace the Border Patrol along the Mexican border.

As I said, we do have a war zone, but this is a situation that could magnify in the future. Instead of having police officers doing their job where they should be, we could have tanks and troops stationed at every street corner of America when there is a crime problem, in Detroit, Philadelphia, Miami or New York, and we do not want that.

I oppose peacekeeping missions in Bosnia, Somalia, Haiti, and any other corner of the world, and I also oppose peacekeeping along the Mexican border. We do not need troops down there, we need to get together and support sending 10,000 new Border Patrol agents along the border to enforce our laws. That is how we can deal with this problem.

That is where the administration has dropped the ball in the last couple of years, because of political reasons sending more Border Patrol agents to other States that are more politically advantageous to him than the States of Texas, Arizona and New Mexico.

I ask my colleagues to support me in sending more Border Patrol agents and not deploying peacekeeping troops to the Mexican border.

□ 2115

Mr. REYES. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Texas [Mr. HINOJOSA].

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

Mr. HINOJOSA. Mr. Speaker, I stand here tonight to say to my colleagues that the Traficant motion is one I simply cannot support. I proudly represent the Texas border from Hidalgo/McAllen to San Antonio, born and raised there. Plain and simply, authorizing the Defense Department to deploy up to 10,000 U.S. troops to our international borders is a bad idea.

Why? An article in the August 25 issue of Time magazine, which I have in my hand, clearly answers this question. Allow me to quote:

> The danger of such military patrols is that they operate according to rules different from those of other law enforcement agencies. Moving stealthily in camouflage gear, soldiers are under general orders not to identify themselves, not to fire warning shots, and to respond to any perceived lethal threat under the military's rules of engagement, which simply means, roughly, shoot to kill.

Back on May 20 an 18-year-old goatherder named Ezequiel Hernandez, Jr., was in fact shot to death in the tiny west Texas border town of Redford when he was mistaken by a Marine corporal for one of the armed scouts who typically act as advance guards for drug smugglers.

I am certain most of the Members in this Chamber have heard of this tragic incident. One such death is one too many. Just say no to the Traficant motion.

Mr. REYES. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, there is an old saying, those who do not study history are bound to repeat its mistakes. What has history taught us? We know that on May 20 of this year, an 18-year-old U.S. citizen, Ezequiel Hernandez, of Redford, TX, who was tending his goats was shot and killed by a Marine who was engaged in drug interdiction efforts along the borders. He was the first American to be killed on U.S. soil by American troops since the 1970 Kent State incident.

We know we already have 7,000 Border Patrol agents patrolling the borders, and we are going to have an additional 1,000 Border Patrol agents for the next 4 years added to the force. We know that Border Patrol agents are trained to deal with situations and problems along our border. Military personnel are not.

Ezequiel Hernandez, 3 months before he was shot, was tending his goats, as he always was. He shot again into the brush, because he thought there was something there trying to get to his goats. It happened to be Border Patrol agents. When he found out it was Border Patrol agents, he went and apologized to those agents. Had Border Patrol agents been patrolling the border on May 20 instead of military troops, Ezequiel would probably still be alive. His untimely death at the hands of U.S. Marines on our soil, American soil, is now part of our Nation's history. It is also a part of a Federal investigation into this incident.

From his death we should learn that when our borders are patrolled by heavily camouflaged military troops, unbeknownst to Ezequiel Hernandez, unbeknownst to the citizens of Redford, unbeknownst even to the local law authorities in those areas along the border, because the military cannot tell anyone that they are there, what will happen is that unsuspecting American citizens can and will die. If we put 10,000 troops on our southern border, we will have learned nothing from history, and tragically, we will be bound to repeat its mistakes.

This is not a proposal that is supported by the military. This is not a proposal supported by the residents in Texas along the border. It should not be a proposal supported by the Members of this House.

Mr. REYES. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have had a variety of testimony in these chambers. Sometimes issues get clouded. Sometimes they get clouded in the emotion. Let us ask ourselves, who wants or who supports this proposal? It is not INS and it is not the Border Patrol. It is not the Attorney General. It is not the Department of Defense. It is not the Secretary of Treasury. It is not, certainly, the Hernandez family, who suffered that tragedy in Redford, TX. It is not our border communities, who do not want to live under martial law.

We have heard that there are two distinct and different missions. The military mission is combat. We do not want to see our military compromised by doing law enforcement type work that subsequently would jeopardize the security of this country and the security of our troops. The mission of law enforcement is to protect communities. They are trained for this kind of job. Let us keep this in the hands of law enforcement.

Mr. Speaker, let us not send troops throughout this country. Let us not invoke martial law in this country simply because Mexico and other countries choose to deploy troops along their borders.

We have to ask ourselves, is this proposal fair? Is this proposal fair to the Hernandez family? How fair is this proposal to our own military? How fair is it to the corporal that came that close to being tried for manslaughter?

Mr. Speaker, I urge my colleagues to vote against this proposal.

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

The SPEAKER pro tempore. The gentleman from Ohio [Mr. TRAFICANT] will close the debate on his motion to instruct conferees.

Mr. TRAFICANT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank everyone for being involved. We did not have as many accusations this time. Maybe many people recognize the intentions are honorable. The distinguished former member of the Border Patrol, I have great respect for him, and I assume he has done a great job. They have elected him to Congress.

I took my time to meet with the delegation from Redford, TX. They came up to meet with me, and pleaded with me that I would pull my amendment from this bill. Several family members of the young man tragically killed were there. It was very, very unfortunate. We are all saddened.

Let me tell the Members what they asked me to do: To pull the amendment. When I asked them how they felt about the border, they said, absolutely no military troops. But let me tell the Members what they also said. I would like everyone to listen to it. They did not want any Border Patrol, either. They support open borders, no checkpoints. Let people come and go freely.

Let me tell the Members what they also said, without mentioning the name of a priest who helped to carry much of the conversation. He said the local Border Patrol spends more than 4 to 5 hours a day in coffee shops, doing nothing, and occasionally beating up, quote unquote, beating up on some poor illegal immigrant that they might catch.

Mr. Speaker, in a San Diego article June 1997, I will just read the first paragraph: ''Bullets again were fired from Mexico at 2 U.S. Border Patrol agents in separate incidents, bringing the number of shootings at agents in the past month to five.'' In the last 120 days, nine Border Patrol agents were shot and injured. They have not been killed. They have families.

The INS, they are an incompetent bunch. If everybody is afraid of that language, I will say it, because that is what I believe in my heart. I am an old sheriff. To expedite immigration, they allowed immigrants to submit their own fingerprints, and they had to admit, they may have allowed up to 180,000 felonists into America, and admitted they may not be able to find them.

We do not have 9,000 Border Patrol, we have 6,800. That is one pair of eyes for every 2 miles of border. If they are not compromised, and I am not going to make that charge, I do not have facts, but illegal immigrants are not driving border patrols. They do not have the money.

We now have the massive amount of narcotic buildup in Mexico that is transferred, as the gentleman said, from Colombia. As far as the local politicians that do not want this, we have a local politician just convicted of bringing in 2,200 pounds of cocaine, a sheriff down there in the county where the young man was slain.

For those who might understand narcotics, that is one metric ton, and one pound of heroin in Pakistan is $90. What does it cost in Chicago? There is no program, and I agree, the Army does not want it and the President does not want it; maybe not this President, but I do not want to hear any more about 10,000 troops.

I was advised in the amendment to set a limit, and I did. The Traficant amendment does not mandate one troop. They might send 100 specialists with sophisticated technology. They could set up teams to work with the Border Patrol. If it is fashioned and done right, these military agents and Border Patrol in teams would go out, and the Traficant amendment says there shall be no posse comitatus law violations. They cannot arrest, they can only detain.

What is wrong with us here? How many more Mexicans will die trying to cross this border? How many more? What is the deterrence? The INS? The Border Patrol? We have a drug czar that says we need 25,000 Border Patrol agents. Who is going to pay for them? How many more pensions, how much more health insurance?

Mr. Speaker, I did not see one Member stand up and say, look what we are doing to the military, giving rabies vaccinations in Haiti, our military; military building homes. And I do not think it is bad over there.

Mr. Speaker, I disagree with our immigration policy. I am not going to kid anybody. Here is what Congress passed. If you are in America illegally for 5 years, we made you a citizen. How dumb are we? Here is what I support, not making people citizens who jump the fence illegally, and sending a message to everybody around the world to jump the fence.

I am for apprehending them, finding them, and throwing them out. That is it. I do not care if they are black, I do not care if they are white, if they are Mexican, Italian. I do not care who they are, they are here illegally, they should not be here, by God. Our program does not work.

Second of all, what about the massive amount of narcotics in our cities? There are politicians now, powerful politicians, talking about legalizing narcotics. Why? Because we are desperate. We cannot do anything about it. Have we really tried? If there is a greater national security threat, other than China, right now, which Congress is also not looking at, I want someone to tell me what it is, other than narcotics. It is tearing apart the families of our communities. I have many Mexican-American families that called me and said, we agree with you, sheriff.

Mr. Speaker, I do not mandate it, I allow for it. If common sense would ever take over in our country, maybe there could be a utilization of this big military payroll to provide some national security for us. If we could guard the borders in the Middle East and Bosnia, by God, we can provide a national security program for America.

What do you want to build? Did you all stand up and oppose a 15-foot barbed wire chain link fence? I am not for building a wall. We have these troops getting a paycheck. They can come out of training, they could be assigned there. They could be rotated, if we develop that program. But it does not mandate it. But we have the technology and we can do aerial surveillance, we can do naval surveillance. I am going to tell the Members something, the Border Patrol cannot match up with the military power of the cartels.

Let me say one last thing. The drug czar, General McCaffrey, was threatened by one of the most powerful cartels in Mexico that threatened to kill him.

□ 2130

Now they are saying, well, it was just one group trying to gain advantage over another group and hoping that the other group will bring the Americans in to put pressure on the other drug cartel. Come on.

We do not need a drug czar. I am not so sure we need all of these Federal agencies. If it was up to me as an old sheriff, I would wrap all of these Federal agencies up under the FBI. One

agency. I think they are so miscoordinated, they do not work together. We do not even have a program, speaking as a sheriff. It is a joke.

As far as the Border Patrol is concerned, I believe they have been compromised. I am just going to tell it the way it is. I do not know that, but, by God, I do not trust it.

Mr. Speaker, I would say to the gentleman from Texas, I have followed many of his military leads and I want to make this statement. If my amendment were to come in here and mandated these troops and mandated this collision, I could understand the resistance. But I present an idea that can only be enacted if there is an opportunity to mold a reasonable defense security program. This is not military presence in America. This is military security at our border. That is a hell of a difference.

Mr. Speaker, just let me say this. I heard the talk about killing it in conference. My colleagues are not going to kill this amendment in conference. What they are going to kill is more children, more dying of overdose, more young people selling and running cocaine and heroin, more politicians on the border bringing in narcotics, more truckloads going to Chicago and New York. Truckloads. Truckloads.

The Traficant amendment allows that if this happens, they would assist with Customs to take a look at these trucks on the border, to go out in joint forces and maybe transport Border Patrol to key areas. And if my colleagues want to hire 25,000 Border Patrol, they do not have the money to do that. They are not going to do that. Know what? The border does not want it. They do not even want the Border Patrol. That is what the people from Redford, Texas, told me, Sheriff. They want open borders.

Mr. Speaker, let me close out with this. I would not have called for a vote and I would have not called for a motion to instruct conferees. There are big powerful people around here and they are going to lead the charge and knock out an idea, I guess, and they probably will. But, Mr. Chairman, I say to the majority party that they were elected together and they got tired of this. And I am a Democrat and that is why my Republican colleagues are in the majority, because some of the things that have been done over here that have been very foolish.

If the majority party does not allow for a reasonable national security program on narcotics and illegal immigration, then the American people made a mistake in giving them that charge.

Mr. Speaker, I say to the gentleman from South Carolina [Mr. SPENCE], ''Keep it in, Mr. Chairman.'' I want the gentleman to fight like a junkyard dog in the face of a hurricane in that conference for this amendment. And I made it so that it will not embarrass the gentleman and it will not hurt the gentleman. It does not clamp and ratchet them down.

For the young man from Texas, it was very unfortunate. And God almighty, maybe with proper training with the Traficant amendment, that would never happen. Did my colleagues ever think of that? That military troop was already down there. I didn't see you, my colleagues, bringing a point of order against it. He was put down there by George Bush. And they did not ask to be authorized. They placed them there.

Mr. Speaker, this sheriff is saying we have got a Border Patrol that does nothing, we have an INS that lets in 180,000 illegal criminals, we have a military getting a paycheck and cashing their checks and going to the theater in Tokyo and Frankfurt, and we have narcotics coming across the border in backpacks, truckloads of cocaine and heroin coming into this country, and kids strung out all over America, and Congress better start speaking up for those American kids.

Mr. Speaker, with that I ask that tomorrow we have an affirmative vote and this Congress and this majority party stand for the charges that are needed to protect our borders.

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

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. REYES. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. Pursuant to the previous order of the House and clause 5(b)(1)(c) of rule I, further proceedings on this motion are postponed until tomorrow.

EXPRESSING THE CONDOLENCES OF THE HOUSE ON THE DEATH OF DIANA, PRINCESS OF WALES

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 219) expressing the condolences of the House of Representatives on the tragic death of Diana, Princess of Wales, and ask for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 219

Whereas the House of Representatives has heard with great sadness of the death of Diana, Princess of Wales, in a tragic automobile accident;

Whereas Diana, Princess of Wales, touched the hearts of the British and American people with her unflagging humanitarian and charitable efforts, her grace, and her good humor;

Whereas Diana, Princess of Wales, was a leader in such causes as the struggles against HIV/AIDS, breast cancer, and homelessness, and in efforts on behalf of the innocent victims of antipersonnel land mines;

Whereas many of the more than 100 humanitarian and charitable causes championed by Diana, Princess of Wales, operated within the United States and involved matters important to the American people; and

Whereas the outpouring of sympathy by the American people has underscored the ties between the British and American peoples, who are at this moment united with people around the world in their sadness at the passing of Diana, Princess of Wales: Now, therefore, be it

Resolved, That the House of Representatives expresses its deep and heartfelt condolences to the British people and government and to the family, especially the children, of Diana, Princess of Wales, on their tragic loss.

SEC. 2. The Clerk of the House of Representatives shall transmit copies of this resolution to the Ambassador of the United Kingdom of Great Britain and Northern Ireland to the United States for transmittal to the British government and to the family of Diana, Princess of Wales.

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] is recognized for 1 hour.

Mr. GILMAN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. CAPPS], pending which I yield myself such time as I may consume.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this resolution.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, this has been a very sad week for the people of the British Isles, for the American people, and for all people around the world. Diana, Princess of Wales, a model of grace, humor and charity, was tragically taken from us so terribly prematurely.

As this resolution notes, Diana, Princess of Wales, was involved in a multitude of good works, both in Britain and throughout the world, and many of her works on behalf of worthy humanitarian causes were undertaken right here in the United States. Whether the cause was the struggle against HIV/AIDS, breast cancer, or homelessness,

or the effort to protect innocent people from antipersonnel land mines, Princess Diana made her presence known in an inimitable way.

This beautiful young lady burst on the world scene in a storybook marriage which regrettably dissolved in unhappiness. Yet, despite this sad event, the Princess continued her humanitarian work while devoting herself to the upbringing of her two sons, upon whom so much responsibility will one day be thrust.

The outpouring of emotion by the American people that we have witnessed is due to an identification with a woman who personified a fairy-tale princess whose life represented infinite possibilities. We are greatly diminished by this loss, and it is only fitting that Members of this body join together with the American people in expressing our condolences.

I want to thank the Speaker of the House and the leadership on both sides of the aisle for agreeing to allow this timely consideration of this resolution. I thank in particular the gentleman from Indiana [Mr. HAMILTON], ranking Democratic member of the committee, for his cooperation in agreeing to the consideration of this resolution, for cosponsoring it, and for agreement for the minority to manage it on his side of the aisle.

The most important motivating force for this resolution, however, is its sponsor, the gentleman from Pennsylvania [Mr. FOX], a key member of our Committee on International Relations.

Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. FOX], and ask unanimous consent that he be permitted to yield time to other Members of this body.

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

There was no objection.

Mr. FOX of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for his leadership on not only this issue, but all the important issues in international affairs that come before this House and this Congress.

Mr. Speaker, I agree with the gentleman from New York. This week the world anguishes over the death of a lady who was very special. A humanitarian, a mother, and a Princess.

Mr. Speaker, here in our resolution, The Princess Diana Humanitarian Leadership Resolution, we salute Diana, Princess of Wales, who lost her life last week in a horrible traffic crash on the streets of Paris, which also took the lives of her companion and their driver, while critically injuring her bodyguard.

Princess Diana brought a sense of style and elegance to the Royal Family and we share their grief in this difficult time. More than that, however, she was perhaps the best ambassador of goodwill for Great Britain, the Windsors, the people of the United Kingdom, and all the people across the world.

During her frequent visits to the United States, Princess Diana built a relationship of mutual respect with the American people. She loved the United States and our people. She visited our Nation's capital and has said she would have loved to have moved here, if not for her devotion to her sons, Prince William and Prince Harry.

We all remember the shy young girl who, in 1981, married Prince Charles, the Prince of Wales, an heir to the throne of the United Kingdom, of Great Britain and Ireland. But what impressed many of us was the way she grew into an international symbol of courage and compassion. For Princess Diana, reaching out to others became for her a sacred trust and a connection to the people of the world.

Princess Diana was best known for her leadership on behalf of people with AIDS and HIV; for patients with leprosy; senior citizens; the homeless; and her special campaign to prevent, detect, and treat breast cancer. She was the world leader in the effort to ban the manufacture and use of antipersonnel land mines, and she visited the children in Angola and Bosnia who had lost their limbs and she gave her special presence and her special comfort.

Mr. Speaker, what shines through most for many of us is her love for children, beginning with her own children and continuing through every child she touched. Even a child in pain suffering through the anguish of leprosy or AIDS, or the torment and oppression of poverty and prejudice, could find comfort in her special touch.

When those children moved her and we saw her wipe a tear from her face, often we had to do the same. Because of her, these were not faceless victims from some faraway land; they were her fellow human beings and their pain became our pain. She prompted us to action because of her humanity and her humility.

Mr. Speaker, I believe it is fitting that the government born of that revolution which represents the people of the United States honors Diana, Princess of Wales, upon the sad occasion of her tragic and premature death. We will all miss her. The children will miss her especially. And along with the entire Royal Family, especially the children and their father, the people of the United Kingdom and the world community, we here in Congress grieve the loss. Our world has been diminished by her physical loss, but we thank God that we all have come to know her and the world is richer for her spiritual and personal contribution to us all.

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

Mr. Speaker, it is with great shock and sadness that the American people learned of the violent death of Princess Diana. I would like to commend the gentleman from Pennsylvania [Mr. FOX], and the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations, for offering this resolution.

Early last Sunday morning a country lost its beloved Princess, two sons lost their devoted mother, and the world lost a human being of consummate compassion, beauty, and dignity.

The Talmud teaches us we do not see the world as it is; we see the world as we are. Would that we saw the world the way Princess Diana did, for she was uniquely able to see the pain and the promise of what it is to be a human being.

In an interview, the Princess once stated, ''I am not a political animal, but I think the biggest disease this world suffers from in this day and age is the disease of feeling unloved, and I know that I can give love.'' And, Mr. Speaker, she did.

She was a leader in humanitarian and charitable efforts on behalf of society's neediest and most vulnerable. She was personally involved in the struggle against AIDS, the struggle against breast cancer, and the struggle against homelessness. She was, for example, one of the first celebrities to publicly hold babies infected with AIDS and to meet with adults in advanced stages of that disease.

□ 2145

She was also the champion of another cause that is close to my heart, the banning of anti-personnel land mines. Her royal, regal stature brought major international attention to these lethal devices which kill or maim approximately 26,000 people a year.

British Prime Minister Tony Blair has deemed her ''the People's Princess.'' Her deep sympathy for those in distress made her the ideal champion of the land mine issue, where she demonstrated an ability to put the victims of their horror, not simply politics or military strategy, at the center of the debate.

Who can forget the images of Diana on her knees as she personally confronted and comforted mutilated victims? Her recent visits to Angola and Bosnia drew more attention to this issue in a few days than international meetings had in years.

To make any sense of Princess Diana's death seems impossible. Our only choice is to endow her passing with everlasting significance by carrying out the legacy of her work toward banning land mines, toward finding cures for disease and for ending homelessness. All of the energy and attention that she raised about these issues must be sustained and nurtured. To do anything less would dishonor her memory.

The poet Thomas Campbell wrote, ''To live in hearts we leave behind is not to die.'' Princess Diana will live forever in the hearts of people all around the world. Heavy as our hearts may be tonight, we are ennobled by her presence, we are diminished by her passing.

Mr. Speaker, I urge the adoption of this resolution.

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

Mr. FOX of Pennsylvania. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding time to me.

Princess Diana lived a glamorous and, at times, a surreal life. While some truly envied her and surely at times she envied us, those of us who can go out in public without recognition, those of us who can eat in a restaurant without interruption, those of us who can go on a family outing without intrusion, and those of us who can go to a movie without becoming the main feature. Yet somehow, through the romance, the fantasy and the protocol, she connected with everyday people.

She was a mother who loved her children and tried to raise them correctly, despite the distractions. She was a humanitarian helping those unable to help themselves. She was an institution showing us the best of the state with a soft, human face.

Through the sad and melancholy pages of her biography, in the final analysis, her life is but a tragedy wrapped in a fairy tale. Perhaps we can learn by it.

Many people have been moved by her life and the loss of her life. As the world's goodwill ambassador, she had fans all across the globe. But as a member of the International Relations Committee, I know that needs have no national boundary, no intervening contracts and no treaties. And perhaps we, as a globe, would be better served not by dividing ourselves by what we have, but by uniting ourselves by what we lack and what we can accomplish together in pursuit of a better world.

I believe that the folks who mourn the most for the tragic death of Princess Diana are not doing it, Mr. Speaker, because they wish that maybe this Barbie-doll-type life did not get snuffed out, but maybe they are truly searching for some magic out there that can say and reach out to every one of us and say, maybe there is something better that we can do and maybe a little bit of kindness goes a long way.

I think that perhaps that is what she stood for among everybody, as the previous speaker said, a little bit more love.

Mr. CAPPS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I join with my colleagues, my countrymen and my countrywomen and millions of people around the world in expressing my deep sadness at the loss of Diana, Princess of Wales.

Few women have been as gifted with such beauty, elegance, dignity, few women have achieved such heights of fame. Diana was able to do something that few people who have those situations in their lives have; she was able to show us something that was very simple, a warm and human heart in a regal presence.

Diana's obvious joy and love of her own children was so evident in the many pictures that were taken of her with them. We saw them grow from little boys to handsome young men, and we saw how much she loved them. She was able to take this love and translate it into compassion for children all around the world.

It was no doubt that Diana had some personal sadness, that she had some personal suffering that so many have. But she took this suffering and she did something with it. What she did was respond to issues that she cared about, issues like AIDS, like people losing their limbs, things where people suffered in such a simple and direct and immediate way. She wanted to offer a few things to others. She wanted to offer comfort and love.

So Diana transcended her wealth and her position to take sides with those to whom the world has offered the least, and the world returned her love. It is fitting today that this House honor her, that we take some time at the end of our busy day, as all across the world have, to think about Diana.

We wrestle with such problems, we think they are so important. We think about the politics. We think about the economic results of what we are dealing with. I think what Diana has made us do is to think about these issues in a human way.

Tonight we come here because our hearts and our prayers are with her memory, with her family, with her mother, with her sisters, with her brother, but most particularly tonight I think we are thinking about her two sons. I think we only can hope tonight that some day that they will understand that the love that they had so deep for their mother was returned by the world.

Mr. CAPPS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for yielding time to me. I thank the gentleman from Pennsylvania [Mr. FOX] and the gentleman from New York [Mr. GILMAN]. I am very pleased to be able to join my colleagues this evening.

It is interesting, as the late hours of Saturday evening into Sunday morning unveiled and for many of us who were preparing to call it an evening, as the news items began to unfold, first one responded in complete and total disbelief. Then there were probably prayers offered that it certainly could not be true. But as the morning hours proceeded, there was the striking and terrible news that someone who we had watched from afar had suddenly had the beautiful light extinguished.

I thought, as I rose to my feet, what one would say? I am not a British citizen. I am not a child of the queen or the king. And certainly, as an American, we waged a very vigorous war to ensure that that did not happen. So many would wonder why we would have this moment to pay tribute.

I began to reflect on many of the comments of individuals of which I heard as they spoke, individuals who had no title, maybe no prestige, maybe not even enough money to find their way to this ceremony and funeral this coming Saturday. But I heard them say this was the people's princess. In particular, as an African-American, I watched the flow of crowds, Japan, Houston, TX, London, England and other parts around the world. I watched as President Mandela of South Africa took to the microphone to talk about his friendship with Princess Diana, and it began to sink in that what she symbolized was someone who was above and was not a respecter of race or color or creed or ethnicity or difference. What she seemed to symbolize to those new immigrants in England, as more and more of them poured out of their homes and hamlets to come and acknowledge this princess of whom they probably had not met, is that she was someone like them. And I think it is important, as we pay tribute to her tonight, that we ourselves should reflect upon what this whole thing of government is all about, that aside from being President or First Lady or Congressperson or governor or mayor or city councilperson or chairman of Apple or chairman of IBM or corporate barons around the world, that we should simply be people. And Diana was someone who gave to us the privilege of being people, whether we suffered from HIV, whether or not we were exploded upon by land mines, we were simply people.

Mr. Speaker, as I close, let me simply say to you that this tribute is to pay homage to someone who did understand that title and prestige is not the call of the day but it is that she respected people and we loved her for it.

I rise today to pay my respects to Princess Diana, a woman the world will greatly miss. As a woman and a mother, I have been moved by her caring and her commitment to her sons and to those less fortunate then herself. This woman was not a Queen of Men, but she was certainly a Queen of Hearts.

She was the Mother of a King and a Prince and a modern woman who owed her fame and fortune to the old traditional monarchy. By the time of death she had reformed the image of the role of women in the British monarchy. She was stylish, cosmopolitan, and she comported herself with elegance and grace.

Throughout the unremitting scrutiny of Princess Diana's life one thing has shone clearly—her love for her two children. It seems clear that she was devoted to her boys, as they were to her. She gave them her affection, loving attention, and her maternal love and support. My heart aches for those two young men today. I wish them strength and peace.

Princess Diana was clearly a person of great caring and compassion. She chose to use the tremendous prestige afforded her by

her station in life to touch the everyday world around her—not the world of wealth and power, but the world of poverty, war, and injustice. She was an advocate for the victims of violence and of poverty.

Her commitment to the hungry, the sick, and the poor in England and around the world should serve as a model to us all. She has lent not just her name, but the strength and warmth of her spirit to a number of causes. She has reached out to extend comfort and an empathetic hand to people whom she felt had been ''rejected by society'' including AIDS and leprosy patients, battered women, and drug addicts. She shook hands with AIDS patients when many people were still afraid to touch them. She penned personal notes to families of hospitalized children she had met. She learned sign language to address an association of deaf persons. She hugged the dying in hospices and exchanged stories with women, like herself, who suffered from eating disorders.

Most recently, Princess Diana turned her attentions to the land mines which have claimed the lives and limbs of so many. In particular, she waged a campaign against land mines in Bosnia and last month was in Sarajevo, mourning the victims of war in private talks with families of people maimed or killed by exploding mines. Her leadership on this issue has helped in moving it to the forefront of England's agenda and in moving even this Nation to a point of compromise.

There is a lot that I could say, but a day or a week, not even a month would allow me enough time to express all that Princess Diana was to her children, to her family, to the victims of landmines, to victims of breast cancer and those suffering from AIDS.

Princess Diana was a very special woman and the world deeply mourns her loss. She was a princess in more than just name, but in her grace and character. She should be long remembered by people the world over. She will be remembered with deep respect and affection. She truly was the People's Princess.

Mr. CAPPS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana [Ms. CARSON].

Ms. CARSON. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the gentleman from New York [Mr. GILMAN] and the gentleman from Pennsylvania [Mr. FOX].

I am happy and saddened to join in grieving the tragic and untimely accidental death of Princess Diana, the Princess of the world, the Queen of Hearts, an appropriate characterization of a beautiful human being.

Princess Diana, by virtue of her status, had power. She chose to use her power to empower human lives abound. She knew that power was a gift to be used on behalf of humankind. She never elevated herself above the powerless. Rather, she shook the hands of the AIDS victims and embraced those who were both hopeless and helpless. What a positive role model for the Congress, the power of Congress and how our power must be used instrumentally to uplift the lives of other human beings.

As we mourn the loss and celebrate her life, we are reminded of her work in eliminating land mines everywhere. An Angolan, Guerra Freitas, who now works for CARE made the following points: that Angola, for example, has a population of 10 million and that there are an estimated 10 to 20 million land mines in Angola, two for each person. There are approximately 70,000 amputees, the largest number of any country in the world.

Another gentleman of Greenfield Consultants, a humanitarian deminer, made the following points: that every province in Angola has been mined; the number one donor nations for demining are the UK, the USA, Canada and the European Union. The United States currently supports land mine removal programs around the world through the DOD Department of Humanitarian Affairs, the State Department, as well as the U.N. and other nongovernmental organizations.

For every mine the international community clears, 20 new mines are deployed. While millions of dollars are spent each year on assistance to antipersonnel mine victims, there are some 70 new victims every day.

In June, Princess Diana joined the American Red Cross, Elizabeth Dole, in a new bid to raise the alarm about the threat of land mines and to raise money to help the victims of ''these dreadful weapons,'' she said.

Mr. Speaker, what better way can we celebrate Princess Diana than to ensure the universal ban on land mines. Starting, of course, with America, the beautiful, the poor, and certainly for Diana, even though she did not know at that time, O beautiful for heroes proved in liberating strife, who more than self their country loved and mercy more than life.

America, America, God shed his grace on thee and crown thy good with brotherhood from sea to shining sea.

I beseech my distinguished colleagues to offer a lasting commemoration to a wonderful Queen of Hearts, Princess Diana, and certainly I join in the countless prayers that pore out around the world in support of the biological family of Princess Diana and especially her sons, Prince William and Prince Harry, in the premature loss of their mother.

□ 2200

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

Mr. FOX of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I first want to thank the gentleman from California [Mr. CAPPS] for his leadership on this issue and for all those on his side of the aisle who contributed in this bipartisan salute to the queen of hearts, as the gentlewoman from Indiana [Ms. CARSON] just said. The gentleman from California is to be commended for his leadership on this and other issues dealing with the United States and international affairs.

I look to others who have made a contribution this week in trying to salute a very special person. Claude Lewis from Philadelphia from the Philadelphia Inquirer, someone who is admired greatly, said in one of his articles something worth repeating. He said the death this past weekend of Princess Diana in Paris has rocked the world in a way that almost no other celebrity's death has.

Four days after her life ended from injuries sustained in a spectacular car crash along the Seine, she is mourned not for her perfection, Mr. Speaker, but for her courage and tenacity in trying to achieve it. It was she who captured the imagination of people everywhere. She shared her velvet strength, her quiet dignity, and her grace wherever she traveled. Here in the States, rich and poor, young and old, sick and healthy, she transcended national color and ethnic lines in everything she did.

The gentlewoman from Connecticut [Ms. DELAURO], who had hoped to be here with us tonight in her remarks that are being submitted, she speaks of the fact that there will never be another public figure like Diana. Her greatest triumph was being a mom and her spirit will live on in her sons, Princes William and Harry. Diana brought her sons along with her outside the palace walls to experience life in the real world. She brought them to meet homeless people and AIDS patients. I am sure the princes will grow up to exemplify the values of which Diana led her life, and in the end that may be Diana's most enduring legacy.

The gentleman from New York [Mr. QUINN] who makes a special salute to her when it comes to the bipartisan project that she has led, and that is to eliminate the antipersonnel landmines which have devastated children and innocent victims around the world. It is next week that the Evans-Quinn legislation will go forward that will put a ban on such landmines. It is through her leadership, Princess Diana, that this successful effort has every reason to hopefully be a reality in this 105th Congress.

I also wish to remind my colleagues that tomorrow the gentlewoman from Connecticut [Ms. DELAURO] has invited, along with the gentleman from Connecticut [Mr. FRANKS] and myself and others, all those who would join us here tonight in this special salute to a bipartisan delegation to the British Embassy tomorrow following our last votes to express our condolences on the loss of Princess Diana. The Embassy will have a special book for Members of Congress to sign, and I hope they will please join us because Princess Diana is someone who will never be replaced.

Mr. Speaker, I want to thank those who have been participating in this, especially the gentleman from California [Mr. CAPPS] and the gentleman from New York [Mr. GILMAN], for their efforts and for this bipartisan effort to certainly make sure that the queen of hearts, Princess Diana, will be someone who we will try to emulate, who will continue to be a role model in her spirit, for all of the outreaching she has done in going places that others have

not gone and in making a sustained effort to make sure the world is better and leaving no one out and leaving no one behind.

Mr. QUINN. Mr. Speaker, I rise today in support of this resolution expressing the condolences of the House of Representatives on the tragic death of Diana, Princess of Wales.

The Princess was someone with whom we all were not only familiar, but held in deep admiration. Her position of royalty brought her into our lives, but her work on behalf of the less fortunate brought her into our hearts.

Princess Diana has been an inspiration to me in one area in particular: her crusade on behalf of the innocent victims of antipersonnel landmines. Her efforts to eliminate landmines brought the issue global prominence.

This year the United States has the opportunity to join over 100 nations around the globe in signing an international treaty to ban landmines. That treaty is being negotiated in Oslo, Norway as we speak.

Next week, Congressman EVANS and I will introduce legislation that commits the United States to a ban on landmines. Our bipartisan legislation already has the backing of the Catholic Church's Conference of Bishops, the Vietnam Veterans Foundation, and numerous retired generals, including Gen. Norman Schwarzkopf.

Mr. Speaker, there is no stronger proponent of the U.S. military and its personnel in the U.S. House of Representatives than myself. The United States has the most sophisticated military in the world. Princess Diana was right, we do not need these weapons.

I urge my colleagues in the House of Representatives and in the Senate to pick up where Princess Diana left off and join the effort to ban landmines now by supporting the Evans/Quinn bill when it is introduced next week. Let's give a fitting remembrance to Diana by completing the work in which she believed so passionately.

Ms. DELAURO. Mr. Speaker and my colleagues, it is with heavy heart that I rise this evening to pay tribute to a woman who touched the lives of people throughout the world—Diana, Princess of Wales. Her tragic death last weekend left all of us in shock at the sudden and incomprehensible loss of a woman in the prime of her life.

Although she lived the life of a fairy tale princess, she somehow seemed as real as our next-door neighbor. Rich and poor, black and white, young and old, sick and healthy, Diana opened her heart to one and all and in doing so, made herself a part of all of our lives.

She persevered through difficulties endured by so many women—including divorce and single motherhood—and did it all under the ever-critical eye of the press.

It would have been so easy for her to live a quite life behind the palace walls and out of the public's eye. But Diana was determined to make life better for those not so lucky. She wanted to make a difference in people's lives—and she did. The tremendous outpouring of grief, both in Britain and here in the United States, shows how successful she was in her work.

Diana dedicated herself to helping those who might otherwise have been forgotten. On one of her visits to Washington, she visited Grandma's House, a home for children stricken with AIDS—long before most public figures ever had. She scooped one 3-year-old into her arms for a hug, and happily filled the child's wish by giving her a ride around the block in her Rolls-Royce.

Most recently, Diana had given herself wholeheartedly to a cause that many of us here also feel deeply about—the campaign to rid the world of anti-personnel landmines. Because of Diana, millions of people learned that anti-personnel landmines claim over 25,000 innocent victims ever year. Now I hope we will carry on her work by committing to rid the world of these deadly weapons that threaten the lives of men, women and children all over the world.

There will never be another public figure like Diana. But Diana's greatest triumph was being a mom. And her spirit will live on in her sons, the Princes William and Harry. Diana brought her sons along with her, outside of the palace walls, to experience life in the real world. She brought them to meet homeless people and AIDS patients. I am sure that the Princes will grow up to exemplify the values by which Diana led her life, and in the end that may be Diana's most enduring legacy.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to support this resolution and to express my deep sorrow over the tragic death of Diana, Princess of Wales, a special humanitarian who improved the lives of people throughout the world. Her devotion to others less fortunate, and her willingness to embrace them, hold them, and comfort them, should forever serve as a reminder to all public servants of their responsibility to care for those who are unable to help themselves.

The outpouring of grief from all corners of the globe during vigils such as those held in my district reaffirm that she is the people's princess. Through her energy and dedication she inspired worldwide efforts to solve problems such as AIDS, homelessness, leprosy, and the indiscriminate devastation caused by land mines. She had a genuine understanding of the struggles which the people have with daily life, and did not hesitate to demonstrate her empathy for those suffering by discussing her own personal battles.

Princess Diana did not use her position for personal gain; she used her celebrity to bring attention to the plight of those whom the world might otherwise ignore. The ability to bring attention to the charities and causes she supported and her devotion to them was one of the reasons that she continued to operate even under the challenging conditions that apparently contributed to her death. We must take this opportunity to reflect on her gracious and giving spirit and hope that we can somehow learn from this tragedy and carry on her efforts to bring attention to the plight of the poor and bring relief to those in need of assistance. Her overriding concern for the condition of others and her dedication to the causes she committed herself to are the greatest examples of what public service should be, giving back to one's community, and thus leaving the world a better place.

Mr. BILIRAKIS. Mr. Speaker, I rise today to add my voice to those supporting this condolence resolution. I held a special order in May to raise awareness on the dangers of driving while intoxicated. I told my colleagues that ''drunk driving knows no social or economic boundaries.''

Never could I have imagined how prophetic that statement would be.

It will probably be impossible to pinpoint why Princess Diana died, however, one point can be raised without dispute. We have all borne witness that drunk driving kills—and it played a significant role in the death of Princess Diana.

Last Saturday's tragedy proved once again that the rise in drunk driving fatalities is about more than statistics. It's about people. It's about broken families. It's about destroyed lives and lost love. It's about two young princes, one a future king, who are now without a mother.

That's why people like Tom Carey and the members of Remove Intoxicated Drivers [RID] play such an important role in combating what can truly be called a scourge on our society. RID will be holding a vigil for Princess Diana on Friday in my congressional district.

I commend their work and hope that if anything good can come from this terrible tragedy—if any lesson can be learned—it is that we must all think twice before taking a drink and then getting behind the wheel. We owe it to Princess Diana, and all those who have been killed or maimed by drunk drivers, to heed this simple yet powerful lesson.

I support this resolution and want to personally express my deepest sympathies to Princess Diana's family, the British people and their government.

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

The SPEAKER pro tempore (Mr. DICKEY). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY, FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform and Oversight:

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95–454; 5 U.S.C. 7104(e)), I am pleased to transmit the Eighteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1996.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 4, 1997.*

REPORT OF ACTIVITIES OF U.S. GOVERNMENT IN UNITED NATIONS AND AFFILIATED AGENCIES DURING 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during calendar year 1996. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 4, 1997.*

TRIBUTE TO HENRY B. GONZALEZ

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to acknowledge a true distinguished gentleman of this body, a proud Texan and a great American. Chairman HENRY B. GONZALEZ has decided today to step down from the U.S. Congress.

It is my honor to have been able to serve with him for the time period that allowed me to understand the true value of a human being who cared about this Nation. HENRY B. GONZALEZ served in public life for 44 years, 36 of those in this body.

Mr. Speaker, I am reminded, as he stood alongside the President who was a President for all people, President John F. Kennedy, as the President, not then the President, made it known that he wanted to serve this Nation. HENRY B. GONZALEZ was one of the few in the State of Texas who took up the challenge and courageously stood by his side and stood for what was right. He proceeded to carry that torch in the U.S. Congress.

It was for those who could not speak, those who could not advocate, those who could not cry out and be heard for themselves that HENRY B. GONZALEZ stood for. He fought for public housing, he fought for equity in education.

This is a man who truly is a distinguished gentleman, one whom we will love and admire forever and ever.

HENRY B., we love you, and we know that you will continue to serve, whether you are in this body. But we thank you for your great leadership. You are a proud Texan and a great American.

Mr. Speaker, I stand before you, the people of Texas and San Antonio in awe of the announcement that Congressman HENRY B. GONZALEZ of the 20th Congressional District who has nobly served his constituents and our great Nation for 36 years in the House of Representatives is leaving us at the end of this session.

First elected in 1961, HENRY B. as he is affectionately known, made his mark as chairman of the Banking Committee for 6 years. The Savings & Loan Industry was reorganized and revitalized during his tenure. He certainly was a man of strength during an hour of crisis for our Savings & Loan Industry. Their bailout is a result of his leadership.

Congressman GONZALEZ worked tirelessly for the residents of Public Housing and the National Housing Trust is a testament to his leadership in Public Housing. There are millions of Americans today who are able to find affordable housing because of this great man.

In a time of conformity, Congressman GONZALEZ is his own person. He stood up unflinchingly for what he believed in no matter who opposed him. A champion of civil rights, a man of the people, a true man of honor—we will miss this fine gentleman, we will miss his spirit of service with a true sense of honor.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHADEGG). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

[Mr. UNDERWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SPOTLIGHT ON TRUMAN STATE UNIVERSITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. HULSHOF] is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, as our Nation's youth head back to school, our attention is obviously focused on education. I would like to focus the national spotlight on one university in Missouri's Ninth Congressional District.

Mr. Speaker, I have the distinct honor of representing 16 colleges and universities. Each of these institutions of higher learning in central and northeastern Missouri deserves accolades. Tonight, however, I am happy to single out and congratulate one of those exceptional universities, Truman State, nestled in the heart of Kirksville, MO. Truman State University has received numerous awards in recent college rankings. According to the September 1 issue of U.S. News & World Report, Truman State is the top public university in the entire Midwest. In addition, Mr. Speaker, for the fifth consecutive year, Truman State University is ranked among Money magazine's top 10 best college buys in the country. Frank Lalli, the managing editor for Money magazine says, ''There is always this myth in America that only a name college, only a Harvard, only a Yale provides a great education. It's just not true.''

Ranking 8th in the entire Nation, Truman State University consistently reaffirms its reputation as an excellent and affordable liberal arts university. Truman is the only Missouri public institution to make Money's top 100 list. Truman also was ranked as the best value in the Midwest. Money magazine based its selection on graduation rates, social climates, as well as student accessibility to professors. With a student-faculty ratio of 16 to 1, Truman State students can develop close relationships with their professors.

I have had the opportunity, Mr. Speaker, to meet many students and professors who personally validate these recent rankings. John BURNS, a Truman State junior, joined my Washington, DC, staff for part of the summer and did exceptional work. But perhaps no one exemplifies the spirit of this great institution better than my good friend, Jack Magruder. As President, Dr. Magruder is a tireless ambassador for Truman State. When looking for someone responsible for Truman State University's ascendance to the top of the Nation's colleges, the buck stops at Jack's door.

Mr. Speaker, we in Missouri's Ninth Congressional District are extremely proud that one of our institutions of higher learning is considered among the Nation's elite. The administration, the faculty and the student body at Truman State University deserve kudos for their hard work, their dedication to excellence and their commitment to a superior liberal arts education.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GREEN] is recognized for 5 minutes.

[Mr. GREEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

[Mr. MCINTOSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

[Mr. PORTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

[Mr. HUNTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 5 minutes.

[Mr. BILIRAKIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

DEMOCRATIC EDUCATION AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for half the time until midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I wanted to take our Democratic time to discuss the Democrats' education agenda. I have a number of my colleagues who are here to join me. We basically want to talk about what we have accomplished to date in this Congress and what we likely will focus on in the wake of these accomplishments.

First, I think most of my colleagues are aware that in July congressional leaders and the White House reached a historic budget agreement that will balance the Federal budget by 2002. Included in this agreement were a host of tax breaks designed to help the average working American family meet the runaway costs of education in this country. The inclusions of these tax breaks, Mr. Speaker, I believe was a great victory for both the American people, but also for the Democratic Party because the education tax breaks have long been at the center of the Democratic education agenda, and I think it is important to remember as we move toward the next phase of this agenda that Republicans only agreed to the education provisions of the budget because the Democrats basically drew the line in the sand and said that these were the provisions that we wanted. Of course, President Clinton played a major role in that effort.

The problem was that many of the education tax breaks that the Republicans had initially proposed benefited more wealthy Americans than they would have the middle or lower income individual. I just wanted to give an example of that.

In June, the U.S. Student Association, which has been around for about 50 years, wrote that students around the country are registering their disappointment with Republican Chairman Archer's plan for education tax initiatives because that package, the Republican package, would do nothing to expand access to education. They were concerned about the fact that the Republicans were not looking at the President's education tax proposals and that the Republican plan shifted benefits away from middle-income families and basically funneled aid to those with greater resources. But I do not want to keep prolonging this debate. Essentially the Democrats won and we are happy with the result.

One of the most important tax benefits included by the Democrats was the HOPE scholarship, something again that President Clinton pushed for. As a result, students will be eligible for 1,500 dollars' worth of tax credits to help pay for the first 2 years of postsecondary education. But the HOPE scholarship, even though it received a lot of acclaim, was by no means the only initiative that was included as a result of Democratic efforts. Also included is a tax credit covering 20 percent of tuition costs, up to $5,000 ceiling through the year 2002 and after 2002 the ceiling rises to $10,000 for the third and fourth year of college. Under this plan, to basically state it in more human terms, in 2003 a student in a college with a tuition of $12,000 would receive a $2,000 tax credit.

Another important provision included in the budget agreement, again as a result of Democratic efforts, was a large increase in funding for the Pell grant, for that program which many students rely on.

□ 2215

As a result of the Democrats, the fiscal year 1998 education appropriation bill provides a $1.5 billion increase in the Pell grant program. That is an increase of about 26 percent.

And there are a lot of other programs, I am not going to get into them all, but there are other things that are in the budget that the Democrats pushed for, like the Education Technology Challenge Fund, the America Reads Initiative. Again, these were top priorities of the Democrat's ''Family First'' agenda and also highly recommended by the President.

I am not mentioning these Democratic success stories on education just to, as my colleagues know, crow about it, but also to say not only that we are happy about what we accomplished, but that we think a lot more needs to be done; I mean, the fight is far from over.

One area where Democrats will be focusing their attention in the weeks to come is the implementation of rigorous academic standards. Indeed, we will be seeking to continue to expand upon the progress made in this area through the Goals 2000 program, a program that I should point out has long been a target of the Republican Party. I do not know why Goals 2000 is often targeted for extinction by the Republican leadership, because actually, if you look at it, it was first developed under President Bush. He actually suggested national goals for education, and it was approved by both Houses of Congress under his administration.

But President Clinton really has done the most to try to move Goals 2000 forward, and he signed a bill that basically tries to move Goals 2000 to the next step, provide significant resources for it, but I also have to stress because I know that the Republicans on the other side, even this morning here in the well, started to talk about the fact that the Democrats with their national standards were ignoring the State and local responsibility for education, and I would say just the opposite is true. The President, when he signed Goals 2000 in 1994, specifically stressed that education is primarily a State and local responsibility.

Democrats understand that, but at the same time we believe that there is a Federal role and that Federal dollars can be used and the Federal Government can basically help State and local governments to implement tougher standards that will lead to better academic achievement.

Essentially what we are trying to do with the Federal Government is to challenge the States and the local governments to do better, and I think that that is a goal that certainly makes sense for the Federal Government.

Just wanted to say, and I am going to yield to my colleagues who are here to join me tonight, that in my home State of New Jersey we have seen improved academic performance as a result of more rigorous standards. Just to give my colleagues an example, results from the October 1995 and April 1996 administrations of a high school proficiency test that we had in New Jersey for 11th and 12th graders revealed improvements in student achievements in reading, writing, and mathematics.

You can have more rigorous standards, it does work, and the partnership with the Federal Government, the State and local governments, I think, is the way to go.

And I would like to now yield to the gentleman from Arkansas who has joined me before in talking about some of these education goals that the Democrats have put forward.

Mr. SNYDER. I thank the gentleman, and I once again thank the Speaker for being with us here late into the evening.

You know, I went home during the break, and as so many Members of Congress do, and it gives you a good chance to get out in the district, and one of the places that I went to was to northern Arkansas, which is home of the great Arkansas pig-out for those of you who have not been there before. It is also the home, however, of Petit Jean College, and I want to just tell a story, if I could, about Petit Jean College.

I notice that the gentleman from North Carolina is here with us this evening because it is actually a North Carolina connection. Petit Jean had been a VO-TEC in the not too many years ago, and a group of State senators in the early or late 1980s, 1990, decided that we needed to bring Arkansas' VO-TEC schools into the 21st century so that it could prepare our students and our adults for those kinds of activities and skills that they were going to need in the future. And one of the places they went to to study was North Carolina.

I notice the gentleman from North Carolina is with us here this evening. And what they came up with was a

plan of converting a great number of our VO-TECs into 2-year colleges, technical colleges and community colleges depending on what the local community wanted, and this was passed in my first session as a senator in 1991, and it was supported, of course, and signed into law by our Governor who was then Bill Clinton.

And as part of President Clinton's package in that legislative session was HOPE scholarships, giving opportunity for all families to get their kids into college, giving opportunities for all adults to be able to go on to college. And his platform complemented a group of State senators, including one Senator Gordon from the home of the great Arkansas pig-out in northern Arkansas who is a leader in this effort, complemented their activity very, very well.

And over the break I went to visit Petit Jean College, it was my first visit there, and they had just blossomed under this new program. And it was great to talk with the President of that college about what this Congress and President Clinton has done for them with these HOPE scholarships. Their tuition on an annualized basis is about a thousand dollars a year, quite a bargain for a lot of colleges around the country, but our tax credits that we passed, thanks to the insistence of Bill Clinton, are going to really make the difference for a lot of the citizens in that rural county, Conway County, to be able to take advantage of Petit Jean College.

Another campus I visited during the break was Central Baptist College in Conway, Arkansas, which is in Faulkner County. Faulkner County has three colleges, University of Central Arkansas, which is a 4-year State school, Central Baptist College, which has a 2-year associate degree, but its 4-year programs are religious training, musical education afternoon, training folks to go on to become pastors, and we also have Hendrix College, which is a very fine 4-year liberal arts private school. All three of these campuses are going to benefit from the passage of help and aid for families trying to get themselves and their children through college.

I remember talking with one of the fellows in one of the classes at Central Baptist College. He said, ''Well, wait. What about us folks that are 27 years old? What about us who have waited to go back later in life? We're not 18 and just out of high school.'' And I can assure you that the Democratic package, and thanks to the leadership of Mr. PALLONE and the President and others, definitely makes opportunities available for folks that are adults trying to go back to college.

But I think that is what Democrats have stood for, I know that that is what this President stood for in Arkansas and worked so hard on in the last several years, is quality education for all families, opportunities to go on to college, 2-year colleges, 4-year colleges, VO-TECs, whatever type of higher education. We all need opportunities for all families. And we all know that if it had not been for President Bill Clinton insisting on these educational tax credits and this program for college being in this recently signed budget deal that it would never have come about.

And so I commend the President, I commend the Democrats for taking the lead on fighting for education for all families, and, you know, now it is up to America to take advantage of it. It is up to the good citizens of Conway County and Faulkner County and all the counties across the country to go to the financial aid officers as the weeks go by, understand these new laws, take advantage of them, make them work, and recognize whether you are 18 or 28 or 48, these are meant for you to help in making all families compete in this very robust global economy.

And I thank the gentleman for being here tonight.

Mr. PALLONE. I want to thank the gentleman from Arkansas, and it is really particularly interesting to note how President Clinton, when he was the Governor, actually implemented a lot of these ideas that now are forming a part of his education initiative on the Federal level as President.

Mr. SNYDER. If the gentleman might yield, you know, it was such a great honor to be here. I was sitting right over there the night hearing my first State of the Union Address, and when I heard the President's list I thought I have heard these lists before on the floor of the Arkansas General Assembly.

Mr. PALLONE. I yield now to the gentleman from North Carolina who, again, is one of the best spokesmen on the issue of education within our Democratic Party.

Mr. ETHERIDGE. Mr. Speaker, I thank my friend from New Jersey for organizing this special order and the opportunity for me to participate this evening and to the Speaker and the others for being here, and as he knows I had the distinct privilege before joining this special body, people's House, to serve as the elected Superintendent of Schools for 8 years in the State of North Carolina, a State that has really been actively involved in setting high quality educational standards statewide, and that is really showing some promise in our State, and I know firsthand from having visited with students and their family how important education is and what a major security issue it is for this country and how it will pull us forward, and I am grateful that the President, and I was very pleased to be here in my first session and make it a national priority for our Nation, because I truly believe that education is the one thing that levels the playing field for all young people, and there is still an awful lot of young people in this country who will be the first in their family to attend an institution beyond high school, and I was awfully pleased that the bipartisan balanced budget, that it contained a significant investment in education.

Truth is, it was the largest investment, as you know, in education for education beyond high school since the GI bill in 1945. Roughly $35 billion, and that GI bill, of course, in 1945 enabled an entire generation of Americans who came home from the war and others who fought during Korea and other times. It really laid a groundwork for an unprecedented economic growth in this country, and it allowed for upward social mobility, and ushered in an era that has really been called the American century in the world.

And I truly believe that the educational investment that the Democrats helped push, the President laid out, and was enacted will lay the groundwork for providing for a lifetime of learning opportunities for all American citizens as they approach the 21st century and really will make the 21st century, again in my opinion if we follow through with it, the American century again.

And I think this balanced budget package with the tax cuts is good news for middle class families and students. As I said, it contained $35 billion in tax relief for higher education, and it will help break down the barriers of opportunity for many families because there are a lot of children who would not have had that opportunity.

And as you talked about it a little earlier, the HOPE scholarships, I will not get into them, but $1,500 will actually pay for a community college education for a lot of children. In our State, we have about 64 of them plus 16 public universities and a large number of private. So it will make a difference there. And the tax credits beyond the first and second year will provide for a lifetime of learning for adults. But they also provide for an opportunity to get good quality jobs because we know an education translates into economic opportunity for the people who have it, and if you do not believe it, just look at the people who have an education and look at their economic opportunity, how it improves the health and quality of life for their children, et cetera.

And according to the Bureau of Labor Statistics, three out of five jobs in the 21st century, those jobs that will be created, certainly beyond 2005, are going to require education beyond high school. So I think the passage of this legislation and the commitment the Democrats made in this Congress really continues their legacy of a commitment to education in making sure those who have not had the opportunity will have an opportunity to benefit and realize the American dream and the opportunity for a quality education.

During the recess that we have just completed, I had the privilege of joining Secretary Riley in traveling in my district. We really participated in a forum on quality education, and then

we traveled to a community college, met with students and administrators to talk about the positive difference that these investments will make in the lives of real people, people who are in school, people who want to go to school, and as we met with a number of students and administrators at Vance-Granville Community College outside our capital city in Raleigh, it was really refreshing to hear how this would impact students.

But let me share with you, if I may, Mr. Speaker, what Stacy Marshburn, a 23-year-old mother of two children who is going to college full-time and working part-time, what she had to say, and I quote:

□ 2230

''The tax cut is wonderful. It will help my family, and me, and many others, at Vance-Granville Community College.''

She continued, ''I thank the Congress for passing the tax cuts. I think it will really help people who are trying to raise a family and still go to school. Being a full-time student with two small children to support, I feel that these will go a long way toward helping me achieve my educational goals.''

The truth is, for Stacy Marshburn, it will allow her to finish her education and get a job and change the lifestyle she is enjoying, but more importantly, it will change a whole generation for her children who will now have an opportunity to enjoy the benefits of a mother who is well educated, the quality of life she can attain from better income.

And the president of that community college, Dr. Ben Currin, said, ''I think the changes we see in this agreement are perhaps the most important educational changes that we have seen since the Pell grants were started,'' because, as you know, the Pell grants for our colleges and community colleges are really the dollars for those most-needy students.

We haven't talked about it this evening, but this package, with the President's request and commitment and standing behind it and the Democrats pushing it, we have the largest Pell grant increase in history.

So what we have done is made sure that all students, those in the middle, those at the bottom, those who have the great need, all will be beneficiaries of this legislation.

Let me cover a couple of more points before I turn it back to you, if I may.

As you know, we have an Educational Task Force in the House, and I have had the distinct privilege of having co-chaired that. We met many, many times. We have generated a great deal of ideas and a lot of support, with your help and your sharing the bully pulpit here in the House and others talking about education and the President using the power of his office.

And I am grateful for that this evening, because without him standing up and making it a major issue, as he did in the State of the Union Address, and sticking by his guns and negotiating for sound, secure educational policy, I am not so sure we would be standing here talking about it this evening.

Democrats can take a great deal of pride in leadership and standing up.

Let me say a word before I sit down on the things we need to do, because I think as we talk about where we are, we need to talk about what we have yet to do. As we move forward in education, I see that there is a lot that needs to be done, and these are some things that certainly are local responsibilities, but we at the Federal level can't walk away from.

I learned, as superintendent, we can stand here and argue about whose role it is, but last time I checked and went into a classroom, a student never asked me who paid for their textbooks or who built the building or who paid their teachers or who provided any of the services they get. A child only knows what they do not get or what little they may get.

I think sometimes those of us in public office get too carried away by whose responsibility it is and forget that it is all of our responsibility.

With that, I am talking about the crumbling schools that we have in some of our inner cities and some of our rural areas across this country; that we have to get beyond the dialog of whose responsibility it is and say, it is all of our responsibility, it is our country and they are our children. We have to deal with that.

There are some communities that cannot do it without some help, without some leveraging. I think that is an issue we have to grapple with, and we had better get on with the business of dealing with it, because if we do not, those are the young people that I think will not get the opportunity they need.

Certainly the issues of providing support for our teachers and our communities who are working to build a strong base for character education in our schools, to help our young people deal with the challenges, that is important. We have to take advantage, I think, of the ground-breaking research on early childhood development. We know what works; we need to get beyond the dialog and get involved. The sooner we have children, the better off they are going to be later on.

They have to come to school ready to learn. I have been there, talked with too many teachers and know the problems, as you do, that we have to help them early, because they are not getting it in many cases.

I think we also must support educational standards of excellence. On another day I would like to talk about that in length, because North Carolina has invested about 8 years, while I was superintendent and they are still in it. And the NAEP scores that came out, National Assessment of Educational Progress and sampling you volunteer for, North Carolina was one of the leading States in the Nation in terms of growth.

I believe our fourth graders are about three times the national average, and the eighth graders, about four times. It really is a focus. And I think we have to give our children that focus and help our teachers and others.

I have drafted a resolution for a number of these things on educational standards, and a lot of Members have already signed it. We haven't dropped it in yet, but we plan to, because in North Carolina, we have achieved results as it relates to standards, and I happen to believe that it is important. We are one of several States that have already volunteered to do the statewide, when the nationals come out, because we are on the sampling now.

What we are really talking about in this is extending the sampling to every student. That is really what you are talking about. We do the fourth and eighth grades on a sampling basis. We are talking about doing it for every student.

Let me close by saying that North Carolina was the one State that was singled out this past spring on the national assessment. We are quite proud of it. But the truth is, the people who deserve the credit are the students and teachers, because North Carolina was the one State that received the most improvement award of all the States because of their progress in that over the last several years.

I think it is important. But it is not important that we talk about that; it is important that we go about the business of helping every student in every State and every community, every child, no matter where they live, to be a part of that progress of being part of the most improved as the time goes on. Because achievement is some evidence that raising standards will work to raise performance; if you expect more, you get more.

We must learn that lesson and support educational standards of excellence. I think it is important.

The last time I checked, when we look at batting averages, we measure the batting average of all players against the standard. I played a little bit of basketball in college. They did not lower the hoop because you were shorter, they did not raise it because you were taller. You played against the same hoop at the same height, and the basket is the same size. And the same is true of all our students. We do them a disservice if we do not help them achieve the highest level, because when we do not do that, we do not open the door of opportunity to the whole world.

Mr. PALLONE. I want to thank the gentleman, because I think that you really bring forth the practical problems that we face. You have been in the trenches in your home State, and you understand what needs to be done.

One of the reasons that we are here tonight is because we really believe that we need to move to the next phase on education issues. We have done the

budget, we are done with the tax breaks, and a lot of the impact of the budget affects, I would say, college and university training.

But we need also to address secondary schools. We need to go from preschool right up to graduation from high school.

One of the things that you kept stressing is that if you look at this practically, you understand that there has to be a Federal role as well. There is a Federal role, there is a State role, and there is a local role.

The two things that the Democrats have been talking the most about in the last couple of days since we got back here, one is the issue of raising education standards across the country, because Democrats really would like to see education standards so that students from Maine to Alaska can master the basics of reading and math. That is what they need, those skills, to succeed.

The other thing you mentioned, which I think we have also been stressing as Democrats, is the need to rebuild crumbling and overcrowded schools. As you remember, during the budget debate, we actually proposed an initiative, I think a $5 billion initiative, to help localities rebuild schools and to address overcrowding. That was something that the Republicans, unfortunately, did oppose, and so it did not get into the final budget bill. But I think that is an issue also that is across the board, not only in urban and rural areas, but suburban areas.

It is interesting, because suburban areas probably face more overcrowding than any other localities because so many new students have gone into those suburban areas, and they do not have the facilities for them.

Mr. ETHERIDGE. If the gentleman will yield, you touched on a point that is important, because when you think in terms of standards, I certainly agree and understand where we are headed. When you think in terms of facility quality and where people go to work every day, I have been into buildings where teachers worked. We forget, they are our employees. We are paying them Federal and State moneys, depending on how you look at it, or local funds.

I say to Chambers of Commerce, I have said to any group I speak to, when they say to me, the quality of building does not make any difference, I say, well, if that is true, then the next time you invite an industry in and you really want to impress them, take them down to the docks down here or down to one of the warehouses that you have closed up, and say to them, it really does not make any difference, the quality of the building you make your products in, and we want you to move in here, and see how many of those industries you get to come to your business. They will not come.

I think it is important that children see the quality, that you do care about where they go, and that they do have the quality of facility they need, because it does have an impact. I know. I have seen it, I have been there. It has an impact on their attitudes, their learning. There is a whole list of things we do not need to go to.

But you are absolutely right, and I think that is one we should revisit. I plan to be a part of that. I think we should. That, in conjunction with standards, is an important place.

I thank the gentleman for taking the time to be here.

Mr. PALLONE. I appreciate the gentleman's comments.

I yield to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. I would like to thank my colleague from New Jersey for taking this special order this evening. Also my colleague from North Carolina [Mr. ETHERIDGE], who again was the State superintendent, in talking with him, since he is a first-termer, about educational opportunity.

Also, having played basketball with the gentleman from North Carolina [Mr. ETHERIDGE], I think they need to lower the hoop for me and maybe raise it for him, because he is quite a bit taller. But thank goodness he has always been on my own team, so we will keep the hoop the way it is.

What the gentleman said is right and what our colleagues said was correct, in that over a month ago we reached a bipartisan agreement on helping parents and helping students in college, whether it be the Hope scholarship program, the tax deductions for parents with children in college, or the Pell grants for children who are too poor to be able to benefit from tax cuts or the scholarship programs.

We addressed that in a bipartisan effort, although I have to admit before July 30, if you would have told me in June or May it would have been bipartisan on the quality, or the total amount of the tax cuts that had been provided for education, I would not have believed it. But I think on a bipartisan basis, and I know one of our colleagues got a lot of press saying we were all breaking our arms patting ourselves on the back for it. It was a bipartisan agreement that I supported, and because it was bipartisan, it addressed higher education needs in our country.

As our colleague said, we need to think about tomorrow and the future of our country, the college graduates, the assistance for those students. That is why it is so important. Again, I was proud of this Congress for addressing that in a bipartisan way.

My concern here is, and here today we debated the Labor-HHS appropriations bill and up until today the biggest concern we heard was there was an amendment by our colleague from Pennsylvania to take away the national test.

Well, frankly, I supported that amendment, because I do not know if we need a national test. I know we might need some voluntary national standards, and for my two terms previous to this in Congress I have worked for some national standards that the States could voluntarily adopt. I am proud to say, Texas is one of those who adopted those goals, with a bipartisan legislative effort, a Republican governor and Democratic legislature, who did that.

But now we need to address on a bipartisan basis pre-K through the 12th grade, because again, as our colleagues said, we know what is wrong with the system. We know we need to have a standardized test.

Texas has a standardized test. It has taken us a number of years to get to that point. A student in our high schools, unless they pass that exit level exam, they do not receive a diploma. That is tough, because I have had parents and students who have said, wait a minute, I worked 12 years, maybe 13 years to get that diploma, but they could not pass that test that supposedly is on basic skills.

It is a little tougher than basic skills now, because over the last few years it has been made tougher because the course level is harder now.

□ 2245

But we have gone through that. So we do need some type of test instrument. I am not a big proponent of tests because I worry about how they treat students who may not have the same opportunity.

Last night I was using a special order to recognize a school district that my two children graduated from that were recognized in the State of Texas, and in my own county. It is an urban school district with easily a majority minority district, but they were recognized because of their increase in their test scores, their low dropout rates, and also their high attendance records; that they had to have a 94 percent average attendance record. They were recognized for that, and because of the quality education.

What we need to do though, is to say, now we need to do for kindergarten or pre-K through 12, what we did bipartisanly for higher education. We need to talk about a voluntary national standard, because again, the child may be educated in the Alvino School District in the State of Texas but they very well may move to New Jersey. Frankly, New Jersey or Texas wants to know if a student is educated in the other State, that they have a certain level of educational quality; again, not that we want to set those standards, but we want to have a nationwide standard that districts and States all across the country will say, yes, we measure up to those standards. But they will be adopted locally by that State board of education, that State superintendent, however the State structures it.

So we can do it. But again, we need to make sure it is not the Federal Government turning our backs on the future of our Nation.

We talk on this floor a lot of times about the defense of our country. We

need to look to the future and see how we can defend our country in the future, where the best way we can defend our country is not just by additional bombers and additional troops and better trained troops, but it is a better educated populace. It is an educated populace who can go into military service and maybe make a career out of it, since we have career military, and are educated to the point that they can defend our Nation. But again, an educated Nation, high skills, higher education, is what will make our country powerful, even in addition to our military power. That is what is so important.

The voluntary national standard issue is not whether to implement a national test, the issue is to set a national standard for students, and we need to focus on providing quality education for students. We know the system is not working as best it should. That is why we need to put our shoulder to the grindstone with those school board members, with those State school board members, with those legislators, and with the parents and those teachers who are providing that education every day.

I learned as a State legislator in Texas for 20 years that we did not educate students in the halls of the State legislature. We do not educate students here on the floor of the Congress. The education of those students is by those teachers in that classroom. Any help we can give with whatever power we have, whether it be funding, whether it be assistance to those teachers, to have smaller class sizes, to have more adequate books, to provide that assistance; and again, through title I, that is a great program that has been with us since the 1960's. I would like to see it continued. We expanded it in 1994 when we reauthorized title I funding, Federal help for schools. But we need to do more of that.

The crumbling school buildings, we know even if we had gotten the $5 billion that was talked about, that again, leveraging that across the country, we could spend $5 billion in the State of Texas alone and it would not have helped that much. But again, it is the effort, and that little bit of Federal assistance to the local taxpayers who have had to vote those bonds to build those schools, to some of the States who provide building assistance. But mainly, it is also saying, we are all in this together and we are all Americans, whether you are from North Carolina, New Jersey, or from Texas. That is what is so important.

The question is, are we providing children today the best education and the best learning environment, with the best facilities? Of course not. We would not see the problems we are having. That is why we need to make it even better.

This year specifically we have 52 million students who have entered school this fall. This is a record number, surpassing those of us who are the baby boomers. There are 52 million students. Are these children going to receive the best quality education to take our place here as Members of Congress, or as doctors, lawyers, engineers, whatever profession they may go into, or whatever trade they may have? Obviously, we cannot say yes tonight.

Students from kindergarten to high school need a good learning environment, an environment where students feel comfortable asking questions, where teachers are accessible for individual tutoring if needed, and where teachers want to teach, and more importantly, where students want to learn.

Students are not receiving enough personal attention. We need to lower the pupil-teacher ratio. In Texas in 1984, when we went through our reform in public education, we lowered our class size in kindergarten through fourth grade to 20 students, 22 students per teacher. That has been a tough standard. In fact, we have had to grant waivers because of the growth. In every session, we will have administrators come back and say, we need to take that away.

But we learned that the lower, the smaller class sizes—in fact, the ideal class size is 15 to 1, but we could not afford it. But we did say 22 to 1, to those most important years of K through 4.

I introduced a bill as a State senator to make 22 to 1 from K through 12th grade. Of course, the cost of that was astronomical, but it made us talk about it. So whatever we can provide on the Federal level to make sure those teachers can work with those students in smaller class sizes. But again, it is a Federal concern and it is a State responsibility, but it is our job as Members of Congress to make sure we are planning for tomorrow.

The schools are overcrowded. Buildings are unsafe. Even as we stand here tonight, in the District of Columbia we know that the schools have not reopened because of the hazardous conditions that they have. But that is not just in D.C. It is easy to pick on D.C. when you are around the country, and sometimes they give us very fertile ground to pick on them. But it is not just in the District of Columbia, it is all over the country that we have problems with buildings and deteriorated conditions.

As the gentleman said earlier, it is not just in the urban areas, it is not just in a district like I represent. It is also in my suburban districts that I represent, but it is also in the rural facilities. That is why I think whatever bill we can craft needs to address both the rural, the suburban, and the urban needs to provide that leverage that will help that local school boards and those local taxpayers to approve a bond election, maybe, or that State to provide a little extra money for building and construction that a lot of States do not provide.

Teachers are stretched to their limits. Like I said, some teachers have 40 students in their classroom. My wife is a high school algebra teacher. Last year she had over 40 students in an algebra class. How do you teach algebra students? I had enough trouble when I sat through geometry twice during the day to learn. Obviously, that is why I became a business major and a lawyer.

But you cannot teach students when you have 40 in a classroom, and that is what is so sad. You have to have smaller class sizes and buildings to match that, so teachers can do it. A lot of our schools are going through a building boom, if their taxpayers support the bond elections. Again, using the Alvino School District as an example, they passed the bond election that provided for a great many more classrooms for our school. Selena Park ISD in my district passed a bond election, the voters did. The Houston Independent School District, over 200,000 students every day attend. The bond election failed, so we have problems there, but they are trying to come up with facilities.

I have a high school that is in ISD that I went to high school with. Years ago they decided to do away with the library because they needed the classrooms, so they use the city library across the street. They do not have a cafeteria at that high school. They use a junior high cafeteria that is a block away. That is wrong. We ought to provide those facilities for the high school students and junior high students without them having to use a city library. I at one time thought that was great because we could leverage the funding. The problem is that city library is not equipped like a school library would be, particularly a middle school library or a junior high and a high school library. So we have problems with buildings, we have problems with pupil-teacher ratios, and we in Congress need to do something bipartisanly. That is why we are talking about this.

Let us just not talk about tests, and say the President wants national tests, let us be against that. Let us talk about what we can do constructively, and that is why we can have some voluntary national standards, and also put our money where our mouth is. That is why I was proud of this Congress in July, and I hope I will be proud of this Congress when we address putting funding in the kindergarten through the 12th grade for public education, so we can prepare those students for tomorrow.

I will close, I say to the gentleman from New Jersey [Mr. PALLONE], thanking him. Some of us in 1992, we heard Fleetwood Mac too often singing ''Don't stop thinking about tomorrow,'' but if we as Members of Congress stop thinking about tomorrow, then we are not doing our job. Our job is to make sure our country is as great tomorrow if not greater than it is today.

If we are derelict in our duty in not providing for educational opportunity and better opportunity for our children, then we are doing a disservice to our Nation and we are doing a disservice to those students, those 452 million

students, who started school this year. That is not what I came to Washington to do.

Again, I want to thank the gentleman for allowing us tonight to give this special order. I know we have taken up most of his time, it seems like, but the gentleman has heard a lot of accents tonight, from North Carolina to Texas to the Northeast. That is because it is a national problem. It is not just a localized problem. I thank the gentleman again for allowing me to participate.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments, and believe me, my purpose tonight was to get everyone to participate, and use as much time as they like.

I guess there is not a lot of time left, but I just wanted to say, the gentleman mentioned particularly at the end about the use of resources. We all know we have scarce resources around here. We just passed the Balanced Budget Act. I think our whole purpose is to use those scarce resources on the Federal level as wisely as possible. This idea of having or raising education standards around the country really is a way of using very little resources to achieve a great effect.

I know that in New Jersey, I was given today a document from the New Jersey Department of Education, very recent, that is the annual report of Goals 2000, Educate America. It shows basically how New Jersey, I think New Jersey in the last fiscal year, received about $8 billion for Goals 2000. What they essentially used it for, or a lot of it, was to put together this strategic plan on a State level to achieve higher standards.

It was very interesting to see, this is a long document, but to see how they put together curriculum content standards, they developed a partnership with private organizations, in other words, some of the universities, some of the corporations, to do joint programs within the schools. The list goes on and on. I was just amazed to see, $8 million sounds like a lot, but on the State level it really is not very much, how they were able to use that $8 million and basically leverage it to really do a lot toward achieving higher standards within the New Jersey schools.

Of course, we have, as the gentleman mentioned in Texas, we have these standardized tests we give in New Jersey, and they have shown that the proficiency has actually improved in the last few years, so it is very possible, really, to leverage some of these Federal dollars in a way that really makes a difference.

I think the same thing is true with the infrastructure of schools, as well, because oftentimes, as the gentleman knows, the local school districts, if they can get some money to, say, underwrite the bonds, oftentimes they will use bonding to build a new school or replace a school. If they can get funding to underwrite the bonds, they are able to do things.

So even though $5 billion does not sound like a lot nationwide over a period of years for crumbling schools, it can be used to leverage, and it can be leveraged also to make a big difference. So those Federal dollars can mean something, even though they may not seem like a lot. I know the gentleman mentioned about the wise use of funds, and that is what we have to look at here over the next few months.

Mr. GREEN. If the gentleman will continue to yield, Mr. Speaker, we have an interstate highway system that we build with predominantly Federal dollars, with some State dollars, and of course, we have different levels, depending on what the level of the highway system is. We could not build those highways if it was just Texas and New Jersey.

We could not build as many, but we have to leverage it between the two, and I wish I could tell the gentleman I was talking about a program like the Federal highway system for education, but under our budget constraints we cannot do that. But we can provide some funding to help those districts, just to help provide those.

Maybe that will be the extra help to convince the local taxpayers to provide a bond election to build those schools, because very few districts can build schools out of current revenue. They just do not have that ability. You cannot do capital improvements without leveraging over a number of years, and even a small amount of money from the Federal Government would help to—and again, we are not going to tell them how to build those schools, we are going to just let them be a partner with them for a little bit, to make sure—maybe they can afford 95 percent and we can do 5 percent or something like that, or even less, but it will make a difference.

That will show that we are all in this together as Americans, again, across our country, worrying about and addressing the issue of educational opportunity for our children and quality. Again, like our colleague, the gentleman from North Carolina, said, the education is in the classroom with those teachers and those parents who participate. All we need to do is make sure we are partnering with them to help them.

□ 2300

Mr. PALLONE. Our main purpose, of course, is to continue to point out that as Democrats we want to make education a top priority and we think we have done a lot as you mentioned with the Balanced Budget Act, but a lot more needs to be done.

NATIONAL SECURITY AND DEFENSE ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to discuss several defense issues, but before discussing those issues, I would like to follow up on the previous special order that we just heard, since many of our colleagues perhaps in their offices, and citizens around the country, have been listening to three of our colleagues discuss education.

Mr. Speaker, I want to, first of all, applaud the gentleman from Texas [Mr. GREEN] because I heard him use the word ''bipartisanship'' a number of times in reference to education success. I want to applaud him, because I want to distinguish my colleague from Texas as opposed to the other two Members from whom we heard nothing except the phrases ''Democrats, Democrats, Democrats.''

Now, I do not know what amount of classroom teaching experience my colleagues that spoke have. I spent 7 years in the public schools of Pennsylvania, was active in my education association as a vice president, was a negotiator for a while, was involved in running a chapter 1 program in an impoverished area in my county. So my experience is based on real life. I am not one of the attorneys in this institution.

Mr. Speaker, Republicans have in the past, continue today, and will be in the future, in the forefront of working to improve our educational system in this country, and for some Member to stand up here for 50 minutes and talk about only one party has a market on what we need to do to improve our schools is an absolute outrage. It is really a shame, because I think it is a slap in the face to people like the gentleman from Pennsylvania [Mr. GOODLING] who chairs our Committee on Education and the Workplace, who himself was a classroom teacher, a superintendent, and someone who was involved in education. Or the gentleman from Illinois [Mr. PORTER], who spent a significant amount of time working on education priorities.

The successes that we have had in this Congress have been bipartisan, and they have not been because of any one party. In fact, I would remind some of my colleagues who just spoke, and I again say with the exception of the gentleman from Texas [Mr. GREEN], that it was the Democrat Party who for 50 years controlled this institution. In fact, the first 2 years of the Clinton administration the Democrats controlled the White House and both Houses of Congress.

Is not it amazing that those who would seek to be most partisan in this debate on education would now begin to take credit as a political aspect of the Democrats' agenda for what a Republican Congress has enacted in the last 3 years? It has, in fact, not been a Democrat win and it has not been a Republican win. It has been a bipartisan effort, as the gentleman from Texas alluded to, to bring Members of Congress together for the good of our children and the schools of this country.

Mr. Speaker, I take exception to some of the comments that were made, and as a classroom teacher who spent a number of years working to improve the quality of our children's educational opportunities, I am proud of what this party and this Congress has done, bringing Democrats in with us, to bring forth new initiatives and new ideas to help all of our schools across this great Nation.

Mr. Speaker, my real purpose tonight is to discuss several defense priorities that are going to be coming up and should be on the minds of our colleagues over the next several weeks. In fact, one issue is going to be coming before several of our committees. It already has, in fact, been an issue in the Committee on International Relations as well as the Committee on the Judiciary where a bill has passed and is now pending before the Committee on National Security, the House Permanent Select Committee on Intelligence, and the Committee on Commerce.

This bill, Mr. Speaker, is a very technical piece of legislation dealing with an issue that many of us have not focused on, and that is the whole issue of information.

One of our greatest challenges as we approach the 21st century is how to manage information and to make sure that we, in fact, can become smart cities, smart regions, and further utilize information technology to enhance the quality of the lives of our people.

Mr. Speaker, in that process, however, we face a dilemma. At a hearing that I chaired in March of this year as the chairman of the Subcommittee on Research and Development, I took testimony for 6 hours on the issue of information warfare, and I heard recommendations and reports provided to us that an adversary in the 21st century may not have to spend his or her dollars on sophisticated weapons systems or on bigger bullets or larger missiles or longer range technologies, but rather concentrate on using methods to compromise our information systems, to bring down our banking and financial systems, our mass transit systems.

Mr. Speaker, the recommendation coming out of that hearing from the Defense Science Board was that we should dramatically increase spending for information security and control by about $3 billion a year.

Mr. Speaker, we cannot afford to do that because that is just too much money. We made a modest increase in this year's defense bill and we are working to keep that modest increase in place to demonstrate new technologies to allow us to protect our systems in this country from the threat of an adversary taking them down.

But there is a piece of legislation that is being pushed on a fast track basis that would totally remove the export controls over encryption technology. Encryption, Mr. Speaker, as we all know, is the technology and the process used to code information so that when we have a conversation over the Internet, no one else can intercept that conversation.

There are very important principles in question here relative to the security of the people of this country having their ability to communicate and not having the Government or anyone else be able to have access to that.

Encryption provides that protection and, in fact, it is available in this country. However, the piece of legislation that is now under consideration, H.R. 695, which a number of our colleagues have cosponsored, would basically remove export controls and allow this technology in its most sophisticated form to be sent overseas.

Now, there are some in this country, and myself included, who have some concerns about the administration's current policy over encryption and want to see reforms that will allow our software industry to continue to be on the cutting edge of new technologies to encrypt information that, in fact, we will be using every day.

However, while I do not support the current policy of this administration, I cannot in good conscience support a total wiping out of any export control on technology that a cartel, a drug cartel, or an adversary nation has been using and could be using to prevent our law enforcement, intelligence, and defense resources from protecting the American people from the threats of drug dealing, from the threats of intimidation, terrorist activities, or other activities of that type.

Mr. Speaker, I urge our colleagues to carefully review the impact that this legislation will have, first of all, on our national security and on our intelligence-gathering capabilities. In fact, everyone in fact in the administration concerned with defense intelligence has come out with grave reservations about this legislation.

Mr. Speaker, I have also received a letter from Secretary Cohen expressing his grave reservations about this legislation.

Mr. Speaker, on Tuesday, when the Committee on National Security marks up this piece of legislation, I will be offering an amendment that will enjoy the support of both the gentleman from South Carolina [Mr. SPENCE], chairman of the Committee on National Security, and the gentleman from California [Mr. DELLUMS], ranking Democrat on that committee, that hopefully will pass, that will deal with one-half of the issue and that is whether or not we should completely eliminate all export controls and export process to review encryption technology that would be sold overseas and marketed overseas.

I think it is a fair compromise. It does not, in fact, satisfy all of the industry groups who want to have no export controls, and it does not satisfy the administration, but it does give us an ability to have a process in place to continue to allow our Department of Defense to monitor the kinds of technologies that we allow to be sold to rogue nations. It is a very important amendment.

It also closes a loophole, Mr. Speaker, in H.R. 695 that, in effect, would allow supercomputers to be sold overseas if, in fact, they have encryption built in.

Now, this is kind of an ironic twist here, because many of the cosponsors of this bill voted for an amendment that criticized the administration for allowing Cray supercomputers to be sold to China and Russia. Yet, Mr. Speaker, in this very provision that some of them have unknowingly cosponsored, there is a loophole that would allow those same supercomputers, if encryption is contained in those supercomputers, to be sold overseas with no restrictions. I do not think that is the intent of most of our colleagues, and the amendment that I will be offering on Tuesday will correct that.

Now, I would also encourage our colleagues, Mr. Speaker, to try to get briefings from Louis Freeh, the Director of the FBI, who I had in my office today for 1 hour, or from the National Security Agency, on the domestic impact of a total elimination of controls over encryption.

Again, I am not happy with the administration nor am I happy with their proposal to establish what is called a key recovery system. But we do need to allow the law enforcement entities in this Nation, we do need to allow the Justice Department, to go through the established system of our courts with court and judicial approval to gain access to gather data that can be used; for instance, in uncovering pedophiles who in fact have been using and continue to use our Internet to unknowingly get the attention and to communicate with young people through the Internet; or to get access to encrypted data that, in fact, has been used by drug cartels; or for instance, the group that was involved in the bombing of the World Trade Center in New York.

Our law enforcement community has to have some ability, through a very difficult and very well-thought-out process, to get the approval from our courts to get access to encrypted data for very specific purposes when the national security of this Nation and our people is at risk.

It is extremely important every law enforcement head in our Federal Government has, in fact, signed a letter to every Member of Congress stating their concern with this bill. I would also, Mr. Speaker, like to enter that letter into the RECORD.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, July 18, 1997.

DEAR MEMBER OF CONGRESS: Congress is considering a variety of legislative proposals concerning encryption. Some of these proposals would, in effect, make it impossible for the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Secret Service, Customs Service, Bureau of Alcohol, Tobacco and Firearms, and other federal, state, and local law enforcement agencies to lawfully gain access to

criminal telephone conversations or electronically stored evidence possessed by terrorists, child pornographers, drug kingpins, spies and other criminals. Since the impact of these proposals would seriously jeopardize public safety and national security, we collectively urge you to support a different, balanced approach that strongly supports commercial and privacy interests but maintains our ability to investigate and prosecute serious crimes.

We fully recognize that encryption is critical to communications security and privacy, and that substantial commercial interests are at stake. Perhaps in recognition of these facts, all the bills being considered allow market forces to shape the development of encryption products. We, too, place substantial reliance on market forces to promote electronic security and privacy, but believe that we cannot rely solely on market forces to protect the public safety and national security. Obviously, the government cannot abdicate its solemn responsibility to protect public safety and national security.

Currently, of course, encryption is not widely used, and most data is stored, and transmitted, in the clear. As we move from a plaintext world to an encrypted one, we have a critical choice to make: we can either (1) choose robust, unbreakable encryption that protects commerce and privacy but gives criminals a powerful new weapon, or (2) choose robust, unbreakable encryption that protects commerce and privacy and gives law enforcement the ability to protect public safety. The choice should be obvious and it would be a mistake of historic proportions to do nothing about the dangers to public safety posed by encryption without adequate safeguards for law enforcement.

Let there be no doubt: without encryption safeguards, all Americans will be endangered. No one disputes this fact; not industry, not encryption users, no one. We need to take definitive actions to protect the safety of the public and security of the nation. That is why law enforcement at all levels of government—including the Justice Department, Treasury Department, the National Association of Attorneys General, International Association of Chiefs of Police, the Major City Chiefs, the National Sheriffs' Association, and the National District Attorneys Association—are so concerned about this issue.

We all agree that without adequate legislation, law enforcement in the United States will be severely limited in its ability to combat the worst criminals and terrorists. Further, law enforcement agrees that the widespread use of robust non-key recovery encryption ultimately will devastate our ability to fight crimes and prevent terrorism.

Simply stated, technology is rapidly developing to the point where powerful encryption will become commonplace both for routine telephone communications and for stored computer data. Without legislation that accommodates public safety and national security concerns, society's most dangerous criminals will be able to communicate safely and electronically store data without fear of discovery. Court orders to conduct electronic surveillance and court-authorized search warrants will be ineffectual, and the Fourth Amendment's carefully-struck balance between ensuring privacy and protecting public safety will be forever altered by technology. Technology should not dictate public policy, and it should promote, rather than defeat, public safety.

We are not suggesting the balance of the Fourth Amendment be tipped toward law enforcement either. To the contrary, we only seek the status quo, not the lessening of any legal standard or the expansion of any law enforcement authority. The Fourth Amendment protects the privacy and liberties of our citizens but permits law enforcement to use tightly controlled investigative techniques to obtain evidence of crimes. The result has been the freest country in the world with the strongest economy.

Law enforcement has already confronted encryption in high-profile espionage, terrorist, and criminal cases. For example:

An international terrorist was plotting to blow up 11 U.S.-owned commercial airliners in the Far East. His laptop computer, which was seized in Manila, contained encrypted files concerning this terrorist plot.

A subject in a child pornography case used encryption in transmitting obscene and pornographic images of children over the Internet.

A major international drug trafficking subject recently used a telephone encryption device to frustrate court-approved electronic surveillance.

And this is just the top of the iceberg. Convicted spy Aldrich Ames, for example, was told by the Russian Intelligence Service to encrypt computer file information that was to be passed to them.

Further, today's international drug trafficking organizations are the most powerful, ruthless and affluent criminal enterprises we have ever faced. We know from numerous past investigations that they have utilized their virtually unlimited wealth to purchase sophisticated electronic equipment to facilitate their illegal activities. This has included state of the art communication and encryption devices. They have used this equipment as part of their command and control process for their international criminal operations. We believe you share our concern that criminals will increasingly take advantage of developing technology to further insulate their violent and destructive activities.

Requests for cryptographic support pertaining to electronic surveillance interceptions from FBI Field Offices and other law enforcement agencies have steadily risen over the past several years. There has been an increase in the number of instances where the FBI's and DEA's court-authorized electronic efforts were frustrated by the use of encryption that did not allow for law enforcement access.

There have also been numerous other cases where law enforcement, through the use of electronic surveillance, has not only solved and successfully prosecuted serious crimes but has also been able to prevent life-threatening criminal acts. For example, terrorists in New York were plotting to bomb the United Nations building, the Lincoln and Holland Tunnels, and 26 Federal Plaza as well as conduct assassinations of political figures. Court-authorized electronic surveillance enabled the FBI to disrupt the plot as explosives were being mixed. Ultimately, the evident obtained was used to convict the conspirators. In another example, electronic surveillance was used to stop and then convict two men who intended to kidnap, molest, and kill a child. In all of these cases, the use of encryption might have seriously jeopardized public safety and resulted in the loss of life.

To preserve law enforcement's abilities, and to preserve the balance so carefully established by the Constitution, we believe any encryption legislation must accomplish three goals in addition to promoting the widespread use of strong encryption. It must establish:

A viable key management infrastructure that promotes electronic commerce and enjoys the confidence of encryption users.

A key management infrastructure that supports a key recovery scheme that will allow encryption users access to their own data should the need arise, and that will permit law enforcement to obtain lawful access to the plain text of encrypted communications and data.

An enforcement mechanism that criminalizes both improper use of encryption key recovery information and the use of encryption for criminal purposes.

Only one bill. S. 909 (the McCain/Kerrey/Hollings bill), comes close to meeting these core public safety, law enforcement, and national security needs. The other bills being considered by Congress, as currently written, risk great harm to our ability to enforce the laws and protect our citizens. We look forward to working to improve the McCain/Kerrey/Hollings bill.

In sum, while encryption is certainly a commercial interest of great importance to this Nation, it is not solely a commercial or business issue. Those of us charged with the protection of public safety and national security, believe that the misuse of encryption technology will become matter of life and death in many instances. That is why we urge you to adopt a balanced approach that accomplishes the goals mentioned above. Only this approach will allow police departments, attorneys general, district attorneys, sheriffs, and federal authorities to continue to use their most effective investigative techniques, with court approval, to fight crime and espionage and prevent terrorism.

Sincerely yours,

JANET RENO,
Attorney General.

LOUIS FREEH,
Director, Federal Bureau of Investigation.

BARRY MCCAFFREY,
Director, Office of National Drug Control Policy.

THOMAS A. CONSTANTINE,
Director, Drug Enforcement Administration.

LEWIS C. MERLETTI,
Director, U.S. Secret Service.

RAYMOND W. KELLY,
Undersecretary for Enforcement, U.S. Department of Treasury.

GEORGE J. WEISE,
Commissioner, U.S. Customs Service.

JOHN W. MAGAW,
Director, Bureau of Alcohol, Tobacco and Firearms.

Mr. WELDON of Pennsylvania. And finally, Mr. Speaker, I would like to ask our colleagues to please listen to the law enforcement community. For the last year, Members of Congress, especially those who have cosponsored this legislation, have heard from the software industry, the Microsofts and those companies that see dollar signs in terms of export sales that could grow astronomically. And I want to see them succeed, too. That is part of my ultimate goal. But we also need to listen to law enforcement.

Mr. Speaker, I would ask to include a letter signed by four of the major law enforcement groups in this country, including the District Attorney's Association, the Chiefs of Police, and others, expressing their strong reservations about a total elimination of our ability to deal with encryption as it relates to law enforcement.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE,
Alexandria, VA, July 21, 1997.

DEAR MEMBER OF CONGRESS: Enclosed is a letter sent to you by the Attorney General, the Director of National Drug Control Policy and all the federal law enforcement heads

concerning encryption legislation being considered by congress. Collectively we, the undersigned, represent over 17,000 police departments including every major city police department, over 3,000 sheriffs departments, nearly every district attorney in the United States and all of the state Attorneys General. We fully endorse the position taken by our federal counterparts in the enclosed letter. As we have stated many times, Congress must adopt a balanced approach to encryption that fully addresses public safety concerns or the ability of state and local law enforcement to fight crime and drugs will be severely damaged.

Any encryption legislation that does not ensure that law enforcement can gain timely access to the plaintext of encrypted conversations and information by established legal procedures will cause grave harm to public safety. The risk cannot be left to the uncertainty of market forces or commercial interests as the current legislative proposals would require. Without adequate safeguards, the unbridled use of powerful encryption soon will deprive law enforcement of two of its most effective tools, court authorized electronic surveillance and the search and seizure of information stored in computers. This will substantially tip the balance in the fight against crime towards society's most dangerous criminals as the information age develops.

We are in unanimous agreement that congress must adopt encryption legislation that requires the development, manufacture, distribution and sale of only key recovery products and we are opposed to the bills that do not do so. Only the key recovery approach will ensure that law enforcement can continue to gain timely access to the plaintext of encrypted conversations and other evidence of crimes when authorized by a court to do so. If we lose this ability—and the bills you are considering will have this result—it will be a substantial setback for law enforcement at the direct expense of public safety.

Sincerely yours,

DARRELL L. SANDERS,
President, International Association of Chiefs of Police.

FRED SCORALIE,
President, National Sheriffs' Association.

JAMES E. DOYLE,
President, National Association of Attorneys General.

WILLIAM L. MURPHY,
President, National District Attorneys Association.

Mr. WELDON of Pennsylvania. Mr. Speaker, again I am not saying that the administration's policy is a correct one nor is their policy of key recovery one that I can support. What I am saying is that this bill should not be rushed through. Members need to look at this very complicated subject in detail.

Yes, we need to protect the civil liberties of our citizens to be able to communicate in a confidential and protected manner. But we also need to look out for the national security implications of this legislation, the intelligence implications of this legislation, and for the ability for our law enforcement community, our State Police, the FBI, the Justice Department, when necessary through an established legal process to be able to get access to deal with those rogue entities that are using encryption to hide the activities they are involved in which are illegal. So I would ask our colleagues to closely monitor this legislation as it moves through the process.

Mr. Speaker, the second issue I would like to discuss is also a national security and defense issue, and I want to bring this up because it is going to be a major issue this weekend in the national media. It deals with a concern that I have relative to the former Soviet Union, especially now with one of the former Soviet States, Russia, the largest one.

Mr. Speaker, as many of our colleagues know, I spend a great deal of time working in a positive way with Russia and its leadership on energy issues and environmental issues. This year I focused on establishing a middle-income housing program for the Russian people. I have established a new Russian Duma American Congress study group, which I cochair with the gentleman from Maryland [Mr. HOYER] and which is chaired on the Russian side by Deputy Speaker Shokhin.

So I spend a lot of time trying proactively to improve our relationships, but I have a great deal of concern with what I think, and with my impression of the administration not being aggressive enough in pursuing concerns that many of us have relative to Russia's ability to control its nuclear material, its strategic weapons, and the state of the military in Russia.

Mr. Speaker, the problem is compounded by the fact that the administration, especially the Commander in Chief, has repeatedly used the bully pulpit to convey a message to America that we no longer have to worry about a threat coming from Russia. Again, I do not want to recreate a scenario where we depict Russia as some ''Evil Empire,'' because it is not. And I trust Boris Yeltsin for what he is trying to do, and applaud him for his efforts, as well as his key leadership, Chernomyrdin, Nemtsov, Chubays, and all of his people involved in leading his country.

□ 2315

But facts are facts. And there are major problems that we cannot sweep under the rug or put our head in the sand and ignore. And to that extent, Mr. Speaker, I want to talk about my most recent trip to Russia in May of this year and I have been there twice.

The most recent trip was a part of an interparliamentary exchange where we met with senior members of their Duma and discussed common issues. And we found many areas where we can work together.

Along with that, Mr. Speaker, I wanted to focus on some security concerns that I have with Russia and the need for Russia to be more transparent in terms of what their objectives and intents are relative to national security issues.

In the course of these meetings, I had the occasion to meet, along with the entire delegation, for 2 hours with Gen. Alexander Lebed. As we know General Lebed was a major candidate for the office of President when Boris Yeltsin ran for that office and won successfully last year against Mr. Zuganov, the candidate of the Communist Party.

Many speculate that the reason why Yeltsin was so successful was because he was able to get Lebed out of the race, partly by offering him a position as senior defense advisor to President Yeltsin on defense issues as a very respected retired Russian general. So the credibility of General Lebed is not something that I can vouch for but rather, based upon what President Yeltsin did in moving General Lebed into this position on his confidence in General Lebed as a senior defense advisor.

In our meeting with General Lebed he talked to us without the press being present and this is now in the public record and our trip report about the status of the stability of the Russian military. He raised some very serious concerns to us, Mr. Speaker, that we have to deal with and understand and that this administration has got to be more aggressive in pursuing as to whether or not they are facts or fiction.

One of our questions to General Lebed was whether or not there was a possibility of armed revolution inside of Russia by its own military. General Lebed said he thought that was not possible primarily because, as General Lebed said, former Defense Minister Pavel Grachev had removed all the professionals from the army. General Lebed went on to say that the trained professional soldiers and leaders are gone and are now working with the criminal elements inside of Russia. And many of these generals and admirals have had access in the past to very sophisticated weapons and technologies that in fact could be sold on the black market.

And, in fact, we are seeing some evidence of proliferation of both weapons, strategic materials and in some cases even the seeking of nuclear materials. In fact, General Lebed went on to say that the army and the military does not have sufficient control over nuclear weapons.

In fact, he said to us that of 132 nuclear submarines being decommissioned by Russia, only 25 have had their reactors dismantled. In fact, two submarines nearly sank. Some reactors, he said, are in emergency condition. We have an aggressive program through our Navy to work with Russia to help them deal with their nuclear technology. I have been supportive of that.

But the problem is a very real one. Russia has severe problems with control of their nuclear material. He went on to say something that is even more provocative and something that is going to be the subject of a ''60 Minutes'' speech on Sunday evening this week, which I urge our colleagues to tune into. It is also going to be the subject of a Washington Post story and an

AP story and also is going to be highlighted in a book that is going to be released next week by two authors. That book, by the way, is the basis, part of the basis for the Steven Speilberg movie that will be released this month entitled ''Peacemaker,'' which is a fictional depiction of the possible transfer of a Russian SS–18 missile out of Russia to a rogue nation.

General Lebed, in our meeting with six Members of Congress, said that when he had been Boris Yeltsin's chief defense advisor, he was given the responsibility to account for the location of 132 suitcase-sized nuclear devices, these are nuclear bombs, each with a capacity of 1 kiloton. One kiloton is not as great as the bomb at Hiroshima because that was approximately 15 kilotons. But 1 kiloton would cause a significant amount of damage wherever it was used.

Now, General Lebed said to us in a session with the bipartisan delegation, he was given the responsibility to account for the location of 132 suitcase-sized nuclear devices that Russia had manufactured. During his time in the capacity of advising Boris Yeltsin, he could only find 48. When we asked him where the rest of these devices were, he shrugged his shoulders and could not answer us. That is troubling. That is troubling because here was a man who Boris Yeltsin put into a key position advising him on defense matters who, according to him, was given the responsibility to account for these suitcase-sized nuclear weapons. And yet he told us, in a meeting in Moscow, that he could not in fact account for them. And I believe on ''60 Minutes'' this Sunday night you will see General Lebed again repeat that in his own words on that program.

I have asked the administration, both through our intelligence agencies as well as in a briefing that I gave to the current Secretary of Energy, to try to get an accounting from the Russians as to the validity of this statement.

Mr. Speaker, this is the kind of issue that we cannot sweep under the rug. I have the same ultimate objective that Strobe Talbott and President Clinton have in terms of a stabilized relationship with Russia. But that does not mean that we ignore problems that exist, whether it is suitcase-sized nuclear devices that may be out there available on the black market or whether it is the transfer of accelerometers and gyroscopes that had Russian markings, that were intercepted by the Jordanians on their way to Iraq, which is a violation of the missile technology regime, or whether it is the response by Russia to a Norwegian rocket weather launch that they had been given prior notice of and that Russia is in such a paranoid state that it put its entire strategic offensive force on alert because of Norway's launch of a weather rocket which meant that Russia was within 60 seconds of an all-out attack in response to a Norwegian weather rocket which they had been previously notified of.

Now the President of Russia has acknowledged publicly that his chegets, the devices that control the nuclear trigger, were in fact activated as a response to that Norwegian rocket launch.

Mr. Speaker, these are real issues, just as is the concern that many of us have over whether or not Russia just detonated another underground explosion, which is not in sync with the test ban treaty the administration has been pursuing. It is the same issue that I have over Yamantau Mountain, a major multibillion-dollar complex that has been under construction in the Ural Mountains for 18 years that is the size of the city of Washington, DC, where the Russians have built a city of 65,000 people, a closed city, continuing to work on this project when Russian military officers do not have decent housing, when Russian retired officers have not been given back pay.

The question is, what is this huge complex being built for?

The reason why I raised these points, Mr. Speaker, is that we need the administration to be more aggressive in pursuing transparency and candor with Russia on these issues. I am not raising these issues for the first time, because it is not my intent to try to put a monkey wrench in the relationship between the United States and Russia. In fact, I have raised the issue of Yamantau Mountain on at least 10 occasions in written form and verbally with senior Russian leaders, my counterparts in the Russia Duma, and most recently a three-page letter that I wrote in Russian to Boris Yeltsin asking for transparency in terms of what is happening at Yamantau Mountain.

For us to have a stable relationship and if we follow the logic of this administration, a relationship with Russia based on bilateral treaties, then we must make sure that not just the United States but also Russia is abiding by those treaties, whether it is ABM, MTCR, the chemical weapons treaty, the nuclear test ban treaty or whatever that treaty happens to be. My feeling is that we have not done that, and I could take time to go through and cite specific examples at least seven times where the administration has not imposed sanctions on violations of the missile technology control regime that we know took place.

So I hope that what is going to unfold over the next several days, this weekend on ''60 Minutes,'' and into next week, as this new publication is released, will alert our colleagues that we must begin to focus on the problems of instability in Russia, not to create hostility between our two nations but, rather, to say we must be candid, we must be transparent, and we must work together to resolve the instability that currently exists and in the control of Russia's nuclear and conventional and strategic arsenal. It is of the highest importance for both nations and an issue that I am going to continue to pursue throughout the rest of this session of Congress.

Mr. Speaker, my final point tonight is one that is a personal item that I would like to spend a few moments discussing. It also has security implications but it also is a very emotional human interest story that I would like to relate to my colleagues and pay appropriate thanks.

Mr. Speaker, as you know, we are always looking for new technology in the defense arena that can assist us in civilian applications. Shortly, this fall, we are going to be announcing the use of cold war technology that was used to at one point in time to detect rocket launchers around the world that we have been working on for the last year that is now going to be used to tell us when a wild land or forest fire first begins, instant imaging to give us that information so that we can have our emergency responders be there on the scene quickly to prevent the kind of conflagrations we have seen in the West, the Midwest, and the Northwest over the past decades. So it is using cold war technology for a very valuable function to assist us.

I saw evidence of a similar technology, Mr. Speaker, that we have now developed for commercial use called side scan sonar. I want to talk about the individual case because it involves a constituent family from Pennsylvania.

Back in February of this year, a young 19-year-old from Chester County, a neighboring county to my home county, the eldest of six children and the only son of the Swymer family was doing a co-op program at Penn State up at the Finger Lakes in New York.

During the course of his stay, right adjacent to Lake Owasco on a Saturday afternoon, where the temperature rose to the mid-60s, he ventured out into this very deep lake in a rowboat. A storm came up very quickly. And the individual evidently, for one reason or the other, because of the winds and the extreme nature of the storm, was tossed out of the boat.

The boat was found 2 days later on the opposite side of the lake, which is about a mile wide, along with the oar and the life preserver and no sign of this young 19-year-old, 6-foot tall, strapping, very successful student and solid athlete.

The State police in New York did a very commendable job in trying to locate the young man's body. They searched the entire lake perimeter. They tried to do dives and they just could not find this individual.

The family, through State representative Bob Flick, called my office in March and asked if I could provide any kind of technical assistance. Using the resources that we have developed primarily for the military and for ocean research as well as for disaster recovery, I called my friends in the oceangraphic community and my friends in the emergency response community. We were able to get the same technology that was developed for the military called side scanning sonar

that was used to help us recover the remains of the TWA 800 crash off of Long Island in New York.

We were able to get that technology through the generosity of the New York Police Commissioner, Howard Safir, to have it sent up to the lake to look to see whether or not we could in fact locate this boy's body. A couple of suspected sightings were made, but we could not complete a dive to determine whether or not it was a positive find. They came back and were unsuccessful.

In June, I followed up with the Woods Hole Laboratory in Massachusetts and asked them to assist, and we identified perhaps the top national experts on deep dives relative to drownings.

We assembled a team that in the last week of August was able to travel to Auburn, NY, to put together on the water a team consisting of four boats, all volunteers during their time, to try to locate this young man's body.

□ 2330

The head technologist for this whole operation was Butch Hendrick, the president of Lifeguard Systems, Inc. of Hurley, NY, who is an expert in locating people in these kinds of situations and dealing with drownings. We also had an expert in terms of reading side scan sonar, Brett Phaneuf, from Marine Sonic Technology who also donated his time.

I spent the first 3 of the 5 days on the lake with this team, along with the very courageous volunteer firefighters from the Owasco Fire Department. Five of them spent the entire week away from their jobs volunteering the entire day each day to help us go back and forth across the 1,000-by-2,000 foot area of this lake and the lake was 1 mile wide and 14 miles long, trying to use this technology to determine whether or not we could find this young 19-year-old. I had to leave New York on Wednesday. On Thursday, three specific sightings were made, the markers were identified, and on Friday we brought in a dive team from Buffalo, NY, the Buffalo Industrial Diving Co. headed up by Mark Judd, four divers prepared to go down 150 feet. We had a decompression chamber on standby, a helicopter to take the divers if they should have problems. On the first dive, they recovered the body of 19-year-old Nathan Swymer and brought him back up and were able to reunite him so that his family could have a proper, decent burial.

Mr. Speaker, this story would not have been a success were it not for the cooperation of a number of very unselfish people, people who volunteered their time and their expertise to see if we could use a military technology to assist us in a very emotional situation involving the loss of someone's loved one.

The importance here, Mr. Speaker, is not that we just were able to locate Nathan Swymer 7 months after he fell off that row boat in Lake Owasco, but the technology that can be used across this country, in lakes, in rivers to assist us in similar types of operations and to avoid, where possible, the exposure to losing additional lives to send down to recover people who in fact have been drowned.

In fact, Mr. Speaker, over the past several years, it is my understanding that we have begun to lose more and more people in the rescue efforts to bring people who have drowned back than we should, and that is partly because we have not used appropriate technology to assist us in that process.

It will be my hope over the next several months to put together a congressional hearing where we can showcase this technology, where we can make the case that these kinds of technologies should be made available and that we should assist in that technology transfer process to departments across this Nation who have similar situations with deep lakes and with rivers so that we do not have to jeopardize additional lives in going down to recover our loved ones.

I particularly want to thank the gentleman from New York [Mr. WALSH] whose district Auburn and Lake Owasco is in. He has been very cooperative throughout this entire process and he was very supportive of our effort the last week of August.

I also want to thank Bill Andahazy, who is a consultant from Woods Hole who donated his time, Capt. Don Swain from the New York State Police and his team and all of those other individuals, the volunteer firefighters, the divers, the technologists who assisted us in closing this very difficult chapter in the lives of the Swymer family from Chester County, PA.

I want to encourage our colleagues, Mr. Speaker, to work with me, to see where we can find not just this kind of technology to use for commercial purposes but to see where we can take similar initiatives and assist us in solving day-to-day problems that face the people of this great Nation.

For the record, Mr. Speaker, I include the list of the Owasco Lake search team and thank them for their tireless efforts in this operation. A number of companies and individuals in the Philadelphia area donated over $10,000 along with the Chester County Chamber of Commerce to help us defray the costs of transporting the equipment to that lake. All of the individuals that were there donated their time. The money that we raised was used to defray the costs of the transportation of that equipment to the site to allow us to complete the rescue mission.

Mr. Speaker, I thank all of the staff who stayed this late hour for this special order.

OWASCO LAKE SEARCH TEAM

Rep. Curt Weldon, Member, US House of Representatives

Rep. Robert J. Flick, Pennsylvania House of Representatives

W.J. (Bill) Andahazy, Independent Consultant

Capt. Donald Swain, Zone 2 HQ, New York State Police

Trooper David Hartz, Troop E, NY State Police

Trooper Karl Bloom, Troop E, NY State Police

Walter (Butch) Hendrick, President, Lifeguard Systems Inc., Hurley, NY

Andrea Zaferes, Lifeguard Systems

Craig Nelson, Lifeguard Systems

Lt. David Holland, Inst. of Environmental Medicine, Canadian Navy

Brett Phaneuf, Marine Sonic Technology, White Marsh, VA

Mark C. Judd, Buffalo Industrial Diving Company, Buffalo, NY

Andy Anderson, Buffalo Industrial Diving

Brad McCullum, Buffalo Industrial Diving

Brad Knight, Buffalo Industrial Diving

Tom Burns, Chief, Owasco Vol. Fire Co.

Joe Head, Assist. Chief, Owasco Vol. Fire Dept.

Tom Morgan, Assist. Chief, Owasco Vol. Fire Dept.

Tim Burns, Owasco Vol. Fire Dept.

Angelo Massina, Owasco Vol. Fire Dept.

Peter Pinckney, Sheriff, Cayuga County

Jim Tabor, Under Sheriff, Cayuga County

Gene Stiver, Dep. Chief of Navigation, Office of the Sheriff, Cayuga County

Chris Petrus, Navigation Deputy, Office of Sheriff, Cayuga County

Rev. and Mrs. (Dick and Pat) Streeter, Clergy and friends of Mr. and Mrs. Swymer.

Members of the Chester County Chamber Business and Industry Council.

Note that many other individuals also helped and offered services such as Alice Hamill of Mayflower Movers, King of Prussia, PA (although their services were not needed). The Holiday Inn Hotel, Auburn, NY staff worked with us on local arrangements as well as the Lake residents who let us use phones, water, etc. This operation was a community coming together that generated a successful conclusion to this tragedy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. PRYCE of Ohio (at the request of Mr. ARMEY) for today after 12 noon and the balance of the week, on account of attending her son's wedding.

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. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. UNDERWOOD, for 5 minutes, today.

Mr. GREEN, for 5 minutes, today.

(The following Members (at the request of Mr. HULSHOF) to revise and extend their remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. DOYLE, in two instances.
Mr. KANJORSKI.
Mr. NEAL.
Mr. BENTSEN.
Mr. VISCLOSKY.
Mr. BONIOR.
Mr. SHERMAN.
Mr. BAESLER.
Ms. Carson.
Mr. LUTHER.
Mr. FILNER.

(The following Members (at the request of Mr. HULSHOF) and to include extraneous matter:)

Ms. ROS-LEHTINEN.
Mr. FORBES.
Mr. SOLOMON.
Mr. RIGGS.
Mr. RADANOVICH.
Mr. CAMP.
Mr. TALENT.
Mr. GILMAN.
Mr. COLLINS.
Mr. RAMSTAD.
Mr. HOEKSTRA.
Mr. HORN.
Mr. Doolittle.
Ms. PRYCE of Ohio.

(The following Members (at the request of Mr. WELDON of Pennsylvania) and to include extraneous matter:)

Mr. STUMP.
Mr. WEYGAND.
Mr. KIND.
Mr. LAFALCE.
Mr. WATTS of Oklahoma.
Mr. BOB SHAFFER of Colorado.
Mrs. EMERSON.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Friday, September 5, 1997, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4761. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Issuance of Grower Diversion Certificates [Docket No. FV97–930–5 IFR] received September 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4762. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Glyphosate; Pesticide Tolerances for Emergency Exemptions [OPP–300521; FRL–5732–7] (RIN: 2070–AB78) received August 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4763. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Pesticide Tolerances for Emergency Exemptions [OPP–300525; FRL–5735–2] (RIN: 2070–AB78) received August 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4764. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin; Pesticide Tolerances for Emergency Exemptions [OPP–300528; FRL–5737–1] (RIN: 2070–AB78) received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4765. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of August 1, 1997, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105—124); to the Committee on Appropriations and ordered to be printed.

4766. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 584, H.R. 1944, H.R. 1585, and H.R. 408, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

4767. A letter from the Secretary of Education, transmitting Final Regulations——Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations and Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4768. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Solicitation Notice Environmental Education Grants Program Fiscal Year 1998 [FRL–5878–7] received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4769. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Final Theft Data; Motor Vehicle Theft Prevention Standard (National Highway Traffic Safety Administration) [Docket No. 96–122; Notice 02] (RIN: 2127–AG33) received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4770. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Dummy; Six-Year Old Child Dummy (National Highway Traffic Safety Administration) [Docket No. 97–047, Notice 01] (RIN: 2127–AG44) received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4771. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Definitions for the Pennsylvania VOC and NOx RACT and New Source Review Regulations [PA 042–4067; FRL–5869–5] received August 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4772. 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; Ohio Ozone Maintenance Plan [OH104–3a; FRL–5874–4] received August 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4773. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Interim Revised Durability Procedures for Light-Duty Vehicles and Light-Duty Trucks [AMS–FRL–5879–2] received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4774. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emission Guidelines for Existing Sources and Standards of Performances for New Stationary Sources: Large Municipal Waste Combustion Units [AD–FRL–5879–6] received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4775. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Sheet-Fed and Web Lithographic Printing and Paper Coatings [MD040–3018a; FRL–5881–6] received August 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4776. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Rule Making a Finding of Failure to Submit a Required State Implementation Plan for Particulate Matter; California——Owens Valley [FRL–5883–7] received August 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4777. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Second Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production [FRL–5884–2] (RIN: 2050–AD38) received August 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4778. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act [16 CFR Part 305] received August 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4779. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—CLIA Program; Fee Schedule Revision [HSQ–219–GNC] (RIN: 0938–AG87) received September 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4780. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 97–34), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4781. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representative Office (TECRO) in the United States for defense articles and services (Transmittal No. 97–37), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4782. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Kuwait for defense articles and services (Transmittal No. 97–38),

pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4783. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 97–40), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4784. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 97–41), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4785. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Korea for defense articles and services (Transmittal No. 97–42), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4786. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 97–33), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4787. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Korea for defense articles and services (Transmittal No. 97–36), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4788. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 97–39), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4789. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 13–97 for a cooperative agreement with Australia in a project on advanced integrated aircraft survivability equipment technology, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4790. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Korea (Transmittal No. 24–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4791. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President intends to exercise his authority under section 610(a) of the Foreign Assistance Act in order to authorize the furnishing of $4 million to Ethiopia, pursuant to 22 U.S.C. 2411; to the Committee on International Relations.

4792. A communication from the President of the United States, transmitting the first annual report on the implementation of a comprehensive program to monitor the end-use of defense articles and services, pursuant to 22 U.S.C. 2785; (H. Doc. No. 105—125); to the Committee on International Relations and ordered to be printed.

4793. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4794. A letter from the Executive Director, Office of Compliance, transmitting a decision of the Board of Directors on an alleged violation of the Worker Adjustment and Retraining Notification (WARN) provisions made applicable by the Congressional Accountability Act; to the Committee on House Oversight.

4795. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Obsolete Employee Responsibilities and Conduct Rules [FRL–5870–7] received August 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4796. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Urine Surveillance [BOP–1072–F] (RIN: 1120–AA68) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4797. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Cargo Tank Motor Vehicles in Liquefied Compressed Gas Services; Revisions and Response to Petitions for Reconsideration [Docket No. RSPA–97–2133 (HM–225)] (RIN: 2137–AC97) received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4798. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Manistee River, MI (Coast Guard) [CGD09–97–014] (RIN: 2115–AE47) received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4799. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Hurricane Offshore Classic, St. Petersburg, FL (Coast Guard) [CGD07–97–031] (RIN: 2115–AE46) received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4800. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulation; Clifton River Days, Tennessee River mile 158 to 160, Clifton, Tennessee (Coast Guard) [CGD08–97–028] (RIN: 2115–AE46) received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4801. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulation; MY102 Boomsday, Tennessee River mile 645 to 649, Knoxville, Tennessee (Coast Guard) [CGD08–97–027] (RIN: 2115–AE46) received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4802. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulation; Riverfest, Cumberland River mile 126.5 to 128.5, Clarksville, Tennessee (Coast Guard) [CGD08–97–026] (RIN: 2115–AE46) received August 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4803. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Ship Channel, Great Egg Harbor Bay, New Jersey (Coast Guard) [CGD05–97–002] (RIN: 2115–AE47) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4804. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to provide flexibility in the order in which the Boards of Veterans' Appeals hears and considers appeals; to the Committee on Veterans' Affairs.

4805. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to authorize provision of care to veterans treated with nasopharyngeal radium irradiation; to the Committee on Veterans' Affairs.

4806. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 97–47] received September 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4807. A letter from the Secretary of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1998 Rates (Health Care Financing Administration) [BPD–878–FC] (RIN: 0938–AH55) received August 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4808. A letter from the Administrator, Environmental Protection Agency, transmitting the reports entitled ''Progress Toward Implementing Superfund'' for fiscal years 1992–1994, pursuant to Public Law 99—499, section 120(e)(5) (100 Stat. 1669); jointly to the Committees on Commerce and Transportation and Infrastructure.

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. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2036. A bill to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes, (Rept. 105–244). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELAHUNT:

H.R. 2396. A bill to amend section 1128B of the Social Security Act to repeal the criminal penalty for counseling or assisting an individual to dispose of assets in order to become eligible for Medicaid benefits; to the Committee on Commerce.

By Mr. CHRISTENSEN (for himself and Mr. BLILEY):

H.R. 2397. A bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes;to the Committee on Veterans' Affairs.

By Mr. CALVERT:

H.R. 2398. A bill to amend the Small Reclamation Projects Act of 1956 to provide for Federal cooperation in non-Federal reclamation projects and for participation by non-Federal agencies in Federal projects; to the Committee on Resources.

By Mrs. CLAYTON:

H.R. 2399. A bill to provide assistance for low-income working families;to the Committee on Education and the Workforce.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. RAHALL):

H.R. 2400. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, 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. DEUTSCH:

H.R. 2401. A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. DOOLITTLE:

H.R. 2402. A bill to make technical and clarifying amendments to improve management of water-related facilities in the Western United States; to the Committee on Resources.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. SHAW, Mr. BURR of North Carolina, Mr. COBLE, Mr. GEKAS, Mr. METCALF, Ms. STABENOW, and Mr. WELLER):

H.R. 2403. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on unrecaptured section 1250 gain from 25 percent to 20 percent; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 2404. A bill to amend the Internal Revenue Code of 1986 to prohibit tax- related mailings from disclosing in any public way an individual's Social Security number; to the Committee on Ways and Means.

By Mr. LAFALCE:

H.R. 2405. A bill to amend title 49, United States Code, relating to criteria for granting slots to new entrant air carriers at certain high density airports; to the Committee on Transportation and Infrastructure.

By Mr. LAZIO of New York (for himself and Mr. LEACH):

H.R. 2406. A bill to provide for the temporary extension of certain programs relating to public housing, and for other purposes;to the Committee on Banking and Financial Services.

By Mr. LEVIN (for himself, Mr. RAMSTAD, Mr. BARRETT of Wisconsin, Mr. LATHAM, Mr. RANGEL, Mr. BLAGOJEVICH, and Mr. CUMMINGS):

H.R. 2407. A bill to reauthorize the Office of National Drug Control Policy, and for other purposes; to the Committee on Government Reform and Oversight, 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 Ms. LOFGREN:

H.R. 2408. A bill to improve academic and social outcomes for students by providing productive activities during after school hours; to the Committee on Education and the Workforce.

By Mr. RAMSTAD:

H.R. 2409. A bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substances abuse treatment services under private group and individual health coverage; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE:

H. Con. Res. 143.Concurrent resolution recognizing the accomplishments and contributions of the Director General of the World Intellectual Property Organization, Arpad Bogsch, on the occasion of his conclusion of service with that body; to the Committee on International Relations.

By Mrs. MALONEY of New York (for herself, Mr. HORN, Mr. BARTLETT of Maryland, Mr. WATTS of Oklahoma, Ms. DUNN of Washington, Ms. WOOLSEY, Ms. SLAUGHTER, Mr. CALVERT, Mr. GIBBONS, Mr. MEEHAN, Mr. DELAHUNT, and Mr. GUTIERREZ):

H. Con. Res. 144.Concurrent resolution expressing the sense of the Congress that former Secretary General of the United Nations Kurt Waldheim should not receive a retirement allowance from the United Nations; to the Committee on International Relations.

By Mr. SAXTON (for himself, Mr. FORBES, Mr. SHIMKUS, and Mr. WELLER):

H. Con. Res. 145.Concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997;to the Committee on International Relations.

By Mr. FOX of Pennsylvania (for himself, Mr. GILMAN, Mr. FAWELL, Ms. CARSON, Mr. HAMILTON, Mr. BEREUTER, Mr. LIPINSKI, Mr. FALEOMAVAEGA, Mr. MCGOVERN, Ms. CHRISTIAN-GREEN, Ms. MCCARTHY of Missouri, Mr. RAHALL, Mr. ISTOOK, Mr. SHAYS, Mr. PITTS, Mr. CASTLE, Mrs. MYRICK, Mrs. CHENOWETH, Mr. MANZULLO, Mr. RILEY, Mr. MILLER of California, Mrs. LOWEY, Ms. DELAURO, Mr. FOGLIETTA, Mr. EVANS, Mr. HOSTETTLER, Mr. GOODLING, Mr. SHAW, Mr. NUSSLE, Mr. WISE, Ms. PELOSI, Mr. PARKER, Mrs. NORTHUP, Mr. FORBES, Mr. CRAPO, Mr. GEKAS, Mr. GRAHAM, Mr. TRAFICANT, Mr. DAN SCHAEFER of Colorado, Mr. NORWOOD, Mr. HANSEN, Mr. THOMAS, Mr. DEAL of Georgia, Mr. BURR of North Carolina, Mr. GOSS, Mr. COOK, Mr. HEFLEY, Ms. WOOLSEY, Mr. CALLAHAN, Mr. ROEMER, Mr. GUTKNECHT, Mr. PAPPAS, Mr. WELDON of Pennsylvania, Mr. JONES, Mrs. JOHNSON of Connecticut, Mr. CUNNINGHAM, Mr. COX of California, Mr. WOLF, Mr. SMITH of New Jersey, Mr. HILL, Ms. JACKSON-LEE, Mr. LAMPSON, Ms. LOFGREN, Mr. HINOJOSA, Mr. ORTIZ, Mr. DELLUMS, Mr. EDWARDS, Mr. RODRIGUEZ, Mr. CAPPS, Mr. BECERRA, Mr. GILCHREST, and Mr. SPENCE):

H. Res. 219. Resolution expressing the condolences of the House of Representatives on the tragic death of Diana, Princess of Wales; to the Committee on International Relations. September 4, 1997, committee discharged; considered and agreed to.

By Mr. BARR of Georgia (for himself, Mr. SAM JOHNSON, Mr. GRAHAM, Mr. SOLOMON, Mr. WHITFIELD, Mr. LIVINGSTON, Mr. DOOLITTLE, Mr. KINGSTON, Mrs. CUBIN, and Mrs. LINDA SMITH of Washington):

H. Res. 220. Resolution expressing the sense of the House of Representatives with respect to the failure of the Executive to take care that the laws be faithfully executed; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

183. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 30 memorializing the President and the Congress of the United States to protect the jobs of the hard-working men and women who serve our country at McClellan Air Force Base, by bringing in private firms to perform repair work at the facility; to the Committee on National Security.

184. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 22 requesting the President, the Congress, and the Department of Defense to support the efforts of the citizens of the State of California and the County of San Diego to acquire the United States Navy aircraft carrier *Midway* for a regional museum and an educational and entertainment complex; to the Committee on National Security.

185. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to Resolutions memorializing the President and Congress of the United States to uphold section 907 of the Freedom Support Act of 1992 which denies any United States Assistance to the country of Azerbaijan because of its blockade of humanitarian assistance to Armenia and Nagorno-Karabagh; to the Committee on International Relations.

186. Also, a memorial of the House of Representatives of the State of Tennessee, relative to House Joint Resolution No. 77 memorializing the U.S. Congress to enact the Streamlined Transportation Efficiency Program for the 21st Century (STEP 21); to the Committee on Transportation and Infrastructure.

187. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 7 memorializing Congress and the President of the United States to authorize and fund a prompt evaluation of the physical potential for, and economic feasibility of, raising Friant Dam and making use of the increased capacity to help meet flood protection and water supply needs for the citizens of this state, without impairing the existing rights of, and benefits to, and without altering the costs to, the current users of the waters of the San Joaquin River; to the Committee on Transportation and Infrastructure.

188. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 28 memorializing the President and Congress of the United States to enact House Resolution 836, to provide full benefits from the Department of Veterans Affairs to veterans who served in the Philippine Commonwealth Army and the Special Philippine Scouts during World War II; to the Committee on Veterans' Affairs.

189. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 25 urging Congress and the President to enact the Breast-Cancer Research Stamp Act of 1997; jointly to the Committees on Government Reform and Oversight and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. DOYLE introduced A bill (H.R. 2410) for the relief of Jozef Richard Madar, Etela Madar, and Jozef Thomas Madar; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. PAXON, Ms. DEGETTE, and Mr. HYDE.

H.R. 7: Mr. COX of California and Mr. STENHOLM.
H.R. 38: Mr. REYES.
H.R. 44: Mr. CALVERT.
H.R. 45: Mr. GOODE, Mr. MANTON, Mr. DELLUMS, and Mr. GEJDENSON.
H.R. 65: Mrs. FOWLER, Mr. CALVERT, Mr. SAXTON, and Mr. UPTON.
H.R. 86: Mr. FORBES.
H.R. 107: Mr. CLEMENT.
H.R. 135: Ms. CHRISTIAN-GREEN.
H.R. 148: Mr. SERRANO.
H.R. 150: Mr. POSHARD.
H.R. 158: Mr. GEKAS.
H.R. 161: Mr. SHAYS.
H.R. 192: Mr. BOEHLERT, Mr. PASCRELL, and Mr. BAESLER.
H.R. 230: Mr. BAESLER.
H.R. 303: Mr. WATTS of Oklahoma, Mr. CALVERT, Mr. SAXTON, Mr. MOLLOHAN, and Mr. CRAPO.
H.R. 347: Mr. STENHOLM.
H.R. 371: Mr. MILLER of California.
H.R. 372: Mr. EVANS.
H.R. 414: Mr. BOEHLERT, Mr. MCGOVERN, and Mr. PASCRELL.
H.R. 475: Mr. ROGERS.
H.R. 536: Mr. MCDERMOTT.
H.R. 547: Ms. CARSON.
H.R. 586: Mr. SHADEGG.
H.R. 614: Mr. GIBBONS.
H.R. 622: Mr. COX of California.
H.R. 650: Mr. EVANS.
H.R. 705: Mr. MCCOLLUM.
H.R. 716: Mr. KOLBE and Mr. SKEEN.
H.R. 746: Mr. HALL of Texas, Mr. TORRES, Mr. MCCRERY, Mr. BURR of North Carolina, and Ms. ESHOO.
H.R. 754: Mr. SERRANO.
H.R. 755: Mr. RIGGS.
H.R. 777: Mr. SOUDER and Mr. WEYGAND.
H.R. 793: Mr. KLECZKA.
H.R. 830: Ms. FURSE.
H.R. 841: Mr. ACKERMAN.
H.R. 875: Mr. KIND of Wisconsin.
H.R. 900: Mr. PETERSON of Minnesota and Mr. KUCINICH.
H.R. 915: Mr. STUPAK, Mr. STRICKLAND, Mr. FROST, Mr. DELLUMS, Mr. DIXON, Ms. STABENOW, Mr. BAESLER, Mr. MANTON, Mr. FALEOMAVAEGA, Mr. CLAY, and Mr. LANTOS.
H.R. 939: Mr. ENSIGN and Mr. PALLONE.
H.R. 972: Ms. CARSON.
H.R. 978: Ms. STABENOW and Mr. CONDIT.
H.R. 981: Mr. COOK and Mr. LEVIN.
H.R. 982: Mr. SHAYS and Mr. LEVIN.
H.R. 983: Mrs. MALONEY of New York.
H.R. 991: Mr. ENGEL, Mr. TIERNEY, Mr. DELAHUNT, Mr. SERRANO, Mr. BROWN of Ohio, Mr. MURTHA, Mr. VISCLOSKY, Mr. KLECZKA, Mrs. MEEK of Florida, Mr. WELDON of Pennsylvania, Mr. JACKSON, Ms. SANCHEZ, Mr. MALONEY of Connecticut, Mr. GREEN, Mr. HEFNER, Mr. SNYDER, Ms. WOOLSEY, and Mrs. THURMAN.
H.R. 992: Mr. CHABOT, Mr. COLLINS, Mr. BAKER, and Mr. BOB SCHAFFER.
H.R. 1018: Mr. SERRANO, Ms. WOOLSEY, and Mr. Cook.
H.R. 1035: Mr. FOX of Pennsylvania.
H.R. 1108: Mr. BILBRAY.
H.R. 1114: Mr. BAESLER, Mr. BAKER, Mr. WEYGAND, Mr. JENKINS, Mr. COYNE, Mr. ACKERMAN, Mr. SERRANO, Mr. HOEKSTRA, Mr. CLEMENT, Mr. QUINN, and Mrs. EMERSON.
H.R. 1130: Mr. BOUCHER and Mr. PAYNE.
H.R. 1147: Mr. WICKER.
H.R. 1151: Ms. WATERS, Mr. WYNN, Mr. MILLER of California, Mrs. MCCARTHY of New York, Mr. HOLDEN, Mr. GILMAN, Mrs. MORELLA, Mr. ENGLISH of Pennsylvania, and Mr. FARR of California.
H.R. 1161: Mrs. KELLY.
H.R. 1175: Mr. DOOLEY of California.
H.R. 1194: Mr. UNDERWOOD.
H.R. 1195: Mr. GOODLING and Mr. UNDERWOOD.
H.R. 1206: Mr. ROEMER.
H.R. 1260: Mr. RIGGS, Mr. TALENT, Ms. DUNN of Washington, Mr. BRADY, Mr. SPENCE, Mr. COOK, Mr. BOSWELL, Mr. GIBBONS, Mr. ADAM SMITH of Washington, and Mr. REYES.
H.R. 1290: Mr. PARKER.
H.R. 1298: Mr. WATTS of Oklahoma.
H.R. 1329: Mr. COOK.
H.R. 1338: Mrs. EMERSON.
H.R. 1356: Mr. COOK, Mr. BOEHLERT, Mr. CALVERT, Mr. CANNON, and Mr. SANDERS.
H.R. 1357: Mr. CALVERT and Mr. BOEHLERT.
H.R. 1369: Mr. BAESLER.
H.R. 1373: Mr. RUSH, Mr. PAYNE, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MINK of Hawaii, Mr. ABERCROMBIE, and Mr. UNDERWOOD.
H.R. 1440: Ms. CHRISTIAN-GREEN.
H.R. 1462: Mr. ROEMER.
H.R. 1534: Ms. DANNER, Mr. DUNCAN, Mr. BAESLER, Mr. GUTKNECHT, Mr. TALENT, Ms. PRYCE of Ohio, Mr. CRAMER, Mr. BARRETT of Nebraska, Mr. SMITH of Michigan, Mr. YOUNG of Alaska, Mr. MILLER of Florida, Mr. NETHERCUTT, Mr. PAPPAS, Mr. ADERHOLT, Mrs. MYRICK, Ms. DUNN of Washington, Mr. SANDLIN, Mr. Tiahrt, Mr. BERRY, and Mr. CAMP.
H.R. 1539: Mr. BURR of North Carolina.
H.R. 1540: Mr. RAMSTAD.
H.R. 1577: Mr. PAXON.
H.R. 1608: Mr. DAN SCHAEFER of Colorado, Mr. REYES, Mr. TRAFICANT, Ms. CHRISTIAN-GREEN, Mr. ANDREWS, Mr. RAHALL, Mr. ROHRABACHER, Mr. GILLMOR, Mr. BERMAN, Mr. SENSENBRENNER, and Mr. SMITH of New Jersey.
H.R. 1630: Mr. ACKERMAN, Mr. MCGOVERN, Ms. CHRISTIAN-GREEN, Mr. CALLAHAN, and Mr. ADAM SMITH of Washington.
H.R. 1679: Mrs. THURMAN, Mrs. JOHNSON of Connecticut, Mr. FARWELL, and Mr. MALONEY of Connecticut.
H.R. 1705: Ms. WOOLSEY.
H.R. 1711: Mr. COLLINS, Mr. DEAL of Georgia, Mr. EDWARDS, Mr. NEY, Mr. PETERSON of Minnesota, Mr. SKEEN, and Mr. YOUNG of Alaska.
H.R. 1719: Mr. HANSEN and Mr. SANDLIN.
H.R. 1727: Mr. SERRANO, Mr. JACKSON, Mr. MCGOVERN, and Ms. VELAZQUEZ.
H.R. 1776: Ms. WOOLSEY.
H.R. 1807: Mr. KASICH, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. UNDERWOOD, Mr. RAHALL, Mr. WAXMAN, Mr. SERRANO, Mr. MARTINEZ, Mr. GUTIERREZ, Mr. STARK, Ms. SLAUGHTER, and Mr. PALLONE.
H.R. 1813: Mr. LEWIS of Georgia, Mr. JOHNSON of Wisconsin, Mr. NETHERCUTT, Mr. DAVIS of Illinois, Ms. DELAURO, and Mr. MURTHA.
H.R. 1814: Ms. CARSON.
H.R. 1822: Mr. STARK.
H.R. 1873: Mr. KLECZKA.
H.R. 1880: Mr. MEEHAN, Mrs. KENNELLY of Connecticut, Mr. MENENDEZ, Ms. DELAURO, Mr. DELAHUNT, and Mr. TORRES.
H.R. 1991: Mr. COOK.
H.R. 2009: Mr. KILDEE, Ms. WOOLSEY, Mr. GREEN, Mr. MCDERMOTT, Mr. MURTHA, Mr. MASCARA, Mr. GOODE, Mr. RAHALL, Mr. FRANK of Massachusetts, Mr. ROMERO-BARCELO, Mr. NUSSLE, Mr. BENTSEN, and Mr. Nethercutt.
H.R. 2011: Mr. GIBBONS.
H.R. 2021: Mr. LIPINSKI.
H.R. 2064: Ms. DELAURO and Mr. GREEN.
H.R. 2120: Mr. BURTON of Indiana.
H.R. 2141: Mr. ROHRABACHER.
H.R. 2149: Mr. HINCHEY.
H.R. 2163: Mr. GOODLATTE.
H.R. 2174: Mr. CAPPS, Mr. STARK, Mr. LEWIS of Georgia, Ms. DEGETTE, Mr. MEEHAN, Ms. LOFGREN, Mr. MARTINEZ, Mr. GUTIERREZ, Mr. GREEN, Mr. FRANK of Massachusetts, Mr. KENNEDY of Rhode Island, Ms. MILLENDER-MCDONALD, Mr. SKAGGS and Mr. BLUMENAUER.
H.R. 2179: Mr. KING of New York.
H.R. 2190: Mr. BOB SCHAFFER.
H.R. 2198: Mrs. ROUKEMA, Mr. SCHIFF, and Ms. ESHOO.
H.R. 2202: Mr. WEXLER. Mr. MILLER of Florida, Mr. CRANE, Mr. HYDE, Mr. BLAGOJEVICH, Mr. NETHERCUTT, Ms. ROYBAL-ALLARD, Mr. KENNEDY of Rhode Island, Mrs. MCCARTHY of New York, Mr. SCOTT, Mr. BROWN of California, Mr. PRICE of North Carolina, Mr. MENENDEZ, Mr. FAZIO of California, Mr. COYNE, Mr. TURNER, Mr. WYNN, Mr. PAYNE, Mr. HALL of Texas, Mr. CLEMENT, and Ms. ESHOO.
H.R. 2221: Mr. EHLERS.
H.R. 2248: Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BACHUS, Mr. BAKER, Mr. BALDACCI, Mr. BARCIA of Michigan, Mr. BATEMAN, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BONILLA, Mr. BORSKI, Mr. BOUCHER, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CHABOT, Mrs. CLAYTON, Mr. COBLE, Mr. COOK, Mr. CONDIT, Mr. COSTELLO, Mr. COYNE, Mr. CRAMER, Mr. CUMMINGS, Mr. CUNNINGHAM, Mr. DAVIS of Illinois, Mr. DAVIS of Virginia, Mr. DEFAZIO, Ms. DEGETTE, Mr. DEUTSCH, Mr. DICKS, Mr. DIXON, Mr. DOOLITTLE, Mr. DOYLE, Mr. DUNCAN, Ms. DUNN of Washington, Mr. EHLERS, Mr. EHRLICH, Mr. FARR of California, Mr. FAZIO of California, Mr. FILNER, Mr. FORBES, Mr. FORD, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Ms. FURSE, Mr. GALLEGLY, Mr. GEJDENSON, Mr. GEKAS, Mr. GIBBONS, Mr. GOODLATTE, Mr. GREEN, Mr. GUTIERREZ, Mr. HASTERT, Mr. HINCHEY, Mr. HOLDEN, Mr. HYDE, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mr. KANJORSKI, Ms. KAPTUR, Mrs. KENNELLY of Connecticut, Mr. KILDEE, Ms. KILPATRICK, Mr. KING of New York, Mr. KUCINICH, Mr. KLECZKA, Mr. KNOLLENBERG, Mr. LAMPSON, Mr. LEWIS of Georgia, Mr. LEWIS of California, Mr. LIPINSKI, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MANTON, Mr. MARTINEZ, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCCOLLUM, Mr. MCHALE, Mr. MCINTOSH, Mr. MCKEON, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. MILLER of Florida, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MURTHA, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. NEY, Ms. NORTON, Mr. OLVER, Mr. PASCRELL, Mr. PAYNE, Ms. PELOSI, Mr. PICKETT, Mr. POMBO, Mr. PORTER, Mr. POSHARD, Ms. PRYCE of Ohio, Mr. RAHALL, Mr. RAMSTAD, Mr. REYES, Mr. RILEY, Ms. RIVERS, Mr. ROHRABACHER, Mr. ROTHMAN, Mr. RUSH, Mr. SANDERS, Mr. SAWYER, Mr. SAXTON, Mr. BOB SCHAFFER, Mr. SCARBOROUGH, Mr. SCHIFF, Mr. SCHUMER, Mr. SESSIONS, Mr. SHERMAN, Mr. SKEEN, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. SOUDER, Ms. SABENOW, Mr. STARK, Mr. TALENT, Mr. TIAHRT, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. UPTON, Mr. VENTO, Mr. VISCLOSKY, Mr. METCALF, Mr. WALSH, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WEXLER, Mr. ROYCE, Mr. QUINN, Mr. CALLAHAN, Ms. SANCHEZ, Mr. SNYDER, Mr. SABO, Mr. WISE, Mr. BASS, Mr. EVERETT, Mr. CALVERT, Mr. SCOTT, Mr. JACKSON, Mr. CANNON, Mr. BILBRAY, Ms. HARMAN, Mr. BISHOP, Mr. BERMAN, Mr. DELAHUNT, Mr. PITTS, Mr. DICKEY, Mr. GUTKNECHT, Mr. BEREUTER, Mr. BILIRAKIS, Mrs. TAUSCHER, Mr. LIVINGSTON, Mr. HOYER, Mr. SUNUNU, Ms. DELAURO, Mr. BURR of North Carolina, Mr. BARTLETT of Maryland, Mr. KIM, Mr. DIAZ-BALART, Mrs. MYRICK, Mr. MCDADE, Mr. DELAY, Mr. TAYLOR of North Carolina, Mr. SENSENBRENNER, Mr. JENKINS, Mr. HILL, Mr. LAZIO of New York, Mr. MCCRERY, Mr. ENGLISH of Pennsylvania, Mr. DREIER, Mrs. EMERSON, Mr. RADANOVICH, Mr. MOLLOHAN, Mr. MENENDEZ, Mr. HANSEN, Mr. MATSUI, Mr. FROST, Mr. MANZULLO, Mr. HAYWORTH, Mr. HALL of Ohio,

Mr. WATKINS, Mr. DOOLEY of California, Mr. MCHUGH, Mr. GINGRICH, Mr. BONO, Mr. SHADEGG, Mr. KOLBE, Mr. RIGGS, Mr. CLAY, Mr. BARRETT of Wisconsin, Ms. HOOLEY of Oregon, Mr. MASCARA, Ms. WOOLSEY, Mrs. THURMAN, Mr. TAYLOR of Mississippi, Mr. GRAHAM, Mr. SHAW, Mr. WELLER, Mr. PETRI, Mr. INGLIS of South Carolina, Mr. ENSIGN, Mr. CANADY of Florida, Mr. TAUZIN, Mr. HALL of Texas, Mr. FOLEY, Mr. MILLER of California, Mr. CLEMENT, and Mr. SANDLIN.

H.R. 2272: Ms. SLAUGHTER, Mr. WAXMAN, Mr. DELLUMS, and Mr. ACKERMAN.

H.R. 2305: Mr. HOBSON.

H.R. 2332: Mr. BONIOR, Mr. KLINK, and Mr. WELDON of Florida.

H.R. 2361: Mr. SENSENBRENNER.

H.R. 2387: Mrs. MINK of Hawaii, Mr. TIERNEY, Mr. KENNEDY of Rhode Island, Mr. BALDACCI, Mr. YATES, Ms. WOOLSEY, and Mr. SCHUMER.

H.J. Res. 26: Mr. DEAL of Georgia.

H. Con. Res. 52: Mr. GIBBONS, Mr. SHERMAN, Mr. LANTOS, Mr. EDWARDS, and Mr. BERRY.

H. Con. Res. 126: Mr. KLINK, Mr. BOEHLERT, Mr. MILLER of Florida, Ms. VELÁZQUEZ, and Mr. PAYNE.

H. Con. Res. 128: Mr. ROHRABACHER.

H. Con. Res. 134: Mrs. THURMAN, Mr. SHAW, Mr. HALL of Ohio, Mr. SANDLIN, Mr. KOLBE, Mr. FOLEY, Mr. CLEMENT, and Ms. GRANGER.

H. Con. Res. 141: Mr. REYES and Ms. CHRISTIAN-GREEN.

H. Res. 96: Mr. UNDERWOOD.

H. Res. 135: Mr. ENGEL, Ms. KILPATRICK, and Ms. HOOLEY of Oregon.

H. Res. 139: Mr. HOSTETTLER, Mr. HASTERT, Mr. SMITH of Michigan, Mr. WHITFIELD, Mr. COLLINS, Mr. SPENCE, and Mr. KINGSTON.

H. Res. 214: Mrs. ROUKEMA, Mr. BLILEY, Mr. CUNNINGHAM, and Mr. SENSENBRENNER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 695: Mr. THORNBERRY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2264

OFFERED BY: MR. COBURN

AMENDMENT NO. 34: Page 25, line 18, after the first dollar amount, insert the following: ''(increased by $34,868,000)''.

Page 26, line 22, after the dollar amount, insert the following: ''(increased by $51,000,000)''.

Page 37, line 1, after the dollar amount, insert the following: ''(reduced by $2,388,000)''.

Page 41, line 8, after the dollar amount, insert the following: ''(reduced by $22,668,000)''.

Page 44, line 16, after the dollar amount, insert the following: ''(reduced by $4,812,000)''.

Page 45, line 11, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

H.R. 2264

OFFERED BY: MR. COBURN

AMENDMENT NO. 35: At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 516. Notwithstanding any other provision of this Act, none of the funds made available in this Act may be used to carry out or promote any program of distributing sterile needles for the hypodermic injection of any illegal drug.

H.R. 2264

OFFERED BY: MR. COBURN

AMENDMENT NO. 36: At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 516. None of the funds made available in this Act may be used by the Centers for Disease Control and Prevention, or any other part of the Public Health Service, to conduct or support any program in which blood samples are collected from newborns and tested for the human immunodeficiency virus in circumstances in which the samples do not indicate the identify of the newborns, from whom the samples were taken.

H.R. 2264

OFFERED BY: MRS. EMERSON

AMENDMENT NO. 37: Page 102, after line 24, insert the following new section:

SEC. 516. No funds made available under this Act may be used to implement any voluntary residency reduction plan under section 1886(h)(6) of the Social Security Act (42 U.S.C. 1395ww(h)(6)), as added by section 4626(a) of the Balanced Budget Act of 1997 (Public Law 105–33), unless the Secretary of Health and Human Services certifies to the Congress that the implementation of the plan will not result in a reduction of the number of residents in primary care who will be available to practice in underserved rural areas.

H.R. 2264

OFFERED BY: MR. FILNER

AMENDMENT NO. 38: At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. 213. Of the amounts made available in this title for the amount ''ADMINISTRATION FOR CHILDREN AND FAMILES—Children and families services programs'', $12,800,000 of the amount available for carrying out the Community Services Block Grant Act is transferred and made available under section 30403 of Public Law 103–322 for the Community Schools Youth Services and Supervision Grant Program Act of 1994.

H.R. 2264

OFFERED BY: MR. GRAHAM

AMENDMENT NO. 39: Page 64, line 7, after the first dollar amount, insert the following: ''(decreased by $458,500,000)''.

Page 64, line 7, after the second dollar amount, insert the following: ''(decreased by $458,500,000)''.

Page 68, line 17, after the first dollar amount, insert the following: ''(increased by $458,500,000)''.

Page 68, line 17, after the second dollar amount, insert the following: ''(increased by $458,500,000)''.

H.R. 2264

OFFERED BY: MR. GRAHAM

AMENDMENT NO. 40: Page 66, line 7, after ''$796,000,000'' insert ''(increased by $18,000,000)''.

Page 66, line 12, after ''$7,000,000'' insert ''(increased by $18,000,000)''.

Page 82, line 6, after ''$174,661,000'' insert ''(increased by $18,000,000)''.

H.R. 2264

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 41: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 516. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

H.R. 2264

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 42: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 516. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available under this Act, or any other Act making appropriations for fiscal year 1998, may be used by the Department of Labor or the Department of Justice to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters.

(b) EXCEPTION.—

(1) IN GENERAL.—Upon the submission to Congress of a certification by the President of the United States that the International Brotherhood of Teamsters does not have funds sufficient to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters, the President of the United States may transfer funds from the Department of Justice and the Department of Labor for the conduct and oversight of such a rerun election.

(2) REQUIREMENTS.—Prior to the transfer of funds under paragraph (1), the International Brotherhood of Teamsters shall agree to repay the Secretary of the Treasury for the costs incurred by the Department of Labor and the Department of Justice in connection with the conduct of an election described in paragraph (1). Such agreement shall provide that any such repayment plan be reasonable and practicable, as determined by the Attorney General and the Secretary of Treasury, and be structured in a manner that permits the International Brotherhood of Teamsters to continue to operate.

(3) REPAYMENT PLAN.—The International Brotherhood of Teamsters shall submit to the President of the United States, the Majority and Minority Leaders of the Senate, the Majority and Minority Leaders of the House of Representatives, and the Speaker of the House of Representatives, a plan for the repayment of amounts described in paragraph (2), at an interest rate equal to the Federal underpayment rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 as in effect for the calendar quarter in which the plan is submitted, prior to the expenditure of any funds under this section.

H.R. 2264

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

AMENDMENT NO. 43: Page 64, line 7, after each dollar amount, insert ''(decreased by $20,000,000)''.

Page 69, line 26, after each dollar amount, insert ''(increased by $20,000,000)''.

H.R. 2264

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 44: At the end of title V, insert after the last section (preceding the short title) the following section:

SEC. 516. None of the funds made available in this Act may be used to alter, for any State, formulas under subparts I and II of part B of title XIX of the Public Health Service Act.

H.R. 2264

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 45: At the end of title V, insert after the last section (preceding the short title) the following section:

SEC. 516. None of the funds made available in this Act may be used to apply, for any State, formulas under subparts I and II of part B of title XIX of the Public Health Service Act that are different in any numerical respect from the formulas that were applied under such subparts, respectively, for the State for fiscal year 1997 (other than numerical changes necessary to reflect the amounts made available in this Act for carrying out such subparts for fiscal year 1998).

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 46: Page 64, line 7, after the first dollar amount, insert ''(decreased by $475,000,000)''.

Page 64, line 7, after the second dollar amount, insert ''(decreased by $458,500,000)''.

Page 65, lines 7 and 8, after each dollar amount, insert ''(increased by $40,000,000)''.

Page 66, lines 20 and 21, after each dollar amount, insert ''(increased by $167,000,000)''.

Page 68, line 17, after each dollar amount, insert ''(increased by $200,000,000)''.

Page 73, line 15, after the first dollar amount, insert ''(increased by $68,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 47: Page 64, line 7, after each dollar amount, insert ''(decreased by $40,000,000)''.

Page 65, lines 7 and 8, after each dollar amount, insert ''(increased by $40,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 48: Page 64, line 7, after each dollar amount, insert ''(decreased by $12,000,000)''.

Page 66, lines 20 and 21, after each dollar amount, insert ''(increased by $12,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 49: Page 64, line 7, after each dollar amount, insert ''(decreased by $53,000,000)''.

Page 66, lines 20 and 21, after each dollar amount, insert ''(increased by $53,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 50: Page 64, line 7, after each dollar amount, insert ''(decreased by $27,000,000)''.

Page 66, lines 20 and 21, after each dollar amount, insert ''(increased by $27,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 51: Page 64, line 7, after each dollar amount, insert ''(decreased by $75,000,000)''.

Page 66, lines 20 and 21, after each dollar amount, insert ''(increased by $75,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 52: Page 64, line 7, after each dollar amount, insert ''(decreased by $100,000,000)''.

Page 68, line 17, after each dollar amount, insert ''(increased by $100,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 53: Page 64, line 7, after each dollar amount, insert ''(decreased by $100,000,000)''.

Page 68, line 17, after each dollar amount, insert ''(increased by $100,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 54: Page 64, line 7, after each dollar amount, insert ''(decreased by $68,000,000)''.

Page 73, line 15, after each dollar amount, insert ''(increased by $68,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 55: In the item relating to ''HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES'', in the fifth proviso (relating to the program under title X of the Public Health Service Act), insert after the dollar amount ''(reduced by $5,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 56: In the item relating to ''HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES'', insert after the first dollar amount (before the comma) ''(reduced by $5,000,000)''; and in the fifth proviso (relating to the program under title X of the Public Health Service Act), insert after the dollar amount ''(reduced by $5,000,000)''.

In the item relating to ''CENTERS FOR DISEASE CONTROL AND PREVENTION—DISEASE CONTROL, RESEARCH, AND TRAINING'', insert after the first dollar amount ''(increased by $5,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 57: In the item relating to ''HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES'', insert after the first dollar amount (before the comma) ''(reduced by $5,000,000)''; and in the fifth proviso (relating to the program under title X of the Public Health Service Act), insert after the dollar amount ''(reduced by $5,000,000)''.

In the item relating to ''ADMINISTRATION FOR CHILDREN AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAMS'', insert after the first dollar amount ''(increased by $5,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 59: In the item relating to ''HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES'', insert after the first dollar amount (before the comma) ''(reduced by $10,000,000)''; and in the fifth proviso (relating to the program under title X of the Public Health Service Act), insert after the dollar amount ''(reduced by $10,000,000)''.

In the item relating to ''ADMINISTRATION FOR CHILDREN AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAMS'', in the second undesignated paragraph (relating to the Violent Crime Reduction Trust Fund), insert after the dollar amount ''(increased by $10,000,000)''.

H.R. 2264

OFFERED BY: MR. SOUDER

AMENDMENT NO. 59: In the item relating to ''HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES'', insert after the first dollar amount (before the comma) ''(reduced by $10,000,000)''; and in the fifth proviso (relating to the program under title X of the Public Health Service Act), insert after the dollar amount ''(reduced by $10,000,000)''.

In the item relating to ''ADMINISTRATION FOR CHILDREN AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAMS'', insert after the dollar amount ''(increased by $10,000,000)''.

United States of America

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Senate

The Senate met at 9:30 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:

O God, You have prophesied through Isaiah, ''You will keep him in perfect peace whose mind is stayed on You''—Isaiah 26:3; and promised through Jesus, ''Peace I give to you, not as the world gives do I give to you. Let not your heart be troubled, neither let it be afraid.''—John 14:27.

That is the quality of peace we need to do our work creatively today. Often the conflict and tension present in our lives threaten to rob us of a calm and restful mind and heart. It is so easy to catch the emotional virus of frustration and exasperation. Help us to remember that Your peace is a healing antidote to anxiety that can survive in any circumstance.

Provider of peace, give us the peace of a cleansed heart, a free and forgiving heart, a caring and compassionate heart. Right now, may Your deep peace flow into us, calming our impatience and flowing from us to others.

Especially, we pray for Your peace for the women and men of this Senate. May Your profound inner peace free them to think clearly and speak decisively while maintaining the bond of peace with one another. 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. Thank you very much, Mr. President.

THE CHAPLAIN'S PRAYER

Mr. LOTT. Mr. President, it is worth coming to the opening moments of the Senate session each day just to hear the Chaplain's prayers. I wish to express, again, my sincere appreciation for the beauty and for the meaningfulness of those prayers. It gives us the right frame of mind to begin a day's work together for the American people.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will immediately resume consideration of amendment No. 1077, offered by the Senator from Indiana, Senator COATS, who is here and prepared to go. This is an amendment, of course, to S. 1061, the Labor, HHS appropriations bill. It is hoped that an agreement can be reached this morning to conduct a vote on the Coats amendment by mid-morning, hopefully within the hour.

In addition, Members can anticipate additional votes on amendments currently pending to the Labor, HHS appropriations bill and other amendments expected to be offered to the bill throughout the day's session. I understand a couple of amendments have been offered and set aside. I know there are some other amendments pending. As always, Members will be notified of exactly what time the votes will be scheduled. We will work with all Members to make sure they have an opportunity to offer their amendments and debate them, and then, of course, we will have votes, if necessary.

I ask, again, that all Senators cooperate with our managers on both sides of the aisle. They are trying to move this very important legislation that means so much to our country. And, as is quite often the case when we return from a period back in our respective States, we have not gotten off to a fast start. We hope to complete this very important appropriations bill today. We do have some problems and some delays. I would like to address those just for a moment.

First, with regard to tomorrow, it is still my intent to have a cloture vote in the morning. We have not set a time. It could be as early as 8:30 to accommodate Senators' schedules, on the cloture motion on the Food and Drug Administration reform bill. We need to get this bill done. It was reported out overwhelmingly from the committee, and it has broad bipartisan support. Unfortunately, this is even a cloture vote on the motion to proceed.

The Senator from Massachusetts, Senator KENNEDY, has objections to this FDA reform. I thought we had them worked out two or three times at the end of the session, before the August recess, and then it seemed to get away from us.

I hope we can get all the Senators to work together and work out agreements so we can move this very important legislation. It is very important to the health and general quality of life of all Americans. This is an agency that has been bureaucratic, it has been slow, it has not done its work where it should be doing its work, and it has tried to force itself into areas where it really doesn't belong. This is long overdue.

I, again, am interested in getting it done. But if we have to, we will have more than one vote or votes on cloture. We need to go ahead and complete this. I think, once we can get it to debate and vote, it will not take very long. If we can work out something, by the way, on the bill, before the time, then we would not have to have a cloture vote tomorrow. I would be glad to work with the leaders on the legislation, Democratic leaders, to decide on a time when it would be debated and when that would be scheduled, either later on this week, or Monday or Tuesday. We will work together on that.

CONTESTED LOUISIANA ELECTION

Mr. LOTT. Mr. President, the other issue I want to address is some of the problems we have today. When we have something brought to the Senate that

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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we have to look into, and, in this case, I am referring to the election in Louisiana for the Senate last year, where allegations of fraud have been made, it is incumbent upon us to thoroughly check those allegations out. Unfortunately, the committee charged with jurisdiction in this area has not been able to work together in a bipartisan way to get it done and get the work completed. I want us to reach that point sooner, not later, and I have worked across the aisle to try to come up with a process to make that happen. I thought we had it worked out, again, the last week in July, and at the last minute that fell apart.

So, we have to do our job. I am not going to come to the floor of the Senate, look Senators in the eye, and the American people, and say, ''We checked it out thoroughly, there is nothing here,'' or, ''There is a real problem here,'' until all the work that needs to be done has been done. I can't do that.

Now we are being told, well, if you continue it, we are going to have delays and obstruction by the Democrats. What are they delaying and obstructing? The Labor, Health and Human Services appropriations bill, the Superfund reform. Here is a program, Superfund, that is really the laughingstock of America. You care about the environment? Who among us would not care that the program is not working. Lawyers have a grand time. They are making money. But we are not cleaning up hazardous sites. We are not cleaning up hazardous waste sites.

So the Committee on Environment and Public Works wants to meet today to mark up the Superfund bill, and I am being told, ''Well, we are not going to let you meet; we are not going to let that committee meet, in a bipartisan way, and mark this bill up.'' And, therefore, I have no option but to say, OK, if you are going to do that, then we will go out this afternoon.

If objection is made to the Environment and Public Works Committee meeting this afternoon to mark up Superfund reform, which would clean up hazardous waste sites in my State and probably every State in America, if that is going to be blocked, then the Senate will go out at 2 o'clock, we will be out until 4 o'clock so the committee can meet and do its work, and we will tack that time onto tonight. We are not going to have this arrangement where the other side tries to dictate the schedule in committee meetings. We are not going to do that.

I have worked very hard to keep my word to the Senate and to the Senators. When I say we are going to meet and have votes, we try to do that. When we agree we are not going to meet and have votes, we try to honor that. We agreed we would be out in the third week in October for the Columbus Day period. I am going to keep my word on that. I tried to keep in mind the personal lives, and opportunities to have dinner with families and children. I want to do that. But if we are going to start playing this game of threats and delays and obstruction and blocking of committee meetings and that sort of thing, then I have no option but to put the time on the back end.

So, I don't think that is necessary. We have had a good feeling here in the Senate for the last 2 months. We worked together in a bipartisan way, even when we disagreed. I think we can continue to do that, and I certainly will try to continue to keep my word and work with the Senators on this schedule. That is one of the reasons why we might have to vote early in the morning, because some Senators on both sides of the aisle want to leave. That is fine. We want to help them. But we also have work to do.

So, I just wanted to point out what is going on. I don't have any problem with doing it this way. I just want everybody to understand I am not doing it to cause confusion or delay. I have no option.

The Environment and Public Works Committee will meet today. We will continue to work on the Labor, HHS appropriations bill. I believe that we can and should get it completed today or tomorrow. But we will have success on this bill, and we will do it in a bipartisan way, and we will do it, hopefully, by the end of this week or the first of next week.

So I just wanted to advise Senators what the schedule looks like for today and in the morning. I will talk to my counterpart on the other side of the aisle. I will be glad to work with Senators on FDA reform and Superfund reform and on Labor, HHS, to see if we can find reasonable accommodation, and we will also continue to pursue an opportunity to recommend to the Senate what action, if any, or none, should be taken with regard to the Louisiana election.

Mr. DORGAN. Will the Senator yield for a question?

Mr. LOTT. I'd be glad to yield.

Mr. DORGAN. I listened with interest to the Senator from Mississippi, the majority leader. I think it is important to point out that there is no intention that I am aware of on this floor to interrupt the business of appropriations bills. The principal business in this month of September is to finish, and work hard on, the appropriations bills; by the end of September, have them down to the White House, so the President can sign them and avoid a continuing resolution. So we want to do that, and there is no objection that I am aware of, made by anyone, which would interrupt in any way the conduct of business on appropriations bills.

The Senator from Mississippi, the majority leader, knows there is great concern about the issue of a contested election in Louisiana, by which a Member of the Senate was seated without prejudice and an investigation was begun. The conduct of that investigation causes some significant concern here in the Senate. It is not December, it is not January, February, March, or April; it is September, and we have a Member of the Senate who is still seated in this Senate, seeing activities of a committee on an investigation in which allegations of fraud were made. And I might say that the committee hired a couple of investigators, lawyers—a Republican and a Democrat—and the first report they gave to the committee was to say there is nothing there. But that was not enough.

I am not going to go into what is going on in the committee. I don't think we need to have that discussion. But, you know, it is September. It's September, and we have a Member of the U.S. Senate who is still held in limbo, here, on this issue of investigation. I saw yesterday newspaper after newspaper after newspaper in Louisiana, the editorials and stories say, ''There is nothing here. Let this go. Stop this investigation.''

So, you know, the concern that some exhibit on the floor of the Senate about this issue is not without foundation. The Senator from Mississippi points out that he is concerned about delay. I don't think any of us want a delay.

Mr. LOTT. Mr. President, if I could reclaim my time to respond on that, I think everybody has indicated we want to continue to move the appropriations bills.

Mr. DORGAN. That's correct.

Mr. LOTT. But if an objection is heard today for the Environment and Public Works Committee to meet in session this afternoon and work on marking up a very important environmental bill to clean up hazardous waste sites, that interrupts the process of the appropriations bill. That committee should meet. In my opinion, it should have already met on this issue, and had votes and brought it to a conclusion. So, if an objection is heard to committees meeting, I have no option but to go out for a period of time to allow the committees to do their work. That's a very important part of our process here.

So the effect is that you are delaying the appropriations bill. But perhaps objection would not be heard, we wouldn't have to stop for 2 hours this afternoon so that a very important committee could meet. I have indicated to the Senator and to Senator DASCHLE that we hope that would not be necessary. But, you know, the effect is to delay the Labor, Health and Human Services appropriations bill.

With regard to the Louisiana election, yes, it is September. It need not be. This matter could have been concluded, completed, weeks or months ago, but from the beginning, the Democrats on the committee would not cooperate, would not work with us. They didn't actually——

Mr. DORGAN. Well——

Mr. LOTT. Wait, I have the floor and I will yield when you ask me to. I am on that committee, and all I ever said was find out what happened, was there

apparent fraud or not. As a matter of fact, investigators never went into Louisiana until July. Shortly thereafter, in something I have not seen in 25 years in Congress, the Democrats walked out of the committee's proceedings and said, ''We won't participate.''

In investigation after investigation over the years in the House and the Senate, I never saw the Republicans or Democrats, in any other instance, say, ''We're not going to participate.''

What happened after the investigators' being down there for like 2 weeks, the Justice Department withdrew the FBI agents. It couldn't come to a conclusion. The week before we went out, I talked with Senators on the Democratic side of the aisle, and we worked out an arrangement that I thought everybody was satisfied with for a special allocation of money to complete that work and in time to complete that work. At the last minute, it was jerked away.

What has happened is, I think Senator WARNER is going to make an announcement today, I believe, about a schedule he has in mind. There are several boxes of documents that have been turned over now to the committee as a result of the subpoena duces tecum to get evidence with regard to gaming interests and involvement in the election. By the way, I think they have every right to support a referendum. The only question is was it in any way used improperly or illegally. I don't know the answer to that.

Once those documents are reviewed, I understand the committee is going to meet, hear from the investigators, hear what the evidence is, if any, that they find in these documents and, at some point, the committee will proceed to action. I don't know exactly what date that would be.

It is not my intention to drag this out indefinitely. But I have to be able to come here and say to Members on both sides of the aisle, ''We've done our work. Even though we haven't had cooperation, we have reached a conclusion as best we can, and here it is.'' I have told the Senators on both sides of the aisle over the past year and 3 months how we deal with you. I am not interested in causing undue delay or difficulty for any Senator here with or without prejudice. But I must be able, along with other Senators, to say that we did our work, we fulfilled our constitutional responsibility, and then make a recommendation. I will be glad to yield further if you like.

Mr. DORGAN. If the Senator will yield, he clearly should and will not be surprised at concern expressed now in September about this issue. Those concerns were registered in July and early August, and the Senator understands that we have a Senator from Louisiana whose election is still being contested, and it is now September. I just want to, if I might, just show you some of what is happening in Louisiana in the press:

''When will investigation end? Voters might not be happy with prolonged debate.''

''Poll: State's voters believe Landrieu probe unnecessary.''

''Enough's enough,'' an editorial in the Times-Picayune.

''Senate investigation will hurt Louisiana.''

''No evidence of widespread fraud.''

It is September, and there is no demonstration of any kind that I am aware of that any irregularities existed in that election that would in any way overturn the results of the election, and yet we still have what I think is a concerted effort by some to drag this out and drag it out and drag it out.

Mr. LOTT. Yes.

Mr. DORGAN. Frankly, a lot are not happy about that.

Mr. LOTT. Yes, there has been an effort that has caused it to be delayed and dragged out.

Mr. DORGAN. I understand who the Senator from Mississippi says is at fault. I only know it is September. The first two lawyers who were hired, a Democrat and Republican, testified in front of the committee that hired them and said there is nothing here. The majority leader said that is not satisfactory.

Mr. LOTT. In the areas they had looked into. There had been nothing done with regard to the gaming activities and the so-called life organization in New Orleans.

Mr. DORGAN. My point is, if he will allow me one more minute, my point is that I think it is unfair to the Senator from Louisiana. I think it is unfair to the people of Louisiana. This ought to get wrapped up.

Our point is this: There is no intention to interrupt the business of the Senate, which is now to pass these appropriations bills in the month of September. We have to do that. There is no one out here objecting to the work on those appropriations bill.

Mr. LOTT. But you are going to object to a committee meeting, which makes it necessary for the work of the Appropriations Committee to be interrupted.

Mr. DORGAN. As the Senator knows, the regular order of the Senate is to have no committee meetings when the Senate is in session.

Mr. LOTT. But it has been the common practice for committees to be able to meet. All I am saying to you is, work with us and we can bring this to conclusion. But I am also saying that if you start interrupting the business of the Senate or committees, it will not be without action in return. We need to work together. We need to do these things privately and communication in the type of way we have done over the last 2 months. But if you start playing games with committees meeting on important issues like Superfund and, let me tell you, fast track, it will have an effect. Every action produces a reaction.

So let's not start down that trail. Let's continue to work together as we have, and we can complete our work on appropriations and on Superfund and on fast track and on ISTEA, and then return to our constituency.

Mr. DORGAN. If the Senator will yield for one more comment, the issue of delay applies especially and indelibly to the issue of the investigation in Louisiana, and delay, it seems to me, continued delay is unfair to Senator LANDRIEU and unfair to the people of Louisiana. It is not our intent to cause problems for the Senator from Mississippi in the scheduling of the Senate. I understand it is not easy to be involved in running this place. So it is not our intention to cause those kinds of problems. That is especially why——

Mr. LOTT. Let me just say, it is not easy, but it is a great pleasure. I'm enjoying it a lot.

Mr. DORGAN. You actually act like you are enjoying it. We have done a lot. This has been a pretty productive year, but at least a good number on our side say with respect to delay, one of the delays that occurs now in the Senate is the delay on this investigation and the end of the investigation, and the investigation has found nothing on the issue of this contested Senate election. We hope that we will get beyond that and get on with the business and not have that hanging over the head of Senator LANDRIEU or the people of Louisiana.

So our point is this: Let's continue with the Senate business. Let's pass these appropriations bills, get them to the President, get them signed. That is the regular order. Let's also resolve this issue with the Louisiana election. It is now September. It is not March or April or July. It is September, and it is long past the time when that should have been resolved.

Mr. LOTT. Mr. President, I ask unanimous consent, at the end of my remarks, to have printed in the RECORD the history of this type of investigation, these type of allegations and the length of time they have gone on.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

(See exhibit 1.)

Mr. LOTT. Mr. President, as a matter of fact, most of them, many of them, have gone on for weeks and months, including some Senators who serve here in the Senate right now, and they proceeded in the normal way. It is not my intention to delay this investigation and this conclusion. It is my intention to make sure that we have investigated all of the alleged fraud and abuses of election laws and illegal acts. When we have done that, I will press aggressively for a conclusion. But until that is done, with the cooperation of the Democrats, it will not end.

I yield the floor, Mr. President.

EXHIBIT 1

CONTESTED ELECTION CASES

(Prepared by the Office of Senate Legal Counsel, December 1996)

I. INTRODUCTION

The Constitution provides that ''Each House shall be the Judge of the Elections,

Returns, and Qualifications of its own Members. . . .''[1] The Senate has always been ''jealous of [this] constitutional right.''[2] Courts have consistently recognized that congressional actions in this area present nonjusticiable political questions beyond judicial review.[3] In *Reed et al.* v. *The County Comm'rs of Delaware County, Penn.*, the Supreme Court acknowledged that the Senate is the final judge of the elections of its members and held: ''[The Senate] is the judge of the elections, returns and qualifications of its members. . . . It is fully empowered, and may determine such matters without the aid of the House of Representatives or the Executive or Judicial Department.''[4]

II. SENATE REFUSAL TO SEAT STATE-CERTIFIED CANDIDATES

The Senate has been called upon to judge approximately 100 contested election cases. On only nine occasions, however, has the Senate denied a seat to the candidate whose election had been certified by the state.[5] Several of these cases involve fact patterns that are unlikely to be at issue in modern disputes. They are not examined in this memorandum.[6] Five cases, however, involve allegations that are more likely to be at issue in modern contested election cases: challenges to the accuracy of the ballot count, and challenged based on claims that the election results were tainted by fraud and corruption.

A. Inaccurate ballot counts

1. Steck v. Brookhart (1926)

The case of *Steck* v. *Brookhart* is the only occasion on which the Senate has overturned the result of a state-certified election and seated the contestant. Every other time that the Senate has overturned the results of a state-certified election, it has simply declared the seat vacant and left the state to decide how it should be filled.[7] In 1926, however, the Senate voted to unseat Republican Smith Brookhart from Iowa and replace him with his general election opponent, Democrat Daniel Steck.

Brookhart was certified the winner of the November 1924 Iowa Senate election after a state recount showed that he had gained a plurality of less than 800 votes out of the more than 900,000 ballots cast in a four-way race. In January 1925, his opponent Steck filed with the Senate a challenge to Brookhart's seating based on alleged irregularities in the vote count. In an unusual twist, the Iowa Republican State Central Committee, angered by Brookhart's failure to endorse the Coolidge presidential ticket, also challenged his election on the ground that Brookhart was not, as he had represented himself to be, a member of the Republican Party. The Senate allowed Brookhart to take his seat at the beginning of the 69th Congress in March 1925 and referred the challenges to the Committee on Privileges and Elections. Beginning in the summer of 1925, the Committee conducted an investigation of Brookhart's election, which included a recount in Washington, D.C. of each of the ballots cast. In March 1926, the Committee reported to the Senate that Steck had received a plurality of 1,420 votes and recommended that Brookhart be unseated and replaced by Steck. Much of the seven-day Senate debate concerned the applicability of Iowa election law to the vote count. The Committee majority took the position that the Senate was not constrained by Iowa law.[8] On April 12, 1926, the Senate, in a vote that crossed party lines and did not include Brookhart, voted by a margin of 45 to 41 to unseat Brookhart and replace him with Steck.

2. Durkin v. Wyman (1974–75)

In the 1975 contested election case of Durkin v. Wyman, the Senate, rather than declare the winner as it had done in Steck v. Brookhart, simply found the seat vacant. The initial count of the November 1974 New Hampshire Senate election showed Republican Louis Wyman ahead of Democrat John Durkin by 355 votes out of more than 200,000 cast. A subsequent state recount determined that Durkin had won the election by ten votes, and on November 27, 1974 the governor issued Durkin a ''conditional'' certificate of election. Wyman challenged the certification before the New Hampshire State Ballot Law Commission, which ruled on December 24, 1974 that Wyman had won the election by two votes. On December 27, 1974, the governor rescinded Durkin's ''conditional'' credentials and certified Wyman the victor. That same day, Durkin filed a petition with the Senate contesting Wyman's credentials. The matter was referred to the Rules Committee's Subcommittee on Privileges and Elections. The Subcommittee began its investigation, which included a day of hearings during sine die adjournment, before the 94th Congress convened. The Subcommittee refused to make a recommendation and passed the case onto the full Committee, which divided evenly on the matter. The full Committee then referred the case to the full Senate without a recommendation.

When it convened in January 1975, the Senate would neither seat Wyman nor declare the seat vacant. Instead, the Senate referred the matter to the Rules Committee again. After much debate, the Committee decided upon carefully crafted procedures to recount the approximately 3,500 disputed ballots. But despite spending more than 200 hours on the matter, the Committee could not agree upon whom should be seated. Eventually, the Committee reported the matter to the Senate without a recommendation. Beginning in June 1975, the Senate debated the case for six weeks. Six cloture votes could not cut off the Republican-led filibuster. The Senate was at an impasse. The case was resolved only when Durkin and Wyman agreed in late July 1975 to support a new election. The day after the candidates reached their compromise, the Senate voted 71 to 21 to declare the seat vacant. That action paved the way for a September 1995 election, which Durkin won decisively.

B. Corrupt elections

1. William Lorimer (1910–12)

On three occasions the Senate has determined that an election was so tainted with corruption that its results were invalid. Each time, the Senate declared the seat vacant. The first occurred in 1912 when the Senate voted to overturn the certified election of William Lorimer of Illinois. The Illinois legislature elected Lorimer to the Senate, where he took his seat in 1909. In May 1910, Lorimer asked the Senate to investigate allegations by the press that he had gained his seat through bribery. In December 1910, the Committee on Privileges and Elections reported to the Senate its determination that Lorimer's election was valid. The Committee majority argued for the application of a standard that had been established by precedent: the Senate would invalidate an election on the basis of corrupt practices only if the Senator knew of or sanctioned the corrupt activities or if those activities had changed the outcome of the election.[9] In March 1911, the Senate declared the election valid.

Repeated press reports of bribery in Lorimer's election forced the Senate to continue to probe the allegations, however, and in June 1911, the Senate created a special committee to conduct a second investigation. The second investigation took almost a year and involved the testimony of 180 witnesses. In May 1912, the special committee finally reported to the Senate that it could find no evidence linking Lorimer to the alleged corruption.[10] A minority report, however, cited evidence that seven Illinois legislators had been bribed to vote for Lorimer.[11] Moreover, the minority believed that there was significant evidence linking Lorimer to the bribes.[12] The minority argued that the evidence was sufficient for the Senate to rule that the election was invalid. In July 1912, following a public outcry and an extensive Senate debate, the full Senate sided with the minority and voted 55 to 28 to declare Lorimer's election invalid and his seat vacant. In a special election following Lorimer's ouster, Lawrence Y. Sherman was elected to fill the seat.

2. Frank L. Smith (1926–28)

The other two instances in which the Senate declared an election invalid because of corruption arose out of the work of a Special Committee that was created in May 1926 to investigate allegations of the corrupt use of campaign expenditures in primary elections in Pennsylvania and Illinois. Eventually, the scope of the Special Committee's investigation expanded to include allegations of corrupt practices in the November general election too. In both cases the Senate departed from its normal procedure and refused to seat the Senator-elect pending the outcome of its investigation. This departure from practice is probably best explained by the fact that an ongoing investigation had already uncovered substantial evidence of fraud and corruption by the time each of these Senators-elect presented his credentials to the Senate.

Despite the negative publicity from the investigation of his primary victory, Frank L. Smith won the November 1926 Illinois general election. The Special Committee continued its investigation and on January 17, 1928 reported to the Senate its recommendation that Smith not be seated. The committee concluded that Smith's election was tainted with fraud and corruption because he had received campaign contributions from public service corporations in Illinois while he was chairman of the state agency that regulated them. The Senate agreed and on January 19, 1928 voted 61 to 23 to deny Smith a seat. Smith resigned from office on February 9, 1928. Otis F. Glenn was elected to fill the vacancy, and took his seat December 3, 1928.

3. William S. Vare (1926–29)

William S. Vare, the Republican nominee for the Senate from Pennsylvania, also won the November 1926 general election despite the negative publicity surrounding the Special Committee's investigation of his primary win. His opponent in the general election, Democrat William B. Wilson, filed a petition challenging Vare's credentials, alleging corruption by Vare's supporters in the general election. Wilson's allegations included ''padded registration lists, 'phantom' voters who were actually dead or imaginary, criminal misuse of campaign funds, and voter intimidation.''[13] The Committee on Privileges and Elections conducted an investigation of Vare's general election campaign that supplemented the Special Committee's investigation into his primary victory. On February 22, 1929, the Special Committee, after an almost three-year probe, reported to the Senate its unanimous recommendation that Vare should not be seated because of the evidence of corruption it had uncovered, including thousands of instances of fraudulent registration. On December 5, 1929, the Committee on Privileges and Elections reported to the Senate its contrary determination that Vare's election was lawful. After a

* Footnotes at end of report.

day of debate, the Senate voted on December 6, 1929, by a margin of 66 to 15, that William Wilson had not been elected, and, by a margin of 58 to 22, that Vare should be denied a seat. On December 12, 1929, Joseph R. Grundy took Vare's seat by appointment.

C. Recent challenges

Since 1992, three Senate elections have been contested, but in none of these cases has the election result been overturned. In 1992, two petitions were filed asking the Senate to seat Senator-elect Coverdell conditionally pending the resolution of legal complaints concerning his election. One petition, filed by four Georgia citizens, asked that Senator-elect Coverdell be seated conditionally pending the resolution of a federal lawsuit brought by the four petitioners and Public Citizens, Inc. challenging the constitutionality of a Georgia law requiring a run-off between the top two candidates where no single candidate has won a majority in the general election. The second petition, filed by three Georgia citizens, asked the Senate to seat Senator-elect Coverdell conditionally until the Federal Election Commission (''FEC'') had an opportunity to investigate a complaint filed by the Democratic Senate Campaign Committee (''DSCC'') charging that the National Republican Senatorial Committee (''NRSC'') had exceeded campaign spending limits during the Georgia run-off election. Senator Coverdell was sworn in with accompanying language noting that he was being seated ''without prejudice'' to the Senate's right to consider the petitions before it.[14] Public Citizen's lawsuit challenging the constitutionality of the 1992 run-off election was dismissed by a federal district court in March 1993. The district court's decision was upheld on appeal in June 1993. In April 1995, the FEC concluded that it could not reach a verdict with respect to the charge that the NRSC had overspent during the run-off election.[15] The Rules Committee took no official action on the petitions.

Also in 1992, several petitions contesting the election of Senator Packwood were filed by Oregon voters. These petitions, later consolidated, argued that Senator Packwood had lied to the voters regarding his mistreatment of women and had thereby ''defrauded'' the electorate. The petitions asked that the election result be set aside. Like Senator Coverdell, Senator Packwood was seated without prejudice to the Senate's right to review the petitions.[16] By a vote of 16–0, the Rules Committee dismissed the petitions against Senator Packwood in May 1993. While the Committee did not formally report to the Senate, the Chairman advised the Senate of the Committee's decision not to proceed further with the inquiry and the Senate took no action.[17]

Finally, in 1994 California Senatorial candidate Michael Huffington filed a petition contesting the election of Senator Dianne Feinstein. In his petition, Huffington argued that some of the votes cast for Senator Feinstein were invalid and that he had won a majority of the valid ballots cast. Senator Feinstein was sworn in ''without prejudice'' to the Senate's right to consider the petitions before it.[18] Huffington withdrew his petition before the Rules Committee could report to the Senate.[19]

III. SENATE PROCEDURES IN CONTESTED ELECTION CASES

Unlike the House of Representatives, whose election contests are governed in part by codified procedures,[20] ''[t]he Senate has never perfected specific rules for challenging the right of a claimant to serve.''[21] Rather, Senate ''practice has been to consider and act upon each case on its own merits, although some general principles have evolved from the precedents established.''[22] A discussion of those general principles is set forth below.

A. Beginning the election contest

Senate election contests are most frequently begun with the filing of a petition by the losing candidate, addressed to the Senate, protesting the seating of the contestee and asserting a right to the seat in question. However, there is no requirement that the protest be made by a losing candidate. Petitions have also been filed by interested voters in the state,[23] and in *Steck v. Brookhart*, discussed above in section II, a protest was filed not only by the unsuccessful Democratic candidate, but by the state's Republican committee as well, which maintained that the certified winner of the election was not a proper party member.[24] Although no rule exists, recent practice has been to file the petition with the President of the Senate.[25] On other occasions, the petition has been sent to various members of the Senate majority and minority leadership.[26] Petitions of contest are not the only means available for instituting an election contest. A member may offer a resolution calling for an investigation of an election.[27] In addition, the Committee on Rules and Administration has asserted its right to investigate an election contest upon its own motion.[28] Recent Senate practice has been to refrain from investigating a contested election until the state has conducted its own review or recount, where such state remedies were available.[29]

B. Senate action upon filing of petition

1. The Decision to Seat

If a petition of contest is filed in advance of the presentation of credentials and swearing-in of senators-elect on the opening day of a new Congress,[30] the Senate must decide whether to seat the certified senator-elect pending resolution of the election contest. The practice of the Senate has generally been to treat a state certification that appears proper on its face[31] as *prima facie evidence that the member-elect is entitled to a Senate seat, and to seat him pending determining of his right to office:*

''[T]he orderly and constitutional method of procedure in regard to administering the oath to newly elected Senators [is] that when any gentleman brings with him or presents a credential consisting of the certificate of his due election from the executive of his State he is entitled to be sworn in, and that all questions relating to his qualification should be postponed and acted upon by the Senate afterwards.''[32]

Although this has been the usual Senate practice, the Senate retains its discretion to look behind such credentials and to refuse to seat a member-elect until it completes its adjudication of the election contest. For example, in the 1927 contest of *Wilson v. Vare* for a Pennsylvania Senate seat, discussed above in section II, the Senate asked the certified senator-elect, William Vare, to step aside. The Senate refused to seat Vare until a special committee, previously formed to investigate excessive expenditures and corrupt practices in the 1926 senatorial campaigns in Pennsylvania and Illinois, had completed its investigation and made its final report.[33] This exercise of power was upheld in a case arising out of the Vare investigation, *Barry v. U.S. ex rel. Cunningham*,[34] in which the Supreme Court held that the Senate had the discretion to decide whether to accept Vare's credentials and administer him the oath, pending adjudication of the election contest.[35]

The Senate most recently refused to seat a member-elect presenting state credentials in the 1975 election contest between John Durkin and Louis Wyman for a New Hampshire Senate seat, also discussed above in Section II. A certificate of election had been issued to Durkin, but, after a recount, the certificate was rescinded and reissued to Wyman. At the swearing-in of new members-elect, both Wyman and Durkin were asked to stand aside,[36] and the certificates were referred to the Committee on Rules and Administration.[37] After neither the Rules Committee nor the full Senate was able to resolve the dispute, the seat was ultimately declared vacant.[38]

The more common practice in recent years has been to seat the certified member-elect against whom a petition of contest has been filed, but to administer the oath of office to him ''without prejudice.''[39] The effect of administering the oath without prejudice is, it has been said, ''a two-sided proposition—without prejudice to the Senator and without prejudice to the Senate in the exercise of its right.''[40] The ''right'' of the Senate is its right, by majority vote, to later unseat the member or affirm his membership after the issues respecting his right to the seat are resolved.[41] The most recent explanation of this practice came from then Majority Leader Dole at the beginning of the 104th Congress in connection with administering the oath to Senator-elect Feinstein, whose election had been challenged by her opponent. It was Senator Dole's view that the phrase ''without prejudice'' had no effect upon the rights of the Senator to act as a Senator, or the rights of the Senate to act as the judge of the Senator's election:

''The oath that will be administered to Senator Feinstein, just as the oath that will be administered to all other Senators-elect, will be without prejudice to the Senate's constitutional power to be the judge of the election of its members. . . . [T]he making of this statement [that the oath is administered ''without prejudice''] prior to the swearing in of a challenge[d] Senator-elect serves the purpose of acknowledging formally that the Senate has received an election petition and that it will review the petition in accordance with its customary procedures.''—141 Cong. Rec. S4 (daily ed. Jan. 4, 1995).[42]

2. Reference to committee

The petition of contest and other papers that have been filed relating to an election contest are referred to the Committee on Rules and Administration for investigation and recommendations.[43] The committee has jurisdiction over ''[c]redentials and qualifications of Members of the Senate [and] contested elections''[44] Under the rules of the Senate, standing committees continue in existence and maintain their power during the recesses and adjournments of the Senate.[45] The committee, on the basis of this rule and the Senate precedents that underlie it, has asserted its power to continue investigations without interruption during periods of adjournment.[46] The committee has also began investigations of election contests in advance of the convening of the Congress to which the member-elect was elected.[47]

C. Committee practice and procedure

1. Pleadings before the committee

In most election cases, the protest takes the form of a petition and complaint, similar to that in a lawsuit, describing in varying detail the grounds upon which the challenge is based. The contestee files a response, typically in the form of an answer or an answer combined with a motion to dismiss. The parties may submit follow-up replies, and in some cases the contestant, either on his own or upon the request of the committee, may file one or more amended complaints. In addition to formal pleadings, the parties may

submit various legal memoranda on issues relevant to the investigation, for example, on questions concerning the scope and applicability of the state's election laws.[48]

2. Committee hearings

Committee hearings may be held not only in Washington, but also at the site of the election[49] The parties and their counsel are generally permitted an active role in these hearings. Either the contestants or their counsel typically make opening statements,[50] and counsel may be permitted to make subsequent legal arguments and otherwise present their client's positions during the hearings.[51] The parties may be permitted to call witnesses,[52] and counsel may be given the right to question and cross-examine witnesses themselves.[53] As might be expected given the politically charged nature of the issues that may arise in these disputes, hearings may be lengthy, particularly if a recount is conducted. For example, the Rules Committee held 46 sessions and 698 rollcall votes in its attempt to resolve the *Durkin* v. *Wyman* content.[54]

3. Committee recount procedures

In many cases, the nature of the protest is such that the committee will not engage in a recount. In some cases, no recount will be requested by the contestant. For example, in the 1975 *Edmondson* v. *Bellmon* contest, the challenger's sole complaint was that the voting machines in one county had been programmed in violation of Oklahoma law.[55] In other cases, the committee may decide to make its recommendations exclusively on the basis of the pleadings and other evidence introduced by the parties, and reject any full-scale investigation or recount.[56] The committee may also refuse to conduct a recount because of the contestant's failure to exhaust available state recount procedures.[57] The decision to conduct a recount is generally made by the formal adoption of a resolution by the committee;[58] the resolution may authorize a recount on less than a statewide basis, limited to selected counties in the state or to a particular group of protested ballots.[59]

The first step of a recount is to secure immediate possession of all election records bearing on the contest. Most Senate recounts have been conducted in Washington.[60] Committee staff members, often together with the Sergeant at Arms, may be sent to the state to seal all voting machines and to bring back paper ballots, tally sheets, ballot stubs, and other election records.[61] In some cases, committee subpoenas have been issued to the responsible state election officials to obtain these records.[62] Stringent security precautions have been observed in transporting these materials to Washington and in storing them during the recount. For example, in the *Durkin* v. *Wyman* contest, ballots were kept in a locked room in the basement of the Russell Office Building with Capitol Police officers on guard around the clock; two padlocks were placed on the door, with a different key given to the ranking majority and minority members of the committee.[63]

Often extensive field investigations may be necessary at various stages of the recount process. Voting machines may need to be inspected to verify that the machines accurately recorded the votes cast and that the total votes recorded on the machines corresponds with the number of voters listed on the pollbooks.[64] Registration records may need to be examined and compared with the pollbooks to ensure that only legally authorized voters are included in the count.[65] In many election cases, charges of a wide variety of election irregularities will be at issue, such as illegal assistance or corruption of voters, tampering with ballot boxes or voter machines, violation of the secrecy of the ballot, and fraudulently altered ballots. Investigation of such questions may require a significant commitment of committee manpower. For example, in investigating charges of violations of New Mexico voters' constitutional right to a secret ballot in *Hurley* v. *Chavez,* committee investigators interviewed and obtained signed and witnessed statements from thousands of voters throughout the state. A number of Spanish-speaking investigators were engaged by the committee to aid in this effort.[66]

4. Committee report and recommendations

Upon the completion of its investigation and any recount, the committee submits to the Senate a report, together with an accompanying resolution, recommending a final disposition of the election contest. The report may also contain minority views.[67] There are several courses of action that the committee may recommend to the Senate. The committee may recommend that the petition of contest by dismissed. Dismissals of contests are commonly based on the ground that the allegations of the petition are too general to justify committee investigation.[68] or that even if the allegations are accepted as true, they would be insufficient to affect the result of the election.[69] Alternatively, based upon its investigation, the committee may recommend that a certain candidate has received a majority of the valid votes and should be declared the winner.[70] Finally, the committee may conclude that no winner can be determined, and recommend that the election be set aside and the seat declared vacant so that a special election can be held.

However, in the two most recent Senate contested election cases in which the full Senate has acted, both occurring during the 94th Congress, the committee was unable to agree upon recommendations for final disposition of the contests. As noted in the *Durkin* v. *Wyman* contest, the inability of the committee to resolve the numerous issues on which it was evenly divided prevented it from reaching agreement on a final recommendation; the committee was able only to report a resolution seeking Senate determination of the issues upon which the committee had deadlocked.[72] In the *Edmondson* v. *Bellmon contest* the committee found that the Oklahoma election laws had been violated and that those violations could have affected the results of the election, but it was unable to determine who would have won the election had the violations of law not occurred. The committee reported a resolution requesting that the Senate determine the outcome of the election.[73] A minority report, which charged that the majority report was partisan, recommended that the challenge be dismissed. After four days of debate, the Senate voted 47 to 46 to table the majority's resolution. By voice vote the Senate then declared that the state-certified victor should keep his seat.

D. Standard of review

The contestant in an election has the burden of proof to establish, by a preponderance of evidence,[74] the allegations raised in his petition. Sufficient evidence must be offered to overcome the presumption that the official returns are prima facie evidence of the regularity and correctness of the election[75] and that election officials have properly performed their legal duties.[76] Not only must the contestant overcome these presumptions of regularity, but he must affirmatively establish that the irregularities complained of would affect the result of the election.[77] In addition to these general standards, common to all election contests, the committee will often adopt detailed evidentiary presumptions to govern its consideration of the factual issues that may be raised in a particular contest.[78]

E. Application of State election laws

The Senate has generally attempted to observe state election laws in resolving election contests. However, as the final judge of its elections, the Senate is not bound by state election laws, and has exercised its power to disregard those laws, especially in instances where their technical application would invalidate the will of the voters.[79] As Senator Cannon stated about the Senate's investigation of the *Durkin v. Wyman* contest, ''The U.S. Senate, as the final judge or arbiter of elections, returns, and qualifications of its Members, is not bound by the statutes and case law of a State, although the committee has consistently given weight to the New Hampshire law consistent with the attempt to determine the intent of the voter.''[80] In determining whether to give effect to state election laws, a distinction is often drawn between ''directory'' and ''mandatory'' provisions of state law. ''Mandatory'' provisions affecting the right of suffrage itself have been more strictly followed than ''directory'' provisions, such as those governing ministerial functions of state election officials and technical requirements concerning the manner of marking ballots.

F. Senate disposition

Election contests are generally disposed of, following floor consideration and debate, pursuant to Senate resolution. A resolution from the committee disposing of a contested election case is highly privileged; it does not have to lie over a day and has precedence over most unfinished business or motions.[81] The parties to the election contest, including bona fide claimants and senators-elect who have not been permitted to take the oath of office, are usually granted floor privileges during the debate on the election contest;[82] occasionally, they have even been granted the privilege of addressing the Senate to present their case.[83]

The Senate may adopt a resolution dismissing the complaint; such resolutions are frequently adopted by unanimous consent with little or no floor debate.[84] If a senator-elect who has previously been sworn in is determined by the Senate to be entitled to the seat, the resolution will declare that he was duly elected for a six-year term as of the date he received the oath.[85] Where the contestant is declared the winner and the incumbent is unseated, or if no one had earlier been sworn in, upon adoption of the resolution, the prevailing party has been immediately given the oath of office and seated.[86] In most instances, where the Senate has determined that the state-certified victor should not be seated, it has declared the seat vacant.[87]

G. Reimbursement of election contest expenses

The Senate has by resolution authorized the payment of expenses incurred by the parties in contested election cases.[88] Reimbursement is not automatic, however, and the Senate has refused to authorize payment of expenses even in instances where the committee recommended such payment.[89] Most of these resolutions authorizing reimbursement specify the amount of the payments, typically less than the actual expenses incurred by the parties during the contest. In the *Durkin* v. *Wyman* contest, however, the resolution authorized payments out of the contingent fund of the Senate to reimburse both Durkin and Wyman in an amount to be determined by the committee.[90]

DURATION OF CONTESTED ELECTION CASES

Investigations

Edmondson v. Bellmon, Oklahoma, 1975 election: 18 months; investigation delayed 9 months during New Hampshire case.

Hurley v. Chavez, New Mexico, 1952 election: 15 months; fraud investigation.

Tydings v. Butler, Maryland, 1950 election: 8 months; campaign finance and slander investigation.

Sweeney v. Kilgore, West Virginia, 1948 election: 18 months; fraud investigation.

Hook v. Ferguson, Michigan, 1948 election: 9 months; fraud investigation.

Long and Overton, Louisiana, 1932 election: 20 months; fraud investigation by special committee.

Heflin v. Bankhead, Alabama, 1930 election: 17 months; fraud investigation.

Smith, Illinois, 1926 election: 20 months; campaign finance and bribery investigation by special committee.

Wilson v. Vare, Pennsylvania, 1926 election: 3½ years; fraud and campaign finance investigation by special committee.

Peddy v. Mayfield, Texas, 1992 election: Over 2 years; fraud investigation and recount.

Ford v. Newberry, Michigan, 1918 election: 3½ years; fraud and campaign finance investigation.

Recounts

Durkin v. Wyman, New Hampshire, 1975 election: 9 months.

Markey v. O'Conor, Maryland, 1946 election: 16 months.

Steck v. Brookhart, Iowa, 1924 election: 15 months.

Note—dates measured from date of election.

Case	Any Committee Action Taken During Sine Die Adjournment of Congress?	State Certified Candidate Seated?
Steck v. Brookhart	Yes	Yes.
Durkin v. Wyman	Yes	No.
William Lorimer	Yes	Yes.
Frank L. Smith	Yes	No.
Wilson v. Vare	Yes	No.

FOOTNOTES

[1] U.S. Const. art. I, §5, cl. 1.

[2] *Ford* v. *Newberry*, S. Rep. No. 277, pt. 1, 67th Cong. 1st Sess. 9 (1921).

[3] *Roudebush* v. *Hartke*, 405 U.S. 15, 19 (1972).

[4] 277 U.S. 376, 388 (1928).

[5] *See generally United States Senate Election, Expulsion and Censure Cases 1793–1990*, S. Doc. No. 33, 103d Cong., 1st Sess. (1995) (hereafter ''Senate Election Cases''). This publication, compiled by the Senate Historian's Office, contains a brief description of all Senate election, expulsion, and censure cases during the period 1793 to 1990.

[6] Two involve the unseating of Senators who were found ineligible under the Constitutional requirement that a Senator be a U.S. citizen for nine years; *see Senate Election Cases* at 3 (Albert Gallatin, 1793–94) and 54 (James Shields, 1849); and two others involve challenges to the method to elect U.S. Senators used by state legislatures prior to the 1913 ratification of the Seventeenth Amendment, *id.* at 74 (James Harlan, 1855–57) and 127 (John Stockton, 1865–66).

[7] *Id.* at 424 (*John A. Durkin* v. *Louis C. Wyman*, 1974–75); *id.* at 333 (Frank L. Smith, 1926–28); *id.* 328 (*William B. Wilson* v. *William S. Vare*, 1926–29); *id.* at 283 (William Lorimer, 1910–12); *id.* at 129 (John P. Stockton, 1865–66); *id.* at 76 (James Harlan, 1855–57); *id.* at 55 (James Shields, 1849); *id.* at 4 (Albert Gallatin, 1793–94).

[8] The Senate has maintained consistently the majority's position. *See infra* at 26, 27.

[9] S. Rep. No. 942, pt. 1, 61st Cong., 3d Sess. 2 (1910).

[10] S. Rep. No. 769, 62d Cong., 2d Sess. 91 (1912).

[11] *Id.* at 100–14.

[12] *See id.* at 101 (noting that one of the bribed legislators had successfully blackmailed Lorimer to obtain employment, and that an ''innocent [man] would indignantly have refused to have anything else to do with such a blackmailer.'')

[13] *Senate Election Cases* at 325.

[14] 139 Cong. Rec. S4–S7 (daily ed. Jan. 5, 1993). As discussed below, *see* discussion *infra* at 17, such qualifying language probably has no legal effect.

[15] However, the FEC found that Senator Coverdell's 1992 campaign committee had accepted $66,000 in improper contributions from 95 people. The FEC fined the committee $32,000 and directed it to return the improper contributions.

[16] 139 Cong. Rec. S4–S7 (daily ed. Jan. 5, 1993).

[17] *See* 139 Cong. Rec. S6294 (daily ed. May 21, 1993) (statement of Senator Ford).

[18] 141 Cong. Rec. S4 (daily ed. Jan. 4, 1995).

[19] Michael Doyle, *Huffington Concedes Nov. 8 Senate Race*, The Fresno Bee, Feb. 8, 1995, at A3.

[20] The Federal Contested Election Act of 1969, 2 U.S.C. §§381–396 (1994). Prior to 1969, House election contests were governed by the provisions of the Contested Elections Act, 2 U.S.C. §§201–226 (repealed), which derived from the Act of Feb. 19, 1851, ch. 11, 9 Stat. 568.

[21] *Senate Election, Expulsion and Censure Cases from 1793 to 1972*, S. Doc. No. 7, 92d Cong., 1st Sess. vii (1972).

[22] *Id.*

[23] *See William Langer*, S. Rep. No. 1010, 77th Cong., 2d Sess. 1 (1942). Following the 1992 election, five groups of Oregon voters filed petitions with the Senate contesting the election of Senator Robert Packwood, charging that he had engaged in election fraud by lying during the campaign about his treatment of women.

[24] *Steck* v. *Brookhart*, S. Rep. No. 498, 69th Cong., 1st Sess. 2 (1926).

[25] *See, e.g., In the Matter of the United States Seat from California in the 104th Congress of the United States* (1994) (petition filed by Michael Huffington contesting the election of Senator Dianne Feinstein); *Petition to Deny Seating to, or Seat Conditionally, Senator Bob Packwood* (1992) (filed by Oregon voter Keith Skelton); *Petition by Certain Voters and Citizens of the State of Oregon* (1992) (also contesting the election of Senator Packwood).

[26] *Petition Challenging the Election of Paul Coverdell* (1993) (filed by three Georgia citizens).

[27] Investigations of improper campaign expenditures and corrupt practices have often been instituted in this manner. *See, e.g., Frank L. Smith, Senate Election Cases, supra* note 5, at 330–33; Wilson v. Vare, id. 323–29.

[28] *See Hurley v. Chavez*, S. Rep. No. 1081, 83d Cong., 2d Sess. 2 (1954).

[29] *See* S. Rep. No. 597, 94th Cong., 2d Sess. 8 (1976) (*Edmondson v. Bellmon*); S. Rep. No. 156, part 2, 94th Cong., 1st Sess. 3–6 (1975) (*Durkin v. Wyman*); *Senate Election Cases at 419* (*Roudebush v. Hartke, 1970–72*); id. at 399 (*Hurley v. Chavez, 1952–54*). *See also* S. Rep. No. 802, 81st Cong., 1st Sess. 9 (1949) (*Sweeney v. Kilgore*) (where contestant had withdrawn his request for a recount by the state, the Subcommittee did not conduct a recount in keeping ''with the policy of the subcommittee to conduct no recount in any State wherein the laws of that State provide for a recount by candidates for United States Senator.''). But *see Senate Election Cases* at 391–93 (*Tydings v. Butler, 1950–51*) (no effort to pursue state remedies where Senate was conducting a hearing and investigation into allegations of campaign irregularities, including slander and smear tactics). Following the 1994 general election, Michael Huffington contested the election of Senator-elect Dianne Feinstein in the Senate without first seeking a recount in California. Huffington later withdrew his Senate petition before the Rules Committee could report to the Senate. *See* Susan Yoachum, *Huffington Concedes, Drops Voter Challenge*, S.F. Chron., Feb. 8, 1995, at A3; Michael Doyle, *Huffington Concedes Nov. 8 Senate Race*, The Fresno Bee, Feb. 8, 1995, at A3.

[30] There is no such requirement; petitions are frequently filed after the contestee has been seated. *See, e.g., Hook v. Ferguson* (1949), *Senate Election Cases, supra* note 5, at 386.

[31] The Senate has adopted forms of suggested certificates of election and appointment of senators. *See* Rule 2.3, Standing Rules of the Senate, S. Doc. 8, 104th Cong., 1st Sess. 2 (1994). Credentials should be signed by the governor and attested by the secretary of state of the state in which the election was held.

[32] 37 Cong. Rec. 1 (1903) (statement of Sen. Hoar). *See also Riddick's Senate Procedure*, S. Doc. No. 28, 101st Cong., 2d Sess. 704 (Alan S. Frumin ed., rev. ed. 1992) (''Under orderly procedure, a Senator-elect, upon presentation of credentials, should be sworn in, and all matters touching his qualifications should be determined thereafter.''); *Senate Election Cases, supra* note 5, at xviii.

[33] 60 Cong. Rec. 4, 337–38 (1927). As discussed above in Section II, the certified senator-elect from Illinois, Frank L. Smith, was also asked to step aside, based upon similar indications for fraud and corruption discovered by the special committee. *See Senate Election Cases, supra* note 5, at 333. The Senate has also refused to seat members-elect presenting credentials in a number of cases predating the adoption of the Seventeenth Amendment in 1913. In many of these cases, the credentials were invalid for reasons either apparent on their face or otherwise within the knowledge of the Senate, for example, because a governor was attempting to make an appointment to fill a vacancy which had not been filled by the legislature while it was in session. *E.g. Matthew Quay* (1899), *id.* at 261–62; *Henry W. Corbett* (1897), *id.* at 253–55; *Lee Mantle* (1893), *id.* at 243–45. A number of cases involved instances where more than one candidate presented credentials for a seat. *E.g., Lucas v. Faulkner* (1887), *id.* at 230–31; *Reynolds v. Hamilton* (1870), *id.* at 164–65; *Stanton v. Lane* (1861), *id.* at 92–94. Many occurred during the Civil War when there was concern about seating senators disloyal to the Union cause or senators representing states in a state of rebellion. *E.g., Fishback, Baxter and Snow* (1864), *id.* at 117–20; *Cutler Smith and Hahn* (1864), *id.* at 121–23; *Segar and Underwood* (1865), *id.* at 124–26.

[34] 279 U.S. 597 (1929).

[35] *Id.* at 614–15.

[36] 121 Cong. Rec. 4–5 (1975).

[37] 121 Cong. Rec. 1495 (1975).

[38] 121 Cong. Rec. 25960–61 (1975). *See generally*, D. Tibbetts, *The Closest U.S. Senate Race in History* (1976).

[39] *See, e.g.*, 141 Cong. Rec. S4 (daily ed. Jan. 4, 1995) (Senator-elect Feinstein); 139 Cong. Rec. S4–S7 (daily ed. Jan. 5, 1993) (Senators-elect Coverdell and Packwood); 121 Cong. Rec. 8 (1975) (Senator-elect Bellmon); 117 Cong. Rec. 6 (1971) (Senator-elect Hartke); 110 Cong. Rec. 18120 (1964) (Senator-elect Salinger) (appointee); 97 Cong. Rec. 3 (1951) (Senator-elect Butler).

[40] 87 Cong. Rec. 3 (1941) (statement of Senator Barkley on the seating of Senator-elect Langer).

[41] *See* 87 Cong. Rec. 4 (1941) (ruling of the presiding officer that ''[i]f this agreement is entered into, only a majority of the Senate will be required to pass on the qualifications of the Senator-elect'').

[42] Democratic Leader Senator Daschle added his concurrence to Senator Dole's remarks. *Id.* In 1993 Senators Coverdell and Packwood took the oath of office while challenges to their election were pending. At that time, Senator Dole, as Republican Leader, stated his view that ''the phrase 'without prejudice' used today is of course meaningless, in its effect upon any subsequent Senate action.'' 139 Cong. Rec. S7 (daily ed. Jan. 4, 1993).

[43] *See, e.g.*, 121 Cong. Rec. 8 (1975) (referral of petition of contest and reply in *Edmondson* v. *Bellmon* contest). Election contests were often initially heard by the Subcommittee on Privileges and Elections of the Rules Committee; that subcommittee was disbanded in 1977. Election contests during the period 1871–1946 were referred to the Committee on Privileges and Elections; prior to 1871, such disputes were usually referred to special committees or to the Committee on the Judiciary. In this section of this memorandum, the term ''committee'' will be used generally to refer to the Rules Committee and its predecessor committees.

[44] Rule 25.1(n)(1)(4), Standing Rules of the Senate, S. Doc. No. 104–8, *supra* note 31, at 30 (1944).

[45] Rule 26.1, Standing Rules of the Senate, S. Doc. No. 104–8, *supra* note 31, at 36.

[46] *See* 121 Cong. Rec. 1472 (1975) (statement of Sen. Allen); *Senate Election, Expulsion and Censure Cases From 1909–1960*, S. Doc. No. 71, 87th Cong., 2d Sess. viii (1962).

[47] *See Durkin* v. *Wyman*, S. Rep. No, 94–156, part 2, *supra* note 29, at 5–6.

[48] *See, e.g., Senator from Oklahoma: Hearings Before the Subcomm. on Privileges and Elections of the Senate Comm. on Rules and Administration*, 94th Cong., 1st Sess. 221–464 (1975) (hereinafter ''*Edmondson* v. *Bellmon Hearings*'') (collecting together pleadings and memoranda of contestants).

[49] For example, in the *Edmondson* v. *Bellmon* contest, committee staff members held hearings in Oklahoma, which were followed with hearings before the committee in Washington. S. Rep. No. 94–597, *supra* note 29, at 5–6 (1976).

[50] *See, e.g., Edmondson v. Bellmon* Hearings, *supra* note 48, at 11–47; *Senator from New Hampshire: Hearings Before the Subcomm. on Privileges and Elections of the Senate Comm. on Rules and Administration*, 93d Cong., 2d Sess. 136–205 (1975) (hereafter ''*Durkin v. Wyman* Subcommittee Hearings''); *Steck v. Brookhart*, S. Rep. No. 69–498, *supra* note 24, at 5.

[51] *See Durkin v. Wyman*, S. Rep. No. 94–156, part 1, supra note 29, at 2; *Senator from New Mexico: Hearings Before Subcomm. on Privileges and Elections of the Senate Comm. on Rules and Administration*, 83d Cong., 1st Sess. 159–82 (1953) (hereafter ''*Hurley v. Chavez* Hearings'') (argument of counsel on motion of dismiss).

[52] *See Edmondson v. Bellmon Hearings, supra* note 48, at 49–50.

[53] *See Steck v. Brookhart*, S. Rep. No. 69–498, supra note 24, at 6–7; *Johnson v. Schall*, S. Rep. No. 1021, 69th Cong., 1st Sess. 3–8 (1926).

[54] S. Rep. No. 94–156, part 1, *supra* note 29, at 2. This was in addition to hearings held by the Subcommittee on Privileges and Elections. *See Durkin v. Wyman* Subcommittee Hearings, *supra* note 50.

[55] S. Rep. No. 94–597, *supra* note 29, at 3–5.

[56] *See Willis v. Van Nuys,* S. Rep. No. 281, 76th Cong., 1st Sess. 8 (1939) (rejecting recount because of the absence of a prima facie showing that it might result in unseating of the contestee); *Bursum v. Bratton,* S. Rep. No. 724, 69th Cong., 1st Sess. 7–10 (1926) (recount unjustified because no preliminary evidence was offered tending to cast doubt upon the accuracy of the official returns).

[57] *See Sweeney v. Kilgore,* S. Rep. No. 81–802, *supra* note 29, at 9.

[58] *See, e.g., Hurley v. Chavez,* S. Rep. No. 83–1081, *supra* note 28, at 265.

[59] For example, in the *Durkin v. Wyman* contest, the committee ordered a recount of the approximately 3,500 ballots that had been before the state ballot law commission. S. Rep. No. 94–156, part 2, *supra* note 29, at 8. The committee may also begin with a limited recount to determine if there are sufficient grounds for a wider investigation and statewide recount. *See O'Conor v. Markey,* S. Rep. No. 1284, 80th Cong., 2d Sess. 3, 11–12 (1948) (preliminary five-county recount subsequently widened to statewide recount in light of trend reducing incumbent's lead).

[60] An alternative approach is to count the ballots at locations in the state, and only bring to Washington those ballots remaining in dispute for committee review. *See O'Conor v. Markey,* S. Rep. No. 80–1284, *supra* note 59, at 3.

[61] *See Durkin v. Wyman,* S. Rep. No. 94–156, part 1, *supra* note 29, at 4; *Heflin v. Bankhead,* S. Rep. No. 568, 72d Cong., 1st Sess. 36 (1932); *Peddy v. Mayfield,* S. Rep. No. 973, 68th Cong., 2d Sess. 3 (1925).

[62] *See Hurley v. Chavez,* S. Rep. No. 83–1081, *supra* note 28, at 75; *Steck v. Brookhart,* S. Rep. No. 69–498, *supra* note 24, at 2.

[63] D. Tibbetts, *supra* note 38, at 60.

[64] *See Durkin v. Wyman,* S. Rep. No. 94–156, part 1, *supra* note 29, at 35; *Hurley v. Chavez,* S. Rep. No. 83–1081, *supra* note 28, at 276.

[65] *Hurley v. Chavez, id.* at 55.

[66] *Id.* at 16. In the *Sweeney v. Kilgore* contest, 22 investigators hired by the committee spent a total of 7,006 man-days over a period of 18 months conducting field investigations. S. Rep. No. 81–802, *supra* note 29, at 6.

[67] *See Edmondson v. Bellman,* S. Rep. No. 94–597, *supra* note 29, at 27–50; *Steck v. Brookhart,* S. Rep. No. 69–498, *supra* note 24, at 23–33.

[68] *See Pritchard v. Bailey,* S. Rep. No. 1151, 72d Cong., 2d Sess. 1 (1933); *Hoidale v. Schall,* S. Rep. No. 1066, 72d Cong., 2d Sess. 6 (1933).

[69] *See Willis v. Van Nuys,* S. Rep. No. 76–281, *supra* note 56, at 2; *Heflin v. Bankhead,* S. Rep. No. 72–568, *supra* note 61, at 20–21.

[70] *E.g., Sweeney v. Kilgore,* S. Rep. No. 81–802, *supra* note 29, at 18; *Hook v. Ferguson,* S. Rep. No. 801, 81st Cong., 1st Sess. 1 (1949); *O'Conor v. Markey,* S. Rep. No. 80–1284, *supra* note 59, at 17; *Steck v. Brookhart,* S. Rep. No. 69–498, *supra* note 24, at 15; *Bursum v. Bratton,* S. Rep. No. 69–724, *supra* note 56, at 10.

[71] *See Hurley v. Chavez,* S. Rep. No. 83–1081, *supra* note 28, at 5. The Senate rejected the committee's recommendation and permitted Chavez to retain his seat.

[72] S. Rep. No. 94–156, part 1, *supra* note 29, at 1.

[73] S. Rep. No. 94–597, *supra* note 29, at 1–2.

[74] Although the standard has not been expressly stated by the committee in these terms, this would appear to be the most accurate characterization of the burden of proof that the committee has applied in election contests. *See, e.g., Wilson* v. *Vare,* S. Rep. No. 47, 71st Cong., 2d Sess. 2 (1929) (''it must be found, not beyond a reasonable doubt, perhaps, but it must be the conviction of reasonable men, at least, that the proof sustained the charges'').

[75] *Pritchard* v. *Bailey,* S. Rep. No. 72–1151, *supra* note 68, at 1.

[76] *O'Conor* v. *Markey,* S. Rep. No. 80–1284, *supra* note 59, at 14; *Wilson* v. *Vare,* S. Rep. No. 71–47, *supra* note 74, at 5 (1927); *Sweeney* v. *Kilgore,* S. Rep. No. 81–802, *supra* note 29, at 7.

[77] *Id.* at 18; *Edmondson* v. *Bellmon,* S. Rep. No. 94–597, *supra* note 29, at 22; *Heflin* v. *Bankhead,* S. Rep. No. 72–568, *supra* note 61, at 21; *Senate Election Cases, supra* note 5, at 384 (In *Sweeney* v. *Kilgore,* the committee found that fraudulent ballots did not effect the outcome of the election; therefore, the committee recommended that the state-certified victor retain his seat.).

[78] For example, in the *Hurley* v. *Chavez* contest, the committee adopted a number of evidentiary presumptions to govern its recount. Two examples are illustrative. The recount rules provided that, absent direct or circumstantial proof to the contrary, any erasure marks on a ballot would be treated as made by the voter and the ballot would be thrown out. On the other hand, where a ballot had been mutilated or had its secret number exposed, absent proof to the contrary, someone other than the voter would be deemed responsible and the vote would be counted. S. Rep. No. 83–1081, *supra* note 28, at 268.

[79] Likewise, the Senate is not bound by the decisions of state courts or the results of state recount proceedings, though such state determinations are often accorded ''great weight.'' *Johnson* v. *Schall,* S. Rep. No. 69–1021, *supra* note 53, at 9. For additional references, *see supra* note 29.

[80] 121 Cong. Rec. 18620 (1975).

[81] *See* 84 Cong. Rec. 3611 (1939) (statement of Sen. George); 76 Cong. Rec. 3544 (1933) (statement of President pro tempore). *See also Riddich's Senate Procedure, supra* note 32, at 706.

[82] *Id.* at 560. In the *Durkin v. Wyman* contest, both parties, together with their counsel, were permitted to sit in the rear of the Senate chamber during the debate. *See* D. Tibbetts, *supra* note 38, at 123. Durkin, by unanimous consent, was given the privilege of the floor. 121 Cong. Rec. 1472 (1975). No such motion was required for Wyman, as he already had floor privileges as an ex-senator.

[83] *See* S. Res. 2, 70th Cong., 1st Sess., 69 Cong. Rec. 338 (1927) (according William Vare ''the privileges of the floor of the Senate for the purpose of being heard touching his right to receive the the oath of office and to membership in the Senate''). There were even early instances when counsel for the parties were permitted to address the Senate. *See* 17 Annals of Cong. 187–207 (1808) (statement of Francis Scott Key); *id.* at 207–234 (statement of R.G. Harper).

[84] *See, e.g.,* S. Res. 123, 76th Cong., 1st Sess., 84 Cong. Rec. 4183 (1929) (*Willis v. Van Nuys*); S. Res. 115, 76th Cong., 1st Sess., 84 Cong. Rec. 3611–12 (1929) (*Neal v. Steward*); S. Res. 343, 72d Cong., 2d Sess., 76 Cong. Rec. 3544–45 (1933) (*Hoidale v. Schall*).

[85] *See* S. Res. 142, 81st Cong., 1st Sess., 95 Cong. Rec. 10321 (1949) (*Sweeney v. Kilgore*); S. Res. 141, 81st Cong., 1st Sess., 95 Cong. Rec. 10321 (1949) (*Hook v. Ferguson*); S. Res. 234, 80th Cong., 2d Sess., 94 Cong. Rec. 6160 (1948) (*O'Connor v. Kilgore*).

[86] *See* S. Res. 194, 69th Cong., 1st Sess., 67 Cong. Rec. 7301 (1926) (*Steck v. Brookhart*).

[87] *See, e.g., Senate Election Cases, supra* note 5, at 333 (Frank L. Smith, 1926–28); *id.* at 328 (*William B. Wilson v. William S. Vare,* 1926–29); *id.* at 283 (William Lorimer, 1910–12). *But see id.* at 314 (*Daniel F. Steck v. Smith W. Brookhart,* 1925–26).

[88] *See e.g.,* S. Res. 346, 72d Cong., 2d Sess., 76 Cong. Rec. 5008 (1933); S. Res. 256, 69th Cong., 1st Sess., 67 Cong. Rec. 12633 (1926); S. Res. 211 & 212, 69th Cong., 1st Sess., 67 Cong. Rec. 10563–64 (1926); S. Res. (unnumbered), 47th Cong., 1st Sess., 13 Cong. Rec. 2047 (1992); S. Res. (unnumbered), 46th Cong., 3d Sess., 11 Cong. Rec. 1911–12 (1991).

[89] *See* 79 Cong. Rec. 14449–50 (1935) (declining payment of attorney's fees for contestant and memorialists in *Henyr v. Holt* election contest).

[90] S. Res. 247, 94th Cong., 1st Sess., 121 Cong. Rec. 39861 (1975).

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions.

Coats/Gregg amendment No. 1071 (to Amendment No. 1070), to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute.

Specter amendment No. 1069, to express the sense of the Senate that the Attorney General has abused her discretion by failing to appoint an independent counsel on campaign finance matters and that the Attorney General should proceed to appoint such an independent counsel immediately.

Coats/Nickles amendment No. 1077, to prohibit the use of funds for research that utilizes human fetal tissue, cells, or organs that are obtained from a living or dead embryo or fetus during or after an induced abortion.

AMENDMENT NO. 1077

The PRESIDING OFFICER. Amendment No. 1077 is now pending.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, we will be resuming discussion of the amendment I offered last evening. I don't intend to repeat all that I said last evening. I do know there are a few other Senators who wish to speak on this amendment, and, hopefully, we can accomplish that in a reasonable time and then move to a vote.

It is not my intention to utilize this amendment as a means of delaying a vote on the larger appropriations bill or specifically on the amendment that we adopted last evening, increasing funding for Parkinson's research, an amendment I supported and worked together with Senator WELLSTONE and others on this effort. I was pleased the Senate adopted my amendment related to the whole area of medical research so that we can commission a study which would give us, before the next appropriations and authorization cycle, a better idea of how we can direct research funds to achieve the greatest good for the greatest number.

There are allocations currently made on the basis of who has the best lobbying effort and perhaps who has the best champion in the Congress. While I don't in any way mean to impugn the motives of anyone here who is putting their heart and soul into providing support for research on a disease that affects them or that they believe is important and critical, I do think that in the interest of the widespread number of diseases that are currently under research at NIH and other places and the Federal funds that are used for that research, having a better understanding of where we can best apply those dollars to achieve the breakthroughs that can prevent the suffering and, hopefully, provide the cures for a number of these diseases is the direction we ought to go. We adopted that amendment last evening, and I am pleased the Senate supported that.

This particular amendment is designed to address a specific issue that relates to the utilization of human fetal tissue in research in a number of neurological disease areas. There is a broader question of whether we ought to utilize human fetal tissue and put restrictions on how that is sustained as

applies to neurological research in a whole number of areas—Parkinson's, diabetes, and there are a number of other neurological traumas that this could apply to. However, this specific amendment applies only to research in Parkinson's.

I offer it because this is really the issue in terms of where we are applying specific research and increase in research dollars, and we will leave the discussion as it applies to other neurological disease research areas to the NIH reauthorization bill or a more appropriate time. But I believe it is relevant to this particular issue because we are addressing the question of Parkinson's research.

I will summarize the two arguments that I made last evening. One is that we really don't have a pressing need to utilize human fetal tissue obtained through abortions other than human fetal tissue that is obtained through spontaneous miscarriages and through ectopic pregnancies. Because we have available to us some information that indicates that there is a diminishing viability of the utilization of human fetal tissue for Parkinson's research—it hasn't proved to be the promising breakthrough that we once thought it would be—there are alternatives to the utilization of human fetal tissue, specifically cell engineering, specifically utilization of animal fetal tissue, genetic engineering, and some other alternatives.

Second, there are more promising areas of research that don't involve human fetal tissue at all, that involve brain implants, that involve a number of other research areas which I could detail, but I did last evening and I won't do that again.

More importantly, however, than the question of whether or not this is even necessary to continue significant and important human fetal tissue in Parkinson's research, more importantly and most importantly, there are ethical considerations that I believe ought to give us significant pause before we just simply allow the utilization of human fetal tissue research.

A number of moral and ethical questions have been raised, and I raised those last evening. I think Members ought to consider those, particularly those who perhaps don't have a personal concern about the utilization of fetal tissue research. It ought to be considered by them particularly since we have alternatives that allow us to address this problem without utilization of human fetal tissue for this research. If medical research becomes dependent on widespread abortion—and this is a concern because if human fetal tissue is determined to be effective in treatment, when we look at the whole widespread area of neurological research, we are talking of potentially utilization of fetal tissue of up to 20 million fetuses. That presents a wrenching dilemma for those of us, and I think that is most of us in this body, who believe that abortion ought to be rare, if not banned. For those who say it ought to be legal, safe and rare, we certainly would not be moving down a path that would allow us to limit abortions to only those that are most medically necessary.

Second, let me just say that the dilemma that is posed is that the person who is responsible for the termination of the life of the child is the very person who gives the consent for the use of fetal brain tissue from that particular child. It is not consent of the child for utilization of the tissue. The very person who volunteers to have an induced abortion gives consent for the utilization of fetal brain tissue for one who has no voice in that consent. I think that presents a real ethical and moral dilemma that each of us ought to contemplate before we cast our vote in favor of the use of human fetal tissue.

Third, I think there is a concern that we might be encouraging abortion by covering it with a veneer of compassion. ''After all, there is a benefit,'' the thinking goes. ''There is a benefit to this abortion because the product of the abortion can be used in alleviating human suffering.''

We all want to alleviate human suffering. We all want to do everything that we possibly can to find a cure for these diseases. And yet we have to be confronted with the moral and ethical dilemma of the possibility of the abortionist, the person encouraging the abortion, covering the fundamental underlying question about the life of a child by saying, ''Well, after all, we can mitigate your concerns because look at the good that it will do, the side benefit of the good that it will do.'' Ultimately that is a question that is a great question that ought to be pondered by each of us before we just simply say there is a great benefit to this fetal tissue research.

So on the narrow question of whether or not fetal tissue is necessary for significant Parkinson's research, I think we have answered the question in saying it isn't. There are alternatives available and there are many more promising areas of research that can lead us to breakthroughs in Parkinson's research.

And on the question of the moral, ethical dilemma, we can address that dilemma, particularly in this specific narrow area, by not allowing the use of human fetal tissue research with the exception that the research can go forward with fetal tissue obtained from spontaneous abortions or fetal tissue obtained from ectopic pregnancies.

So it seems to me that we have addressed this issue in a way that allows the research to go forward, utilization of alternatives other than induced abortions, on a voluntary consent basis, and in ways that will not present us with this horrible ethical and moral dilemma that I think deserves great consideration before Members vote. That is the crux of the dilemma that I have presented. I hope Members consider that carefully before they cast their votes and not simply be caught up in ''this is anti-Parkinson's, this impedes Parkinson's research, this has nothing to do with abortion, this has nothing to do with the fundamental moral questions here.''

We can address this and then save and reserve the greater debate in terms of utilization of human fetal tissue for other neurological research at a time when we are addressing that specific bill. So that is the crux of the argument, Mr. President.

I yield the floor at this particular point in hopes that we can move forward to a successful resolution of this particular issue. Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, one thing should be very clear in this discussion. This is not a debate that pits those who are pro-choice against those who are antiabortion. In fact, it is not a debate about abortion at all. The issue is whether Americans suffering from a host of dreaded diseases are going to have the benefits of the best and most ethical medical science possible.

Though the Senator has targeted his particular amendment on one particular disease, there is a broader issue that is raised and that ought to be considered, because if we accept it for this disease, it is going to be accepted obviously for the other diseases of which this process, this procedure is applicable.

Mr. President, let us review the record. And there is an extensive record because the Senate has already voted on this issue a number of times and spoken decisively in favor of ethical, controlled, scientifically valuable fetal tissue research.

In 1988, a Reagan commission, a panel of experts consisting of theologians, scientists, legal experts, ethicists, and pro-life activists studied this issue extensively and voted 18 to 3 to lift the moratorium on fetal tissue transplantation research.

In 1992, both the House and the Senate overwhelmingly approved bills to lift the moratorium. The vote in the Senate was 87 to 10. This legislation was vetoed by President Bush.

Again in 1993, the Senate voted to approve fetal tissue funding for this vital research. That vote was 93 to 4.

Each of these votes was preceded by exhaustive debate, careful consideration of all the issues and concerns associated with fetal tissue research. Each time the support for and recognition of the need for this research was overwhelming. Over the last decade, opponents of fetal tissue research have attempted to create a connection between abortion and fetal tissue testing. The use of fetal tissue in medical research cannot and should not be associated with the abortion issue. Past and

present supporters, pro-life and pro-choice alike, have clearly stated that fetal tissue research is a medical, not a moral, issue.

Many of my antiabortion colleagues, including Senator Dole and Senator THURMOND, spoke in support of fetal tissue research during the 1992 debates. They, like many others, recognized that supporting this research is the true pro-life position because it offers hope and a chance for a better life to individuals suffering from such terrible afflictions such as Parkinson's disease, Alzheimer's disease, cancer, birth defects, and spinal cord injuries.

Yesterday, we heard a number of arguments against this research. And I would like to review and respond to these arguments for the benefit of my colleagues because they are based on a misunderstanding of the facts.

First, we heard that fetal tissue research was no longer needed for the study of Parkinson's disease. Information from the Parkinson's Action Network was cited in support of these claims. I have today a letter from the Parkinson's Action Network correcting the RECORD. The letter states that fetal tissue transplant research shows tremendous promise. In fact it shows such promise that persons currently afflicted with Parkinson's are looking to the research as a likely source of major therapeutic benefit to them—if the research is not halted.

The letter further states that alternative sources of cells, such as genetically engineered cells, pig cells, and stem cells, may eliminate the need for cells from abortions to be used in the future. At the present time, however, it is vital that the research be allowed to continue so that the therapy and the alternative cell sources can be developed at the same time.

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

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

PARKINSON'S ACTION NETWORK,
September 3, 1997.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: Senator Coats' remarks have cited the Parkinson's Action Network's fact sheets, but by taking them out of context twisted their message. The following is the case:

Fetal tissue transplant research shows tremendous promise (see attached memo). The research in fact shows such promise that persons currently afflicted are looking to the research as likely to be a major therapeutic benefit to them—if the research is not stopped.

The alternative sources of cells, such as genetically engineered cells, pig cells and stem cells, will prevent the need for aborted tissue to be needed in the future. At this point, however, it is vital that the research be allowed to continue, so that the therapy can be developed and the alternative cell sources developed at the same time.

There is not one reported violation of the ethical protections separating the abortion decision and the abortion procedure from the use of tissue. See GAO Report, March 1997. Thus, contrary to Senator Coats statements there is no evidence of changes in the abortion procedure in any instance at all.

Sincerely,

JOAN L. SAMUELSON, J.D.,
President.

Mr. KENNEDY. We also heard allegations that providers were altering the methods of abortion to obtain tissue suitable for research purposes, thereby putting women's health at risk.

NIH guidelines provide that ''no abortion should be scheduled or otherwise accommodated to suit the requirements of research.'' To do so would be a clear violation of the safeguards that Congress enacted into the law.

As part of its 1997 study of adherence to these and other guidelines to assure that the research was conducted ethically, the GAO contacted the NIH's Office of Protection from Research Risks as well as the institutional review boards of each of the institutions conducting fetal tissue research and found that no violations of tissue donation restrictions had been reported or detected. None.

My staff called NIH this morning to verify that no violations have been detected or reported since the GAO study was completed, and we were told that there were none.

Concern was also expressed that the success of fetal tissue therapies would create an economic link between abortion providers and the research community. Again, I point to the NIH safeguards which prohibit the purchase of fetal tissue. Since no economic incentives exist for abortion providers, it is impossible to create an economic link between providers and the research community.

This issue has been debated and debated. Each time the opponents of the research have tried to argue that fetal tissue research will somehow stimulate abortions. Each time these arguments have ignored the extent of safeguards built into the law and regulations to assure that there is no link between the decision to have an abortion and the decision to allow fetal tissue research to be conducted. Each time these arguments have been rejected by the Senate and the American public.

The preservation and enhancement of life is the foundation of this research. Fetal tissue research and transplantation are not just clinical abstractions, they are transforming the lives of Americans every day.

A 55-year-old man who suffered with Parkinson's disease for more than 20 years and had lost much of his mobility is now able to climb mountains. A 58-year-old woman suffering from the disease for 14 years used to begin her day by literally crawling to take her first dose of medication. She is now able to ski and play tennis.

The benefits of fetal tissue research are not limited to Parkinson's disease. Recent breakthroughs in the study of treatments for a host of other diseases and conditions, including diabetes, Alzheimer's disease, spinal cord injuries, blindness, Huntington's disease, cancer, birth defects, multiple sclerosis, and conditions causing intractable pain, are the direct result of fetal tissue research conducted on Parkinson's disease. If this amendment is adopted on this disease, it will be readily applied to those as well.

Any attempt to turn back the progress made in this area by placing restrictions on Parkinson's research will jeopardize further advances in the treatment of these conditions. These setbacks and delays will lead to unnecessary suffering for the millions of Americans afflicted with illnesses that are currently benefiting from Parkinson's research. Make no mistake about it, if the fetal tissue research is banned for Parkinson's disease today, it will be banned for every other disease tomorrow.

Every time this issue has been put to the Senate, it has spoken strongly in favor of ethical, scientific, promising medical research that offers hope to millions of Americans. I urge the Senate to reaffirm that commitment by rejecting the pending amendment.

Mr. President, I will take just a moment of the Senate's time to review the set of eight requirements that were established in the 1993 legislation.

First, informed consent of the donor must be obtained. Each woman must sign a written statement that she is donating fetal tissue for research without knowing who the recipient will be.

Second, the physician obtaining the tissue must make a written statement declaring that consent for the abortion was obtained prior to the consent of the donation and that the abortion was not performed solely for the purposes of obtaining the tissue.

Third, the researcher using the tissue must sign a statement acknowledging that the tissue is human tissue and that it was obtained from an induced abortion or stillbirth. He or she must also agree to inform all subsequent users or recipients of those facts.

Any recipient of transplanted tissue must sign a statement indicating that he or she is aware that the transplant tissue is human tissue and that it was obtained from an induced abortion or a stillbirth.

Each agency head must certify that copies of all signed statements will be available for audit by the Secretary of HHS.

Recipients of funding for research must agree to conduct research in accordance with applicable State laws.

HHS must submit an annual report to Congress detailing compliance with these requirements.

And the purchase of fetal tissue is prohibited and no donated tissue can be transplanted into a recipient specified by the donor.

These were guidelines developed by theological, ethical, and religious people, as well as researchers. And we have the GAO study. And I will include the relevant parts of this study that was conducted by the NIH reviewing this particular program from 1993 to 1997.

And as the results say—I am directly quoting ''Results in Brief''—''There's been no reported violations in the acquisition of human fetal tissue for use in transplantation according to NIH and our verification efforts.''

By just reviewing this report, and I will not take the additional time unless there are further questions about it, there is a very clear indication that the guidelines that have been established in the 1993 legislation have been conformed with. It does not say there have been some violations. It does not say there is an increasing number of violations. It does not say that the GAO recommends further congressional action. It says there have been no violations, none, in 1997.

Mr. President, at a time when there have been extraordinary opportunities for progress in treating Parkinson's disease and so many other diseases and conditions, and with the kind of protections that have been agreed to by ethicists, those religious and research panels investigating the utilization of this type of material, and with all of the hope and opportunity this provides to so many American families in addressing some of the most prominent ailments suffered by mankind, to try and restrict fetal tissue research in Parkinson's disease and in other areas would be a dramatic and a serious mistake and would have a very significant and, I believe, grave impact and effect on the research and the opportunity for important progress in helping to relieve the pain and anxiety associated with these various diseases.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to thank the Senator from Massachusetts for laying out the case as to why the Coats amendment ought to be defeated.

I also want to thank Senator PAUL WELLSTONE for working so hard on this issue. He shared with me some very important information from the Parkinson's Action Network, which also lays out the case in a very clear-cut way, by people who really know about what it is like to have this disease and how devastating it would be if the ban on fetal tissue research was put back into law.

For 8 years there was a ban on this research under the Reagan and Bush years. Finally, that ban was lifted, and we are seeing hope for many, many people all over this country. We really cannot go backward now.

I have said often on this Senate floor in relation to health issues that come before the Senate that when we act, we ought to act to improve the health of the American people. But at the minimum, Mr. President, we should do no harm. At the minimum, when we take a vote around here, we should make sure we are not hurting people.

I think the Coats amendment would definitely hurt people, a million people who have Parkinson's disease, not to mention the others who may well get it as a result of this amendment, because this amendment would stop the progress on fetal tissue research in reference to Parkinson's disease. The prohibition in this amendment eliminates medical research, which shows significant promise of treatment or prevention of this tragic disease.

Let's take a moment to talk about Parkinson's disease and the real people it affects. According to the NIH, almost 1 million people suffer from Parkinson's disease in the United States alone, with about 50,000 new cases reported each and every year. There is a myth out there that the symptoms begin appearing very late in life. That is not so. The symptoms begin fairly early in life, sometimes in the twenties, thirties, and forties. The average age of the disease is 57. I, myself, know several middle-aged mothers with children who suffer from this disease.

The hallmark symptom of Parkinson's disease is the shaking or trembling of a limb, and in the later stages, a slow shuffling walk and stooped posture, not to mention the effects on speech. I know one Parkinson's victim who actually has to crawl around his home—a proud, professional man who has to crawl around his home. The only hope he has, because he has told me this, is fetal tissue research. This man has a family. This man has grandchildren. They are watching this debate and they are praying that we will reject this amendment.

Will we deny these people the possibility of a healthier life, which may well result from fetal tissue research, which is already showing great promise, as Senator KENNEDY has said? Will we deny these people hope? Will we do harm today to these people when we have not yet found a cure for Parkinson's? I certainly hope not.

I received a letter yesterday from two medical doctors at the Parkinson's Action Network in Santa Rosa, CA. They emphasize the tremendous need to be able to continue to use fetal tissue in their fight against Parkinson's disease. Let me read from these physicians. They know what they are talking about.

> Neural cell transplantation using fetal tissue has greatly advanced our understanding of ways to replace degenerating cells in the brain. From this work, in addition, alternatives to fetal tissue may be developed. To close off arbitrarily any particular area of investigation is potentially to retard progress across a broad front by many months, perhaps many years.

They continue:

> The ban on fetal research during the 1980's was a crippling blow to progress in many areas, including Parkinson's disease, Huntington's and Lou Gehrig's disease, spinal cord injury, and diabetes.

These doctors are telling us don't go back to the eighties, don't go back to the years where we stopped this important research.

Mr. President, I will share with you the comments of Dr. Jack Lewin, a medical doctor who is executive vice president and CEO of the California Medical Association, the largest State medical association in the Nation, which has over 38,000 physicians. Dr. Lewin stated:

> Research involving the use of human fetal tissue is responsible, high-integrity research. Using human fetal tissue to find cures for or to alleviate the symptoms of diseases such as Parkinson's disease is a life-giving procedure.

Mr. President, I repeat that: ''Using human fetal tissue to find cures for or to alleviate the symptoms of diseases such as Parkinson's disease is a life-giving procedure.''

We are giving life with this procedure. Why would we vote to take away life by going back to the eighties when we had a ban on this because of politics? There is no place for that in this debate.

Dr. Lewin said that the California Medical Association promotes all legitimate research, including research involving fetal tissue. He continues:

> It is important to dispel the myth that this research promotes abortion. This is not the case. On the contrary, research involving fetal tissue promotes the healing of crippling diseases. This research shows promise and needs to be pursued.

Now, on the issue of abortion, I am going to refer to the history of this issue where in 1991 and 1992, there was legislation passed which directly confronted this ethical and moral issue which Senator COATS talked about today. He says we must confront this ethical and moral issue. He is right. We did do that. We did do that in 1991 and 1992. Let's discuss what is in place today in terms of the moral and ethical issues of abortion and fetal tissue research.

First, a woman may not be approached for consent to donate the aborted tissue until after she has made the decision to have an abortion. So, no woman can be told this prior to her decision.

Second, the donor may never be paid for donation of the tissue. It is outlawed. No one can get a single penny for donating fetal tissue.

Third, the donor may not designate who will be the recipient of the tissue, nor ever be informed of the recipient's identity.

This is not a question where, say, a daughter says, ''I will become pregnant, have an abortion and let my father regain the use of his life.'' This cannot be done.

I think what is very important to know is that if you violate this law, you could be punished by 10 years in a Federal prison. We had a report and the report came back: ''There have been no violations in the acquisition of human fetal tissue research for use in transplantation.''

So when Senator COATS talks about confronting the ethical and moral issues, those issues were confronted in 1991 and 1992, and the Research Freedom Act clearly addresses this issue.

There has been no violation at all. If all of our laws were so effective, I think we would be very proud.

Let me offer a specific example of how doctors are using fetal tissue to improve people's lives. Good Samaritan Hospital in Los Angeles was one of the first hospitals in the country to offer a new, promising surgical procedure using fetal tissue transplants. Many of the patients who received this procedure did so only after one of the most common drugs was no longer effective in helping their illness and their symptoms had worsened, some to the point where they compared their conditions to rigor mortis—in other words, total stiffness and inability to move.

Today, the vast majority of the more than 40 Parkinson's patients who have undergone the procedure at Good Samaritan have experienced moderate to substantial improvements in their condition. This is a life-giving procedure. This procedure gives life, gives movement to people. The issue of abortion is addressed in the Research Freedom Act and has been confronted and not one violation has occurred. We should be proud, all of us together.

According to Dr. Oleg Kopyov, more than 70 percent of the patients who got this transplant have shown ''statistically significant improvement'' on standard neurological tests. The other 30 percent are now taking 20 to 40 percent less medication. None of the patients' Parkinson's symptoms have worsened following neurotransplantation.

Do no harm. We should do no harm. The Coats amendment does harm, direct harm, to good Americans, and it takes away hope from a million people with Parkinson's in America. Said hospital neurosurgeon Dr. Deane Jacques:

> We are proud to be in the forefront of treatments like neurotransplantation, which clearly have enhanced patients' quality of life.

Yet another example of the tremendous effects and great potential of this research comes from Colorado. A professor at the University of Colorado Health Sciences Center, who is conducting a study using fetal tissue, described the incredible effects on one participant earlier this year. He is quoted as saying:

> We have a woman who could never walk prior to taking her first dose of drugs in the morning. Now she can walk before her first dose of drugs, and has resumed playing tennis. A typical transplant patient cuts the drug by 40 to 50 percent.

Why would we inject ourselves into this important nonpolitical health issue when, in fact, the issue of abortion has been successfully addressed in the Research Freedom Act? I cannot understand why this amendment is before us.

Mr. President, these are significant results of helping people. Why would we even consider closing the door on this promising life-giving research? We make progress in research by opening doors, not by closing doors.

I want to bring back the words of South Carolina Senator STROM THURMOND that he spoke on this Senate floor in 1992 when he urged this body to lift the ban on fetal tissue research. He said, ''We cannot afford to lose this opportunity to develop a cure.''

The Senator was speaking in reference to his daughter Julie, who has diabetes. He stated, ''As a parent of a diabetic, I have a personal appreciation for the urgent need for a cure.'' Those were Senator THURMOND's words back then.

No doubt this sentiment is shared today by the parents, siblings, and children of those suffering from serious debilitating diseases such as Parkinson's disease.

Senator COATS said we are only stopping the fetal tissue research for Parkinson's disease. Yes, that is on this bill. What is the next one going to be? Alzheimer's? What is the next one going to be? It is not a good precedent. We took care of this issue. Anti-choice politics should not get into this debate. This is not about choice. It is about health. We addressed the issue. Let's move on.

I am going to quote again from Senator THURMOND, whose words 5 years ago captured the essence of the issue before us today, when he stated:

> This is not a debate about abortion. This is a debate about allowing federally sponsored research that will serve humanity and may save thousands of lives. Passage of this bill [to allow fetal tissue research] should improve the quality of life for many people with devastating diseases and disabilities.

Supporters of this amendment may argue that fetal tissue research could still continue if this amendment were passed, as the ban would not apply to tissue obtained from spontaneous abortions or ectopic pregnancies.

But, Mr. President, we have heard this argument before. It remains as weak as ever. Doctors have addressed this issue in earlier debates, and have stated that tissue from spontaneous miscarriages is often diseased and is difficult to collect in a safe and timely fashion to preserve the viability of the cells. The same applies to ectopic pregnancies, which produce tissue that is likely to be non-viable due to the lack of blood supply.

So, really, we addressed this issue before. There has not been one violation. A woman may not be approached for consent to donate the aborted tissue until after she has made the decision to make the abortion. The donor may never be paid for donation of tissue, and the donor may not designate the recipient of the tissue. A GAO study reports not one violation. And if there is, someone is going to jail for 10 years. The issue has been addressed.

Mr. President, doctors have made significant progress toward understanding and treating serious debilitating diseases, such as Parkinson's disease, through research involving fetal tissue. But we are not there yet. I know that my phone has been ringing off the hook from people who have Parkinson's disease. Some are pro-choice. Some are anti-choice. They know that issue was addressed in 1991 and 1992. They know that the only hope they have is for the doors of research to continue to be open.

I am so pleased that we will be spending more on Parkinson's disease. I want to see us double the research at NIH. And I have joined with Senators MACK, SPECTER, DURBIN, and others to make that a reality.

The enemies we face are right here at home. We fear that a loved one will get cancer. We fear that a loved one will get AIDS. We fear that a loved one will fall ill. We fear that we are going to lose our parents to Alzheimer's. These are legitimate fears, and these are legitimate areas for the Federal Government to be involved in.

I will say this. When Senator COATS says we have to confront ethical and moral issues, he is right. But what I don't understand is why he isn't proud of the Research Freedom Act, which does, indeed, protect against people saying, ''Well, I am going to get an abortion because I can get money for this fetal tissue,'' when, in fact, that has never happened. That cannot happen. And it will not happen as long as we keep the Research Freedom Act in place. And there is not one Member of this Senate that I know of who isn't a strong supporter of that.

So, Mr. President, today we have a million Americans with Parkinson's watching the debate, and we have millions of other Americans with other diseases and families who love and adore these family members hoping that we will not take a step backward. I have faith that we will not do so.

I hope that we will vote down the Coats amendment. I hope we will continue the progress. I hope we will all continue to support the Research Freedom Act so that we can feel we did everything we could to ensure that this research is ethical.

Thank you very much.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, let me make two points. One is that I don't need to be reminded by the Senator from California about the ravaging effects of Parkinson's disease, having watched my grandfather suffer and die from Parkinson's, and having watched my father suffer and die from complications from Parkinson's. I am well aware of the debilitating nature of Parkinson's disease. I think many of us have had personal experiences with that. I have not mentioned that before. But I think the implication is that if one truly understood Parkinson's, you couldn't begin to support the Coats amendment. I think I truly understand Parkinson's and what it does and how it affects an individual, how it affects family and loved ones. There is the

very real possibility that it is genetically induced and that I may go through the same experience.

Second, let me just state for those who suggest that there is no hope for the millions of Parkinson's sufferers, there is great hope for the millions of Parkinson's sufferers. There is hope because, No. 1, fetal tissue research can continue if the Coats amendment is adopted. I do not deny research utilizing human fetal tissue through this amendment. I simply say that that fetal tissue cannot be obtained through induced abortions. It can be obtained through spontaneous abortions, miscarriages, or ectopic pregnancies.

But, second, there is hope because there are so many viable, wonderful alternatives that are now being researched which offer far more promise than the fetal tissue research. If you want to continue fetal research—and it probably should be continued—that fetal tissue can be obtained through sources other than human fetal tissue. In fact, it is much more promising now using animal tissue. There are a number of alternatives being explored, both through the use of cell engineering techniques, genetic engineering, and other developing cell lines.

There are also alternatives outside tissue research that hold some promise. Perhaps the recent discovery of a gene that has an effect on Parkinson's, which perhaps is the cause of Parkinson's, albeit for a percentage of people and not for all the people, offer hope. So there is great hope. There is great promise in Parkinson's research. And nothing in this amendment denies that hope, denies that promise.

So I think Members need to understand when they are voting for the Coats amendment that it is a way to preserve and continue Parkinson's research. But it is done so in a way that avoids what I think is a potential significant, ethical, and moral dilemma in terms of utilizing human fetal issue without the consent of the person giving the tissue.

The very person who makes the decision to terminate that life is not the person who gives the consent to utilization of the tissue. That is a moral and ethical dilemma that I think is important for us to explore.

So for those two reasons, I think the Coats amendment is more than a reasonable amendment. I hope my colleagues will support it.

With that, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, before the debate goes any further, I ask unanimous consent that a vote occur on or in relation to the pending amendment at 12 noon today, and that the time between now and noon be equally divided in the usual form with no amendments in order prior to the 12 noon vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself such time as I may consume on this issue.

Mr. President, this amendment is an attempt to revisit an issue that has been settled and should remain settled. It attempts to reverse a decision supported by both pro-choice and pro-life Senators alike. The last time this body voted on this issue, the vote was 93 to 4.

The ban on fetal tissue research was lifted 4 years ago. Since that time, the NIH has awarded over $23 million in grants for research involving the study, analysis, and use of fetal tissue. This research holds the potential to provide tremendous advances in the treatment of debilitating conditions such as Parkinson's, diabetes, Alzheimer's, Huntington's, epilepsy, blindness, multiple sclerosis, leukemia, and a host of other illnesses.

The issue of fetal tissue research has been debated, as I said, and legislated by the Congress. The Senate voted 93 to 4 that the benefits of this research far outweigh the unsubstantiated fears and concerns that it would lead to increases in abortions.

The bill enacted in 1993 established rigorous standards to safeguard against any potential that the needs of researchers would affect individual decisions about abortion. Those safeguards are in place and they are working. In 1997, a GAO study of the safeguards reports that ''the act's documentation requirements were met'' and that there have been no reported violations in the acquisition of human fetal tissue for use in transplantation.''

These safeguards were not written specifically to address research involving Parkinson's disease, but all research using fetal tissue. There is no need to revisit this debate as it relates to research on Parkinson's. The research being conducted today with fetal tissue is also providing new techniques such as specialized cell lines and genetically engineered cells. In fact, the development of these new technologies may well eliminate the need for using fetal tissue for research purposes in the future.

Mr. President, yesterday I received a letter from Joan Samuelson, president of the Parkinson's Action Network. It was addressed to Senator KENNEDY and others. I would like to read for the RECORD what she had to say. Her letter starts:

For decades, despite the eight-year ban on federal support for the research, significant progress has been made in the therapeutic benefit of cell transplants, including the following:

Major progress has been made in confirming the new neural cell transplant process works. In the last two years, post-mortem review of transplanted cells has proven that the transplanted cells can take hold in the host brain and produce dopamine, thereby replacing the dopamine in the body.

Major progress has been made in developing an alternative source of tissue for transplantation, so that when a therapy is available to the public, it will not be dependent on elective abortions. Several alternatives are in development, including use of porcine (pig) cells, stem cells and genetically engineered cells.

The research is also providing valuable insights into the fundamental issues of Parkinson's cause. For example, the transplanted cells do not appear to be affected by the underlying disease process: While the original cells continue to degenerate, the transplanted ones do not continue to degenerate. This fact is giving essential clues into the nature of the cause and disease process.

The transplanted cells are proving more and more effective at treating Parkinson's symptoms. A few transplant patients are now off medication and symptom-free—a dramatic change.

Mr. President, I ask unanimous consent that the entire text of the Samuelson letter be printed in the RECORD.

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

PARKINSON'S ACTION NETWORK,
Washington, DC, September 3, 1997.

Hon. EDWARD KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: For decades, despite the eight-year ban on federal support for the research, significant progress has been made in the therapeutic benefit of cell transplants, including the following:

Major progress has been made in confirming the neural cell transplant process works. In the last two years, post-mortem review of transplanted cells has proven that the transplanted cells can take hold in the host brain and produce dopamine.

Major progress has been made in developing an alternative source of tissue for transplantation, so that when a therapy is available to the public, it will not be dependent on elective abortions. Several alternatives are in development, including use of porcine (pig) cells, stem cells and genetically engineered cells.

The research is also providing valuable insights into the fundamental issues of Parkinson's cause. For example, the transplanted cells do not appear to be affected by the underlying disease process: while the original cells continue to degenerate, the transplanted ones do not. This fact is giving essential clues into the nature of the cause and disease process.

The transplanted cells are proving more and more effective at treating Parkinson's symptoms. A few transplant patients are now off medication and symptom free—a dramatic change. Although the first clinical trials are still ongoing, initial results indicate that even in these initial experimental stages the typical patient is able to reduce medication dramatically—thereby also reducing the related side effects—while also significantly lessening Parkinson's symptoms.

The Parkinson's research has created a research base which is now being used for important research using neural cell transplantation to treat many other diseases and disorders including diabetes, spinal cord injury, blindness, Huntington's disease, intractable pain, Alzheimer's disease, cancer, birth defects and Multiple Sclerosis.

Sincerely,

JOAN I. SAMUELSON, J.D.,
President.

Mr. HARKIN. Mr. President, the letter points out that we are making progress, that we are discovering new things. Now is not the time to revisit

this issue. This issue has been settled and I believe we ought to leave it alone. As we have said, the studies have shown that the safeguards we put in place are working. No violations have been encountered, and I believe the best course of action is to stay the course that we have had since 1993, and, of course, I think at the appropriate time there will be a motion made to table the Coats amendment. And I urge all Senators to support that motion to table and to continue what we have been doing since 1993 in providing for fetal tissue research but with adequate safeguards to ensure that unintended consequences do not happen because of this research.

Mr. President, I yield the floor. 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. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask the Senator from Idaho for such time as I need.

Mr. CRAIG. No objection.

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

Mr. NICKLES. Mr. President, I rise in support of the amendment of the Senator from Indiana [Mr. COATS] to prohibit the use of Federal money to conduct research using fetal tissue on Parkinson's disease, fetal tissue that is produced from elective abortion. The Coats amendment exempts spontaneous abortions, exempts ectopic pregnancies. But really the thrust of his amendment is that we do not want to turn abortion clinics into mills producing tissue that is used for research.

I support his amendment. I do think it is immoral to use fetal tissue from elective abortions for medical research. I think occasionally we have to make moral statements. Do we really want to allow abortion clinics to harvest material to be used for research in whatever disease? In this case it is Parkinson's disease. Do we really want that to happen in this country?

We had a prohibition on it for years. It was not done for years. Now some people think that maybe it would be a good idea. Tissue can be harvested, can be used if the abortion is spontaneous, but not in the case of elective abortions. Do we want to have a situation where an individual goes in and kills a human being, although not yet born, maybe up into the eighth month of pregnancy, kill that unborn human being and use that human being's cells for medical research? I do not think so, and I do not think we should fund it.

The Senator from Indiana should be complimented for his amendment. I wish that this amendment was not necessary. I heard yesterday that NIH or someone has alluded to the fact that NIH, had no objections to the amendment.

So I am maybe a little bit surprised that others are opposing this amendment as aggressively as they are. I urge my colleagues to support the Coats amendment. I think it is a good amendment. I regret that it is needed, but it is needed. I think it is important. I do not think we as a country want to have a national policy allowing abortion mills to kill unborn children and use their body parts for medical research. That is a serious issue. That is what we are voting on. So I urge my colleagues to vote in favor of the Coats amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, I ask unanimous consent to speak on the bill and not have the time charged to either side on this amendment.

Mr. COATS. Mr. President, I yield to the Senator from Missouri such time as he requires.

Mr. BOND. Mr. President, I thank the acting manager of the bill.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thought, as children are going back to school across the country and in our States, we ought to take a few moments to think about the education they are receiving and how we as parents, not just in our role as legislators, can make a real difference in how our children develop.

The truth is, we have come to know the foundations of learning begin long before a child ever gets to school. Babies from birth to age 3 years old are learning fundamental language skills at this time. Research tells us that 50 percent of a child's mature learning intelligence develops by the time that child is 3 years old. We can play a very large role in determining how successful that learning function is. We do this by reading to children even before they are old enough to hold a book. We do this by talking to them. We do this by interacting with them.

Over the August recess I traveled around the State of Missouri, focusing on the issue of literacy and working with young children who were in preschool classes or, in Missouri, in our Parents as Teachers Program. I found it to be a very exciting, a very interesting, and a rewarding experience, and one that I hope we can show—all of us, as colleagues, as others who are concerned—is a very rewarding activity for the parents.

We have always thought that early childhood was a key learning time. That is common sense. But now we have seen it validated by science. The development of children's learning skills depends upon the child's exposure to language in the earliest years. What we do to encourage and stimulate literacy, reading ability, communicating ability, in very young children, is going to provide the basis of their success later in life.

When you come to think about it, reading is the basic skill. Learning to understand, to read and communicate is absolutely essential, particularly as we live in a complex society. Most of us think about reading and learning as part of the economic process of getting a job. I can tell you that my experiences in job training in the years when I was Governor reemphasized the importance of that. In my second term as Governor we had an on-the-job training program for industries expanding in Missouri and creating new jobs. I will never forget visiting one facility where they were installing sophisticated computer-assisted manufacturing systems. They were very complicated. You had to understand a lot of science to do the job well. And these jobs were extremely high-paying jobs. As a matter of fact, one of the workers in one of those jobs, working a 2,000-hour year, would earn more than the Governor of Missouri would have at that time. The science had all developed since I last opened a science textbook in college.

They had a 6-week training program for these workers. Four of the weeks were devoted to teaching these workers to read, because so many of them had not learned the basic reading and understanding skills in school. The prize there was demonstrable; the prize was visible. If you could read and understand, you could operate one of these machines and earn more than the Governor of Missouri was earning. And there is no question, as I talked to employers around the State, they are looking for and begging for workers. But the workers have to be able to read and understand complicated instructions, because the tasks that the workers will be called on to perform, now and in the years ahead, are rapidly changing. They are changing with technology. And the people who are doing the work have to learn to read and understand the changed instructions.

So, reading is a fundamental skill, an absolutely essential skill to get ahead economically. But we ought not to focus ourselves just on the economic side. To be an informed citizen, to participate in our democratic form of government, requires that people read, be able to understand all the messages that are coming to them. Reading provides the basis for communicating and getting along in the world in many other ways—in social activities, in community activities. So, literacy really is the fundamental basis, the foundation for knowledge and for development of well-informed, well-attuned children in our communities, in our States and in our Nation.

Former First Lady Barbara Bush has made literacy her top priority, and I take my hat off to her. I think, as I see more and more of the challenges we face in this country, the more I understand that Mrs. Bush is right. Where people do not have the fundamental reading skills, they have significant problems.

One of the reasons I have been closely associated with this literacy project is following up on the Parents as Teachers program we have in Missouri. Parents as Teachers begins by providing assistance, on a voluntary basis, to parents of children from birth to 3 years old. We have found that parents who participate in this program with their children—No. 1, are able to avoid many of the serious learning problems that affect children today and require that they be put in remedial or special education; but we are also finding that in every measure of scientific testing, these children are scoring higher than their peers. When I talk to kindergarten teachers and elementary schoolteachers and administrators, they can see the difference in these children who have worked in the program where literacy is emphasized, where parents reading to their children is emphasized.

I spent the month of August trying to encourage more and more families in Missouri—parents, grandparents, aunts, uncles, caregivers—to read to their children to show that it is fun, but also to tell them that it is vitally important.

Also, we want to expand—and this bill does provide expansion of the opportunities for more States to participate in the Parents as Teachers Program. At my request, the chairman of the committee and the ranking member included $30 million to expand Parents as Teachers programs to other States around the country and to improve on the program. Already, 47 States participate, to some degree, in the program.

Early childhood learning and development is important, and we can do a much better job. The Parents as Teachers Program is one that has had tremendous success. Mr. President, 150,000 Missouri families voluntarily participate in that program every year, and if you want to know if the program works, I can refer you to any one of those 150,000 families, because they see it is working, they know it is working, and, Mr. President, this bill provides more resources to help start these programs in every school district in the country.

I hope there will be a time when we find that families, wherever they are, who want help developing the child's learning skills will be able to get the kind of assistance that is now available in Missouri. It can make a difference, and it will make a difference in our children's education, their preparation for the work force but, most of all, their preparation to take the role in society as responsible adults, as responsible parents themselves.

I urge my colleagues to join with me in supporting and keeping in the money for early childhood development. I hope to work with Senator KERRY and others to provide authorizing legislation in this session to expand on the opportunities to support early childhood development. Government programs are fine, but it all comes down to the responsibility of the parents, and that responsibility is very easy to outline, because the starting point is reading to children, relating to them and showing them the excitement and the wonders that are opened through reading of books and other materials.

I thank the Chair, and I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum. I beg your pardon. I withdraw that.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I yield myself up to 10 minutes off whatever time remains on this side.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

AMENDMENT NO. 1071 TO AMENDMENT NO. 1070

Mr. BINGAMAN. Mr. President, this morning, the appropriations subcommittee is having a hearing, as I understand it, to resolve the question about testing. The President has proposed a reading test that would be voluntarily made available to States and local school districts for fourth graders where the school wants to provide testing in reading, and one for eighth graders in mathematics.

There has been some controversy about this. Senator COATS from Indiana has proposed an amendment which would—the Coats amendment and the Gregg amendment together, as I understand it—essentially prohibit the use of funds to go forward with the development of these tests. I believe this would be a very grave mistake for this Congress to make if we were to prohibit the Department of Education from going forward with the development of these tests. I think the President's support on this issue has been strong. The White House has indicated that they would veto the legislation if, in fact, it did contain a prohibition on the use of funds to go ahead and develop these tests.

As I see it, the tests that the President has proposed and the Department of Education would like to develop and make available to school districts and to States is designed to allow parents, to empower parents, to understand the educational performance and the achievement level of their own children and how well the school that their child is attending is doing in preparing their child for a career later on.

The Coats amendment, as I said, would prohibit the development of the tests, and I think that would be a very serious mistake.

The problem we have today, frankly, is that every State that gives tests—and all of our States do give tests—every State that gives tests measures by a different standard how well their students are doing. Accordingly, you have some States where most all the students do reasonably well on the test that is provided, and there is a general perception that they are going to be fine. The general trend is that everybody thinks that although the school system nationally, the educational system nationwide, is in serious difficulty, they believe that their own child is getting a good education. It just doesn't add up. Every individual child in our country cannot be getting a good education and still have the vast majority getting a less than quality education.

What we need to do is to have a system where there is agreement as to what the standard is, there is agreement as to what the test results demonstrate, and then parents can make an intelligent decision about how their child is doing relative to other children, how their child is doing, how their school that their child attends is doing relative to other schools in that same district and relative to other schools in the State or in the Nation.

We have today what is called the National Assessment for Educational Progress test, and that is a test that in 43 States tens of thousands of students participate in on a voluntary basis. This test has been in place now for 25 years. The problem, of course, is that it is not available to most students. But clearly, communities, States, and school districts recognize that it is a good, objective assessment of how the students in the schools are doing.

What we are trying to do through the development of these new tests is to take the model that the NAEP, the National Assessment for Educational Progress, has developed and, essentially, have a test that then is available for each student in each school around the country where they want to have that test administered.

I believe this is important because I believe that improvement in education in the country is going to have to be driven by concern of parents. They are the ones who need to understand the quality of the education that their children are receiving. Without something like this test available, you are not going to have the level of concern by parents that is necessary in order to ensure and require the improvements in education that I believe are needed.

Let me just indicate that there is nothing that complicated about the tests that they are talking about giving here. The reading test is a simple one. One example is they essentially go through and ask fourth graders to describe Charlotte to a friend after they read a passage from the well-known book ''Charlotte's Web.'' That is a commonsense kind of a test that all of us would like our children to be able to pass. It is the kind of test which is appropriate to make available to all of our schools.

The same thing in math. The test there is a straightforward test. There is nothing convoluted or complicated about it. It tests basic math skills for eighth graders, and, goodness knows, everybody in this country, every parent I talked to believes their child should be prepared with a basic understanding of math by the time they complete the eighth grade.

Let me say, the business community strongly supports the President's initiative to have these tests available to States and school districts. There has been a call, a repeated call and a consistent call, by the business community to have more objective assessment going on in our schools so that we don't have so much rhetoric, but we have actual information, good solid information, about how well our students are doing.

That is exactly what employers require before they hire a person. They give them those objective tests to determine whether they have the basic skills in reading and in mathematics so that they can become productive employees. For us not to make those same kind of objective tests available in the schools before they get out into the workplace I think would be a serious mistake.

Not only does the business community support this, the public supports it. In the most recent national poll, 77 percent of the public that was questioned supported establishing national standards; 67 percent specifically supported using national tests, such as were described and supported by the President and the Department of Education.

I know that we have testimony being presented this morning. Secretary Riley is making the case before the Appropriations Committee. I hope very much that he will be persuasive to the members of that committee and that we can go forward with the funding of these tests as the administration intends.

I do think this is an issue that has great long-term consequences for our country. It would be a serious mistake for us to head this off. We already have a whole number of States—I see the distinguished chairman of the Appropriations Committee on the floor here right now. His State of Alaska has chosen to participate voluntarily in the use of these tests when they are made available. The superintendent of public instruction in my State of New Mexico has indicated his desire that we should also participate at some future date in the use of these tests. There are many States that are anxious to participate. There are many large school districts in our larger cities that have indicated the same thing.

We need to keep faith with them, go forward and develop these tests, make the tests available. If they want to use them, so much the better, that is their choice. But it would be a serious mistake for this Congress to try to make that decision for the States, make that decision for the local school districts by denying the Department of Education the funds necessary to go ahead and develop these tests.

So I hope very much that, once the appropriations subcommittee concludes its hearing on the issue, we can proceed to dispose of this matter. I hope very much that the COATS amendment and the GREGG amendment, which is a second-degree amendment, as I understand it, or a perfecting amendment, that those amendments can be disposed of and we can proceed to pass this legislation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. Mr. President, I thank my colleagues for the courtesy. My understanding is we have a vote at noon; is that correct?

The PRESIDING OFFICER. The Chair wishes to advise the Senator that the time is under the control of the Senator from Alaska.

Mr. WELLSTONE. Might I inquire, do we have a vote scheduled at noon?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1077

Mr. WELLSTONE. I thank my colleagues, and especially Senator COATS, for their courtesy. I was not able to come to the floor earlier, and sometimes if we feel strongly about an issue we will have a chance to speak before the vote. I thank him, and I thank Senator STEVENS and others as well.

I do not know quite where to start. Last night we passed an amendment, and this was work I was fortunate enough to get a chance to do with Senator MCCAIN, and I think we had 97 votes to expand funding for Parkinson's disease. It was an enormous victory. I believe that kind of strong vote will serve us very well in conference committee, and I believe finally we will be able to get some funding.

There has been so little funding. It has not been fair, and people who have been struggling with this disease have been here for several years now. They have become their own advocates. The only reason we had such a strong vote last night was because of their work.

My colleague, Senator COATS, was gracious enough to raise his concern through this amendment separately from that vote. He is someone here in the Senate that I believe in. I think he speaks for what he thinks is right. This amendment he introduces in very good faith.

I will be the opposite of shrill in my opposition. I think the amendment is profoundly mistaken. We have gone through this whole debate about fetal tissue research, and I again want to make it clear that not only have we not seen one instance of abuse, not one example, but we really have very, very stringent and clear protections. A woman may not be approached for consent to donate aborted tissue. The donor may not be paid for donation of the tissue. The donor may not designate who will be the recipient of the tissue. Violations of these restrictions are a Federal felony, punishable by 10 years in Federal prison.

I say all that because I want to make it clear how strict the guidelines are. I also want to make it clear that I do not think this issue is really about using the labels pro-choice or pro-life, but it has to do with another question, which is whether or not people who are struggling with the disease are going to be able to look to a day where there will be a cure. If this amendment passes, we are essentially wiping out one very promising avenue of research. I think that would be a very crucial thing to do. That is certainly not the intention of the amendment.

I say to my colleagues, because I have been active in this work dealing with Parkinson's since I came to the Senate, I know something about it, having had two parents who struggled with Parkinson's. I know something about it, having spent a great deal of time with people in the Parkinson's community, that given the strict guidelines and given the fact that we do not see examples of abuse, and given the fact that this really is not about pro-choice and pro-life, and also given the fact that if this kind of amendment is going to be raised it ought not to be focused on one disease, I just hope that my colleagues will oppose this amendment. I think it is profoundly mistaken.

Now, Mr. President, just forget all of the statistics, except to say, and I think my colleagues will believe me, that if you talk to people in the medical research community they will tell you that fetal tissue transplant research is one of the very promising approaches. I do not think we want to ''defund'' that. We do not want to be in a position of, on the one hand, finding resources for research, and then essentially wiping out one of the very important modes of research to find a cure for the disease. We do not want to do that. It really undercuts part of the very important vote that took place last night.

Maybe the best way for me to summarize my view, because we will vote in just a few minutes, is to talk about a woman that some of you have come to know. Her name is Joan Samuelson. I have not asked for permission to do this, but Joan has been so visible and so vocal I do not think she will object. I first met her a number of years ago when she was testifying before our committee, the Labor and Human Resources Committee. I think she was speaking about the need to have at least a little bit more by way of resources for research, but I think she

was talking about, if my memory serves me correctly, about this fetal tissue research.

What I remember was I kept thinking about my parents. My father was almost 60 when he found out he had Parkinson's and he lived to be 84, though at the very end I will tell you, if you do not know this disease, he was so alert. He was a brilliant man. I am not objective, he was my father. He spoke 10 languages fluently but it did not help. He spoke 10 languages fluently, but because of Parkinson's he could not speak. He could not walk. And really the truth of the matter is he intensely wanted to die. That is exactly what he indicated to me.

When Joan Samuelson testified, I kept thinking, gee, she is in her thirties. What is going to be her future? If you are lucky, this disease runs a slow progression, but you never know. You do not want to find out you have Parkinson's when you are in your thirties. By the way, it is a myth that this is a disease that only afflicts the elderly.

When Joan Samuelson testified, more than anything what she was saying is, ''Look, for me and many others, time is not neutral. How can you say to me that you are only willing to invest about $30 per person for the 1 million of us who struggle with Parkinson's? How can you look at me in the eye and say that? This is my life or whether I will have a life.''

The reason I raise this is I remember hearing her testify and thinking about my parents and sort of just then starting to have tears in my own eyes because I was thinking I don't want someone like Joan Samuelson to get to the place where my dad did. I don't want that to happen to her.

Now, I am not a doctor. I cannot guarantee there will be a cure to this disease tomorrow. But when I spoke to Joan Samuelson two nights ago, she is out in California, she said to me, ''The way I look at this debate on fetal tissue research is this is the particular research that I think could very well lead to a cure for me.'' That is the point. Please, everybody, that is the point.

Whatever your position is on the general question of pro-choice, pro-life, that is not what this debate is about. To someone like Joan Samuelson, this is one avenue of research that could very well lead to a cure for this disease. That is of central importance to her. That is of central importance to the lives of many other people struggling with Parkinson's. I think that is what this vote is about.

So, Mr. President, I urge my colleagues to please vote against this amendment. I feel like I have to, in good faith, conclude by saying, even though I hope there will be a strong vote against this amendment, one more time I want to make it crystal clear that Senator COATS is doing what he thinks is right. Senator COATS has supported this effort to expand the funding for Parkinson's. Senator COATS knows this disease all too well. I believe his father had Parkinson's. Senator COATS, when he does something on the floor of the Senate does it because he believes in it. He does it because he thinks it is the right thing.

I deeply appreciate the support he has given Senator MCCAIN and myself on our efforts, but I think this amendment is a mistake. Actually, I want to say I know this amendment is a mistake, because I really believe it is all about someone like Joan Samuelson. We ought not to vote for the Mo Udall Parkinson's Research Act, the amendment last night introduced by Senator MCCAIN and myself, and then turn around and essentially defund one of the important avenues of research that potentially could lead to a cure for this disease. I think that would be an injustice to Joan Samuelson and many other women and men who struggle with this disease. I hope my colleagues will vote against this amendment.

I yield the floor.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. STEVENS. I ask unanimous consent that the call of the quorum be rescinded.

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

Mr. STEVENS. I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. That vote will occur at noon?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. 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. COATS. Mr. President, just in summarizing before we vote at 12 o'clock on the Coats amendment, let me just, for Members' information, clarify things here.

This amendment does not prohibit all Federal funding for fetal tissue research. Fetal tissue research can go forward. It allows fetal tissue research to go forward with tissue obtained from ectopic pregnancies and spontaneous abortions. It does prohibit Federal funds from being used for research on fetal tissue obtained by induced abortions only.

We encourage research in the most promising areas of Parkinson's disease with animal tissue transplants, gene-based therapy, deep-brain stimulation.

So this applies not to diabetes research, not to other neurological research—just to this. Other alternatives exist. Even fetal tissue could go forward.

I hope our colleagues will understand the practical nature of this and the ethical and moral considerations of doing this, and I urge a vote in support of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Rhode Island [Mr. CHAFEE] are necessarily absent.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—38

Abraham	Enzi	Inhofe
Allard	Faircloth	Kempthorne
Ashcroft	Frist	Kyl
Bennett	Gorton	Lott
Bond	Gramm	Nickles
Brownback	Grams	Roberts
Burns	Grassley	Santorum
Coats	Gregg	Sessions
Coverdell	Hagel	Shelby
Craig	Hatch	Smith (NH)
D'Amato	Helms	Thomas
DeWine	Hutchinson	Thompson
Domenici	Hutchison	

NAYS—60

Akaka	Ford	McConnell
Baucus	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Jeffords	Reid
Bumpers	Johnson	Robb
Byrd	Kennedy	Rockefeller
Campbell	Kerrey	Roth
Cleland	Kerry	Sarbanes
Cochran	Kohl	Smith (OR)
Collins	Landrieu	Snowe
Conrad	Lautenberg	Specter
Daschle	Leahy	Stevens
Dodd	Levin	Thurmond
Dorgan	Lieberman	Torricelli
Durbin	Lugar	Warner
Feingold	Mack	Wellstone
Feinstein	McCain	Wyden

NOT VOTING—2

Chafee	Murkowski

The amendment (No. 1077) was rejected.

Mr. FORD. Mr. President, 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.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I have an amendment which I would like to submit on this bill, but I would ask unanimous consent that I might be given an opportunity to speak to up to 10 minutes as if in morning business on a subject of some import dealing with the terrorist action today in Jerusalem.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from New York is recognized.

TERRORISM IN ISRAEL

Mr. D'AMATO. Mr. President, once again, we have seen the ugly, undeniably brutal, horrific actions of terrorism. We have seen the destructive impact of it in Jerusalem so vividly put forth over the TV screens, but it goes well beyond. We are told that 6 people died, over 150 have been injured, and obviously our sympathy goes out to them and to their families and to the people of that region who are held captive by these kinds of terrorist attacks. This is the work of Hamas, the Hamas who are given sanctuary, who operate out of the territories under the direct control of Yasser Arafat.

Now, make no mistake about it: The responsibility for this terrorist act and the previous bombings lies with Mr. Arafat. He, Mr. President, has the power to deter these murderers but does nothing. Indeed, he gives them sanctuary. He gives them sustenance. He gives them comfort.

Let me illustrate by way of this picture. It is said that a picture is worth a thousand words, and in this case I think even more so. The New York Times, Thursday, August 21, and here we see Mr. Arafat greeted by a leader of the Hamas during a meeting in Gaza: ''Defying Israel, Arafat embraces Islamic militants.''

You cannot have it both ways. You cannot say, on the one hand, that we are the instrumentality of peace, that we want peace, we are working for peace, and on the other hand be embracing the leaders of the terrorist organizations that are sworn to destroy Israel, the Jewish people and any prospects for peace.

That is indefensible. And so while there are those who claim that this is an internal security problem for Israel, I believe it is quite clear, given the responsibilities and given the power and given the economic wherewithal that we have provided, the United States, to Yasser Arafat, whose police force has failed, whose security services have, if anything, given sanctuary and protection to Hamas, it is about time we held him accountable for these acts. Instead of providing the security and loaning himself to the peace process, he embraces these murderers as we see so clearly. He coddles them, he provides them with sanctuary.

Mr. President, terrorism will not end if this is permitted.

I believe, and I have said before—and I see my colleague in the Chamber—that it may come time—and the Senator from Connecticut [Mr. LIEBERMAN] has raised this issue—for this country to look very closely at the moneys, the hundreds of millions of dollars annually that we send to Mr. Arafat under the umbrella, the cloak, of peace.

When those dollars are not being used to provide the kind of security to bring about a peace process but are aiding and abetting, and, indeed, we have him embracing terrorist leaders, I think we have to at the very least look at whether this should continue. I believe that we have an obligation to speak up and say, we hold you, Mr. Arafat, responsible, and it is time to condemn him publicly for the carnage and the destruction of human life that has taken place today and in the past.

Mr. President, I see my friends and colleagues, the Senators from Connecticut and New Jersey, in the Chamber, and I know that they feel strongly about this issue.

I yield my remaining time to the Senator from Connecticut and the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend and colleague from New York for yielding and for his statement.

Mr. President, as a result of a terrorist act, blood has been spilled in the streets of Israel as its citizens go about the most normal day-to-day tasks, walking, shopping. Lives again have been lost to the terrorist hand. It is a very sad and dispiriting moment, not just, of course, for those who have suffered in this terrorist attack and for the families and friends who pray now that the lives of the wounded will be saved. It is also a sad and dispiriting day for all of us who hope for the continuation of the peace process in the Middle East, begun in Oslo, ratified at a historic, dramatic, hopeful signing on the lawn of the White House on September 13, 1993 by the late Prime Minister Rabin and Chairman Arafat. The agreement, the understanding, the exchange made in the declaration of principles in the Oslo accord was complicated in one sense, but simple in another. It was an exchange in which the Israeli Government would yield land in recognition of a Palestinian self-governing authority in exchange for the Palestinians—and particularly their eventually elected leadership, Chairman Arafat and others—giving security to the people of Israel; freedom from fear of the kind of terrorist acts that have been committed again today in Israel.

Mr. President, I know the Prime Minister of Israel, Benjamin Netanyahu, is controversial in many areas of this country, and there are different acts that he has carried out as a leader that some challenge and question. But it seems to me, if you look at the agreement made in the Oslo accords and you look at what was required of Israel, Prime Minister Netanyahu, since he has been Prime Minister, has kept those promises made by Prime Minister Rabin. The same cannot be said of Chairman Arafat.

It is not just, although it is significant, the failure, as promised in the Oslo accord, to remove from the Palestinian Charter these clauses which threaten the destruction of the State of Israel. It is not just, though of course it is tragic and painful, the terrorist acts that continue. But it is the tone, it is the context of what is happening. The Israeli intelligence gathers evidence, presents it to Mr. Arafat to show him, a month or so ago, that the person he has appointed as the chief of the Palestinian Authority police has been involved in planning terrorist acts. How would we feel if we had evidence from intelligence showing that the minister of defense of Russia, with whom we were negotiating an arms control agreement, had been involved in planning terrorist acts against the United States? The dreadful moment, after the bombing in Israel, in Jerusalem, a few months ago, Chairman Arafat, instead of taking action to reassure the fear of average Israelis about their security, holds a conference with Hamas and other terrorist groups and embraces and kisses one of the leaders of that group. Again, the chief of police of the Palestinian Authority at one point declares with some pride that more than 100 members of Hamas are members of the Palestinian Authority police.

The effect of these actions leading, again, to this tragic terrorist act today, is not just to affect the political leadership of Israel. Israel is a democracy. That is why Mr. Netanyahu is Prime Minister. The effect of these acts that I have described is to undercut severely the trust, the confidence, the hope of the people of Israel for peace. Because they don't trust the Palestinian Authority and Mr. Arafat, based on these various acts I have described and Senator D'AMATO has described, to carry out the promises in the Oslo accords to provide security and peace.

The late Yitzhak Rabin, Prime Minister of Israel, was a great leader, a great soldier of the peace, so-called peace of the brave. But I would say today, if Prime Minister Rabin was alive and was still Prime Minister today, he could not accept the continuation of the peace process under the status quo, because the Palestinians have not kept their part of the bargain. So, I fully support the statements made by the Senator from New York. I am grateful the Secretary of State is underway to the Middle East. It will take a courageous and bold action. But the main point here is that Chairman Arafat has to understand—

The PRESIDING OFFICER (Ms. SNOWE). The time for morning business is expired.

Mr. LIEBERMAN. I ask unanimous consent I be given 2 additional minutes.

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

Mr. D'AMATO. Madam President, might I ask that we have an additional—up to 15 minutes in morning business to be able to speak on this issue, because I know there are colleagues, my colleague from New Jersey and colleague from California, who would like to speak to this.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. D'AMATO. I thank the Chair.

Mr. LIEBERMAN. Madam President, what I am saying here is that this process—for the first time since September 1993 I fear that the peace process in the Middle East is unraveling. And that would be a terrible result for the people on both sides in the Middle East. The only way it can be brought back on track is for Chairman Arafat to take some unequivocal and strong actions to make clear that he is an enemy of terrorism. That will probably include arresting suspected terrorists. That will include a direct break of this embrace with Hamas. It will include a dedication to destroying the terrorist infrastructure that is part of Hamas. If that does not happen, the process will not go forward. Because the people of Israel—leave aside the Government—the people of Israel will not have the confidence to take it forward.

Here our options are limited. The Secretary of State and her designees are there to try to bring some sense to the parties on both sides. But, insofar as we have options, it suffices to say that in the climate and the reality that has occurred, as Senator D'AMATO has indicated, it seems to me there is very little chance that this Congress would appropriate any funds for the Palestinian Authority. It will make it difficult to renew the Middle East Peace Facilitation Act, which allowed the PLO, the Palestinian Authority, to have an office here in Washington which was closed in August because we didn't renew it.

These are serious consequences which go to the heart of the process and to the hopes of people, on the Palestinian and Israeli sides, for a better future than the war-torn past. I think we are all here appealing to Chairman Arafat, who remains the elected chairman, to seize this moment, show his leadership, or forever be seen in the eyes of history as the man who destroyed the hopes for peace in the Middle East.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, if I might, I don't know, is the time reserved just generally?

Mr. D'AMATO. No. I have asked that we be permitted to speak on this issue for up to 15 minutes. My colleagues have yet to speak. So use whatever time is necessary.

Mr. LAUTENBERG. I thank the Senator from New York. I commend him for his ever-present concern about the well-being of our friends around the world, Israel in this case, and his staunch defense of freedom and democracy against terrorism. I thank him for his initiative today.

It is heartbreaking for all of us, when we see innocent people carried away in stretchers, and the mayhem and the destruction that terrorists visited upon Jerusalem this day. It is not a unique happening. It has gone on for too long. The attempt to suggest that this is a way to obtain peace, or to coerce friends who want democratic societies throughout the Middle East, kind of modeled on what Israel has done—it is a democratic society, as my friend and colleague from Connecticut said. They elected a Prime Minister. It is not for us to agree or disagree. It is irrelevant. The fact of the matter is, it is a democratic society. And what we try to do is encourage the Palestinian Authority to take democratic leadership and represent law and order and defend against terrorism. But we have been grossly disappointed of late.

I was in Israel 2 years ago in April when a bus was exploded by a terrorist. On that bus was a young woman from New Jersey whose family I now know very well. She died in a few days; 21 years old, an innocent victim. She wasn't there trying to hurt anybody. She was there because she was interested in studying Hebrew and the history of the Jewish people. Sometime later another young woman, also from New Jersey, was killed in a terrorist attack in Tel Aviv—just a random explosion, someone willing to take his life, convinced that he would be rewarded for killing himself and killing others.

The one thing we have to insist on in this country is we should not talk to anybody who, in addition to a formal relationship with us, supports terrorism. Syria by way of example. We have an ambassador there. They have representation there. But they are on a list of countries that support terrorism. And we ought to say listen, if that is the way you are going to conduct your life, in terms of the region that you exist in, that you want to encourage terrorism on the one hand and be a friend of this great democracy on the other, it's no go. We ought to say that to countries all around the area. If you in any way—even those that we have established some friendships with—if you in any way encourage or inflame the fire of violence and terrorism, our relationship is going to change. We cannot sit by and simply pour our hearts out and say, ''Isn't it sad? Somebody lost a son, somebody lost a daughter, mother, father, sister.'' It has to be more overt than that.

We have seen what happens with terrorism. We have seen it in our own country. It shocked everybody, in Oklahoma, the Port Authority building in New York, the Trade Center. It is frightening. It is a disgusting, revolting act. Think of it, that someone feels justified, for political or personal reasons, to take others' lives in the name of a cause. We ought not let it be misunderstood, that we will never, never, never accept a handshake on one hand from someone who is going to support terrorism with the other hand.

Mr. D'AMATO. I wonder if my colleague might yield for an observation?

Mr. LAUTENBERG. Sure.

Mr. D'AMATO. Do you think that we should consider very seriously going forward with a cutoff of funding to Yasser Arafat and the Palestinians, unless we see some—I am not saying tomorrow or the next day—but unless we see some concerted action? I think we have to begin to let him know. I am wondering what my colleague thinks about that—my colleagues think about that? Because, it seems to me, we say one thing and we do the other. We are permitting, I think, ourselves to look rather foolish in the continued funding, or permitting funding to continue to flow.

Mr. LAUTENBERG. The question my colleague from New York State raises is a very complex one. Because we want to continue a peace process. I spent some time in Ireland. I visited in the north. We made investments in that society, in the northern section, so that people could elevate their standard of living and reduce some of the anger and the rage. And we continued. I was pleased to see, in the last couple of days, discussions taking place that include the Sinn Fein, with some Members of the Senate and so forth, to try to say, ''Stop the killing, stop the killing.''

I met with people in New Jersey, and we disagreed on the tactic that was being used, the violence in the North, to try to bring about the kind of equality that all of us like to see for our families and our friends. Thusly, I am reluctant to say just offhand that we ought to simply cut off the relationship.

I have faith that the Palestinian people also want peace. I don't think that they, any more than anyone else, likes the prospect of a son or a daughter dying in a conflict. There are those madmen—we have them in our society; we saw it in Oklahoma—people who are part of our culture who do something that is so outrageous. We see it in violence around the country all too frequently. We just saw it in New Hampshire.

I will say this, though, that I think the Senator confirms what I was talking about, and that is, we have to, as they say, tighten the screws. We cannot have a Hamas operating under one disguise in one place doing a good deed here and there—and I don't care how many good deeds they do—if the alternative is to have another branch of that organization that kills people, those who might disagree with them, while they tend to the needs of others who are indigent medically, troubled, et cetera.

So we have to make sure that if you want to be a friend of the United States, if you want us to work with you in any continued way of support for democracy, for economic betterment, that you have to leave out any assistance or any encouragement for terrorism, and that means reacting to terrorist acts by saying, ''We condemn it and we condemn those who did it,'' and not hedge what they are saying, not permit them to say, ''Well, we don't like terrorism, but, in this case, maybe''—baloney.

What we say is, if anybody participates in any support of terrorism, they can't be friends of ours and they can't derive any benefit from it.

I will relinquish the floor with a word of encouragement for Secretary Albright to continue her effort, for all the peacemakers to continue their efforts, to try to get by this but at the same time to make certain that those who commit terrorist deeds know that they cannot sit at the table at the same time that the peacemakers do. I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, if I may, I would like to continue along the lines of some of my colleagues' comments with some of my own, informal as they may be, about what happened this morning. I find myself very much thinking along the lines of the Senators from New York, Connecticut and New Jersey.

I watched the CNN coverage from Jerusalem this morning, and my heart very much went into my throat. I wondered how much can the people of this small nation endure. I looked at the faces on the streets, and I saw a kind of brokenness, a spirit diminished, a hurt that was turning rapidly to anger.

I have been one on the Foreign Relations Committee who has been a supporter of the Middle East Peace Facilitation Act. That act expired prior to our recess. It was not renewed. My understanding is that as a result the Palestinian office in this area has closed, and I believe it should remain closed, and that the aid specified through the Middle East Peace Facilitation Act, which we call MEPFA, has ceased. I believe that aid should cease. I believe that the Middle East Peace Facilitation Act at this point in time should not be renewed and, as a member of the Foreign Relations Committee, it is going to take a great deal to convince me to go in any other direction.

The last terrorist attack before this was July 30. Since then, there has been an aborted attack. Today, we saw three suicide bombers go into a busy pedestrian mall and blow themselves up in a kind of fanaticism that certainly is not understood in Western countries or really any peace-loving country. It is not the act of peace-loving people to blow themselves up and blow up anyone that happens to be around them.

I submit that the only reason these bombs are not blowing up inside rooms, businesses, and convention halls—and causing even more casualties—is that in Israeli, everyone is searched when they enter public buildings. This is a terrible way for people to have to live. At some point it almost begins to approach the atrocity of a concentration camp if people must live this way.

My own view is that it takes two parties to pursue peace, and both parties must want peace. I had thought up to this point that Yasser Arafat wants peace. I must tell this body honestly, I no longer believe that to be the case. I watched his kiss with a Hamas leader, and I know that when public leaders engage in these kinds of symbolic gestures, it sets forth signals, signals to every Hamas terrorist everywhere, that their actions are, to some extent, condoned by the chairman of the Palestinian Authority, the head of that authority. That is a terrible signal to send if you are going to be seriously engaged in a peace process.

So I have come to believe that that authority at this stage does not want peace. I have come to believe it when I read that members of the police department were actually engaged in complicity with terrorists to allow a terrorist attack to take place.

I believe the following: First, that if there is ever a time for the Arab world to come forward and take a united and strong position against Hamas and Hezbollah and any other organization that would carry out these acts, it is now. If there ever was a time for the Arab world to begin to press for the arrest, for the destruction of these terrorist organizations, it is now. Outside of concerted action by the Arab world, I don't see how a peace process can go ahead with any progress whatsoever.

Second, I believe we should not renew the Middle East Peace Facilitation Act. I believe that all funding should cease at this point. And I must finally say that I personally have very mixed feelings about Secretary Albright's trip to the Middle East. Yes, I believe we should resist terrorism. I am not sure that going to the Middle East at this point in time sends the signal that we do, indeed, resist terrorism. It seems to me that if both parties, Israel and the Palestinians, want to discuss peace and the United States is going to carry out our role as an honest broker, this peace can be brokered elsewhere than on Israeli soil at this point in time.

When three people move forward to kill themselves and kill others, I only can believe that other attacks are going to follow. If I am any judge at all of the faces, the Israeli faces I saw on television this morning, I would have to say that peace is having a price that free people have a great deal of difficulty in paying, because it means your child can't go to school, you can't shop, you can't walk down a street. You become a hostage, in another sense.

So I make these comments with very deep concern as one who has tried to work on resolutions passed by this body so that they weren't inflammatory to the peace process, so that Jerusalem, as an issue, could be handled in a way that was not inflammatory, so that the Middle East Peace Facilitation Act could go ahead. But as one Member of this Senate, I am now at the point where I believe that without a major commitment from the Arab world, from Mr. Arafat and from his government, peace is at the weakest point that I have ever seen since the peace process has begun.

I thank the Chair. I yield the floor. I thank the Senator from New York for his comments.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. The Chair has been gracious in extending morning business time, but I would like to make one observation, if I might, and ask that the time be continued.

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

Mr. D'AMATO. Madam President, I think that this picture and the caption describes it. Here is Yasser Arafat embracing a leader of terrorism, a killer, the leader of Hamas. The caption reads: ''Defying Israel, Arafat embraces Islamic militants.'' It is better titled: ''Defying peace''—defying peace. It is better titled ''Embracing terrorists,'' because that is exactly what he is doing.

My colleague from California, I think, described it quite correctly. It is not good enough to speak about peace and yet to give sanctuary, safe haven and tangible, visible support to those who bring about these horrific acts. That is what Mr. Arafat has done. Generally, he has done it under the cloak of speaking in a language and in places and at times where the world does not hear it, but that selected groups hear his words. Here he has done it in the way that the camera has captured him and his words in giving support and comfort to those who bring terror to the streets and to the homes of innocent civilians.

Mrs. BOXER. Mr. President, once again innocent Israeli civilians have been murdered by the enemies of the peace process. I rise today to strongly condemn this cowardly act of violence and reaffirm my support for the people of Israel and for the people who want peace throughout the Middle East.

There is no doubt that today's suicide bombings were carefully timed to inflict the greatest number of civilian causalities. Three explosions in quick succession rocked the Ben Yehuda pedestrian mall during the busiest time of day. These bombs killed at least 6 and injured nearly 200 people.

As expected, the terrorist group Hamas has claimed responsibility for this deplorable act. They are responsible for the blood and carnage in the streets of Jerusalem, and they must answer to the grieving parents and families of the victims.

Last month, I stood before this body to urge Yasser Arafat and the Palestinian Authority to keep their promise and crack down on terrorism. As evidenced by his complete inaction since the July 30 bombing, Mr. Arafat has not done anything to join the fight against terrorism. If the peace process is to move forward, he must find the courage to confront those who would victimize innocents to undermine peace in the Middle East.

Secretary Madeleine Albright is scheduled to visit the Middle East next

week, and there are many who believe these bombings were intended to disrupt her visit. Mr. President, this deliberate act of violence against Israel will not deter us in any way from moving forward with the peace process—indeed, it will only strengthen our resolve. It is critical that America continue to play a major role in the peace process. We will not allow terrorists to set the agenda for the peace process. We will not allow cowards to strangle the prospects for peace in the Middle East.

In these difficult times, the need for strong American leadership becomes ever clearer. That is why I am very pleased that Secretary Albright has decided to proceed with her planned visit to the Middle East. It is my profound hope that her efforts can jump start the ailing peace process.

I believe Mr. Arafat and the Palestinian Authority must both agree to fully engage in the peace process and take dramatic steps to halt these terrorist attacks if they wish to continue to receive financial assistance from the United States. Unless such action is taken in the immediate future, I will steadfastly support cutting any and all aid to the Palestinian Authority. It is truly unconscionable that American money, given in good faith, be used to aid those who would conspire with terrorists.

Israel's greatest responsibility is to protect her citizens. Mr. Arafat must understand that a true peace can be achieved only when Israeli citizens are secure in their homes, in their places of worship, and on their streets. They deserve no less.

I wish to express my sincere condolences to the Israeli people on this senseless tragedy.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1079

(Purpose: To increase the amounts made available to carry out title III of the Older Americans Act of 1965)

Mr. D'AMATO. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1079.

Mr. D'AMATO. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 45, line 13, strike ''$854,000'' and insert ''$854,074,000 (and an additional amount of $40,000,000 that shall be used to carry out title III of such Act)''.

On page 85, line 19, strike ''$30,500,000'' and insert ''$70,500,000''.

Mr. D'AMATO. Madam President, I thank Chairman SPECTER and the ranking minority member, Senator HARKIN, for their incredible stewardship and leadership in developing the 1998 Labor, Health and Human Services, Education appropriations bill. It is one of the most difficult bills that we have to deal with because the needs are so great; the needs for increased medical research, for research in all of the areas, whether it be for breast cancer, whether it be for kidney programs, whether it be for the programs for AIDS research.

Encompassed in this is how do we share the resources which are so limited? So it really comes down to, unfortunately, choices, of not giving sufficient funding to some of the most critically important areas affecting our health, affecting infants, and affecting all of our populations.

But there is another population that continues to grow, a population that has not, unfortunately, had their needs met, too. That is our senior citizens. That is why I rise today, on behalf of America's elderly citizens, to increase the title III of the Older Americans Act. I offer an amendment that would increase it by $40 million, for a total of $893 million. The current Older Americans Act funding includes a 2-percent increase. That is 15 percent. That is a cost-of-living increase over last year's allocation.

Most people would say, ''Well, that's not bad in these times of austerity.'' I agree. But I think we have to look at the problem. The primary goal of these community services is to keep millions—millions—of frail elderly people living independent in their own homes, in their own apartments, for as long as possible, allowing them to avoid unnecessary institutionalization and saving billions of dollars, not to mention improving their quality of life.

So the Older Americans Act provides a whole variety of programs, home and community-based services to the elderly, including congregate and home-delivered meals—Meals on Wheels; we have heard of that—transportation so that seniors do not live as shut-ins so they have an opportunity to come together with friends and neighbors, senior employment, senior centers, adult day care and other services.

Three of these services account for more than two-thirds of the title III funding: Congregate meals, that is $250 million; home-delivered meals, $134 million; and transportation, $63 million. No one can deny the incredible needs and the fact that, if anything, they grow and grow.

The face of America's population, Mr. President, is changing. It is growing older. Believe it or not, those elderly people who are 85 years of age or older are growing faster than any others. They are growing at a faster rate—85 and older. So when we talk about the needs of the frail elderly and keeping them from being institutionalized, this is becoming an increasing problem.

The elderly population over age 85 will increase by 36 percent by the year 2005. Think of that; an incredible 36 percent. That is going to call for increased services, increases well beyond what we can imagine and envision today. And unless we do, we are talking about a vulnerable population. They will have no other alternatives in many cases than to be institutionalized. I suggest not only the quality of life of the seniors then becomes degraded to the extent that we do not even like to think about it, but the cost factors will become incalculable.

The typical Older Americans Act participant, Mr. President, to get a profile of who is that person, is a woman over 75, living on a very limited fixed income, who needs daily help in preparing meals or weekly transportation to a doctor.

Thirty-nine percent of the Older Americans Act participants have incomes at or below the poverty level.

Among States, the poverty rates for participants range from 17.2 to 86.9 percent. Twelve States report at least half of their participants have incomes at or below the poverty threshold.

Mr. President, why is a $40 million increase so desperately needed? Well, despite the steady funding increases, the effect of inflation and the tremendous population growth have diminished the actual impact of the annual appropriations increases. Over the past 15 years, there has been a 40-percent loss in the program's capacity to meet the needs of older citizens due to a combination of the following factors: increased costs due to inflation, serving increased numbers of frail elderly who need more, and reduced Federal funding.

If inflation and the increasing age population were accounted for from the OAA's start in 1973, we would have had to double the funding. So while the request for doubling the funding level in 1 year is unrealistic, certainly—certainly—the request that we put forth at 5 percent, or $40 million, is one that I believe is extremely conservative and one that I hope we can meet.

Where do we find the funds? Let me first say the committee has done an excellent job. It has identified funding, an increased funding of $15 million, by reducing the general administrative costs, which amount to about $1 billion, the bureaucracy, the overhead for administering these programs, for the bureaucrats here in Washington and in other areas. I believe that by a further reduction by 5 percent, we can add $40 million. That is a very modest reduction as it relates to overhead. And that is what we intend to do.

So what we are talking about is making more resources available for people, the frail elderly, people who need it, a population that averages 75 years of age, a population that continues to

increase, as opposed to decreasing resources for bureaucrats.

I believe in the days of computerization, et cetera, and effective efficiency, we can do that. We can actually increase the services with less people by way of attrition, by way of maximizing the efficiency and the effectiveness that one person today can bring to the work force by use of the computer that can do the work of two or three or four.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ROBERTS). Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

AMENDMENT NO. 1079, AS MODIFIED

Mr. D'AMATO. Mr. President, I ask unanimous consent that I be allowed to submit a modification to the amendment which I have offered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1079), as modified, is as follows:

On page 45, line 13, strike ''$854,074,000'' and insert ''$894,074,000''.

On page 85, line 19, strike ''$30,500,000'' and insert ''$70,500,000''.

Mr. D'AMATO. Mr. President, I ask unanimous consent that this matter be laid aside and be voted on at 5:30.

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

Mr. D'AMATO. I thank the Chair and thank my colleagues for their patience.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

AMENDMENT NO. 1080

(Purpose: To increase funding for the Public Charter Schools Program under Part C of Title X of the Elementary and Secondary Education Act of 1976)

Mr. LIEBERMAN. Mr. President, I have an amendment which I send to the desk at this time.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. COATS, proposes an amendment numbered 1080.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 50, line 9, strike ''$1,271,000,000'' and insert ''1,256,987,000'', and on line 10, strike ''$530,000,000'' and insert ''$515,987,000''.

On page 53, line 12, strike, ''$310,000,000'' and insert ''285,000,000''.

On page 59, line 12, strike, ''$362,225,000.'' and insert ''352,225,000, of which $40 million shall be made available to carry out Part A of Title X of the Elementary and Secondary Education Act of 1965.''

On page 59, line 14, after ''said Act'' insert '', $100,000,000 shall be available to carry out part C of Title X of the Elementary and Secondary Education Act of 1965,''.

Mr. LIEBERMAN. Mr. President, I am proud to rise today to offer an amendment, along with my good friend and colleague Senator COATS from Indiana, which would increase our investment in one of the most promising engines of education reform in America today, which is the charter school movement. This amendment would increase funding for the charter school grant program from the current level of $51 million up to $100 million for fiscal year 1998.

Mr. President, we recognize that this is a sizable jump in funding, but let me put it in context and then go on to explain why we believe it is more than warranted.

Earlier this week, on Tuesday of this week, my friend and mentor, Bill Bennett, wrote a column on the op-ed page of the Wall Street Journal in which he began with some startling numbers. ''This morning,'' that is Tuesday morning, ''a record 52 million children will walk into America's classrooms. And this year Americans will spend more than a quarter of a trillion dollars trying to educate them.''

So when we think, as this amendment would do, Mr. President, of taking the $51 million the Federal Government now invests in charter schools and raising it to $100 million—a sizable jump; just about doubling it—let us put it in the broader context of the quarter of a trillion dollars that is being spent every year in this country to educate our children. This additional $50 million, I think, provides enormous hope that the remaining quarter of a trillion dollars will be better spent.

Dr. Bill Bennett went on to say that these numbers alone ensure that education will be at or near the top of the national political agenda, and indeed, in addition to this, there is greater political emphasis on social issues. Education is how many people talk about the condition of our children, cultural decline, and the Nation's moral well-being.

Dr. Bennett goes on to cite a number of hopeful signs of reform and progress occurring in our education system, including some of the superb experiments that are now being tried with school choice or school vouchers, school scholarships. But he also mentions charter schools. I quote from his article. ''Public schools that are freed from many regulations, in exchange for greater autonomy and more accountability, are flourishing. There are now more than 700 charter schools in 28 States.''

Mr. President, the goal of this amendment is to help us open, help the States, help individuals, help entrepreneurs open hundreds of more charter schools. This movement has quickly become one of the most popular and encouraging developments in the world of education reform. Since the first charter school opened in Minnesota in 1991, 29 States and the District of Columbia have enacted charter programs. And as children head back to school this month, it is expected that more than 700 charter schools will be in operation across the country, including a whole new group in my own State of Connecticut, practically tripling the number of charters that were in existence just 2 years ago.

The appeal of this new breed of schools is obvious. In the context of a school system that is not adequately educating too many of our children, charters offer the promise of higher standards, greater accountability, broader flexibility to innovate in the classroom, and ultimately greater choice, which is what more and more parents want in public education. So far the broad array of charter schools already in business are delivering on that potential. Parents give overwhelmingly high marks to charter schools for their responsiveness to them, the parents, as customers. Several independent studies show that this, in turn, is helping to generate greater parental involvement in the education of their children.

These studies also show that charters are effectively serving diverse populations, particularly many of the disadvantaged and at-risk children that traditional public schools have struggled to reach. While it is too soon to determine what impact charter schools are having on overall academic performance, the early returns in places like Massachusetts suggest that charters are succeeding where it matters most, in the classroom.

Perhaps the most powerful endorsement of the charter school approach came recently from the superintendent of public schools for the Seattle public school district, who suggested that the city should consider making every school in its district a charter school, freeing the schools of the burdens of the central bureaucracy, setting a series of standards of accountability that would have to be met by those who run the school in a given amount of time and understanding that the charter is not forever. The charter is only renewed if the goals set out within it are realized.

The movement is being driven by a growing legion of parents, educators, business leaders and community activists who are convinced that alternatives in public education, including charter schools, represent the future of public education in America. But Congress, to our credit, has made a valuable contribution to the growth of charters through the Federal charter grant program, which was authorized in 1994 with broad bipartisan support. I was privileged to be a cosponsor of that legislation with Senator David Durenberger, the main sponsor, Senator from Minnesota.

Over the last 3 years, the Federal charter program has helped scores of charter schools open. What do we do? We defray the costs many groups face in trying to start a school from scratch. That is what the Federal money goes to. Most States provide charter schools, and this is the case in

Connecticut, with a per pupil allotment once they are in operation. But charter operators have to scramble to cover such startup expenses as planning a curriculum, leasing a building, hiring a staff.

A survey of charter school operators recently conducted by the Department of Education highlighted this problem showing that it was by far the biggest obstacle to success that charter school operators face. It is that obstacle that this amendment intends to diminish.

As the charter movement expands, the demand for this aid will only continue to grow with it. With the number of charter schools mushrooming each year, our ability to help them meet their startup costs will quickly diminish, unless we increase the amount appropriated, as this amendment would do.

President Clinton recognized this when he issued a challenge in the State of the Union to double the funding for the Federal charter program. That is what we do, Senator COATS and I, in this amendment.

By doubling funding for this program, we would help scores of new charter schools make the transition from the drawing board to the blackboard, and provide thousands of additional students with an opportunity to attend one of these innovative, performance-based programs. Moreover, we would also send a strong message to charter advocates and to families in general that the Federal Government is committed to supporting the good work that is happening at the State and local level and that we are serious about fundamentally improving public education.

To make sure we spend this new money wisely, Senator COATS and I also intend to introduce legislation this fall aimed at strengthening the Federal charter program. From our experience to date, we have learned some valuable lessons about how we can improve this program to speed the development of charter schools in participating States and to also encourage nonparticipating States to join this movement. The legislation we're preparing would use the new Federal funding to reward those States that are most actively moving to create charters. It would also tighten a few unintended loopholes in the current law that have allowed schools that are not true charters to receive Federal aid that was not intended for them.

We can begin strengthening this program immediately by increasing our investment in charter schools. And that is the purpose of our amendment today. To pay for this new investment, we are proposing shifting a relatively small amount of funds from three broad-based Federal programs—the title VI block grant account, Goals 2000, and the Fund for the Improvement of Education. All three of these programs are aimed at promoting educational reform and innovation, which is the same exact mission of the charter school program. So in essence, rather than cutting these three broad-based accounts, our amendment would simply earmark a fixed portion for a highly effective, well-targeted, and broadly supported program.

The three programs from which we are shifting funding are all worthwhile efforts. But we feel strongly by earmarking a relatively small amount from them for the charter school program, we will be getting the most bang for the books.

We are convinced that the charter movement, as charter expert Bruno Manno of the Hudson Institute has said, is arguably the most vibrant force in public education today. It has managed to bring together parents, educators, and political leaders from both parties in support of an effort to inject more choice, accountability, and competition into our public schools, an effort that focuses first and foremost on performance, not process—performance in educating our children.

I hope we can come together ourselves in a bipartisan fashion, as we did in launching the Federal charter program, to demonstrate our commitment to these goals by passing this amendment. I thank the managers of the bill for the opportunity to speak on this important issue, and would ask them for their support.

Mr. President, let me discuss the funding offsets for the Lieberman-Coats charter school amendment.

The Lieberman-Coats amendment would increase funding for the Federal charter school grant program by $49 million. Here is a breakdown of how this amendment is paid for: $25 million would come from the title VI block grant program that supports State and local driven innovation efforts. This would leave funding for this account at $285 million; $14 million would come from the Goals 2000 program. This would leave funding for this account at $515.9 million, which would still amount to a $25 million increase over the fiscal year 1997 level; and $10 million would come from the Fund for the Improvement of Education, a pool of discretionary funds administered by the Secretary of Education. This would leave funding for this account at $40 million, the same amount appropriated for fiscal year 1997.

All of these programs are broad-based efforts aimed at promoting education reform and innovation and lifting standards. The charter school program is dedicated to these same goals. So rather than cutting the three programs listed above, the Lieberman-Coats amendment simply earmarks a fixed portion of these accounts for arguably the most promising education reform and innovation initiative in the country.

I notice the presence on the floor of my cosponsor and Senator STEVENS as well. I yield the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent the vote occur on the pending D'Amato amendment at 4:30 p.m. today, and that no amendments be in order to the D'Amato amendment.

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

The Senator from Indiana is recognized.

Mr. COATS. I understand that shortly the Senator from Alaska will make a proposal that is certainly acceptable to Senator LIEBERMAN and I, and I will be very brief in my comments.

I am pleased to join my colleague from Connecticut in coauthoring and cosponsoring this amendment to increase funding for charter schools. Clearly, we are in a situation where I think there is a growing recognition that the status quo in our public schools is unacceptable, particularly our public schools located in low-income and urban areas. That status quo has existed for quite some time.

It has been nearly 13 years since the President's commission reported about mediocrity in public education. We have seen numerous attempts both through public policy and through local initiatives to try to address the mediocrity and improve educational opportunities for our young people. We have met considerable resistance from the Federal Government, from the Department of Education, because they do not want to upset the status quo. Yet parents are voting with their feet and with considerable sacrifice and demanding at local and State levels that change be made. They are demanding alternatives.

Senator LIEBERMAN and I have explored a possibility of vouchers for low income, providing parents who do not have a choice, a choice that most of the rest of us have, that if their failing public school is not educating their young people they would have some means and wherewithal to utilize a voucher to achieve a better education.

This is not that amendment. This is an amendment that addresses another alternative, a viable alternative called charter schools that Senator LIEBERMAN has said is being more and more accepted throughout America. Even the Department of Education, in releasing its first formal report on the study of charter schools, has some findings indicating that charter schools have racial compositions similar to statewide averages, and in many cases have a higher proportion of minority students. So the charge that they are just for a certain race or just for the elite is not a well-founded charge.

Sixty percent of public charter schools are new startups rather than conversions of public and private schools to charter status. They enroll roughly the same percent of low-income students on the average of other public schools. So a lot of red herrings about charter schools undermining the effectiveness of public schools is not proven.

The Hudson Institute, located in Indianapolis, has undertaken a very significant and comprehensive study of

charter schools called Charter Schools in Action. Their research has involved visiting 14 States, 60 schools, and visiting thousands of teachers and students. The key findings are that three-fifths of charter school students rate their charter school teachers as better. Over two-thirds of parents say the charter school is better than the child's previous school with respect to class size and school size. Over 90 percent of the teachers are satisfied with their charter school educational philosophy, their size, colleagues and students. And among students who said they were failing at their previous school, more than half are now doing excellent or good work.

The gains were dramatic, most dramatic for minority and low-income youngsters, and were confirmed by their parents.

In summary, the Hudson Institute study found charter schools point to important ways to improve and reinvent public education as a whole. The implications from the success of charter schools indicate that successful public schools should be consumer-oriented, diverse results oriented and professional places that also function as media institutions in their area.

Because of the tremendous success of charter schools in the past 6 years, I joined Senator LIEBERMAN in an attempt to double the funding. As Senator LIEBERMAN pointed out, they offer great accountability, broader flexibility for classroom innovation, and ultimately more choice in public education.

Senator LIEBERMAN and I have addressed what we think are some offsets to provide for this doubling of funding to encourage charter schools. There has been some concern about where that funding comes from. I think there are some creative, innovative, and useful offsets, but it would engender considerable debate and discussion and might undermine this effort. Senator STEVENS has found, I think, a very acceptable way to address this, and I appreciate his involvement and his efforts and his support for this.

With that, I thank my colleague, Senator LIEBERMAN from Connecticut, for his initiatives, and I am pleased to join him in this.

I yield the floor.

Mr. STEVENS. Mr. President, this pending Lieberman-Coats amendment is a good one. We see no reason to take further time on it because the House bill does have the $75 million for charter schools. The effect of this amendment would be to increase it to that amount.

It is the intention of the chairman of the subcommittee, Senator SPECTER, to notify the House that in conference we will recede to the House on this item.

I appreciate the indulgence of the two Senators, Senator LIEBERMAN and COATS, and ask under the circumstances that they accept our word that will be the amount of money provided for charter schools under this bill when it comes out of conference.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Alaska very much for his statement. The willingness of the Senate conferees to yield to the House on this would accomplish an enormous step forward in Federal support of the charter school movement. There is no need to take any more time of the Senate. Obviously, the word of the Senator from Alaska is bankable. I thank him for that.

I thank my colleague from Indiana and I appreciate very much another expression of bipartisan support for this educational reform movement that is sweeping America. With our help, it will help it even more with this additional amount of money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment and congratulate the Senators from Connecticut, Indiana, and Alaska for not only their support for charter schools but also for the additional funding, because this is a success story. There are successes in communities all across the country. The number of charter schools has exploded. I think there are over 700 now, and growing.

A lot of States are looking to see how can we improve our schools, how can we make education better. Charter schools have been a proven success.

I compliment my colleagues for bipartisan work in making a real addition to a proven success story and improving education.

AMENDMENT NO. 1080 WITHDRAWN

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 1080) was withdrawn.

AMENDMENT NO. 1081

(Purpose: To limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendments are set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, and Mr. JEFFORDS, proposes an amendment numbered 1081.

Mr. NICKLES. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 25, between lines 9 and 10, insert the following:

SEC. . (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available under this Act, or any other Act making appropriations for fiscal year 1998, may be used by the Department of Labor or the Department of Justice to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters.

(b) EXCEPTION.—

(1) IN GENERAL.—Upon the submission to Congress of a certification by the President of the United States that the International Brotherhood of Teamsters does not have funds sufficient to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters, the President of the United States may transfer funds from the Department of Justice and the Department of Labor for the conduct and oversight of such a rerun election.

(2) REQUIREMENT.—Prior to the transfer of funds under paragraph (1), the International Brotherhood of Teamsters shall agree to repay the Secretary of the Treasury for the costs incurred by the Department of Labor and the Department of Justice in connection with the conduct of an election described in paragraph (1). Such agreement shall provide that any such repayment plan be reasonable and practicable, as determined by the Attorney General and the Secretary of Treasury, and be structured in a manner that permits the International Brotherhood of Teamsters to continue to operate.

(3) REPAYMENT PLAN.—The International Brotherhood of Teamsters shall submit to the President of the United States, the Majority and Minority Leaders of the Senate, the Majority and Minority Leaders of the House of Representatives, and the Speaker of the House of Representatives, a plan for the repayment of amounts described in paragraph (2), at an interest rate equal to the Federal underpayment rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 as in effect for the calender quarter in which the plan is submitted, prior to the expenditure of any funds under this section.

Mr. NICKLES. Mr. President, the amendment I send to the desk on behalf of myself and Senator JEFFORDS is an amendment that deals with the potential rerun of the 1996 Teamsters election. I think most of my colleagues are aware the Teamsters election, which was held in 1996, has now been held invalid, at least by the administrator overseeing the election who determined that there was fraud, that there was corruption, and that there needed to be another election. She has now made that petition before the U.S. district court. The court will rule on that. My guess is she will probably order another election.

The purpose of this is to ensure that taxpayers won't pay for the next election. To give my colleagues a little history of how the U.S. taxpayers paid for the last one, I have heard estimates of around $22 million. I also heard more than $22 million, maybe higher or closer to $28 or $29 million, but the taxpayers paid millions of dollars, $20 million-some for the 1996 Teamsters election.

Now it seems that the Federal overseer of that election says it was not fair, it was not right, there was corruption, it needs to be held over again.

The purpose of this amendment is to say that taxpayers will not pay for it again. I might mention, somebody said why would taxpayers pay for it in the first place? Mr. President, 99 percent of all union elections that are held in this country, the U.S. taxpayer does not

pay for. There was a 1989 decree with the Teamsters and the Justice Department entered into in 1989 that called for the elections both in 1991 and 1996. The 1991 election, I might mention, had oversight by the Federal Government but was not paid for by the Federal Government. Actually, the Teamsters paid for the 1991 election.

With Federal Government oversight, no allegations of improprieties or corruption were made. It was a good election. The 1996 election, however, provided for in the decree, provided that the taxpayers would pay for the 1996 election. Now the overseer of that election said, wait a minute, there was fraud, we will have to have another election.

The purpose of this amendment is, let's not pay for it, let the Teamsters pay for it. Somebody said, well, maybe they do not have the money, it could cost several million. I heard it could cost $10 million, it might cost $20 million. Who knows? I think they will be more frugal if they are paying for it. Certainly, they are capable of paying for it. In the event they do not have the money, our amendment allows for the taxpayers to pay for it, but we have to be paid back.

Again, I think taxpayers did not get their money's worth out of the 1996 election. If you paid $20 million-some and you find there was rampant corruption, fraud, and abuse to the extent we have to have another election—we should not let that happen again.

So, that is the purpose of my amendment. I think it is a fair amendment. It is in accord with the 1989 decree ordered in the past. I urge my colleagues to support this amendment.

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 Senator from Massachusetts is recognized.

AMENDMENT NO. 1082 TO AMENDMENT NO. 1081

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1082 to amendment No. 1081.

The amendment is as follows:

At the end thereof, insert the following:

(c) Nothing in this section shall be construed to affect the obligations of the United States under the consent decree in *United States* v. *International Brotherhood of Teamsters,* 88 Civ. 4486 (DNE) (S.D.N.Y.), or any court orders thereunder.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, just for the benefit of the membership, to describe where we are, the amendment that I have offered would include the Nickles amendment, but it would also add to the Nickles amendment: ''Nothing in this section shall be construed to affect the obligations of the United States under the consent decree'' entered into in United States v. Teamsters, decided in 1989.''

So, effectively, the Nickles amendment would be perfected with the Kennedy amendment. All we are saying with the Kennedy amendment would be that nothing in the Nickles amendment would eliminate the obligations of the United States that was a part of a consent decree that was signed in 1989 because we are not operating in a vacuum here today with regard to the Teamsters elections. We are basically operating on the basis of a consent decree that was signed by the previous administration, signed by the Bush administration, and supported by the Bush administration.

All that we are saying is that whatever decision that is going to be made, or whatever language would be included in the Nickles amendment, it will not be contrary to what was agreed to by the United States, agreed to by the U.S. Government and the previous administration and adhered to by the courts. We don't know what the future is going to bring with regard to any potential future election or what the allocation of responsibility would be in terms of who would be responsible to pay for various aspects of the election. We don't prejudge that. All we are saying is that nothing in the Nickles amendment will, in any way, undermine the responsibilities of the United States, which I believe is a solemn agreement and a solemn commitment, and that has been accepted in the courts of law by the United States.

Now, Mr. President, this amendment, I believe, is basically a transparent attempt to punish the Teamsters Union for winning the UPS strike, and it doesn't deserve really to pass. This issue is no light matter. The amendment would require the Federal Government to abdicate its responsibility under the court-approved consent ordered and signed by the Justice Department under the Bush administration. If the Federal Government abdicates this responsibility, it could be subject to contempt proceedings in the Federal court.

The amendment would deny Federal funds to oversee the forthcoming Teamsters election, which had been ordered after the 1996 election was nullified by the Government-appointed election officer. That election was paid for by Federal dollars. The Federal Government agreed to fund that election under a 1989 consent order in the Federal court of New York City that resolved a racketeering suit brought by the Government. The suit was a culmination of over 30 years of effort to eliminate organized crime from the leadership of the Teamsters Union. Congress has been heavily involved in that process. From the McClellan committee hearings in 1957 to the Senate permanent subcommittee investigation hearings in 1994, we have worked to reduce the influence of organized crime in the union and in the industry where its members work.

In 1988, the Justice Department, under President Bush, sued the Teamsters under the Federal racketeering laws. The charge was that the union was dominated by organized crime. That was settled in 1989. The court-approved consent order was designed to rid the union of officers with ties to organized crime and to create a new, open and democratic structure in the union. The consent order provided that the 1991 election for Teamster offices would be supervised by a court-appointed election officer. The consent order also required the 1996 election to be supervised by the election officer.

Let me quote the union-defendant's consent to the election officer, at Government expense, to supervise the 1996 elections on page 16 of the consent order:

In accord with that decree, the election officer supervised the '96 election, at Government expense. Late last month, the officer ruled that the '96 election must be rerun because of irregularities committed by consultants to one of the candidates. The election officer specifically refused to find that any union officer or member committed any misconduct and noted that Teamster President Ron Carey cooperated with the election officer in a manner inconsistent with guilt. Under the consent order, the Federal court must formally order any rerun election that is held. The court's decision will be issued later this month.

It is the consent order that obligated the Government to pay for the 1996 election. Under the consent order, any rerun of that election ordered by the election officer should be Government-funded. Yet, this amendment asks the Government to walk away from that clear obligation. If passed, the amendment would order the Government to subject itself to a contempt proceeding. These financial obligations were entered into by a Republican-controlled Justice Department and a Republican administration. They were part of a comprehensive and successful effort to root out organized crime from the Teamsters Union and restore democratic process to that union.

It is an outrage to ask Congress to abdicate our responsibility to help in eliminating corruption in this union. The heart of this amendment is an attempt to punish the Teamsters for their extraordinary success in the recent UPS strike, in which the Teamsters won 10,000 more permanent jobs for their members, improved benefits for all 185,000 UPS employees, and sensitized the entire Nation to the gross abuses in many workplaces that force hard-working men and women into part-time jobs with lower wages and lower benefits than they deserve.

Some of our Republican friends may believe the Teamsters should be punished for these gains. I believe that they deserve praise instead of punishment. I urge my colleagues to give our amendment the kind of support that it deserves.

Mr. NICKLES. Will the Senator yield for a question?

Mr. KENNEDY. I am glad to.

Mr. NICKLES. In looking at your amendment, you said that nothing in this section should be construed to affect the obligations under the consent decree. I might agree to that part. But then you also add, ''or any court orders thereunder.'' What do you mean by that last few words?

Mr. KENNEDY. I would expect that what we would include in that is any court orders that would be related under the consent decree or that would be related to the consent. Is there something in particular—I would be glad to attempt to define that, if the Senator has some particular concerns in some particular way. But it seems to me to be fairly clear. Any of the orders that would be a part of that consent decree. Now that we are retained and we are within the consent decree, there would be any of the court orders with regard to the various elections. And I would expect that as we did before, we would want to comply with the consent decree in those areas.

Mr. NICKLES. I am just trying to help a little bit. If the Senator will drop those last few words, I might agree to his amendment, because I think our amendment is consistent with the consent decree. But I may be overly interpreting. I don't know exactly what the sentiment is for ''or any court orders thereunder.'' But it might be hoped by the Teamsters, or something, they could go to court and find some court that would say, yes, the Federal Government should pay for a rerun election. That is not covered.

I might tell my colleague that I have done a little homework on this. The rerun is not covered by the consent decree. There certainly is no obligation for taxpayers to pay for reruns, which is not consistent with the statement of the Senator from Massachusetts. That, I think, is factual.

So my point is, if the Senator would delete those last few words ''or any court orders thereunder,'' I think I could accept his amendment.

Mr. KENNEDY. If there was any court order affecting the 1996 elections of Teamsters officers—I would like to try a short quorum call to make sure that would be language, which I think appears to be to the Senator's point, and I think it would meet the objectives. But maybe we could suggest a short quorum call to make sure that we have the language that conforms to both of our understanding.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

THE ELECTION IN LOUISIANA

Mr. WARNER. Mr. President, I was distressed yesterday to hear comments on the floor relative to the duty of the U.S. Senate under the U.S. Constitution to determine—and we have the sole authority under the Constitution to determine—the issues as relating to the presence or absence of that degree of fraud or other conditions that would affect the outcome of the election in Louisiana. The subject has been discussed many times on the floor.

As chairman of the Rules Committee, I have overall responsibility for the direction and the daily conduct of this investigation. I will later today either address the Senate or put in the RECORD a detailed accounting of everything that I, the staff of the committee, and others have done since the last time I reported to the Senate with regard to this very important case. But I wish to assure my colleagues that while I regret that the Democrats decided to walk out on the investigation that the Republican majority of the committee, and specifically myself, we have continued to fulfill what I and others regard as the bottom-line responsibility of the U.S. Senate, and that is to go and look at every reasonable source of potential evidence as it relates to fraud in this election. This has taken a great deal of time. I recognize that it has stressed the patience of many.

But if you look historically, as I have done, at comparable situations when the U.S. Senate has been faced with the election problems, this case thus far is relatively short in duration. Many have gone for as much as 18 months to over 2 years.

It is my hope and my expectation that we can conclude this work in a reasonable period of time. Under the leadership of our distinguished majority leader and, indeed, some on the other side of the aisle, we were very near to an agreement whereby both sides concurred that this matter could be concluded before late September—this month. That fell by the wayside, and I was then given the authority at long last, although I had asked a number of times—it had been denied by the Democrats—the authority to issue subpoenas. I received that authority from the committee. Subpoenas were promptly issued. And I went to Louisiana on two occasions and each time conducted 2 full days of hearings. I repeat, 2 full days; 4 full days thus far of hearings in Louisiana.

In response to those subpoenas, individuals without exception came in, some voluntarily. Those individuals responded in large measure to the best of their knowledge to each and every question. Some equivocated. That is true in any trial. I used to be an assistant U.S. attorney for 4 or 5 years, and I have tried many cases. But I can judge witnesses fairly well based on that experience. I say on the whole the witnesses were forthcoming in their oral testimony.

Likewise, we issued subpoenas duces tecum for records. We have in the possession of the Senate now some four to six cartons of records as a consequence of those subpoenas issued in August. Most of those records relate to the gambling industry, which, according to official records, put anywhere from $10 to $15 million into the elections taking place on December 5 or 6 of 1996 because there was a referendum that affected the gambling industry. They had a right to participate and contribute money to foster their interests in certain votes as related to the referendum.

But anyway, that is a voluminous amount of record material that must be gone over carefully by Senate staff and such other adjunct support as we can get from the GAO. Much to my disappointment, and despite the efforts of the distinguished majority leader, myself, and others, the FBI pulled out when the Democrats left. That left us short-handed in the nature of support. But we are doing our best. And despite the efforts of majority leader, myself, and others, the FBI still has not come in to give any further help.

All of this is to say the buck stops with me as the chairman. And I can, in clearest of conscience, report to my colleagues that I feel that the Rules Committee, its staff, and the Republican Senators participating are fulfilling the exact requirement placed upon us by the U.S. Constitution.

I urge that the Members of this body continue to allow that work to be done in an orderly fashion as best we can, given the extraordinary handicaps we have, both financial, time and staffwise, to do our work, to go over the records we have.

I announced in Louisiana it would be my judgment, subject to concurrence of other members of the committee, to have at least one more hearing, this time here in the Rules Committee room, at which time the gambling industry would be subpoenaed to come and explain in detail the voluminous amount of records we now have before us. We need to ascertain whether or not this sum of money, ranging from $10 million to $15 million, was expended in a proper way in accordance with Federal and State law, or in fact did some of it slip into areas which could have generated fraud and, indeed, affected the outcome of this election through fraud.

So, Mr. President, I see the majority leader now at this time and I, due to time constraints, have to stop my remarks, but I will put in the RECORD today, either orally or insert a more complete dissertation, exactly what we have done.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. LOTT. For the information of all Senators, our Democratic colleagues are objecting today to permission for two committees to meet during the pendency of this session. The Agriculture Committee began meeting at 9 a.m. this morning to discuss rural and agriculture credit issues. Yet, as a result of that objection, or the objection we heard on that committee meeting, they had to abruptly end their meeting at 11:30 this morning.

The Environment and Public Works Committee is scheduled to meet at 2 p.m. today, and I want to take some action here momentarily that will allow them to, in fact, begin their hearing to discuss the Superfund Cleanup Act. Permission for them to meet was also objected to by the Democrats. It is my understanding that prominent witnesses have flown in from all over the country to appear before the Environment and Public Works Committee to discuss this vital environmental issue, what can we do to reform Superfund so the lawyers don't clean up but we clean up hazardous waste sites across America in most every State in this Nation.

Included in the group that was to come to testify is the Governor of Nebraska. He is scheduled to be introduced momentarily by one of the Senators from Nebraska. That testimony would certainly be key with respect to the Superfund Act in that State.

The objection lodged by the Democrats would deny that meeting from taking place unless the Senate were to recess. I regret that the Senate must recess in the middle of the day while discussing a very, very important piece of legislation, the Labor and Health and Human Services appropriations bill. We were, I thought, committed to working together in completing the appropriations process, especially a bill like this. While there are still some amendments pending that are of great interest and perhaps even controversial, we have made progress, and I think we could finish it up tonight with a little effort.

Unfortunately, this objection will only delay the consideration and passage of the Labor, HHS appropriations bill. Our colleagues from the other side of the aisle have stated that ''there is no intention to interrupt the business of the Senate, which is to pass these appropriations bills. There is no one out there objecting to the work on those appropriations bills.'' Yet, the Democratic objection to the Environment Committee meeting today on Superfund in fact does interrupt the business of the Senate. I truly regret the action taken by our colleagues here today and hope this will not become a practice by Members on the minority side of the aisle.

Having said all of that, by consent a vote is scheduled at 4:30 p.m. today on the D'Amato amendment to the Labor, HHS appropriations bill, and I now ask unanimous consent the Senate stand in recess until 4:30 p.m. today.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, it is with great reluctance that we come to this point, but I think it is important for us to remember from where it is we have come and how it is we got here. I will not elaborate in the detail at this point except to say this:

This was a bipartisan investigation during the first phase. I recall to my colleagues during that phase we asked the same attorneys who were involved in the last contested election—that is, Senator FEINSTEIN and her opponent, Mr. Huffington—to examine the circumstances of this particular race. They did. They recommended a certain course of action, and the majority on the Rules Committee chose to ignore it.

They then set in motion a second phase for investigation. That investigation also was bipartisan. That investigation took the course of a couple of months and came back again on a bipartisan basis with recommendations that again were ignored by the majority.

It was with increasing frustration that Democrats warned our Republican colleagues that we could not tolerate this endless abrogation of the regular order, this bipartisan effort to come to some conclusion on this investigation.

With some reluctance, we continued to work and ultimately indicated that beyond the end of July we were simply not in a position to tolerate unnecessary elongation and the increasingly partisan nature of this investigation and put our colleagues on notice that it must end. We indicated that if it had not ended by the time we came back after the August recess, we would have no recourse but to add increasing pressure to the process to bring about some end.

Now, this may or may not bring about an end. I am disappointed and somewhat alarmed that the chairman of the Rules Committee has now announced further hearings and further efforts to prolong this—in my view, completely unnecessarily. It would be one thing if evidence had been produced to suggest in some way some wrongdoing on the part of Senator LANDRIEU, but that has yet to be produced. In fact, just the opposite. If any wrongdoing, anything related to wrongdoing has been found, it has been with regard to her opponent, Mr. Jenkins. That is where the wrongdoing becomes increasingly evident as we look closer and closer at this case.

So, Mr. President, I must say we will continue to insist that committees meet for no longer than 2 hours as long as this situation continues. If it takes a month, I will put my colleagues on notice that we will use this selective approach for committee meetings for however long it takes until it is resolved. We simply cannot tolerate the unnecessary and political effort to prolong this investigation further, and we have no other recourse but to take the action we have, and so for that reason I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I want to make sure that the—first of all, I do not think——

Mr. DASCHLE. I do not intend to object to the unanimous-consent request propounded by the majority leader, and I apologize for it. I object to this process. I do not want to have my objection construed as an objection to the UC propounded by the majority leader.

Mr. LOTT. Mr. President, I regret that we have to take this action in order to get our business done on a very important environmental issue. This sort of selective hit certainly, I think, would not be in the best interests of the legislative process of the Senate. We want to get Superfund legislation considered by the committee to the floor. We want to hear from witnesses such as the Governor of Nebraska and citizens who are affected by this. It seems to me the normal way of doing business around here is that is allowed to happen.

Mr. President, the saber rattling has begun. After bipartisan cooperation by Senate Democrats and Republicans over the past several months, it seems as though the Democrats have now returned to the preening and posturing of politicians more interested in blocking and obstructing the other side than concern for the interests of the American people.

Senate Democrats have effectively withdrawn from the bipartisan spirit of negotiation and compromise that has been evidenced regarding the budget and tax bills recently enacted by the Congress. Mr. President, the minority is, in effect, threatening to shut down the effective operation of the Senate. Now, they can call it selective cooperation or some other slick phrase that seeks to skirt the truth of the matter, but the American people are too smart for these word games, or, in Washington speak, for deceptive political spin.

Let me state, positively, that we are more than willing to continue the spirit of bipartisanship to achieve significant accomplishments on subjects of importance to the American people. For example, we are more than willing to work through the Appropriations bills, through ISTEA, and through debate on the many other matters pending before the Senate. But it is going to take cooperation and good faith on both sides, including the Members of the minority.

That good faith and cooperation is now missing on the part of the minority. The subject of the investigation into the election in Louisiana involves a duty of the Senate—of every Member of the Senate—to fully, thoroughly,

and completely investigate the conduct of such elections where the integrity and result of the election is legitimately called into question. The minority is refusing to allow—in fact, is actively obstructing—the Senate from conducting a thorough and complete investigation of the election in Louisiana.

If the minority wishes to prevent the Senate from living up to its duty regarding this election contest, and wishes to prevent the Senate from considering these important matters that I have noted and to shut down the Senate, then the minority must assume the responsibility for the consequences. Mr. President, good faith and cooperation is a two-way street. We believe that it is important to conduct and complete this election investigation in a thorough and complete manner. We are bound and determined that the investigation will be completed despite obstructionist tactics. I urge the minority to recognize the importance of this subject and the essential place that good faith plays in this legislative process. I urge the minority to assist us in completing this important investigation and to work together with us in good faith to address the many other subjects which are important to the American people.

I will sum it up this way. This is not the way to get the investigation by the Rules Committee concluded. In fact, it will cause difficulty and will probably delay it. The goal is not—there is no way we could just say, OK, it is over right now. The intent of the chairman is to have a hearing, to see what evidence they have found during the August recess, and I presume to have a meeting at some point to decide what action, if any or none, is to be taken. We will conclude this. We have had to proceed, frankly, without the cooperation of the Democrats. I have been in Congress 25 years. I have never, never, ever before seen one party or the other, either party, walk out on a committee's investigation or activities, even though there have been many, many investigations, several in which I was involved.

When I can look my colleagues in the Senate and the American people in the eye and say we have looked at this and we have found out as best we could—with the lack of help from the FBI, for instance, in most instances—we have concluded what happened or did not happen, and we in good conscience can say that, when I can do that, then we will conclude it. I can't do that right now.

But rather than engaging in extended debate at this time, there will obviously be other opportunities to do that and——

Mr. WARNER. Mr. President, could I have, say, a minute and a half?

Mr. LOTT. Mr. President, I will yield the floor at this point, but I do hope we can be brief so we can get the committee started.

Mr. WARNER. I will be brief. I thank the majority leader. I thank both leaders.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Virginia.

Mr. WARNER. I want to assure the Senate that I said in Louisiana, as I concluded the second hearing—and we had a total of 4 days of hearings—it would be my intention to come back and recommend to the Rules Committee and the leadership of the Senate that I have another hearing, at which time we will assess in specific the voluminous amount of record material now in our possession from the gambling industry and that within a period of perhaps a week after that I would schedule a second meeting, at which time I would give to the full Committee on Rules all of the evidence, my own assessment, and then entertain such resolutions as I or other members may wish to submit.

That I think can be done within a 3-week period of time, as I roughly outlined this morning to my distinguished leader. But I decided on that schedule 10 days ago.

Now, I say to you that thus far there has been no evidence which, in the judgment of this Senator, has impugned Senator LANDRIEU, but that is not the underlying issue. It is whether or not there were other factors in this election which could have affected the outcome as a consequence of criminal fraud. And I have said, much to the discouragement of many, that thus far, after the first hearing in Louisiana, there was no body of evidence which I felt could meet that burden.

I cannot make the same statement after the second hearing in Louisiana, because I haven't had the opportunity to assess four boxes of information. But we are proceeding, although handicapped, as expeditiously as we can. I have always been absolutely objective and fair about my pronouncements in this case and my assessment of the evidence. But until such time as we have looked in every area where potentially that quantum of fraud which could have affected the outcome of the election might have occurred, I cannot say this investigation would be complete. I do believe the work that needs to be done under my leadership can be concluded in the third week of September.

RECESS

Mr. LOTT. Mr. President, I renew my request that the Senate recess until the hour of 4:30.

There being no objection, the Senate, at 2:12 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. HAGEL].

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1079, AS MODIFIED

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that Senators STEVENS and GRAMS be added as cosponsors to amendment No. 1079 to S. 1061.

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

Mr. SPECTER. Mr. President, I ask unanimous consent I be permitted to speak for up to 3 minutes on the pending D'Amato amendment.

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

Mr. SPECTER. Mr. President, I support the amendment by Senator D'AMATO to add funding for the support services for seniors to the additional funding. They perform a very vital service as places for seniors to gather and to have their meals and to carry out the purposes of the legislation to improve the quality of life in the golden years; and especially in the context where senior benefits have come under such attack, so much concern that I heard, for example, in my travels through Pennsylvania, where there is concern about the solidity of Social Security and what is happening with Medicare. I believe it is a wise course to make an allocation from administrative costs across the board, to add the funding in the D'Amato amendment.

We have funded, last year, some $300,556,000. The administration made a request to cut that funding to $291,375,000. Our Senate markup, agreed to by Senator HARKIN and myself in our committee and in the full committee, was $305,556,000. So, instead of dropping the amount by more than $9 million as the administration had requested, we put an additional $5 million in. On reflection, hearing the arguments of the Senator from New York, Senator D'AMATO, I think that the addition of this $40 million is well placed, so I lend my voice in support of the pending amendment.

Mr. President, I note the presence of the Senator from New York on the floor. I see him reaching for the microphone.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me thank the chairman of this committee, Senator SPECTER. As I indicated before, this is a most difficult, difficult task, the management of scarce resources for Labor, Health, and Human Services, with the demands from the various communities for additional funding for medical research, the scarceness of resources, and the difficult time in the allocations. His support is greatly welcomed in this area. I am deeply appreciative.

Mr. GREGG. Mr. President, as Chairman of the Aging Subcommittee, I have spent a great deal of time concentrating on how to improve the ways the nutrition programs and senior services that are part of the Older Americans Act. I appreciate the work of the Senator from New York on this related funding issue.

In March 1995, I was pleased to have New Hampshire meals provider Debbie Perou-Hermans come to Washington to testify before the Aging Subcommittee; she emphasized the role these programs play for our seniors in New Hampshire and across the Nation. I also know that what we accomplish through the funds spent on other senior services—such as supporting congregate centers, transportation services, and health programs and counseling—is vital to the meeting the requirements of this population.

I think it is important to note, in addition, that this program has several other important qualities: The Older Americans Act requires the States to invest in these critical services; it has a great track record for leveraging private funds; and it generally makes its services available to all seniors, many of who are suffering from the challenges of social isolation, not just those in financial need. Need wears many faces in America.

I believe that we should work hard to ensure that the benefits are maximized through more flexibility in the funding of needed services, to be certain that the decisions about how and where these dollars are being spent are made at the State and local level. That will be the goal of the reauthorization bill that I am assembling which will be based on the bill I introduced in the 104th Congress.

However, I would like to quickly ask a question of my colleague from New York, Senator D'AMATO. You stated in your introductory remarks that your goal is to increase the availability of services to our seniors through the infusion of this additional $40 million. But I do not note any specific assignment of these funds. Would the Senator clarify again for me his intention to ensure that these dollars are spent on services that are proven to be effective and efficient, and not to pad the administrative accounts over at the Administration on Aging, or to allow them funds to try new things?

Mr. D'AMATO. I would like to assure the Senator from New Hampshire that my intention is to put this $40 million in to those services that we know are making the lives of our seniors healthier and more independent. Indeed, at the same time this amendment seeks to bring more resources into effective services for the elderly, it also reduces funding from administrative accounts. I share the Senator's interest in both getting needed services to our seniors and in reducing overhead costs.

Mr. GREGG. Then I am pleased to have the opportunity today to support the Senator from New York's increase in funding to the services provided by the Older American's Act.

Mr. SPECTER. Mr. President, I think we are ready to proceed now to the vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York, amendment No. 1079, as modified.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Ohio [Mr. GLENN] are necessarily absent.

The result was announced, yeas 97, nays 0, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—97

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Mikulski
Bennett	Graham	Moseley-Braun
Biden	Gramm	Moynihan
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Coats	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kempthorne	Snowe
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
D'Amato	Kerry	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Enzi	Lieberman	
Faircloth	Lott	

NOT VOTING—3

Bingaman	Glenn	Murkowski

The amendment (No. 1079), as modified, was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1071

Mr. KERREY. Mr. President, I believe that in order to achieve a goal, we must set the goal, commit the necessary resources to reaching the goal, and establish a method for measuring our progress toward that goal. Voluntary national testing would enable us to reach our goal of raising the achievement levels of America's children.

I oppose the Coats Amendment because it deprives parents, school administrators, teachers, and students of the information needed to continue the work of constructive education reform. Funding for the development, planning, implementation, and administration of voluntary national testing for individual students in mathematics and reading is important for several reasons. Requiring a Federal statute would impede cooperative efforts to ensure that children in every State have the necessary knowledge and skills to be competitive in today's highly mobile and globally conscious society.

Put simply, we need voluntary testing because we cannot ascertain where we are going if we do not know where we are.

Parents need to know how their child's educational achievement level in reading and mathematics compares with that of other children nationwide. Because families are relocating with increasing frequency these days, children need to feel confident that they can perform at a consistent level of achievement even though they may change school districts. These tests would empower parents by providing them with the same information that Members of Congress receive from National Assessment of Educational Progress. Parents deserve to know this information so that they can make the best decisions regarding their child's well-being. Also, there is considerable public support for national testing. A recent Phi Delta Kappa/Gallup poll showed that 67 percent of Americans favored using standardized national tests to measure the academic achievement of students.

Furthermore, there is a demand for the tests among teachers, principals, State school officials, and school boards. States and school districts with over 20 percent of fourth- and eighth-graders in the Nation have committed to using the tests. Let me stress that committing to voluntary national testing does not mean committing to a national curriculum. Local education authorities will determine how to use the results. The tests simply give them the tools to do their jobs better.

Mr. President, we in Congress should be doing all that we possibly can to ensure that America's children have the very best opportunity to excel in a technologically advanced 21st century. But we have to know where our children stand so that we can move forward. Research has shown that high academic standards generate high academic performance. Our children deserve no less.

Mr. DOMENICI. Mr. President, I rise in support of the bill, S. 1061, the Labor, Health and Human Services, Education and related agencies appropriations bill for fiscal year 1998.

The bill provides $236.4 billion in new budget authority and $188.6 billion in new outlays for programs of the Departments of Labor, Health and Human Services, and Education and related agencies.

When adjustments are made for prior-year outlays and other completed actions, the bill as adjusted totals $286.3 billion in budget authority and $285.2 billion in outlays for fiscal year 1998.

The committee-reported bill is within the subcommittee's revised 602(b) allocation just filed with the Congress' return.

There are several items for which the Senator from New Mexico would like to express appreciation. One item is continued funding for Hispanic Serving Institutions. With a slight increase over the 1997 level, the bill retains this program as separate from the Strengthening Institutions program. In addition, I appreciate the committee's willingness to continue funding PATH grants for the homeless.

I continue to be concerned about the practice of providing a $300 million contingency fund for LIHEAP that must be designated as emergency spending to be released. These expenses, in most cases, can be anticipated and should be addressed through the regular appropriations process.

I am especially pleased, that within the funding for the Centers for Disease Control, the committee has provided an $18 million increase for diabetes, including the establishment of a ''community-based intervention project in Gallup, New Mexico.''

As you know, this is an historic year in which we have set forth a plan to balance the budget in 7 years. The authorizing committees have completed a very difficult task in implementing this historic bipartisan budget agreement. I am pleased that the Appropriations Committee is attempting to live within funding and priority proposed in this agreement.

A concern I continually have, is the reduction of mandatory spending within appropriation bills. When mandatory savings are included in appropriations bills, it is generally to offset discretionary spending, instead of deficit reduction. In particular, the subcommittee has reduced the cap on the Social Services block grant by $255 million for fiscal year 1998.

Overall, I am supportive of the work of the committee and I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be placed in the RECORD.

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

S. 1061, LABOR-HHS APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-Reported Bill:					
Budget authority		79,558	144	206,611	286,313
Outlays		75,926	65	209,167	285,158
Senate 602(b) allocation:					
Budget authority		79,558	144	206,611	286,313
Outlays		76,009	65	209,167	285,241
President's request:					
Budget authority		73,025	60	206,611	279,696
Outlays		74,571	48	209,167	283,786
House-passed bill:					
Budget authority		79,869	144	206,611	286,624
Outlays		75,935	64	209,167	285,166
SENATE-REPORTED BILL COMPARED TO:					
Senate 602(b) allocation:					
Budget authority					

S. 1061, LABOR-HHS APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Outlays		−83			−83
President's request:					
Budget authority		6,533	84		6,617
Outlays		1.355	17		1,372
House-passed bill:					
Budget authority		−311			−311
Outlays		−9	1		−8

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. SPECTER. If I may have the attention of my colleague.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. I believe Senator MCCAIN is prepared to offer an amendment.

Mr. MCCAIN. Mr. President, may I inquire of the distinguished managers of the bill, do they intend to dispose of the pending amendment, or is it agreeable to them to set aside the pending amendment for the purpose of proposing an amendment?

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendment be set aside so that the Senator from——

Mr. NICKLES. Reserving the right to object, since that is my amendment.

I ask the Senator, you want unanimous consent to set our amendment aside for how long?

Mr. SPECTER. For the Senator from Arizona to present his amendment.

Mr. NICKLES. How long would that take?

Mr. MCCAIN. I do not know, since I do not believe that the amendment will be agreed to by some Members.

Mr. NICKLES. Then I will object, with great respect for my friend and colleague from Arizona, because I think we are going to need to dispose of the amendment that I have offered. Senator KENNEDY has offered a second-degree amendment. We have talked about it. We negotiated about it. We tried to figure out what it would mean. We keep getting different opinions.

So my guess is, I think we will have to at some point move to table Senator KENNEDY's amendment, find out where the votes are, and dispose of my amendment. I would hate to have to wait longer and longer. So I would just as soon move ahead with our amendment.

Mr. SPECTER. Mr. President, I had suggested setting aside the amendment to move to Senator MCCAIN on the theory a little more time might find some resolution. But if the Senator from Oklahoma thinks not, it is his prerogative to proceed with his amendment.

Mr. NICKLES. How long would it take?

Mr. MCCAIN. In response to the Senator from Oklahoma, I am not sure how long it would take because I am not sure how strong the disagreement would be with the amendment.

AMENDMENT NO. 1082

Mr. NICKLES. Mr. President, I love my colleague from Arizona. And I think my amendment is somewhat the same. I thought maybe we would be able to dispose of our amendment in a short period of time and have a clear vote on our amendment that would try to make sure that taxpayers would not have to pay for the Teamsters' election twice.

Senator KENNEDY came up with a very clever amendment, and I am still trying to figure out what the net impact would be. I still do not know. I have the greatest respect for my colleague. That is one of the reasons I am not sure I want to agree to his amendment. I have a great desire to work with my colleague from Massachusetts, but in the last 2½ hours I still have not been able to determine, if we adopted his second-degree amendment, who would pay for the Teamsters' election.

Therefore, Mr. President, I think, after consulting with others, that I will debate the Kennedy amendment. At some point I will move to table the Kennedy amendment. Then we can dispose of our amendment and proceed to the amendment of the Senator from Arizona and dispose of the bill.

Mr. GRAMM. Can we get a time limit on the debate before the tabling motion?

Mr. NICKLES. I am prepared to move to table the amendment. I would like to speak for a few minutes, Senator KENNEDY would probably like to speak for a few minutes, and the Senator from Texas probably would like to speak for a few minutes. I will not move to table at this point, but it is my intent to move forward rather expeditiously to bring this to closure.

Mr. President, let me make a couple comments.

Mr. President, is our amendment pending before the Senate?

The PRESIDING OFFICER. The amendments are pending in the first and second degree.

Mr. NICKLES. Mr. President, for the information of our colleagues, so everyone can understand what the Nickles amendment is and what the Kennedy amendment is—and we will be voting on a motion to table the Kennedy amendment and, hopefully, a motion on the underlying Nickles-Jeffords amendment.

The Nickles-Jeffords amendment is this: Taxpayers should not have to pay for the Teamsters' election twice.

Mr. President, in 1989, the consent decree said that there will be an election in 1991 and said that the Teamsters would pay for it. They did. They had a successful election. It had oversight and management by the Government, but it was paid for by the Teamsters. It was deemed to be a good election.

The 1996 election had oversight and management by the Federal Government, and it was also paid for by the Federal Government. The overseer of the election, though, said there was some fraud, said there was some corruption, and said in her opinion we needed to have a new election. She has

now petitioned a judge, and the judge will be ordering a new election.

My point being, it is not the taxpayers' fault that there was fraud. That came from the Teamsters. I do not have any qualm on who is elected or who is not elected. That is not my issue. Somebody, I think, said, ''You're trying to influence an election.'' Far from it. That is not my decision. My decision is to protect taxpayers. Taxpayers should not have to pay for it again.

The estimates of the cost are $22 million. I heard subsequent to that that it will be well over $22 million. I heard estimates up to $28 million, $30 million. My point is, we should not have to pay for it again. We paid for it once. It was not U.S. taxpayers that had the corruption. That happened to come from within the union. They hired some consultants, and they funneled money to various campaigns. We should not have to pay for that. That is not the taxpayers' fault.

So what would our amendment do? Our amendment basically says you can have a rerun election and, if the Teamsters do not have the money, the Federal Government can pay for it; just that the Federal Government has to be paid back.

So to me it is eminently fair. It does not have any influence, saying, ''This group is favored over another group.'' It does not say anything in the wording—my colleague from Massachusetts said this has something to do with the UPS strike. That is totally hogwash. There was an abuse in dealing with the UPS strike. That was the fact that the overseer knew there was corruption in the election, knew it during the strike, but did not let the rest of the country know. This is one of the most important strikes, but that does not have anything to do with it.

My point being, if there is another election, let the Teamsters pay for it. These happen to be individuals who make good money. Almost all elections in the country are paid for, if you are talking about union elections, are paid for by the union. And they should be paid for by the union. This is not that big a deal. There are 1.4 million members. I think a little less than 500,000 people voted in the last election. I think they can pay for it. The average payroll of the Teamsters can well afford this, so they should pay for it. If they do not have the money, the taxpayers can pay for it, and the taxpayers can be paid back with interest. It is only fair.

Is it consistent with the consent decree of 1989? Yes, it is. The consent decree of 1989 said that the Teamsters would pay for the 1991 election and that the taxpayers would pay for the 1996 election. It did not say taxpayers pay for a 1996 rerun if there is corruption in the election.

Some people would like—and I believe Senator KENNEDY's position would be: Well, let's leave that up to a judge. We will let a judge decide whether taxpayers have to pay for it or not. The consent decree was silent. It didn't say who would have to pay for a rerun if there's corruption in the election.

I want to eliminate the question mark. I want to make sure that taxpayers do not pay for it. It is that simple. Why leave it to the determination of a judge? I do not think the judge has—frankly, if the judge reads the consent decree, there is nothing in the consent decree that would indicate taxpayers should pay for a 1996 rerun. But why leave it ambiguous? Let us just say, wait a minute, if we are going to have a rerun, fine, let the Teamsters pay for it, and, if necessary, if they do not have the money, the U.S. taxpayers pay for it, but they have to be repaid.

I think our amendment is eminently fair. I wish my colleague from Massachusetts had not second-degreed it. It is confusing. His amendment looks innocuous, but we do not want to turn it over to the courts. Therefore, at the appropriate time, after a couple of our colleagues have spoken on the amendment, I will move to table the Kennedy amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are mindful now that we are only a few short days from the time that the UPS strike was resolved and settled, and settled in a way which benefited many thousands of workers. There are 186,000 workers that were involved, and there was important progress made in the areas of pensions and part-time work. There was great progress made in a number of different areas which we may or may not have an opportunity to discuss here this evening.

But, quite frankly, Mr. President, I doubt whether this amendment would be before us if we had not seen the success of the Teamsters as a result of a collective-bargaining process. We saw 15 days where the Nation was focused on the issue about whether the workers of UPS were going to participate in the extraordinary kinds of successes that UPS was involved in. Americans around the country responded to the fact that many of those that had been on part-time were not having part-time mortgages, part-time payments in terms of food bills, part-time payments in terms of children's clothing bills. Finally, the UPS and the Teamsters worked out an agreement. It was important for those working men and women.

There are some here, some here in the Senate who just cannot stand the fact that workers were able to have their rights considered and to have their rights resolved in a positive and constructive way. And there are those who just want to somehow get back at these workers, somehow get back at them. I believe here we are seeing some attempt to try to do so by the mischievousness of this particular amendment.

The amendment which I have proposed is an amendment to the Nickles amendment that does not require the American taxpayers to pay. The Senator from Oklahoma believes that the judge does not have the authority to require the payment for the election by the taxpayers. All the amendment that I have offered is saying is that if the consent agreement does not require it, it does not have to be expended; if it does require it, we are not going to take any action that is going to interfere with a judicial process and a consent agreement that was signed under the Bush administration, was initiated by a Republican, Mr. Giuliani, in New York, was ratified by the Attorney General, Mr. Thornburgh, who is on record in strong support of this agreement.

This agreement is still applicable. As a matter of fact, the respondents are required, under the Southern District Court, to file their briefs on September 19—on September 19. This is a court order that is in effect at the present time. All we are saying in support of the amendment that I have offered is, let us not interfere with the court order that was established in 1989 that was agreed to by the participants. It is part of a judicial process and procedure.

What we are basically asking, under the Nickles amendment, is that we are going to interfere with a legitimate judicial procedure. All my amendment says is, let the judicial procedure flow as it was designed and agreed to at an earlier period of time. That is the extent of my amendment. We are not requiring, in my amendment, that taxpayer money be used. We are not saying that it will not be used. We are saying, whatever the judge, under that consent agreement in 1989, understood that agreement to be, that we will not interfere with it.

But that is not satisfactory to Senator NICKLES. He wants to rig, evidently, or change the consent agreement. We believe that the consent agreement ought to be maintained for the reason that consent agreements are put into place and agreed to by the different parties. When the consent agreement goes in and the different parties agree, we do not see that they agree on one day and the next day we are going to have interference with that particular agreement. That is really what is at issue.

Here is Rudolph Giuliani, in 1988, saying, ''Today the U.S. Government is bringing a lawsuit to attack and reverse, once and for all, a major American scandal.'' This is not an issue that is just brought up today. This has been the result and consent agreement from a long, long history which I reviewed earlier in the debate.

Richard Thornburgh said, ''This settlement, which union leaders agree to today, culminates 30 years of efforts''—30 years of efforts—''by the Department of Justice to remove the influence of organized crime within the

Teamsters Union,'' and then indicates support for it. Thirty years of effort and the consent agreement in 1989.

We have seen a continued consent agreement, as these cases are going on to the Southern District Court today. The briefs are required by September 19. So this issue is very much alive, Mr. President.

All we are saying in support of our amendment, which is basically an add-on to the Nickles amendment, all our amendment says is nothing in this section under the Nickles amendment shall be construed to apply to the expenditures required by the consent decree in the U.S. v. International Brotherhood. We do not say you are going to have to pay for them. We don't say you will have to pay part of them. We don't say that they are not going to or we are going to restrict the judge. That is effectively what we are basically attempting to do with this particular amendment.

Mr. President, I think there are strong reasons for accepting this amendment. I will speak just for a few more moments on this particular issue. Mr. President, as I mentioned, in 1988, the Justice Department under President Bush sued the Teamsters Union under the racketeering laws, and the U.S. attorney who prosecuted the case was Rudolph Giuliani, another Republican, who now, of course, is the mayor of New York City. In 1989, Mayor Giuliani negotiated a resolution to the suit with the Teamsters that imposed sweeping reforms on the union.

A critical part of the election reform was the supervision of all aspects of the union elections by a court-appointed election official. Thus, the consent decree establishes the position of election officer and gave the officer substantial authority to regulate the entirety of the electoral process. Under the consent order the expenses of the 1991 Teamster election were borne by the union itself, including the expenses of the election officer.

But the 1996 election was different as to that election. The consent order stated the union defendants consent to the election officer at Government expense to supervise the 1996 election. The election officer and all parties to the suit complied with this provision of the consent decree. The Republican refusal to appropriate funds for fiscal year 1996 for the Labor and Justice Department forced the election officer to seek a court order requiring the Justice Department to fund the critical preelection activities. The Justice Department and union joined in the election officer's request for that order which ultimately was granted in October of 1995. Ultimately, however, the funding was obtained and the election was conducted. Protests were filed with the election officer to resolve them and an opinion issued late last month. In that opinion, the election officer found that misconduct by consultants to one candidate required that the election be rerun. The officer specifically declined to find wrongdoing by any officer or member of the union and noted that President Carey had conducted himself throughout the investigation in a manner inconsistent with guilt.

So, there is a judicial finding and conclusion that there has been no conclusion to this current election and has not been certified and therefore the election officer maintains the jurisdiction.

In accordance with this decision, the election officer did not certify the 1996 election. She did, however, apply to the Federal court for an order requiring that the election be rerun. That application is pending. The parties' briefs will not be filed until September 19 and the court will not rule until after that time. The court may order that the election be rerun or it may not. It may require the Government to fund the election officer's supervision of the election or it may require the union to do so or it may require each party to bear some part of the cost. Let me repeat that: The court may order the election be rerun or it may not. It may require the Government to fund the election officer's supervision of that election or it may require the union to do so. Or it may require each party to bear some part of the cost. We do not know that. We do not know that. That still has to be resolved.

Under the Nickles amendment it would prejudge that. All we are trying to do is say we had the agreement in 1989. It is under active consideration before the Southern District Court of New York and we should do nothing that is going to affect that agreement which has been agreed to by all the principle parties and negotiated under the previous administration.

The point is we do not know how the court will rule. But this amendment would tell the court that regardless of its ruling the Government will not be permitted to fund the election, even if the consent order requires the Government to pay, this amendment will refuse to permit that. Thus the amendment would interfere with an ongoing judicial process.

That is, basically, the issue. Are we going to permit legislative interference in an ongoing judicial process? It is as simple as that. Moreover, the amendment would renege on an agreement that a Republican-controlled Justice Department entered into 8 years ago by repudiating part of that agreement. The amendment would order the Government to subject itself to a contempt proceeding, and that is an outrage and an untenable result.

Why do those on the other side of the aisle seek to achieve this result? It can only be because they want to punish the Teamsters Union for their tremendous success in the recent UPS strike. That is what is at the bottom of this, make no mistake about it. Does anybody think if they had not been successful in that strike we would be considering this here? It is a basic, fundamental assault on the fact that they were able to negotiate some protections for part-time workers and for pension rights for workers. There are those in this body and in this country that cannot stand that. They want to give those workers a comeuppance. That is really what is at issue here. That is what is being attempted, to try to interfere with this judicial process.

That strike resulted in significant improvements for 185,000 workers at UPS. It sensitized the entire Nation to the gross abuses in many work forces that forced hard-working men and women into part-time jobs with lower wages and lower benefits than they deserve.

Let me highlight a few of the achievements of the Teamsters in the UPS strike: 10,000 new full-time jobs by combining existing low-wage part-time positions. That is in addition to the full-time opportunities that are normally created through growth in the company, retirements or people leaving for other reasons. Pension increases that are the same or better as the increases the company had already said it would make, but under the Teamster pension plan, not a company-controlled pension plan. Under the Teamster's central pension fund, a UPS worker could retire at 30 years with a pension of $3,000 per month, 50 percent more than the current amount. Limits on subcontracting—to replace some contractors with UPS workers, so that as UPS grows, full-time UPS jobs grow as well. Wage increases of $3.10 an hour for full-time plus an extra dollar an hour for part-time workers. That may not sound like a lot to the Members of this body but that is important for working families. Safety protections for workers who handle heavy packages may not sound important to a lot of people around this body but that is important for a lot of workers who are handling those heavy packages. The list goes on, and the list goes on.

Our Republican colleagues seem to think that the Teamsters deserve to be punished for these gains and I think the union deserves praise.

Mr. President, I believe, for the reasons I have outlined here, this is a consent decree, that the consent decree is still active, that there is pending action that is before the Southern District Court, and the amendment which I introduced would effectively accept the Nickles amendment but it would indicate there would be no interference with any decision that is going to be made by the judge in that decree that will be forthcoming, and the outcome of which we do not know.

Let me mention, Mr. President, some of the observations of the Judge, David Edelstein, approving the consent decree.

> Just over two months ago I signed a consent decree between * * * Teamsters and the government. The decree contains an acknowledgment by the Teamsters leadership that there are severe shortcomings in the way it has conducted its affairs in the past, and it embodies the standards by which the leadership of the * * * Union should conduct its affairs in the future.* * *

These goals alone, however, are merely statements of good intentions—and we all know where those can lead. Without a dedicated effort to put these ideals into practice, the good intentions will become empty promises and unfulfilled hopes. * * * The public has a significant stake in the outcome of the decree. The IBT exercises vast power and cuts across every segment of society—political, social, and economic. It affects every aspect of our lives. Such power must be insulated against corruption and criminal elements and must be reserved for legitimate use to achieve legitimate ends.

* * * The conditions that have necessitated and justified such unprecedented measures are extreme. The remedy therefore is necessarily extreme. The court expects that all parties involved—the union, the government, and the three individuals I am about to appoint—live up to the spirit and letter of the laws and Constitution of the United States as well as the consent decree.

Mr. SPECTER. Could we enter into a time agreement, say, with the vote at 6 o'clock?

Mr. KENNEDY. I do not expect we would go beyond 6 o'clock but I am reluctant just to enter into it at this time since there are Members that indicated to me they wanted to speak and indicated they would like to speak, but I don't anticipate we would go beyond 6 o'clock.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. WELLSTONE. A point of inquiry.

Mr. KENNEDY. I yield for a question.

Mr. WELLSTONE. As I understand what the Senator from Massachusetts is saying in reply or in response to the Senator from Pennsylvania is that we want to try and finish but there are some other Senators that want to speak and the Senator is right, I would like to speak.

I think it is a shame we did not have an agreement. We should have. This is a very reasonable second degree, I think, but I want to make it clear to my colleague from Pennsylvania I would like to speak, and I can be relatively brief.

Mr. SPECTER. I make an inquiry as manager of the bill to see if we can move it along.

We have quite a number of amendments. I would like to speak for 5 minutes. If the Senator from Minnesota wishes to speak for 5 minutes, he can get a sequencing. It would be helpful.

Mr. GRAMM. I assume we will go back and forth?

Mr. SPECTER. And perhaps agree to limit speeches to 5 minutes, if that is acceptable.

Mr. KENNEDY. Mr. President, as I indicated, I have talked to some Senators who wanted to speak. I do not anticipate going beyond 6 o'clock. I cannot speak for them at the present time.

After Senator WELLSTONE speaks, I can make inquiries of the Senators and inform the Chair.

Mr. SPECTER. I thank my colleague from Massachusetts.

Mr. KENNEDY. So, here we have the Republican administration that is committed to this consent decree. We have the consent decree still active in the southern district court requiring the submission of various briefs, a judge that is going to make a judgment based upon those briefs, and the facts as have been found on the recent election. We do not know what the terms of the pronouncement is going to be in terms of the judge, and all we are saying in the Kennedy amendment is that we are not going to interfere with the judgments of that judge in fulfilling the consent decree requirements that were agreed to by all parties, that go back over a long period of time, some 30 years of involvement, and we are not going to prejudge that, tonight, to interfere with a judicial proceeding.

That is, basically, what the effect of the Kennedy amendment would be as a perfecting amendment to the Nickles proposal.

Mr. President, I find it difficult to see how a President of the United States, if this were to go through and to pass and to be actually accepted in the committee in the conference report, how a President of the United States could sign this appropriation that would have a legislative intrusion in terms of a consent decree that had been agreed to and honored by all of the parties.

It seems to me that this would be a clear interference by the legislative body into the judicial consent decree and would certainly be subject to a Presidential veto. It is of that importance and of that consequence. I hope my amendment will be agreed to. Just to repeat it, all we want to say is that nothing in this section—which would be the Nickles amendment—should be construed to apply to expenditures required by the consent decree. We are not saying what they may be, what they might not be, whether they would be or would not be. But all we are saying is that we would not interfere with the consent decree. It is as plain and as clear as can be, Mr. President. I hope the amendment will be accepted.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me review what the issue is before the Senate and make it clear that there is nothing confusing about the Kennedy amendment. The objective of the Kennedy amendment is to require the taxpayer to pay for yet another union election.

Now, let me go back to the facts and then delineate where I believe Senator KENNEDY drifts far afield from the facts. I also want to respond to this assertion about UPS, which borders on violating rule XIX of the U.S. Senate.

Now, first, let me begin with the consent decree. Because of corruption in the Teamsters, we entered into a consent decree which resulted in the taxpayers paying for the 1996 Teamsters election. The taxpayers spent $22 million. The person appointed to oversee the election, having been paid $300,000 to $400,000, a couple of weeks after it was known that we clearly had violations in the election, now, belatedly, has raised questions.

Now, my point and the point of the Nickles amendment is that we agreed to pay for the election, and we paid for the election. The point is that we did not get the election that we paid for. Perhaps the amendment of Senator NICKLES should demand that we get our $22 million back because the same corruption we were trying to stop apparently occurred again.

Now, nothing in the Nickles amendment interferes with the consent agreement, except that the Nickles amendment makes it clear that the Constitution of the United States does not give a judge the power of the Federal purse. The Nickles amendment says we paid for an election we didn't get, and we are not paying for another election. The judge can require another election, which I assume he will do. But under the Nickles amendment, he will have to require the Teamsters to pay for the election. We have already paid for one election and we didn't get it. I hope while he is at it, he will fire everybody who drew these salaries to oversee an election through which they slept.

Now, as for the UPS strike having anything to do with this amendment, that assertion violates rule XIX of the U.S. Senate. We are impugning the motives of people offering this amendment. If I stood up on the floor of the Senate and said that this amendment was offered by a Democratic Senator because the Democratic Party colluded with the Teamsters Union, I would be subject to rule XIX, and rightly so. I would never do that. And to come to the floor of the Senate and suggest that Senator NICKLES' amendment has anything to do with anything other than stopping the purchase of another election when we didn't get the first one we paid for is outrageous. I was on the verge of raising rule XIX on that assertion. I think it assaults the dignity of the Senate to try to impugn the motives of people who are offering serious amendments.

Now, with regard to the judge, the Nickles amendment doesn't restrict the judge. The judge can order a new election; he can fire the people who didn't do their jobs the first time; and the judge can set out the parameters of the new election. But under the Nickles amendment, the judge cannot say to the taxpayer: You already paid for an election you didn't get and we are going to make you pay for another election.

All the Nickles amendment does is assert the power of Congress to expend money. It says to the judge and the courts that we are passing a law that says we already paid for our election and any future election will have to be reimbursed. The cost that the Federal taxpayer should incur in overseeing that election will have to be reimbursed by the beneficiaries, the members of the union, who, hopefully, will get an honest election in the future.

We had a consent decree; the Federal Government has lived up to the consent decree. We spent $22 million for an

election that we did not get. We were supposed to have gotten an honest election, but apparently did not. The question is: Are we going to do it again? I think it is a very clear vote.

We attempted to have an honest election once, which we did not get, even after the taxpayer paid $22 million. Now the person who was given the responsibility of overseeing that election says that a fair election did not occur. Should we be forced to pay again? The Nickles amendment says no. I think the American people would say no.

So the Kennedy amendment puts this back in the hands of the court. And, basically, his argument is, let a Federal judge appropriate and expend another $22 million if he chooses. The Constitution is very clear about who has the power of the purse. The Nickles amendment, totally within the consent decree, simply says that we paid to have an honest election, but we didn't get what we paid for. Quite frankly, I would vote for an amendment that demanded our $22 million back. But the point is that the Nickles amendment simply says that if another election is ordered, which it almost certainly will be, the beneficiaries of the election pay for it. So it does not interrupt the consent decree.

We have lived up to our end of the bargain, but the participants in the election and the overseers did not live up to their end of the bargain. This is a question of whether you want the taxpayers to fund a second election when the first election was apparently fraudulent. The Nickles amendment says no; the Kennedy amendment says yes, but does it indirectly by saying let's let the judge take the rap for requiring us to pay for the election the second time.

I say this is an issue the Congress should decide. We have the constitutional responsibility to spend or not spend money. I say buying one election you didn't get is one too many. I support the Nickles amendment, and I hope people will vote to defeat—by voting to table—the Kennedy amendment so that we can vote on the Nickles amendment, which simply says that we paid for an honest election, we didn't get it, and we are not paying for a second one. That is the issue. It is as clear-cut as it can be, and hiding behind some black-robed official who does not have the inconvenience of having to run for reelection and having to answer to voters for spending their money, I don't think is a way the U.S. Senate, as the greatest deliberative body in the world, should be acting.

This is a clear-cut choice, and the choice is: No more money to pay for elections that don't seem to be held fairly.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my colleague from Texas wants to focus on the black-robed judges, but I think his analysis is a bit ahistorical. Rudolph Giuliani, former U.S. attorney, 1988: ''To date, the United States Government is bringing the lawsuit to attack and reverse once and for all the major American scandal.'' Richard Thornburgh, Attorney General, March 14, 1989—not a black-robed judge: ''This settlement, which union leaders agreed to earlier today, culminates 30 years of efforts by the Department of Justice to remove the influence of organized crime within the Teamsters Union.''

This was an agreement with a Republican administration. The second-degree amendment here, the Kennedy amendment, simply says, nothing in this section shall be construed to apply to expenditures required by the consent decree in United States versus The International Brotherhood of Teamsters. My colleague from Oklahoma wants to say there isn't anything in his amendment that goes against this consent agreement. If so, this second-degree amendment should be acceptable. We should not even be having this debate.

Now, I heard what my colleague from Texas said about the need to not be personal. I won't be. Let me make a different kind of argument. When, all of a sudden and unrelated to the bill on the floor, there is an amendment that goes after a consent agreement that goes back to the actions of a Republican administration, and when that all-of-a-sudden move on the Senate floor follows only a few short weeks from a very inspiring and successful effort on the part of the Teamsters to collectively bargain, and when this effort, unrelated to the bill on the floor all of a sudden comes up just a few short weeks after many people in the country are saying, thank goodness there is a focus on trying to have full-time jobs as opposed to part-time jobs, thank goodness there is a focus on living-wage jobs, thank goodness those of us who are hard-pressed and struggling to earn a decent living and raise our children well are going to have a chance, I think this is the wrong time for such an extraordinary move.

I don't think we can decontextualize what we do on the floor of the Senate. It would be a little foolish to believe that, whatever the intentions are of colleagues, people in the country, many working families, union or nonunion, won't look upon this effort as just payback. That will be the perception. That is the way it looks in terms of the chronology of this. That is the way it looks in terms of the timeliness of this. That is the way it looks in terms of this action by the Senate, following up on the successful effort on the part of a union to bargain collectively.

Finally, once again, it is such an extraordinary move to go against an agreement that a Republican administration was a part of and to take this extraordinary, and I think really very imprudent, action. Senator KENNEDY's second-degree amendment is reasonable. It just says—and I will finish—nothing in this section shall be construed to apply to expenditures required by the consent decree. Whatever those expenditures are or are not, this amendment just says, look, we don't come out here on the floor—it is not in the dark of night, but all of a sudden—with this kind of major move, and I think this is an extremely reasonable second-degree amendment. I hope my colleagues will support it.

Mr. KENNEDY. Will the Senator yield?

Mr. WELLSTONE. I am pleased to yield.

Mr. KENNEDY. We have taken the time to go through the various aspects in the consent decree that was agreed to, the agreement, in terms of the allocation of resources, some of which was spelled out in the consent decree. Let me mention, reading specifically, and I will—I ask unanimous consent that the full consent decree be printed in the RECORD.

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

[U.S. District Court, Southern District of New York, Order 88 CIV. 4486 (DNE)]

UNITED STATES OF AMERICA, PLAINTIFF, *v.* INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFERS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL–CIO, ET AL., DEFENDANTS.

Whereas, plaintiff United States of America commenced this action on June 28, 1988, by filing a Complaint seeking equitable relief involving the International Brotherhood of Teamsters, AFL–CIO (hereinafter, ''the IBT''), pursuant to the civil remedies provisions of the Racketeer Influenced and Corrupt Organizations (''RICO'') Act, 18 U.S.C. § 1964; and

Whereas, the Summons and Complaint have been served, answers filed, and pretrial discovery commenced by and between the parties; and

Whereas, plaintiff United States of America and defendants IBT and its General Executive Board, William J. McCarthy, Weldon Mathis, Joseph Trerotola, Joseph W. Morgan, Edward M. Lawson, Arnold Weinmeister, Donald Peters, Walter J. Shea, Harold Friedman, Jack D. Cox, Don L. West, Michael J. Riley, Theodore Cozza and Daniel Ligurotis (hereinafter, the ''union defendants'') have consented to entry of this order; and

Whereas, the union defendants acknowledge that there have been allegations, sworn testimony and judicial findings of past problems with La Cosa Nostra corruption of various elements of the IBT; and

Whereas, the union defendants agree that there should be no criminal element or La Cosa Nostra corruption of any part of the IBT; and

Whereas, the union defendants agree that it is imperative that the IBT, as the largest trade union in the free world, be maintained democratically, with integrity and for the sole benefit of its members and without unlawful outside influence;

It is hereby ordered and decreed that:

A. Court Jurisdiction

1. This Court has jurisdiction over the subject matter of the action, has personal jurisdiction over the parties, and shall retain jurisdiction over this case until further order of the Court.

2. Upon satisfactory completion and implementation of the terms and conditions of this order, this Court shall entertain a joint motion of the parties hereto for entry of judgment dismissing this action with prejudice and without costs to either party.

B. Duration

3. The authority of the court officers established in paragraph no. 12 herein shall terminate after the certification of the 1991 election results by the Election Officer for all IBT International Officers as provided in this Order, except as follows:

(1) The Election Officer and the Administrator shall have the authority to resolve all disputes concerning the conduct and/or results of the elections conducted in 1991 under the authority granted to them under paragraph 12(D) herein, and the Investigations Officer and the Administrator shall have the authority to investigate and discipline any corruption associated with the conduct and/or results of the elections to be conducted in 1991 under the authority granted them under paragraph 12 (A) and (C) herein, so long as said investigation is begun within six months of the final balloting.

(2) The Investigations Officer and the Administrator shall have the authority to resolve to completion and decide all charges filed by the Investigations Officer on or before the date on which the authority granted to them under paragraphs 12 (A) and (C) herein terminates the authority pursuant to subparagraph (3) below.

(3) The role and authority provided for in paragraphs 12 and 13 of this Order regarding the Investigations Officer and the Administrator and their relationship with the Independent Review Board shall terminate not later than nine (9) months after the certification of the 1991 election results.

(4) As used herein, the date referred to as ''the certification of the 1991 election results'' shall be construed to mean either the date upon which the Election Officer certifies the 1991 election results for all IBT International Officers or one month after the final balloting, whichever is shorter.

C. Status of the Individual Union Defendants

4. The union defendants herein remain as officers of the IBT, subject to all of the terms herein, including the disciplinary authority of the Court-appointed officers, described in paragraph 12(A) herein.

D. Changes in the IBT Constitution

5. The portion of Section 6(a) of Article XIX of the IBT Constitution that provides, ''Any charge based upon alleged conduct which occurred more than one (1) year prior to the filing of such charge is barred and shall be rejected by the Secretary-Treasurer, except charges based upon the non-payment of dues, assessment and other financial obligations,'' shall be and hereby is amended to provide for a five (5) year period, running from the discovery of the conduct giving rise to the charge. This limitation period shall not apply to any actions taken by the Investigations Officer or the Administrator.

6. Section 6(a) of Article XIX of the IBT Constitution shall be deemed and is hereby amended to include the following: ''Nothing herein shall preclude the General President and/or General Executive Board from suspending a member or officer facing criminal or civil trial while the charges are pending.''

7. Immediately after the conclusion of the IBT elections to be conducted in 1991, Section 8 of Article VI of the IBT Constitution shall be deemed and hereby is amended to provide that a special election be held whenever a vacancy occurs in the office of IBT General President, pursuant to the procedures described later herein for election of IBT General President.

8. Article IV, Section 2 of the IBT Constitution shall be deemed and is hereby amended to include a new paragraph as follows:

''No candidate for election shall accept or use any contributions or other things of value received from any employers, representative of an employer, foundation, trust or any similar entity. Nothing herein shall be interpreted to prohibit receipt of contributions from fellow employees and members of this International Union. Violation of this provision shall be grounds for removal from office.''

9. (a) The IBT Constitution shall be deemed and hereby is amended to incorporate and conform with all of the terms set forth in this order.

(b) By no later than the conclusion of the IBT convention to be held in 1991, the IBT shall have formally amended the IBT Constitution to incorporate and conform with all of the terms set forth in this order by presenting said terms to the delegates for a vote. If the IBT has not formally so amended the IBT Constitution by that date, the Government retains the right to seek any appropriate action, including enforcement of this order, contempt or reopening this litigation.

E. Permanent Injunction

10. Defendants William J. McCarthy, Weldon Mathis, Joseph Trerotola, Joseph W. Morgan, Edward M. Lawson, Arnold Weinmeister, Donald Peters, Walter J. Shea, Harold Friedman, Jack D. Cox, Don L. West, Michael J. Riley, Theodore Cozza and Daniel Ligurotis, as well as any other or future IBT General Executive Board members, officers, representatives, members and employees of the IBT, are hereby permanently enjoined from committing any acts of racketeering activity, as defined in 18 U.S.C. §1961 *et seq.*, and from knowingly associating with any member or associate of the Colombo Organized Crime Family of La Cosa Nostra, the Genovese Organized Crime Family of La Cosa Nostra, the Gambino Organized Crime Family of La Cosa Nostra, the Lucchese Organized Crime Family of La Cosa Nostra, the Bonnano Organized Crime Family of La Cosa Nostra, any other Organized Crime Families of La Cosa Nostra or any other criminal group, or any person otherwise enjoined from participating in union affairs, and from obstructing or otherwise interfering with the work of the court-appointed officers or the Independent Review Board described herein.

11. As used herein, the term, ''knowingly associating,'' shall have the same meaning as that ascribed to that term in the context of comparable federal proceedings or federal rules and regulations.

F. Court-Appointed Officers

12. The Court shall appoint three (3) officers—an Independent Administrator, an Investigations Officer and an Election Officer—to be identified and proposed by the Government and the union defendants, to oversee certain operations of the IBT as described herein. The parties shall jointly propose to the Court at least two persons for each of these three positions. Such proposal shall be presented to the Court within four weeks of the date of the entry of this Order, except that for good cause shown such period may be extended by the Court. Except as otherwise provided herein, the duties of those three officers shall be the following:

(A) DISCIPLINARY AUTHORITY.—From the date of the Administrator's appointment until the termination of the Administrator's authority as set forth in paragraph 3(3) herein, the Administrator shall have the same rights and powers as the IBT's General President and/or General Executive Board under the IBT's Constitution (including Articles VI and XIX thereof) and Title 29 of the United States Code to discharge those duties which relate to: disciplining corrupt or dishonest officers, agents, employees or members of the IBT or any of its affiliated entities (such as IBT Locals, Joint Councils and Area Conferences), and appointing temporary trustees to run the affairs of any such affiliated entities. The Investigations Officer shall have the authority to investigate the operation of the IBT or any of its affiliates and, with cause,

(i) To initiate disciplinary charges against any officer, member or employee of the IBT or any of its affiliates in the manner specified for members under the IBT Constitution and,

(ii) To institute trusteeship proceedings for the purpose and in the manner specified in the IBT Constitution.

Prior to instituting any trusteeship proceeding the Investigations Officer shall notify the General President of the Investigations Officer's plan to institute said trusteeship proceeding and the basis therefor and give the General President ten (10) days to exercise his authority pursuant to the IBT Constitution to institute such trusteeship proceedings. If the General President timely institutes such proceedings and/or a trusteeship is imposed, the Investigations Officer and the Administrator shall have authority to review any action thus taken by the General President and/or any trusteeship imposed thereafter and to modify any aspect of either of the above at any time and in any manner consistent with applicable federal law. If the General President fails to institute trusteeship proceedings within the ten-day period prescribed herein, the Investigations Officer may immediately proceed in accordance with the authority specified above.

When the Investigations Officer files charges, the following procedures shall be observed:

(a) the Investigations Officer shall serve written specific charges upon the person charged;

(b) the person charged shall have at least thirty (30) days prior to hearing to prepare his or her defense;

(c) a fair and impartial hearing shall be conducted before the Administrator;

(d) the person charged may be represented by an IBT member at the hearing; and

(e) the hearing shall be conducted under the rules and procedures generally applicable to labor arbitration hearings.

The Administrator shall preside at hearings in such cases and decide such cases using a ''just cause'' standard. The Investigations Officer shall present evidence at such hearings. As to decisions of the IBT General Executive Board on disciplinary charges and trusteeship proceedings during the Administrator's tenure, the Administrator shall review all such decisions, with the right to affirm, modify or reverse such decisions and, with respect to trusteeship proceedings, to exercise the authority granted above in this paragraph. Any decision of the Administrator shall be final and binding, subject to the Court's review as provided herein. For a period of up to fourteen (14) days after the Administrator's decision, any person charged or entity placed in trusteeship adversely affected by the decision shall have the right to seek review by this Court of the Administrator's decision. The Administrator shall also have the right to establish and disseminate new guidelines for investigation and discipline of corruption within the IBT. All of the above actions of the Administrator and Investigations Officer shall be in compliance with applicable Federal laws and regulations.

(B) Review Authority.—From the date of the Administrator's appointment until the certification of the IBT elections to be conducted in 1991, the Administrator shall have

the authority to veto whenever the Administrator reasonably believes that any of the actions or proposed actions listed below constitutes or furthers an act of racketeering activity within the definition of Title 18 U.S.C. §1961, or furthers or contributes to the association directly, or indirectly, of the IBT or any of its members with the LCN or elements thereof:

(i) any expenditures or proposed expenditure of International Union funds or transfer of International Union property approved by any officers, agents, representatives or employees of the IBT,

(ii) any contract or proposed contract on behalf of the International Union, other than collective bargaining agreements, and

(iii) any appointment or proposed appointments to International Union office of any officer, agent, representative or employee of the IBT.

In any case where the Administrator exercises veto authority, the action or proposed action shall not go forward. The Administrator, upon request of the IBT's General President or General Executive Board, shall, within three (3) days, advise the IBT's General President and/or General Executive Board whichever is applicable, of the reasons for any such veto. For a period of up to fourteen (14) days after the Administrator's decision, the IBT's President and/or General Executive Board shall have the right to seek review by this Court of the Administrator's decision. The Administrator may prescribe any reasonable mechanism or procedure to provide for the Administrator's review of actions or proposed actions by the IBT, and every officer, agent, representative or employee of the IBT shall comply with such mechanism or procedure.

(C) Access to Information.—(i) The Investigations Officer shall have the authority to take such reasonable steps that are lawful and necessary in order to be fully informed about the activities of the IBT in accordance with the procedures as herein established. The Investigations Officer shall have the right:

(a) To examine books and records of the IBT and its affiliates, provided the entity to be examined receives three (3) business days advance notice in writing, and said entity has the right to have its representatives present during said examination.

(b) To attend meetings or portions of meetings of the General Executive Board relating in any way to any of the officer's rights or duties as set forth in this Order, provided that prior to any such meeting, the officer shall receive an agenda for the meeting and then give notice to the General President of the officer's anticipated attendance.

(c) To take and require sworn statements or sworn in-person examinations of any officer, member, or employee of the IBT provided the Investigations Officer has reasonable cause to take such a statement and provided further that the person to be examined receives at least ten (10) days advance notice in writing and also has the right to be represented by an IBT member or legal counsel of his or her own choosing, during the course of said examination.

(d) To take, upon notice and application for cause made to this Court, which shall include affidavits in support thereto, and the opportunity for rebuttal affidavits, the sworn statements or sworn in person examination of persons who are agents of the IBT (and not covered in subparagraph (c) above).

(e) To retain an independent auditor to perform audits upon the books and records of the IBT or any of its affiliated entities (not including benefit funds subject to ERISA), provided said entity receives three (3) business days advance notice in writing and said entity has the right to have its representatives present during the conduct of said audit.

(ii) The Independent Administrator and the Election Officer shall have the same rights as the Investigations Officer as provided in sections (a), (b), (c) and (d) of A, herein.

(iii) The Independent Administrator, Investigations Officer and Election Officer shall each be provided with suitable office space at the IBT headquarters in Washington, D.C.

D. IBT Election.—The IBT Constitution shall be deemed amended, and is hereby amended, to provide for the following new election procedures:

(i) The procedures described herein shall apply to elections of the IBT's General President, General Secretary-Treasurer, International Union Vice Presidents, and international Union Trustees;

(ii) Delegates to the IBT International convention at which any International Union officers are nominated or elected shall be chosen by direct rank-and-file secret balloting shortly before the convention (but not more than six months before the convention, except for those delegates elected at local union elections scheduled to be held in the fall of 1990), and with all convention Candidate election voting by secret ballot of each delegate individually;

(iii) Delegates shall nominate candidates for eleven (11) Regional Vice Presidents, as follows: Three (3) from the Eastern Conference, three (3) from the Central Conference, two (2) from the Southern Conference, two (2) from the Western Conference, and one (1) from the Canadian Conference. In addition, there shall be nominated candidates for five (5) Vice Presidents to be elected at large. All duly nominated Vice Presidents shall stand for election conducted at local unions on the same ballot and time as the election of General President and General Secretary-Treasurer, as provided herein;

(iv) At such an International convention, after the nomination of International Union Vice Presidents and election of Trustees, all delegates shall then vote for nominees for the offices of IBT General President and Secretary-Treasurer;

(v) To qualify for the ballot for the direct rank-and-file voting for IBT General President, Secretary-Treasurer, and Vice President, candidates must receive at least five (5) percent of the delegate votes at the International convention, for the at large position, or by conference for regional positions, as the case may be;

(vi) No person on the ballot for the position of IBT General President may appear on the ballot in the same election year for the position of Secretary-Treasurer; and further no member shall be a candidate for more than one (1) Vice President position;

(vii) No less than four (4) months and no more than six (6) months after the International convention at which candidates were nominated, the IBT General President, General Secretary-Treasurer and Vice Presidents shall be elected by direct rank-and-file voting by secret ballot in unionwide, one-member, one-vote elections for each at large position, and conference wide, one-member one-vote elections for each regional position;

(viii) All direct rank-and-file voting by secret ballot described above shall be by in-person ballot box voting at local unions or absentee ballot procedures where necessary, in accordance with Department of Labor regulations; and

(ix) The current procedures under the IBT Constitution for filling a vacancy between elections in the office of General Secretary-Treasurer, International Trustee, and International Vice President shall remain in effect.

The Election Officer shall supervise the IBT election described above to be conducted in 1991 and any special IBT elections that occur prior to the IBT elections to be conducted in 1991. In advance of each election, the Election Officer shall have the right to distribute materials about the election to the IBT membership. The Election Officer shall supervise the balloting process and certify the election results for each of these elections as promptly as possible after the balloting. Any disputes about the conduct and/or results of elections shall be resolved after hearing by the Administrator.

The union defendants consent to the Election Officer, at Government expense, to supervise the 1996 IBT elections. The union defendants further consent to the U.S. Department of Labor supervising any IBT elections or special elections to be conducted after 1991 for the office of the IBT General President, IBT General Secretary-Treasurer, IBT Vice President, and IBT Trustee.

At the IBT 1991 International Convention, the delegates shall be presented with these aforesaid amendments for vote; provided further that nothing herein shall be deemed or interpreted or applied to abridge the Landrum-Griffin free speech right of any IBT officer, delegate or member, including the parties hereto.

(E) REPORTS TO MEMBERSHIP.—The Administrator shall have the authority to distribute materials at reasonable times to the membership of the IBT about the Administrator's activities. The reasonable cost of distribution of these materials shall be borne by the IBT. Moreover, the Administrator shall have the authority to publish a report in each issue of the *International Teamster* concerning the activities of the Administrator, Investigations Officer and Election Officer.

(F) REPORTS TO THE COURT.—The Administrator shall report to the Court whenever the Administrator sees fit but, in any event, shall file with the Court a written report every three (3) months about the activities of the Administrator, Investigations Officer and Election Officer. A copy of all reports to the Court by the Administrator shall be served on plaintiff United States of America, the IBT's General President and duly designated IBT counsel.

(G) HIRING AUTHORITY.—The Administrator, the Investigations Officer and the Election Officer shall have the authority to employ accountants, consultants, experts, investigators or any other personnel necessary to assist in the proper discharge of their duties. Moreover, they shall have the authority to designate persons of their choosing to act on their behalf in performing any of their duties, as outlined in subparagraphs above. Whenever any of them wish to designate a person to act on their behalf, they shall give prior written notice of the designation to plaintiff United States of America, and the IBT's General President; and those parties shall then have the right, within fourteen (14) days of receipt of notice, to seek review by this Court of the designation, which shall otherwise take effect fourteen (14) days after receipt of notice.

(H) COMPENSATION AND EXPENSES.—The compensation and expenses of the Administrator, the Investigations Officer and the Election Officer (and any designee or persons hired by them) shall be paid by the IBT. Moreover, all cost associated with the activities of these three officials (and any designee or persons hired by them) shall be paid by the IBT. The Administrator, Investigations Officer and Election Officer shall file with the Court (and serve on plaintiff United States of America and the IBT's General President and designated IBT counsel) an application, including an itemized bill, with supporting material, for their services and expenses once every three months. The IBT's

General President shall then have fourteen (14) business days following receipt of the above in which to contest the bill before this Court. If the IBT's President fails to contest such a bill within that 14-day period, the IBT shall be obligated to pay the bill. In all disputes concerning the reasonableness of the level or amount of compensation or expense to be paid, the Court and parties shall be guided by the level of payment as authorized and approved by the IBT for the payment of similar services and expenses.

(I) APPLICATION TO THE COURT.—The Administrator may make any application to the Court that the Administrator deems warranted. Upon making any application to the Court, the Administrator shall give prior notice to plaintiff United States of America, the IBT's General President and designated IBT counsel and shall serve any submissions filed with the Court on plaintiff United States of America, the IBT's General President and designated IBT counsel. Nothing herein shall be construed as authorizing the parties or the Court-appointed officers to modify, change or amend the terms of this Order.

G. Independent Review Board

Following the certification of the 1991 election results, there shall be established an Independent Review Board (hereinafter, referred to as the ''Review Board''). Said Board shall consist of three members, one chosen by the Attorney General of the United States, one chosen by the IBT and a third person chosen by the Attorney General's designee and the IBT's designee. In the event of a vacancy, the replacement shall be selected in the same manner as the person who is being replaced was selected.

(a) The Independent Review Board shall be authorized to hire a sufficient staff of investigators and attorneys to investigate adequately (1) any allegations of corruption, including bribery, embezzlement, extortion, loan sharking, violation of 29 U.S.C. §530 of the Landrum Griffin Act, Taft-Hartley Criminal violations or Hobbs Act violations, or (2) any allegations of domination or control or influence of any IBT affiliate, member or representative by La Cosa Nostra or any other organized crime entity or group, or (3) any failure to cooperate fully with the Independent Review Board in any investigation of the foregoing.

(b) The Independent Review Board shall exercise such investigative authority as the General President and General Secretary-Treasurer are presently authorized and empowered to exercise pursuant to the IBT Constitution, as well as any and all applicable provisions of law.

(c) All officers, member, employees and representatives of the IBT and its affiliated bodies shall cooperate fully with the Independent Review Board in the course of any investigation or proceeding undertaken by it. Unreasonable failure to cooperate with the Independent Review Board shall be deemed to be conduct which brings reproach upon the IBT and which is thereby within the Independent Review Board's investigatory and decisional authority.

(d) Upon completion of an investigation, the Independent Review Board shall issue a written report detailing its findings, charges, and recommendations concerning the discipline of union officers, members, employees, and representatives and concerning the placing in trusteeship of any IBT subordinate body. Such written reports shall be available during business hours for public inspection at the IBT office in Washington, DC.

(e) Any findings, charges, or recommendations of the Independent Review Board regarding discipline or trusteeship matters shall be submitted in writing to an appropriate IBT entity (including designating a matter as an original jurisdiction case for General Executive Board review), with a copy sent to the General President and General Executive Board. The IBT entity to which a matter is referred shall thereupon promptly take whatever action is appropriate under the circumstances, as provided by the IBT Constitution and applicable law. Within 90 days of the referral, that IBT entity must make written findings setting forth the specific action taken and the reasons for that action.

(f) The Independent Review Board shall monitor all matters which it has referred for action if, in its sole judgment, a matter has not been pursued and decided by the IBT entity to which the matter has been referred in a lawful, responsible, or timely manner, or that the resolution proposed by the relevant IBT entity is inadequate under the circumstances, the Independent Review Board shall notify the IBT affiliate involved of its view, and the reasons therefor. A copy of said notice shall be sent by the Independent Review Board, to the General President and the General Executive Board.

(g) Within 10 days of the notice described in paragraph (f) above, the IBT entity involved shall set forth in writing any and all additional actions it has taken and/or will take to correct the defects set forth in said notice and a deadline by which said action may be completed. Immediately thereafter, the Independent Review Board shall issue a written determination concerning the adequacy of the additional action taken and/or proposed by the IBT entity involved. If the Independent Review Board concludes that the IBT entity involved has failed to take or propose satisfactory action to remedy the defects specified by the Independent Review Board's hearing, after notice to all affected parties. All parties shall be permitted to present any facts, evidence, or testimony which is relevant to the issue before the Independent Review Board. Any such hearing shall be conducted under the rules and procedures generally applicable to labor arbitration hearings.

(h) After a fair hearing has been conducted, the Independent Review Board shall issue a written decision which shall be sent to the General President, each member of the General Executive Board, and all affected parties.

(i) The decision of the Independent Review Board shall be final and binding, and the General Executive Board shall take all action which is necessary to implement said decision, consistent with the IBT Constitution and applicable Federal laws.

(j) The Independent Review Board shall have the right to examine and review the General Executive Board's implementation of the Independent Review Board's decisions; in the event the Independent Review Board's decisions; in the event the Independent Review Board is dissatisfied with the General Executive Board's implementation of any of its decisions, the Independent Review Board shall have the authority to take whatever steps are appropriate to insure proper implementation of any such decision.

(k) The Independent Review Board shall be apprised of and have the authority to review any disciplinary or trusteeship decision of the General Executive Board, and shall have the right to affirm, modify, or reverse any such decision. The Independent Review Board's affirmance, modification, or reversal of any such General Executive Board decision shall be in writing and final and binding.

(l) The IBT shall pay all costs and expenses of the Independent Review Board and its staff (including all salaries of Review Board members and staff). Invoices for all such costs and expense shall be directed to the General President for payment.

(m) The Investigations Officer and the Administrator shall continue to exercise the investigatory and disciplinary authority set forth in paragraph 12 above for the limited period set forth in paragraph 3(3) above, provided, however, that the Investigations Officer and the Administrator may, instead, refer any such investigation or disciplinary matter to the Independent Review Board.

(n) The IBT Constitution shall be deemed and hereby is amended to incorporate all of the terms relating to the Independent Review Board set forth above in this paragraph. This amendment shall be presented to the delegates to the 1991 Convention for vote.

H. Indemnification

13. The IBT shall purchase a policy of insurance in an appropriate amount to protect the Administrator, the Investigations Officer, the Election Officer and persons acting on their behalf from personal liability for any of their actions on behalf of the IBT, the Administrator, the Investigations Officer or the Election Officer. If such insurance is not available, or if the IBT so elects, the IBT shall indemnify the Administrator, Investigations Officer, Election Officer and persons acting on their behalf from any liability (or costs incurred to defend against the imposition of liability) for conduct taken pursuant to this order. That indemnification shall not apply to conduct not taken pursuant to this order. In addition, the Administrator, the Investigations Officer, the Election Officer and any persons designated or hired by them to act on their behalf shall enjoy whatever exemptions from personal liability may exist under the law for court officers.

I. IBT Legal Counsel

14. During the term of office of the court-appointed officers, the IBT General President shall have the right to employ or retain legal counsel to provide consultation and representation to the IBT with respect to this litigation, to negotiate with the appropriate official and to challenge the decisions of the court-appointed officers, and may use union funds to pay for such legal consultation and representation. The Administrator's removal powers and authority over union expenditures shall not apply to such legal consultation and representation.

J. Non-Waiver

15. To the extent that such evidence would be otherwise admissible under the Federal Rules of Evidence, nothing herein shall be construed as a waiver by the United States of America or the United States Department of Labor of its right to offer proof of any allegation contained in the Complaint, Proposed Amended Complaint, declarations or memoranda filed in this action, in any subsequent proceeding which may lawfully be brought.

K. Application to Court

16. This Court shall retain jurisdiction to supervise the activities of the Administrator and to entertain any future applications by the Administrator or the parties. This Court shall have exclusive jurisdiction to decide any and all issues relating to the Administrator's actions or authority pursuant to this order. In reviewing actions of the Administrator, the Court shall apply the same standard of review applicable to review of final federal agency action under the Administrative Procedure Act.

L. Future Practices

17. The parties intend the provisions set forth herein to govern future ITT practices in those areas. To the extent the IBT wishes

to make any changes, constitutional or otherwise, in those provisions, the IBT shall give prior written notice to the plaintiff, through the undersigned. If the plaintiff then objects to the proposed changes as inconsistent with the terms and objections of this order, the change shall not occur; provided, however, that the IBT shall then have the right to seek a determination from this Court, or, after the entry of judgment dismissing this action, from this Court or any other federal court of competent jurisdiction as to whether the proposed change is consistent with the terms and objectives set forth herein.

M. Scope of Order

18. Except as provided by the terms of this order, nothing else herein shall be construed or interpreted as affecting or modifying: (a) the IBT Constitution; (b) the Bylaws and Constitution of any IBT affiliates; (c) the conduct and operation of the affairs of the IBT or any IBT-affiliated entity or any employee benefit fund as defined in ERISA or trust fund as defined by Section 302(c) of the Labor Management Relations Act, as amended; (d) the receipt of any compensation or benefits lawfully due or vested to any officer, member or employee of the IBT or any of its affiliates and affiliated benefit fund; or (e) the term of office of any elected or appointed IBT officer or any of the officers of any IBT-affiliated entities.

N. Non-Admission Clause

19. Nothing herein shall be construed as an admission by any of the individual union defendants of any wrongdoing or breach of any legal or fiduciary duty or obligation in the discharge of their duties as IBT officers and members of the IBT General Executive Board.

O. Future Actions

20. Nothing herein shall preclude the United States of America or the United States Department of Labor from taking any appropriate action in regard to any of the union defendants in reliance on federal laws, including an action or motion to require disgorgement of pension, severance or any other retirement benefits of any individual union officer defendant on whom discipline is imposed pursuant to paragraph 12 above.

P. Limits of Order

21. Nothing herein shall create or confer or is intended to create or confer, any enforceable right, claim or benefit on the part of any person or entity other than to the parties hereto and the court-appointed officers established herein. As to the undersigned defendants hereto, this order supersedes the order of the Court entered on June 28, 1988, as thereafter extended.

Q. Execution

22. Each of the undersigned individual defendants has read this order and has had an opportunity to consult with counsel before signing the order.

March , 1989.

DAVID N. EDELSTEIN,
U.S. District Judge.

Consented to: Benito Romano, United States Attorney, Southern District of New York, One St. Andrew's Plaza, New York, New York 10007, Attorney for Plaintiff, United States of America.

By: Randy M. Mastro, Assistant United States Attorney, Mudge Rose Guthrie, Alexander & Ferdon, 16 Maiden Lane, New York, New York 10038, Attorneys for Defendants IBT and its General Executive Board.

By: Jed S. Rakoff, James T. Grady, Esq., General Counsel, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, 25 Louisiana Avenue, N.W., Washington, D.C. 20001.

By: James T. Grady, Esquire.

Defendant William J. McCarthy;
Defendant Joseph Trerotola;
Defendant Joseph W. Morgan;
Defendant Arnold Weinmeister;
Defendant Donald Peters;
Defendant Walter J. Shea;
Defendant Harold Friedman;
Defendant Jack D. Cox;
Defendant Michael J. Riley;
Defendant Theodore Cozza;
Defendant Daniel Ligurotis.

Mr. KENNEDY. ''The union/defendants consent to the election officer, at Government expense, to supervise the '96 elections.''

And then it reviews this. It says ''at Government expense.''

If we are to take the Nickles—this is in the consent decree. This is not the judge reaching this. This is the Republican Justice Department, under Attorney General Thornburgh, agreeing to this, and where they had made that kind of commitment and agreement. All we are saying is, in any kind of new election, we don't know exactly what they are going to recommend, but we do not want to restrict or affect that consent decree by interfering with legislative action.

Mr. WELLSTONE. I say to my colleague from Massachusetts that I would agree. That is why I find it hard to understand why there can't even be an agreement here on the floor of the Senate because I think the position that the Senator takes is very reasonable, and I think it is important to have this consent decree as part of the Record for that very reason.

Mr. President, I will yield the floor, if my colleague wants to speak. If that is what he really wants to do, I am pleased to yield the floor.

Mr. SANTORUM. Mr. President, I have a question for the Senator from Minnesota. It is not about the subject matter at hand. It is about this rather disturbing assertion by the Senator from Minnesota and the Senator from Massachusetts about the motives behind the Nickles amendment. It is disturbing. And I think the Senator from Texas is right when he said that in fact this borders on a violation of rule XIX.

Let me make a statement. And then I would like the Senator to respond.

Mr. WELLSTONE. If the Senator will yield, why doesn't he put the question to me first?

Mr. SANTORUM. Let me put the information out, and then I would like the Senator to respond to it. I can do it in the form of a question. But the Senator from Minnesota makes the assertion that this comes right on the heels of a Teamsters strike when they were successful in negotiating some changes in their contract. The Senator talks about the chronology. Let's also talk about the chronology of when Barbara Zack Quindel, who is the overseer of the election, came out with her order following the strike. That didn't occur 3 months ago. That didn't occur 6 months ago. It occurred 3 or 4 weeks ago over the break. The first opportunity for us to address this issue is this bill.

To suggest that we somehow waited until after this Teamsters strike to do this is ridiculous. The timing is perfectly appropriate. It is appropriate because it is the first legislative opportunity to address this issue after the overseer ruled on the election. If we waited 6 months and there happened to be a strike and we happened to come forward with this after that successful strike by a union, then you can make the argument. But that is not what is happening here.

To suggest and imply and impugn the integrity of the Senator from Oklahoma and his motives I think is really below the dignity of this Senate given the chronology that the Senator from Minnesota is well aware of. I hope that given that knowledge—and maybe he did not have that knowledge—but given the knowledge that this in fact was right after this decision was handed down by the overseer of the election, and that this was in fact timely, and had nothing to do with the Teamsters strike, in fact one might add that the fact that Ms. Quindel sat on this report for a couple of weeks might have had something to do with the Teamsters strike. But that is not the issue here. What is at issue is the Senator from Oklahoma addressed this issue expeditiously right after the decision was made on the first legislative vehicle to do so. And I think any other construction of motivation really does not hold water very well.

So I would be pleased with a response, given that information.

Mr. WELLSTONE. I would be pleased to respond. I know the majority leader wants to respond.

First of all, if the Senator was listening carefully, I said, whatever the intention, it just seemed to me that it is hard contextually with what we do from what is happening outside the Senate. And I think it is a big mistake to do this. I think many people will view this as nothing less than an effort to retaliate.

That is my position. Whether or not I am right or wrong, I say to my colleague from Pennsylvania that the proof will be in the pudding. We will see how people in the country respond. We will see what interpretation people put on this. I think it is a big mistake. I think this is a real overreach.

As I tried to do in this debate, I went back through the history of this. I make it crystal clear. Richard Thornburgh, in this settlement of March 14, 1989, which union leaders agreed to earlier today, said culminates 30 years of efforts by the Department of Justice to remove the influence of organized crime within the Teamsters Union. We are saying in the second-degree amendment that nothing that we do should be construed to apply to expenditures.

Don't overreach, and don't take an imprudent action, and don't try to

overturn this. That is profoundly mistaken.

That is my argument. And that will continue to be my argument, irrespective of what some of my other colleagues believe.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I have never seen so many red herrings in my life. We should be flying a flock. This is not about the recent Teamsters strike at UPS, although clearly that strike injured millions of Americans and small businessmen and women. And I heard a lot of those concerns while I was home. I had a lot of calls in my offices pleading for help in some way. ''Please find a way to help end this strike because of what it is doing to us as individuals and small businesses.''

It is not about a union or a particular union. I have had a good relationship with individual teamsters over the years. When I practiced law I represented the longshoremen, the boilermakers, and every other union you can name.

No. What is this really about? This is about fairness for the American people. That is why this amendment has been offered and why it is so important. The taxpayers of America are paying for union elections. Do we want that? I don't think my constituents know that, and they would be horrified to know it. That is what this is all about. Paying for the Teamsters to hold an election has not happened once. It has happened twice. The question now is, Will it happen a third time because of fraudulent elections, or is it in fact a bill the American people have to foot in perpetuity?

I've heard a great deal of talk about a consent degree. I am not impressed that a judge said that the people of this country, the taxpayers, should pay for union elections. I am not impressed, whether it was a Republican or a Democrat administration, or which Justice Department went along with it. This is wrong.

When the people find out the truth of what is going on here, they will be in an uproar because we should not be paying for private union elections.

So that is the remarkable thing about this situation. That is why this amendment has been offered—to set up a process to stop taxpayers' money being used to conduct union elections; and more importantly, it sets up the process for taxpayers' money to be repaid.

That is one of the key components of the amendment of the Senator from Oklahoma. It says that there will be a process whereby the Teamsters, if, in fact, taxpayer dollars are involved, will have to pay back in an agreed-to process with a plan to repay the cost of these elections. The taxpayers of America paid $22 million for the last Teamsters' election; that is $45 per Teamster vote.

As the Washington Times noted, ''the taxpayers were monumentally ripped off.'' It turns out there was a fraudulent election. And now there is an indication, well, a judicial official might decree that the taxpayers should have to pay the Teamsters again. This is a horrible procedure. This is a horrible precedent. I don't care what union it is; what business it is. We shouldn't be paying for these kind of elections, and certainly not without some process to get the taxpayers repaid for what they have put into this process.

The Nickles amendment puts an end to this nonsense. It allows the Federal Government to continue the fight against corruption in the Teamsters Union but says the teamsters have to pay the American people back for the privilege of an honest election. For heaven's sake. Nothing could be more fair than that.

Last month, a Federal election official determined that ''corruption''—this is a quote—''in the Teamsters remains a major problem.'' Citing ''extraordinary'' and ''egregious improprieties,'' the Federal election officials threw out the Teamsters election. We didn't have anything to do with that. That is what the Clinton administration is saying about this. Taxpayers paid for what turned out to be a stolen private election.

Somehow or other the Justice Department, which was supposed to be overseeing this process, let someone in the Teamsters steal an election right from under its nose with the taxpayers paying the tab for the election. Guess what? Now they are saying, ''Well, we don't know but maybe we will have to have another election, and maybe the taxpayers should pay again.'' Ridiculous. It is time that we stopped this.

The Clinton FBI, not the Republican Congress, alleges that there was an intricate money laundering scheme pouring thousands of dollars from the union treasury into union president Ron Carey's campaign.

Ladies and gentlemen, my colleagues: This is a travesty. It is a travesty that these elections are fraudulent again and again. People around here forget that the Teamsters have even been thrown out of the AFL–CIO in the past for such corruption. Now you add to that equation more taxpayer funding. This won't sell in America.

The Nickles amendment should be adopted.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the issue now pending exists on complexity on a number of levels.

I agree with the remarks just made by our distinguished majority leader that the American people ought not to pay for union elections. It is an open question as to how the consent decree was entered into when it was, and why the U.S. Government entered into that consent decree. But that is what we face at the present time.

My view is that we have a question of judicial authority here which is paramount, and it is a matter for the court to decide under our doctrine of separation of powers.

We are very premature in what we are doing here on two scores.

One is there has been a recommendation for a new election, which, as I understand the record, has not yet been approved in the court. This is a complicated matter. There are lots of complexities on it. But my understanding is that it has not been approved by the court. And then the court under any expected interpretation would come to the conclusion that this is a new election, and not to be paid by the Treasury of the United States under the preexisting arrangement. That election has already been paid for. But essentially this a matter for the court to decide. And there would be ample time for the Congress to turn down an appropriation in the future on the basis that is not an appropriate matter to be paid for by taxpayers' money. But on this state of the record, it is my view that it is a judicial matter, and not a matter of the Congress.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am constrained to follow the statement that is made by Senator SPECTER, the chairman of the subcommittee. It is my understanding also that the election officer's recommendation has not been approved by the court. I share the consternation of many people here about the timing of that election officer's report of her findings concerning that Teamster election.

It is clear that under the existing situation there is no order of the court. Even the court hasn't even considered that recommendation, if we have one who has exercised severe bad judgment in terms of the timing of the announcement of her finding. And it is apparent that she could be overruled as to even her findings. But the main thing is that this is a bill that has nothing in it pertaining to this matter.

There now comes another one of our cause celebre riders that could well lose the product of this bill.

Mr. President, we have 14 appropriations bills to pass by this Senate before September 30, 13 bills coming out of conference, and one continuing resolution. That says that if we can't send them all to the President and get them signed before the 30th, there will have to be a continuing resolution in any event. In addition to that, we have this bill and two other bills to pass.

We are really going to be in appropriations every day during this period of September.

I have great respect for my friend from Oklahoma. But I have to say the time to deal with this issue is when and if the administration asks Congress for money to pay for this election. We don't even know that there is going to be a new election. If the court rules there is to be a new election,

there is no authority in the Department of Justice or the Department of Labor to use existing funds for that election. They will have to come up here with a supplemental request. That is the time we should deal with it.

I have to say that it is my feeling, very frankly, as chairman of the committee, that I would rather risk a supplemental—an issue where we disagree with the administration—than risk the whole year's bill. To my knowledge, this is the only issue that would lead this bill to be subject to a veto.

So I really have to say, as I did to my friend from Oklahoma, that I disagree with the Senator from Massachusetts, too; that I don't think his amendment is necessary, the amendment in the second degree. And I don't think it is timely to raise the Nickles amendment now.

What we need to do is get on with our work and get this bill passed. We still have the Interior bill, we have the District of Columbia bill, and then we have all 13 bills to pass as conference reports, and then we have to pass a continuing resolution. And it has a conference report, too.

So, if we want to be here all year working appropriations, then we can spend our time on these riders again. For me, there is no necessity for the second kick of a mule. I got kicked the last time we had this problem on that supplemental. I don't see any reason to go through it again.

I urge the Senate not to approve these riders that are controversial. Every one of them has something we would like to have settled. And, if they are noncontroversial and we can work them out, we should do it. But this is a controversial matter. It is, obviously. I am told that the Department of Labor believes it is cheaper to pay for the supervision of the election rather than to have to deal with many complaints on the next election, if one is ordered.

So this is a very complicated issue.

From my point of view, it is not involved in this bill before us. I respect my good friend from Oklahoma in terms of his views about that election officer, as I have said, and the timing of the release, but there is nothing before us yet. The court has not approved that report. We are dealing with speculation as to whether there will even be another election. So why tie up this bill and tie up the Senate on an issue that is premature, Mr. President, and I urge the Senate to join me in voting against both my friend from Massachusetts and my friend from Oklahoma.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I heard the comments of my colleague from Alaska, but basically what he is saying is we should not tell the Department of Labor how to spend money. In this appropriations bill we appropriate money for the Department of Labor. In this case they appropriated about $22 million—admittedly it came from the Department of Labor and the Department of Justice—to conduct this last election. And they did a pretty crummy job. We paid millions of dollars and we ended up with a corrupt election.

I do not want that to happen again. We talk about adherence to the consent decree that was agreed to in 1989. I think my original amendment is in adherence to the 1989 consent decree, because it said that the Teamsters will pay for the 1991 election. They paid for it. And guess what. There was no complaint that it was a corrupt election. They paid for it themselves. You know what. People are a lot more frugal with their own money. They are less likely to steal from their own members. They are less likely to be corrupt maybe with their own members' money than they would be with taxpayer money.

So we had a 1991 election. Mr. Carey won. Fine. And I don't know that anybody—there was an overseer in the 1991 election. They did not allege fraud in that. So the 1991 election was done by the Teamsters. They paid for it. They should have paid for it. They had a good election. No one said a thing. The 1996 election the taxpayers paid for.

I will admit I did not know we paid for it until I read about it. And when did we read about it? Well, the overseer of the election, she announced during, or after the UPS strike—and that is the only thing UPS has to do with this—she waited until after the UPS strike to announce that there was fraud and that her recommendation would be that we need a new election. Mr. Carey only won by a few thousand votes. She said that maybe there were hundreds of thousands of dollars that were funneled in his direction and so she thought a new election was warranted.

Fine. Let there be a new election. I am just saying in the new election taxpayers should not pay for it. We did not pay for the one in 1991. It was a clean election. We paid for the one in 1996 and there was corruption. A lot of money was moved around. Let's make sure, if we have an election in 1998, it is not a corrupt election.

That is the purpose. This bill funds the Department of Labor for 1998. Let's make sure that taxpayer money is not used for this purpose.

Somebody says, well, is this in compliance with the consent decree. I will tell you the consent decree is silent on a rerun election. It does not say it. I read the consent decree two or three times. It does not say anything about a rerun. So maybe a judge would determine, well, maybe taxpayers should pay for it. Maybe a judge would not. But wait a minute. Congress is supposed to appropriate money, and we have opinions. If somebody says, well, we are violating, we are stamping out the consent decree, hogwash. The consent decree does not say it.

I did not request this, but there is a Congressional Research Service study dated May 1995, what would happen if Congress—does Congress have the right to withhold the money? The answer is yes. I will read you the quote from CRS. I will ask unanimous consent to put the entire study into the RECORD. But it says:

> Legislation enacted by Congress limiting or restricting the funds for the 1996 election would be a Federal law, and the Government parties would be bound to take appropriate action in reliance on that law.
>
> What are the consequences to the Congress of not appropriating all the funds necessary to supervise the 1996 IBT elections?
>
> There would appear to be no consequences to the Congress. The consent decree does not appear to obligate the Government to supervise the 1996 elections, either directly or indirectly. Rather, the decree embodies the consent of the union defendants to governmental supervision.

We had governmental supervision in 1991. We will in 1998. What I am saying is let's just not pay for the election. This is not a destitute group of individuals. These are people who do quite well. Great.

I read something; they average $27 an hour, about $50,000 a year. Fine. Why is the Federal Government paying for the election? We did not pay for the other election. We did not pay for the 1991 election. Why would we pay for a rerun of the election?

All I am trying to do is protect taxpayers' money. And my colleague is suggesting, well, maybe somebody is upset about the UPS settlement. That has nothing to do with it. I am offended by that allegation. That is totally ridiculous. All I am trying to do is protect taxpayers.

They had their strike. They had their settlement. And some people are running around saying, ''great victory,'' and so on. So be it. I am just saying you are not entitled to another $22 million of taxpayers' money. If the Teamsters pay for it—if it cost the Teamsters maybe less than half an hour to pay for their own election, they should pay for it.

I even went so far in the amendment to try to be fair. Some people said make sure you put in language that no Federal funds be used to conduct the election. You could use it to oversee the election, to supervise the election. We do that in Third World countries. We do that in new democracies, so maybe we would spend a little money to oversee the election.

I think that is fine, to have observers to try to monitor the election, to see that we would eliminate some of the corruption, but we had corruption when we had Federal funding because people took some of the Federal money and abused it. I am trying to make sure that does not happen again.

Do we have the constitutional right to do it? Absolutely. CRS said we do. The consent decree is silent on a rerun. Certainly we can do that. And my colleague from Alaska says the judge may not even agree. We had the overseer, who made $300,000 or $400,000 monitoring this election, find out it is corrupt, withholds that information until after

the UPS strike and then says, oh, yeah, we are going to have a new election. I didn't want to tell anybody during the strike because it might have influenced the strike one way or another. Oh, yes, but we need a new election.

I am saying fine. If they need a new election, I agree. If that's her recommendation, fine. I am saying taxpayers shouldn't pay for it. Very plain and simple. We can monitor it. We can try to make sure it is not corrupt. But we should not pay for it. It's that simple. We didn't pay for the 1991 election. They had a good election. Certainly we can allow an election in 1998, if there is to be an election. If there isn't going to be an election, fine. My amendment wouldn't cost the taxpayers. I am trying to save the taxpayers money. So this amendment wouldn't cost anything.

The very thought of my colleague who said maybe the administration would veto it, wait a minute. You have an appropriations bill that is actually hundreds of billions of dollars. They are going to veto this bill because they want to protect the Teamsters from what? Paying for their own election. Give me a break. You have to be kidding. How special interest could this group be? I know I saw the Vice President with the Teamsters on Labor Day, with thumbs up, and so on. But surely they would not veto a bill that says this group, which is pretty well compensated at an average—I guess truckers are making something like, I don't know, $27 an hour, wages and benefits—surely they say taxpayers that make a lot less than that should not be paying for their election when the consent decree does not say that. The consent decree is silent, frankly, on election reruns. I can't imagine that the administration would recommend vetoing a bill over something that special interest.

So, Mr. President, I think we have had adequate debate. I would just urge my colleagues to vote to table the Kennedy amendment, and I move to table the Kennedy amendment.

Mr. KENNEDY. Mr. President, will the Senator withhold for 2 minutes?

The PRESIDING OFFICER (Mr. BENNETT). The motion to table is not debatable.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum. I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. KENNEDY. 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. KENNEDY. I ask unanimous consent to be able to proceed for 4 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Just two brief comments. One with regard to the Congressional Research Service. It is not true that section O of the consent decree permits the U.S. Government to avoid its legal obligations under the decree, including its legal obligation to pay for supervision of the upcoming election.

Section O is a general savings clause retaining the right of the Government to seek remedies against the defendants for misconduct. It was never intended, nor can it be reasonably read, to override the remainder of the consent decree.

Under the overbroad reading of section O, the consent decree is meaningless—the parties would have agreed to nothing, because section O would always undermine the original understanding. This is an absurd reading of the provision.

It violates the basic rule of legal construction that meaning must be given to the entire text of the decree.

It has also been argued that under the decree the United States did not need to insist on supervision of the election and therefore need not pay for the election. This is also absurd—the United States did elect to supervise the election, and therefore must pay for the election. To say otherwise is to make the Federal Government a deadbeat; a party to litigation weaseling out of its legal duties.

Mr. President, Senator STEVENS said it best when he talked about bringing into this appropriation matters which are not directly related to the appropriations. I have here the statement of administration policy, September 2. I will read these provisions.

> The administration understands that a number of controversial amendments may be offered, such as an amendment to prohibit the use of funds in the act for supervising the Teamster's election * * * The President's senior advisers would be forced to recommend that the President veto the bill.

There are other provisions but that I think supports what the Senator from Alaska has mentioned.

I had hoped that we could have tabled the whole proposal, and I would have supported it. But nonetheless we don't have that opportunity at this time, so I hope that the proposal of the Senator from Oklahoma to table the measure would not be agreed to. And if that were the case, I would not object to tabling the whole proposal and get on with the business of the appropriations.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The motion to table is not debatable.

Mr. NICKLES. 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 on agreeing to the motion of the Senator from Oklahoma to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas [Mr. MURKOWSKI] is necessarily absent.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN] is necessarily absent.

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—56

Abraham	Enzi	Lugar
Allard	Faircloth	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Nickles
Breaux	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Byrd	Hagel	Sessions
Campbell	Hatch	Shelby
Chafee	Helms	Smith (NH)
Coats	Hollings	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
D'Amato	Kempthorne	Thurmond
DeWine	Kyl	Warner
Domenici	Lott	

NAYS—42

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Inouye	Murray
Bryan	Johnson	Reed
Bumpers	Kennedy	Reid
Cleland	Kerrey	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
Dodd	Landrieu	Specter
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Feingold	Levin	Wyden

NOT VOTING—2

Glenn	Murkowski

The motion to lay on the table the amendment (No. 1082) was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1083 TO AMENDMENT NO. 1081

(Purpose: To limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election)

Mr. CRAIG. Mr. President, I have a second-degree amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Idaho [Mr. CRAIG], for himself, Mr. NICKLES, and Mr. JEFFORDS, proposes an amendment numbered 1083 to amendment No. 1081.

Mr. CRAIG. Mr. President, this second-degree amendment——

The PRESIDING OFFICER. The clerk has not concluded reading.

Mr. CRAIG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. KENNEDY. Objection. Can we have the reading of the amendment? It has not been distributed to the Members. It seems to me we ought to have the amendment read.

The PRESIDING OFFICER. The clerk will continue to read.

Mr. KENNEDY. May we have order?

Mr. WELLSTONE. Mr. President, may we have order, please?

The PRESIDING OFFICER. The point is well taken, the Senate is not in order. The clerk will continue to read.

The legislative clerk read as follows:

Strike all after the word ''Section'' and insert the following:

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available under this Act, or any other Act making appropriations for fiscal year 1998, may be used by the Department of Labor or the Department of Justice to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters.

(b) EXCEPTION.—

(1) IN GENERAL.—Upon the submission to Congress of a certification by the President of the United States that the International Brotherhood of Teamsters does not have funds sufficient to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters, the President of the United States may transfer funds from the Department of Justice and the Department of Labor for the conduct and oversight of such a rerun election.

(2) REQUIREMENT.—Prior to the transfer of funds under paragraph (1), the International Brotherhood of Teamsters shall agree to repay the Secretary of the Treasury for the costs incurred by the Department of Labor and the Department of Justice in connection with the conduct of an election described in paragraph (1). Such agreement shall provide that any such repayment plan be reasonable and practicable, as determined by the Attorney General and the Secretary of Treasury, and be structured in a manner that permits the International Brotherhood of Teamsters to continue to operate.

(3) REPAYMENT PLAN.—The International Brotherhood of Teamsters shall submit to the President of the United States, the Majority and Minority Leaders of the Senate, the Majority and Minority Leaders of the House of Representatives, and the Speaker of the House of Representatives, a plan for the repayment of amounts described in paragraph (2), at an interest rate equal to the Federal underpayment rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 as in effect for the calendar quarter in which the plan is submitted, prior to the expenditure of any funds under this section.

(c) This section shall take effect one day after enactment of this Act.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the second-degree amendment clarifies a few points in the first-degree amendment. As you noticed, the clerk read section (c) which merely discusses time of enactment and time in which the proposed amendment would take effect. What we have here, of course, is the fundamental question that has been brought by the Senator from Oklahoma: Who should pay for the elections of a private union?

The question fundamentally put before this Senate is very simple for all of us. Should it be the taxpayers or should it in fact be the union? I think we are concluding here that it should be the union in this instance. The taxpayers have done what they should do in this instance and should do no more.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I rise in support of the amendment offered by my colleague from Idaho.

Mr. President, let me just clarify again, some of our colleagues were not aware of the taxpayers' support for the last election. I told a couple colleagues—they said, ''How much did we spend?'' We spent $22 million; some people said more. The union has 1.4 million members. A little less than 500,000 voted. And $22 million is a lot of money. And a lot of money was wasted or maybe abused. It was abused, frankly, because it was taxpayers' money. That did not happen when it was their own union money. I mention, every other union in the country uses their own money for their own elections, as they should.

So, again, I urge my colleagues to adopt this amendment. This is not an unfair amendment. This even says that we can still use taxpayers' money. If for some reason the Teamsters do not have the money, they can borrow money from the Federal Government. They just have to pay it back. It happens to be, in my opinion, consistent with the consent decree because the consent decree is silent. The word ''rerun election'' is not mentioned in the 1989 decree.

So what we are trying to say is, in future elections they should pay for it. We can still have Federal Government monitors. We can still have some oversight to try to make sure it is not abused, as that last election was. Taxpayers were abused as well as Teamsters last time.

So I urge my colleagues to support this amendment.

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

Mr. CRAIG. Would the Senator yield?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Would the Senator from Oklahoma yield for a question?

Mr. NICKLES. Certainly.

Mr. CRAIG. Does your first-degree amendment prohibit the Government from overseeing the rerunning of an election?

Mr. NICKLES. The answer to the Senator's question is no. The Government can have some oversight and be involved in monitoring the election, trying to make sure there is not corruption in the election. We should not have to pay for it.

Mr. CRAIG. In other words, if Teamsters were concerned, and there was at issue here corruption in the last election, and therefore a reelection to get rid of that corruption, or at least to have an outcome that all would be satisfied with, we could still have the Department of Labor and/or Justice involved in overseeing the rerunning of this election, and your amendment does not prohibit that?

Mr. NICKLES. The Senator is exactly right.

Mr. CRAIG. I thank the Senator.

Mr. NICKLES. Mr. President, one final comment.

We talk about this money, and people say, ''Big deal.'' We are talking about $22 million. The Federal subsidy for Presidential campaigns is what? $71 million for a general election. That is the amount of money that Senator Dole received; that is the amount that Clinton-Gore received from the taxpayers. This is one-third as much. That amount of money was for the entire country. We are talking about 1.4 million people, and only 500,000 or less voted last time.

Should taxpayers be liable for $22 million, or more? I do not think so. So this amendment tries to protect taxpayers. That is all it does. It tries to be fair to Teamsters and does not get involved in who should win in any way, shape, or form. It does not have anything to do with the UPS strike whatsoever.

The only involvement of the UPS strike was the fact that they found out there was a corrupt election, and that information was withheld until after the strike was over. I am just saying, let us just make sure that taxpayers do not get stuck again. We got stuck in 1996. It was a corrupt election. Let us not let it happen again for future elections.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as two Senators have indicated, this is basically a restatement of the Nickles amendment. The Senator from Oklahoma indicated earlier in the course of the debate that he was not interested nor did he want to interfere with the consent decree that had been signed in 1989.

I offered an amendment to make sure that that would be the case, by neither requiring the payment of taxpayers' funds to be used in a subsequent election nor prohibiting funds to be used. The principal issue that is before the Senate is whether we are going to interfere with a judicial proceeding that is before the Southern District Court of New York in which briefs are required to be filed on September 17.

This agreement, this consent decree, is not the result of the Clinton administration or the Clinton Department of

Labor. This consent decree was initiated by Mayor Giuliani in 1988 and agreed to in the Federal District Court of New York in 1989 and approved by a Republican Attorney General. They understood the powers which were being included in that consent decree. They understood fully what was being agreed to. The record demonstrates that. We can have a chance to go through that in greater detail if there really is a question by the Members on that particular fact. They understood the range of authority and responsibility as a result of that particular agreement.

This was based upon some 30 years of various activities by the Teamsters and the resulting initiative by Mr. Giuliani, who was the U.S. attorney in New York trying to bring a resolution to a great deal of the challenges, the difficulties, and the corruption that had been a part of the Teamsters in the past.

So now we have had intervening activities under that consent decree. But that consent decree has not been concluded. As I mentioned, that consent decree is active, and it is very much alive.

I did not hear the voices of those who are so troubled this evening complaining about that consent decree in 1988 or 1989. I did not hear the voices that are speaking on the floor of the U.S. Senate tonight that are concerned about how the consent decree was going to be implemented, saying that we will agree to a certain part of the consent decree but we will not agree to other provisions of it. That was not the case.

The only initiative, and the new initiative, to somehow interfere with this consent decree comes 2 weeks after the UPS and Teamsters strike, which was a strike for some 15 days and which resulted in the protection of certain rights of American workers, the 185,000 workers that were working for UPS, and other rights in terms of part-time workers and other issues involving pensions.

There are those who say, ''Well, this is completely coincidental. This is really just here today. We just feel it now in our bones that the fact that it is just after the successful UPS strike has nothing to do with it. And the indignity which has been demonstrated on the floor of the U.S. Senate to suggest that there might be some kind of correlation between the fact that this amendment is being offered now today, tonight on this appropriations bill, is startling to me.'' It speaks for itself. The facts speak for themselves. The facts speak for themselves. I think the Members in this body understand what is going on here.

As has been pointed out by Members on the other side—Members on the other side—this is a judicial process, judicial proceeding, and it should not be altered or changed. That was a Republican Senator, Senator SPECTER, who pointed that out very effectively and very well. And we have the statements of others on the other side. The Senator from Alaska, Senator STEVENS, said we should be about the fact of having an appropriations and move the appropriations process forward and should not become involved in these extraneous issues.

There will be those comments later on, I am sure, probably not too long from now, about how some Members are delaying the completion of the appropriations bill, when we took an hour last night to consider the issues of fetal transplantation, which is an issue that has been debated and debated and debated and debated, in which this body had gone on record time and time again, and we debated that over the course of the morning, which was basically an extraneous issue, and now we have been debating over the course of the afternoon about this issue which is extraneous to the appropriations process and procedure.

The statement of the administration with regard to this legislation is very clear. I will read it again: Unfortunately, the administration understands that a number of controversial amendments may be offered, such as an amendment to halt the testing initiative, an amendment to prohibit the use of funds in the act for supervising the Teamsters' election.

That is what this amendment does. It effectively undermines the court's flexibility in terms of the supervision of the Teamsters election.

Mr. SARBANES. Would the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. SARBANES. Doesn't, in fact, this amendment undercut the consent decree? The consent decree leaves open, as I understand it, the possibility that the supervision of this election will be done by public funds. It does not say that it will be, but it leaves open that possibility. This amendment closes out that possibility. It closes out that possibility. That possibility was part of the consent decree. It was left to the judgment of the court whether, in fact, that remedy will be used. Is that not the case?

Mr. KENNEDY. The Senator is correct.

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. With the understanding of the Justice Department that that may very likely or probably be utilized.

Mr. SARBANES. Wasn't this consent decree approved by the Justice Department?

Mr. KENNEDY. Approved by the Republican Justice Department under Secretary Thornburgh, who embraced and endorsed and supported it, this consent agreement, that was initiated by now Mayor Giuliani, who was the Republican U.S. attorney in New York City.

Mr. SARBANES. So this amendment——

Mr. KENNEDY. If I could further respond, the consent decree required, as of September 17, the submission of additional briefs—September 17—to be submitted in the district court of New York on this very issue with regard to the recent election. This is a consent decree that is ongoing and is continuing.

What we are being asked is effectively to have legislative interference into a judicial proceeding. That case was made very clearly, I thought, and convincingly by Senator SPECTER and others, that there is a clear constitutional issue about separation of powers. I think it is very clear from the administration's letter that this will open this measure to a veto. I certainly believe that it should, since it is a clear violation of the separation of powers.

We were not either requiring, under the amendment that we had, that there be an expenditure of public funds or not. We are not trying to give guidance to the court to make a judgment. That judgment ought to be made on the basis of the facts and the briefs that are submitted to it.

Mr. SARBANES. Will the Senator yield further for a question?

Mr. KENNEDY. Yes.

Mr. SARBANES. It is my understanding that the consent decree left open that question and placed the power to decide it in the court; is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. SARBANES. This amendment would, in effect, negate that aspect of the consent decree, would it not?

Mr. KENNEDY. The Senator is correct.

Mr. NICKLES. Would the Senator yield?

Mr. SARBANES. For a question.

Mr. NICKLES. If you read page 16 of the consent decree, it does not mention ''rerun.'' We are not affecting or changing the consent decree in any way.

Mr. SARBANES. Yes, you are; because the consent decree opens the possibility that the court will require that the election be paid for with public funds. It does not say that it will, but it does not say that it will not. It leaves open that option to the court. You are denying that option by your amendment and, therefore, undoing the consent decree.

How do you expect people to enter into a consent decree?

Was it 30 years they spent trying to work out a consent decree, did the Senator say earlier?

Mr. KENNEDY. Thirty years that this was a matter.

Mr. SARBANES. A consent degree that was involved with the Bush administration, approved by Attorney General Thornburgh, actually carried out, I take it, by U.S. Attorney Giuliani at that point.

Mr. KENNEDY. That is correct.

Mr. SARBANES. Of the Southern District of New York.

Now we are coming with an amendment to undo this process.

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. I yield for a question.

Mr. NICKLES. I am happy to tell my colleague that in reviewing the consent agreement we did not undo anything. The consent decree does not say anything about a rerun election. It says that the Teamsters will pay for the 1991 election and it says taxpayers will pay for the 1996 election. It does not say anything about who will pay for a subsequent election. We are trying to clarify that.

We had 56 votes who say the taxpayers should not, that the Teamsters should. I think that is consistent with the consent decree.

I might mention, the CRS just studied this, and whose legal analysis I will refer to again, says the Congress has the right to do this, period.

Mr. SARBANES. I ask the Senator from Massachusetts, my understanding was that the 1996 election was never certified.

Mr. KENNEDY. The Senator is absolutely correct, so it is still an open question. That is a basic and fundamental point. That 1996 election has never been certified.

Mr. SARBANES. So the rerun they are talking about would in effect flow out of the 1996 election, does it not?

Mr. KENNEDY. The Senator is correct. It is not necessarily a requirement for a rerun. We do not know what the judge is going to require. The judge may require a rerun. The judge may not require a rerun. All we are saying is that we are not going to interfere in the prerogatives of the consent agreement which has been agreed to by the various parties who had a clear understanding about what the powers were for the various parties.

Mr. MCCAIN. Will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MCCAIN. I am reminded of the words of the wonderful Mo Udall who said, ''Everything on this subject that could possibly be said has been said, only not everybody has said it,'' and I wonder if we had any time that we might want to conclude this debate since I do have a couple of pending amendments that I would like to address tonight.

Could the Senator from Massachusetts give me an idea as to perhaps when we might be able to move on?

Mr. KENNEDY. As long as this matter is before the Senate I think we are going to have an opportunity to talk about it. There are more Members here now than there were earlier. I would not object to setting this aside to consider other measures. That is not my idea of delaying. If it were to be set aside, I would not object to that process.

However, if we are going to be on this amendment, there are both speakers and additional points that I think ought to be made.

Mr. MCCAIN. I thank the Senator.

Mr. KENNEDY. So, as the Senator from Maryland has pointed out, the court may order the election to be run or it may not. It may require the Government to fund part of the election officer's supervision in some ways. It may be limited, maybe to that election, or it may require the union to do so, or it may require each party to bear some of the costs. All of that is out and all of that is possible.

The point is we do not know how the court will rule. We don't know how the court will rule, but this amendment now would tell the court that regardless of its ruling, regardless of its ruling, the Government will not be permitted to fund any of the election. Even if the consent order requires the Government to pay for part of it, the amendment would refuse to permit that. Thus, the amendment would interfere with an ongoing judicial process.

Effectively, the amendment, I believe would force the Government to be in a position of reneging on this consent decree. It would, I believe, leave the Government subject to a contempt citation. I think you can make a strong case at that time if we were to take this kind of action that the Government itself would be liable to a contempt citation.

Mr. SARBANES. Will the Senator yield?

Mr. KENNEDY. I yield.

Mr. SARBANES. In fact, as I understand it, part of the consent order was a consent by the union to have the 1996 election supervised by an election officer, is that not the case?

Mr. KENNEDY. That is correct.

Mr. SARBANES. Of course, part of that was that would be done at Government expense, to supervise the 1996 election? In other words, what the Government was getting out of this at the time was continued supervision of Teamster elections, and part of the consent decree was that the supervision of the 1996 election, extending well beyond the 1991 election, would be done at Government expense, is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. SARBANES. Now the consent decree remains silent on the question of a rerun of that election since it has not been certified. This amendment would, in effect, deprive the court of an option that is now available to it, an option that, in fact, was left open by the consent decree. This is simply undoing a consent decree. You will never get consent decrees.

The Bush Administration held out the accomplishment of this consent decree as a major achievement, is that not correct?

Mr. KENNEDY. The Senator is absolutely correct.

Mr. SARBANES. In 1989?

Mr. KENNEDY. Correct.

Mr. SARBANES. Did not the President and the Attorney General hold it out as a major accomplishment?

Mr. KENNEDY. The Senator is correct.

Mr. SARBANES. Now, our colleague from Oklahoma and others are trying to undo the consent decree at a time, as I understand, that the court, 2 weeks from yesterday, will be receiving briefs on this very issue of the election, is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. SARBANES. If ever there was an instance of trampling in on the part of the Congress and in effect, undoing an arrangement that was very carefully and elaborately worked out and, in fact, done so by now Mayor Giuliani but then U.S. Attorney Giuliani in the Southern District of New York, approved by the Department of Justice, headed by Richard Thornburgh, and held out by President Bush as a major accomplishment.

I thank the Senator for yielding.

Mr. KENNEDY. I thank the Senator for his comments because they make the case extremely well and effectively.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. 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. NICKLES. Several comments were made that we are vitiating the consent decree. Totally false. I will tell my colleagues, you can read the consent decree, it does not say anything about a rerun election. The consent decree did say that the Teamsters would pay for the 1991 election and taxpayers would pay for the 1996 election.

The Teamsters came out very well. They got a nice gift, $22 million, maybe more, which is over about $45, maybe $50 per person as the cost to the taxpayers of this vote. That is pretty high. Some of us do not think we should do it again.

Maybe I was asleep at the switch in 1989. It happened. Nobody objected. And in 1991, since the Teamsters paid for it, it never came up. I was not aware of it until after the 1996 election and we found the abuse. It is an abuse on the Teamsters and on the taxpayers and should not be repeated. That is the reason we have the amendment before the Senate.

We do not vitiate the consent decree. We say in the future, judge, we know the consent decree is silent. It does not say who should pay for it.

Now, frankly, if you read the Constitution it says Congress shall have the power to appropriate money. It does not say ''an unelected judge.'' It does not say a judge, where a consent decree is silent, has the power to go in and mandate something, like mandating U.S. taxpayer funds. Some of us think elected officials should make that decision, not unelected judges.

We are stating that in the future if there is another election, let the Teamsters pay. This is not a group of individuals that cannot afford it.

Mr. SARBANES. Will the Senator yield?

Mr. NICKLES. I am happy to yield to the Senator.

Mr. SARBANES. Does the Senator feel the election should be supervised by an election officer?

Mr. NICKLES. I tell my colleague my thought is it should be handled the way it was in 1991. We had Federal supervision and observation of the election in 1991 but the cost of the election was borne by the Teamsters.

Mr. SARBANES. But the consent to have an election officer was provided for by the Teamsters in the consent decree. Do you not ordinarily have an election officer to supervise an election?

The Senator says——

Mr. NICKLES. I have the floor.

Let me correct you. What I said, the way I hope it would be done is the way it was done in 1991. You had Federal supervision, you had Federal observers, you had Federal monitors, but you did not have taxpayers paying $22 million for the election in 1991, and you had, in 1991, an election that had Federal observers stating that they thought this was a fair, clean election. That is what I want. I want the Teamsters to have a fair, clean election and I do not want the taxpayers to take another ride for $22 million.

If we followed the thought that you and Senator KENNEDY have, you could have another corrupt election, taxpayers would be out another $20 or $30 million, an observer could receive another $400,000 for saying, ''Oops, it was corrupt again,'' and we could do it again and again and again.

Taxpayers have been taken for a ride once, we should not be taken for a ride again.

Mr. SARBANES. Will the Senator yield for a question?

Mr. NICKLES. I am happy to yield to the Senator.

Mr. SARBANES. Well, in fact, what the taxpayers got out of the consent decree was the use of the election officer for the 1996 election.

The Senator seems to proceed on the premise that having an election officer to supervise the election is the normal course of events. That is not the case. One of the things that was negotiated in the consent decree was getting an election officer for the 1996 election.

Let me read from the consent decree.

Mr. NICKLES. Is that a question?

Mr. SARBANES. I will ask a question.

''The union defendants consent to the election officer at government expense to supervise the 1996 IBT elections.''

Now, that represented a major concession by the union in the consent decree to place themselves under an election officer. Part of the consent decree was, obviously if they were going to do that, that the costs of the election officer would be paid by the Government and you are undoing that aspect of the consent decree.

Mr. NICKLES. Mr. President, since I have the floor I will make a comment.

I am not undermining that because the consent decree touched two elections, for my colleagues' information. It touched the 1991 election and touched the 1996 election, and it did both elections differently. I hope my colleague will realize that, and if he reads the consent decree he will see that is the fact.

It said in 1991 the Teamsters paid for the election with some Federal supervision. In 1996 it said we will have Federal supervision and taxpayers pay for it. It does not say anything about a rerun. I am just saying on the rerun we should not pay for the election. We can still have supervision but we should not pay for it. That simple.

Mr. HARKIN. Will the Senator yield?

Mr. NICKLES. I am happy to yield to the Senator.

Mr. HARKIN. As I understand it, this election has not been certified. That has been brought out in the debate, and therefore we are still operating under the election of this year. As I understand it further, the Senator can correct me if I am wrong, that this finding of this election overseer now goes to a judge, the judge will make a decision as to whether or not to have a rerun of the election and, further, cannot that judge then decide who should pay for it, also?

Mr. NICKLES. I am happy to respond. The consent decree does not say who would pay for the next election. Now, the judge may interpret that the judge has the authority. I do not think they do, but that remains to be seen. What our amendment would do would be to clarify, ''Judge, you can make your order, but Uncle Sam or the taxpayers are not going to pay for the next election.''

Mr. HARKIN. Will the Senator yield? I have a question whether or not this is premature. Why not wait until the courts take their action and see what has happened before the Senate then operates. Obviously, it will happen in the next few weeks, I assume, and then the Senate can work its will after the judge makes a decision.

Would that not be a reasonable course to take?

Mr. NICKLES. I do not think so for this reason: One, because I think the Congress of the United States was elected to appropriate the money, not an unelected judge in New York; and, two, this is timely because this is an appropriations bill for 1998. If the election is ordered, it will be for 1998. I think, instead of allowing the Departments of Labor and Justice and this administration, who has very close ties with this particular union and might like to give them a $22 million gift—I don't think we should do that. So in this bill we are appropriating for next year, I think we should make it very clear that the taxpayers got the shaft and so did the Teamsters out of this last $22 million, and it should not happen again.

We clearly have the constitutional prerogative and right, as stated by CRS and the Constitution, to control Federal funds. I think we should make it very clear that in any subsequent election the Teamsters should pay for their own election. Every other union in the country pays for their own elections. They should do so.

Incidentally, when you look at the 1991 election, which they paid for, it was a good election. Then look at the election where the taxpayers put in $22 million; it was a corrupt election. That should tell you something. Federal funds don't automatically mean you are going to have clean elections. We can still have oversight. We have oversight in Third World countries where our Government is involved in bringing people in, whether it's President Carter or others, to help oversee and make sure elections are clean and upright.

Don't get me wrong. The Mafia has been very involved in the Teamsters, and they have been for decades. I want them to be out. I want the union to be clean. I want people to be able to vote and elect their representatives. It is kind of embarrassing, despite all this money, when you have a union of 1.4 million people and only 400-some-odd-thousand voted in the last election. I don't think the U.S. taxpayers should have to take the hit for paying for it to the tune of $22 million.

Mr. KYL. Mr. President, will the Senator yield for a question?

Mr. NICKLES. I am happy to yield.

Mr. KYL. Let me ask this question of the Senator from Oklahoma. Since this is boiling down to a question of whether the taxpayers of the United States should pay for a union election or whether the union should pay for its own election, why was it that the consent decree that some of our colleagues seem to be focusing so much attention on was entered into in the first instance? Why was the U.S. Government involved in dealing with the Teamsters Union in the first instance? And why was it that a special officer to oversee the election had to be assigned for that, or the parties agreed to have that officer oversee the election to ensure that it would be a fair election? Why was the U.S. Government obligated to provide these funds for this labor union, for a private labor union election?

Mr. NICKLES. I will read a statement that came from the Department of Justice, on page 2: ''Because of the deep entrenchment of La Cosa Nostra in the Teamsters electoral process, the consent decree gave the Government and the IBT the option to have the IBT election supervised by a court-appointed officer.''

It is because of the mob influence that has been with this union for a long time. I want it to be out. Hopefully, it is out. Obviously, there was still some corruption in the last election, which had a lot of taxpayer funding. The fact that the taxpayers had funds in it didn't clean it up. That is my point.

Mr. KYL. If I could ask this question. So the reason that my constituents in

Arizona had to help pay for this union election is because of past fraud and alleged illegal conduct of the union. That is why they are having to pay for this union election, or why they paid for the last union election; is that correct?

Mr. NICKLES. That's correct. Obviously, the fact that they paid $22 million didn't guarantee a clean election.

Mr. KYL. Obviously. The last question I ask is, why, if it is the union's elected officials' fault that the taxpayers had to spend this money in the first instance because they had allowed the fraud and alleged corruption to come into the union and tossed out the ability of the union to conduct its own election on behalf of its members, why, once the taxpayers paid for an election, should they have to pay for it a second time? The taxpayers didn't do anything wrong; it was the union officials.

Mr. NICKLES. I agree. That is the purpose of the amendment. We have a majority—I think we have one, or I believe we will have a majority when we vote, and I hope that we vote on the amendment in the not-too-distant future.

Mr. SARBANES. Mr. President, I want to respond to the questions put by the Senator from Arizona. The Senator seems to proceed on the premise that you are entitled to have an election officer to supervise a union election, although he referred to them as ''private unions'' and said, ''Why are we paying for this with public funds?''

Now, the deal that was made in 1989 by the Bush administration and by Attorney General Thornburgh was that the 1991 election would be held with an election officer, paid for by the union. The Government obviously wanted to have an election officer in the picture in the next election, the 1996 election. But part of the consent decree was, if the election officer was going to be in the picture for the 1996 union election, the cost of that election was going to be paid for by the Government. Now, you all talk about how anxious you are to keep the influence of the mob out of the union. I certainly subscribe to that. But what you are doing by this amendment is you are setting up the possibility that the union can conduct its election without an election officer because it is out from under the consent decree. The consent decree required the 1996 election to be done with an election officer. That election has not been certified. It is that election about which there are questions, which the judge is now going to hear. Now, you are going to come in and, in effect, undo part of the consent decree. I simply point out to you that it carries with it the very high risk that an election officer will no longer be required. That is how the Bush administration got an election officer for the 1996 election, through the consent decree. They got it for 1991, and they got it for 1996.

The Bush administration obviously wanted an election officer in the 1996 election. They didn't want the Teamsters out from under the consent decree altogether after the 1991 election. Part of the arrangement, in order to get the consent decree, was that the election officer would be, at Government expense, appointed to supervise the 1996 election. Now, that is the election that is in question. That is the election that has not been certified. I mean, you act as though the involvement of public moneys did not achieve a public objective.

What was the Bush administration thinking about, and what was Attorney General Thornburgh thinking about, to support a consent decree that provided that the Government would pay for the 1996 supervised election? Obviously, what they were thinking about is they would get an election officer to supervise the 1996 election, so they would carry the supervision of the Teamsters beyond the 1991 election.

Now you are coming in and you want to undo this arrangement. My view is, you are intervening in an established court procedure under the consent decree. Second—and I suggest that people stop and think about this very carefully—you are running the very high risk that you will enable the Teamsters to come out from under the consent decree, as far as having an election officer is concerned. The people on the other side will certainly say that other unions pay for their elections; the Government doesn't pay for their union elections. That is true. But they don't have an election officer to supervise it either.

In fact, the other side referred to this as private elections on the part of the union. Those private elections on the part of other unions are not supervised by election officers. With respect to the Teamsters elections, given the corruption we were trying to deal with, we thought it imperative to have an election officer. They got an election officer in 1991 for that election. The union paid for that election as part of the consent decree. But the Bush administration obviously wanted to supervise the next election as well, in order to ensure that they didn't revert back to past practices.

Part of getting an election officer for the 1996 election was that the Government assumed the cost of that supervision. Now, that election has not been certified. It still remains an open question, and that is the very matter on which the judge will be holding these hearings in less than 2 weeks' time. Now we come in here and are sort of, in effect, trespassing on this whole arrangement, portraying it as though there was no return to the Government for the arrangement. The Government got the use of election officers in order to supervise these elections. I mean, the Senator ought to want election officers to continue——

Mr. NICKLES. If the Senator will yield——

Mr. SARBANES. And not provide a way for the union to come out from under the consent decree and the election officer.

Mr. NICKLES. We had an overseer in the 1991 election, but it didn't cost $22 million. We ought to be able to have one in the 1998 election and not have it cost taxpayers $22 million. The overseer costs almost $400,000 for that one position. That is a lot of money. I don't have too many constituents that make that kind of money—$175 an hour. We had a lot of supervision and still had a corrupt election. We can still have supervision, but we should not pay for it. We had a clean election in 1991. We should not have to do this again in 1998.

Mr. SARBANES. I say to my colleague that that is not the consent decree which the Bush administration approved and which they presented forward as a major accomplishment. That is an interesting argument, but the Senator should have used it in 1989, at the time the Bush administration sanctioned this consent decree. Otherwise, you never would have had an election officer for the 1996 election. It is treated as though that is a normal course of events. That is a major part of the bargain that was reached in the consent decree, keeping an election officer. The other part of the bargain was that the Government would pay the cost for the supervised election.

Mr. BINGAMAN. Will the Senator yield?

Mr. SARBANES. I yield for a question.

Mr. BINGAMAN. It strikes me that the job of Congress is to appropriate funds for the Federal courts to administer justice as best they see fit. I am wondering why we are trying to wade in and specify how this particular Federal judge administered the implementation of the consent decree which has been entered in his court. It strikes me that we have Federal courts all over the country and we have consent decrees in place in hundreds, perhaps thousands, of cases all over the country. Here we are, singling out one of those cases and saying we are going to step in and specify how a Federal judge in the future should implement the administration of that consent decree. It just seems to me that we are micromanaging, in the worst possible way, and really stepping into an area that the Congress should stay out of.

We should get on with the business that we were given to do under the Constitution, which is to pass appropriations bills, and we should let the courts administer the cases that are before them. I ask the Senator from Maryland if he would agree with that basic view.

Mr. SARBANES. I think the Senator makes a very valid point, but I will take it a step further. By meddling into this, we may well make it possible for the Teamsters to come out from under the consent decree with respect to the use of an election officer to conduct the election.

I ask my colleagues on the other side, is that a result they want? Do they want the Teamsters to be able to

conduct an election without the use of an election officer?

Mr. NICKLES. I just say I would like to have it where we would have supervision, like in 1991. I don't think we have to give a $22 million gift to the Teamsters to have an election. It is a big union and a nice group of people. They ought to be able to elect their leaders, and we should not have to give them a $22 million gift in the process. We can do it like we did it in 1991.

Mr. SARBANES. I observe to the Senator that the only reason you got that supervision was because of the consent decree. The reason you had an election officer in 1991, and the reason you had one in 1996 was because of the consent decree. You don't automatically get election officers to supervise union elections. You are absolutely right, ordinarily union elections are paid for by the union. It is a private association. They pay for the elections. There is no election officer to supervise those elections.

Now, what the consent decree gave you was an election officer because the Government wanted to supervise the election as a way of rooting out corruption and the influence of the mob in the Teamsters Union. They got a consent decree and it gave them an election officer in 1991, and also gave them an election officer in 1996 because, obviously, the Bush administration didn't want to have just one election and then they are off the hook. They wanted to keep the supervision for the 1996 election. But in order to get that agreement and that understanding in the consent decree, they agreed to pay the costs of the supervision for the 1996 election, which is, in a sense, the election that is still before us, since it has never been certified.

Now you are coming in, and you want to in effect eliminate an option that is available to the judge in terms of carrying out the consent decree. My point is that is carrying with it the very high risk that you eliminate the election officer. Then that raises a question. Why do you want to eliminate the election officer to supervise the teamsters election? That brings us back to why we have the election officers to begin with. So that works the whole thing back full circle. This is a classic example of tramping in without fully thinking through what the consequences of doing so are.

As the Senator from New Mexico has pointed out, it intrudes into the judicial operation, clearly. But, beyond that, I think it carries with it a very high risk that you are going to be hoisted by your own petard here, and you are going to end up without an election officer, which is an essential part of the consent agreement that was reached which the Bush administration at the time trumpeted as a major accomplishment.

Mr. FORD. Mr. President, will the Senator yield for a question without losing his right to the floor?

Mr. SARBANES. I yield to the Senator.

Mr. FORD. Can the Senator help me a little bit in the position that I find myself? We are sitting here with the Federal judges—almost 100 vacancies around the country. And they have to pass a litmus test before we can ever get them to the floor so we might approve them so that justice might be done and not delayed. Now we find this amendment before us saying that we want to interfere in the courts that are already there.

My fear is that democracy, as we know it, is being deleted, in my opinion, because of the meddling with the Federal courts and the delay of the appointment of judges and the interference of statutory provisions that would tell the judge what to do and what not to do. That is not what this country was founded on. It was founded on justice by judges, and you have the ability to go to court. Now we are saying you can't.

Am I right or wrong? Have I lost something here, or have I found something on which my fear might be substantiated?

Mr. SARBANES. I think the Senator is on a very important point. As the Senator from New Mexico said, you have the Congress coming in and trying to in effect dictate what the conclusions are going to be in the court proceedings—improper intrusion into the process, and a total lack of respect for the separation of powers. We are talking about a consent decree here. We are not even talking about a matter which is just in the initial stages of litigation in which we have traditionally shied away from intervening in saying it is a matter to be resolved by the courts. We have a matter here that was in extended litigation and which resulted in a consent decree entered into under an order of the court.

Now we are coming along and we are going to play around with this consent decree, and it is treated as though there is no downside to it. In other words, they say, ''Well, we will not honor the consent decree that requires that we pay for the election but we will keep the election officer which was provided in the consent decree.'' Which is unprecedented. That is not the normal way you do an election with an election officer.

So they are going to keep the election officer. But they are going to deny the court the ability to handle the apportioning of the cost of that, which is apparent currently available to the court under the consent decree. You are playing with fire. The end result of this may be that the teamsters get out from under the consent decree, and they don't have to use an election officer in order to conduct their election.

If that is what you really want to do, I mean I think one ought to be explicit about it. I don't think that is desirable. The questions that have been raised about this election that just happened—and, you know, obviously, you want to be sure you have a fair election given the long history of this issue involving the Teamsters Union.

Mr. FORD. Will the Senator yield for an additional question?

Mr. SARBANES. Certainly.

Mr. FORD. Am I right if what I see here is that we are trying to say that this is a bad union here that is going to get taxpayer dollars to have an election? So, therefore, we are going to interfere. The issue is emotional. No question about it. But we are going to interfere with the courts, and we will diminish the courts. Isn't it time for thoughtful people to try to protect the judiciary here so that even though the question may be sensitive it may be a tough vote—we have had tough votes before. A lot of times they are not easy votes. But this is one I think we have to look beyond to the long-term harm that might be done to the judiciary.

Am I all wrong in this?

Mr. SARBANES. No. I think the Senator is absolutely correct. Just as the court is about to pass on this previous election and make some judgment as to what ought to be done with respect maybe to holding another election, we come along with this amendment, and in effect alter the consent decree.

What the Government got out of the consent decree was continued supervision of the Teamster election by an election officer. In order to get that for the 1996 election in the consent decree, the Government undertook to pay the costs of that election. Now people want to preclude that side of the bargain but they want to keep the election officer.

I am simply suggesting to them that they may lose the election officer as well and bring the Teamsters out from under the consent decree. I would think upon reflection that that is something they would not want to do. In fact, the consent decree very clearly states that the union defendants consent to the election of officers at Government expense to supervise the 1996 IBT elections.

This was a litigated matter. It was in the courts. In fact, the mayor of New York, the current mayor of New York, was then the U.S. Attorney, Rudy Giuliani, and this was the agreement they worked out as part of the consent decree, as part of this litigation. Now, it is suggested that, well, we didn't get anything for it. Of course, we got something for it. We got the continued supervision of these elections with an election officer. You don't ordinarily get that with union elections. Ordinarily the unions pay for the election. There is no election officer. The Government wanted an election officer. They wanted to supervise these elections. The union said pay for the '91 election. But they, obviously, want out from under it. In effect, the deal was if you are going to continue to supervise us with an election officer through the 1996 election, you are going to pay the costs of the 1996 election. This election we are talking about here is in effect a continuation of the 1996 election, and that one has not been certified.

So now we are playing, as it were, fast and loose with this consent decree.

The end result of it may be that you will get an unsupervised election throwing the whole thing right back. This thing was negotiated, as I understand it, after a long period of time with very intense and extended negotiations. And it was finally put in a place under the order of a U.S. district judge, and it was consented to by the U.S. Attorney. It was consented to by the U.S. Government, and consented to by the plaintiffs and by the defendant. In fact, there is a long list of signatures consenting to the consent decree. Otherwise, you would have been in litigation. You don't know what the outcome would have been.

At the time, I can recall President Bush declaring this a great success. I think it was an accomplishment by the Bush administration, by Attorney General Thornburgh. Now we come along, and we are undoing it here on the floor of the U.S. Senate.

Mr. WELLSTONE. Will the Senator yield for one comment in the form of a question?

Just to quote from Attorney General Thornburgh, who said on March 14, 1989, to back up the Senator's point, ''This settlement, which union leaders agreed to earlier today, culminates 30 years' of efforts by the Department of Justice to remove the influence of organized crime within the Teamsters Union''—to go back.

Mr. SARBANES. This was Attorney General Thornburgh commenting?

Mr. WELLSTONE. That is correct.

Just one question, because the Senator has been on the floor and I have been listening very carefully. It initially started out as a debate. I expressed my concern that I thought whatever the intentions were—I said good intentions—on the part of the colleagues, but that I thought that you really couldn't talk about this except in the context of what has happened with the Teamsters, and I thought this was profoundly mistaken. But now, what the Senator has been doing as a lawyer is—I am a lay person. I have been listening very carefully. As I understand the Senator, what he is really saying is that the most serious part of this above and beyond my concerns is that it really does—as the Senator from Oklahoma said earlier, he didn't see this as being anything in contradiction with the consent decree—the Senator from Maryland is arguing that it is most certainly in contradiction, in which case it becomes a very dangerous intrusion into the judiciary.

Is that correct? Is that the legal principle here, and the government principle?

Mr. SARBANES. I say to the Senator, yes. That is correct. What my colleagues on the other side are failing to understand is the history out of which this consent decree arose. In other words, the Federal Government filed suit against the Teamsters alleging mob influence in the Teamsters, and it went through an involved presentation of what the issues were, the campaigns of fear and extortion, and so forth and so on. That suit is pending. The Government then reaches a consent decree with the Teamsters. The matter never went to full-scale litigation. You don't know what the outcome of the litigation would have been. They reached a consent decree, and the Attorney General stated at the time, ''This settlement, which union leaders agreed to earlier today, culminates 30 years' of efforts by the Department of Justice to remove the influence of organized crime within the Teamsters Union.'' And the observer goes on to note that the Teamsters signed a consent decree with the Federal Government to avoid a trial over a lawsuit. The union agreed to purge its mob connections and hold democratic elections. Then they discussed the supervision that was taking place with respect to the 1991 election. And the grumbling, in fact, on the part of some of the rank and file of the Teamsters is that the union no longer belonged to them, ''their second-guessing of internal decisions that we make,'' et cetera, et cetera. ''They are eliminating democracy to ensure democracy,'' one of these dissidents said.

We got that arrangement in order to supervise this election in order to try to root out this mob influence. Part of the consent decree was not only that you have a supervisor for the 1991 election but you have one for the 1996 election, which was a marked departure from how these things are handled.

My colleagues on the other side say, well, we don't pay for the elections of any other unions. That is quite true. No. We don't pay for them. We don't have election officers to supervise them either. We don't have them under a consent decree. There is a national purpose or objective to be achieved by rooting out the corruption that existed in the Teamsters Union. This consent decree negotiated by Mr. Giuliani, or by his associates, when he was a U.S. attorney in New York, approved by the Department of Justice, by Richard Thornburgh, the Attorney General, was an effort to accomplish that objective. In order to do that, we were able in effect to impose an election regime upon the Teamsters, not only for the 1991 election, the immediately next forthcoming election, but also for the 1996 election.

Mr. SESSIONS. Will the Senator yield?

Mr. SARBANES. Let me finish my point, and I will yield. Obviously, as part of the effort to extend out supervision beyond another 5 years out into the 1996 election, the Government undertook to pay the costs of the supervision of the 1996 election. But we got an election officer to supervise it. That is the election that is now in question. That is the election that is going to be under the scrutiny of the Federal District judge in New York. Now we are sort of messing with that situation without even beginning to have any full appreciation of what the consequences may be.

I yield for a question by my colleague from Alabama.

Mr. SESSIONS. I thank my colleague. In looking at the consent decree. We talked a lot about it. I think we should look at it and see what it actually says with regard to the effort in the 1991 election. What I read it to say—perhaps there is more than I read. But this is what I have. It says that the union defendants further consent to the United States Department of Justice supervising any IBT elections—any. They consent to them supervising any elections or special elections to be conducted after 1991 for the officers of the IBT, president, general secretary treasury, vice president, and trustees.

Mr. SARBANES. What point is the Senator making?

Mr. SESSIONS. I think it says that it gives the United States clearly the option to do so, and pay for that election or not. In fact, I have in my hand a memorandum of the U.S. Department of Justice which says just that—interprets it just that way. It says on page 2, ''Because of the deep entrenchment of the La Cosa Nostra in the IBT's electoral process, the consent decree gave the Government the option to have the 1996 elections supervised by a court appointed officer.''

Mr. SARBANES. That is right.

Mr. SESSIONS. I don't think we would be in violation of the decree to have the Government—and we speak for the Government, don't we?—say to them we don't intend to fund the second one.

Mr. SARBANES. Do you think you could have an election officer to that election?

Mr. SESSIONS. I think you have an option to.

Mr. SARBANES. How would you have an election officer?

Mr. SESSIONS. The U.S. Government, because of its concern about the mob influence of a union, protected itself with the right to assert, the right to provide an election officer in supervision, to supervise the election. So we don't have to exercise that option.

Mr. SARBANES. I say to my colleague, a distinguished former U.S. attorney in Alabama, the consent decree specifically says the union defendants consent to the election officer at Government expense to supervise the 1996 IBT elections.

Now, if you do not regard this election that is coming up as a continuation of the 1996 election, how are you going to get an election officer for it given the specific provisions that are in this consent decree?

Mr. SESSIONS. What page is the Senator on?

Mr. SARBANES. Sixteen.

Mr. SESSIONS. Are you reading the first full paragraph there? It doesn't say 1996 election. It says they consent to supervision of any election. That means obviously the United States did not intend to supervise all those elections. The United States only undertook to do so if it chose to do so.

Mr. SARBANES. If I could interrupt my colleague——

Mr. SESSIONS. That is what the Department of Justice, the Clinton Department of Justice, memorandum says, that it has the option. I think that's the most plain reading of it, and I suggest to you the union agreed to this reluctantly, preferring not to perhaps but because they had to. I just don't think that would be a fair interpretation of it. I think the most normal interpretation would be that they have the option to do so, and I think this body has the right to say we choose not to fund it. Let's not do it.

Mr. SARBANES. I say to my colleague, the consent decree I am looking at, in the first sentence of the first full paragraph on page 16 says, ''The union defendants consent to the election officer, at Government expense, to supervise the 1996 IBT elections.''

Mr. SESSIONS. Yes. But I think the option is the same.

Mr. SARBANES. That's the point.

Mr. SESSIONS. Let's look at what the Department of Justice memorandum says. The point of the Department of Justice memorandum about the 1996 election was that it concluded the Departments of Justice and Labor believed they should be involved in supervising the 1996 election.

Mr. SARBANES. That's right.

Mr. SESSIONS. And they chose to exercise that option. I think this body has the right to say we don't think we should exercise the next option; at least we are not going to fund it.

Mr. SARBANES. The Department wanted to supervise the 1996 election. They got the consent, they got it as part of the consent decree from the union to do so, but the costs of the election would be borne by the Government.

We ought to let the court decide what the consent decree means because, if you start playing around with a consent decree with respect to the cost of the election, the next thing you may discover is that you have let the Teamsters out from under the consent decree and you will not have an election officer, which was part and parcel of the arrangement that was made in the consent decree.

That is the point I am trying to make. You are running a very large risk here that you are going to lose your election officer to moderate and supervise these Teamster elections. And we have a strong public interest in preserving an election officer. Let the court decide what the consent decree means, and the court can then do it in a way that assures you that the Teamsters will not come out from under application of the election officer. That is the point.

Mr. SESSIONS. If the Senator will yield, I must say I am most impressed with the eloquence that the Senator has brought to this argument and has done remarkably well, I think, with not a lot to work with.

The Congressional Research Service has also indicated that:

> Legislation enacted by Congress limiting or restricting the funds for the 1996 election would be a Federal law, and the Government parties would be bound to take appropriate action in reliance on that law.
>
> What are the consequences to the Congress of not appropriating all the funds necessary to supervise the 1996 IBT elections?
>
> There would appear to be no consequences to the Congress. The consent decree does not appear to obligate the Government to supervise the 1996 elections, either directly or indirectly. Rather, the decree embodies the consent of the union defendants to governmental supervision.

Basically, the union consented that they would allow themselves, their private entity, to be supervised as a consequence perhaps of, as part of, a settlement to avoid even more severe punishment that could have been enacted against them as a result of Mr. Giuliani's actions against that union. That would be to me the most logical interpretation of the agreement.

Mr. SARBANES. That's right. The union agreed to this as part of the consent. But the consent decree says the union defendants consent to the election officer, at Government expense, to supervise the 1996 IBT elections.

You are coming along and saying we want to keep the election officer—let me put this question to the Senator. Does the Senator want the Teamsters to be able now to go ahead and have a private union election without supervision, without an election officer?

Mr. SESSIONS. This Member says that I would oppose strongly any more funding of a $22 million election, and I am prepared to vote against it in that regard.

Mr. SARBANES. Even if the consequence of that is that you have an unsupervised Teamster election because they are out from under the consent decree? Is that correct?

Mr. SESSIONS. They may be. That is right.

Mr. SARBANES. I do not agree with the Senator. I mean, I put this question earlier, and it is interesting now to have this discussion take this turn because now we are beginning to see apparently on the part of some Members, they are really prepared to countenance the notion of having an unsupervised Teamster election.

Mr. SESSIONS. If the Senator will yield——

Mr. SARBANES. In effect, we are repudiating the option of continued Government payment of the election as a way of in effect losing your supervision over the Teamsters election. I do not see how the Senator can take that position when questions have been raised about the validity of the 1996 election. This is the very thing that the court is going to be deciding up in New York, and we ought to let the court decide what the consent decree means.

I think this exchange just now is a pretty dramatic illustration of why we ought to let the court decide what it means because otherwise we are running the very high risk of exactly what the Senator said he would countenance happening; namely, an unsupervised election. I am sure there are many Members who do not want an unsupervised election.

Mr. SESSIONS. If the Senator will yield, I do not think the legislation requires that. In 1991, we did not fund the elections but had supervision. I think we can have supervision through the Department of Labor or Justice. But we do not have to fund a $22 million election.

Mr. SARBANES. It is not quite the same. I say to the Senator that is not the agreement that is embodied in the consent decree. This consent decree was not done by this administration. This consent decree was done by the Bush administration. Attorney General Thornburgh said about it, ''This settlement, which union leaders agreed to earlier today, culminates 30 years of effort by the Department of Justice to remove the influence of organized crime within the Teamsters Union.''

The Senator had service as a U.S. attorney, and you know when you agree to enter into a consent decree, you know, in effect, there is some give and take on both sides, and this was the arrangement that was made. It was done by Giuliani, approved by Thornburgh, trumpeted by President Bush as a success. I thought it was a success. I continue to think it is a success. And I certainly don't think we should run the risk here of undoing the consent decree by refusing to carry out the Government cost of the elections and lose the election officer as a consequence and allow the Teamsters to have an unsupervised election, and that is the fire you are playing with here.

What we really should do here is we should back off and let the court handle this matter. The court has a consent decree to administer. It has options. Under that consent decree, the court could, in effect, maintain supervision and not pick up the costs of it. But that is a matter for the court to do as it interprets the consent decree. If we try to do it on the floor as we are trying to do right now, we run the risk of upsetting this whole apple cart and the whole effort to purge the Teamsters and to get an honest union.

Mr. SESSIONS. I thank the Senator for yielding, and I just would disagree; I don't think the Government is required to conduct or fund this election, and I do not think we should.

Mr. HARKIN. Will the Senator yield for a question not even related to this at all? I would like to know if the Senator has any information or knowledge about how long we are going to be here this evening? I say that as the minority manager of this bill.

If we are not going to vote this evening—maybe someone on the other side could tell me. If we are not going to vote this evening, I think we ought to let Senators know so Senators can go home. It is now 8 o'clock at night. We have had a fairly spirited discussion and debate. I don't mean to limit debate or anything, but I think we ought

to have some information so that Senators can either stay around for a vote or at least go home to be with their families.

Does the Senator know anything about that?

Mr. SARBANES. No. This isn't my amendment. I am just responding to the offering of this amendment, which I think is a very bad idea and which I am trying to develop. Actually there is a benefit to be gathered by some discussion of this matter, which was illustrated by the exchange we just had, because it was clear that at least there are some Members who, in order to avoid the costs, are prepared to let the Teamsters have an unsupervised election and let them out from under the consent decree. I think that would be very bad.

Mr. HARKIN. I agree.

Mr. SARBANES. I think that would be a bad consequence.

Mr. HARKIN. I agree entirely with the Senator from Maryland.

Mr. SARBANES. And an undesired consequence.

Mr. HARKIN. I agree completely with the Senator.

Mr. SARBANES. I think we are running a risk with what we are doing on the floor of the Senate.

Mr. HARKIN. I am just thinking about what the procedure is going to be for the rest of the evening. There are only four or five Senators, six, in the Chamber. I hope we would have some information so the Senators could make plans.

Mr. SESSIONS. Will the Senator yield?

Mr. HARKIN. I do not have the floor. He has the floor.

Mr. SESSIONS. My understanding was that a vote was expected tonight but that a number of Senators had some things they wanted to say about this bill and were being provided the opportunity to do so. I am not aware that there is any agreement not to vote. I thought the agreement in fact was to vote.

Mr. SARBANES. Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say in response to my colleague from Iowa, I think there are Senators who want to speak on it. I don't know whether or not there will be time tonight in order to accommodate different people who want to comment on this amendment.

But as I understand it, and I will just try to summarize, there are two different sets of concerns I have. One set of concerns which I would repeat has to do not with the intentions of colleagues at all but has to do just with the sequence of events, the chronology. I just think that there is a great deal of discussion about what the UPS workers did. This was a Teamsters strike. There was a focus on the need to have more full-time jobs as opposed to part-time jobs. There was a focus on living-wage jobs.

The interesting thing is that I think the public really rallied behind the UPS workers. I think that the public felt that what the workers were talking about, what this union was talking about, was how you earn a decent living and how you are able to give your children the care you know they need and they deserve.

I think that this amendment, the Nickles-Craig amendment, is such an overreach because now what we have, just on the heels of this successful effort on the part of Teamsters to bargain collectively, is an effort—and now I have listened to this; I am not a labor lawyer—but an effort which essentially overturns a consent decree which was extremely important and essentially says we are going to go right to the heart of the judiciary and go back to an agreement which goes back, what, 30 years or thereabouts. I am sorry, this was initially agreed to in—I had it before me. Might I ask the Senator from Massachusetts a moment, the original agreement with the Bush administration was in 1989?

Mr. KENNEDY. In 1989, yes.

Mr. WELLSTONE. In 1989. I have quoted Attorney General Thornburgh on this. The idea was, look, this was, as my colleague from Maryland has said, an unprecedented situation. We were talking about corruption. We were talking about workers who want to have a fair election. And we finally had, after 30 years, an agreement here.

Now, this election has not yet been certified. The Kennedy amendment made no judgment about expenditure of money. But the idea of essentially trying to overturn this consent agreement, to interfere directly with the judicial branch, to really preempt what kind of ruling a judge might make before any kind of ruling has been made, and to do this on an appropriations bill, is profoundly mistaken. It is not prudent. So there are a number of Senators who have come to the floor and have raised a whole set of questions.

The Senator from Kentucky, Senator FORD, raised some questions having to do with the judicial appointments being blocked here—now, yet, a kind of threat to interfere with the judicial branch of Government—and whether or not this just was not the kind of political interference which is very inappropriate. He made the point that he felt that, as a Senator, if you were going to make a wise decision about this you would have to be in opposition to this amendment.

Senator KENNEDY started out tonight talking about both the context of this, the UPS workers and the successful effort on the part of the Teamsters, and now this—what is this all about? Just raising questions about the timing of it. But, then, more important, or just as important, Senator SARBANES has been on the floor and he has, I think, provided many of us his view—I certainly include myself, and this was essentially the position I think the Senator from Pennsylvania has taken—which is this is just an overreach. I mean, to just try to overturn or basically contradict or subvert this consent agreement, to interfere with the judicial branch, is a profound mistake.

So, my colleague from Alabama is correct. The point was that there would be a vote after Senators had a chance to fully discuss this. But, from my point of view, there are now three sets of questions that have been raised that I think are extremely important. Other Senators may want to discuss this as well. Or we might be able to reach some kind of agreement as to how we proceed. But, I think this is something that, if the Senate is a deliberative body, then we need to be very deliberative about this.

We had an agreement with a Republican administration, the Bush administration, which really dealt with 30 years' history. It was important. It was an effort to root out corruption. We had an agreement that was, I think, a very important step forward. Now what we have is an effort to essentially overturn that agreement. Now what we have is an effort to directly intervene or interfere with the judicial branch. Now we have an effort, which I think on political grounds, and probably on constitutional grounds, though I am not a lawyer, I am not even sure that, from a constitutional point of view—I believe the Senator from Pennsylvania may have raised this question—we should even be doing this, and for that reason there are a number of us who have been out on the floor and have been speaking about this.

If other Senators want to speak, I have had an opportunity several times tonight to raise these concerns. Senator SARBANES was on the floor a long time, I think really zeroing in on what the implications of this are, just in terms of branches of Government and separation of powers and what our constitutional system is about, which I think are pretty important questions. And one more time, as a Senator from Minnesota who had a chance to see what these workers were able to do and who strongly supported, I think, the justice, the justice goals of the strike—I have raised concerns about. I don't think it looks good. I don't think it's the right thing to do for the Senate to be involved in such an overreach, taking such drastic action, which I think, unfortunately, certainly looks like—I don't know what the motivations are of Senators—that it is very connected to this UPS workers' strike.

Mr. President, I will not speak any longer on the floor of the Senate. I will yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Kentucky.

Mr. FORD. Mr. President, I questioned earlier the distinguished Senator from Maryland as to a real problem that I have as it relates to the

amendment that has now been submitted by the Senator from Oklahoma and the Senator from Idaho. My friend from Alabama, the junior Senator, has been a prosecutor. He has a great case. All of a sudden the Congress of the United States blows him out of the water because we don't believe what he is pursuing there is in the best interests of politics.

So, now we are confronted with a question that is in the courts and we are trying to make a judgment here to supersede what might be in the courts. Do we have a right to do that? I am sure we do. But in this Senator's feeling about this institution and this country, we have three separate branches. And those branches must set on their own bottom, as we would say down in west Kentucky. We should let them make their decision.

I think this is a very dangerous position. The emotion of the amendment is good. We have a big, bad union here that we don't want to spend any more taxpayers' dollars to see that they have a noncorrupt election. We want a noncorrupt election, but we don't want to spend any money. We made an agreement in 1989 under the Bush administration. There is no question about that. Let it be under President *x*'s administration. The question still flies: Do we then, by our actions here, micromanage the courts? We are about a hundred judges short in this country now. The majority will not let those judges come to the floor. Maybe 1 or 2 or 3, hopefully 4 we might get out, with 35 to 50 being held hostage.

So, what we have done, what we are doing tonight, even though the image here is one thing, the end result is another. If there ever was a question that you must put aside, however you feel, I think it is important that we support the system that has made this country great. And that is not micromanaging the Federal courts.

One of the things the distinguished Senator from West Virginia has always attempted to do is follow the procedure and the precedent on the separation of powers. He just has helped take a piece of legislation through the courts on line-item veto. And we are getting ready to do it again. So the courts will make a decision on what this body has been able to do. Now we are trying to take the position that we want to do this ourselves, in lieu of what the courts are about to do.

I know the big bad union, and spending taxpayers' money and all that, is a pretty good issue. But, to me, to this Senator, there is a much deeper question as it relates to the three branches of Government and the strength of this great land of ours in that we are attempting now to usurp those things that we will go out and beat our chests about back to our constituents how great we have been doing to try to protect them as consumers, those in our States or districts, as our constituents. Yet we are tonight, in my judgment, trying to usurp the power of the judiciary. In my opinion, if I sign a contract, it ought to be valid. Then to have a valid contract canceled by the legislative body just doesn't seem to me to be in the right direction.

I hope my colleagues will look beyond the emotion of the question and be sure that their judgment does not usurp the strength and foundation of this great country.

I yield the floor.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. Mr. President, I would like to respond to some of the things that have been said, or questions that have been raised when I was off the floor a few moments ago. First of all, I think I just need to reiterate here what is at stake is taxpayers' money being used to pay for labor union elections where there has been a record of fraud and abuse. Yes, there was a consent degree in 1989. How long does it apply? In perpetuity? We had a fraudulent election, on which, to my absolute horror, $22 million of taxpayers' dollars were spent. It turned out it had problems. The FBI has said so. The Justice Department has even said so. So now they say, oh, yes, let's have another one and let the taxpayers pay for that. So the American people understand very clearly here, this is taxpayers' money going to pay for labor union elections. Judges may or may not say that it ought to be done. All I have to say is, if judges are saying taxpayers' money should be used to pay for private sector, or labor union elections of any kind, I think it is time we take some action to say we are not going to allow that.

The second thing is, the question was raised, ''Why don't we have some votes? Why doesn't somebody tells us when we will have some votes?'' Hey, we are ready to vote. Let's vote on the Nickles amendment right now. The motion to table the amendment of the Senator from Massachusetts carried; 56 Senators voted to table that motion. I believe the Senate is ready to vote for the amendment of Senator NICKLES.

But, as we try to do around here, we try to accommodate everybody's schedules and their desire to be able to check with the administration or I don't know who. We could probably work out something, to have a vote on Senator NICKLES' amendment at some time certain other than tonight. He has indicated he would, perhaps, be willing to do that. But if anybody has raised any questions about why don't we vote, why isn't somebody saying what the schedule is going to be—if you want to vote, let's vote. If anybody wants to know that, any one of the Senators who have been speaking, I am ready to vote. That's what we ought to do. We already had a statement of the Senate on this issue. The Senate is concerned about use of taxpayers' money to pay for labor union elections.

But I have also been working on a whole series of things that I think would be fair to the Senate. Unfortunately, our business was interrupted today. From 2 to 4, we had to go out so the Environment and Public Works Committee could have a hearing and begin a markup on the Superfund bill, a bill that the American people surely would be for, because it means improving the way that we clean up hazardous waste.

We all know now lawyers are cleaning up. They are doing fine. But we are not cleaning up any hazardous waste sites. We ought to have Superfund reform. And yet there was an objection made to the committee meeting, so we had to go out for 2 hours. We would not be here right now probably if it had not been for that 2-hour interruption. But when we take out 2 hours in the day, we are going to make up that 2 hours at night, or 3 hours.

I have spent a year trying to be sensitive to Senators' needs, to know what the schedule is going to be, to be with their families, to be with their children, to be with their dog, dogs, so we can have a life, but it takes cooperation on both sides.

I hope we won't start down that trail where we start these things that force us to be in session late at night. But if it's necessary, we will. That is why we are here now. I had offered a UC request, and I am going to ask for this unanimous-consent agreement that would allow us to not have any more votes tonight, not have any votes tomorrow, but have further debate on amendments on the very important Labor and Health and Human Services bill during the day tomorrow, with no votes; that we would come in on Monday, we would have more amendments on the Labor and Human Services appropriations bill with a vote at 5 o'clock, but only one at the request of the Democratic leader; and that we would get at the close of business Monday a final, finite list of all amendments pending to this appropriations bill. Both the managers would very much like for us to help them get that done. Then we would have other votes that might be pending from Friday or Monday on this bill Tuesday at 9 or 9:30. Then we would be able to wrap up the finite list, which is not that long. There are a couple controversial issues. I think we can get them worked out. Then we would have final passage on all amendments and the bill on Tuesday.

Then at 5 o'clock on Tuesday, we would go to the Food and Drug Administration reform bill at 5 o'clock, not have any votes on cloture tomorrow, not go through the cloture exercise. An overwhelming number of Senators on both sides of the aisle support this FDA reform bill. It was reported out of committee, I think, 13 to 2.

Mr. COATS. Fourteen to four.

Mr. LOTT. When we get to final passage, the vote on FDA is going to be 95 to maybe 5, maybe more. Ninety-five Senators want to vote on the substance of FDA reform. The American people want that. The American people want

to get a better system for approving drugs and medical devices and a more active and a more efficient FDA. We ought to give it to them. I believe the House is going to act on this. So it was a process to allow the Senators to continue on this bill, to get this bill completed, get FDA up in a reasonable way, and not have more votes tonight.

Senator KENNEDY has indicated he can't agree to that. The alternative then is this: We will have to pull down Labor-HHS tonight. We will then go to two votes on Federal judges tonight. We will vote in the morning at 9:45 on cloture. If we get cloture, then, of course, the Senator from Massachusetts and others perhaps can talk all day tomorrow if they want to. They can talk for 30 hours if they want to after cloture on the motion to proceed—on the motion to proceed now, I want you to know—to the FDA bill that over 90 Senators support.

Then on Monday, we will go back to Labor-HHS, and we will have a vote on two more judges Monday, perhaps even earlier in the day than we had indicated earlier, and then we will go to votes at 5 o'clock.

I mean, we are trying to get these things cleared. We are going to have recorded votes on them. I think plan A is in the best interest of the Senate and the American people, our time and efficient legislating. We can get our work done without unnecessary acrimony, without getting outdone by each other.

If the alternative is two votes tonight and a cloture vote in the morning at 9:45, inconveniencing unnecessarily—and, again, I am trying to accommodate people, we need to go a little later because some can't quite be here at 9:45, others at 10. We will have the vote at 9:45, and we are going to vote cloture. I just don't see why that is necessary. That is where we are.

I am going to make a unanimous-consent request on that in a moment and then go to judicial nominations. Does anybody have any comment or questions on that? I yield to Senator KENNEDY for a question.

Mr. KENNEDY. I know the Senator is going to make a proposal in just a moment. I do want to just point out for the Members the obvious, and that is that we have spent all day today debating two basic issues: One is the issue of fetal transplantation which, basically, has no position on this legislation, an issue that we have debated and debated and debated and which the Senate has voted on time and again and the outcome of which was fairly obvious. We took all morning to debate that.

All afternoon we have been debating the Nickles amendment which, as the Senator from Alaska has pointed out, is not really basic and essential to this appropriations bill, which the administration indicates it would very likely veto. So it has not been the Members on this side who have delayed the Senate from moving ahead. As one, among others, who is concerned about the Nickles amendment, I indicated that if the leader wanted to set that aside and continue to vote on other measures this evening, there would be no objection on our side.

So I think that it is important to understand what the situation is. We are basically considering an item which is an antilabor item. It is raised in the wake of the successful UPS strike and, basically, is legislative interference on a consent decree which raises very important constitutional issues. So there should not be any surprise about that factor.

With regard to FDA reform, the Senator made a very good point about the Members being ready and willing to vote on the medical devices and the FDA reform. What the Senator didn't mention is the other provisions which apply to the cosmetic industry which effectively is going to preempt every State in this country from getting adequate warning in terms of health and safety in the utilization of cosmetics. We know it is a $20 billion industry that for the last 20 years has been trying to get this achieved and have a preemption on issues relating to health and safety that primarily affect the American women in this country.

I am not going to be a part of rushing and ramrodding that particular provision through the U.S. Senate. And if I am the only one who votes against cloture tomorrow, I will take my time and explain in good time what we are being asked to consider. I have no regrets for insisting that we have a cloture vote. I indicated to the majority leader, if he wanted to have the cloture vote later at a more convenient time on Tuesday, Wednesday, or Thursday of next week, that is fine with me, absolutely, whatever he wanted to do to accommodate other Members.

Mr. LOTT. If I can claim my time.

Mr. KENNEDY. I ask recognition——

Mr. LOTT. On that particular point, I have been reasonable. I have put off scheduling.

Mr. KENNEDY. If I can finish my point and then I will be glad to yield, Mr. President.

Mr. LOTT. All right.

Mr. KENNEDY. But I have made that, so if Members didn't want to vote tomorrow, we could vote on this on Tuesday or Wednesday, give the majority leader an hour's notification to Members whenever that would come up any time Tuesday or Wednesday, but that has been rejected. We are going to be here for another 5, 6 weeks in this body. We have been attempting to negotiate these particular issues. I am very hopeful we will.

I want to vote for the medical devices and the pharmaceuticals. I commend Senator JEFFORDS and all of our colleagues on the committee for the excellent work that they have done. I think that measure is a very, very important measure. There are one or two items which I think would be addressed in terms of amendments, but on the issue of the cosmetics preemption of every State in the country in terms of health and safety, that is an issue that is not going to go easily.

Mr. COATS. Will the majority leader yield?

Mr. LOTT. I will yield, since his name, I believe, was invoked earlier, for a response to that.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I felt compelled to give the other side of the story. Yesterday, when I offered the fetal tissue amendment to the Parkinson's legislation, I had discussed the matter with Senator WELLSTONE. I had indicated I was willing to take a 20-minute time agreement on the amendment, 10 minutes on each side. I didn't want to do anything that unnecessarily delayed the bill. I was informed that it was not—it was acceptable to Senator WELLSTONE but it was not acceptable to Democratic Members who wanted to speak on the bill but didn't want to do it yesterday. That is within their rights. We could have proceeded. We didn't.

This Senator agreed to allow to be pulled over until this morning. I once again offered a time limit, and the time limit was not acceptable. So we essentially sat here for 2½ hours this morning listening to Members of the party of the Senator from Massachusetts oppose the amendment, which they have a right to do. But there was no delay initiated on the part of the Senator who offered the amendment, nor was there any delay on the part of the majority leader.

In regards to the FDA legislation, we were ready to go with that legislation before the recess, and it was the Senator from Massachusetts who prevented us from doing that. The Senator has every right to do that. If he has an objection to a part of the bill, he has a right to utilize the rules of the Senate to stop the bill from moving forward. But the facts are that the Senator doesn't have the votes. I didn't have the votes on some of my amendments. I didn't have the votes on fetal tissue, but I didn't stand here and insist the Senate stay in on a day when Members from both sides made plans and made travel plans just because I didn't have the votes or I couldn't get my way.

The Senator does not have the votes for the bill. He did not have them in the committee, and he does not have them on the floor. There is widespread support for the FDA reform bill, including the cosmetics provision which was voted on in committee. We had debate, and we voted on it in committee. The Senator didn't have the votes from the opposition party, didn't have the votes from his own party. He doesn't have the votes on this floor.

If he wants us to go through this exercise on a motion to proceed—this is just the procedure to start debate on the bill—why doesn't the Senator do what the rest of the Senators are doing, and that is, move forward on the bill, make your argument, have a vote, count the votes? If you win, you win; if you lose, you lose. But you can use the

rules of the Senate. It is a right to the minority. We have used it. If the Senator wants to do that, he has the opportunity to do that, but it inconveniences everybody else, and if you think it is going to change the result, maybe it is worth it, but if it is just to be obstinate or intransigent because you didn't win or your point of view isn't accepted by your fellow colleagues, it puts everybody else at a disadvantage. To imply the majority leader——

Mr. WELLSTONE. Will the Senator yield?

Mr. COATS. Or the Republicans have somehow conspired to deny the Senator from Massachusetts the right to make his point or to argue his point, my goodness, we have been hearing that over and over and over and over. We know what the Senator's position is. He has the right to argue it, and he has the right to delay it. Let's make sure it is not implied somehow there is some devious effort on the part of the Republicans to deny the Senator his opportunities.

Mr. WELLSTONE. Will the Senator yield?

Mr. LOTT addressed the Chair.

Mr. WELLSTONE. If the Senator will yield.

Mr. LOTT. If you will allow me to respond to some of the things the Senator from Massachusetts said. He asked for 1 minute to wrap up, and I need to respond, and then I will be glad to yield.

With regard to the amendment before us, it was offered at 5:05. An offer was made to limit the time on that to 30 minutes. I believe the managers of the bill were very content with that. An offer was made to limit speeches to 5 minutes on this issue. There was no desire to drag it out. So, again, to imply that we have been prolonging this is just not accurate.

Now, with regard to the Food and Drug Administration effort to make the bureaucratic FDA more responsive to the needs of the American people, this really affects quality of life and health care, and I know the Senator from Massachusetts cares a great deal about that. This is one way we can help them to get medical devices and pharmaceutical products available to the American people. The vote in the committee was 14 to 4. Usually when you have a vote in the committee and it is overwhelming in a bipartisan way, you bring it to the floor and you have debate, amendments, vote, and move on.

But somehow or other, I mean, some folks seem to think when you have a vote in a committee and lose, then the negotiations begin. The leader of both parties always has to be sensitive to that. I have allowed Senators on both sides of the aisle to continue negotiations on the foster care bill, on other bills, but I have been very patient on this. And I wanted a cloture vote on this back in July. I was told repeatedly, ''Oh, we're about to get it agreed to, about to get it done.'' Every time we were about to get it done, the Senator from Massachusetts said, ''Oh, no, there's something else here I want.''

I think the Senator from Vermont has been doing the very best he can in the negotiations. I personally think he has negotiated too dang much. The vote in the committee was 14–4. Why are we negotiating on all this stuff? Let us bring it to the floor and let us vote.

So when I get this magnanimous offer: Oh, you can have a cloture vote next week, put it off another—I offered a UC that would have given the Senator from Massachusetts an opportunity to negotiate Friday, Monday, all day Tuesday, and go on the bill on Tuesday night. He said no. But if we wait until next Tuesday to have a cloture vote on the motion to proceed, then he may try to force us to have a vote on going to the bill itself later on on a cloture vote, and then we might someday, in another week or so, get to FDA. That is ridiculous. There has been enough time.

The Senate wants to vote on this issue, overwhelmingly, in a bipartisan way. The committee has spoken. On a cloture vote, on a motion to proceed, the requisite number of Senators will vote for cloture, I believe. So I mean, that is not very responsive. It is time we get to this issue. Make your case, offer your amendments.

On the cosmetic thing, I mean, the Senator from Massachusetts is defending and worrying about States rights. Boy, getting some role reversals around here, when he doesn't want us to even get an amendment and vote on it. He may have the merits on his side. If he does, let us hear them; we will vote.

But, you know, it is time that we move forward on Labor-HHS. It is time we vote on the merits of FDA reform. I cannot believe we want to further delay. Every day we delay on FDA reform, there is some other delay by the bureaucracy at that agency that denies the people of this country medical devices and pharmaceuticals that help them with their lives and lifestyles. And so we are not going to delay it any longer. We are going to get an agreement to go to the bill on Tuesday or we are going to have a cloture vote in the morning. And if the vote doesn't succeed, we will have another one. I think I have been more than reasonable, and so has everybody else.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the following be the only amendments remaining in order to the Labor-HHS appropriations bill, other than the pending amendments, and they be subject to relevant second-degree amendments, and that all first-degree amendments must be offered prior to the close of business on Monday, September 8, other than the amendments designated as managers' amendments.

I further ask unanimous consent that following the disposition of the amendments, the bill be advanced to third reading, and a vote occur on passage of S. 1061, and the bill remain at the desk. I further ask unanimous consent that once the Senate receives the House companion bill, the Senate proceed to its immediate consideration, and all after the enacting clause be stricken, the text of S. 1061 be inserted, the House bill be advanced to third reading, and passed, all without further action or debate.

I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees.

I further state for the membership that any votes ordered with respect to the Labor-HHS bill on Friday and Monday, September 8, be postponed to occur at 5 p.m. on Monday, with one vote at that time, on a case-by-case basis. Thereafter, we will begin votes on Tuesday morning at 9:30.

I further ask unanimous consent the Senate proceed to S. 830 following the passage of the Labor-HHS appropriations bill—that is the Food and Drug Administration reform bill—but not earlier than 4 p.m. on Tuesday, September 9, to give the Senate plenty of time to continue to work on any agreements that they could come together on, and the cloture vote scheduled for Friday be vitiated.

That is the unanimous-consent request that I think is fair for all concerned. I urge that it be accepted.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Reserving the right to object, Mr. President, I want to just point out that the person that sets the schedule is the majority leader. If the majority leader files the cloture motion on a Wednesday, we end up having the cloture vote on a Friday. That is what the majority leader has done. It was his decision. He has every right to. And that is what we have as the regular order that is before the Senate.

But effectively what the majority leader now is doing is asking a consent to vitiate what the regular order would be in terms of the cloture motion. I do not question that we are short on the votes and that there will be an overwhelming vote in favor of moving toward the bill. But the regular order is, as filed by the majority leader on Wednesday, for a cloture vote on Friday. He knew what he was doing. He knew what he was doing.

He was the one that set the vote for Friday. And so I find it somewhat difficult to accept easily the fact that somehow the burden ought to be on other Members because the Senator now does not want to move ahead and have the vote on Friday. He was the one that established that process and procedure and set in motion those procedures. And for the reasons that I have outlined earlier with regard to

particularly the preemption with regard to the cosmetics, and the protection of the consumers on those issues, which I think is a travesty in protecting the American families, and primarily the American women, I am going to object to the elimination and vitiation of the cloture motion.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. In view of what I just heard the Senator say—he is right, that is the regular order. Of course, it is common practice, if you work things out you vitiate the necessity for a cloture vote. But, yes, I knew exactly what I was doing. And what I was doing was trying to carry out the will of the Senate, and not allow one Senator to any further delay the discussion of the merits of FDA reform.

In view of what the Senator said, I revise my unanimous-consent request to comply with what I thought I heard the Senator saying, the same unanimous-consent request all the way down the line, except that we would have the cloture vote in the morning at 9:45.

Would there be objection to that?

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I personally do not believe I would object to it, I say to the Senator. I do not know whether the amendments that have been included—I have not seen the list. I have had some amendments.

Mr. LOTT. It has been cleared——

Mr. KENNEDY. I have been given assurance by the staff—Mr. President, I object temporarily until I have a chance to talk to the minority leader.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I object until I have a chance to talk to him.

Mr. LOTT. In an effort to try to get a reasonable agreement worked out here—I believe our list has been cleared on both sides. I think the Senator from Iowa has had a chance to review it. In the interest of trying to get something worked out here, I would be prepared to take a 5-minute quorum call so we can look over the list and discuss it. If we cannot get that worked out, then I would begin the process of taking up the two judges and voting here in a few minutes.

So in view of the Senator's comments, and the idea that maybe we could get an agreement, I would at this point——

Mr. LEAHY. Will the Senator yield for a question?

Mr. LOTT. Yes. By the way, this unanimous-consent request was worked out over a period of hours. I think it has been cleared on both sides by all Senators with the exception of one. Senator DASCHLE was intimately involved in it. And some of the things in the UC were at his request, including that we only have one vote at 5 o'clock on Monday. So, I mean, everybody cleared it except Senator KENNEDY.

Mr. FORD. Would the majority leader yield?

Mr. LOTT. I would be glad to.

Mr. FORD. Is there any doubt that we will have two votes as it relates to judges following whatever occurs on your unanimous consent request? I think that we need to alert your side and ours.

Mr. LOTT. That was not in the UC.

Mr. FORD. You mentioned you were going to have one.

Mr. LOTT. That is my intent. If we do not have any cooperation on other matters, we would vote.

Mr. LEAHY. If the leader would yield for a question.

Mr. LOTT. Yes.

Mr. LEAHY. Might, while you are trying to work this out, have one of those votes on the judges? We have to do them at some point anyway. Go ahead and do it.

Mr. LOTT. Mr. President, so that everybody will know we are on the verge of having a vote, I think it is in the interest of all of us to take 5 minutes, look at the list, and everybody could be called to notify them we are fixing to begin voting. And if the Senator was not here, we plan to vote on two judges tonight, and hope to get two more perhaps Monday or so.

Mr. FORD. There will be a rollcall vote on this?

Mr. LOTT. I have been requested to get rollcall votes.

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. 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. While both sides continue to check the amendment list and see if we can get an agreement on the UC, let's start our first recorded vote, that will be out of the way, and perhaps we can get a final agreement.

Mr. FORD. If the majority leader will yield, it is my hope that everyone has been notified that we are going to vote. I hope we would not start until such time as we feel like both sides have been notified.

This side is all right.

EXECUTIVE SESSION

UNANIMOUS-CONSENT AGREEMENT—NOMINATIONS OF HENRY HAROLD KENNEDY, JR., AND FRANK M. HULL

Mr. LOTT. As in executive session, I ask unanimous consent the Senate proceed to executive session to consider the following nominations on the Executive Calendar, and further the Senate proceed to an immediate vote on each nomination consecutively. I further ask unanimous consent that following the series of votes, and it is two votes on the nominations, the President be immediately notified of the Senate's action and the Senate then proceed to return to legislative session.

The executive nominations at this time are as follows: Calendar No. 164, Henry Harold Kennedy, Jr, of the District of Columbia, to be U.S. District Judge for the District of Columbia, and Calendar No. 233, Frank M. Hull, of Georgia, to be U.S. Circuit Judge for the Eleventh Circuit.

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

Mr. LOTT. I further ask unanimous consent it now be in order to ask for the yeas and nays on each of these nominations with one show of hands.

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

Mr. LOTT. I now ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

NOMINATION OF HENRY HAROLD KENNEDY, JR., OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Henry Harold Kennedy, Jr., to be a U.S. District Judge for the District of Columbia? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska [Mr. MURKOWSKI], the Senator from North Carolina [Mr. HELMS], and the Senator from Rhode Island [Mr. CHAFEE] are necessarily absent.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN] is necessarily absent.

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 218 Ex.]

YEAS—96

Abraham	Dorgan	Kyl
Akaka	Durbin	Landrieu
Allard	Enzi	Lautenberg
Ashcroft	Faircloth	Leahy
Baucus	Feingold	Levin
Bennett	Feinstein	Lieberman
Biden	Ford	Lott
Bingaman	Frist	Lugar
Bond	Gorton	Mack
Boxer	Graham	McCain
Breaux	Gramm	McConnell
Brownback	Grams	Mikulski
Bryan	Grassley	Moseley-Braun
Bumpers	Gregg	Moynihan
Burns	Hagel	Murray
Byrd	Harkin	Nickles
Campbell	Hatch	Reed
Cleland	Hollings	Reid
Coats	Hutchinson	Robb
Cochran	Hutchison	Roberts
Collins	Inhofe	Rockefeller
Conrad	Inouye	Roth
Coverdell	Jeffords	Santorum
Craig	Johnson	Sarbanes
D'Amato	Kempthorne	Sessions
Daschle	Kennedy	Shelby
DeWine	Kerrey	Smith (NH)
Dodd	Kerry	Smith (OR)
Domenici	Kohl	Snowe

Specter	Thompson	Warner
Stevens	Thurmond	Wellstone
Thomas	Torricelli	Wyden

NOT VOTING—4

Chafee	Helms
Glenn	Murkowski

The nomination was confirmed.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, for the information of all Senators, the next recorded vote will be the last vote tonight. Unfortunately, we have not been able to work out an agreement that will allow us to vitiate the cloture vote on the FDA reform bill tomorrow morning. So there will be a vote at 9:45. After that, Senator KENNEDY, assuming cloture is invoked, would have 4 hours of debate on FDA reform. We could go back to the Labor-HHS appropriations bill tomorrow for other amendments to be offered, but no further votes, other than the 9:45 vote.

On Monday, we will have FDA debate from 12 until 1. Then we will go to the Labor-HHS at Monday at 1. We will have a vote at 5 o'clock on Monday on either the Nickles amendment or any other amendment that Senators have taken up during the day, or any other pending amendment. I believe the McCain amendment is pending. We will have one vote at 5 o'clock on Monday. And then, on Tuesday, we will have other amendment votes, if there are any pending, at 9:30. We would complete the list we have agreed on, all amendments, and final passage on Labor-HHS sometime Tuesday afternoon, and then we will go to the FDA reform package, but not earlier than 4 o'clock.

I had hoped we could get an agreement that would allow us not to have had a cloture vote in the morning and be able to vitiate that. Senator KENNEDY didn't feel he could agree to that. I hoped that we would not have to have votes on Monday, but we could not get all that worked out. So that is the outline of the UC that I would like to renew. I have discussed this with Senator DASCHLE. The list has been worked over by everybody. So I would like to renew my request with respect to the Labor-HHS appropriations bill that I made earlier and ask consent, if cloture is invoked Friday on the FDA reform package, that there be up to 8 hours divided between Senators JEFFORDS and KENNEDY for debate on S. 830 and an additional 4 hours of debate on Monday, divided in the same fashion, beginning at 11 a.m.

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

Mr. LOTT. I further ask that the Senate proceed to S. 830 following passage of the Labor-HHS appropriations bill, but not earlier than 4 p.m. on Tuesday, September 9.

Mr. WELLSTONE. Reserving the right to object, Mr. President. I want to ask a question. On Labor-HHS, amendments laid down by Monday, are you saying all amendments have to then be dispensed with and voted on by Tuesday?

Mr. LOTT. By Tuesday afternoon. We don't have an exact time set. But looking at the list of amendments, we believe we can do that by 4 or 5 o'clock Tuesday afternoon.

Mr. WELLSTONE. That is not part of the agreement. I am sorry.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Let me repeat, we have, we believe, a finite list. All amendments have to be offered by the close of business Monday. Look, there is not a lot of really tough stuff on the list. We believe we can finish all amendments, and all amendments would have to have been offered by the close of business Monday. We believe we can be through at a reasonable hour Tuesday afternoon. We are not locking in final passage.

Mr. WELLSTONE. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. For the information of all Senators, again, there will be one vote at 9:50 on Friday. Any other votes ordered Friday or Monday before 5 will be stacked to occur on Tuesday morning, except for the one vote on Monday afternoon.

I yield the floor, Mr. President, and I ask that we proceed with the regular order.

NOMINATION OF FRANK M. HULL, OF GEORGIA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Frank M. Hull, of Georgia, to be U.S. Circuit Judge for the Eleventh Circuit. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska [Mr. MURKOWSKI], the Senator from North Carolina [Mr. HELMS], and the Senator from Rhode Island [Mr. CHAFEE] are necessarily absent.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 219 Ex.]

YEAS—96

Abraham	Brownback	Coverdell
Akaka	Bryan	Craig
Allard	Bumpers	D'Amato
Ashcroft	Burns	Daschle
Baucus	Byrd	DeWine
Bennett	Campbell	Dodd
Biden	Cleland	Domenici
Bingaman	Coats	Dorgan
Bond	Cochran	Durbin
Boxer	Collins	Enzi
Breaux	Conrad	Faircloth
Feingold	Kennedy	Reid
Feinstein	Kerrey	Robb
Ford	Kerry	Roberts
Frist	Kohl	Rockefeller
Gorton	Kyl	Roth
Graham	Landrieu	Santorum
Gramm	Lautenberg	Sarbanes
Grams	Leahy	Sessions
Grassley	Levin	Shelby
Gregg	Lieberman	Smith (NH)
Hagel	Lott	Smith (OR)
Harkin	Lugar	Snowe
Hatch	Mack	Specter
Hollings	McCain	Stevens
Hutchinson	McConnell	Thomas
Hutchison	Mikulski	Thompson
Inhofe	Moseley-Braun	Thurmond
Inouye	Moynihan	Torricelli
Jeffords	Murray	Warner
Johnson	Nickles	Wellstone
Kempthorne	Reed	Wyden

NOT VOTING—4

Chafee	Helms
Glenn	Murkowski

The nomination was confirmed.

STATEMENT ON THE NOMINATIONS OF FRANK M. HULL AND HENRY HAROLD KENNEDY

Mr. LEAHY. I am encouraged that the Senate is taking up two of the nine judicial nominations on the Executive Calendar.

I am delighted that the Senate majority leader has decided to take up the nomination of Judge Frank M. Hull to be a U.S. Circuit Judge for the Eleventh Circuit Court of Appeals. Since 1994, the nominee has been a United States district judge for the Northern District of Georgia and prior to that she was a judge for the Superior Court of Fulton, County in Georgia. The ABA has unanimously found her to be well-qualified, its top rating. With the strong support of Senator COVERDELL and Senator CLELAND, this nomination has moved expeditiously through the committee and is being confirmed by the Senate. I congratulate Judge Hull and her family and look forward to her service on the Court of Appeals.

I am also delighted that the Senate majority leader has decided to take up the nomination of Judge Henry Harold Kennedy, Jr. to be a U.S. district judge for the District of Columbia. Since 1979, the nominee has been an associate judge for the District of Columbia and prior to that he was a U.S. magistrate. The ABA has unanimously found him to be well-qualified, its top rating. With the strong support of Senator THURMOND and Delegate ELEANOR HOLMES NORTON, this nomination has moved expeditiously through the committee and is being confirmed by the Senate. I congratulate Judge Kennedy and his family and look forward to his service on the district court.

With these confirmations the Senate will raise to 11 the number of Federal judges confirmed this year and exceed, for the first time this year, the snail-like pace of confirming one judge per month. The Senate pace will rise to an anemic 1.2 judges per month. Meanwhile, vacancies have continued to mount and the delays in filling vacancies continue to grow.

It is discouraging to once again have to call attention to the fact that of the 61 nominations sent to the Senate by the President some 40 nominees are pending before the Judiciary Committee—nominees who have yet to be accorded even a hearing during this Congress. Many of these nominations have been pending since the very first day of this session, having been renominated by the President after having been held up during last year's partisan stall.

The committee has not yet worked through the backlog of nominees left pending from last year. Several of those pending before the committee had hearings or were reported favorably last Congress but have been passed over so far this year, while the vacancies for which they were nominated over 2 years ago persist. The committee has 12 nominees who have been pending without action for more than a year, including 7 who have been pending since 1995.

There is no excuse for the committee's delay in considering the nominations of such outstanding individuals as Professor William A. Fletcher, Judge James A. Beaty, Jr., Judge Richard A. Paez, Ms. M. Margaret McKeown, Ms. Ann L. Aiken, and Ms. Susan Oki Mollway, to name just a few of the outstanding nominees who have all been pending all year without so much as a hearing. Professor Fletcher and Ms. Mollway had both been reported last year. Judge Paez and Ms. Aiken had hearings last year but have been passed over so far this year.

We continue to fall farther and farther behind the pace established by the 104th Congress. By this time 2 years ago, Senator HATCH had held 8 confirmation hearings involving 36 judicial nominees, and the Senate had proceeded to confirm 35 Federal judges.

Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. We can pass all the crime bills we want, but you cannot lock up criminals if you do not have judges. The mounting backlogs of civil and criminal cases in the emergency districts, in particular, are growing taller by the day.

I have spoken often about the crisis being created by the 103 vacancies that are being perpetuated on the Federal courts around the country. At the rate that we are currently going this year, more and more vacancies are continuing to mount over longer and longer times to the detriment of greater numbers of Americans and the national cause of prompt justice. We are not even keeping up with attrition.

Chief Justice Rehnquist has repeatedly acknowledged the crisis being posed for the Federal judiciary and, I believe, for all Americans. The Chief Justice has called the rising number of vacancies ''the most immediate problem we face in the federal judiciary.'' The Courts Subcommittee heard on Thursday afternoon from judges from the second and eighth circuits about the adverse impact of vacancies on the ability of the Federal courts to do justice. The effect is seen in extended delay in the hearing and determination of cases and the frustration that litigants are forced to endure. The crushing caseload will force Federal courts to rely more and more on senior judges, visiting judges and court staff.

The Attorney General spoke recently about the ''vacancy crisis that has left so many Americans waiting for justice'' noting that vacancies are up at a time that filings are up, caseloads are increasing, backlogs are increasing, and we are experiencing an ''unprecedented slowdown in the confirmation process'' that has ''very real and very detrimental impacts on all parts of our justice system. She spoke about the hundreds of appellate arguments being canceled, the Federal judges who go for entire years without hearing a single civil case. She said: ''Quite simply without enough judges, our laws will become empty promises and 'swift justice' will become an oxymoron, and without the independence they need to uphold those laws, our judges will become hostages to politics instead of being the guardians of our principles.''

In July I received a copy of a letter sent to President Clinton and the Republican leader of the Senate by seven presidents of national legal associations. These presidents note the ''looming crisis in the Nation brought on by the extraordinary number of vacant federal judicial positions'' and the ''injustice of this situation for all of society.'' They point to ''[d]angerously crowded dockets, suspended civil case dockets, burgeoning criminal caseloads, overburdened judges, and chronically undermanned courts'' as circumstances that ''undermine our democracy and respect for the supremacy of law.'' I agree with these distinguished leaders that we must without further delay ''devote the time and resources necessary to expedite the selection and confirmation process for federal judicial nominees.'' The President is doing his part, having sent us 61 nominations so far this year with more on the way. The Senate should start doing its part.

In choosing to proceed on these two nominees, the Republican leadership has chosen once again to skip over the nomination of Margaret Morrow and to delay action on six other outstanding nominees who were reported at the same time as those fortunate enough to be selected for consideration by the Senate this week.

I want to turn briefly to the long-pending nomination of Margaret Morrow to be a district court judge for the Central District of California. Ms. Morrow was first nominated on May 9, 1996—not this year but May 1966. She had a confirmation hearing and was unanimously reported to the Senate by the Judiciary Committee in June 1996. Her nomination was, thus, first pending before the Senate more than a year ago. This was one of a number of nominations caught in the election year shutdown.

She was renominated on the first day of this session. She had her second confirmation hearing in March. She was then held off the Judiciary agenda while she underwent rounds of written questions. When she was finally considered on June 12, she was again favorably reported with the support of Chairman HATCH. She has been left pending on the Senate Executive Calendar for more 3 months and has been passed over, again.

This is an outstanding nominee to the District Court. She is exceptionally well qualified to be a Federal judge. I have heard no one contend to the contrary. She has been put through the proverbial ringer—including at one point being asked her private views, how she voted, on 160 California initiatives over the last 10 years.

She has been forced to respond to questions about particular judicial decisions. I find this especially ironic in light of the Judiciary Committee's questionnaire in which we ask whether anyone involved in the process of selecting the nominee discussed with her ''any specific case, legal issue or question in a manner that could reasonably be interpreted as asking how you would rule on such case, issue, or question.'' We try to ensure that the administration imposes no litmus tests and does not ask about specific cases.

The committee insisted that she do a homework project on Robert Bork's writings and on the jurisprudence of original intent. Is that what is required to be confirmed to the district court in this Congress?

With respect to the issue of ''judicial activism,'' we have the nominee's views. She told the committee: ''The specific role of a trial judge is to apply the law as enacted by Congress and interpreted by the Supreme Court and Courts of Appeals. His or her role is not to 'make law.'" She also noted: ''Given the restrictions of the case and controversy requirement, and the limited nature of legal remedies available, the courts are ill equipped to resolve the broad problems facing our society, and should not undertake to do so. That is the job of the legislative and executive branches in our constitutional structure.''

Margaret Morrow was the first woman president of the California Bar Association and also a past president of the Los Angeles County Bar Association. She is an exceptionally well-qualified nominee who is currently a partner at Arnold & Porter and has practiced for 23 years. She is supported by Los Angeles' Republican Mayor Richard Riordan and by Robert Bonner, the former head of DEA under a Republican administration. Representative James Rogan attended her second confirmation hearing to endorse her.

Margaret Morrow has devoted her career to the law, to getting women involved in the practice of law and to

making lawyers more responsive and responsible. Her good works should not be punished but commended. Her public service ought not be grounds for delay. She does not deserve this treatment. This type of treatment will drive good people away from government service.

The president of the Woman Lawyers Association of Los Angeles, the president of the Women's Legal Defense Fund, the president of the Los Angeles County Bar Association, the president of the National Conference of Women's Bar Association and other distinguished attorneys from the Los Angeles area have all written the Senate in support of the nomination of Margaret Morrow. They write that: ''Margaret Morrow is widely respected by attorneys, judges and community leaders of both parties'' and she ''is exactly the kind of person who should be appointed to such a position and held up as an example to young women across the country.'' I could not agree more.

Mr. President, the Senate should move expeditiously to consider and confirm Margaret Morrow, along with Anthony Ishii, Katherine Hayden Sweeney, Robert F. Droney, Janet C. Hall, Joseph F. Bataillon, and Robert C. Chambers to be district court judges.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of S. 830, the FDA reform bill.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. I object on behalf of Senator KENNEDY.

The PRESIDING OFFICER. Objection is heard.

MOTION TO PROCEED

CLOTURE MOTION

Mr. ENZI. I now move to proceed to S. 830, and send a cloture motion to the desk.

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar 105, S. 830, the FDA reform bill:

Trent Lott, James Jeffords, Pat Roberts, Kay Bailey Hutchison, Tim Hutchinson, Conrad Burns, Chuck Hagel, Jon Kyl, Rod Grams, Pete Domenici, Ted Stevens, Christopher Bond, Strom Thurmond, Judd Gregg, Don Nickles, and Paul Coverdell.

Mr. ENZI. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

ANOTHER ACT OF TERRORISM SHOWS PEACE PROCESS SIMPLY IS NOT WORKING

Mr. HELMS. Mr. President, another tragedy struck the people of Israel today. Three Palestinian suicide bombers attacked a crowded pedestrian mall in the center of Jerusalem. At least three Israelis were killed; many more were wounded.

There was another bombing in the center of Jerusalem on July 30, in which 17 people were killed. Those murders were also claimed by the Palestinian terror group, Hamas.

As in July, all the requisite people will issue the required condemnations, and comfort themselves that they have responded adequately. But how can we pretend that enough is being done about Palestinian terrorism? How can we look at pictures of Yasser Arafat embracing a terrorist on the front page of the New York Times and still maintain the fiction that this is a man committed to fighting terror?

The answer, Mr. President, is simple: we cannot.

Last month, in the wake of the most recent Jerusalem bombing, Secretary of State Madeleine Albright said she would travel to the Middle East if the PLO took the necessary steps to crack down on terrorists. Those steps clearly have not been taken. More innocent civilians lie bleeding in the streets. But the administration still clings to the fiction of a peace process.

I have said many times, and I say again today: There is no peace in this process. How long will we be expected to play along with this charade, pretending that meetings, consultations, and formalities can substitute for genuine attempts to deliver peace and security to the people of Israel?

In the coming months, the Congress will reconsider the provision of assistance to the Palestinians. At that time, we must ask ourselves whether the PLO has complied with its commitments, not only to Israel, but to the United States. We must ask ourselves whether Palestinian territories have become a beachead for terrorists. We must ask ourselves if the PLO and Yasser Arafat are partners worthy of the confidence of the United States.

Mr. President, all we need do is look at the pictures on our television screens to see that the answer to each of those questions is no.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 3, 1997, the Federal debt stood at $5,413,621,503,580.39—five trillion, four hundred thirteen billion, six hundred twenty-one million, five hundred three thousand, five hundred eighty dollars and thirty-nine cents.

One year ago, September 3, 1996, the Federal debt stood at $5,226,657,000,000—five trillion, two hundred twenty-six billion, six hundred fifty-seven million.

Five years ago, September 3, 1992, the Federal debt stood at $4,035,387,000,000—four trillion, thirty-five billion, three hundred eighty-seven million.

Ten years ago, September 3, 1987, the Federal debt stood at $2,361,615,000,000—two trillion, three hundred sixty-one billion, six hundred fifteen million.

Fifteen years ago, September 3, 1982, the Federal debt stood at $1,110,240,000,000—one trillion, one hundred ten billion, two hundred forty million—which reflects a debt increase of more than $4 trillion, $4,303,381,503,580.39—four trillion, three hundred three billion, three hundred eighty-one million, five hundred three thousand, five hundred eighty dollars and thirty-nine cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING AUGUST 29

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending August 29, the United States imported 8,513,000 barrels of oil each day, 1,786,000 barrels more than the 6,727,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 57.4 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,513,000 barrels a day.

LOUISIANA CONTESTED ELECTION

Mr. WARNER. Mr. President, periodically, I report to the Senate on the work of the Rules Committee investigation into alleged fraud and irregularities that may have affected the outcome of the 1996 Louisiana Senate

election. Our committee is conducting this investigation under the authority given the Senate pursuant to article 1, section 5 of the Constitution of the United States.

Briefly recapping, I reported on May 8 of the committee's efforts to secure a bipartisan investigation. On May 23, I reported our efforts to obtain the detail of FBI agents to the committee and the agreement to issue over 130 subpoenas, although for election records only. Then, on June 26, I reported that the Rules Committee Democrats had, unexpectedly, withdrawn from the investigation—after only 2 weeks of committee action in the field. FBI support, likewise, was terminated by the Attorney General.

I also reported that the results of the investigation had revealed a significant failure, by election officials, in numerous Louisiana statutory provisions designed to safeguard the election from voter fraud. Given these numerous breaches of law, although many appeared to be unintentional, I believed the Senate had an obligation to examine a broad number of areas where the potential for fraudulent acts and voting could have occurred.

On July 31, the committee authorized me to continue the preliminary investigation and granted me, by resolution, the authority to issue subpoenas. To date, I have issued 38 subpoenas, in addition to the 134 Senator FORD and I jointly agreed to issue, which have resulted in thousands of pages of documents as well as the appearance of numerous witnesses at 4 days of hearings held in New Orleans. We have received testimony from officials in the LIFE [Louisiana Independent Federation of Electors, Inc.] organization, as well as the owners of Carl Mullican Communications, Inc. [CMC], organizations prominently mentioned in the Jenkins petition and supporting documents.

We have received testimony from representatives of gambling-related companies, witnesses who have voted more than once or had knowledge of those who had, van drivers on election day, and election officials, including one who worked on election day as both an election official and as a canvasser for a gambling company.

Our investigators have also interviewed hundreds of people, regarding allegations of: mismatched signatures, precincts closing beyond the prescribed closing hour, multiple voting, noncompliance with State voting laws, and involvement of gambling industry in the election.

On August 29, GAO detailed three persons to the committee to assist in the examination of election documents received as a result of subpoenas. We are now negotiating for an additional detail of qualified accountants to help examine the subpoenaed gambling industry documents.

We also have requested the Department of Justice to reconsider its withdrawal and to return this case with added support. To date, we have been met with their continued resistance.

As I concluded the second series of Louisiana hearings, on August 27, I stated that further hearings were needed. In consultation with the committee, I will soon set our next hearing.

The pullout of the Democrats. and resultant loss of FBI support have complicated our task, but we are continuing to make progress in this investigation. My goal remains to ensure that the committee's work is performed in keeping with the precedents of the Senate in past election cases and to give the full committee my honest judgment of the established facts. The committee will then report to the full Senate its honest judgment of these facts respecting the Senate's duty under the Constitution of the United States.

Suffice it to say, the results of this investigation to date are as yet incomplete. We do not have that body of facts to convincingly state that fraud or irregularities did, or did not, affect the results of the 1996 election for the U.S. Senator from Louisiana.

As developments occur, of such significance as to inform Senators, I again will give a timely report.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE ACTIVITIES OF THE U.S. GOVERNMENT IN THE UNITED NATIONS FOR CALENDAR YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 62

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during calendar year 1996. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 4, 1997.*

REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 63

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95–454; 5 U.S.C. 7104(e)), I am pleased to transmit the Eighteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1996.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 4, 1997.*

MESSAGES FROM THE HOUSE

At 11:53 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to section 2702 of title 44, United States Code, as amended by Public Law 101–509, the Clerk of the House appoints the following individual on the part of the House to the Advisory Committee on the Records of Congress: Mr. Roger Davidson of Washington, D.C.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. PACKARD, Mr. PORTER, Mr. HOBSON, Mr. WICKER, Mr. KINGSTON, Mr. PARKER, Mr. TIAHRT, Mr. WAMP, Mr. LIVINGSTON, Mr. HEFNER, Mr. OLVER, Mr. EDWARDS, Mr. DICKS, Mr. HOYER, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2158) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LEWIS of California, Mr. DELAY, Mr. WALSH, Mr. HOBSON, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mr. NEUMANN, Mr. WICKER, Mr. LIVINGSTON, Mr. STOKES, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. MEEK, Mr. PRICE, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to bill (H.R. 2160) making appropriations for Agriculture, Rural

Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1998, and for other purposes and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SKEEN, Mr. WALSH, Mr. DICKEY, Mr. KINGSTON, Mr. NETHERCUTT, Mr. BONILLA, Mr. LATHAM, Mr. LIVINGSTON, Ms. KAPTUR, Mr. FAZIO, Mr. SERRANO, Ms. DELAURO, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conferences asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WOLF, Mr. DELAY, Mr. REGULA, Mr. ROGERS, Mr. PACKARD, Mr. CALLAHAN, Mr. TIAHRT, Mr. ADERHOLT, Mr. LIVINGSTON, Mr. SABO, Mr. FOGLIETTA, Mr. TORRES, Mr. OLVER, Mr. PASTOR, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. MCDADE, Mr. ROGERS, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mr. PARKER, Mr. CALLAHAN, Mr. DICKEY, Mr. LIVINGSTON, Mr. FAZIO, Mr. VISCLOSKY, Mr. EDWARDS, Mr. PASTOR, and Mr. OBEY as the managers on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WALSH, Mr. YOUNG of Florida, Mr. CUNNINGHAM, Mr. WAMP, Mr. LATHAM, Mr. LIVINGSTON, Mr. SERRANO, Mr. FAZIO, Ms. KAPTUR, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. YOUNG of Florida, Mr. MCDADE, Mr. LEWIS of California, Mr. SKEEN, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. ISTOOK, Mr. CUNNINGHAM, Mr. LIVINGSTON, Mr. MURTHA, Mr. DICKS, Mr. HEFNER, Mr. SABO, Mr. DIXON, Mr. VISCLOSKY, and Mr. OBEY as the managers on the part of the House.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 2035. An act to authorize the transfer of naval vessels to certain foreign countries; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 261. A bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government (Rept. No. 105–72).

By Mr. SPECTER, from the Committee on Veterans' Affairs, without amendment and with a preamble:

H.J. Res. 75. A joint resolution to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WELLSTONE:

S. 1147. A bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment services under private group and individual health coverage; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 1148. A bill to amend title 49, United States Code, to require the forfeiture of counterfeit access devices and device-making equipment; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. COVERDELL, Mr. SHELBY, and Mr. KYL):

S. 1149. A bill to amend title 11, United States Code, to provide for increased education funding, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HUTCHINSON:

S. Con. Res. 50. A concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 1147. A bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment services under private group and individual health coverage; to the Committee on Labor and Human Resources.

THE SUBSTANCE ABUSE TREATMENT PARITY ACT OF 1997

Mr. WELLSTONE. Mr. President, today I rise to introduce legislation that will ensure that private health insurance companies pay for substance abuse treatment services at the same level that they pay for treatment for other diseases. In other words, it is meant to guarantee that insurance coverage for substance abuse treatment is provided in a nondiscriminatory manner. This bill, the Substance Abuse Parity Act of 1997, provides this assurance.

For too long, the problem of substance abuse has been viewed as a moral issue, rather than a disease. A cloak of secrecy has surrounded this problem, as people who have this disease are often ashamed and afraid to admit their problem, for fear that they will be seen as admitting a weakness in character. We have all seen portrayals of alcoholics and addicts that are intended to be humorous or derogatory, and only reinforce the biases against people who have problems with substance abuse. Can you imagine this type of portrayal of someone who has a cardiac problem, or who happens to carry a gene that predisposes them to diabetes?

Yet it has been shown that some forms of addiction have a genetic basis, and we still try to hide the seriousness of this problem. We forget that someone who has a problem with drugs or alcohol can look just like the person we see in the mirror, or the person who is sitting next to us on a plane. In fact, it is unlikely that any of us have not experienced substance abuse within our families or our circle of friends.

The statistics concerning substance abuse are startling. In a recent article in Scientific American, December 1996, it was reported that excessive alcohol consumption is estimated to cause more than 100,000 deaths in the United States each year. Of these deaths, 24 percent are due to drunken driving, 11 percent are homicides, and 8 percent are suicides. Alcohol contributes to cancers of the esophagus, larynx, and oral cavity, which account for 17 percent of the deaths. Strokes related to alcohol use account for another nine percent of deaths. Alcohol causes several other ailments such as cirrhosis of the liver. These ailments account for 18 percent of the deaths.

We know that alcohol and other drugs contribute to other problems as well. Addictive substances have the potential for destroying the person who is addicted, their family and their other relationships. In a 1993 Report to Congress on Alcohol and Health, the Secretary of Health and Human Services

stated that ''Alcohol is associated with a substantial proportion of human violence, and perpetrators are often under the influence of alcohol.'' There are high rates of alcohol and other drug involvement in domestic violence and child abuse. For example, in 1987, 64 percent of all reported child abuse and neglect cases in the city of New York were related to alcohol and other drug abuse. With respect to domestic violence, a study of over 2,000 American couples demonstrated that rates of domestic violence were almost 15 times higher in households where husbands were often drunk as compared to those households in which they were never drunk. And, alcohol has been shown to be present in over 50 percent of all incidents of domestic violence. In addition, substance use itself may result from direct experience with interpersonal violence, as demonstrated by a study of 472 women. This study showed that 87 percent of alcoholic women had been physically or sexually abused as children as compared to 59 percent of the nonalcoholic women in the study. We know that over 40 percent of motor vehicle crash fatalities are alcohol-related, and that many of the alcohol drinkers involved in these crashes have had long standing problems with alcohol abuse. It is estimated that over 25 percent of emergency department visits may be alcohol related, and that alcohol and other drug use accounts for at least 40 percent of hospital admissions.

Data from the 1996 National Household Survey on Drug Abuse, which is conducted by the Substance Abuse and Mental Health Services Administration, provide the following estimates of substance use in the United States:

ALCOHOL

There were about 9 million current alcohol, including beer, wine, and distilled spirits, drinkers under age 21 in 1996. Of these, 4.4 million were binge drinkers, including 1.9 million heavy drinkers.

MARIJUANA

In 1996, an estimated 10.1 million Americans were current, past month, marijuana or hashish users. This represents 4.7 percent of the population aged 12 and older.

Marijuana is by far the most prevalent drug used by illicit drug users. Approximately three-quarters, 77 percent of current illicit drug users were marijuana or hashish users in 1996.

COCAINE

The number of occasional cocaine users, people who used in the past year but on fewer than 12 days, was 2.6 million in 1996, similar to what it was in 1995. The number of users was down significantly from 1985, when it was 7.1 million.

HALLUCINOGENS

The rate of current use of hallucinogens among youth age 12–17 has nearly doubled in 2 years, 1.1 percent in 1994, 1.7 percent in 1995, and 2.0 percent in 1996.

HEROIN

There were an estimated 141,000 new heroin users in 1995, and there has been an increasing trend in new heroin use since 1992. A large proportion of these recent new users were smoking, snorting, or sniffing heroin, and most were under age 26. The rate of heroin initiation for the age group 12–17 reached historic levels.

We know what the problems are, and we can document them. But we have done little to treat the problems or prevent them. In order to decrease the violence, the domestic violence, child abuse, homicide, suicide, the motor vehicle crashes, the cancers and the other illnesses and deaths due to alcohol and drug use, we must treat the alcohol and drug abuse problems. But right now, even if treatment is available and accessible, it is often unaffordable, as many health plans do not pay for treatment for substance abuse at the same rate at which they pay for treatment of other diseases. This seems counterintuitive, given the relationship between substance use and other diseases. It would only seem logical that if we are willing to pay for the treatment of substance abuse, we would decrease costs of treatment for other diseases in the long run, as we would decrease the occurrence of those diseases that are related to substance abuse.

SAMHSA has summarized the importance of substance abuse treatment as follows:

Substance abuse adds substantially to the nation's total health care bill. Numerous studies show that providing adequate and accessible treatment for those with alcohol and illicit drug problems is the most effective method to improve the health of drug abusers and relieve the growing burden of drug-related health care costs. Treatment is a sound, long-term and cost-effective investment in America's future.

SUBSTANCE ABUSE AND HEALTH CARE COSTS

Approximately 35 percent of all AIDS cases are related to intravenous drug use, and over 60 percent of all pediatric AIDS cases are related to maternal exposure to HIV through drug use or sex with a drug user.

On the average, untreated alcoholics generally incur general health care costs that are at least 100 percent higher than those of the non-alcoholic. In the last 12 months before treatment, the alcoholic's costs are close to 300 percent higher.

More than 5 percent (221,000) of the 4 million women who give birth each year use illicit drugs during their pregnancy.

The Health Insurance Association of America estimates an expenditure of from $48,000 to $150,000 in costs of maternity care, physicians' fees and hospital charges for each delivery that is complicated by substance abuse.

The number of methamphetamine (speed)-related emergency room episodes increased by 35 percent (from 7,800 to 10,600) between the first half of 1994 and the first half of 1995.

HEALTH CARE AND TREATMENT

Chicago's Women's Treatment Center offers a wide variety of residential and outpatient programs for adolescent girls, pregnant women and women with young children. The Center has the only crisis nursery in Chicago, which provides care 24 hours a day to the infants and children of women undergoing medically supervised detoxification. As a result of the Women's Treatment Center's focus on responsible parenting, 67 drug-free babies have been born to women in treatment.

Substance abuse treatment reduces overall hospital admission rates by at least 38 percent. Hospital admissions for drug overdose decreased by 58 percent among those who had been treated.

Ninety-five percent of women reported uncomplicated births, free of illicit drugs, after one year of treatment.

The state Alcohol and Other Drug Authority in Minnesota has reported that, for chemical dependency clients, the state has saved approximately $22 million in annual health care costs by providing treatment.

So, it is apparent from these data that substance abuse treatment works, and can help reduce health care costs and costs to society. We need to ensure that health care insurance providers do not discriminate in their coverage of substance abuse treatment services.

The Substance Abuse Treatment Parity Act of 1997 provides for nondiscriminatory coverage of substance abuse treatment services by private health insurers. It does not require that substance abuse benefits be part of a health benefits package, but establishes a requirement for parity in coverage for those plans that offer substance abuse coverage.

Mr. President, my bill would prohibit private insurance providers from imposing caps, copayments, and deductibles and day and visit limits for substance abuse treatment services that differ from those that are described for other covered illnesses. In other words, private health insurers must treat substance abuse like any other disease. Covered services include inpatient treatment, including detoxification; nonhospital residential treatment; outpatient treatment, including screening and assessment, medication management, individual, group and family counseling and relapse prevention; and prevention services, including health education and individual and group counseling to encourage the reduction of risk factors for substance abuse.

Mr. President, the Substance Abuse Treatment Parity Act of 1997 is designed to take a large step toward decreasing the problem of substance abuse and its consequences. We can't afford not to provide this coverage.

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. 1147

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 ''Substance Abuse Treatment Parity Act of 1997''.

SEC. 2. PARITY IN SUBSTANCE ABUSE TREATMENT BENEFITS.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—(A) Subpart 2 of part A of title XXVII of the Public Health Service Act (as added by section 604(a) of the Newborns' and Mothers' Health Protection Act of 1996 and

amended by section 703(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

"SEC. 2706. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE TREATMENT BENEFITS.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and substance abuse treatment benefits, the plan or coverage shall not impose treatment limitations or financial requirements on the substance abuse treatment benefits unless similar limitations or requirements are imposed for medical and surgical benefits.

''(b) CONSTRUCTION.—Nothing in this section shall be construed—

''(1) as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any substance abuse treatment benefits; or

''(2) to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

''(c) EXEMPTIONS.—

''(1) SMALL EMPLOYER EXEMPTION.—

''(A) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of a small employer.

''(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

''(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this paragraph—

''(i) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(ii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(iii) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(2) INCREASED COST EXEMPTION.—This section shall not apply with respect to a group health plan (or health insurance coverage offered in connection with a group health plan) if the application of this section to such plan (or to such coverage) results in an increase in the cost under the plan (or for such coverage) of at least 1 percent.

''(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

''(e) DEFINITIONS.—For purposes of this section—

''(1) TREATMENT LIMITATION.—The term 'treatment limitation' means, with respect to benefits under a group health plan or health insurance coverage, any day or visit limits imposed on coverage of benefits under the plan or coverage during a period of time.

''(2) FINANCIAL REQUIREMENT.—The term 'financial requirement' means, with respect to benefits under a group health plan or health insurance coverage, any deductible, coinsurance, or cost-sharing or an annual or lifetime dollar limit imposed with respect to the benefits under the plan or coverage.

''(3) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include substance abuse treatment benefits.

''(4) SUBSTANCE ABUSE TREATMENT BENEFITS.—The term 'substance abuse treatment benefits' means benefits with respect to substance abuse treatment services.

''(5) SUBSTANCE ABUSE TREATMENT SERVICES.—The term 'substance abuse services' means any of the following items and services provided for the treatment of substance abuse:

''(A) Inpatient treatment, including detoxification.

''(B) Non-hospital residential treatment.

''(C) Outpatient treatment, including screening and assessment, medication management, individual, group, and family counseling, and relapse prevention.

''(D) Prevention services, including health education and individual and group counseling to encourage the reduction of risk factors for substance abuse.

''(6) SUBSTANCE ABUSE.—The term 'substance abuse' includes chemical dependency.

''(f) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 713(f) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

''(g) SUNSET.—This section shall not apply to benefits for services furnished on or after September 30, 2002.''.

(B) Section 2723(c) of such Act (42 U.S.C. 300gg–23(c)), as amended by section 604(b)(2) of Public Law 104–204, is amended by striking ''section 2704'' and inserting ''sections 2704 and 2706''.

(2) ERISA AMENDMENTS.—(A) Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as added by section 603(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 702(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

"SEC. 713. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE TREATMENT BENEFITS.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and substance abuse treatment benefits, the plan or coverage shall not impose treatment limitations or financial requirements on the substance abuse treatment benefits unless similar limitations or requirements are imposed for medical and surgical benefits.

''(b) CONSTRUCTION.—Nothing in this section shall be construed—

''(1) as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any substance abuse treatment benefits; or

''(2) to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

''(c) EXEMPTIONS.—

''(1) SMALL EMPLOYER EXEMPTION.—

''(A) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of a small employer.

''(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

''(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this paragraph—

''(i) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(ii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(iii) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(2) INCREASED COST EXEMPTION.—This section shall not apply with respect to a group health plan (or health insurance coverage offered in connection with a group health plan) if the application of this section to such plan (or to such coverage) results in an increase in the cost under the plan (or for such coverage) of at least 1 percent.

''(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

''(e) DEFINITIONS.—For purposes of this section—

''(1) TREATMENT LIMITATION.—The term 'treatment limitation' means, with respect to benefits under a group health plan or health insurance coverage, any day or visit limits imposed on coverage of benefits under the plan or coverage during a period of time.

''(2) FINANCIAL REQUIREMENT.—The term 'financial requirement' means, with respect to benefits under a group health plan or health insurance coverage, any deductible, coinsurance, or cost-sharing or an annual or lifetime dollar limit imposed with respect to the benefits under the plan or coverage.

''(3) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include substance abuse treatment benefits.

''(4) SUBSTANCE ABUSE TREATMENT BENEFITS.—The term 'substance abuse treatment benefits' means benefits with respect to substance abuse treatment services.

''(5) SUBSTANCE ABUSE TREATMENT SERVICES.—The term 'substance abuse services' means any of the following items and services provided for the treatment of substance abuse:

''(A) Inpatient treatment, including detoxification.

''(B) Non-hospital residential treatment.

''(C) Outpatient treatment, including screening and assessment, medication management, individual, group, and family counseling, and relapse prevention.

''(D) Prevention services, including health education and individual and group counseling to encourage the reduction of risk factors for substance abuse.

''(6) SUBSTANCE ABUSE.—The term 'substance abuse' includes chemical dependency.

''(f) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

''(g) SUNSET.—This section shall not apply to benefits for services furnished on or after September 30, 2002.''.

(B) Section 731(c) of such Act (29 U.S.C. 1191(c)), as amended by section 603(b)(1) of Public Law 104–204, is amended by striking ''section 711'' and inserting ''sections 711 and 713''.

(C) Section 732(a) of such Act (29 U.S.C. 1191a(a)), as amended by section 603(b)(2) of Public Law 104–204, is amended by striking ''section 711'' and inserting ''sections 711 and 713''.

(D) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 712 the following new item:

''Sec. 713. Parity in the application of treatment limitations and financial requirements to substance abuse treatment benefits.''.

(3) INTERNAL REVENUE CODE AMENDMENTS.—(A) Subtitle K of the Internal Revenue Code of 1986 (as added by section 401(a) of the Health Insurance Portability and Accountability Act of 1996) is amended—

(i) by striking all that precedes section 9801 and inserting the following:

''Subtitle K—Group Health Plan Requirements

''CHAPTER 100. Group health plan requirements.

''CHAPTER 100—GROUP HEALTH PLAN REQUIREMENTS

''Subchapter A. Requirements relating to portability, access, and renewability.

''Subchapter B. Other requirements.

''Subchapter C. General provisions.

''Subchapter A—Requirements Relating to Portability, Access, and Renewability

''Sec. 9801. Increased portability through limitation on preexisting condition exclusions.

''Sec. 9802. Prohibiting discrimination against individual participants and beneficiaries based on health status.

''Sec. 9803. Guaranteed renewability in multiemployer plans and certain multiple employer welfare arrangements.'',

(ii) by redesignating sections 9804, 9805, and 9806 as sections 9831, 9832, and 9833, respectively,

(iii) by inserting before section 9831 (as so redesignated) the following:

''Subchapter C—General Provisions

''Sec. 9831. General exceptions.

''Sec. 9832. Definitions.

''Sec. 9833. Regulations.'', and

(iv) by inserting after section 9803 the following:

''Subchapter B—Other Requirements

''Sec. 9811. Parity in the application of treatment limitations and financial requirements to substance abuse treatment benefits.

''SEC. 9811. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE TREATMENT BENEFITS.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and substance abuse treatment benefits, the plan or coverage shall not impose treatment limitations or financial requirements on the substance abuse treatment benefits unless similar limitations or requirements are imposed for medical and surgical benefits.

''(b) CONSTRUCTION.—Nothing in this section shall be construed—

''(1) as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any substance abuse treatment benefits; or

''(2) to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

''(c) EXEMPTIONS.—

''(1) SMALL EMPLOYER EXEMPTION.—

''(A) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of a small employer.

''(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

''(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this paragraph—

''(i) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(ii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(iii) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(2) INCREASED COST EXEMPTION.—This section shall not apply with respect to a group health plan (or health insurance coverage offered in connection with a group health plan) if the application of this section to such plan (or to such coverage) results in an increase in the cost under the plan (or for such coverage) of at least 1 percent.

''(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

''(e) DEFINITIONS.—For purposes of this section—

''(1) TREATMENT LIMITATION.—The term 'treatment limitation' means, with respect to benefits under a group health plan or health insurance coverage, any day or visit limits imposed on coverage of benefits under the plan or coverage during a period of time.

''(2) FINANCIAL REQUIREMENT.—The term 'financial requirement' means, with respect to benefits under a group health plan or health insurance coverage, any deductible, coinsurance, or cost-sharing or an annual or lifetime dollar limit imposed with respect to the benefits under the plan or coverage.

''(3) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include substance abuse treatment benefits.

''(4) SUBSTANCE ABUSE TREATMENT BENEFITS.—The term 'substance abuse treatment benefits' means benefits with respect to substance abuse treatment services.

''(5) SUBSTANCE ABUSE TREATMENT SERVICES.—The term 'substance abuse services' means any of the following items and services provided for the treatment of substance abuse:

''(A) Inpatient treatment, including detoxification.

''(B) Non-hospital residential treatment.

''(C) Outpatient treatment, including screening and assessment, medication management, individual, group, and family counseling, and relapse prevention.

''(D) Prevention services, including health education and individual and group counseling to encourage the reduction of risk factors for substance abuse.

''(6) SUBSTANCE ABUSE.—The term 'substance abuse' includes chemical dependency.

''(f) SUNSET.—This section shall not apply to benefits for services furnished on or after September 30, 2002.''.

(B) CONFORMING AMENDMENTS.—

(i) Chapter 100 of such Code (as added by section 401 of the Health Insurance Portability and Accountability Act of 1996 and as previously amended by this section) is further amended—

(I) in the last sentence of section 9801(c)(1), by striking ''section 9805(c)'' and inserting ''section 9832(c)'';

(II) in section 9831(b), by striking ''9805(c)(1)'' and inserting ''9832(c)(1)'';

(III) in section 9831(c)(1), by striking ''9805(c)(2)'' and inserting ''9832(c)(2)'';

(IV) in section 9831(c)(2), by striking ''9805(c)(3)'' and inserting ''9832(c)(3)''; and

(V) in section 9831(c)(3), by striking ''9805(c)(4)'' and inserting ''9832(c)(4)''.

(ii) Section 4980D of such Code (as added by section 402 of the Health Insurance Portability and Accountability Act of 1996) is amended—

(I) in subsection (c)(3)(B)(i)(I), by striking ''9805(d)(3)'' and inserting ''9832(d)(3)'';

(II) in subsection (d)(1), by inserting ''(other than a failure attributable to section 9811)'' after ''on any failure'';

(III) in subsection (d)(3), by striking ''9805'' and inserting ''9832'';

(IV) in subsection (f)(1), by striking ''9805(a)'' and inserting ''9832(a)''.

(iii) The table of subtitles for such Code is amended by striking the item relating to subtitle K (as added by section 401(b) of the Health Insurance Portability and Accountability Act of 1996) and inserting the following new item:

''SUBTITLE K. Group health plan requirements.''

(b) INDIVIDUAL HEALTH INSURANCE.—(1) Part B of title XXVII of the Public Health Service Act (as added by section 605(a) of the Newborn's and Mother's Health Protection

Act of 1996) is amended by inserting after section 2751 the following new section:

"SEC. 2752. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE BENEFITS.

''(a) IN GENERAL.—The provisions of section 2706 (other than subsection (e)) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

''(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 713(f) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.''.

(2) Section 2762(b)(2) of such Act (42 U.S.C. 300gg–62(b)(2)), as added by section 605(b)(3)(B) of Public Law 104–204, is amended by striking ''section 2751'' and inserting ''sections 2751 and 2752''.

(c) EFFECTIVE DATES.—(1) Subject to paragraph (3), the amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 1999.

(2) The amendment made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

(3) In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made subsection (a) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1999.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by subsection (a) shall not be treated as a termination of such collective bargaining agreement.

(d) COORDINATED REGULATIONS.—Section 104(1) of Health Insurance Portability and Accountability Act of 1996 is amended by striking ''this subtitle (and the amendments made by this subtitle and section 401)'' and inserting ''the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, and the provisions of parts A and C of title XXVII of the Public Health Service Act, and chapter 1000 of the Internal Revenue Code of 1986''.

By Mr. D'AMATO:

S. 1148. A bill to amend title 49, United States Code, to require the forfeiture of counterfeit access devises and device-making equipment; to the Committee on the Judiciary.

THE COUNTERFEIT ACCESS DEVICES ACT OF 1997

Mr. D'AMATO. Mr. President, I rise today to introduce legislation which will strike a blow against counterfeiters and other criminals who commit cellular telephone fraud and credit card fraud.

These criminal activities cost their respective industries hundreds of millions of dollars annually, and these costs are passed down to consumers who use credit cards and cellular telephones. The cellular telephone industry alone loses $650 million each year due to counterfeit or cloned telephone. The credit card industry faces a similar problem.

The criminals who perpetrate these frauds use specialized equipment to clone cell phones and credit cards to create phony copies which can be sold on the street or used to rack up thousands of dollars in unauthorized credit card purchases and telephone calls. There is no legitimate reason for an individual to possess this special equipment used to create these phony copies. This equipment is only useful to create counterfeit credit cards and cell phones.

Under current law, this equipment is actually returned to the criminal after he serves his sentence. The equipment is frequently used again to commit the same crimes over and over. The Government cannot confiscate the equipment without a separate expensive and time-consuming forfeiture proceeding.

Mr. President, it is preposterous that the Government must return the tools used to commit these crimes to criminals, even if they are convicted. These criminals are exploiting a loophole in the Federal forfeiture laws. My bill will close this loophole.

My bill would amend title 49 of the United States Code to make this equipment, as well as the counterfeit credit cards and telephones themselves, contraband. This designation would make it a Federal crime to possess these items. My bill would also require that these items must not be returned to the criminals.

Mr. President, these crimes take a tremendous toll on consumers whose telephones and credit cards are cloned by this equipment. By the time the consumer discovers that his or her telephone or credit card has been copied, the criminals usually have racked up thousands of dollars in unauthorized charges. This can have a devastating effect on consumers' credit ratings, rendering them unable to purchase a car or home or start a business. These problems can take years to correct.

Last Congress, I introduced a similar bill, S. 1380. Unfortunately, the session ended before Congress was able to act. However, this bill is not without precedent. A similar measure was passed last year regarding counterfeit videos and music. These items are now considered contraband under the new law. Industry leaders and law enforcement authorities enthusiastically support this legislation.

Mr. President, the Government must stop unwittingly aiding criminals to swindle hundreds of millions of dollars at the expense of consumers and the cellular telephone and credit card industries. My bill would close this outrageous loophole and help law enforcement crack down on these brazen criminals.

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. 1148

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

SECTION 1. FORFEITURES RELATING TO COUNTERFEIT ACCESS DEVICES.

Section 80302(a) of title 49, United States Code, is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(7) a counterfeit access device or any device-making equipment (as those terms are defined in section 1029 of title 18).''.

By Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. COVERDELL, Mr. SHELBY, and Mr. KYL):

S. 1149. A bill to amend title 11, United States Code, to provide for increased education funding, and for other purposes; to the Committee on the Judiciary.

THE INVESTMENT IN EDUCATION ACT OF 1997

Mr. GRASSLEY. Mr. President, I rise today to introduce the Investment in Education Act of 1997. This bill will close gaping loopholes in the current bankruptcy code which allow companies that declare bankruptcy to cheat schools out of badly needed education funds. This bill has the support of Senator DURBIN, the ranking member on my subcommittee. In an effort to work in a truly bipartisan way, I have reached out to the administration and have made several changes in the bill to accommodate the White House. As of now, I have received very positive signals from the administration and I'm optimistic that the administration will come out in favor of the bill.

As we all know, our Nation's educators face difficult challenges every day, whether from crumbling facilities or classes that are too large because a school district can't afford additional teachers. Money won't solve every one of the problems facing our schools. But protecting funding for education from losses due to bankruptcies will do a great deal of good. That's why I believe that the Congress should enact the Investment in Education Act quickly to stem a federally created drain on already scarce education resources.

As President Clinton has said, the era of big Government is over, and we have a responsibility in Congress to make certain that Federal laws—like the bankruptcy code—do not tie the hands of State and local governments. My bill will close bankruptcy law loopholes and provide millions of education dollars without raising taxes or spending any additional Federal money.

Under current law, the bankruptcy code allows a Federal judge to retroactively lower the assessed value of a bankrupt debtor's property—often in

direct conflict with State laws. And another part of the bankruptcy code artificially subordinates local property tax revenues.

All of this lowers the amount of money available for education since education is overwhelmingly dependant on local property tax revenue. In fact, there have been instances in which school districts have had to refund money they have already received and spent. In this way, the bankruptcy code is taking money earmarked for education and spending it instead on administrative costs such as lawyers' fees. We need to close these loopholes to put kids, and not bankruptcy lawyers, at the top of our Nation's priorities.

During a hearing which I chaired before the Subcommittee on Administrative Oversight and the Courts, I found out about a school district in Texas that lost enough money in one case to provide 375,000 meals for needy children. And I heard testimony about a school that could not rebuild its kindergarten which had been destroyed by a tornado as a result of money lost in a bankruptcy case earmarked for the school. In the State of Texas alone, between just a few school districts, about $70 million earmarked exclusively for education are currently at risk. Because the Administrative Office of the United States Courts does not keep comprehensive records on this, we don't know how big this problem is. But we know that it's a substantial problem. I say let's fix it now.

The Investment in Education Act will close these bankruptcy loopholes so that there will be more money for meals for needy children, more money to pay for teachers' salaries, and more money to repair dilapidated schools. By passing my bill, we can ensure that our schoolchildren get the education dollars they need.

Finally, section 3 of the Investment in Education Act will be of great help to children who are owned back child support. Section 3 of the bill will permit children and spouses to go into the exempt assets of the bankrupt debtor in order to make sure that unscrupulous deadbeats can't get out of paying child support by hiding their assets in bankruptcy. I don't think that Congress ought to let the bankruptcy code stick it to kids and so my bill corrects that.

This bill has bipartisan support and has been endorsed by the National School Boards Association and the Iowa Association of School Boards. And as I mentioned earlier, I am optimistic that the administration will come out to support the bill. I know that time may be short, but since this bill has bipartisan support, I hope that we can pass it quickly. Mr. President, I have several letters supporting my bill and several news articles regarding the negative effect of bankruptcy on education. I ask that they be entered into the RECORD and that the bill be printed in the RECORD.

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

S. 1149

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 ''Investment in Education Act of 1997''.

SEC. 2. TREATMENT OF CERTAIN LIENS

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting ''(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)'' after ''under this title''; and

(2) in subsection (b)(2), after ''507(a)(1)'' and before the comma following thereafter insert ''(except that such expenses, other than claims for wages, salaries or commissions which arise after the filing of a petition, shall be limited to expenses incurred under Chapter 7 of this title and shall not include expenses incurred under Chapter 11 of this title)''; and

(3) by adding at the end the following:

''(e) Before subordinating a tax lien on real or personal property of the estate which has arisen by virtue of state law, the trustee shall—

''(1) exhaust the unencumbered assets of the estate; and

''(2) in a manner consistent with section 506(c) of this title, recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of that property.''.

''(f) Notwithstanding the exclusion of ad valorem tax liens set forth in this Section, claims for wages, salaries and commissions entitled to priority under Section 507(a)(3) or claims for contributions to an employee benefit plan entitled to priority under 507(a)(4) may be paid from property of the estate which secures a tax lien, or the proceeds of such property subject to the requirements of Subsection 724(e).''

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(3) by adding at the end the following:

''(C) the amount or legality of any amount arising in connection with an ad valorem tax real or personal property of the estate if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.''.

SEC. 2. ENFORCEMENT OF CHILD AND SPOUSAL SUPPORT.

Section 552(c)(1) of title 11, United States Code, is amended by inserting ''provided that, notwithstanding any federal or state law relating to the enforcement of liens or judgments on exempted property, exempt property shall be liable for debts of a kind specified in Section 523(a)(5) of this title,'' at the end of the subsection.

IOWA ASSOCIATION OF SCHOOL BOARDS,
Des Moines, IA, September 2, 1997.

Hon. CHARLES E. GRASSLEY,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRASSLEY: I am writing to thank you for introducing and sponsoring ''The Investment in Education Act of 1997''. This important legislation will pump millions of badly-needed dollars into schools by closing loopholes in the federal bankruptcy code which unscrupulous debtors use to avoid paying delinquent property taxes. These delinquent taxes go to fund important education programs such as school lunch programs for needy children and school construction and renovation projects. Thus, a loss of these revenues mean fewer school lunches, school buildings in disrepair and fewer teachers, since property tax revenues also fund teachers' salaries.

This federally created drain on local revenues intended for education, if not checked in the near future, will obviously have a devastating impact on our ability to provide our children with a quality education. Companies which declare bankruptcy should not be allowed to use federal law to shortchange our children's education.

With the federal government turning more power over to the states, Congress has the responsibility to remove federal laws—like these bankruptcy loopholes—which tie the hands of local government. ''The Investment in Education Act of 1997'' is a step in that direction. It increases education funding by returning lost revenue to schools instead of raising taxes and without sending local revenues to Washington.

On behalf of Iowa's 377 school districts, thank you for your leadership in finding a solution to this problem.

Sincerely,

RONALD M. RICE, E.D.,
Executive Director.

OFFICE OF SIOUX COUNTY TREASURER,
Orange City, IA, July 29, 1997.

U.S. Senator CHARLES GRASSLEY,
ATTENTION: John McMickle,
Senate Hart Building,
Washington, DC.

DEAR MR. MCMICKLE: Thank you for taking the time to discuss the issues and concerns regarding bankruptcy and its affect on local taxing bodies here in Iowa.

I have been following with interest the proposed changes to the Federal Bankruptcy statutes as presented by the National Association of County Treasurers and Finance Officers (NACTFO) and concur with the findings and recommendations in their report. I believe that you have a copy of the report, entitled ''Local Governments Recommendations for Reform of the United States Bankruptcy Code''.

Following our conversation of July 23, I did send an e-mail message to all County Treasurers in Iowa, requesting information on the affect of bankruptcy on tax collections. To date, I have had a limited response to that request. Approximately ten percent of the treasurers have contacted me. Overall, their indications are that the statutes do not present any big problems in Iowa. The main concern would be the delay in payment of the taxes due.

An example here in Sioux County is to the point. In the Boyden-Hull School District, $13,457 in taxes remain uncollected due to bankruptcy by two property owners. $7,806 of this amount due is to go to the local community school district, if and when collected. These dollars are needed by the local school to keep programs running.

We have been fortunate in the Iowa Bankruptcy Courts to not have any judges that want to adjust amounts due on our priority claims for taxes. We have usually received the amounts that we file with the courts, although usually without interest due to late payment.

My reading of the proposed changes indicates that the judges would not have the latitude to change amounts due, nationwide, and that would serve us well. Both of the

cases affecting the Boyden-Hull School District are filed outside of Iowa and we are at the mercy of the local bankruptcy judges on collection.

Thank you for your interest in the affect of this legislation at the local level. If I may answer any further questions that you or the Senator would have, please contact me.

Sincerely,

ROBERT R. HAGEY,
Treasurer.

POLK COUNTY ATTORNEY,
Des Moines, IA, July 31, 1997.

Senator CHARLES E. GRASSLEY,
Chairman, U.S. Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRASSLEY: John McMickle of your office was kind enough to send me a copy of your proposed ''Investment in Education Act of 1997'', amending sections 724(b) and 505(a) of the Bankruptcy Code. I do not practice regularly in Bankruptcy and so may not be as qualified to comment as many of the people you will be hearing from, but I do represent Iowa's largest county in its attempts to collect overdue property taxes in those situations where Bankruptcy Court involvement is unavoidable. I would strongly support your attempt to reduce the impact on local governments of the Bankruptcy Code's artificial lien priority shifting and pre-emption of state law.

As you know, because of Iowa's consolidated tax system, a County is responsible for collecting taxes not only for itself but for the cities, school districts and other public bodies in the jurisdiction. The Treasurer is an involuntary creditor. He or she cannot evaluate and react to lending risks the way a normal creditor can. The Treasurer cannot police the debt or collateral or take additional steps to protect the County when a debtor is in trouble. Taxes are limited, so the County cannot build a reserve fund if it sees danger ahead. It is difficult to reduce general relief or quit collecting garbage or layoff teachers when economic conditions result in delayed tax collections. That is often when people look to government for additional assistance.

In Iowa, state law requires a wait of 21 months or more after a missed September local tax payment before property can be taken to pay the tax debt. This is reasonable protection for property owners who may be in trouble. Government is, after all, a service, not a business trying to make money off of the debt. Our procedure does, however, often result in local taxes being put off while other more aggressive creditors are paid. To then allow these creditors priority over local taxes, as the present section 724(b) does in many instances, seems eminently unfair. These junior lienholders were aware of tax priorities at the time they took their liens and to allow them to jump over local government seems, to me, to be a pure windfall. Your bill would correct this by keeping everyone in the same lineup to which they originally agreed.

We have had particular problems dealing with out of state bankruptcies involving Iowa properties but courts which do not understand the Iowa tax system and the fact that property is valued for tax purposes twenty-one months ahead of the first payment based on that value. We have often lost moderate payments simply because we cannot fly off to another state or hire a lawyer there to explain our case. Your proposal to reduce the impact of section 724(b) would also indirectly, but greatly, benefit Iowa local governments in this regard.

Finally, as to your proposal to limit the retroactive impact of section 505(a), I can only say that in my own experience I have found this section to be used primarily as a negotiating tool by debtor and junior creditor lawyers in Chapter 11 cases, who use the threat of redetermination to browbeat the County into compromising taxes to provide a larger income stream for junior lienholders. I strongly support your bill's effort to limit the impact of this section on local government as well.

Thank you for your consideration and good luck in convincing your associates of the desirability of your proposals.

Very Truly Yours,

MICHAEL J. O'KEEFE,
Assistant Polk County Attorney.

SCHOOLS TURN TO INCOME TAX—MOST DISTRICTS ALREADY CHARGE AN INCOME SURTAX. SHOULD DES MOINES JOIN THEM?

Iowa school districts increasingly are turning to a new tax—an income surtax—to supplement the property taxes and state aid they've long relied on.

A movement is under way for Des Moines to join the trend.

The school-district income surtax may not be familiar everywhere. It has not been used by the schools in most of Iowa's largest cities, but 204 of the state's 379 school districts now use it to raise extra money for education.

It's a simple concept that can raise a lot of cash for classroom programs, new school buses, asbestos abatement, routine maintenance, and remodeling. It works this way: A school district approves a levy(ies) for one or more of those purposes, either by a vote of the school board or citizens, and designates the income surtax as a source of revenue.

Each person in the district who pays state income taxes is then charged an additional amount to meet that obligation—up to 20 percent of his or her state income-tax bill. On a state tax bill of $200, at the maximum 20 percent rate, you'd send the state an extra $40 to be returned to your school district. (Counties may also use the income surtax for emergency medical services. Taxpayers who live where both their school district and county have an income surtax don't pay more than 20 percent combined.)

Think of the income surtax as a tip-automatically tacked onto a restaurant tab, and districts have been increasingly hungry for it.

Why? Growing pressure on their budgets, including higher expectations in general, more low-income students who need help to succeed and aging buildings that need to be renovated or replaced.

Iowa law first allowed use of the income surtax for school districts in 1972, under restricted circumstances. Use of the income surtax increased after lawmakers OK'd an ''enrichment levy'' in 1975, which let school districts spend extra local money on educational improvement through either the income surtax, property taxes or both. But the explosion in the number of districts with an income surtax came when the ''instructional support levy'' replaced the enrichment levy in 1991, with state money part of the bargain.

From Ackley-Geneva to Woodbury Central—and in districts like Ames, Decorah and Sioux City—the income surtax raised a total of $27.2 million statewide for the 1996–97 school year that ended June 30. That compares to $1.9 million just 10 years earlier. Of that $27.2 million, $24.6 million went to the instructional support levy (which also got $43.3 million in property taxes and $14.8 million in state money, with the state paying less now than it originally promised).

The income surtax raised another $72,000 for the educational improvement levy, a one-time opportunity for school districts to boost their budgets that could be put in place only in the 1991–92 school year and continued until rescinded by the school board. (Just four districts have it). The income surtax raised nothing in 1996–97 for the asbestos levy. It raised $2.5 million for the physical plant and equipment levy.

Who has the income surtax? Rural school districts predominantly, where the push for it began as a way to reduce reliance on property taxes and keep school budgets healthy, although plenty of cities participate. Iowa City, for example, raised the most—$2.6 million—this past school year for the instructional support levy. In the immediate Des Moines area, only the Bondurant-Farrar, Southeast Polk and North Polk school districts have the income surtax.

The surtax has been proposed for the Des Moines school district as a means to move ahead the $315 million Vision 2005 plan for updating its 63 buildings.

Residents of the Des Moines district paid $124.5 million in state income tax in 1996. Based on that year's incomes, each 1 percent of surtax would bring in about $1.2 million for the school district. The talk is of needing nearly $12 million annually from the surtax, which would require nearly a 10 percent rate.

Part of the appeal of the income surtax is that it spreads the tax burden more equitably than property taxes or sales taxes, and businesses are likely to support it since they don't pay it. Part of the drawback is that it stands to increase the differences in tax burdens among local school districts, perhaps putting Des Moines at a further competitive tax disadvantage.

Somehow Des Moines has to settle on a way to come up with money it needs for its schools, and a tax increase of some sort is inevitable.

Whether that ought to include the income surtax needs a careful look, one taken knowing that many other Iowa communities have found that it works for them.

[School Board News, Aug. 19, 1997]

SCHOOLS LOSE WHEN FIRMS GO BANKRUPT

Your school system might be missing out on thousands of dollars every year because corporations involved in bankruptcy proceedings are able to get their tax obligations cut.

The Dallas public school system, for example, is losing $450,000 during the current year, due to a federal law that makes it virtually impossible for school districts to collect tax revenue from businesses that have declared bankruptcy.

Accordingly to Dallas Superintendent Yvonne Gonzalez, the district could have used this money to hire 15 extra teachers to reduce class sizes or provide $150 in school supplies for more than 3,000 teachers. ''We anticipate an equal or greater loss each year for the foreseeable future,'' she says.

That's because Dallas, like most local school districts across the nation, depends heavily on ad valorem taxes, which are assessed on businesses and individuals based on the value of property.

When businesses declare bankruptcy, however, school districts and other local governments tend to be last in line to collect the back taxes owed by property owners. Lawyers and banks holding mortgage liens are paid first. As a result, schools often never see the money they are owed, and in some cases, are required to refund taxes already received.

NSBA supports federal legislation to correct this problem. The Investment in Education Act would amend the federal bankruptcy code to increase local revenues derived from property taxes.

The Senate Judiciary Committee's Subcommittee on Administrative Oversight and

the Courts held a hearing on the bill Aug. 1. The bipartisan measure will be formally introduced in September by subcommittee chair Charles E. Grassley (R-Iowa) and Sen. Richard J. Durbin (D-Ill).

A description of the bill prepared by Sen. Grassley's office notes that ''virtually every state has experienced some revenue shortfall'' in school funding, due to two provisions in the bankruptcy code. The issue has been getting a lot of attention in Texas lately, however, because the state experienced so many real estate bankruptcies in the early 1990s.

Elizabeth Weller of the Dallas law firm Blair, Goggan, Sampson and Meeks notes that the Houston school district lost $1 million in a single case. Weller, who represents some 200 clients on this issue, a third of whom are Texas school districts, adds that in the past few years, the Fort Worth Independent School District (ISD) lost more than $480,000 in a total of four cases; the Dallas ISD lost nearly $450,000 in six cases; and the Lake Worth ISD $357,000 in a single case.

Section 505(a) of the bankruptcy code gives bankruptcy judges broad power to overrule property valuation decisions. This means a judge can decide to reduce a business's tax burden to ensure that the company's debtors can receive more of what they are owed.

Debtors often seek to have the taxable value of property reduced for as much as 10 years before the bankruptcy filing and request a refund of taxes already paid. Current law allows judges to approve these requests.

The bill would amend Section 505(a) to permit a bankruptcy court to reverse a property valuation decision only when the bankruptcy debtor has the right to challenge such a decision under applicable nonbankruptcy law.

Section 724(b) requires that most other claims on a bankruptcy estate be paid before ad valorem liabilities. Thus, various expenses, including lawyers' fees, are paid before and at the expense of tax liabilities, eventually forcing local jurisdictions to accept much less in delinquent back taxes than they would otherwise be entitled to receive—if they receive anything at all.

The bill would amend Section 724(b) to provide that ad valorem taxes protected by liens are paid ahead of other expenses, increasing the likelihood that local jurisdictions receive the same revenues they would have received if the company didn't file bankruptcy.

''My clients are sympathetic to wage claimants and others holding priority claims'' under the bankruptcy code, Weller says. They are citizens that serve and protect,'' she says. School districts are not asking for a special priority; they just want to be treated like any other creditor.

Weller says there's been ''definitely a lot more cases'' on this issue in the past few years, even though there hasn't been an increase in corporate bankruptcies as there has among individuals. What has changed in that ''corporate attorneys have become more aware of how they can use the law to avoid paying taxes.''

One of several examples cited by Weller involves the bankruptcy of Merchants Fast Motor Lines. Taxes secured by liens on personal property were reduced by a bankruptcy court's application of Sections 505(a) and 724(b).

That resulted in five county governments, three city governments, and the school districts of Dallas, Houston, and Irving losing a total of more than $70,890. The taxing entities face the threat of additional tax losses when the properties are sold.

In some cases, a bank holding the mortgage on a property demands that the seller declare bankruptcy so the taxes will be reduced, thus increasing its profits from the sale.

That's what happened to the Hurst Euless Bedford Independent School District in Texas, which filed suit in state court in May 1992 to collect delinquent taxes for a company for 1989 and 1990.

The day before the case was set to go to trial, the debtor filed bankruptcy, attorney Barbara M. Williams said at the hearing. The company succeeded in getting the taxes reduced for 1989 and 1990, even though the debtor did not foreclose upon the property until 1991. The property value was reduced more than $1.5 million, and the school district lost more than $61,000 in tax revenue. The debtor then filed a motion to dismiss the bankruptcy.

A single bankruptcy can have a major impact on a small school district. For example, when the Lancaster, Texas, school district was involved in a legal battle over the bankruptcy and foreclosure of a country and western bar, it succeeded in obtaining $150,000 in back taxes, Weller notes. That money was enough to restore kindergarten for the district's schoolchildren, which had been eliminated when the school suffered severe tornado damage.

LANCASTER INDEPENDENT SCHOOL DISTRICT,
Lancaster, TX, July 28, 1997.

Senator CHARLES E. GRASSLEY,
Senate Judiciary Committee,
SH–325 Hart Senate Office Building,
Washington, DC.

RE: Proposed Changes to Bankruptcy Code §§ 724(b) and 505.

DEAR SENATOR GRASSLEY: I am very pleased to write this letter in support of your efforts to modify the Bankruptcy Code to make revenue recovery easier for local governments. As a small suburban school district, the Lancaster Independent School District has felt the effects of debtors using bankruptcy as a way to avoid paying ad valorem taxes. In one particular case, a debtor avoided payment of taxes for almost ten years before the tax-laden property was sold through a bankruptcy plan to a new owner who paid the taxes. As a result of this account being resolved, the School District collected more than $130,000 and was able to fund fullday kindergarten. I am attaching an article from our local newspaper that describes the importance of the payment of this account.

Although the example I have given would not have been specifically affected by your proposed changes to the Bankruptcy Code, it represents the types of issues facing local governments who cannot collect essential revenue because of abuses of the bankruptcy process by property owners. In our case, the issue was much more than a matter of an individual paying his fair share of taxes. For Lancaster ISD, this was a matter of whether or not we could provide essential public services.

Thank you very much for your actions on behalf of local governments. Please let me know if I can provide any additional assistance in this effort.

Sincerely,

BILL WARD,
Superintendent.

[Today Lancaster, Aug. 10, 1997]

MONEY IN THE BANK—LISD RECEIVES BIGGEST BACK TAXES PAYMENT

(By Chuck Bloom)

Gary Faunce is a happy man. Happier than usual.

The Lancaster school district top finance man is breathing a little easier with an infusion of more than $133,000 in back taxes paid by the LISD's most notorious delinquent account.

Bear Creek/GID II, representing the Crystal Chandelier, delivered payment of $133,377 July 24 to the district's tax attorneys, Blair, Coggan, Sampson and Meeks, closing out a ''difficult chapter'' in the district's financial life, Faunce said.

''This helps us make next year's budget and it certainly lifted us through this year's budget.'' he said. ''It has been very helpful to fund a few programs.''

Faunce said much of the funds would be earmarked to cover the cost of full-day kindergarten in the LISD, which begins this Monday for all 5-year-olds.

The Crystal Chandelier, located at Bear Creek Road and I–35, was purchased by John Drain earlier this year, and worked with BGSM to resolve the delinquent tax problem.

''With the property in the hands of a new owner, we are hopeful that it will remain off the delinquent tax roll,'' said Nancy Primeaux, BGSM regional manager. She said her firm would monitor the GID account ''to ensure the property's prior history is not repeated.''

In addition, the district received $6,915 from Jordan Tractor and Marine, plus payment on five other accounts, Primeaux said.

Needham Carpets, which is subject to seizure activity, had its bankruptcy filing dismissed ''with prejudice'' by the Bankruptcy Court. The ruling prevents Needham from filing for bankruptcy for the next 12 months, and BGSM can proceed with its litigation and seizure efforts.

The LISD has been working under an extremely tight financial cloud, due in part to the large amount of back taxes owed.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES,
August 14, 1997.

Hon. LAUCH FAIRCLOTH,
317 Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FAIRCLOTH: We are aware of proposed amendments to the Bankruptcy Code that will ensure better local tax collection and administration when a taxpayer files for bankruptcy. We support these amendments, included in Senator Grassley's Investment in Education Act of 1997, that amend Sections 724 and 505(a)(2) of Title 11 of the US Code.

The amendment to Section 724 will prevent the property tax lien from being subordinated to other liens when property is sold free and clear of liens during bankruptcy. This is already the case under North Carolina law, as has been held and affirmed by our courts, if the tax collector reads the notice carefully enough to understand there is to be a sale free and clear of liens and if the collector knows to contact the city or county attorney and request that an objection be filed to the sale.

Under existing Section 505, a bankruptcy court can redetermine the value of property for tax purposes and recompute the tax owed, if the debtor had not appealed the value to the Board of Equalization and Review, and this is true even though the time for making an appeal to the Board has expired. This has happened in several cases in North Carolina, and the taxes were always recomputed downward. The proposed amendment to Section 505 prohibits a bankruptcy court from making this reassessment if the time for making an appeal under state law has expired.

We appreciate your consideration and, in the interest of more equitable property tax collection and administration, we feel these are good amendments and would request your support. Would you please share your position on the amendments?

Sincerely yours,

TERRY A. HENDERSON,

Director of Advocacy.
S. ELLIS HANKINS,
Executive Director.

THE OFFICE OF SALT LAKE COUNTY ATTORNEY, DOUGLAS R. SHORT, COUNTY ATTORNEY,

July 29, 1997.

Attn: John McMickle.
Re amendments to 11 U.S.C. §505 and 724(b).
Hon. CHARLES GRASSLEY,
U.S. Senator, Subcommittee on Administrative Oversight and the Courts, 308 Senate Hart Office Building, Washington, DC.

DEAR SENATOR GRASSLEY: Salt Lake County's tax revenue, including those of the several school districts located within the county, has been adversely affected by 11 U.S.C. §§724(b) and 505. Both provisions discriminate unfairly against governmental entities and take needed governmental and school revenue and shift it to other creditors of the estate.

For example, because 11 U.S.C. §505 permits the bankruptcy court to redetermine the value of property for tax purposes, Salt Lake County and schools have lost substantial tax revenue because debtors have been permitted to challenge assessments without the necessity of complying with state law.

In one chapter 11 proceeding Salt Lake County and the school districts lost $61,800 due to the provisions of 11 U.S.C. §505. In another chapter 11 proceeding the debtor attempted to obtain a refund of taxes paid three years prior to the bankruptcy filing and one post-petition year totaling approximately $80,000. The county settled after the trustee agreed to drop his pre-petition refund but lost approximately $18,000 which the Trustee would not have been entitled to under state law. Further, in 1996 the county and school districts lost another $13,500 in a chapter 7 proceeding because of section 505 jurisdiction. The above actions could not have been brought had state law applied.

Title 11, U.S.C., §724(b) is often used in this jurisdiction to take county and school district tax money and shift it to administrative expense and other priority claimants. It should be eliminated or limited to federal statutory liens. It is evident from the legislative history of §724 and its predecessors that Congress never contemplated the impacts of shifting local property tax revenue away from schools and local governments, which provide police and fire protection and other essential services to estate property, to other creditors such as chapter 11 administrative expense claimants and lienholders junior to the tax liens.

Thank you for considering the foregoing issues. Unfortunately we are not able to present this in person. However, your assistance is appreciated.

Sincerely,

MARY ELLEN SLOAN,
Deputy Salt Lake County Attorney, Civil Division.

TREASURERS' ASSOCIATION OF VIRGINIA,

July 29, 1997.

Re Investment in Education Act of 1997.
U.S. Senator CHARLES GRASSLEY,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of the Treasurers' Association of Virginia to express our support for the Investment in Education Act of 1997. The membership of the Treasurers' Association consists of over 180 county, city and town treasurers throughout the Commonwealth of Virginia. In Virginia, the local treasurer is responsible for the receipt and collection, safekeeping and investing, accounting and disbursement of local government revenue.

Of primary importance to our members is the retention of an effective ad valorem tax lien on real property. This lien is paramount to all other debts under Virginia law. In giving this lien the ultimate priority, the Virginia legislature recognized the importance of real property taxes to Virginia localities. Real property taxes are an indispensable method of funding government functions including schools, police and fire protection, sanitation and other essential government services. Under the current bankruptcy scheme, however, this first priority lien can be negated by a bankruptcy trustee acting pursuant to §724(b).

The legislation which you have proposed would rectify this anomaly of the Bankruptcy Code. This legislation would exempt a ''properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property . . .'' from the scope of §724(b). This amendment is consistent with the original legislative history of this subsection, and reflects the primary importance of ad valorem taxes and tax liens in the operations of local government.

Sincerely,

KEVIN R. APPEL,
Counsel.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 61

At the request of Mr. LOTT, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 358

At the request of Mr. DEWINE, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Louisiana [Ms. LANDRIEU] were added as a cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 493

At the request of Mr. KYL, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 493, a bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

S. 507

At the request of Mr. HATCH, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 507, a bill to establish the United States Patent and Trademark Organization as a Government corporation, to amend the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, reexamination reform, and for other purposes.

S. 623

At the request of Mr. INOUYE, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 657

At the request of Mr. DASCHLE, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 675

At the request of Mr. MCCONNELL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 675, a bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to equine activities.

S. 769

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 769, a bill to amend the provisions of the Emergency Planning and Community Right-To-Know Act of 1986 to expand the public's right to know about toxic chemical use and release, to promote pollution prevention, and for other purposes.

S. 836

At the request of Mr. ABRAHAM, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 836, a bill to offer small businesses certain protections from litigation excesses.

S. 995

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 995, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1031

At the request of Mr. GRASSLEY, the names of the Senator from Alabama

(Mr. SESSIONS) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1031, a bill to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury.

S. 1042

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1942, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

S. 1059

At the request of Mr. CHAFEE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1059, a bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

S. 1062

At the request of Mr. D'AMATO, the names of the Senator from Delaware (Mr. ROTH), the Senator from Oregon (Mr. WYDEN), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1062, a bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

S. 1113

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1113, a bill to extend certain temporary judgeships in the Federal judiciary.

SENATE RESOLUTION 111

At the request of Mr. THURMOND, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Resolution 111, a resolution designating the week beginning September 14, 1997, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

AMENDMENT NO. 1059

At the request of Mr. FAIRCLOTH the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of amendment No. 1059 intended to be proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1069

At the request of Mr. SPECTER the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of amendment No. 1069 proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1078

At the request of Mr. DURBIN the names of the Senator from California (Mrs. BOXER), the Senator from Arkansas (Mr. BUMPERS), the Senator from Ohio (Mr. DEWINE), the Senator from California (Mrs. FEINSTEIN), the Senator from New Hampshire (Mr. GREGG), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), the Senator from Maine (Ms. SNOWE), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1078 intended to be proposed to S. 1061, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

SENATE CONCURRENT RESOLUTION 50—CONDEMNING THE BOMBING IN JERUSALEM ON SEPTEMBER 4, 1997

Mr. HUTCHINSON submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 50

Whereas on September 4, 1997, 3 bombs exploded in Jerusalem on Ben Yehuda Street, killing at least 8 people and injuring more than 165 others.

Whereas HAMAS, a terrorist organization, has a ''military wing'' which has claimed responsibility for this cowardly act;

Whereas Yasser Arafat, Chairman of the Palestinian Authority, has made statements in which he said ''HAMAS, even its military wing is a patriotic movement.'';

Whereas on August 20, 1997, Chairman Arafat publicly embraced the leader of HAMAS, Abdel Aziz al-Rantisi;

Whereas Yasser Arafat has recently ordered the release of several HAMAS terrorists being held in Palestinian Authority jails, including Nabil Sharihi, who is suspected in a bombing that killed Alisa Flatow, an American citizen;

Whereas Israel has recently given Yasser Arafat a list of 150 suspected terrorists who are presently residing in Palestinian-controlled territory;

Whereas Yasser Arafat has made public statements in which he vowed not to ''bow down'' to Israeli requests that he arrests suspected terrorists;

Whereas since the beginning of the Oslo peace process, over 260 Israelis have been killed, and hundreds more have been injured, far more than in a similar period before the peace process began; and

Whereas in violation of the Oslo Accords, the Palestinian Authority has withheld full security cooperation with the State of Israel, which may have made this attack more likely; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns in the strongest possible terms this latest bombing and those responsible for encouraging or inciting such cowardly acts;

Whereas (2) expresses its deepest condolences to the families of the victims of this latest bombing and expresses its solidarity with the people of the State of Israel in this tragic time;

(3) reaffirms that the United States should fully cooperate with the State of Israel in helping to stem the tide of terrorism, which has threatened the Oslo peace process and the stability of this vital region; and

(4) affirms that the United States should provide no monetary or other assistance to the Palestinian Authority until it has fulfilled its obligations under the Oslo Accords, including—

(A) taking affirmative steps to arrest and prosecute suspected terrorists;

(B) resuming full security and intelligence cooperation with the State of Israel;

(C) taking affirmative steps to confiscate all unlicensed weapons and explosives;

(D) publicly condemning in Arabic this most recent terrorist act and other such acts;

(E) prohibiting participation in the Palestinian security services of individuals suspected of committing terrorist acts;

(F) ceasing all anti-Israeli rhetoric, including statements which refer to terrorist groups as ''patriotic'', statements which praise terrorists or terrorist leaders, and statements encouraging a ''battle'' or ''jiha'' against Israel;

(G) cooperating with Israel in the transfer of suspected terrorists to Israel to stand trial;

(H) rescinding the proclamation that the death penalty would be imposed for the sale of land to Jews or Israelis;

(I) ceasing the use of maps depicting ''Palestine'' as encompassing the entire State of Israel;

(J) completing the process of amending the covenant of the Palestinian Liberation Organization, including the recession of those specific articles which call for armed struggle to liberate ''Palestine'' or question the legitimacy of Zionism or the State of Israel; and

(K) taking affirmative steps to reduce the size of the Palestinian police force, in accordance with the limits set forth in the Oslo and subsequent accords.

Mr. HUTCHINSON. Mr. President, I rise today, along with my friend and colleague Congressman JIM SAXTON, to submit a concurrent resolution that condemns, in the strongest possible terms, today's bombing in Jerusalem on Ben Yehuda Street.

Three bombs exploded in Jerusalem today killing at least 8 people and injuring more than 165 others. Mr. President, once again the world watches in horror as innocent citizens get blown up in a Jerusalem marketplace.

Just weeks after a tragic bombing incident in July, Yasser Arafat publicly embraced the leader of Hamas. Two weeks later, today, three more bombs kill and maim civilians on a crowded shopping street in Jerusalem.

Mr. President, I am outraged by these continued terrorist actions under the watch of the Palestinian Authority.

Mr. President, among other things, the resolution that I offer today would require Congress to:

Reaffirm that the United States should fully cooperate with the state of Israel in helping to stem the tide of terrorism, which has threatened the Oslo process and the stability of this vital region; express its deepest condolences to the families of the victims of

this latest bombing and express its solidarity with the people of the State of Israel; and affirm that the United States should provide no monetary or other assistance to the Palestinian Authority until it has fulfilled its obligations under the Oslo accords.

To many of my colleagues that may not already know this, I have just returned from Israel, where I walked up and down Ben Yehuda street. Therefore, this resolution hits close to home for me.

Mr. President, it is time for Arafat to live up to the commitments he made in the Oslo accords and break the back of the terrorist infrastructure in Palestine.

I urge my colleagues to join me in condemning today's terrorist acts and cosponsor this important legislation.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF LABOR APPROPRIATIONS ACT FOR FISCAL YEAR 1998

D'AMATO (AND OTHERS) AMENDMENT NO. 1079

Mr. D'AMATO (for himself, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. DORGAN, Mr. SPECTER, and Mr. STEVENS) proposed an amendment to the bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 45, line 13, strike ''$854,074,000'' and insert ''$854,074,000 (and an additional amount of $40,000,000 that shall be used to carry out title III of such Act)''.

On page 85, line 19, strike ''$30,500,000'' and insert ''$70,500,000''.

LIEBERMAN (AND COATS) AMENDMENT NO. 1080

Mr. LIEBERMAN (for himself and Mr. COATS) proposed an amendment to the bill, S. 1080, supra; as follows:

On page 50, line 9, strike ''$1,271,000'' and insert ''1,256,987,000'', and on line 10, strike ''$530,000,000'' and insert ''$515,987,000''.

On page 53, line 12, strike, ''$310,000,000'' and insert ''285,000,000''.

On page 59, line 12, strike, ''362,225,000.'' and insert ''352,225,000, of which $40 million shall be made available to carry out Park A of Title X of the Elementary and Secondary Education Act of 1965.''

On page 59, line 14, after ''said Act'' insert '', $100,000,000 shall be available to carry out part C of Title X of the Elementary and Secondary Education Act of 1965,''.

NICKLES (AND JEFFORDS) AMENDMENT NO. 1081

Mr. NICKLES (for himself and Mr. JEFFORDS) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 25, between lines 9 and 10, insert the following:

SEC. . (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available under this Act, or any other Act making appropriations for fiscal year 1998, may be used by the Department of Labor or the Department of Justice to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters.

(b) EXCEPTION.—

(1) IN GENERAL.—Upon the submission to Congress of a certification by the President of the United States that the International Brotherhood of Teamsters does not have funds sufficient to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters, the President of the United States may transfer funds from the Department of Justice and the Department of Labor for the conduct and oversight of such a rerun election.

(2) REQUIREMENT.—Prior to the transfer of funds under paragraph (1), the International Brotherhood of Teamsters shall agree to repay the Secretary of the Treasury for the costs incurred by the Department of Labor and the Department of Justice in connection with the conduct of an election described in paragraph (1). Such agreement shall provide that any such repayment plan be reasonable and practicable, as determined by the Attorney General and the Secretary of Treasury, and be structured in a manner that permits the International Brotherhood of Teamsters to continue to operate.

(3) REPAYMENT PLAN.—The International Brotherhood of Teamsters shall submit to the President of the United States, the Majority and Minority Leaders of the Senate, the Majority and Minority Leaders of the House of Representatives, and the Speaker of the House of Representatives, a plan for the repayment of amounts described in paragraph (2), at an interest rate equal to the Federal underpayment rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 as in effect for the calendar quarter in which the plan is submitted, prior to the expenditure of any funds under this section.

KENNEDY AMENDMENT NO. 1082

Mr. KENNEDY proposed an amendment to the amendment No. 1081 proposed by Mr. NICKLES to the bill, S. 1061, supra; as follows:

At the end thereof, insert the following:

(c) Nothing in this section shall be construed to affect the obligations of the United States under the consent decree in *United States* v. *International Brotherhood of Teamsters*, 88 Civ. 4486 (DNE) (S.D.N.Y.), or any court orders thereunder.

CRAIG (AND OTHERS) AMENDMENT NO. 1083

Mr. CRAIG (for himself, Mr. NICKLES, and Mr. JEFFORDS) proposed an amendment to amendment No. 1081 proposed by Mr. NICKLES to the bill, S. 1061, supra; as follows:

Strike all after the word section and insert the following:

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available under this Act, or any other Act making appropriations for fiscal year 1998, may be used by the Department of Labor or the Department of Justice to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters.

(b) EXCEPTION.—

(1) IN GENERAL.—Upon the submission to Congress of a certification by the President of the United States that the International Brotherhood of Teamsters does not have funds sufficient to conduct a rerun of a 1996 election for the office of President, General Secretary, Vice-President, or Trustee of the International Brotherhood of Teamsters, the President of the United States may transfer funds from the Department of Justice and the Department of Labor for the conduct and oversight of such a rerun election.

(2) REQUIREMENT.—Prior to the transfer of funds under paragraph (1), the International Brotherhood of Teamsters shall agree to repay the Secretary of the Treasury for the costs incurred by the Department of Labor and the Department of Justice in connection with the conduct of an election described in paragraph (1). Such agreement shall provide that any such repayment plan be reasonable and practicable, as determined by the Attorney General and the Secretary of Treasury, and be structured in a manner that permits the International Brotherhood of Teamsters to continue to operate.

(3) REPAYMENT PLAN.—The International Brotherhood of Teamsters shall submit to the President of the United States, the Majority and Minority Leaders of the Senate, the Majority and Minority Leaders of the House of Representatives, and the Speaker of the House of Representatives, a plan for the repayment of amounts described in paragraph (2), at an interest rate equal to the Federal underpayment rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 as in effect for the calendar quarter in which the plan is submitted, prior to the expenditure of any funds under this section.

(c) This section shall take effect one day after enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 11, 1997 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review the Commemorative Works Act and the administrative and public process involved in the site selection of the World War II Memorial and the recently announced Air Force Memorial.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 4, 1997, at 2 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Thursday, September 4, at 10 a.m. for a hearing on campaign financing issues.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHTS AND THE COURTS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, September 4, 1997, at 2 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: ''Conserving Judicial Resources: A Review of the Judicial Allocations for the Second and Eighth Circuit Courts of Appeal.''

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

ADDITIONAL STATEMENTS

MARIE BLUM RECEIVES HONORS FROM NATIONAL INDUSTRIES FOR THE BLIND

● Mr. MCCAIN. Mr. President, with the help of a telesensory screenpower Braille display and a Braille tape on the phone, Marie Blum takes hundreds of customer reservations for Ramada Hotels each day. Blind since birth, Marie's perseverance has brought her to a successful career as a reservations agent for Hospitality Franchise Systems in Phoenix, Arizona.

''If people would just apply themselves,'' says Marie, ''they might surprise themselves at what they can really accomplish.'' This philosophy and Blum's exemplary work performance brought her recognition from National Industries for the Blind (NIB) as the 1997 Private-sector Employee of the Year.

Blum, 46, sought to reenter the work force in 1994 upon the death of her husband. Previously a homemaker, Blum needed a way to support both herself and her teenage daughter. She sought training at the work adjustment program at Arizona Industries for the Blind in Phoenix, where she assembled, collated, and packed various products. Just three months later, armed with confidence and new skills, Blum was hired by Laboratory Environmental Support, Inc. where she did production and packaging work.

A year later, Blum decided to change careers and attended a 10-week unpaid customer service training program offered by Discover Card in conjunction with the group Business Organization Office Services Training (B.O.O.S.T). Again armed with new skills, Blum used her training to land her current job at Hospitality Franchise Systems.

The Private-sector Employee of the Year award is given annually by NIB. The award recognizes outstanding individuals who receive training and work experience in an NIB associated agency and then enter careers in the private sector.

National Industries for the Blind is a not-for-profit corporation whose mission is to enhance the economic and personal indepen-dence of persons who are blind, primarily through creating, sustaining, and improving employment. There are 119 independent industries throughout the United States, including Arizona Industries for the Blind, that are associated with NIB. Industries associated with National Industries for the Blind employ people who are blind in manufacturing, office, super-visory, telecommunications, executive positions and other careers. Products and services are provided by NIB-associated agencies to the federal government under the guidelines of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c). These industries also provide vocational training to people who are blind that provides them with the necessary skills to obtain gainful employment within the private sector.●

CONGRATULATING THE SOUTH MISSION VIEJO LITTLE LEAGUE

● Mrs. BOXER. Mr. President, I rise today to congratulate the South Mission Viejo Little League team, the U.S. national champions, for their outstanding 1997 season. All Americans, and all Californians, are very proud of them.

The Little League World Series has become a national tradition. Every year, the best Little Leaguers from all over the world come to Williamsport, PA to compete in the world championship. Participants leave with lifelong memories and lasting friendships.

The journey to the Little League World Series is a rigorous one. It demands the highest levels of teamwork, talent, and perseverance. South Mission Viejo reached the World Series by winning 21 of 22 games over a 3-month stretch against the toughest competition in the United States.

Manager Jim Gattis and coaches Allen Elconin, and Ed Sorgi guided these 11- and 12-year-olds first through the Division 55 tournament in San Clemente, then through the sectional playoffs in Santa Ana, and finally through the Division 2 playoffs in La Puente to determine the southern California champions. After winning all three of these tournaments, South Mission Viejo was on their way to San Bernardino, the site of the western regional championship.

After trouncing New Mexico 11–1, South Mission Viejo went on to defeat Arizona and Oregon to reach the western regional semifinals—a rematch with Oregon. A 3-run home run in the top of the fourth inning gave South Mission Viejo a 11–1 lead, and the game ended under the league's 10-run mercy rule.

The final game, against the team from Sunnyvale, CA, was a classic pitching duel. South Mission Viejo pitching rang up 11 strike-outs while Sunnyvale countered with 7 of their own. But in the end, South Mission Viejo squeezed by with a 2–1 victory, earning them a chance to compete in the Little League World Series.

They dominated the tournament from day one, winning all three of their first-round games. In the second game, against Dyer, IN, South Mission Viejo once again displayed the depth of its pitching talent. Three teammates nearly made Little League World Series history by pitching a combined perfect game—the pitching staff missed scoring a no-hitter by a single in the last inning.

The game for the national championship was a rematch of a first-round game against Bradenton, FL. It was another typical South Mission Viejo victory, a mix of consistent hitting, solid fielding, and strong pitching. Their victory earned South Mission Viejo the right to compete in the world championships.

The final game was played before 37,000 fans and an international television audience. As most Americans know, South Mission Viejo jumped to an early lead, only to fall to a heartbreaking rally in the last inning by Guadalupe, Mexico. For only the second time in 3 months, South Mission Viejo lost a baseball game.

In defeat, as in victory, South Mission Viejo represented our Nation with honor and dignity. They played hard and they played fair, earning the respect of Americans everywhere.

But they couldn't have done it without the unflagging support and enthusiasm of their parents, their families, and the thousands of volunteers who put so much time and effort into making Little League a reality. These people are at the heart of the success of the Little League—not just in Mission Viejo but all across the nation. It is not an easy job, and too often goes unheralded. I applaud the commitment of the Mission Viejo community to their team, and I congratulate them on a job well done.

I wish every member of the South Mission Viejo team the best of luck in the coming school year, and in future seasons. Congratulations.

Mr. President, I ask that the complete roster of the U.S. National Little League Champions be printed in the record.

The roster follows:

Taylor Bennett, Mike Cusick, Adam Elconin, Gavin Fabian, Gary Gattis, Brian Kraker, Chad Lucas, Nick Moore, Andrew

Nieves, Greg Oates, Ryan O'Donovan, Adam Sorgi, Ashton White, Jim Gattis, Manager, Al Elconin, Coach, Ed Sorgi, Coach.●

CONSTABLE SARA LEE

● Mr. ABRAHAM. Mr. President, I rise today to give special thanks and appreciation for Constable Sarah Lee, who has visited us from Great Britain. Constable Lee serves as a Divisional Officer with the British Special Constables in Metro Police Area 5. As a member of the British Special Constables, I would like to honor her for the sacrifice which she, along with fellow British reserve police officers, makes for her country. On behalf of the U.S. Senate, I offer my highest appreciation for the the time and talent so generously given by both British and American police reserve officers.●

WILLIAM OSBORNE HART

● Mr. FEINGOLD. Mr. President, I want to pay tribute to a beloved figure in Wisconsin politics, William Osborne Hart, who passed away on August 22. As a longtime activist in the State's Socialist Party, Hart ran for political office 25 times, and lost 25 times. He spread his message by running for office, and understood that he didn't need to win to make a difference. He once said ''I don't buy that Vince Lombardi nonsense that winning is everything. Change is everything. Most politicians in American life who win have lost their souls.''

William Hart brought about change by challenging his opponents, and the voters, with his ideas. He was a champion of the Bill of Rights, and always remained so, refusing to compromise when it was politically unpopular. A tireless political organizer, Hart was a cornerstone of Wisconsin's Socialist Party and helped found Wisconsin's Labor and Farm Party.

A great example of Hart's tenacity was his run for the Presidency in 1984. Though he was a well-known politician in his home State, Hart was almost kept off Wisconsin's Presidential primary ballot, not considered a viable candidate because he lacked national media exposure. He refused to abide by a decision that equated the ability to buy television time with the right to run for office, and sued for a place on the ballot with the Wisconsin branch of the American Civil Liberties Union. Hart won his lawsuit and scored an important legal victory. He didn't win the primary, but he did make a difference.

''I've always said that if I won an election, the first thing I'd do is demand a recount,'' said Hart, who loved to say that he'd once come ''dangerously close'' to winning a seat on the Madison school board. In 1992, at 80 years old, Hart ran in his 25th and last election. Walking with two canes and suffering from heart problems, most people would have decided 24 times was enough. But Hart defied convention to the end, and exemplified integrity and commitment to those who knew him.

Though he felt strongly about politics, Hart never let partisanship get the better of him. His dignity, kindness and humor won him the respect and friendship of people across the political spectrum. He was also a deeply religious man who often acted as a lay preacher and was inspired by faith in everything he did.

His message has resonated with me and so many others because of its simple truth: being true to your own beliefs is the highest ideal. I have tried to heed Hart's message in my own life, and I'll always be grateful for his example of political courage.●

IN HONOR OF MELINE KASPARIAN

● Mr. KERRY. Mr. President, on Saturday, August 16th, 1997, this nation lost a leader in the fight for quality public education. The history of this country demonstrates that it is only through education that we can give the next generation the tools they need to prosper and advance, and Meline Kasparian of Massachusetts embodied this commitment every day of her professional life.

Meline spent twenty-five years in the classrooms of Springfield, Massachusetts, teaching two subjects that she loved dearly: English and theater. Her students were profoundly touched by her ability to present works from a broad spectrum of history and make them relevant and applicable to the modern age. In the course of teaching, she exposed her students to a broad variety of artists, including the works of African-American playwrights and authors such as James Baldwin and Julius Lester. This love of art, literature and history inspired her to work with the Black Repertory Theatre at the University of Massachusetts/Amherst, where her extensive contributions will be missed for years to come.

Ultimately, though, Ms. Kasparian will be remembered for her contributions to education on both the local and state level. From 1987 to 1996, Meline Kasparian devoted her time to numerous associations committed to retaining the highest educational standards in the country. Her career as a committed leader in Massachusetts began with her service as president of the Springfield Education Association in 1987 and culminated in her election as president of the Massachusetts Teachers Association, an organization 80,000 members strong, in 1996.

Ms. Kasparian's fight for quality public education made her prominent on the national stage, as well. At conferences, workshops and round-tables, she worked with politicians and education advocates from all over the country. She included in her focus numerous Democratic National Conventions, where she proudly represented the people of Massachusetts as a delegate. At these and other national conferences, Meline distinguished herself as a tireless advocate for the expansion of educational opportunities. Realizing the impact it had on educational priorities, she invested considerable time in the electoral process of her state, working on campaigns for legislators such as John Olver, and, I am proud to say, in my re-election campaign in 1996.

Ms. Kasparian's charity and service extended beyond her profession. She hosted fundraisers for international relief organizations, demonstrating her deep and unselfish commitment to improving the quality of life for others throughout the world. In and of themselves, her contributions to housing through the work of the Amherst Housing Review Board, which she helped to establish, are worthy of recognition.

It is with our knowledge of Meline Kasparian as an influential leader and a selfless and caring woman that we honor her for her efforts in educating thousands of young people across Massachusetts and attempting to bring educational opportunities to every child.●

UNANIMOUS CONSENT AGREEMENT—VITIATION OF CERTAIN NOMINATIONS

Mr. ENZI. Mr. President, as in executive session, I ask unanimous consent that the President be requested to return to the Senate the resolution of the Senate of July 24, 1997, advising and consenting to nominations in the Navy beginning John A. Achenbach, to be captain, and ending Sreten Zivovic, to be captain; further, that the confirmation of the nominations be vitiated, and when returned by the President, the nominations be returned to the Committee on Armed Services.

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

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDERS FOR FRIDAY, SEPTEMBER 5, 1997

Mr. ENZI. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Friday, September 5. I further ask that on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate immediately begin debate on the motion to proceed to S. 830, the FDA reform bill, and that the debate time be equally divided in the usual form until 9:50 a.m.

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

Mr. ENZI. I further ask that at 9:50 a.m. the Senate proceed to a cloture

vote on the motion to proceed to the consideration of S. 830, the FDA reform bill.

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

PROGRAM

Mr. ENZI. For the information of all Members, tomorrow the Senate will immediately begin consideration of the motion to proceed to S. 830, the FDA reform bill, with the time from 9:30 a.m. to 9:50 a.m. being equally divided in the usual form. As previously ordered, a cloture vote on the motion to proceed to the FDA bill will occur at 9:50 a.m. Also, by previous consent, if cloture is invoked on Friday, the Senate will debate for 8 hours on the motion to proceed equally divided between Senators JEFFORDS and KENNEDY. In addition, there will be 4 hours of debate on the motion to proceed remaining on Monday. Also, by consent, a vote is expected Monday at 5 p.m. on an amendment relating to the Labor-HHS appropriations bill. Any remaining votes will be stacked to occur on Tuesday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ENZI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:32 p.m., adjourned until Friday, September 5, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 4, 1997:

THE JUDICIARY

DALE A. KIMBALL, OF UTAH, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF UTAH VICE DAVID K. WINDER, RETIRED.

EDWARD F. SHEA, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON VICE ALAN A. MCDONALD, RETIRED.

DEPARTMENT OF COMMERCE

R. ROGER MAJAK, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE SUE E. ECKERT, RESIGNED.

RAYMOND G. KAMMER, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, VICE ARATI PRABHAKAR.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE COMMISSIONED CORPS SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be assistant surgeon

JENNIFER L. BETTS
MATTHEW A. CLARK
GRETCHEN M. ESPLUND
PHILIP T. FARABOUGH
LAURIE E. OLNES
SUSANNAH Q. OLNES
MELISSA A. SIPE
JOANETTE A. SORKIN
REBECCA J. WERNER

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DOMINIC ALFRED D'ANTONIO, OF CONNECTICUT
JOSEPH J. PASTIC, OF VIRGINIA

U.S. INFORMATION AGENCY

NANCY R. LEROY, OF FLORIDA

DEPARTMENT OF STATE

DAVID F. DAVISON, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

EARELL EDWIN KISSINGER, III, OF COLORADO
MICHAEL JAMES YATES, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHARLES S. MORGAN, OF VIRGINIA
SUSAN MUTIJIMA PAGE, OF ILLINOIS

U.S. INFORMATION AGENCY

FRANK J. WHITAKER, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

U.S. INFORMATION AGENCY

MARY JANE WOLANSKY BUSHNAQ, OF VIRGINIA
THOMAS E. COONEY, OF MICHIGAN
NIDA A. EMMONS, OF FLORIDA
SHEILA R. PARKMAN, OF PENNSYLVANIA
KARYN ALLISON POSNER-MULLEN, OF FLORIDA
ALETA FAY WENGER, OF WASHINGTON

DEPARTMENT OF STATE

CHRISTOPHER D. BERLEW, OF VIRGINIA
BETTY A. BERNSTEIN-ZABZA, OF THE DISTRICT OF COLUMBIA
JANINE R. BOIARSKY, OF CALIFORNIA
RUSSEL JOHN BROWN, OF MONTANA
KELLY COLLEEN DEGNAN, OF CALIFORNIA
LESLIE STEPHEN DEFRAFFENRIED, OF TEXAS
CYNTHIA RAE DOELL, OF NEBRASKA
MARK CHRISTOPHER ELLIOTT, OF MARYLAND
KAREN LYNN ENSTROM, OF PENNSYLVANIA
GABRIEL ESCOBAR, OF TEXAS
JONATHAN DAVID FRITZ, OF FLORIDA
J. ROBERT GARVERICK, OF OHIO
JOHATHAN HENICK, OF CALIFORNIA
BARBARA A.P. HIBBEN, OF MARYLAND
JAN KRC, OF THE DISTRICT OF COLUMBIA
PATRICIA J. KOETELANCIK, OF ILLINOIS
MARGARET U. KURTZ-RANDALL, OF ILLINOIS
ADAM DUANE LAMOREAUX, OF UTAH
TIMOTHY A. LENDERKING, OF NEW HAMPSHIRE
CHERYL S. LESTER, OF VIRGINIA
BRIAN R. NARANJO, OF NEW MEXICO
HELEN PATRICIA REED-ROWE, OF MARYLAND
JOAN MARIE RICHARDS, OF CALIFORNIA
ELIZABETH HELEN ROOD, OF MARYLAND
WILLIAM JOHANN AUGUST SCHMONSEES III, OF SOUTH CAROLINA
DAVID JONATHAN SCHWARTZ, OF FLORIDA
KENNETH A. THOMAS, OF OREGON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE MAY 29, 1997:

DEPARTMENT OF STATE

CHRISTINE ANNE HAROLD, OF MARYLAND

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE AND THE U.S. INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICES OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ABIGAIL KESSLER ARONSON, OF NEW JERSEY
MARK ANDREW ASSUR, OF VIRGINIA
BRIAN S. AUSTIN, OF VIRGINIA
MARTHA L. AUSTIN, OF VIRGINIA
ALAN M. BROWNING, OF VIRGINIA
RICHARD C. BULMAN, JR., OF FLORIDA
DON L. BROWN, OF TEXAS
ELAINE A. BYERS, OF VIRGINIA
PETER CALLAMARI, OF VIRGINIA
JOHN M. CARDWELL, OF VIRGINIA
FLORENCE CARSON, OF VIRGINIA
MARC WALTER CARSON, OF VIRGINIA
CHERYL D. COMFORT-CARTER, OF VIRGINIA
ERIN CROWE, OF MICHIGAN
LINDA ELISA DAETWYLER, OF CALIFORNIA
GARY A. DZIEDZIC, OF VIRGINIA
CHERYL L. EICHORN, OF VIRGINIA
ALBERT ELGAMIL, OF VIRGINIA
JOSE M. ESTEVEZ, OF PUERTO RICO
RANDOLPH FRANCIS FAGAN, JR., OF VIRGINIA
ROBERT L. FARRIS, OF VIRGINIA
DAVID ERIC FASS, OF VIRGINIA
JOHN EDWARD FRIBERG, JR., OF VIRGINIA
DANIEL T. FROATS, OF CALIFORNIA
STEPHEN C. GALLOWAY, OF VIRGINIA
RUSSELL C. GILGER, OF VIRGINIA
TERRY ARTHUR GINSBURG, OF VIRGINIA
JOSHUA D. GLAZEROFF, OF NEW YORK
CAREN F. GORDON, OF VIRGINIA
CHRISTOPHER J. GREEN, OF VIRGINIA
GISELLE C. GRIGGS, OF MARYLAND
GEORGE K. HALE, OF WASHINGTON
SABINA ANN HASMI, OF VIRGINIA
JAMES W. HENTSCHEL, OF VIRGINIA
DAVID ALAN HIGDON, OF TEXAS
JOHN J. HILL, OF ALABAMA
MICHELLE M. HOPKINS, OF CALIFORNIA
JAMES C. HSU, OF TEXAS
ANTHONY N. IERONIMO, OR NEW JERSEY
S. GEORGE IMREDY, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER LEE JAEGER, OF MARYLAND
THOMAS T. KIM, OF VIRGINIA
DOUGLAS ALAN KRIESEL, OF THE DISTRICT OF COLUMBIA
SANJAI KUMAR, OF VIRGINIA
JULIE LANGE, OF VIRGINIA
BETTY JO LITTLE, OF THE DISTRICT OF COLUMBIA
LIZABETH LOWELL, OF FLORIDA
KATHLEEN A. LUNDY, OF VIRGINIA
GEORGE W. LYNN, OF VIRGINIA
JOSE ELIAS MERRERO, OF FLORIDA
JACQUES L. MASSENGILL, OF VIRGINIA
ROBERT PETER MCCARTHY, OF NEW YORK
JOHN M. MCCASLIN, OF OHIO
FRANCIS M. MCGUINNESS, OF VIRGINIA
MITZI M. MCNAMARA, OF VIRGINIA
THERESA M. MICHAUD, OF VIRGINIA
WILLIAM L. MOYER, OF VIRGINIA
BARBARA BETH MORRISON, OF NEW JERSEY
SUSAN V. NARAINE, OF THE DISTRICT OF COLUMBIA
MARTIN A. NEWELL, OF MARYLAND
DAVID ROY O'CONNOR, OF THE DISTRICT OF COLUMBIA
DARIN K. OLSON, OF VIRGINIA
MICHAEL ANDREW ORDONEZ, OF WASHINGTON
DOUGLAS L. PADGET, OF VIRGINIA
KENNETH L. PARSON, OF VIRGINIA
REBECCA ANN PASINE, OF INDIANA
TROY ERIC PEDERSON, OF VIRGINIA
ROSETTA PERRI, OF PENNSYLVANIA
J. PHILIP PLOWMAN, OF VIRGINIA
DAVID B. PONSAR, OF CALIFORNIA
JOHN DAVID RADEL, OF VIRGINIA
HOPE C. RAWDING, OF VIRGINIA
SCOTT MICHAEL RENNER, OF COLORADO
DEBORAH CARRIE RHEA, OF VIRGINIA
NICHOLAS E. REYNOLDS, OF VIRGINIA
JOHN P. RICHARDSON, OF VIRGINIA
JOHN C. ROBERTS, OF MISSISSIPPI
ABIGAIL ELIZABETH RUPP, OF VIRGINIA
CYNTHIA M. SADDY, OF VIRGINIA
LUIS A. SANTOS, OF MARYLAND
AMY WING SCHEDLBAUER, OF TEXAS
MICHAEL B. SCHNEIDER, OF VIRGINIA
BRIAN G. SCOTT, OF VIRGINIA
JAMES SEMIVAN, OF VIRGINIA
JANET E. SENG, OF PENNSYLVANIA
KATHLEEN F. SEROSKIE, OF VIRGINIA
SCOTT A. SHAW, OF ILLINOIS
RITA M. SHEEHAN, OF VIRGINIA
VINCENT P. SHUGRUE, OF VIRGINIA
DAVID J. SMITH, OF MARYLAND
LYN R. SUMNER, OF VIRGINIA
GAVIN ALEXANDER SUNDWALL, OF NORTH CAROLINA
ANDREW J. TICHAVA, OF VIRGINIA
NANCY E. TOTTEN, OF VIRGINIA
WILLIAM M. TOTTEN, OF VIRGINIA
DEE B. WHITE, OF VIRGINIA
TERESA WILKIN, OF THE DISTRICT OF COLUMBIA
SEAN MICHAEL WISWESSER, OF VIRGINIA
CHARLES M. WOLF, JR., OF VIRGINIA
KRISTIN MARIE WOOD, OF VIRGINIA
DAVID MICHAEL ZIMOV, OF OHIO

CONFIRMATIONS

Executive nominations confirmed by the Senate September 4, 1997:

THE JUDICIARY

HENRY HAROLD KENNEDY, JR., OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

FRANK M. HULL, OF GEORGIA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

EXTENSIONS OF REMARKS

AIR QUALITY STANDARDS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. COLLINS. Mr. Speaker, the Georgia House of Representatives recently passed a resolution urging the U.S. Environmental Protection [EPA] to maintain the current National Ambient Air Quality Standards [NAAQS] pending further review of the costs and benefits of the proposed changes. The resolution also urges the EPA to identify unfunded mandates and other regulatory burdens that the proposed changes would impose on States and local communities.

I submit Georgia House Resolution 379 for careful consideration by the U.S. Congress.

H.R. 379

Whereas, the U.S. Environmental Protection Agency (EPA) has a responsibility to review periodically the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter (PM); and

Whereas, the EPA is considering establishing a more stringent ozone standard and a new more stringent standard for particulate matter at or below 2.5 microns (PM 2.5); and

Whereas, Georgia, its local jurisdictions, businesses, and citizens have supported health based National Ambient Air Quality Standards (NAAQS) that are premised on sound science; and

Whereas, Georgia has made progress toward meeting current National Ambient Air Quality Standards (NAAQS) for ozone under the Clean Air Act amendments of 1990, although the Atlanta area has not yet come into compliance with the current standard; and

Whereas, all of Georgia meets the current standards for particulate matter; and

Whereas, Georgia, its local jurisdictions, businesses, consumers, and taxpayers have borne considerable cost to come into compliance with the current NAAQS for ozone and particulate matter; and

Whereas, the proposed new standards may significantly expand the number of nonattainment areas for both ozone and particulate matter, which could result in additional emission controls in some areas and could impose significant economic, administrative, and regulatory burdens on Georgia, its citizens, businesses, and local governments; and

Whereas, the EPA's own Clean Air Science Advisory Committee (CASAC) was unable to find any ''bright line'' that would distinguish any public health benefit among any of the proposed new standards for ozone, including the current standard; and

Whereas, there is very little existing PM 2.4 monitoring data; and

Whereas, there are many unanswered questions and scientific uncertainties regarding the health effects of particulate matter, and in particular PM 2.5: Now, therefore, be it

Resolved by the House of Representatives of Georgia That the House of Representatives advises and strongly urges the EPA to reaffirm the existing NAAQS for ozone, be it further

Resolved That the House of Representatives advises and strongly urges the EPA to reaffirm the existing NAAQS for PM 10, be it further

Resolved That, if EPA proposes to adopt more stringent standards for ozone or PM, that such decision be based on consideration of sound science and economics, be it further

Resolved That the House of Representatives calls on the EPA to conduct a cost benefit analysis as required by law on these and other regulations, be it further

Resolved That the House of Representatives advises and strongly urges the EPA to identify any unfunded mandates or other administrative and economic burdens for state or local governments or agencies that would result from the proposed changes to the NAAQS for ozone and particulate matter, be it further

Resolved That the Clerk of the House of Representatives is authorized and directed to transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Georgia congressional delegation, the Administrator of the U.S. Environmental Protection Agency, and other appropriate administration officials.

CONCERNING THE CRISIS IN CAMBODIA

SPEECH OF

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. WEYGAND. Mr. Speaker, I rise in strong support of House Resolution 195. I too am concerned about the overthrow of the elected government in Cambodia.

After years of oppression and violence inflicted by the Khmer Rouge, Cambodia was finally on the path to democracy.

In 1991 the peace process began with the Paris peace plan that lead to democratic elections in 1993, in which 93 percent of eligible voters turned out. Cambodia's progress continued over the last few years as evidenced by the invitation to join the Association of Southeast Asian Nations [ASEAN].

To assist Cambodia in its transition toward democracy and assist its developing economy the United States provided financial aid, granted Cambodia most-favored-nation status and extended the generalized system preferences.

However, beginning on July 5, Cambodia's progress came to a screeching halt, when armed conflict broke out and Co-Prime Minister Ranariddh fled. Co-Prime Minister Hun Sen emerged victorious and it is reported that senior Ranariddh officials were detained and killed. It is in our national interest to ensure that democracy flourishes in Southeast Asia and antidemocratic forces are removed from power.

If the events of the last few weeks are any indication of the direction that Hun Sen will take Cambodia then I fear that the people of Cambodia will be no better off than they were under the Khmer Rouge.

It is my sincere hope that a peaceful resolution will soon be reached and Cambodia will once again travel down the path to democracy.

TRIBUTE TO MISSOURI STATE REPRESENTATIVE PATRICIA ''PAT'' SECREST

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. TALENT. Mr. Speaker, I rise today to honor Missouri State Representative Patricia ''Pat'' Secrest. Representative Secrest has been named Legislator of the Year by the American Legislative Exchange Council [ALEC], the largest, bipartisan association of State legislators in the country.

A distinguished public servant, Representative Secrest was chosen to receive this honor because of her outstanding work on ALEC's commerce and economic development task force. Under her leadership, the task force has doubled its effectiveness, growing the number of model bills drafted from 52 in 1996 to 110 in 1997.

Her selection to receive this award is yet another milestone in an exceptional public service career. Her list of achievements is as diverse as it is extensive. Beginning in 1991 with the Outstanding Freshman Legislator for Small Business Leadership, to the 1992 Spirit of Enterprise Award from the Missouri Chamber of Commerce; to the 1993 Missouri Guardian of Small Business, from the National Federation of Independent Businesses; to being named 1994 Legislator of the Year by the National Republican Legislator's Association; to her class of 1995 Leadership Missouri Award; to the 1996 Legislative Award, from the Missouri Association of Insurance Agents; to her 1996 Voice of Missouri Business Award by the Associated Industries of Missouri; and to the Golden Sparkplug Award by the St. Louis Area Young Republicans, Representative Secrest has shown she is a dedicated leader.

Her commitment to her community is exceptional. As cofounder of Secrest Engineered Products, Inc., she is a member of the National Association of Women Business Owners, and a former member of the St. Louis County Planning Commission, Leadership St. Louis, Greater Missouri Leadership, and a past president of Confluence St. Louis, the regional citizens' league. As an educational leader, she is past recipient of the Parkway School District's excellence in teaching award, a former member of the Parkway Citizens Advisory Council, and a former teacher in the Joplin, Columbia, and Parkway School Districts. As a public servant, she is serving her fourth term representing the citizens of District 93 in St. Louis County, and was named in 1997 to serve as the Chair of the House Republican Campaign Committee.

Mr. Speaker, it my honor to know and represent such an outstanding public servant. I

ask you to join me in congratulating Representative Secrest on being named ALEC's Legislator of the Year.

50TH ANNIVERSARY OF ASSEMBLY OF GOD CHURCH

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. FORBES. Mr. Speaker, I rise today in this hallowed Chamber to share with my colleagues the joyful news of the 50th anniversary of the Assembly of God church in Center Moriches, Long Island. We in the Long Island community are blessed and honored to have among our community of God for the past 50 years this proud Christian congregation.

Since even before its founding, America has been a home for those seeking safe haven to pursue their religious beliefs. Because of that, America has long been fertile ground for men and women who labor in the work of the Lord. This is what Christians from New York's Russian/Ukrainian community learned when they came to Center Moriches after World War II, to minister to home prayer groups in this seaside South Shore village. With God's blessings, these groups grew quickly and a church building was purchased on Canal Street. The Christ Church of the Full Gospel, under the leadership of Reverend Suhanoff, was founded in 1947.

Under the pastorship of Leonard Burket, the congregation built a new church, celebrating the first Christmas in its new home in 1973. During Pastor Burket's leadership, the assembly started work on the Sunshine Nursery School in 1974 and, in 1982, established the Center Moriches Christian School. After Pastor Burket died on May 17, 1988, his congregation honored his lifetime of good work in their community by renaming the school the Leonard E. Burket Christian School.

In recent years, the Assembly of God Center Moriches joined with the New Creation Assembly of God, a community of believers formed 7 years earlier in Mount Sinai. Dedicated to their faith, New Creation Assembly of God members worshipped together in a succession of private homes, local theaters, area churches, and a dance studio. None of this deterred their faith, while midweek services were instituted, a youth group was formed and men's and women's ministries met on a regular basis.

In 1994, the two congregations forged a permanent bond when New Creation Pastor Dominick Scibetta became a candidate for the pastorship of the Assembly of God Center Moriches. His decision to take the new position set into motion the work that eventually merged the two churches in 1995. The first joint service between the two congregations was held on the first Sunday in July 1994.

For the past 50 years, Assembly of God congregants have given so much of their time, talents, and resources to provide physical and spiritual sustenance to their community. In so doing, they have brought the Gospel message to life for all of us on Long Island who are privileged to witness their work. May God continue to bless the Assembly of God and its entire congregation.

CONGRATULATIONS TO THE BULLHEAD CITY LITTLE LEAGUE JUNIOR LEAGUE ALL STARS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. STUMP. Mr. Speaker, for the third year in a row, the Bullhead City Little League Junior League are the champions of the Little League Baseball District 9 Tournament and Arizona State Tournament. Although they did not claim the Division Four Tournament title, these All Stars worked hard and were victorious in representing Arizona. The State of Arizona has great pride in these super achievers and they are all champions in our eyes.

Congratulations to the All Stars: Kenny Bower, Justin Brown, Nick David, Justin Fleminks, Danny Eaton, Duke MacArthur, Logan Fovargue, Emilion Marin, Adrian Miranda, Jose Orozco, Chad Ramsey, Alan Rivera, Dillon Wheller, and Willie White. Their success was lead by their team manager, Don Seaton and their coaches, Stu MacArthur and Ken Bower.

Mr. Speaker, I congratulate the 1997 Arizona District 9 champions, Arizona State champions for their remarkable achievements this season. I wish them the best of luck in all their endeavors. The entire State of Arizona will cheer you on to your next success.

THE DAY OF CARING

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. GILMAN. Mr. Speaker, I rise today to make note of a wonderful humanitarian event taking place in Orange County, NY. September 10, 1997, has been designated the Day of Caring by the Orange County United Way. It is on this special day that local volunteers will use their valuable time in assisting health and human service agencies in tending to the serious social problems our Nation has come face to face with. Not 1 second of this charitable donation of time will go unused as participants will be necessary in performing a large number of much needed tasks. Among the worthwhile activities scheduled are feeding the hungry, delivering meals to the homebound, working on repair projects, and helping out children, the homeless, elderly, and disabled. Collections of food, clothing, and toys will also be undertaken.

The Day of Caring is an incredibly important step in strengthening our communities. I remind you that this is a volunteer effort, as it should be, because making the lives of our neighbors and friends better is a priority we cannot neglect. I commend the people of Orange County and urge my colleagues to support similar programs throughout our Nation.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. KIND. Mr. Speaker, it is now our second day back from the August break. As I stated yesterday, these next 2 months are our last opportunity to pass meaningful campaign finance reform. We all know that next year will be an election year and passage of reform legislation will not only be politically impossible it will be difficult to change the campaign rules in the middle of our own reelection campaigns.

In July three former Presidents, George Bush, Jimmy Carter, and Gerald Ford, called for a ban on soft money contributions. The Bipartisan Campaign Integrity Act bans soft money and it enacts more stringent contribution disclosure requirements for candidates and independent groups. Our constituents want us to enact meaningful campaign finance reform, and we are being denied the opportunity to vote on this important issue.

Last night Mr. Speaker was a perfect opportunity to begin the debate on campaign finance reform. We finished voting by 6:30 p.m. Every member was present and available to participate in debate and take a vote on finance reform. This morning a subcommittee on the House Government Reform and Oversight Committee met and considered legislation, but not campaign finance reform legislation. Why, Mr. Speaker, have you not scheduled campaign finance reform for a vote? When will the members of Congress get an opportunity to follow the lead of Presidents Bush, Carter, and Ford and vote on an end to soft money?

A TRIBUTE TO TRAVIS LIEU, JOSH AND TOM GARVIE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to a trio of brave young men who acted selflessly and heroically to save the life of 13-year-old Jessica Doherty of Gladwin County, MI, as she suffered a near-fatal asthma attack.

As reported by the Gladwin County Record, 15-year-old Travis Lieu and 12-year-old Josh Garvie had just left Beaverton, Michigan's Gem Theater August 19 when Jessica Doherty began to suffer a serious asthma attack. The boys alerted the girl's mother, who drove them to the hospital. On the way, however, young Jessica began gasping for air and lost consciousness. As they stopped the car, Tom Garvie, Jessica's other cousin, rushed into a local business to call 911. Travis Lieu and Josh Garvie began to administer mouth-to-mouth resuscitation and other emergency procedures. While they waited for an ambulance to arrive, the boys successfully brought Jessica back to consciousness.

I am pleased to report that after a 2-day stay at Mid-Michigan Regional Medical Center in Gladwin, Jessica Doherty was released from the hospital and has resumed a normal life.

Both Travis and Josh had just learned CPR in health classes during the previous school

year. Mr. Speaker, no amount of training can prepare a person for the moment when they face a real, life-or-death situation, but Travis Lieu, Tom and Josh Garvie were given the fundamental tools by learning lifesaving skills at school. By using these skills, staying calm and taking control of the situation, they were able to give Jessica Doherty a second chance at life.

Congratulations to Travis Lieu, Tom and Josh Garvie for a job well done.

BILL TO AMEND TITLE 49, UNITED STATES CODE, RELATING TO CRITERIA FOR GRANTING SLOTS TO NEW ENTRANT AIR CARRIERS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. LAFALCE. Mr. Speaker, today, I am introducing a bill that will increase competition among airlines, resulting in lower air fares for travelers throughout the country. Specifically, my bill would amend title 49, section 41714(c)(1) of the United States Code to enable new entrant air carriers to obtain access to airport slots at high density airports.

Under current law, the Secretary of Transportation may grant exemptions for new entrants to obtain slots at designated airports only if: First, it is in the public interest; and second, the Secretary finds that exceptional circumstances exist. An October 1996 report by the General Accounting Office found that few new entries have occurred because the exceptional circumstances requirement has been interpreted narrowly by the Department of Transportation, although there is no language in the legislative history to support a narrow construction. My bill would eliminate the exceptional circumstances criterion, thus encouraging the distribution of slots to new entrants.

Section 41714 governs the distribution of airport slots at the four slot-controlled airports in this country: LaGuardia, Kennedy, Chicago, and Washington National. To reduce congestion during peak traffic periods, in 1969 the Federal Aviation Administration [FAA] set limits on the number of takeoffs and landings that can occur at these airports by allocating takeoff and landing slots equitably among airlines. In an effort to minimize the Government's role in the allocation of slots, in 1985 the Department of Transportation [DOT] amended its regulations to allow airlines to buy and sell airport slots to one another. Under this buy/sell rule, the DOT grandfathered slots to the holders of record as of December 16, 1985. However, the DOT reserved its right to withdraw slots from those airlines and redistribute them at any time.

As a result of this grandfathering, a few established carriers control the vast majority of slots at these major airports. Not surprisingly, a seller's market for these slots has emerged. Established airlines rarely sell their slots and when they do the costs range from $500,000 during nonpeak hours to as much as $2 million during peak hours. The GAO report notes that in order to mount competitive service in a market, an airline needs about six slots, with at least three slots falling during peak periods. The unavailability and high costs of these slots has effectively precluded many low-cost carriers from entering the market.

Recognizing the need for new entry at these slot-controlled airports, in 1994 Congress passed Public Law 103–305, which directed the DOT to grant exemptions from these controls when the Secretary of Transportation ''finds it to be in the public interest and the circumstances to be exceptional.'' However, because of the Department's narrow construction of the exceptional circumstances requirement, little new entry has occurred. By eliminating this test, my bill will make it clear that Congress intends that these exemptions be liberally granted when it would serve the public interest.

The Department of Transportation's recent Domestic Airline Fares Consumer Report found that high airfares are a serious problem for the traveling public in many communities. Opening the market at these major airports to new entrants will increase competition and drive down airline ticket prices to destinations throughout the country. It is my hope that this bill will be the first step toward lowering airfares for those communities that have not benefitted from deregulation.

INTERNATIONAL NARCOTICS CONTROL

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. CALLAHAN. Mr. Speaker, I want to take the opportunity to clarify my position on the point of order that was raised during consideration of the bill in July on certain language included in the appropriation for international narcotics control.

Last year the Appropriations Committee nearly doubled funding for International Narcotics Control, from $115 million to $213 million. As part of a compromise on the funding level, the conferees agreed on bill language offered by Senator LEAHY that prohibited funds from going to the security forces of a foreign nation if the Secretary of State has credible evidence to believe such unit has committed gross violations of human rights. The Secretary may waive this prohibition if she certifies the government of such country is taking steps to bring the responsible members of the security forces to justice.

There are two similar provisions that already exist in the Foreign Assistance Act. One portion of that act, section 502B, explicitly states that no security assistance may be provided to a foreign country if that country engages in ''gross violations of internationally recognized human rights''. This provision can be waived by the President only under what that act calls ''extraordinary circumstances''.

According to information provided to the committee by Deputy Assistant Secretary of State Michael Ryan of the Bureau of International Narcotics and Enforcement Affairs, the Leahy amendment restates past and present policy. The policy embodied by the amendment, and as it is stated elsewhere in the Foreign Assistance Act, would be pursued whether or not the Leahy amendment existed.

This issue has arisen regarding proposed assistance to Colombia. Let's be clear; the only reason assistance has been suspended to Colombia is because the President found the Government of Colombia was not taking sufficient steps to halt narcotics trafficking. Let me repeat; other than existing counter narcotics assistance, funds previously committed for Colombia have not been made available to that country due entirely to the provisions of section 490 of the Foreign Assistance Act.

For the past year, the executive branch has been debating whether to provide funds appropriated in prior years to the Government of Colombia, but withheld due to the decertification of that country. To make these funds available, the President must use section 614 of the Foreign Assistance Act, which allows him to waive other provisions of law.

Using section 614, the President has requested that up to $30 million in prior year funds and equipment be made available for Colombia—$17 million for the Colombian National Police and $13 million for the Colombian military.

The law he is waiving is not the Leahy amendment, which does not apply to these funds, but the provisions of the Foreign Assistance Act which resulted in the decertification of Colombia.

I have no problem with the President's proposal; he has the authority under section 614 to make these funds available to Colombia irrespective of the prohibition in the counternarcotics provisions of the Foreign Assistance Act.

My understanding is the administration has concerns about the use of these funds by certain elements of the Colombian military. Deputy Assistant Secretary Ryan has informed the committee that such concerns would exist irrespective of the Leahy amendment. Indeed, the Leahy amendment does not prevent the use of such funds for two reasons; first, they were appropriated prior to the existence of the Leahy amendment, and second, 614 of the Foreign Assistance Act would allow for a waiver of the Leahy amendment even if it applied to such funds.

The administration and the Colombian military have now reached an agreement on the use of these funds, and they should begin flowing in the near future.

I have gone into some detail about this since a number of Members appear to have misunderstood the effect of the Leahy amendment. Last year I opposed the Leahy amendment because it micromanages foreign policy, but it is clear the policy embodied by the amendment is current administration policy which is why I reluctantly agreed to it. But it is very important for Members to know that the Leahy amendment is not the reason funds have been held up to the Colombian military; decertification of Colombia is the reason.

I know the gentleman from New York, the chairman of the International Relations Committee, is also pursuing a legislative solution to the decertification of Colombia that would allow prior year funds to be made available to that country for counternarcotics purposes. I hope he is successful.

TRIBUTE TO MARY AND PHILLIP KENTER

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. FORBES. Mr. Speaker, I rise today in this hallowed Chamber to pay tribute to Mary and Phillip Kenter, of Riverhead, Long Island, as they celebrate their blessed 40th wedding anniversary.

I know that my colleagues in the U.S. House of Representatives believe as I do, that marriage is the bedrock of our society, the foundation on which all of our values, beliefs, and hopes for the future stand. That is why we, as national leaders, should take a moment to recognize and honor Mary and Phillip Kenter for all of the love, loyalty, and faith that goes into creating a marriage that has endured and grown for 40 years.

Though Phillip is a native of Flushing, Queens, and Mary is from Norwalk, CT, their love first ignited on the warm sands of Jones Beach, Long Island, where they met in 1955. With a courtship that progressed while Phillip attended the U.S. Navy's Officer Candidate School, the two were married on September 7, 1957, 1 month after he graduated OCS and a week before he shipped out aboard a Navy destroyer for the next 2½ years.

Their first son, Phillip, was born a little more than 2 years later and Dennis was born about the time his father left the Navy in 1961. Two years later, with a vision of providing TV to all of Long Island, Phillip founded Long Island Cablevison, a company he sold to the Los Angeles Times Mirror Co. in 1968. By then, their son Kevin had arrived and the Kenters settled in Riverhead.

Gifted with an entrepreneurial spirit, Phillip and Mary then founded Relay Communications Center. A true family business, each of the Kenter sons are active members of the telephone answering, two-way radio and paging services company. There are 45 other members of the Relay Communications work force and each of them are treated as members of the extended Kenter family, a feeling that Phillip and Mary extend to the entire Riverhead community.

Raising a family and growing a small business would drain the time and energy of most, but Phillip and Mary have also been active members of the Riverhead community as Scout leaders, volunteers at Central Suffolk Hospital, in the Rosary Altar Society at St. John's Roman Catholic Church, and the Riverhead Rotary, Women's and Garden clubs.

All of this demonstrates the values, caring and commitment that Phillip and Mary offer their community, attributes that have served their marriage well, while making Long Island an even better place by their example. The foundation of the Riverhead community, indeed all of Long Island, has been strengthened for the past 40 years by the hard work and devotion that Phillip and Mary Kenter have dedicated to their marriage. We see the many blessings and gifts that have been bestowed upon them, of which they so generously share, and understand the true meaning of family values. Mr. Speaker, I ask that this entire Chamber join me in offering our praise and heartiest congratulations to them on this blessed anniversary. A union as blessed as theirs will surely endure forever.

RECOGNIZING THE GIFT OF TIME FOUNDATION

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. TALENT. Mr. Speaker, I rise today to recognize the efforts of an outstanding new organization which has dedicated itself to aid in the development of our Nation's children. The Gift of Time Foundation is a nonprofit organization dedicated to providing community service, academic, and physical fitness programs for children between the ages of 4 and 18.

The mission of the Gift of Time Foundation is: "To provide children with resources, opportunities and assistance that help them develop high self-esteem, self confidence, socially acceptable value systems, diverse cultural appreciation and family values by providing them with structured environments for membership in mandatory participation in physical fitness, academics, and community service programs. To provide children with personal character development assistance for self expression through structured positive activities alternatives."

The Gift of Time Foundation is spearheaded by Mr. E. Douglas McFarlin. His vision is to build a youth complex in St. Louis that will provide children with the upper direction to meet the challenges of our modern society. Mr. McFarlin is working closely with business, community, and civic leaders to launch this important project. He is hoping that the St. Louis complex will be the first of many across the country.

Mr. Speaker, organizations like the Gift of Time Foundation, can help a community in building character and values in its children. The efforts of Mr. McFarlin and his organization are to be commended for taking this challenge head on. I ask that you join me in recognizing this fine organization and wishing Mr. McFarlin the very best on his endeavors to bring this program to the children of our Nation.

QUEENSBURY VOLUNTEER FIRE COMPANY CELEBRATES 50 YEARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. SOLOMON. Mr. Speaker, as I have mentioned many times on the floor of Congress before, I hold a special respect and admiration for volunteer fire companies and firefighters. Naturally, I reserve even deeper admiration for the unit I served with myself for many years, my hometown fire department, Queensbury Central Volunteer Fire Company. It just so happens that this very special fire company is celebrating its 50th anniversary this year.

Mr. Speaker, the whole community and town government will turn out for the celebration, which is quite understandable. That's because for 50 years, like her counterparts everywhere in rural and suburban America, Queensbury Central has provided outstanding fire protection for her neighbors in a growing community.

And I'd like to tell you about the traits which make me so fond of volunteer fire departments and the communities they serve. No. 1 is the undeniable camaraderie which exits among neighbors. That camaraderie makes up much of the charm of small town life but also generates a desire to look out for one another and the needs of the community. That's what makes places like Queensbury such places, great places, to live and raise a family. This concept of community service is exemplified by the devoted service of the Queensbury Fire Company. For 50 years now, this organization has provided critical services for the citizens on a volunteer basis.

And in many rural areas, these volunteer fire companies offer the only available fire protection. But there is nothing wanting in the professionalism and training of these companies. Every year they save countless lives and millions of dollars in property across New York State. These volunteer firemen and the devoted ladies auxiliaries that provide much-needed support make incredible sacrifices in time and effort. Often, they must drop whatever they're doing and respond to a fire alarm. You never know how many lives, not to mention homes and property, may be at stake. Mr. Speaker, in many ways these volunteer fire companies are the last remnants of America's pioneer spirit when neighbor helped neighbor in times of need or trouble.

Which brings me to the other primary reason I have such fondness for fire departments like the one in Queensbury, the spirit of voluntarism they exemplify. You know, voluntarism, pride, and patriotism are the three principles which make this country great. And there is just something so staunchly American about being a volunteer fire company. Giving of oneself with no expectation of gain or profit. That's what it's all about.

Mr. Speaker, I have always judged people based on what they give back to their communities. By that measure, all the members of the Queensbury Volunteer Fire Company and the auxiliary are truly great Americans. On the weekend of September 13 and 14, their 50th anniversary will be commemorated with an open house, parade, and firefighter's competition. But Mr. Speaker, I ask that you and all members join me today in paying our own tribute to Chief Richard Jones and the other members of Queensbury Central Volunteer Fire Company, which for 50 years has served my hometown in the finest American tradition of helping one's fellowman.

BOMBING IN ISRAEL

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. WEYGAND. Mr. Speaker, I wanted to use my 1 minute today for two purposes: The first is to extend condolences to all Israelis and their families who were involved in the bombing at the Ben-Yehuda marketplace this morning.

The second is to urge PLO Chairman Yasar Arafat to take immediate and decisive action

against Hamas and prove to the Israeli people and to the United States that he is truly a proponent of peace and an opponent of violence.

Just 2 weeks ago, I embarked on a trip to Israel with a group of congressional colleagues. We mourned the loss of those killed in the bombing at the marketplace on July 30, visited the West Bank and met with both Prime Minister Netanyahu and Chairman Arafat.

During our meeting, I asked Mr. Arafat if he supported the actions of groups like the Hamas. He insisted he did not. Two days ago, Mr. Arafat participated in what he dubbed ''unite'' meetings and was seen kissing the heads of Hamas operatives. Today that same group has allegedly claimed credit, yes credit, for taking the lives of innocent people.

So far this morning, we have heard that this bombing has killed 6 innocent Israelis and injured more than 165 others.

On my last visit, I found Israel more contentious than it was on my previous trip—2 weeks before the signing of the Oslo peace accord.

As Members of Congress, we all play a role in policy toward the PLO. In my opinion, Mr. Arafat, you must move yourself miles from the actions of groups like the Hamas and take strong action against them, whether it is with your armed services or in another way. Otherwise, I can't understand why the United States should supply your organization with funds and support.

RECOGNIZING THE LIFE OF BETTY SHABAZZ

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today in honor of Dr. Betty Shabazz, a woman of great courage and dignity, who died tragically on June 23, 1997. We all will miss her presence.

I attended Dr. Shabazz' funeral in New York City, remembering with others how much her work has affected us all. Betty Shabazz was a woman who faced down tragedy and rose above the sadness, emerging strong and powerful. When she could have been bitter and angry, she chose instead a path to peace and hope for the future.

A pillar of strength for all women, she did not live her life in her husband's shadow. Instead, she claimed her place in both the women's rights and civil rights movement. Left a widow after the assassination of her husband, Betty Shabazz triumphed over every hurdle placed in her way. She used her nursing degree to support herself and her six daughters. She returned to school, and received her doctorate in education. She inspired thousands of young people, teaching them about the legacy of Malcolm X. At the time of her death she served as the director of Institutional Advancement and Public Relations at Medgar Evers College, of the City University of New York.

We have come a long way, from when no political leader dared show his face at her husband's funeral, to where thousands of us, irrespective of politics, were united in grief for this wonderful woman. Dr. Betty Shabazz made this journey possible. I expect her work to be as important and as far reaching as her husband's.

TRIBUTE TO LEGH KNOWLES

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. RADANOVICH. Mr. Speaker, my colleagues, Mr. RIGGS, and I would like to give our condolences and respect on the passing of Leh Knowles, who died on August 15 in Napa, CA. Once a trumpet player in the Glenn Miller Orchestra, Legh went on to become an accomplished and passionate representative of the wine industry, and chairman of California's famous Beaulieu Vineyard in the Napa Valley. Legh lived a wonderful and productive life, which will be admired for years to come. He will be remembered and missed by his friends and loved ones, and by his peers who knew his passion for life and his fellow man.

Below is a tribute to Legh written by Frank Prial of the New York Times on August 19, offering a kind and appropriate gesture.

[From the New York Times, Aug. 19, 1997]

LEGH KNOWLES IS DEAD AT 78; TRUMPETER HEADED WINERY

(By Frank J. Prial)

Legh Knowles, a trumpet player in the Glenn Miller Orchestra who went on to become chairman of Beaulieu Vineyard, one of California's most famous wineries, and a passionate spokesman for all California wines, died on Friday at a convalescent residence near his home in Napa, Calif. He was 78.

The cause of death was cancer of the esophagus, said his wife, Margaret.

Legh (pronounced lee) Knowles entered the wine business as a complete neophyte: just out of the Air Force in 1948, he answered an advertisement from the California Wine Advisory Board, a trade organization, for someone to promote California wines.

''I didn't know anything about wine,'' he recalled in a 1986 interview, ''but they wanted someone who could stand up before large crowds,'' and, as a big-band trumpeter, ''I'd done a lot of that.''

Mr. Knowles played with a number of big bands at various times before entering the service in 1942, but he always looked back on his days with Glenn Miller as the peak of his musical career.

''In 1939, we played 359 nights,'' he once said. ''I can't remember what I did with the other 6.''

The nomadic life of a musician prepared him well for the wine business. He moved 13 times in his first 10 years in the business, as spokesman or salesman, and then spent much of the rest of his life on the road.

From the California Wine Advisory Board, Mr. Knowles went to the Taylor Wine Company in New York. And from there, he joined the E. & J. Gallo Winery in California in 1958 for four years of what he later called the toughest and best training he ever had.

''Gallo salesmen had a saying,'' he recalled. '''We don't want most of the business; we want it all.'''

In 1962, Mr. Knowles moved on to Beaulieu Vineyard, in Rutherford, Calif., in the Napa Valley. It was the golden age of Beaulieu, which was still owned by the family of Georges de Latour, the elegant Frenchman who had founded it at the turn of the century. When Mr. Knowles arrived, Andre Tchelistcheff was making the wine, and the winery's principal label, Georges de Latour Private Reserve Cabernet Sauvignon, was widely considered the best made in America.

Beaulieu was sold to Heublein Inc. in 1969, and despite his prickly relations with Heublein executives in Connecticut—he called them bean counters—Mr. Knowles became the winery's vice president and general manager that year. He was appointed president in 1975 and chairman in 1982. In 1987, the Napa Valley Vintners Association named him one of the Valley's 12 ''living legends,'' a group that included Robert Mondavi, Peter Mondavi, Louis P. Martini and Hanns Kornell.

Mr. Knowles, a native of Bethel, Conn., took to the trumpet as a small boy and was hired at the age of 12 to play in a local jazz band. During the big-band era he played first with Red Norvo and Mildred Bailey, then with Glenn Miller and later with Charlie Spivak and his orchestra. He made 122 records with the Miller band, including ''In the Mood,'' its signature recording.

Besides his wife, he leaves a daughter, Barbara Pinches of New Rochelle, N.Y.; a brother, Robert; a sister, Bernice Scott, and two grandchildren.

TRIBUTE TO RANSOM EVERGLADES SCHOOL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I am honored to recognize one of the five oldest institutions in Dade County and in my congressional district, Ransom Everglades School, as it dedicates its new Middle School Science Center today, September 4. The Middle School Science Center has been built in true Ransom Everglades form, with all volunteer and donated funds.

Ransom Everglades School traces its founding to 1893 when a young Harvard-educated lawyer, Paul Ransom, came to pioneer Miami from Buffalo, NY. Mr. Ransom built a small tutoring camp he called Pine Knot Camp in Coconut Grove. He also contributed property in New York's Adirondack Mountains, and started a northern campus, making it the first migratory college-preparatory boarding school for young men, with winter months spent at the Coconut Grove campus and the remainder of the year spent at the Adirondack campus. Duty to one's country and society, along with academic excellence, was always emphasized by Mr. Ransom. In 1974, Ransom School merged with another independent school in Coconut Grove, Everglades Schools For Girls, and was later renamed as Ransom Everglades School.

Today, the school continues as a nonprofit, tax-exempt, independent, and co-educational college-preparatory day school for grades 6 through 12, with 870 students on both campuses. Although it has only a small endowment, a significant number of its students are on scholarship based on financial need and merit admission. Ransom Everglades is also a founding member of Summerbridge, a national program to educate students from lower socioeconomic backgrounds at the Nation's best college-preparatory, independent schools. Despite its very limited financial resources, Ransom Everglades has achieved national stature, sending its well-prepared students to the finest colleges in the country.

I comment Mr. Eric Buermann, chairman of the board of trustees, Mr. John Cotton, headmaster of Ransom Everglades, and his hard-working team for their efforts and all those individuals from within and outside the Ransom Everglades community for making the new Middle School Science Center a reality that present and future students will be able to enjoy and learn from.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

SPEECH OF

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes:

Mr. BAESLER. Mr. Chairman, some of our colleagues continue their efforts to limit or eliminate development assistance to India as part of the foreign operations appropriations bill. I strongly oppose these efforts.

On August 15, India celebrated its 50th anniversary of democratic self-rule. Last year, India held the world's largest democratic elections. With nearly 300 million people going to the polls, the election was called epic by the New York Times, and extraordinary by the Washington Times. Any attempt to unfairly stigmatize India by placing limits on the small amounts of development assistance that the United States provides would have a devastating impact on United States-India relations.

The relationship between the United States and India continues to thrive and the United States is now India's largest overseas investor and its biggest trading partner. During the past 6 years, India's ambitious economic reform program has allowed United States business in India to grow dramatically. Exports from the United States were up 40 percent in 1996, and between 1991 and 1996 United States investment in India was 29.5 percent of all investment.

And throughout this economic boom, India's human rights record has steadily improved. India abolished the Terrorist and Disruptive (Prevention) Act which was the subject of objection by several human rights activists. An independent National Human Rights Commission has been established and is widely believed to be aggressively pursuing human rights. And the most recent United States State Department human rights report praised the commission's independence and noted that India has made substantial progress in the area of human rights.

Any effort to limit or eliminate development assistance should be opposed. As India continues to develop politically, economically, and socially, I believe it is important that the United States continue to send positive signals of support and understanding to the world's largest democracy.

CONFERENCE REPORT ON H.R. 2014, TAXPAYER RELIEF ACT OF 1997

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1997

Mr. SNOWBARGER. Mr. Speaker, I proudly support this landmark tax relief bill. Today, we give American families their first significant tax cut in 16 years. Families with children will receive a $400 credit for each child in 1998 and $500 per child beginning in 1999. Investors, most of whom are hard-working middle-class citizens, will get a significant reduction in the capital gains tax. Millions of parents will be able to pass on the family business or farm to their children without worrying whether they can pay the estate taxes. Expanded IRA's will make home ownership and education possible for more families than before. And all of this is done within the context of the Republican commitment to the first balanced budget in three decades.

Along with most Americans, I wish this bill provided even more tax relief. In fact, I believe we should have cut tax rates across the board. And I regret that the President insisted on continuing to tax Americans on income that is solely the result of inflation. But with President Clinton in the White House, a more comprehensive tax relief plan simply was not possible.

This is not a perfect bill, but it is a reasonable compromise between Republican efforts to win tax relief for American families and President Clinton's insistence on more Government spending. We should consider how far we have come in the 4 short years since President Clinton and the Democrats raised taxes on every working—and nonworking—American. The American people rejected the big-government Democrats in 1994 and 1996 and elected Republicans to Congress to restrain the growth of Government and allow families to keep more of what they earn. Republicans heard that plea and today we are delivering.

Last week, when the President and many Members of Congress were considering bowing to the President's attempt to renege on the size of the tax relief we had pledged to the American people, I wrote the members of the conference committee, insisting they give us a bill that would allow us to keep our word. I am very pleased to say that since my letter was sent, the tax relief in this bill was restored to its full amount. I thank the conferees for responding to my concern.

American families can keep more of their money because we kept our word.

Now we should turn our attention toward simplifying the Tax Code and reforming the IRS. I will introduce legislation after the August recess to provide for a flat tax at the option of each individual taxpayer and I expect to be involved in congressional oversight of gross abuses at the IRS.

CAMPBELL AMENDMENT TO H.R. 2159

SPEECH OF

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 1997

Mr. PAYNE. Mr. Chairman, I rise in support of the Campbell-Payne amendment.

This amendment is very timely in that it seems fashionable today to cut the Africa accounts by any amount necessary. Last year the African Development Fund received $40 million—which is low compared to the previous years.

Today, the President allocated $50 million for the fund and it is now being cut by $25 million, which represents a 50 percent cut. The fund is the largest source of capital for the 39 poorest African countries outside the World Bank.

It uses a grassroots approach and it is unique within the development community in Africa. All of the fund's grants are made with indigenous, nongovernmental organizations, in response to African-defined problems and proposals.

It is also the largest co-financing partner for IDA in Africa and it reaches many levels of African society that other development banks do not, including IDA. Let me just say that it costs the fund a small amount to operate a country office in Africa. In fact, the fund's whole country operation costs less than half of what a single expatriate costs a bilateral or multilateral donor organization.

As I stated earlier, the administration requested $50 million for fiscal year 1998. $50 million is a small amount of money considering that we spent $2.2 billion on 20 B–2 bombers. For $1 billion it will ultimately cost for additional B–2 bombers, we could: immunize all children in developing countries, immunize children, support family planning, end malnutrition, illiteracy and help emerging democracies. The proliferation of weapons of mass destruction and the use of ballistic weapons is no longer a viable solution to solve our foreign policy problems.

Yet we can do the minimal amount for the less developed countries of Africa. This year the fund will lend 4 times more than USAid which takes the strain out of this organization. It supports poverty reduction, agriculture sector production, basic education, health and economic reform.

As a member of the Subcommittee on Africa, let me just say that we should stop thrashing the African accounts. It is unfair and discriminates against the less fortunate.

In 1996, the fund increased its net income to $150 million and that same year, the fund's procurement resulted in $170 million in contracts for American business, a 100 percent increase over last year's figures. As you know, any reduction impacts heavily on the lives of millions of vulnerable Africans every day.

The tools of U.S. foreign assistance is needed to maintain our leadership around the world. Every President, Democrat or Republican, needs sufficient resources to carry out critical foreign policy objectives. These resources are even more essential today in the post-cold-war era as threats to U.S. interests are more closely linked to political and economic stability and regional conflicts.

We can see where it has helped there has been sweeping change in the Congo, Liberia, and Kenya. These and other cuts to the African accounts have put our Nation's global leadership role at risk. Today Japan, and the European countries provided more aid and support than the United States has done in the last 2 years combined.

Restore the small amount of money to the African Development Fund. It will ultimately save money and lives. We have a moral responsibility to do so.

This is right for America!

PUTTING CHEMICAL DEPENDENCY ON PAR WITH INSURANCE COVERAGE FOR OTHER DISEASES

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. RAMSTAD. Mr. Speaker, I rise today to introduce the Substance Abuse Treatment Parity Act, a bill to give alcoholics and drug addicts more access to treatment by prohibiting health insurers from placing discriminatory caps, financial requirements, or other restrictions on treatment that are different from other medical and surgical services.

As a grateful recovering alcoholic, I've seen first hand the value of treatment for people who are chemically dependent. As someone who stays close to recovering people and treatment professionals in Minnesota, I've been alarmed by the dwindling access to treatment for people who need help. That's why I believe it is time to put chemical dependency on par with insurance coverage for other diseases.

Alcoholism and drug addiction are painful, private struggles with staggering public costs. In fact, the direct and indirect costs of alcoholism alone in this country exceed $90 billion each year. Assuring access to treatment will not only combat this insidious disease—it will save health care dollars in the long run. Treatment helps people stay healthier longer and saves the health care system money.

The empirical evidence supports what I already know as a recovering alcoholic—providing treatment is good preventive medicine.

A Minnesota study to extensively evaluate its treatment programs' effectiveness found that Minnesota saves $22 million in annual health care costs because of treatment.

A California study reported a 17 percent improvement in health conditions after treatment—and dramatic decreases in hospitalizations.

A Rutgers University study found that untreated alcoholics incur general health care costs that are 100 percent higher. It also found that after treatment, days lost to illness, sickness claims, and hospitalization dropped by half.

A report printed in the 1992 Journal of Mental Health Administration sampled 63,873 hospitalized alcoholics and found medical complications are far more severe among those not treated for alcoholism.

This legislation will help eliminate barriers to treatment—without significantly increasing health care premiums. We have the empirical evidence to support this assertion: A Milliman and Robertson study released today found full and complete substance abuse treatment parity would increase per capita health insurance premiums by only one half of one percent—without even considering the obvious savings that will result from treatment.

And just like the mental health parity provision of last session, this legislation waives the requirements if premiums increase by more than 1 percent. It also exempts small businesses with fewer than 50 employees.

Mr. Speaker, removing barriers to treatment is a huge step in the right direction. Parity for substance abuse treatment is the right thing to do. It's also the cost-effective thing to do. I urge my colleagues in the House to support this important legislation and look forward to working with all Members in both the House and Senate in passing this bill.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes:

Mr. RODRIQUEZ. Mr. Chairman, I want each one of us to ask ourselves:

Can we go back to our districts and justify to our sons and daughters that we have to cut school loans, while at the School of the Americas, we have more than enough money to teach people like Manuel Noriega?

Can we go back to our districts and justify over $200 million of hard-earned, taxpayer money spent on the School of the Americas, while we tell our senior citizens they must tighten up their belts?

And what do we have to show for our money? We have six dead Jesuit priests, four raped nuns, nine students and their professor murdered, death squads in El Salvador, death squads in Honduras, murder of United States citizens in Guatemala, manuals on how to kidnap and torture. One can go on and on. Can we go back to our places of worship and justify this?

Newspapers from our districts across this country all tell us ''it is time to close this school.'' The San Antonio Express News editorial stated in April, 1995:

> The [millions of dollars] a year the U.S. Army School of the Americas costs to operate would be better spent on aid for foreign students at U.S. colleges than at this breeding ground for human rights abusers.

If we do not stand up for this amendment * * * what do we stand for?

A TRIBUTE TO THOMAS COLLELUORI, WINNER OF GENOVESE DRUG STORES'S ''FLIGHT OF ACES'' CONTEST

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. FORBES. Mr. Speaker, I rise today to recognize Thomas Ward Colleluori, of Centereach, Long Island, the winner of Genovese Drug Stores' Flight of Aces'' essay contest. By focusing on the valor of the all-black Tuskegee Airmen fighter unit during World War II, Thomas Colleluori has helped to preserve an important, but little known piece of our American history.

Thomas' research for his essay revealed details of the role that the Tuskegee Airmen had in saving the life of his grandfather, Mario Colleluori, and the other American crewmen aboard a B–24 bomber that was under attack by German fighters during World War II. Those details so moved the 15-year-old student that he has chosen to share his contest award with one of the surviving members of the segregated unit.

On Friday, August 29, when Genovese honored the ''Flight of Aces'' contest winners by flying them in a formation of historic World War II bombers from Republic Airfield on Long Island, there was more than just a history lesson delivered. Thomas Colleluori, a white Long Island teenager took the opportunity to say ''thank you'' to George Bing, a black Brooklyn grandfather and surviving member of the Tuskegee Airmen fighter unit that saved his grandfather's life during World War II.

More than 50 years later, with his grandmother Mary Colleluori on hand, Thomas expressed his gratitude to George Bing by inviting him to sit in the position once occupied by his grandfather, during the nostalgic flight aboard one of the last remaining airworthy B–24's.

The purpose of Genovese Drug Stores essay contest was to honor the courage and sacrifices of America's veterans and retired defense workers, while encouraging today's generation of students to discover the historic legacy created by their parents and grandparents. Through his research, Thomas Colleluori learned how the Tuskegee Airmen fought prejudice as often as they did the German Luftwaffe. But it was skill and courage in battle—not the color of their skin—that mattered when his grandfather's bomber came under German fighter attack. Though more than 50 years later, that lesson remains with Thomas and lives on in the words of gratitude expressed in his essay, and in his thanks to George Bing and all Tuskegee Airmen.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in saluting Thomas Ward Colleluori for his passionate efforts to preserve the heroic legacy of the Tuskegee Airmen. May his and future generations of Americans learn from the invaluable lessons that Thomas discovered about family, duty, and race.

MY GRANDFATHER'S LEGACY OF DUTY

(By Thomas Ward Colleluori)

My name is Thomas Ward Colleluori. I am very proud to be the grandson of two WWII veterans. My Grandpa Mario Colleluori was a Radioman/Waist Gunner on B–24 heavy

bombers with the 15th Air Force and my Grandpa Frank Ward was an Infantryman with Patton's 3rd Army. Grandpa Frank passed away in 1991 and Grandpa Mario passed away in February of this year.

As I got ready to write this essay, I thought about the many stories my grandfathers told me about the war. As a little boy, I always enjoyed these stories. Now, at the age of fifteen, I wanted to remember everything they had told me. More importantly, I want to apply the lessons they taught to what I do in my own lifetime.

Both my grandpas volunteered for the war at the age of 17. Grandpa Frank grew up in Brooklyn and volunteered for the Air Force but was sent to the Infantry because he was color blind. My Grandpa Mario grew up in Queens. He started out in the Infantry where he became an instructor at the Officer Candidate School but he wanted to see combat. He tried to transfer to the Rangers and Paratroopers but O.C.S. wouldn't let him go. His persistence finally paid off. He went to the Air Force when he found out that O.C.S. could not block that transfer.

My Grandpa Frank entered combat during the Battle of the Bulge. He was assigned to carry the Browning Automatic Rifle but was later given a regular rifle and a satchel charge when his unit went through the Ziegfried Line. Finally, towards the very end of the war, when attacks were expected by German tanks, my Grandpa was made part of a Bazooka team. I remember my father joking that his sergeant must not have liked him very much because he kept giving my grandpa the heaviest weapons and the most dangerous jobs. Grandpa Frank said his sergeant gave him those responsibilities because he trusted him.

My Grandpa Mario began flying combat missions over Austria, Poland and Germany in January of 1945. He flew 23 missions and had to crash land several times when his B–24 was badly damaged by flack. His commanding officer was a future U.S. Senator and vice-presidential Candidate named Lloyd Bensten!

My grandfathers won a lot of medals and ribbons. My Grandpa Frank even won the Purple Heart, but neither one ever bragged or told stories about how brave they were. Sometimes they would even say how scared they were and then they would usually make a joke.

I think my favorite story concerned my Grandpa Mario returning from a mission in a badly damaged plane. German fighters began to attack his helpless B–24. My grandpa called into his radio, ''Angels, Angels we need you!''

His call to American escort fighters was answered by a P–38 ''Lightning'' and a P–51 ''Mustang''. The two American fighters chased off the Germans and the ''Mustang'' pilot escorted the limping bomber all the way home.

My Grandpa was impressed by the courage of those two American fighter pilots. He always said that he admired the sense of duty that they displayed in attacking a larger German force in defense of one B–24. I remember him saying that he was amazed at the way the P–51 pilot flew with his wing tip ''almost touching the waist gun'' of the wounded bomber as he escorted the B–24 to a safe landing. My Grandpa would end the story the same way every time. He'd tell how the Mustang flew so close that he could see the pilot's black face and that it was an African-American who saved him from being shot down that day!

In later years we learned that one of those brave fighter pilots was a ''Tuskegee Airman''! If not for that individual American's character and determination to overcome prejudice, my Grandfather might not have survived the war.

After the War, both my grandfathers continued their service to their country. My Grandpa Frank became a New York City Fireman and Grandpa Mario became a New York City Motorcycle Policeman. Later Grandpa Mario became a School Board Member.

I have learned a lot of lessons from the stories my grandfathers have told me about WWII. I will never judge anyone by their color or religion. We are all Americans and we must all help to keep our country great. Another lesson is that it is important to take responsibility seriously. If somebody is depending on you, you have to do your best.

I think the biggest lesson I have learned, what can be called my Grandpas' legacy, is that as an American I have a duty to my country and my community and that when there are really big problems, doing that duty is more important than anything else.

My grandfathers emphasized the importance of setting goals. This past year, their example inspired me to dedicate myself to two major goals.

My first goal is to attend the United States Naval Academy and to play Football at Annapolis. The second goal is to become an officer with the United States Navy S.E.A.L.s.

Many people have said that I will never be able to achieve these goals but I am convinced that by following my grandfathers' example of perseverance, courage and responsibility I will be able to carry on their legacy of service to my country.

I am privileged to live in a country that was made great by the sacrifices of countless Americans who, like my grandfathers and that anonymous ''Tuskegee Airman'', chose to do their duty.

When I visited West Point two years ago I learned that the motto of the cadets is ''Duty Honor, Country''. That made me think of my grandpas and I felt proud!

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

SPEECH OF

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes:

Mr. GINGRICH. Mr. Chairman, I want to urge my colleagues to support the U.S. Army's School of the Americas located at Fort Benning, GA. For over 50 years the School of the Americas has been a powerful force for supporting and expanding democracy in Latin America. I believe that it is very useful for Latin American military officers to come to the United States to learn how to soldier in a democracy, to understand why America has been strong and free, and to study an experience which is totally different than the Latin American tradition of military dictatorship. Cuba, which does not participate in the School of the Americas, is the only remaining authoritarian or totalitarian regime in Latin America.

Since the U.S. military presence in Latin America has steadily been reduced during the past several years, it is critical that we rely on exchange programs, such as the School of the Americas, to establish and maintain our military and civilian relationships as neighbors and friends with common interests. Like other exchange programs we have with Russia and the countries of the former Soviet Union, the School of the Americas promotes American foreign policy and regional stability in Latin America. Moreover, the School of the Americas provides more Spanish language instruction in how to conduct counterdrug activities than any other institution available in Latin America.

Both foreign policy and military experts agree that the School of the Americas plays a crucial role in supporting U.S. interests in the region. As the former Commander in Chief of U.S. Southern Command, responsible for Latin America, and in his current role as Director of the Office of National Drug Control Policy, Barry McCaffrey called the School of the America's the ''preeminent military educational institution'' for promoting and protecting human rights and democratic governance as well as fighting the illegal drug trade. Chairman of the Joint Chiefs of Staff John Shalikashvili calls the School of the Americas a critical asset in supporting democracy and combating narcotrafficking in Latin America.

I join the Chairman of the Joint Chiefs and the President's drug control advisor in supporting the School of the Americas.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes:

Mr. KOLBE. Mr. Chairman, I rise today in strong opposition to the Fox amendment, In a misguided attempt to save the African elephant, the Fox amendment would cut funding for the Communal Areas Management Program for Indigenous Resources [CAMPFIRE]. Such a move would be disastrous.

I recently returned from a fact-finding mission to Zimbabwe, where myself and several of my colleagues witnessed the CAMPFIRE Program first hand. What we found was a program based on sound economic, scientific, and environmental principles. We found a program which works.

The CAMPFIRE Program uses free market principles to promote the conservation of Africa's valuable and irreplaceable natural resources. By providing economic incentives for the conservation of wildlife, CAMPFIRE has instilled a sense of national ownership over their natural resources into the people of Zimbabwe. Rather than viewing the African elephant as a menace, the people of Zimbabwe we now see the elephant as a natural treasure to be preserved. As a result, the

illegal hunting of the African elephant in Zimbabwe has virtually stopped.

One only has to look at the number of elephants thriving in Zimbabwe today to know that this program works. From 1980, the elephant population in Zimbabwe has increased from 45,000 to 66,000. And it continues to grow at an estimated rate of 3,000 per year. Contrast this with Kenya, where alternative policies have resulted in a massive drop in the elephant population, falling from 100,000 in 1970 to 26,000 today.

The CAMPFIRE Program also helps to bring the poorest of the poor much-needed capital to develop their village resources. The money earned through CAMPFIRE enables these villages to erect schools, dig clean-water wells, and develop training programs. It is a model for sustainable economic development and environmental conservation. I urge my colleagues to support this program. I urge my colleagues to vote ''no'' on the Fox amendment.

TRIBUTE TO INDIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the nation of India on the golden anniversary of her independence. At the stroke of midnight on August 15, 1947, Prime Minister Jawaharlal Nehru awoke India to life and freedom after a long and valiant struggle against colonialism and oppression. Fifty years hence India stands as a triumphant example to the world as the world's most populous democracy of 950 million people.

Throughout this period of uninterrupted democratic self-rule India has maintained a multi-party system, a free press and an independent judiciary that guarantees human rights and the rule of law. In 1996 half a billion Indians reaffirmed their commitment to democratic governance in the most participated free elections in world history.

To the people of India, to all those who compose the multi-ethnic, multi-linguistic and multireligious tapestry that is India, and to all the Indo-Americans gathered in my home State of California and across America to commemorate this great anniversary I extend to you my congratulations.

We here in the United States share a special kinship with India. We too gained our independence from British colonialism. Our Presidents Woodrow Wilson and Franklin D. Roosevelt championed Indian independence. We have also learned much from India; in our own struggle for civil rights, Martin Luther King Jr. was inspired by and used the teachings of Mahatma Gandhi as a model of civil disobedience and nonviolent resistance.

Today as the two greatest democracies in the world, India and the United States are bound by common democratic values and have a strong interest in continuing to build mutually beneficial relations. As a member of the International Relations Committee of the United States House of Representatives, I will continue my strong advocacy of humanitarian and development assistance to India. I look forward to working toward the goal of improving cooperation between our two countries in the areas of trade, diplomacy, and security from which we both have much to gain.

Mr. Speaker, I would also like to take this opportunity to recognize our debt of gratitude to the Indo-Americans who have made such profound contributions to American society. Indo-Americans represent a growing political force in southern California and across the United States. I applaud the community's efforts to embrace the mainstream of the American political process, while keeping alive here in the United States the culture of India. America has been enriched by the hard work, determination, educational achievement and cultural, contribution of the Indo-American community.

I am proud to join the Indo-American community in celebrating 50 years of Indian independence and democratic self-rule and in looking forward to the next half century and beyond.

HONORING HEAR O' ISRAEL OF HOUSTON, TX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. BENTSON. Mr. Speaker, I rise to recognize a valued organization within the Houston community, Hear O' Israel, which is sponsoring its annual National Mercy, Love, and Compassion Month awareness project this month in Houston. Hear O' Israel works to make a difference in the lives of the disabled, battered and abused women, the elderly, and young people across Houston. They work to give these men and women a stronger sense of self-worth and instill in them the need to treat others with compassion and respect. The following resolution approved by the Houston city council demonstrates the high regard for Hear O' Israel in our community.

NATIONAL MERCY, LOVE, AND COMPASSION MONTH

Hear O' Israel International, Inc., a non-profit, non-denominational organization, will sponsor its annual National Mercy, Love, and Compassion Month awareness project during the month of September 1997. The project is designed to enhance awareness of the plight of the physically challenged, the elderly, fatherless and/or abused children, and widows. Culminating with Hear O' Israel International's annual Feast of Joy Festival on October 4, 1997, the project will encourage individuals and organizations to demonstrate mercy and compassion, and work to fulfill the special requirements of those in need.

The Mayor and the City Council of the City of Houston do hereby salute Hear O' Israel International for its efforts to improve and enhance the quality of life for the physically challenged, the elderly, fatherless and/or abused children, and widows, and extend best wishes for a successful and rewarding National Mercy, Love, and Compassion Month.

Approved by the Mayor and City Council of the City of Houston this 7th day of August, 1997, A.D.

WATER–RELATED TECHNICAL CORRECTIONS ACT OF 1997

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. DOOLITTLE. Mr. Speaker, today I am introducing the ''Water-Related Technical Corrections Act of 1997.'' This bill is a noncontroversial bill designed to correct and update certain provisions of law that affect the Bureau of Reclamation, an agency of the Department of the Interior.

Perhaps the most substantive policy issue addressed in the bill is the section to amend the Warren Act of 1911. The 1911 Act was passed at a time when Bureau of Reclamation facilities were all single-purpose projects for the delivery of irrigation water. Therefore, the Warren Act authorized moving water surplus to the project's needs and nonproject water through Reclamation facilities only for irrigation purposes.

Much has happened in the arid West since 1911. In 1939, Congress enacted legislation to authorize multi-purpose Bureau of Reclamation projects. Today, many Reclamation projects in the West do serve many purposes, including delivery of irrigation and municipal water supplies, hydroelectric power generation, fish and wildlife purposes, recreation and flood control. The Warren Act needs to be updated to enable surplus and nonproject water to be moved through federal facilities for various beneficial purposes.

As water supplies in the West tighten, efficient water management is needed. An updated Warren Act can help water managers achieve that goal. In fact, legislation to enable surplus and nonproject water to be moved through Reclamation facilities has already been enacted for certain Reclamation projects in the West, including most projects in California and the Central Utah Project. There are pending requests before the Subcommittee on Water and Power to make this modification for two additional projects. The time has come to deal with this subject in a comprehensive manner, and not continue piece-meal efforts to provide water users, including urban water districts, with the tools they need for effective water management.

I hope my colleagues will join me in supporting this provision, and the other provisions to clarify provisions of Reclamation law.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Ms. PRYCE of Ohio. Mr. Speaker, due to a very important family commitment, on Thursday, September 4, 1997, I sought, and was granted, an official leave of absence from the majority leader. Because of my absence, I was unable to cast recorded votes on the below-indicated amendments and/or bills. However, if I were present, I would have voted in the following manner:

H.R. 2159, FISCAL YEAR 1998 FOREIGN OPERATIONS APPROPRIATIONS

1. Burton Amendment (No. 38): Nay.

2. Campbell Amendment (No. 76): Nay.
3. Paul Amendment (No. 32): Nay.
4. Fox Amendment (No. 41): Nay.
5. Torres Amendment (No. 17): Nay.
6. Stearns Amendment (No. 3): Yea.
7. Gilman/Pelosi substitute to Smith Amendment (No. 15): Yea.
8. Smith Amendment (No. 15): Nay.
9. H.R. 2159 Final Passage: Yea.

MINGO JOBS CORPS CENTER

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mrs. EMERSON. Mr. Speaker, I rise today to proudly recognize the Mingo Job Corps Civilian Conservation Center in Puxico, MO.

The Mingo Job Corps Center was established in 1965 as a vocational/educational training center for disadvantaged youth. Since that time it has served hundreds of at-risk youth and its surrounding communities. The students complete their secondary educations and learn employable skills while working on needed community projects. At the Mingo Center, student volunteer services proved to be key components to such important projects as excavation work at the Three Rivers Community College in Poplar Bluff, MO, the elevation of flood-prone Highway D in Wayne County, MO, and the restoration of several untended cemeteries throughout the region.

While the students are obtaining an education and helping local communities, they are also learning vocational trades that earn them jobs. Those factors are very significant and the Mingo Job Corps Center has an excellent and an improving record of graduating students with GED's and placement in jobs. It is as rewarding for me as it was for my late husband, Bill Emerson, to observe the progress of the corpsmen as they enter and eventually complete the program and become hard-working contributors to their communities. The ultimate prize, however, belongs to the dedicated young corpsmen who endeavor to build their own future through the personal commitment they each make toward completing the Job Corps experience.

In closing, I also would like to express my appreciation to the staff at the Mingo Job Corps Civilian Conservation Center for their dedicated work and to the past and present corpsmen for their decision to work for a better life for themselves, their families, and their community.

TRIBUTE TO KARIN BALL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Karin Ball, as an outstanding member of our community, whose empathy and desire to help others serves as an example for all to follow.

The reason for honoring Karin Ball today, began 20 years ago when Mary Vincent was raped and her arms severed where she needed prosthetic arms. Many years passed and Mary's public assistance ran out, her marriage ended, and worst of all her prosthetic arms were worn and useless. Karin Ball read about Mary while she was in the hospital recovering from elbow surgery. Knowing how difficult it was to perform simple tasks with a broken elbow, Karin decided that she had to do something to help Mary; she would get Mary new arms.

Karin began calling hospitals, doctors, and prosthetic companies. Finally after countless hours of phone calls, she got in touch with NovaCare who in conjunction with the nonprofit organization, Limbs for Life, said they would donate state-of-the-art, custom-made prosthetic arms for Mary.

Karin's act of kindness shows that one person can make a difference in another's life. Today, because of Karin's good deed, Mary's life is back on track. She is now able to run simple errands like going to the grocery store and taking care of her children. It is because of people like Karin, who take the time and effort to help others, that make this world a better place to live in.

Ch'en a great Chinese leader once said ''Man's happiness in life is the result of man's own effort.'' I believe that Karin's act of kindness has brought to Mary, great happiness. In the spirit of Ch'en, Mr. Speaker, I ask you and my distinguished colleagues to join me and the citizens of Malibu in honoring Karin Ball. Her dedication to helping others is an inspiration for all Americans.

MILESTONE PAYMENT SYSTEM PROGRAM

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. WATTS of Oklahoma. Mr. Speaker, I rise to congratulate the State of Oklahoma Department of Rehabilitation Services' Milestone Payment System Program. This innovative program is currently one of the 25 finalists in the Ford Foundation's 1997 Innovations in American Government Awards competition. Over 1,540 applications were received from Federal, State, and local government organizations. Innovations awards recognize innovative and creative approaches to pressing social and economic concerns.

The Milestone Payment System Program deserves praise for being selected as a finalist. The program has demonstrated successful efforts to implement creative approaches to government. By contracting with vendor agencies to provide vocational preparation and job placement for disadvantaged citizens, the program focuses on specific goal-oriented results. In order for the nonprofit agency placing the individual to receive payment, the individual must achieve an established set of milestones.

I applaud the efforts of this innovative and successful program. The Milestone Payment System Program is a unique government employment service, successful in aiding individuals with disabilities to make the transition into full-time employment. Properly aiding the disadvantaged is a pressing social concern, and I certainly hope this program will serve as a model for other jurisdictions.

On this note, I want to express my gratitude to the Ford Foundation for their continued efforts in recognizing innovative approaches to government. By awarding programs such as the Milestone Payment System Program, other jurisdictions across the United States will learn of the success of this effective program.

On October 7, each of the 25 finalists will make a presentation to the National Committee on Innovations. Ten winners will be selected. Regardless of whether or not Milestone Payment System Program is in the final 10, in my eyes the program is clearly a winner.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

SPEECH OF

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes:

Mr. BISHOP. Mr. Chairman, I rise today in strong opposition to efforts to prohibit funding for the School of Americas. For those colleagues of mine who may still have concerns about the School of Americas, I draw your attention to the language in the fiscal year 1998 appropriations bill. I believe it adequately and responsibly deals with any remaining questions or concerns about the school. Specifically, it prohibits the use of international military education training funds for the school until: first, the Secretary of Defense certifies that training provided by the School of Americas is fully consistent with U.S. training and doctrine, second, the Secretary of State has issued specific guidelines governing selection and screening of candidates for the school, and third, the Secretary of Defense has submitted a report on the training activities of the school. For the past 4½ years, I have had the honor of representing the area of southwest Georgia where Fort Benning and the School of the Americas are located. I am proud of the school. I believe all Americans should be. It is a program that has provided professional training to thousands of military and civilian police personnel from throughout Latin America—training that includes extensive indoctrination in the principles of human rights and representative democracy.

The school's contribution to the transformation of Latin America from totalitarianism to democracy has been tremendous. Today, only Cuba remains a totalitarian stronghold. Representative government has begun to take root in every other country in the region. As the record shows, many of the school's 60,000 graduates have played leading roles in this transformation.

If you have an opportunity to talk to these graduates, many will tell you that the values they studied and discussed during their stay at the school influenced their political thinking and motivated them in their country's fight for democracy.

In spite of this record, the school is once again under attack.

Without one shred of real evidence, the people who are involved in these misguided

attacks falsely accuse the school of promoting totalitarianism and torture. If you get beyond the rhetoric, which can be as deceptive as it is emotional, you will find their case is factually based on just two things: one, the few graduates who have been involved in human rights abuses and two, certain military intelligence training manuals which were once used at the school in classes attended by some of the students, although not all—which the school got rid of 6 years ago.

It's true some of the school's trainees have turned out not to be nice people. Some, in fact, have been linked to sickening atrocities. But this, alone, is not evidence of wrongdoing at the school. As a matter of fact, most of the graduates have been among the good guys in the region's shift to democracy. Graduates have instituted human rights reforms in their militaries, prevented military coups against freely elected civilian governments, and have made their soldiers more professional servants of democratic governments.

This whole argument gets a little ridiculous. We know of other Latin American human rights abusers who attended colleges and universities in the United States. One is the notorious Hector Gramajo of Guatemala, who did not attend the School of the Americas but did graduate from Harvard. Personally, I think it would be absurd to brand Harvard as a school of assassins.

The military intelligence manuals containing inappropriate material never should have slipped by the school's screening process. There were prepared by the Pentagon years ago for use by military allies, and were adopted at the school as part of the material used in one course. For the most part, the manuals were non-controversial and worthwhile. But they did contain some material that violated U.S. policy, such as the use of psychological stress when conducting interrogations. In a review, the Army recognized this material was not acceptable and eliminated the manuals 6 years ago.

I do not defend the manuals, and neither does the Defense Department. They were a mistake. But it was a mistake that was corrected years ago, and it has nothing to do with the current administration of the school.

In his own report on the school, Representative KENNEDY says: ''We do not question the good values and the commitment of the U.S. personnel at the school today.'' According to his report, the reason for attacking the existing school is to make a fresh start. But that start has already been made. The school and its curriculum have undergone intense scrutiny over the past few years, and instruction on human rights and democratic principles has been exhaustively reviewed, sharpened, and expanded.

The School of the Americas has been investigated and studied by the DOD Inspector General's Office, by the General Accounting Office, and by an outside private consulting firm. Every course except for the computer course has mandatory human rights instruction. Every instructor is certified to teach human rights. The school has a permanent human rights council and a Board of Visitors on which strong human rights' advocates serve. All say the school is effectively promoting U.S. policy on human rights and democracy, and in no way is violating it.

This is certainly a cost-effective program.

For less than $4 million a year, the school is promoting democracy, building stronger relationships with our neighbors, and combating narcotics trafficking. The school's critics never consider the cost of the crimes and human rights violations that were NOT committed because of the school's influence. The critics never count the benefits of the drug labs taken down, the terrorism prevented, the mines removed by trained professionals, the peacekeeping operations. The school teaches all of these things, and its graduates carry out these missions day-in and day-out.

Just listen to what the officials and agencies responsible for developing and implementing our foreign policy have to say about the school.

Our incumbent drug czar, who served as a former Commander in Chief of the U.S. Southern Command, has said: ''As Commander in Chief, my responsibilities included furthering the development of professional Latin American armed forces that promoted and protected human rights and that were supportive of democratic governance. The School of Americas was, and continues to be, the Department of Defense's preeminent educational institution for accomplishing these goals.'' The State Department has stated: ''The School of Americas today is an important instrument for advancing our goals for the hemisphere. The school's curriculum has changed to reflect the end of the Cold War and our commitment to democracy, human rights, and development in Latin America.'' The Acting Commander in Chief of U.S. Southern Command, Rear Admiral Doran, has said: ''The School of Americas continues to be a priority in the CINC's regional strategy and it supports the President's National Security Strategy. By training Latin American military, police, and civilians, we remain actively engaged in the area thereby enhancing American security.'' And Chairman of the Joint Chiefs of Staff, John Shalikashvili, has commented: ''SOA remains a critical asset in combatting narcotrafficking in Latin America.''

This is an issue that touches me personally.

I regularly visit the school. I know the men and women who serve there. These are highly trained, dedicated professionals who believe deeply in their country and in the country's mission to promote human rights and democratic principles everywhere. It is wrong to accuse them of violating their trust and working against the interests of democracy when all of the evidence reaffirms that this is not true.

I strongly urge all of my colleagues to visit the school, learn more about the job it is doing, and not to rush to judgement on the basis of false and unfounded accusations made by people who may have good intentions, but who have little regard for the facts.

Mr. Chairman, I urge our colleagues to support the truth.

Support the School of the Americas.

''SOUTH AFRICA AT YEAR THREE''

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Ms. CARSON. Mr. Speaker, I rise today to share with my colleagues a speech given by James A. Joseph, United States Ambassador to South Africa, at the Meridan House International, Washington, DC, on May 20, 1997. Ambassador Joseph's speech entitled ''South Africa at Year Three'' is an outstanding assessment of the impact of the democratic government since the first all race elections was held April 27, 1994. Ambassador Joseph states ''there is still much hope and high expectations in South Africa as it begins its fourth year of the new democracy.'' I am pleased to share Ambassador Joseph's wisdom with my colleagues.

SOUTH AFRICA AT YEAR THREE

(By James A. Joseph)

The best way to assess the impact of three years of democratic government in South Africa is to look at how the new government defined its immediate and most urgent goals in 1994. The priorities of the new leaders were described as: (1) establishing a legitimate government that would be both democratic and an effective instrument for change; (2) nation-building and reconciliation; and (3) reconstruction and development.

ESTABLISHING A LEGITIMATE GOVERNMENT

The greatest challenge facing the ANC when it assumed power was that of establishing a legitimate, effective and credible government. Apart from the normal difficulties facing a political movement that had never been in government before, the ANC was faced with the altogether more daunting task of transforming the entire nature of governance in South Africa. Having inherited a state machinery designed to meet the needs of a small racially defined minority, the ANC has had to mold the institutions of government—under severe resource and time constraints—to serve not only the interest of the majority but the whole country.

How successful has the ANC been in establishing a legitimate and effective government? The legitimacy of the government is accepted by all parties, but effectiveness is too often in the eye of the beholder. The fact is, however, that there are now representative governments at all levels; national, provincial and local. There is a new constitution which protects human rights, guarantees equal opportunity and provides for open and fair elections. At the same time, there is no more detention without trial, house arrests, bannings, bombings and political violence have subsided. The press is free, the far right has almost disappeared and many former ideologues have turned out to be very pragmatic.

South Africa is a country that works. Away from national media coverage, streets are being tarred, refuse collection being improved, schools being renovated and health clinics being built and upgraded. In April, government officials gathered in a rural village in the Northern Province to celebrate the millionth person to receive water under the government's program of bringing water to the people. More than a million homes have been supplied with electricity since the new government came into power. Two hundred thousand new homes are presently under construction and millions of children now benefit from the school nutrition program, free medical care and free and compulsory education. Many communities can now feel secure on a piece of land they call their own, with over 250 land distribution projects underway affecting over 57,000 households and 1.7 million hectares. Many families now benefit from the farmer support program and extension of agriculture credit. The national government, the Parliament and the Courts are functioning well. Provincial and local governments have been much slower in taking hold in some places than others, but many are starting to become delivery systems for needed services. It is important to

remember that the local government elections completed last year established a legitimate but interim foundation for local government. The final structure of the local government system will come out of a review process that will lead to legislation by the end of 1997.

With the presentation of the 1997 budget to Parliament earlier this year, the national government reached a new level of credibility. Even the most ardent critic of the ANC government admitted that the new budget was sound and the performance of the Finance Minister and his team impressive. This was a crowning moment in the marriage of legitimacy with credibility.

WORKING THROUGH POLITICAL PARTIES

One can not speak of governance without at least saying a word about the role of political parties. Until two weeks ago, the strategy of the National Party seemed to be both a strategy of ''deepening'' and ''broadening'' its support base. As explained to me by Roelf Meyer two weeks before he got the ax, the former, the growth and development path, sought to consolidate the NP's traditional white and colored constituencies. The latter, the ''realignment path,'' was designed to reach out to groups and individuals across the political/color spectrum who may be looking for something new in 1999, with a view toward forming an alliance capable of challenging the ANC. After considerable exploration by Meyer and a realistic report to the party of the image difficulty of a political party still strongly associated with apartheid in the public mind, the voices of Roelf Meyer and his expansion-minded colleagues were silenced. Just before leaving Cape Town last week, I spoke to one of the members of the task force who told me that the National Party is now in disarray with its future uncertain.

The ANC is also undergoing transformation, but the changes are of a different type. The 1994 deployment of its members into three spheres of government, the public service, the security forces and the diplomatic corps, left many ANC branches in a depleted state. However, its structures are beginning to demonstrate vitality, and in some instances independence, again. New branches are being launched and internal conflicts which seemed at one time to be tearing the party apart are being more strategically managed and some of the wounds healing. After being overwhelmingly re-elected head of the ANC's Women's League, Winnie Mandela announced to cheering supporters that she was ANC for life. Bantu Holomisa, who was expelled from the ANC for bringing the party into disrepute, is another case, but while he is testing the waters for a new movement even he admits that the ANC is likely to be the dominant party for awhile. I believe, however, that one of the coming threats to party cohesion is the growing importance of provincial issues and interests. We will see more issue-based, ad hoc alliances as we are already seeing in Gauteng.

The IFP has undergone some face-lifting with a new Premier, who was a widely respected Minister in the national government, and new faces emerging in other areas of leadership. But the IFP is still Buthelezi's party and his emphasis on traditional leaders and traditional culture still defines the parameters of party appeal. Great gains have been made in collaborating with the ANC to reduce political violence and there is now talk of collaborating in other areas as well, particularly in meeting the needs of the poor. The Democratic Party and the PAC seems destined to attract far more media attention than followers.

ECONOMIC EMPOWERMENT OF THE MAJORITY

What we have seen in South Africa in the political empowerment of the majority has not been matched by economic empowerment. Unemployment, now estimated at between thirty-four and forty percent, continues to be one of the new government's most difficult challenges. One hundred seventy five companies are reported to have invested in South Africa last year, but very little of this was job-creating investment. In my view, the South African economy is in a period of consolidation prior to heading for increasing growth. The pundits estimate two- to four-percent growth in 1997 with the primary goal of the government's plan for Growth, Employment and Redistribution (GEAR) of six per cent growth by the year 2000. This clearly defines the challenge. But I side with the optimists when I look at the performance of the Mandela government since coming into office. After a decade in which falls in GDP were more frequent than rises, the Mandela era has brought both economic growth and single-digit inflation. The economy grew by 1.3% in 1993, 2.7% in 1994, 3.3% in 1995 and 3.1% in 1996.

The pessimists will point to a rand which has slipped to 4.44 to the dollar, prime interest rates nudging over 20 percent, low reserves at 12.5 billion rand, a low savings rate and public debt at 56 percent of GDP. And even the government admits that achieving the GEAR goal of 400,000 new jobs annually will be difficult, but, for 1997 at least, the sale of 30 percent of the parastatal Telekom to the SBC/Malaysian consortium is expected to provide 50,000 new jobs alone. It is useful to remind the pessimists, therefore, that all of these are the problems the GEAR is meant to address and South Africa has in three years already come a long way toward overcoming the legacy of apartheid of a closed, protected, stagnant, inefficient economy.

What about the much repeated goal of black empowerment, a concept that means different things to different people? Black empowerment is a major factor in government privatization strategics. The white apartheid government, for all its anti-socialist rhetoric, created a surprisingly socialist state. A startling 50 percent of South African assets were in state hands when the Mandela government took office. The apartheid state owned almost all of the electric company, the telephone company, the national airline, the arms industry, the railroads, busses, ports, hospitals and television stations. It drilled for gas, logged forests, mined some diamonds, grew mangoes and even ran water fun parks. The new leaders have made a commitment to privatization. They see it as a way of encouraging efficiency, lowering prices and attracting more foreign investors; but they want first to gain sufficient control to ensure that privatization contributes to the empowerment of the majority rather than simply increasing wealth concentration in the hands of the white minority. If done right, it is estimated that privatization could raise as much as 30 billion dollars for public purposes.

Another strategy for black empowerment is skills development. The Minister of Labor's Green Paper on skills development proposes a two percent payroll level to fund new training programs for workers. The recent World Productivity Report ranked South Africa 44th of 45 developing countries in terms of human resource development. This is one of the legacies of apartheid that will take some time to unravel.

Black empowerment has been greatly aided by decisions of the largest South African companies to unbundle. Anglo American which controlled sixty percent of the Johannesburg Stock Exchange (JSE) ten years ago has reduced its share to 24%. The top five conglomerates that together controlled 85% of the JSE ten years ago have reduced their share to 67%. The clear trend has been toward ownership by smaller, more tightly focused companies. There is a paradigm shift in ownership and distribution taking place that goes far beyond the emerging black elite. There is a new crop of blacks who describe themselves as the patriotic bourgeoisie. They contend that they have the interests of the country at heart and are not motivated exclusively by self-interest.

One of these is Cyril Ramaphosa who, after successfully chairing the efforts to develop a new constitution, decided to devote his considerable leadership skills to black empowerment. As Chairman of Johnnic, he and Finance Minister Trevor Manuel recently announced one of the most creative initiatives to ensure wide participation in economic empowerment. It seeks to make available nine million Johnnic shares to individual black investors and smaller groups not wealthy enough to participate in the original deal. The new installment scheme involves a downpayment of six rands a share, followed by another sixty rands in three years time, by which time, if something near present growth and value continue, the shares should be worth considerably more. This may set a precedent for some of the privatizations that lie ahead.

One way of analyzing success in black empowerment is to look at the Johnannesburg Stock Exchange where black control of the JSE's market capitalization increased to almost 9% at the end of last month from less than 1% in 1994. Another way of determining success is to look at the fact that there are now seventeen black controlled companies with a market capitalization of more than twenty-seven billion rands.

RECONCILIATION, REPARATIONS AND REHABILITATION

Under the leadership of President Nelson Mandela and Archbishop Tutu, South Africa has taken reconciliation among former adversaries to a new level. Pundits debate whether the spirit of reconciliation in South Africa has its genesis in a form of African humanism known as ubuntu or whether, as some contend, it is simply a political strategy necessary for the progress of the new democracy. But what is not debatable is that after a slow and uncertain start, the formal process represented by the Truth and Reconciliation Commission has flushed out more of the truth than seemed likely just a few months ago.

The Truth and Reconciliation Commission has received more than 8,000 applications for amnesty. The National Party has taken the position that terrorist forces threatened South Africa, that officials carried out lawful orders, and only renegade members, acting independently, committed abuses. While NP top leadership accepts moral responsibility for apartheid, their position is that they did nothing wrong. The ANC, on the other hand, has submitted a 139-page document to the Commission detailing the many individual acts for which its members are seeking amnesty.

The Promotion of National Unity and Reconciliation Act, which led to the creation of the Truth and Reconciliation Commission, also requires the Commission to make recommendations to the president on the reparation and rehabilitation of victims. Much of the Commission's work has focused on amnesty applications, leaving them very little time to give attention to the reparations and rehabilitation mandate. The victims who have testified before the Commission have generally asked for very limited reparation, medical treatment, a tombstone, the restitution of land, etc. But there is a widespread recognition that white society benefited directly from the apartheid system that for

over forty years used exploitative and brutal means to limit black opportunity in order to extend white privilege. The extent of the brutality and violence revealed by the TRC has far exceeded what even the most ardent critic of apartheid had considered possible.

It now appears that wealthy South Africans may be asked to pay a once-only tax to help fund reparations for victims of gross human rights violations. The ANC advised the Truth and Reconciliation Commission on May 13 that those who prospered under the apartheid system should finance meaningful reparations for the victims of gross violations of human rights on both sides of the apartheid conflict. According to the ANC statement to the TRC, ''it would be useful if the commissioners could apply their minds to considering the necessity and viability of ensuring that the Doctrine of Odious Debt is given recognition in mobilizing some of the resources that would help make the reparations more feasible.'' The Doctrine of Odious Debt was used by the ANC government as a rationale for forgiving South Africa's debt to Namibia. Fundamental to the concept are the old principles in Roman and Roman-Dutch law that the wrongdoer should not benefit from the wrongdoing.

QUALITY OF LIFE

Some whites in South Africa see the quality of life as deteriorating. The privileges they enjoyed by being the exclusive beneficiaries of apartheid are being threatened and in some areas curtailed. The black majority who were kept outside the mainstream economy by design are demanding a fair share of the economic pie. A recent report on focus group discussions conducted in South Africa found the mood of community leaders across race and party lines to be one of ambivalence. Some local community leaders are impatient and nervous about the future. At the same time, most blacks believe that they must be patient and that the country is moving in the right direction. This patience is not to be confused with disengagement or passivity. Rather, it is a realism rooted in the belief that changing four decades of apartheid will take more than three years. Those who have enjoyed the benefits of freedom; those who take access to water and electricity for granted; those whose children have long had good schools available; those who have had good health care when and where they needed it; and those who were safe in their suburban homes while criminals were permitted to prey, sometimes in collusion with the police, on township and squatter village residents at will, are more likely to use a different yardstick to measure the quality of life in the new South Africa.

Yet, there is one thing on which all South Africans agree. It is the common feeling that unless the crime rate is reduced the quality of life will be significantly impaired. There is an obsession with crime in some quarters, an obsession fed both by reality and a long period of isolation and psychological exile from the rest of the world. Many South Africans are convinced that the high level of crime they are experiencing is somehow unique to South Africa. The government has been greatly limited by the desire not to restrict newly granted liberties and by a police force beset with corruption, poorly trained and whose only major responsibility in the past was to support the maintenance of a police state. They know nothing about community policing and, in some instances, have no desire to learn. But none of this takes away from the fact that crime must be reduced and the government has a very limited window of opportunity in which to do it.

More is being done, however, than is commonly assumed. The government has an anti-crime strategy and a recent report indicates that it is succeeding in some areas. Crime was down in nine categories in 1996, but every high profile bank robbery, rape or murder reminds leaders that more must be done.

The bottom line is that there is still much hope and high expectations in South Africa as it begins its fourth year of the new democracy. As a black leader in a small community that seems to have every reason for despair put it, ''We are doing very well. You can actually see things like houses. Look at the electricity. Look at the clinics now. We must admit all races. So there are actually tangible, measurable changes.'' The majority population in South Africa continues to startle many by the genuineness of its approach to reconciliation and the vast reservoir of hope and goodwill that remains.

SPRINGFIELD BUSINESS AND PROFESSIONAL WOMEN'S CLUB CELEBRATES 80 YEARS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. NEAL. Mr. Speaker, I rise today to recognize a leading civic organization in Massachusetts' Second Congressional District, the Springfield Business and Professional Women's Club. October 28, 1997, will mark the 80th anniversary of the club's founding. The club has a long history of contributing to Springfield through its civic participation, its sponsorship of speakers and events, as well as its scholarship.

In October 1917, 16 women with a common desire to improve the positions of women in the work force gathered at the local YWCA. They founded a club with the original objective to ''blend together women in the professions and businesswomen so that the standard of working women could be raised.'' Two years later, delegates traveled to St. Louis to join several hundred other women in the founding of the National Federation of Business and Professional Women's Clubs. In its first decade, several Springfield members served as officers of the National Federation as well as traveling to Europe to help found the International Federation of Business and Professional Women's Clubs. The first treasurer of the International Federation was Henrietta Harris of Springfield.

Throughout its history, the club has reached out to promote several charitable organizations. Through their Harris-Bullman Fund, they have been generous supporters of the Open Pantry, Camp Star-Camp Angelina, Grey House, and the Forest Park Zoological Society. Their Jessie M. Bourne—Winifred Daly Scholarship Fund provides nontraditional women students with a scholarship to either return to college or enroll for the first time. In addition, the club routinely collects good used work clothing to donate to women on welfare or who were in prison and are now seeking professional employment.

Beyond these endeavors, the club has championed the role of women in our political system by donating funds and volunteer hours to the Women's Vote Project. Through their continuing Springfield Forums the club has welcomed distinguished guests, such as Amelia Earhart, to speak on current events and their experiences.

On October 28, 1997, the club will celebrate its 80th anniversary. On this night, members will be joined by State officers of the Massachusetts Federation of Business and Professional Women, elected officials, and leaders of other women's organizations to highlight past accomplishments and the evolution of club activities. As an organization with a storied history, it is my hope that the club will use its past triumphs as a springboard for future successes. I ask my colleagues to join me in saluting the Springfield Business and Professional Women's Club on this milestone.

TRIBUTE TO DORIS AND KEN RUFENER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor Doris and Ken Rufener for 29 years of outstanding community service and congratulate them as recipients of the Conejo/Las Virgenes Future Foundation Civitas Award. Their dedication to serving all of the citizens in our community is remarkable.

The Civitas Award is extremely prestigious because it is not given routinely or annually, but only when one has fulfilled specific criteria. The recipient must have exemplified true, unselfish, and outstanding citizenship, demonstrated the ability to motivate and inspire others, and made a singular and lasting impact in our community All the while, he or she must have been involved in many aspects of community life, giving extensive service beyond employment, giving long-time, meaningful service to the community and serving as a role model for the residents of the Conejo/Las Virgenes region.

Doris and Ken have fulfilled the aforementioned criteria with overwhelming evidence. They have both served to defend our Nation in the U.S. Air Force. Ken has also served as a board member and president of the Military Order of World Wars. They have provided spiritual assistance to those in the community through their involvement in Westminster Presbyterian Church, particularly Doris's role as a deaconess. The Rufeners are involved in every aspect of community life from their neighborhood homeowners association, various men's and women's service clubs in the area, to athletic associations and assisting in providing mental and health care to indigenous persons. Doris's involvement is highlighted by her role as a Governor's appointee to the advisory board at Camarillo State Hospital. This description merely scratches the surface of the Rufeners' record of service to the community; unfortunately the full extent of their dedication is too lengthy to discuss here today.

Doris and Ken also lead full everyday lives. Ken, after serving as mayor and council member of the city of Westlake Village, is currently a director representing division IV of the Las Virgenes Municipal Water District. Doris is concentrating her work at the Human Resources Center and the local mental hospital. They are also the loving parents of two children, David and Karen.

I believe that John F. Kennedy's criteria for determining success in community involvement exemplify the spirit of the Civitas Award

and Doris and Ken's service to our community.

First, were we truly men of courage * * * Second, were we truly men of judgement * * * Third, were we truly men of integrity * * * Finally were we truly men of dedication?

The answers to these questions is indeed, yes.

Mr. Speaker, I ask you and my distinguished colleagues to join me in paying tribute to this outstanding couple, Doris and Ken Rufener. It is an honor to congratulate the Rufeners as recipients of the coveted Civitas Award.

AIR QUALITY REGULATIONS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, on November 27, 1996, the Environmental Protection Agency [EPA] proposed new air quality regulations that will have an enormous impact on Colorado. These new standards increase the regulation of ozone and airborne particulate levels and are backed by dubious science which will carry enormous costs for businesses and taxpayers.

The new standards will be difficult and perhaps impossible to meet in many areas. The ozone standards will change from .12 to .08 parts per million. That means there will be less than one ozone molecule in every 10 million air molecules. The EPA rule for particulate matter size—essentially soot—poses additional problems. These new standards will set levels for particles of a size down to 2.5 microns. In comparison, the width of a human hair is 70 microns—28 times as wide.

EPA's focus in the development of these rules appears to have been on the Midwest and the Eastern United States. For example, when EPA last revised the particulate matter standards, they relied upon health effects studies primarily conducted in the Eastern United States. However, upon implementation the vast majority of the nonattainment areas were in the West. When impacts on the West are not appropriately addressed early in the process, the end result has been an unfair regulatory burden on the West.

Everyone wants cleaner air. However, there is no scientific foundation for these extreme regulations. Very little is actually known about the health effects of such low levels of ozone and particulates or whether there are any health effects at all. At first, the EPA claimed the new standards would save 20,000 lives a year. The agency then revised the figure to 15,000. EPA, however, has refused to release the data on which those estimates are based. Independent researchers say they cannot substantiate EPA's health claims on currently available data.

The costs are easier to establish. These standards will radically alter the way we live. The EPA has estimated that as much as half of the U.S. population will have to limit the use of automobiles, lawnmowers, wood-burning stoves, fireplaces, and even barbecue grills. These regulations will suppress economic growth and job creation throughout Colorado. The President's own Council of Economic Advisers has estimated the costs of the new regulations to be between $11.6 and $60 billion per year, compared to benefits totaling between $200 million and $1 billion per year. Even the EPA's own calculations—which only estimate partial costs—show that the regulations' cost outweigh their benefit.

Air quality is improving nationwide even without new regulations. All six air pollutants tracked by EPA have shown dramatic improvements since 1975. Air particulates are down 24 percent, sulfur dioxide down 50 percent, carbon monoxide down 53 percent, ozone down 25 percent, nitrogen dioxide down 24 percent, and lead down 94 percent. In recent testimony before the House Commerce Committee, EPA Administrator Carol Browner stated that air quality will continue to improve substantially even without the new regulations. Full implementation of the regulations should be delayed until more of our questions can be answered.

TRIBUTE TO THE GRAAFSCHAP CHRISTIAN REFORMED CHURCH

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. HOEKSTRA. Mr. Speaker, I rise today to recognize the congregation of the Graafschap Christian Reformed Church of Graafschap, MI, as they celebrate 150 years of service to God, family, and community.

On April 4, 1847, 104 pioneers left Rotterdam, the Netherlands with the hope of finding religious freedom and economic opportunity in America. They arrived in New York harbor on May 23, and settled on the south shore of Macatawa Beach in Holland, MI on June 20. The settlers soon founded the Graafschap Christian Reformed Church, dedicating their log church in 1848. The early church faced many challenges and difficulties, but the congregation responded with prayer and hard work. By 1862, the church had grown significantly and the current colonial church building was constructed.

As Graafschap Christian Reformed Church grew in numbers and strengthened her spiritual roots, its vision expanded beyond its own congregation and extended to the community. In the past 150 years, the church has been a strong supporter of Christian education. As a leader in community ministry, the congregation has supported and participated in mission projects around the world.

The past and present members of the Graafschap Christian Reformed Church have had a profound impact on the Holland, MI area. Now with more than 500 members, the church is dedicated to continuing its spiritual mission far into the future. I would like to extend my thanks to Graafschap Christian Reformed Church for 150 years of service and commitment to God and the community, and offer my congratulations on the celebration of their anniversary. May God continue to bless the congregation and their work in the years to come.

TRIBUTE TO THE EMPLOYEES, FAMILIES, AND FRIENDS OF THE LONG BEACH NAVAL SHIPYARD

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. HORN. Mr. Speaker, I rise today to pay tribute to the employees, families, and friends of the Long Beach Naval Shipyard, which will close in a few days after decades of service. In addition to playing an integral role in America's national defense, the shipyard has been a cornerstone of the Long Beach community.

A half century of history, with all of the success and adversity that history can bring to bear, has forged strong bonds between the Long Beach Naval Shipyard and the city of Long Beach and its surrounding region. In the best sense, we have been one community where military and civilians have pulled together for the good of all.

Our relationship was born in the early, frightening months of the Second World War, when the shipyard was added to an already considerable Navy presence in the area. The relationship grew and prospered as America's Armed Forces produced the victories of 1945 and the hope of lasting peace. Instead of a lasting peace, we faced the long, bitter, and tense years of Korea, Vietnam, and the cold war. The shipyard took on the task of keeping the Navy ready for actual and potential conflicts at any time or place. Our Nation, the shipyard, and its exceptional employees passed the tests of efficiency and effectiveness with flying colors and played a vital part in the ultimate victory that brought down the Berlin Wall and ended the threat of Communism.

Those events and the job well done by thousands of talented men and women are what we will remember. And what we all should value, as we now bring to a close this long and highly successful partnership. For the past five decades, the Long Beach Naval Shipyard has played a vital role in our national defense and it has been a crucial part of our local economy. Those who have served at Long Beach's shipyard displayed superb skill, uncommon commitment, and an unyielding dedication. Their service, and the shipyard itself, will long be remembered as a source of pride for the U.S. Navy and for the city of Long Beach.

THE IMATION CORP. RECEIVES THE EPA 1997 PRESIDENTIAL GREEN CHEMISTRY CHALLENGE AWARD

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. LUTHER. Mr. Speaker, I rise today to congratulate the Imation Corp. of Oakdale, MN, for receiving the 1997 Presidential Green Chemistry Challenge Award from the U.S. Environmental Protection Agency [EPA]. Imation is a new imaging and information company located in my district, that was once part of 3M.

Imation has developed a new way to process x rays and other diagnostic medical images. Developing these images through the

use of traditional film developing processes creates a great deal of waste through the use of wet chemistry. The new technology developed by Imation does away with this wet chemistry and replaces it with a process that uses heat and laser imaging to develop images. The company estimates that this new process has already reduced the production of contaminated wastewater by 54.5 million gallons annually.

It is for this reason that the EPA has singled out Imation for this award. Minnesota has a long and proud tradition of finding ways to improve our way of life while protecting and nurturing our natural surroundings. It is terrific to see a high-technology company like Imation developing products that reduce pollution while still getting the job done for the American people. I am very pleased to bring their success to the attention of the House and to congratulate them on their achievement.

NATIONAL FARMERS' MARKET MONTH

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to commemorate August as the U.S. Department of Agriculture's National Farmers' Market Month. I would like to take this time to recognize the successes of Southern California's farmers' markets, particularly the Southland Farmers' Market.

Each year more than a million and a half people visit Southland Farmers' Markets to purchase the finest and freshest produce in town. At these markets the consumer buys directly from the farmer, purchasing the freshest food at competitive prices. These farmers also help people select the juiciest and ripest produce while offering tips on preparation and cooking—services not available in most grocery stores.

In addition to offering spectacular services, these markets are extraordinarily important to both farmers and citizens in our community. The majority of participants are small farmers who desperately need access to public markets in order to survive. They therefore rely upon selling their products at these markets and would find it difficult to market their crops if they could no longer participate in farmers' markets.

Besides helping farmers, these markets also benefit citizens in our community. They provide an opportunity for farmers to supply surplus produce for the hungry and have helped to revitalize downtown communities in our area. The success of these markets would not be possible without the backing of the Department of Agriculture and citizens of our community.

Mr. Speaker, I ask you and my colleagues to join me in commemorating August as National Farmers' Market Month. I wish great success for all farmers' markets here in our community and throughout the United States.

25TH ANNIVERSARY OF HELP LINE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today, to celebrate the 25th anniversary of the founding of Help Line, a nonprofit, informational, advocacy, and crisis intervention agency serving the Wyoming Valley area of my congressional district in Pennsylvania.

Administered by the Family Services Association, Help Line was created by Anne Vernon in 1972 when the raging flood waters of Hurricane Agnes shut down all communication in the Wyoming Valley. It provided a centralized source of vital information to the victims of the devastation. In 1975, the agency entered into an agreement with area agencies to provide 24 hour crisis services. Soon other agencies signed on to the service and Help Line became the crisis center for all Wyoming Valley social service agencies. The information and referral component of Help Line now lists over 500 agencies in its local data files and over 1,700 total listings.

Throughout its existence, Help Line has responded to special community needs. For example, it assisted in the coordination of the local United Way's Emergency Day Camp Program, establishing services for the speech and hearing impaired, and assembling a list of physicians for people who were unemployed and without health insurance.

Mr. Speaker, the Wyoming Valley has grown to rely on the services of Help Line. Help Line has established the Family Action Network, addressing the problems of teen pregnancy, HIV infection, juvenile delinquency, and substance abuse just to name a few. Under the able leadership of its director, Mr. Michael Zimmerman; assistant director, Mr. Gary F. Smith; family services director, Mr. Dennis Gourley, and its outstanding board of community leaders led by Mr. Tom Bigler, Help Line is one of the most comprehensive 24 hour crisis centers and information and referral centers of its kind in the Commonwealth of Pennsylvania. Its well trained and dedicated staff are on duty to handle crises round the clock.

Mr. Speaker, I am proud to join with the Board of Family Services Association and the entire Wyoming Valley in congratulating the fine management and staff of Help Line for providing quality service for 25 years.

DR. PATRICIA WORTHY OYESHIKU: 1997 WESTERN REGIONAL EXCELLENCE IN TEACHING AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. FILNER. Mr. Speaker, I rise today to pay tribute to Dr. Patricia Worthy Oyeshiku, a distinguished teacher from my home town of San Diego who has made a positive impact on thousands of young lives in our community. I am proud to recognize Dr. Oyeshiku, an outstanding teacher at Morse High School in my congressional district where she has taught since 1971.

Tomorrow, she will receive the 1997 Western Regional Excellence in Teaching Award by the National Council of Negro Women. This Excellence in Teaching Award is designed to raise awareness and involvement of African-American parents, educators, and community leaders in meeting the educational needs of African-American youth.

The award recognizes exceptional public school teachers of African-American students who are living the philosophy and legacy of the National Council of Negro Women. Funded by Shell Oil Co., the award ceremonies tomorrow are an opportunity to generate greater public awareness and appreciation of excellence in teaching.

This is not the first time that Dr. Oyeshiku has been recognized for her outstanding contribution to our young people. She was the California Teacher of the Year in 1981 and also National Teacher of the Year finalist that year. She was honored as the Headliner in Education by the San Diego Press Club in 1981.

She serves on the California Academic Partnership Program Advisory Board, is an evaluation team leader of the California Commission on Teacher Credentialing, has served as past cochairperson for all English department Chairs in the San Diego unified school district, is a member of the Advisory Committee in Reading for the San Diego unified achievement goals program and of the advisory council to an interdisciplinary approach to multicultural education. She has lectured throughout the State of California on issues related to education.

Dr. Oyeshiku has always been an outstanding role model for many years. She served in the Peace Corps in Brazil, and received the John F. Kennedy Award as the outstanding Peace Corps volunteer in 1966. She is a member of the Readathon Advisory Board of the Multiple Sclerosis Society.

Like those before her who have received this high honor, Dr. Oyeshiku has worked tirelessly for the benefit of every student in her classes. Her principal, Dr. Shirley Peterson, told me that she is ''honored, on behalf of all of the Morse High School Tigers, to recognize Dr. Oyeshiku for receiving this prestigious award and to commend her and applaud her efforts.''

Mr. Speaker, every student deserves the opportunity to succeed, and every student deserves a teacher like Dr. Oyeshiku. I am pleased that her efforts are recognized with the 1997 Western Regional Excellence in Teaching Award.

TRIBUTE TO CATHOLIC SOCIAL SERVICES OF ST. CLAIR COUNTY, 50TH ANNIVERSARY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. BONIOR. Mr. Speaker, today, I would like to honor Catholic Social Services of St. Clair County as they celebrate their 50th anniversary on September 14. This group of extraordinary people have dedicated their time, talents, and devotion to God to improve the welfare of people throughout St. Clair County.

In 1947, under the leadership of Edward Cardinal Mooney of the archdiocese of Detroit,

Catholic Social Services of St. Clair County was founded. In addition to the strong support of the archdiocese, the League of Catholic Women played a key role in bringing Catholic Social Services into existence. Its mission was to provide counseling and assistance to troubled families and individuals regardless of their religious affiliation.

When Catholic Social Services was first instituted, it was run by the Reverend John R. Hogan and only one social worker. But as time passed and the organization grew, so did its services. With the help of volunteers, professionals, and the support of the Catholic Church, the agency was able to expand to meet the varying needs of the community. The agency now runs Child Welfare services along with Adoption and Foster Home Care as well as an Alcoholic Service Center. Services were also added to aid those experiencing problems relating to aging, pregnancy, and child abuse.

For the past five decades, Catholic Social Services has combined its resources and energies to bring aid and sympathy to those in need. Its vision and support has touched and improved the lives of many people. Over the years, Catholic Social Services has provided an indispensable contribution to the people of St. Clair County. I ask my colleagues to join me in congratulating Catholic Social Services of St. Clair County on their historic anniversary and in the anticipation of a successful future.

RELIEF FOR JOZEF RICHARD MADAR, ETELA MADAR, AND JOZEF THOMAS MADAR

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. DOYLE. Mr. Speaker, I rise today to speak about legislation I have introduced that would provide permanent residency to a young family from the former Czechoslovakia: Jozef Richard Madar, Etela Madar, and their son, Jozef Thomas Madar.

Several years prior to Slovakia's independence from the Czech Republic, the Madars sought refuge from religious persecution in the United States. Since arriving in our country over 6 years ago, Jozef and Etela have followed the rules and have conducted their lives in a most exemplary manner. Both Jozef and Etela have been gainfully employed the entire time they have been in the United States. In addition, neither Jozef or Etela has a criminal record and they have not accepted any public assistance or welfare. The Madar family, which has grown to include another son, Kevin, has been active in and embraced by both their community and church. In short, the Madar family is an embodiment of the strengths that built our great immigrant country.

Religious liberty, the freedom to proclaim a religious identity and practice it without fear, should be an inalienable right for people everywhere. In the former Czechoslovakia, Communist rule had a detrimental effect on all aspects of the Madar's life. Acts of harassment and persecution resulting from their Catholic faith and anticommunist views led the Madars to our country. Discrimination not only affected the Madar's ability to practice their faith, but also their employment opportunities. While Slovakia has made some progress in the area of human rights, the Madars believe that this change has not been sufficient enough to ensure the level of safety and freedom that they have found in the United States. My legislation would allow the Madar family permanent residency which in turn would allow them to continue to contribute to the quality of life in western Pennsylvania and their community.

I am honored that I have the privilege to represent people of such fortitude and look forward to working with my colleagues to help the Madars in their quest to call the United States their lifelong home.

TRIBUTE TO NATIONAL ROBOTICS COMPETITION WINNERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my pleasure to take this opportunity to congratulate 20 students from four Hammond, IN, high schools for winning the national robotics competition, FIRST [For Inspiration and Recognition of Science and Technology], held at Walt Disney World's Epcot Center on April 10 through 12, 1997. Sponsored by Beatty Machine Manufacturing Co., Team Hammond entered 1 of 156 robots from 30 States and Puerto Rico, which resulted in 113 operating robots at the nationals. Beatty Machine's Team Hammond won the elimination matches to capture the first place national title.

Members of Beatty Machine's Team Hammond include: Karl Fink, Tara Hasting, Laurie Michnal, April Roque, and Steve Wiant, of George Rogers Clark High School; Jim Ferguson, Dave Mohamed, Ebony Townsend, Kris Vankleek, and Owen Wels, of Gavit High School; Matt Jakubczyk, John Ly, Nicholas Piatek, James Severa, and Jeff Spector, of Hammond High School; and Wendy Camancho, Amber Lahners, Natalie Payonk, Danelle Rivera, and Chris Sikich, of Morton High School.

The employees of Beatty Machine and its sister corporation, Bemcor, worked in conjunction with Team Hammond to design and build the winning robot during an intense 6-week period. The 116-pound remote-controlled robot worked to place inner tubes on a central post during 2-minute competitions. After winning the Midwest-Regional championship in March, Team Hammond was courted aggressively at the national competition by such Fortune 500 competitors as Motorola, Delco Electronics Corp., and Procter and Gamble. However, Team Hammond succeeded in eliminating the competition, some of which budgeted as much as $500,000 for this year's entry. In addition to winning the first place title, the team was awarded the Honeywell Leadership in Control Award. This honor is awarded by a panel of distinguished judges to the team, which demonstrates leadership in the application of electronic control systems. According to a FIRST spokesperson, ''Beatty Machine had a very, very strong team and good strategy.''

In honor of their accomplishments, Team Hammond was awarded special recognition through a joint resolution in the Indiana State Senate and House of Representatives on April 25, 1997, and also met with Indiana Governor, Frank O'Bannon, in April. In addition, the team was featured on ESPN's 1-hour special covering the national competition on Saturday, August 23, 1997. The team expects appearances on other television shows, as well as a visit to the White House later this year.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the Beatty Machine Team Hammond students on their outstanding accomplishments in the field of science and technology. I would also like to commend the employees of Beatty Machine for the leadership they have taken in the education of our community's youth. All involved in this project should be proud of the hard work and dedication they have put forth to succeed and achieve.

TRIBUTE TO JOHN AND EFFIE WESTRA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. SHERMAN. Mr. Speaker, it is a great honor for me to rise today and pay tribute to John and Effie Westra, who are being honored by the Simon Wiesenthal Center as Righteous Gentiles for their heroic decision to harbor Jewish children during World War II. Through their sacrifice and dedication to their fellow man, both John and Effie Westra have provided models for all of us who seek to transcend differences of race and religion that all too often divide us.

This story of courage begins in what for many of us is a dark and distant past amid the horrors of WWII. Thanks to John and Effie Westra, however, life and hope overcame those horrors which engulfed the world as they, like countless others, protected Jewish children from the Nazis.

I could only imagine what thoughts went through John's and Effie's thoughts as they took in Alex Radziner—the threat of reprisal from the Nazis if they were caught hiding a Jewish child, the fear of facing an uncertain future amid a war-shattered Europe.

However, despite the constant threat of being discovered, John and Effie Westra hid Alex for 2 long and difficult years. Their compassion reminds me of a saying. ''The brave man is not he who feels no fear, . . . But he, whose noble soul its fear subdues, And bravely dares the danger nature shrinks from.''

It was due to the moral courage of John and Effie Westra that Alex Radziner survived the war. Today I join Alex Radziner's family to commend the Westras' courage and take honor in recognizing John and Effie.

Thursday, September 4, 1997

Daily Digest

HIGHLIGHTS

The House passed H.R. 2159, Foreign Operations Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S8765–S8836

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 1147–1149, and S. Con. Res. 50. **Page S8823**

Measures Reported: Reports were made as follows:

S. 261, to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government, with an amendment in the nature of a substitute. (S. Rept. No. 105–72).

H.J. Res. 75, to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope. **Page S8823**

Labor/HHS Appropriations, 1998: Senate continued consideration of S. 1061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, taking action on amendments proposed thereto, as follows:

Pages S8772–82, S8785–90, S8792–S8817, S8819

Adopted:

By a unanimous vote of 97 yeas (Vote No. 216), D'Amato Modified Amendment No. 1079, to increase the amounts made available to carry out title III of the Older Americans Act of 1965.

Pages S8785–86, S8792–93

Rejected:

By 38 yeas to 60 nays (Vote No. 215), Coats/Nickles Amendment No. 1077, to prohibit the use of funds for research that utilizes human fetal tissue, cells, or organs that are obtained from a living or dead embryo or fetus during or after an induced abortion. **Pages S8772–78, S8780–81**

Kennedy Amendment No. 1082 (to Amendment No. 1081), of a perfecting nature. (By 56 yeas to 42 nays (Vote No. 217), Senate tabled the amendment.)

Pages S8789–90, S8794–S8805

Pending:

Gregg Amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions.

Pages S8779–80, S8793–94

Coats/Gregg Amendment No. 1071 (to Amendment No. 1070), to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute. **Pages S8779–80, S8793–94**

Specter Amendment No. 1069, to express the sense of the Senate that the Attorney General has abused her discretion by failing to appoint an independent counsel on campaign finance matters and that the Attorney General should proceed to appoint such an independent counsel immediately.

Page S8772

Nickles/Jeffords Amendment No. 1081, to limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election.

Pages S8788–90, S8794–S8817

Craig Amendment No. 1083 (to Amendment No. 1081), in the nature of a substitute. **Pages S8805–17**

Withdrawn:

Lieberman/Coats Amendment No. 1080, to increase funding for the Public Charter Schools Program under Part C of Title X of the Elementary and Secondary Education Act of 1965. **Pages S8786–88**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, and that following disposition of the amendments, the Senate vote on final passage of S. 1061 and that the Senate-passed bill remain at the desk. Further, that when the Senate receives H.R. 2264, the House companion measure, all after the enacting clause be stricken and the text of S. 1061 be inserted in lieu thereof, that the Senate insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate. **Page S8819**

FDA Modernization and Accountability Act—Cloture Vote Agreement: A unanimous-consent agreement was reached providing for a cloture vote on the motion to proceed to consideration of S. 830, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, to occur at 9:50 a.m., on Friday, September 5, 1997, and that if cloture is invoked, there be up to 8 hours for debate on Friday and 4 hours for debate on Monday, equally divided. **Page S8821**

A second motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on the cloture motion could occur on Monday, September 8, 1997. **Page S8821**

Subsequently, the motion to proceed to consideration of the bill was withdrawn. **Page S8821**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting a report of the activities of the U.S. Government in the United Nations for calendar year 1996; referred to the Committee on Foreign Relations. (PM–62). **Page S8822**

Transmitting the annual report of the Federal Labor Relations Authority for fiscal year 1996; referred to the Committee on Governmental Affairs. (PM–63). **Page S8822**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 96 yeas (Vote No. 218 EX), Henry Harold Kennedy, Jr., of the District of Columbia, to be United States District Judge for the District of Columbia. **Pages S8818–21, S8836**

By unanimous vote of 96 yeas (Vote No. 219 EX), Frank M. Hull, of Georgia, to be United States Circuit Judge for the Eleventh Circuit. **Pages S8818–21, S8836**

Nominations Received: Senate received the following nominations:

Dale A. Kimball, of Utah, to be United States District Judge for the District of Utah.

Edward F. Shea, of Washington, to be United States District Judge for the Eastern District of Washington.

R. Roger Majak, of Virginia, to be an Assistant Secretary of Commerce.

Raymond G. Kammer, of Maryland, to be Director of the National Institute of Standards and Technology.

Routine lists in the Foreign Service and Public Health Service. **Page S8836**

Messages From the President: **Page S8822**

Messages From the House: **Pages S8822–23**

Measures Referred: **Page S8823**

Statements on Introduced Bills: **Pages S8823–31**

Additional Cosponsors: **Pages S8831–32**

Amendments Submitted: **Page S8833**

Notices of Hearings: **Page S8833**

Authority for Committees: **Page S8834**

Additional Statements: **Pages S8834–35**

Record Votes: Five record votes were taken today. (Total–219) **Pages S8781, S8793, S8805, S8818–19**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 9:32 p.m., until 9:30 a.m., on Friday, September 5, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8836.)

Committee Meetings

(Committees not listed did not meet)

RURAL AGRICULTURAL CREDIT

Committee on Agriculture, Nutrition and Forestry: Committee concluded hearings to examine the availability of credit in rural America, focusing on the performance of rural financial markets and the safety and soundness of the Farm Credit System, after receiving testimony from Marsha Pyle Martin, Chairman and Chief Executive Officer, Farm Credit Administration; Susan E. Offutt, Administrator, Economic Research Service, and Dayton J. Watkins, Administrator, Rural Business-Cooperative Service, both of the Department of Agriculture; David Hemingway, Member of the Board of Directors, Federal Agricultural Mortgage Corporation; Mark Drabenstott, Federal Reserve Bank of Kansas City, Kansas City, Missouri; Mark A. Edelman, Iowa State University, Ames; Dennis Everson, First Dakota National Bank, Yankton, South Dakota, on behalf of the American Bankers Association; Terry Jorde, Towner County State Bank, Cando, North Dakota, on behalf of the Independent Bankers Association of America; and Jerold L. Harris, Farm Credit Bank of Wichita, Wichita, Kansas, on behalf of the Farm Credit Council.

NATIONAL EDUCATION TESTING

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine the Administration's proposed initiative to develop voluntary national standards to measure academic achievement in reading and mathematics, after receiving testimony from

Representative Goodling; Richard W. Riley, Secretary of Education; and Marshall Smith, Acting Deputy Secretary of Education.

AUTHORIZATION—SUPERFUND

Committee on Environment and Public Works: Committee held hearings on S. 8, to revise and authorize funds for fiscal years 1998 through 2002 for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund), receiving testimony from Carol M. Browner, Administrator, Environmental Protection Agency; Nebraska Governor E. Benjamin Nelson, Lincoln, on behalf of the National Governors' Association; Mayor James P. Perron, Elkhart, Indiana, on behalf of the United States Conference of Mayors; New York State Assistant Attorney General Gordon J. Johnson, New York, New York, on behalf of the National Association of Attorneys General; and Wilma Subra, Subra Company, New Iberia, Louisiana.

Hearings recessed subject to call.

NOMINATION

Committee on Foreign Relations: Committee concluded hearings on the nomination of Peter L. Scher, of the District of Columbia, for the rank of Ambassador during his tenure of service as Special Trade Negotiator, after the nominee, who was introduced by Senator Baucus, testified and answered questions in his own behalf.

CAMBODIA

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded hearings to examine the current political situation in Cambodia and the policy taken by the United States in response to Hun Sen's seizure of power in Cambodia, after receiving testimony from former Representative Thomas H. Andrews; Stanley O. Roth, Assistant Secretary of State for East Asian and Pacific Affairs; Sichan Siv, former Deputy Assistant to President Bush; Frederick Z. Brown, Southeast Asian Studies School of Advanced International Studies/Johns Hopkins University, Washington, D.C.; and Brad Adams, United Nations Human Rights Center, Phnom Penh, Cambodia.

CAMPAIGN FINANCING INVESTIGATION

Committee on Governmental Affairs: Committee resumed hearings to examine certain matters with regard to the committee's special investigation on campaign financing, receiving testimony from Venerable Man-Ho, Venerable Yi Chu, and Venerable Man Ya, all of Hsi Lai Temple, Hacienda Heights, California.

Hearings continue tomorrow.

ONLINE COPYRIGHT INFRINGEMENT LIABILITY

Committee on the Judiciary: Committee held hearings to examine how to combat the risk of copyright infringement facing online and internet service providers, and S. 1146, to provide limitations on copyright liability relating to material on-line, receiving testimony from Fritz E. Attaway, Motion Picture Association of America, Cary H. Sherman, Recording Industry Association of America, Roy Neel, United States Telephone Association, and Robert L. Oakley, Georgetown University Law Center, on behalf of the American Association of Law Libraries, all of Washington, D.C.; Daniel Burton, Novell, Orem, Utah, on behalf of the Business Software Alliance and the Software Publishers Association; and George Vradenburg III, America OnLine, Inc., Dulles, Virginia, on behalf of the Ad Hoc Copyright Coalition.

Hearings recessed subject to call.

JUDGESHIP ALLOCATION

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded hearings to examine the allocation of judgeships in the United States Court of Appeals for the Second and Eighth Circuits, after receiving testimony from Richard S. Arnold, Chief Judge, United States Court of Appeals for the Eighth Circuit (Little Rock, Arkansas); Ralph K. Winter, Chief Judge, United States Court of Appeals for the Second Circuit (New Haven, Connecticut); Jon O. Newman, Senior Judge, United States Court of Appeals for the Second Circuit (Hartford, Connecticut); and Lawrence L. Piersol, District Judge, United States District Court (Sioux Falls, South Dakota).

House of Representatives

Chamber Action

Bills Introduced: 14 public bills, H.R. 2396–2409; 1 private bill, H.R. 2410; and 5 resolutions, H. Con. Res. 143–145, and H. Res. 219–220, were introduced. **Pages H6916–17**

Reports Filed: The following report was filed today:

H.R. 2036, to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program (H. Rept. 105–244); **Page H6916**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Rogan to act as Speaker pro tempore for today. **Page H6801**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rabbi Sidney S. Guthman of Long Beach, California. **Page H6801**

Journal: Agreed to the Speaker's approval of the Journal of Wednesday, September 3 by a yea and nay vote of 363 yeas to 46 nays, Roll No. 365. **Pages H6801, H6891**

Motion to Adjourn: By a yea and nay vote of 53 yeas to 371 nays, Roll No. 355, rejected the Miller of California motion to adjourn. **Pages H6807–08**

Foreign Operations Appropriations Act: The House passed H.R. 2159, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998 by a yea and nay vote of 375 yeas to 49 nays, Roll No. 364. The House considered amendments to the bill on July 30 and September 3. **Pages H6808–48**

Agreed To:

The Campbell amendment that increases funding for the African Development Fund by $25 million and decreases the Economic Support Fund accordingly (agreed to by a recorded vote of 273 ayes to 150 noes, Roll No. 357); **Pages H6823–24**

The Stearns amendment that expresses the sense of the Congress that all member nations of NATO should contribute their proportionate share for the costs of the Partnership for Peace program and any future costs of NATO expansion (agreed to by a recorded vote of 425 ayes with none voting "no", Roll No. 361); and **Pages H6826–27**

The Smith of New Jersey amendment that prohibits U.S. population assistance to foreign organizations that perform abortions in foreign countries, violate the abortion laws of these countries, or lobby for changes in their abortion laws; provides for exceptions in cases of rape, incest, or when the life of the mother is endangered; and prohibits contributions to the U.N. Fund for Population Activities unless the President certifies that the fund has either terminated all activities in China or during the 12 months preceding certification there have been no forced abortions associated with China's family planning program (agreed to by a recorded vote of 234 ayes to 191 noes, Roll No. 363). **Pages H6830–46**

Rejected:

The Burton of Indiana amendment that sought to limit Development Assistance funding to India to $41.7 million (rejected by a recorded vote of 82 ayes to 342 noes, Roll No. 356); **Pages H6808–23**

The Paul amendment that sought to prohibit any funding for population control, family planning activities, or abortion procedures (rejected by a recorded vote of 147 ayes to 278 noes, Roll No. 358); **Pages H6824–25**

The Fox amendment that sought to prohibit any development assistance funding to support trophy hunting or the international commercial trade in elephant ivory, hides or rhinoceros horns (rejected by a recorded vote of 159 ayes to 267 noes with 1 voting "present", Roll No. 359) ; **Pages H6825–26**

The Torres amendment that sought to prohibit any funding for the United States Army School of the Americas (rejected by a recorded vote of 210 ayes to 217 noes, Roll No. 360); and **Page H6826**

The Gilman amendment to the Smith of New Jersey amendment that allows organizations that do not promote abortion as a method of family planning and that use funds to prevent abortion as a method of family planning to remain eligible for funding; prohibits funding for the U.N. Fund for Population Activities unless the President certifies that the organization has stopped all activity in China, and absent the certification, transfers the $25 million contribution to the Agency for International Development for population assistance (rejected by a recorded vote of 210 ayes to 218 noes, Roll No. 362). **Pages H6831–45**

The Clerk was authorized to correct section numbers, punctuation, cross references, and to make other conforming changes as may be necessary to reflect the actions of the House today. **Page H6848**

The bill was considered pursuant to the order of the House of Thursday, July 24. **Pages H5732–44**

Labor, HHS, and Education Appropriations Act: The House completed debate and began considering amendments to H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the

fiscal year ending September 30, 1998. Consideration of amendments will resume on Friday, September 5. **Pages H6849–90**

Agreed To:

The Evans amendment that makes available $2.5 million for section 738 of the Stewart B. McKinney Homeless Assistance Act relating to homeless veterans' reintegration projects; **Pages H6866–84**

The Goodling amendment that increases special education funding by $25 million with offsets of $21 million from the Employment and Training Administration, $1 million from the Department of Labor Office of Inspector General, $1.5 million from the Armed Forces Retirement Home, and $1.5 million from the Railroad Retirement Board; and **Pages H6885–86**

The Obey amendment that increases Children and Families Services Programs funding for child abuse and prevention programs by $32.8 million with offsets of $20 million from Department of Labor State Unemployment Insurance and Employment Service Operations and $12.8 million from the Department of Education Goals 2000 program. **Pages H6887–89**

The bill is being considered pursuant to the order of the House of Thursday, July 31. **Pages H6667–69**

Defense Authorization Act Conference: The House completed debate on the Traficant motion to instruct conferees on H.R. 1119, to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal years 1998 and 1999, to insist upon the provisions of section 1032 of the House bill relating to the assignment of Department of Defense personnel to Border Patrol and Control. A recorded vote on the motion was postponed until Friday, September 5. **Pages H6891–98**

Diana, Princess of Wales: The House agreed to H. Res. 219, expressing the condolences of the House of Representatives on the death of Diana, Princess of Wales. **Pages H6898–H6902**

Presidential Messages: Read the following messages from the President:

Federal Labor Relations Authority: Message wherein he transmitted the Eighteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1996—referred to the Committee on Government Reform and Oversight; and **Page H6902**

United Nations Participation Act: Message wherein he transmitted a report of the activities of the United States Government in the United Nations and its affiliated agencies during calendar year 1996—referred to the Committee on International Relations. **Pages H6902–03**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H6919–20.

Quorum Calls—Votes: Three yea-and-nay votes and eight recorded votes developed during the proceedings of the House today and appear on pages H6807–08, H6823, H6824, H6824–25, H6825–26, H6826, H6826–27, H6845, H6845–46, H6848, and H6891. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 11:36 p.m.

Committee Meetings

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on D.C. Public Schools. Testimony was heard from Eric H. Holder, Jr., Deputy Attorney General, Department of Justice; the following officials of the District of Columbia: Kevin Chavous, Councilman, Chairman, Committee on Education, Libraries and Recreation; Bruce K. MacLaury, Chairman, Emergency Transition, Education Board of Trustees; Julius W. Becton, Jr., Chief Executive Officer, Public Schools; Robert G. Childs, Chairman, Committee on Education, board of Education; and Josephine Baker, Chair, Public Charter School Board; and Malcolm E. Peabody, Co-Chairman, Friends in Choice of Urban Schools.

SUPERFUND PROGRAM—OPERATION

Committee on Commerce: Subcommittee on Finance and Hazardous Materials held a hearing on the Operation of the Superfund Program. Testimony was heard from Representatives Bilirakis, Dan Schaefer of Colorado, Condit, Roemer, Ford, John, Goodling, Martinez, Hefley, Kanjorski, Visclosky, Neal, Barrett of Nebraska, DeLauro, Buyer, Hinchey, English of Pennsylvania, Foley, Frelinghuysen, Peterson of Pennsylvania, McHale, Sununu, and Johnson of Connecticut.

SECURITY AND FREEDOM THROUGH ENCRYPTION ACT

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on H.R. 695, Security and Freedom Through encryption (SAFE) Act. Testimony was heard from Representatives Goodlatte and Lofgren; William P. Cowell, Deputy Director, NSA, Department of Defense; William A. Reinsch, Under Secretary, Export Administration, Department of Commerce; Robert S. Litt, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

PRESIDENTIAL AND EXECUTIVE OFFICE FINANCIAL ACCOUNTABILITY ACT

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology approved for full Committee action amended H.R. 1962, Presidential and Executive Office Financial Accountability Act of 1997.

ELECTORAL COLLEGE REFORM

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on proposals for Electoral College Reform: H.J. Res. 28, proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; and H.J. Res. 43, proposing an amendment to the Constitution of the United States to abolish the Electoral College and to provide for the direct election of the President and Vice President of the United States. Testimony was heard from Representative LaHood; and public witnesses.

SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM

Committee on Science: Subcommittee on Technology held a hearing on Small Business Technology Transfer Program. Testimony was heard from Daniel Hill, Assistant Administrator, Technology, SBA; Susan Kladiva, Acting Associate Director, Energy, Resources and Science Issues, GAO; Wendy Baldwin, Deputy Director, Extramural Research, NIH, Department of Health and Human Services; and public witnesses.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT

Committee on Veterans' Affairs: Subcommittee on Benefits approved for full Committee action H.R. 2367, Veterans' Compensation Cost-of-Living Adjustment Act of 1997.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 5, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Governmental Affairs, to continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing, 10 a.m., SH–216.

Committee on the Judiciary, to hold hearings on the nominations of Marjorie O. Rendell, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, A. Richard Caputo, to be United States District Judge for the Middle District of Pennsylvania, Bruce C. Kauffman, to be United States District Judge for the Eastern District of Pennsylvania, and Richard A. Lazzara, to be United States District Judge for the Middle District of Florida, 9 a.m., SD–226.

House

Committee on Commerce, Subcommittee on Energy and Power, hearing on Electricity: Innovation and Competition, 10 a.m., 2123 Rayburn.

Committee on Rules, to consider H.R. 2267, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, 11 a.m., H–313 Capitol.

Joint Meetings

Joint Economic Committee, to hold hearings to examine the employment-unemployment situation for August, 9:30 a.m., 1334 Longworth Building.

Next Meeting of the SENATE

9:30 a.m., Friday, September 5

Senate Chamber

Program for Friday: Senate will vote on a motion to close further debate on the motion to proceed to consideration of S. 830, FDA Administration Modernization and Accountability Act, and may continue consideration of S. 1061, Labor/HHS Appropriations, 1998.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, September 5

House Chamber

Program for Friday: Consideration of H.R. 2264, Labor, HHS, and Education Appropriations Act for FY 1998 (open rule).

Extensions of Remarks, as inserted in this issue

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