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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. GUTKNECHT].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 4, 1997.

I hereby designate the Honorable GIL GUTKNECHT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON] for 5 minutes.

TRIBUTE TO FRANK TEJEDA, BRYANT GUMBEL, AND J.C. WATTS

Mr. RICHARDSON. Mr. Speaker, today I want to speak about three individuals, one Hispanic-American and two African-Americans: First, our departed colleague, FRANK TEJEDA who passed away courageously and with great dignity last week in his hometown of San Antonio, TX.

Congressman TEJEDA was a man of great dignity and distinction, but what made FRANK special was his quiet and unpretentious manner despite his distinguished accomplishments. Not only will he be remembered for his admirable courage as a Vietnam veteran and a scholarly education at Harvard and Yale, but FRANK's true dedication and allegiance to the people of the 28th Congressional District of Texas will remain in the hearts and minds of his constituency.

In fact, whenever there was an issue affecting his district or whenever we needed a vote from FRANK TEJEDA, he would always say two words: Wilson County. Whenever he saw me on the House floor and we were trying to get a vote out of FRANK, this is what he wanted in return: his district, his people, the kind of allegiance and representation a good Member of Congress always shows. His relentless efforts to save Kelly Air Force Base will remain on the minds of every Member.

I will miss FRANK TEJEDA, as many of us will, especially when he stood or sat next to the gentleman from Texas, SOLOMON ORTIZ, as he always did on the House floor. These two were inseparable. FRANK's spirit will forever remain within the walls of this Chamber and within the hearts of all who knew him.

Mr. Speaker, I also want to rise in tribute to Bryant Gumbel. I wish to extend my enthusiastic congratulations to Bryant Gumbel, who has departed the ''Today Show'' after serving as its anchor for longer than anyone in the show's long, distinguished history.

The Emmy Award winner has excelled at bringing news and insight to millions of viewers here and around the world. His reporting has come not just from the studios in Rockefeller Center, but also from China, Australia, Moscow, Cairo, Tunisia, Buenos Aires, Havana, Saudi Arabia during the Persian Gulf war, a number of European cities, and the Olympic games.

I think one of Bryant Gumbel's most enduring contributions to his industry and, more importantly, to his country is a significant contribution to shattering the insidious barriers that once confronted African-Americans and other minorities in tuition broadcasting. He helped bring the change by being the best, both in sports and in news coverage. For that historic and proud achievement, we are all in his debt.

I am confident that his future plans, whatever they may be, will include a continuing contribution to his community and his country. Whether these plans include award-winning broadcasts like those he anchored from Africa, raising funds for the United Negro Fund, or quietly lifting the spirits of young people aspiring to be better, I know that Bryant Gumbel will be making this country a better place.

Finally, Mr. Speaker, I want to pay tribute to the gentleman from Oklahoma [Mr. WATTS], our colleague, who will deliver the answer to the President's State of the Union Address.

There will be two eloquent speakers tonight, the President of course and J.C. WATTS. They will differ in views, but one of the sad parts of my job is that I will miss individuals not just on my side, but on the Republican side, like J.C. WATTS, that show class, commitment, dignity, outstanding athletic ability, and many other admirable qualities.

So, today, I want to pay tribute to FRANK TEJEDA, Congressman TEJEDA, who departed us last week; to Bryant Gumbel, an African-American who pioneered broadcasting and journalism, and to say that I will be one of the millions watching tonight the eloquence of two men and the grace of two men, President Clinton and our friend J.C. WATTS.

REINTRODUCTION OF LEGISLATION TO END GOVERNMENT SHUTDOWNS FOREVER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from

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Pennsylvania [Mr. GEKAS] is recognized during morning-hour debates for 5 minutes.

Mr. GEKAS. Mr. Speaker, today I will be reintroducing a measure, which I have in every one of the last five sessions introduced at the very early part of the session. It has a simple premise, yet it is in the best interests of the search for better government, and I hope that we can as a body, together with the other body, see fit to imbed it into our body politic and into our legal system right at the start.

It is simply this, Mr. Speaker. We now have a situation where the fiscal year of the Federal Government ends on September 30, and legally under Congress' own laws we are compelled to pass a new budget by the next day, October 1. We have never, or perhaps only one time, accomplished that during the time that I have been a Member of Congress, since 1983.

Not only have we failed to do that, but on 53 occasions during my incumbency these last 14 years, on 53 occasions we have had to resort to temporary funding until a full budget could be put in place. Those temporary funding measures, called continuing resolutions, have become a way of life for the Congress of the United States, flaunting the very same law that the Congress itself put in to govern itself on budgetary matters and to bring a timetable end to the budgetary process every year, 53 times.

Moreover, since I came to Congress not only do we have these 53 occasions where we had to do temporary funding, but we had 8 Government shutdowns. That is the Government of the United States, the greatest power in the world that civilization has ever known, was shut down. We had no government in the United States during those periods of time.

Well, my measure, the one that I am reintroducing today, calls for an automatic resumption of the last year's budget or the House-passed version or the Senate-passed version, most recent of those, whichever is lowest in numbers, to take effect automatically on the day after the budget deadline comes into being. This would forever prevent the Government shutdown.

We added to it a feature this time around, in which you will see when you examine the bill and the CONGRESSIONAL RECORD reflecting it, that indeed the funding that will resume the next day after a budget deadline has been missed will be at 75 percent of the levels of the previous appropriation bill, previous budget, or the House or Senate passed version or even the President's proposal for the new budget.

Why do we have that in? At the suggestion of Senator STEVENS, of Alaska, the chief appropriator in the other body, we have adopted a 75-percent level which would give additional incentive to Members of Congress not to rest on the laurels of having passed an automatic budget reflecting last year's numbers, but rather to give them incentive to proceed to finalize a budget with the priorities that they will be setting unencumbered, shall we say, by a full funding that would make them lax in the proposition that a new budget has to be adopted. So the 75-percent level is now a part of it.

One example serves to show the absolute ludicrousness of continuing down the path of these continuing resolutions and the possibility and actualities of Government shutdowns. In 1990, in December 1990, while we had amassed our—half a million of our young fellow Americans in the deserts of the Middle East, poised to do battle with the Iraqi aggressors in Kuwait, while they were poised and armed to the teeth, their Government, the United States Government, shutdown. Now that is abhorrently embarrassing, embarrassing to say the least, but absolutely horrendous if we look at it in its historic perspective, to have our young people with their rifles in hand with no government for which to fight. That is abysmal and something that we must correct.

So what are we going to do? We are going to try to mesh with the Senate's, the other body's action in this regard. I have the support of a strong handful of Members of the Senate who have introduced a package of their own following this line, and we hope that the Congress of the United States will at last adopt a measure that will end Government shutdowns forever.

EDUCATION IN THE 105TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, tonight when President Clinton gives his State of the Union Address he is going to discuss his plan to prepare our country and our children for the 21st century, and the heart of this plan addresses an issue that I think is very much on the minds of most Americans and that is education.

The President's plan to strengthen our education system contains some of the very ideas that congressional Democrats developed last year as part of our families first agenda. As many Americans learned last year, the family first agenda is a comprehensive plan designed to improve the lives of the average American family, the mother and father who basically go out and work every day to provide for and improve the lives of their children.

At the center of the President's and also last year's congressional Democrats' education plan are two targeted tax breaks, a $1,500 HOPE scholarship and a $10,000 tax deduction for tuition and training. Now the HOPE scholarship program will provide all students with a $1,500 refundable tax credit in their first year of college and another $1,500 in the second year if they work hard, stay off drugs and maintain a B average. While the $1,500 was designed to meet the costs of the average community college, it can be put toward the costs of any tuition bill, not just the community college. And the goal we had in mind when we first developed this plan was not only to help pay for the costs of college, but to work toward making 2 years of postsecondary education as common as a high school education.

To complement the HOPE scholarship the President and congressional Democrats will be working to make a $10,000 deduction for tuition for college, graduate school, community college, and certified training and technical programs. The deduction would be available on a per family basis—this is a little different than the per student basis in the past—and will be accessible for any year any family has education or training expenses. These targeted tax breaks, in my opinion, will surely direct us toward our goal of making education less expensive and more affordable for all Americans.

There are, however, other elements of the President's education plan that I would like to mention briefly, Mr. Speaker. One concerns the Pell grants. This year the President will propose, and I can assure you that congressional Democrats will support, the largest increase in Pell grants in 20 years.

Now the Pell grants of course are the foundation for student aid for low and middle-income families. The grant would, as proposed, the changes proposed, actually increase by 25 percent, raising the maximum award by $300 to $3,000. The President's proposal would extend eligibility for 218,000 new students over age 24 and raise the total number of Pell grant recipients to over $4 million, and this is a significant achievement in my opinion.

With regard to the Stafford loan, which is the traditional national direct student loan program, the President will also propose cutting student loan fees from 4 to 2 percent on a need basis and some other changes in the Stafford grants that will basically make them more affordable.

There are other elements of the President's plan to make higher education more acceptable, more accessible I should say, and affordable for all Americans, including a tax free education savings program that would allow families earning less than $100,000 to set up IRAs, individual retirement accounts, from which they can make penalty-free withdrawals for education.

All these things are basically working together to try to make it possible for more and more students to go to college.

I personally should say that I took advantage of the work-study program when I was in college, and the current work-study program is also expanded under the President's proposal, boosting the number of students who earn

education dollars from the program to 1 million by the year 2000.

□ 1245

As you can see, Mr. Speaker, the President and congressional Democrats have an ambitious agenda to make college accessible and affordable to everyone, not just the wealthy, and I hope that in a bipartisan spirit we will see the Republicans join us in our efforts to improve the Nation's higher education system.

I just want to talk about one more thing that I think is important that the President will be talking about tonight, and that is the need for funding for construction. Right now about 60 percent of the Nation's schools are in need of major repair or outright replacement. The President's school construction, paid for within the context of a balanced budget, would jump start the process of improving the physical structures in which our children are taught. Under this plan, school construction would increase by 25 percent over the next 4 years.

A number of these Federal initiatives are needed, I believe, very strongly, and again, we are not talking about huge new programs that are going to bust the budget, but we are talking about very small initiatives that can really make a difference in the average person's life, and that is what our Democratic family first agenda is all about. The President will be talking about the education components and other components of it tonight, and I hope that we can see swift action in the 105th Congress on these initiatives.

CONGRATULATIONS TO SUPER BOWL CHAMPION GREEN BAY PACKERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Wisconsin [Mr. KIND] is recognized during morning hour debates for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to formally congratulate the Super Bowl champion Green Bay Packers and to thank them for finally returning the Vince Lombardi trophy back home to the State of Wisconsin where it belongs.

This season, Packer fans old and new watched the progress of the NFL's only community-owned team from the NFL's smallest city. It is a remarkable story as old as history: When David first slew Goliath, when Moses led his people out of Egypt, when 13 little-known small colonies took on the great might, the world power of Great Britain and King George and won their independence.

The Packer's success has rekindled the spirit of Green Bay and the entire State of Wisconsin, as well as the spirit of small towns and small cities across America. In an era when some professional athletes are failing as role models, the Packers organization consistently produces outstanding members of the community.

Take a look at Brett Favre's story. It is a remarkable story. A superstar who realized that he was addicted to pain killers, fought through that, won a second MVP award for the NFL, and then led his team on to the Super Bowl victory; and Reggie White, the catalyst, the glue, that held the team together, gave great pride to the entire Green Bay area and State of Wisconsin; one defensive man who probably dominated the sport more than any other defensive player in the history of the NFL, but who always reminded us also always, always remember who the glory belongs to, and that is to God.

Last week, over 100,000 people braved subzero weather for many, many hours waiting to welcome the Green Bay Packers home to their city as Super Bowl champions, and I think that story tells it all. That is why it is my great honor today to congratulate the entire Packer organization and their many, many loyal and patient fans, not only in Green Bay, but in Wisconsin and throughout the country and to honor the Packers and the remarkable achievement on the floor of the House of Representatives and before this Nation today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 12 o'clock and 49 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

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

From the early days of the life of our Nation, we have prayed for Your blessing, O God, and we have asked to be sustained by Your benediction. In days of war and times of peace, in all the moments of human frailty and special courage we have paused to give You thanks. From women and men, from young and old, from north or south, from city and village, we have joined in our words of gratitude for Your providence to us and in our petitions for the welfare of our country.

As we now prepare for this new day, gracious God, let this time be full of hope for the year ahead as we seek a firm reliance on Your good word. May our hearts be bound together in unity as we pray in the words of scripture that in all things we will do justly, love mercy, and ever walk humbly with You. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Washington [Mr. METCALF] come forward and lead the House in the Pledge of Allegiance.

Mr. METCALF 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.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR TERM LIMITS CONSTITUTIONAL AMENDMENT

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

Mr. SOLOMON. Mr. Speaker, the Committee on the Judiciary has already reported House Joint Resolution 2, the term limits constitutional amendment. Copies of the joint resolution are available for review in the office of the Committee on the Judiciary.

The Committee on Rules is planning to meet early next week to grant a rule which may limit the amendments to be offered to the joint resolution. Any Member who wishes to offer a different version of the term limits constitutional amendment should submit 55 copies and a brief explanation by noontime on Monday, February 10, to the Committee on Rules in room H–312 in the Capitol. Members are strongly advised to submit only amendments in the nature of a substitute. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Wednesday, January 22, 1997 at 11:10 a.m.

The Senate passed without amendment, House Joint Resolution 25.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Wednesday, January 22, 1997:

House Joint Resolution 25, making technical corrections to the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208), and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, January 23, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Thursday, January 23, 1997 at 10:45 a.m.

That the Senate passed without amendment, H.Con.Res. 9;

That the Senate passed S.Con.Res. 4; and

That the Senate agreed to S.Res. 22.

With warm regards,

ROBIN H. CARLE,
Clerk.

REAPPOINTMENT OF MEMBER TO NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE

The SPEAKER. Pursuant to the provisions of section 637(b) of Public Law 104–52, as amended by section 2904 of Public Law 104–134, the Chair reappoints to the National Commission on Restructuring the Internal Revenue Service the following Member of the House: Mr. PORTMAN of Ohio.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 30, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 637(b), Public Law 104–52, I hereby accept the resignation of Mr. Robert T. Matsui of California from the National Commission on Restructuring the Internal Revenue Service and hereby appoint Mr. William J. Coyne of Pennsylvania to the Commission for the remainder of its term.

Yours very truly,

RICHARD A. GEPHARDT.

APPOINTMENT AS MEMBER OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER. Pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, and the order of the House of Tuesday, January 7, 1997, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on Monday, January 27, 1997, appointed to the Permanent Select Committee on Intelligence the following Member of the House: Mr. GOSS of Florida as chairman.

COMMUNICATION FROM THE HONORABLE S. HUGH DILLIN

The SPEAKER laid before the House the following communication from the Honorable S. Hugh Dillin:

U.S. DISTRICT COURT,
Indianapolis, IN, January 9, 1997.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 7, 1997 you designated me to administer the oath of office to Representative-elect Julia Carson of the Tenth District of the State of Indiana under House Resolution 11, One Hundred Fifth Congress.

Under such designation, I have the honor to report that on January 9, 1997 at Indianapolis, Indiana, I administered the oath of office to Mrs. Carson. Mrs. Carson took the oath prescribed by 5 U.S.C. 3331. I have sent two copies of the oath, signed by Mrs. Carson, to the Clerk of the House.

Yours very truly,

S. HUGH DILLIN.

COMMUNICATION FROM THE HONORABLE ORLANDO L. GARCIA

The SPEAKER laid before the House the following communication from the Honorable Orlando L. Garcia.

U.S. DISTRICT COURT,
San Antonio, TX, January 8, 1997.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 7, 1997 you designated me to administer the oath of office to Representative-elect Frank Tejeda of the 28th District of the State of Texas under House Resolution 10, One Hundred Fifth Congress.

Under such designation, I have the honor to report that on Tuesday, January 8, 1997 at San Antonio, Texas, I administered the oath of office to Mr. Tejeda. Mr. Tejeda took the oath prescribed by 5 U.S.C. 3331. I have sent two copies of the oath, signed by Mr. Tejeda, to the Clerk of the House.

Sincerely,

ORLANDO L. GARCIA,
U.S. District Judge.

REPUBLICAN HOUSING OPPORTUNITY CAUCUS

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

Mr. METCALF. Mr. Speaker, with the help of Representatives JOHNSON, LAZIO, ENGLISH, and WELLER, I have formed the Republican Housing Opportunity Caucus to highlight the importance of affordable housing to all Americans.

The mission of this caucus is to give Members of Congress who are interested in housing policies an opportunity to explore every possible strategy to enhance home ownership and affordable housing, to discuss their concerns and coordinate a response. There is nothing glamorous about housing, but we all know how important it is. It is not just a roof over one's head but a place you can call home, a place of your own.

There are still problems. The first-time home buyer rate remains low and many families cannot find affordable housing. This caucus can help to establish a comprehensive approach to housing needs.

If my colleagues are interested in being part of this caucus, please call my office.

MITSUBISHI OF AMERICA?

(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, when Mitsubishi opened a TV factory in California, they made an announcement and they said Mitsubishi of Japan is now Mitsubishi of America. They even waved an American flag. Well so much for all the patriotism, my colleagues. Mitsubishi announced they are closing their California factory and moving to Mexico. They said they are going to cut costs, expand profits and after all, they said, Mexico is America.

Beam me up. I have seen the new world order. It is coming to pass. We can now buy American by buying Japanese from Mexico, and if that is not enough to wax your Toyota, the White House wants to expand NAFTA to all of Latin America. Beam me up, Mr. Speaker.

Beam me up. Our kids are going to have to move to Mexico to get a job.

TROUBLE IN EAST TIMOR

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

Mr. WOLF. Mr. Speaker, 2 weeks ago I returned from visiting Bishop Carlos Belo in the island of East Timor, which is under the military oppression of the governor of Indonesia. As our colleagues know, the gentleman from Ohio [Mr. HALL] nominated Bishop Belo, the first Catholic priest ever to receive the Nobel peace prize. I will be taking out a full special order on that issue and trip, but I want to tell my colleagues that on the island of East Timor today the military occupation there is fear and terror. They are going through the island at 1 and 2 o'clock in the morning pulling young people out and taking them away. Many are fleeing to the hills.

When this Congress has to deal with the issue of Indonesia and East Timor, we should do the right thing. Second, there is a concern among Indonesians that the Lippo Bank connection and

the Riady family which dealt with Web Hubbell, may be tied into why this administration is not willing to take on the issue of East Timor.

I challenge the Clinton administration to deal with the issue of East Timor and stand up for independence and get involved in this process so the killing and the fear and the terror will end. This administration has an obligation to deal with the issue of East Timor.

CHAMPION OF A FORGOTTEN PEOPLE

(By Paul Raffaelle)

Bishop Carlos Belo knelt in his chapel in Dili, East Timor, for his early morning prayer. It was November 12, 1991, and as Belo prayed, 2000 people were gathering to march to the nearby Santa Cruz cemetery to protest the killing of a pro-independence activist by Indonesian intelligence agents. For 16 years the bishop's island home had been under the heel of the Indonesian military.

Later that morning Belo heard bursts of automatic gunfire, then screams. Within minutes dozens of young people were racing in panic toward his residence. ''Hide us, or they will kill us!'' shouted a teen-age girl in a blood-soaked dress.

''Come inside, all of you!'' the bishop cried out, as more than 250 people crammed into his garden. He dispatched the wounded to Catholic clinics and then drove to the cemetery. Dozens of civilians, many ripped open by bullets, lay crumpled in the dust. Soldiers armed with assault rifles screamed obscenities at everyone in sight. Then the bishop saw a trail of gore leading to a chapel.

Despite his fear, he rushed inside, where he found several people—some beaten, others with gaping bullet wounds—lying in pools of their own blood. Taking in the carnage, Belo silently vowed the world would know of his people's suffering, and began to pray for the dead and dying who surrounded him.

In a remote land of the Malay Archipelago in southern Asia, a gentle people are stalked by terror. In the 21 years since Indonesia's invasion, it is estimated that almost one-third of East Timor's 700,000 native inhabitants have lost their lives. Countless thousands have been tortured or raped.

Embattled Timorese still cling to hope embodied in the man they revere as the champion of their rights. It is not a destiny many would have expected for Carlos Filipe Ximenes Belo.

He was born in 1948 on a rice farm in Wailacalma, 100 miles east of Dili, the capital of the impoverished Portuguese colony. His widowed mother, a pious and reflective woman, introduced Carlos early to the thrill of books. He excelled in his Catholic schooling, and at 20 left to begin his studies for the priesthood in Lisbon.

Turmoil came to East Timor in 1975, as Portugal prepared to cut its colony loose. West Timor, a former Dutch colony, had become part of Indonesian when the latter became independent in 1949. But Indonesia had no legitimate claim to the larger, eastern half rich in oil and natural gas.

Belo was in Macau for further religious training when Indonesian troops attacked East Timor. Jets and naval ships bombarded towns. Soldiers wiped out entire villages. The few thousand ill-equipped resistance fighters scurried to the mountains.

The government in Jakarta, Indonesia's capital, claimed that its soldiers had been ''invited in'' by the East Timorese to ''restore order.'' The United States and many other Western nations remained largely silent. And on July 17, 1976, Indonesia formally annexed the tiny nation.

Convinced that he could best serve his people if he had the moral authority of a priest, Belo continued his religious studies. Meanwhile Indonesian troops burned crops, slaughtered livestock and herded almost half the population into camps, where thousands died.

Belo's exile ended when he was ordained in 1981. He assumed the post of rector of the Fatumaca seminary near Baucau, East Timor's second largest town and by now headquarters of at least 10,000 troops. Everywhere he looked, soldiers strutted. After dropping his things off in Baucau, he traveled to his home village.

His aged mother clasped his hands when he entered the family's modest home. ''The Indonesians have done terrible things to our people,'' she said. Over the next few days Belo was horrified to find only women and children in some villages. Thousands of males had been forced into the Indonesian army to fight against the East Timorese resistance.

As aggrieved as he felt, he decided not to speak out. Better to accept Indonesian rule in the interests of peace.

This cannot be, a stunned Belo thought as he studied the telegram. Just two years after his arrival in Baucau, the Vatican had chosen him to be East Timor's new Apostolic Administrator—the leader of the Catholic Church in his homeland. Among his concerns was that he had been picked solely because he wasn't likely to promote dissent.

His fellow East Timorese clerics suspected worse. ''He's nothing but a puppet,'' they muttered in private. All 37 priests boycotted the installation ceremony. They're convinced that I'm an Indonesian stooge, Belo thought glumly. But the people had faith in him.

Courageous East Timorese were regularly slipping into Belo's home to tell him about atrocities. One secret visitor was a middle-aged woman who had pulled a shawl over her face to hide her identity from army informers. ''The soldiers shot my son dead as he was walking across the fields,'' she whispered through sobs.

Deeply moved, Belo placed a hand on her shoulder. ''I'll seek justice for you,'' he promised.

At a reception the next morning, he approached Colonel Purwanto, the local commander of East Timor's occupation force, and told him the mother's story. Colonel Purwanto abruptly turned his back.

Before long Belo lost count of the people who sought him out to report the disappearance, jailing, rape or murder of friends and family members. Belo confronted the local military commanders again and again, but was always dismissed.

Meanwhile the Indonesian government tightened its grip on East Timor, luring more than 100,000 Indonesian migrants with free land and jobs. Soon most shops were owned by the newcomers. Their soldiers and bureaucrats thronged the streets. Military officers lived in the handsome waterfront villas.

Dili no longer belongs to us, Belo realized. East Timorese clerics shared his outrage but also saw cause for hope in Belo's willingness to expose atrocities. ''Perhaps,'' they said, ''he has the backbone for this task after all.''

Belo was named bishop in 1988. This time, at his installation ceremony in Dili, he was flanked by smiling East Timorese clergy. Unfortunately, the task before Belo remained critical.

The military continued slaughtering innocent East Timorese, while a campaign of cultural obliteration was equally relentless. TV and radio broadcasts in East Timor's lingua franca, Tetum, were barred. East Timorese students had to sing the Indonesian anthem before lessons and perform Indonesian songs and dances at school concerts.

In November 1988 an enraged Belo ordered that a statement be read from all pulpits. ''We condemn the lying propaganda according to which abuses of human rights do not exist in East Timor,'' the message said.

When a village leader passed on army boasts that they would soon crush the bishop and the Catholic Church, Belo responded with a resigned smile. ''One day the soldiers will kill me,'' he said.

In February 1989 Bishop Belo wrote a letter to United Nations Secretary General Javier Pérez de Cuéllar. ''We are dying as a people,'' Belo wrote. He pleaded to the U.N. to conduct a referendum on independence in East Timor. It was a desperate move, but Belo could see that much of the world had come to accept Indonesia's annexation. The United States, Britain, Germany, Australia and others were major arms suppliers to Jakarta.

Several weeks later Archbishop Francesco Canalini, the papal nuncio in Jakarta, summoned Belo. ''Keep out of politics!'' the portly archbishop thundered. Late-night callers threatened to kill Belo. But he remained defiant, and the people's admiration for him grew. Inspired, many East Timorese were converting to Catholicism. By 1990 the number of Catholics in East Timor had surged from 30 percent of the population to 85 percent.

The bishop became the hero of the young as well, yet Belo could not be sure they supported his message of nonviolence. He knew they were ripe for rebellion when the 2000 East Timorese gathered in the Santa Cruz cemetery on that November 1991 morning to mourn their compatriot's murder—only to flee or die in a hail of bullets.

Returning to his residence after viewing the carnage at the cemetery, Belo heard details of the onslaught: without warning the Indonesians had opened fire at point-blank range. An eyewitness account told of soldiers chasing young people down and shooting them in the back.

The next morning Belo confronted the military commander, demanding to see the wounded and dead. At the military hospital the bishop moved tearfully among more than 200 injured youths, most in their teens. Three days later he returned to the hospital. Only 90 youngsters remained.

Belo got a first inkling of the likely fate of the missing when a nurse paid him a visit. ''I washed the bodies of 78 murdered East Timorese,'' the nurse whispered. Later a medical aide told of military doctors giving some of the wounded lethal injections.

A parishioner related that an Indonesian soldier confided he'd been forced to take part in the executions of dozens of the wounded. Trucks had taken them to an open mass grave in the hills, where they were sewn into rice sacks. ''The soldiers shot them one by one and pushed the sacks into the grave,'' said the distraught man. In all, more than 250 dies in the cemetery massacre and its aftermath.

Belo helped smuggle two massacre eyewitnesses to Geneva, where they testified before the U.N. Human Rights Commission. Whatever it takes, Belo vowed, the world will learn about this evil.

By 1993 East Timorese resistance had weakened, but atrocities continued. The bishop shared the grim details with journalists and reiterated his call for a U.N.-sponsored referendum.

Finally foreign governments were moved to action. The U.S. Congress passed legislation requiring the White House to bar the sale and transfer of lethal crowd-control equipment and small arms to Indonesia until there was ''significant progress'' in human-rights conditions in East Timor. Australia's

pro-Jakarta foreign minister, Sen. Gareth Evans, began criticizing Indonesia's human-rights record. Amnesty International issued a damning report of prisoner torture and ill treatment.

Reacting to international outrage, Jakarta set up a 25-member national commission on human rights to monitor abuses. When soldiers near Dili executed six unarmed civilians in 1995, the commission found the killings ''unlawful,'' and a court-martial led to the jailing of two soldiers for up to 4½ years. ''It's a beginning,'' Belo told a Western reporter. Still the bishop often received several death threats a week.

One Sunday in early 1995, several hundred East Timorese gathered in Belo's garden for Mass. ''Christ suffered so much for us,'' he said. ''But in his resurrection we see our own hope for the time when we are at last free.''

His sermon was a direct glimpse into his soul. For the bishop still trusts that freedom will come, that Indonesia will one day grant East Timor self-rule. But like every East Timorese, he also lives with an abiding fear.

After the service Belo pulled aside a visiting journalist. ''We beg the outside world not to forget us,'' he said softly. ''If that happens, we are doomed.''

The world did not forget Belo and his people. In October 1996 the Nobel Committee honored the bishop and another East Timorese activist, José Ramos-Horta, with the Nobel Peace Prize, citing ''their work toward a just and peaceful solution to the conflict in East Timor.''

DEALING WITH SEXUAL HARASSMENT BY THE ARMY

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

Ms. NORTON. Mr. Speaker, as I speak, Secretary of the Army, Togo West, is reporting in the Senate on his progress in eliminating sexual harassment following the revelations of last November. I can only hope that today's revelation is not emblematic of that progress. The headlines read ''Top Enlisted Man Accused of Sexual Harassment.'' I hasten to add that the operative words are accused and that the officer denies the charges and is entitled to his presumption.

However, this case is especially troubling. First, because of the charge: Sexual assault and sexual harassment; second, because of the rank of the accused, top enlisted man, Legion of Merit holder, 29-year veteran; third, because of the record of the complainant, a 22-year veteran herself recently retired; and, fourth, because of the circumstances of the public charge she alleges that became public only after months of no action by the Pentagon and only after the accused was actually appointed to the panel reviewing the Army's handling of sexual harassment. Much better, much faster, Army of the United States.

WE MUST WORK TOGETHER TO END THE VICIOUS CYCLE OF CHILD ABUSE

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

Mr. DEAL of Georgia. Mr. Speaker, too often we ignore the caldron of neglect, violence, and moral decay that pervades our society until its poison boils over into our own lives.

On January 16, 1996, that occurred in my community of Gainesville, Hall County, GA, when a 19-month-old young boy, Austin Sparks, was brutally beaten to death by his baby-sitter. As we are now in this first anniversary period of Austin Sparks' death, the Hall County community has undertaken a campaign to fight child abuse by implementing the blue ribbon campaign in his memory. These small blue ribbons help remind us to be aware of child abuse every day of every year. Another positive that has come out of this tragedy is the purchase of a permanent home in Gainesville to assess the needs of abused children. The Children's Center will provide multiagency interviews for child abuse victims.

We must all work together to end this cycle of child abuse in our country.

GIVE FANS A CHANCE ACT

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

Mr. BLUMENAUER. Mr. Speaker, after the Green Bay Packers won the Superbowl, their fans stood in freezing temperatures for hours to catch a glimpse of their fans. The Packers are not an ordinary football team, their fans are not ordinary fans, and their community is not an ordinary community, in large part because 1,950 residents of Green Bay own their football team.

The Packers are a vital part of the glue that holds the Green Bay community together, but they are unique because the NFL rules now prohibit any more public ownership of teams. At a time when fan loyalty is being tested by franchise moves, it is time to give fans a chance to own their own teams by eliminating league rules prohibiting public ownership of teams, requiring teams to listen to their fans and the community before moving, tying the league's broadcast antitrust exemption requirements to this bill.

□ 1415

The NFL earned $12.2 billion on broadcast rights last year. If my colleagues agree with me that more sports teams should be owned by the public, like the Packers, and the fans should have a voice on where their team decides to relocate, I invite my colleagues to support my Give Fans a Chance Act.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF HON. FRANK TEJEDA, REPRESENTATIVE FROM THE STATE OF TEXAS

Mr. GONZALEZ. Mr. Speaker, I offer a privileged resolution (H. Res. 35) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 35

Resolved, That the House has heard with profound sorrow of the death of the Honorable FRANK TEJEDA, a Representative from the State of Texas.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Texas [Mr. GONZALEZ] is recognized for 1 hour.

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

Mr. Speaker, it is my extremely sad duty, and may I say it is an honor and a privilege, to offer a few words of praise and of course tribute to a friend and a dear colleague, FRANK TEJEDA, who died too soon, far short of the full realization and the promise of his potential. But though his life was shortened by a terrible and a very tragic disease, he left behind a legacy of great achievement, he made his life a model, and I think others will do well to emulate him.

To all of those who knew and loved FRANK, I offer my heartfelt condolences today. Words, of course, are never adequate to express the feeling of loss that we share. All we can do is say what we can and draw strength from FRANK's memory and his achievements.

FRANK was only 51 years of age when he died, and this was some 17 months after having been diagnosed with a brain tumor. But he died as he lived, with grit and grace.

Grit: FRANK had it in great abundance. He dropped out of high school and became a first class marine.

Courage: As a combat marine, he never flinched or failed. He was born a brave leader. He was decorated for his courage under fire.

Determination: He worked hard enough and sacrificed enough to finish law school at both Harvard and Yale, two of the most distinguished law schools in the country, which I hardly think is bad for a high school dropout.

Grace: He would do anything for a friend and never count the cost.

Energy: He worked hard. He worked hard for his district, his constituents, his country. And he never once faltered, before or during his illness. He never complained about his situation. He remained determined from the beginning to the end that he would do his best, and he did.

One has to go a long way to find another human being who so thoroughly combined the virtues that FRANK TEJEDA embodied: His grit, his grace, his energy, his determination, his decency, and his honor. FRANK TEJEDA served with honor and distinction in the Texas legislature for 16 years and in 1992 was elected to the Congress with 87 percent of the vote cast.

FRANK and I served neighboring and adjacent districts, and though of

course we did not always agree on issues, I had and still have the highest regard for his integrity and his honor. He served with distinction, and I doubt that any Member of this House ever knew him to be anything less than a decent, a compassionate, and a deeply caring human being.

I do not think anybody worked harder than FRANK TEJEDA nor worked with greater patience and determination. Nobody served his district more carefully. Nobody treated people with more respect and decency. He was a credit to his community and to this House. His loss is a tragedy for his family, for his community, and for this House.

Yet I hope that his family and all of us will be strengthened by the memory of his life of promise and that each of us will honor his memory, not just by our words but in the way we live and serve. If we can live with that same grit and grace, we will truly honor the man that we mourn today.

Mr. Speaker, I yield such time as he may consume 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 was profoundly sorry last Friday to say goodbye to my friend, FRANK TEJEDA.

I last saw FRANK about a month ago. We talked a little bit about politics and congressional business, but mostly we talked about our families and how much we love our families. FRANK loved his children so much. I told him stories and jokes, and I saw in his eyes the life and determination I have always seen in my friend FRANK, the fighter, the marine. I will miss him more than I can say.

He was an all-American patriot, serving his country from the jungles of Vietnam to the corridors of power in Austin and Washington. He had a similar rise in his education fortunes, dropping out of high school when he was young and later graduating from prestigious ivy league schools such as Yale and Harvard.

He was uncomplicated. He meant what he said, and he said what he meant. His word was his bond.

His story is very much the American story, about the ingenuity and creativity of one man's rise from obscurity to power. FRANK was an inspiration to me.

I, too, had to drop out of high school when I was young to fight my way through supporting my family, joining the service, and getting a GED. My service was in the Army military police in France before the United States became fully engaged in Vietnam.

FRANK's service was for the Marines in Vietnam, winning a Purple Heart, a Bronze Star, and a host of other decorations in a hostile theater, and he was recently awarded the Silver Star. In fact, I had been making arrangements for Vice President GORE to fly to San Antonio to present the Silver Star to him when he died.

FRANK exemplified the very best in public service, honesty, and integrity. He was a true leader who believed in the value and decency of the working class. He always said he was proud to be a marine, and he didn't want it any other way.

That same ideal moved him to work hard all of his life and stick up for the working people that he represented so well. He was a hero who believed strongly in the power of our democratic process, and our democratic process was made better by the virtue of his service. He is a marvelous role model for south Texas today.

FRANK had an enormous impact on the military community in San Antonio and Washington. He was an important part of the Committee on National Security. During the entire base closure process in 1993 and 1995, he was a vigilant defender of the San Antonio area bases. He made eloquent presentations before the BRAC Commission.

FRANK always approached problems with common sense, commonsense solutions, and an engaging sense of humor. He was deeply loved and will be missed by those who knew him within the defense establishment. I know I will miss him each time I walk into this Chamber.

Over the past 4 years, FRANK and I and other Members with me in that corner down there, we laughed at our jokes, exchanged what we call a south Texas chisme, and went over matters before our National Security Committee or other things that affected south Texas.

Right now this Chamber feels empty without FRANK. But there is one thing I know each and every Member of this House, envied FRANK, who was a Texas State senator, who basically drew his own congressional district during the 1990's redistricting process.

FRANK showed enormous grace and courage over the past year when dealing with the pressure of cancer and the challenge of chemotherapy. As always, the highly decorated and respected marine fought the valiant fight. He was a disciplinarian with his personal life, with his personal ethics, and with his physical health.

I greatly admired FRANK, as did many Texans. FRANK TEJEDA was one of the best friends I ever had. I urge my colleagues to remember his children, Marissa; Sonya; and Frankie III; and his mother, Lillie, during this difficult time for them. I also ask that we remember his sister, his only sister, Mary Alice Lara; and his brothers, Juan Tejeda, Ernest Tejeda, and Richard Tejeda, in our prayers.

FRANK TEJEDA was a giant among men and among leaders. Our country, our State, and this House lost a meaningful piece of our fabric.

Tonight is the State of the Union. For 4 years we sat together here with our colleagues and watched the President give the State of the Union. We will miss you tonight, my brother, but we will cherish your memory.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

□ 1430

Mr. SMITH of Texas. Mr. Speaker, first let me thank my friend and colleague, the gentleman from Texas [Mr. GONZALEZ], the dean of the San Antonio delegation, for yielding this time to me.

Mr. Speaker, I would like to share two stories about Congressman FRANK TEJEDA for the RECORD, our friend who recently left us. One dates back 20 years, the other only a few days.

In 1976 I was a new attorney fresh out of law school. I had just joined a law firm in the Milam Building in downtown San Antonio. I began to hear and read about another young attorney who was planning to run for State representative against an entrenched incumbent. The young challenger's name was FRANK TEJEDA, and he had an impressive record, including having received many honors in the Marine Corps. He also had some interesting ideas about reforming government that appealed to me.

FRANK's law office was also in that same Milam Building. One day I walked up several flights of stairs to meet him and to give him a campaign contribution. It was only a check for $15, but it was the first political contribution I had ever made. FRANK said, in fact, it was only the second campaign contribution he had received after one from a relative.

We had some good laughs about it during the years that followed. Those years saw him hold three offices as a Democrat and saw me hold several offices as a Republican, including a stint as Bexar County Republican Party chairman just 2 years after I made that first contribution to FRANK TEJEDA.

I have always considered that contribution to have been a very good investment. The potential FRANK TEJEDA showed back then proved out during his years of public service, from the Texas legislature to his reelection to Congress last November. We still hear and read about his dedication to country, his steadfastness, his integrity. He kept his promises.

The second story goes back just a few days to the Thursday evening that FRANK died. In our family we have a tradition of studying the Bible each morning, but that Thursday, for the first time in many, many weeks, I felt compelled to read from the Scriptures at night, and it was a little before 9:30 p.m. Washington time when I read what Jesus said in the book of John: ''He that believeth on me shall never see death.''

About 2 hours later I received a call in Washington informing me of FRANK's passing in San Antonio shortly before 8:30 p.m. It was comforting to know that I had read that uplifting passage at the same time FRANK had passed away.

The words were a reminder that there is no death, no end to the love we feel for FRANK and the love he feels for his family, his friends, and our Nation. The happy memories we hold, like the

love expressed, will always be with us. They are, in fact, infinite.

My friendship with FRANK has spanned both decades and partisan lines. When we worked together on issues important to Texas, there was never any sense that one of us was a Democrat and one of us a Republican. We never exchanged a harsh word on any subject.

That is the way I remember FRANK TEJEDA, a man who believed in the highest ideals of public service, and fulfilled his lifelong promise to those same ideals.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I would like to thank the dean of the Texas delegation for allowing me to speak today.

Mr. Speaker, I join my colleagues across the aisle in expressing our sorrow for the death of our colleague, Mr. FRANK TEJEDA. The Nation has lost a leader, Texas has lost a son, and I lost a friend.

FRANK and I served together since 1977 as State representative, as State senator, and now as congressional colleagues. Never has anyone served in office with more honor and more distinction.

FRANK TEJEDA was a man of his word and we will miss him. He was a man of his word throughout his legislative career, from his first term, 2-year term as a State representative, to his terms as a State senator.

FRANK literally was a Texas hero and an American hero. He dropped out of school at 17, volunteered for the Marines and was sent to Vietnam. Two weeks before his tour was up in 1966 he was hit by shrapnel. He was awarded a Purple Heart and Bronze Star for his bravery under fire, and yesterday he was awarded a Silver Star for his bravery. He received the highest grades ever in the Officer Candidate School in the Marine Corps.

FRANK returned to San Antonio and graduated from St. Mary's with an undergraduate degree, and then earned his law degrees at Berkeley and Yale, and a graduate degree from Harvard. As my colleague and dean of the Texas delegation said, not bad for a high school dropout.

FRANK was elected to the Texas House of Representatives in 1976, and to the Texas Senate in 1986. In the legislature he championed bills to build housing for veterans, protect crime victims. He worked to assist minority and women-owned businesses, promoted measures to ensure voting rights for minorities, and attacked the practice of dismissing jurors based on their race or their ethnicity.

In 1993 as a Member of Congress, Mr. TEJEDA called for removal of a Federal judge accused of uttering racial slurs against Hispanics in open court. In 1992, FRANK was the only freshman elected to Congress from a new district who did not face major party opposition in either the primary or the general election. Having had four elections in 1992, when I came to Congress, I asked FRANK, I said I needed to learn how he did it, because I had four elections and he barely had two.

FRANK TEJEDA never forgot his military training and the importance of education. He was the most proud to be a marine. During his two terms in Congress, two-plus terms in Congress, FRANK TEJEDA worked tirelessly for veterans health and education benefits. FRANK TEJEDA will be missed by Americans, by Texans, by San Antonio residents. America has lost a fighter for freedom and we lost a friend.

Mr. GONZALEZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the dean very much for his kindness. Mr. Speaker, my relationship with Mr. FRANK TEJEDA is a new one. However, I hope that that does not diminish the sincerity of my words today.

Mr. Speaker, I rise today, along with my colleagues from Texas and throughout this Nation, to pay respects to a man, a man's man. I do not mind saying that in this era of political correctness. FRANK TEJEDA was a man to be looked up to. He stood for the values we need more of today: family, honor, education, and public service.

He was a man of the barrio, of the south side of San Antonio, who knew what it was like to shine another man's shoes; who understood, however, to keep his pride in the face of adversity, and how to face any challenge squarely and without hesitation.

He faced down enemy fire in Vietnam, where he was decorated after rising to the challenge of Marine Corps Officers Training School, by leaving his mark with records and academic leadership and physical fitness.

Mr. TEJEDA understood the value of education, earning degrees at our finest schools: the University of California at Berkeley, Harvard, and Yale. His education served him well as a devoted public servant.

Serving in the Texas House and Senate for a total of 16 years, and then coming to Congress in 1993, he dedicated his entire life to making the south side of San Antonio a better place to live and work, and, yes, this country a better place to be in.

He understood about the health and safety of his community. His work to help build health clinics for veterans and those in need of health care was superior. He helped to bring better sewers and cleaner water to his district. When the farmers and ranchers faced a drought, he broke through the redtape here in Washington and got them immediate relief.

But the job he liked best was being a father to his three children. His daughters and son always knew they could count on him. Certainly I think we can look to them for great things. Frankie, his son, will certainly be a reminder of his great works in his leadership.

FRANK TEJEDA, the Congressman, will be missed here. I knew him as a determined, forceful, committed, and gentle leader. Everyone admired his political intuition as he quietly got things done.

I think he leaves us with the impression that he was not just another politician or another elected official. He will be missed as a leader of his community. He will be missed as a father. He will be missed as a colleague, and yes, he will be missed as a man; but most importantly, he will be missed as an American, a lover and doer of the tenets and words of the flag.

Mr. Speaker, I would like to now acknowledge some beautiful words that many of us who joined his family were able to hear yesterday in the ceremony that celebrated the life of Congressman FRANK TEJEDA. It is from his daughter, Marissa, but I think it captures, if you will, the comments of all of his children, and certainly those who loved him and respected him:

> You are a celebrity to me. I've watched you grow all these years with me, almost as if you were a big star on the screen.
>
> I've watched you give to others. This taught me the gift of giving.
>
> I've watched you make your dreams come true. This taught me to believe in dreams.
>
> I've watched you play my fan at my softball and soccer games. This taught me to find courage and self-worth.
>
> I've watched you play my teacher. This taught me the meaning of moral gratification and education.
>
> I watched you play my dad when you loved me unconditionally and supported me with all of your faith. This taught me the magic in love and the ability to bring love to others.
>
> And I watched you as you played my friend every day, when you talked to me, cried with me, and laughed with me.
>
> You were a star to me. I was your biggest fan.
>
> Love, Marissa.

Mr. GONZALEZ. Mr. Speaker, I yield such time as she may consume to my fellow Texan, Ms. EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to remember and pay tribute to my friend, colleague, and a great American, Congressman FRANK TEJEDA. His untimely death is a great loss for the constituents of District 28, all of Texas, and the citizens of the United States.

Congressman TEJEDA and I have worked together for many years in many capacities. He and I were colleagues in the Texas House and the Texas Senate. We were elected to this office in the same class in 1992. He was a patriot, a Vietnam veteran who risked his life many times to defend his fellow marines. He was honored with many medals. He was a true American hero.

My colleague, FRANK TEJEDA, has been an example and role model for many people in many ways. He proved that you can achieve success with determination and hard work. He ended

his life with the same quiet dignity he always showed. My heart and prayers are with his family.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, I want to thank the distinguished gentleman from Texas for yielding time to me.

Mr. Speaker, I rise to support the resolution, and to pay tribute to a great American, a dear colleague, and a good friend, Mr. FRANK TEJEDA. FRANK and I came to the Congress 4 years ago, he from Texas, I from New Jersey; he an American of Mexican descent, I an American of Cuban descent. Through our mutual friend, Mr. SOLOMON ORTIZ, we became very friendly.

FRANK TEJEDA was a quiet warrior. That description may seem inconsistent, but in fact it was the way that FRANK got things done here in the House. FRANK TEJEDA was tempered by war and disciplined by its effects to seek peace, he felt, through strength. FRANK had a deep and abiding faith in his God, his family, and his country. He exhibited extraordinary courage on the battlefield, where, as the leader of his platoon and wounded, he sought to save the lives of one of his men; in life, as he struggled against prejudice and for social justice; and in death, as he faced the ravages of cancer.

Yesterday, as I and other Members of the House attended his funeral, we saw the neighborhoods he fought for and the people who lined the streets with signs expressing their love and respect for their champion. FRANK TEJEDA was a loving father, a courageous soldier, a great public servant.

To ascribe so many positive qualities to one individual might be said to be the usual gilding of the lily. In the case of FRANK TEJEDA, it was simply the truth.

□ 1445

My life, this House, our country are better off due to his life here on Earth with us. God bless you, FRANK.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, there are times when words seem so inadequate, and for me this is one of those moments. I will always consider one of the great privileges of my life to have been able to serve in the Texas Senate and the U.S. Congress with FRANK TEJEDA. For the last 4 years we worked together on the Committee on Veterans' Affairs and were seat mates at the Committee on National Security. My friend FRANK TEJEDA, the quiet marine, with a great heart. I wish all Americans could have known him. You did not see FRANK on the Sunday talk shows and not too often here in the well of this House making speeches. He was more interested in helping others than in talking about it. You see, FRANK TEJEDA was someone whose life of accomplishment, integrity and caring spoke for itself. And what an eloquent speech his life became for our Nation and for young people for generations to come.

FRANK TEJEDA fought for his country in time of war and served his country in time of peace. While not one who wasted words, he spoke out and fought effectively for those beliefs he held so dear, a strong defense, veterans care, education for our children and justice for all. In a time when many have grown cynical of all who serve in public office, FRANK TEJEDA's spirit is a living reminder that serving one's community and country can be and should be a noble calling.

Each week when Congress recessed, FRANK was on the airplane first to get back home. His heart and soul were always with his district in south Texas where he worshipped his God, loved his family, and was devoted to his constituents. That is why I believe that, more than the words spoken here in this House today, FRANK would be most proud of those signs that lined the streets in his beloved south San Antonio yesterday that said, we love you, FRANK. To my friend, we love you as well, and we will never forget the eloquence of your life's work. Mi amigo, yo te amo.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the dean of the Texas delegation for yielding time to me.

I also make mention that tomorrow the gentleman from Texas [Mr. ORTIZ] and I have also requested time through a special order to also commemorate the life of our good friend, FRANK TEJEDA.

It is truly with profound sadness that we extend our deepest condolences to the three children of FRANK TEJEDA, Marissa, Sonya and Frank III and to his mother, Lilly, on the untimely passing of FRANK TEJEDA. I do not think anyone would disagree if we were to say that this is a man who perhaps was not the best known Member in the House of Representatives, perhaps was not the Member who came and spoke down in this well most often, perhaps was not the gentleman who was out in committee making the most noise most often and perhaps was not the one socializing at night with all of his colleagues most often. But certainly I think no one would deny that this is a man who with total dignity every day that he was here showed that he earned the respect of the constituents of his district so that he could be the Representative from Texas.

I consider FRANK TEJEDA an American hero. It is not too often you do not know about the Superman's of the world and the Superman's of America, but a FRANK TEJEDA does not come very often. That is why at the age of 51, it is such a sadness to have seen him leave. It was FRANK's courage in the face of great obstacles that served him so well throughout his time here in Congress.

Two years ago I remember that, 1995, 2 years ago many believed upon learning of his illness, of his cancer of the brain that he would never serve another day in Congress. But in typical style, FRANK, remember FRANK is a guy who went to Harvard and went to Yale to graduate school and who also at the same time was a dropout from high school, remember FRANK is the Vietnam veteran who got not just the Bronze Star and the Purple Heart but also posthumously was awarded the Silver Star for having saved the lives of American soldiers, forsaking his own in the process.

This is a man who has always fought back. He returned to service in Congress even after all those folks said that there is no way in the world someone with that type of an illness could ever come back. And yet he continued to serve and finished off the days of the 104th Congress.

He was elected and even was sworn into the 105th Congress representing the 28th District of Texas. Had he had the chance, there is no doubt that with every fiber of his body and with every drop of blood he would have been here today. But I think as we heard at his funeral yesterday, the bishop, the archbishop say, it was destined that God wanted FRANK with him, that FRANK had served a greater purpose here and the Lord had seen fit to take him with him. I will argue with the Lord for having done that for probably the rest of my life, but FRANK knew his duty and he always served it.

I think it has always been said so well about FRANK, he gave when it was time, and he never, and he never, I am not sure if I have ever known anyone, but he never complained. This is a guy who not just in his physique but in the way he conducted himself told you that he could take punishment, but he would be there the next day. And that is perhaps the biggest tribute any one of us could pay to a man like FRANK TEJEDA. He never boasted about what he had done. He never said to any one of us here that, while I may not be the most famous Congressman, I saved the lives of some of the Americans who are watching today as I act as a Representative in Texas. He never once said to anyone, I graduated from some of the schools that most people in this Nation will never even get to step foot on. At the same time, he was someone who never had a chance to quite finish high school. He never bragged, but he was always there. I think that is the mark of someone who really is an American hero, and that is why I say, FRANK TEJEDA, you are an American hero.

FRANK was a quiet, dignified and disciplined man. But, oh, how proudly and eloquently his life spoke to the value of being an American. Look back at your life, FRANK, please look back at your life. We are many who will miss you. Today as we adjourn this, another august day of democracy in this Nation,

we say goodbye to a very distinguished American. Thank you, FRANK, for your service to this country. FRANK, thank you very much for your service in life. And I think all of us understand that today we mourn the passing of a great American hero.

Mr. GONZALEZ. Mr. Speaker, I yield such time as she may consume to gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, I rise to express my most profound sorrow at the passing of our colleague, FRANK TEJEDA, of San Antonio last week. I served with FRANK on the House Committee on National Security where his dedication to our national security and his commitment to his constituency in San Antonio was always in evidence.

FRANK brought to our committee a wealth of experience about military service and the dangers facing our Nation. Much of this experience he gained the hard way, particularly as a Marine Corps veteran of the Vietnam conflict where he served with distinction earning a Bronze Star and a Purple Heart. Following FRANK's return from Vietnam, he continued to serve in the Marine Corps Reserve, even during his service here in the House.

FRANK's voice of experience and his quiet determination will be sorely missed in our committee meetings. Our hearts go out to his family and friends who grieve at his passing. I hope they take consolation knowing how much he contributed to our Nation and how deeply his colleagues will miss him.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Speaker, it is a great honor to rise today in memory of FRANK TEJEDA, a very special man who became a special friend during the last 4 years. We were both elected in 1992. I was aware at the time of our election of his heroic record in combat in our Armed Forces. I was also aware at the time of our election of his extraordinarily impressive academic achievements, the fact that he had been at Yale and Harvard and succeeded there and in many other academic endeavors.

I did not know, however, at the time of our election, what I subsequently was able to learn by getting to know FRANK TEJEDA personally. He was a man of great faith, a man who revered family and who revered friendship.

I was most impressed every time, just about every time I had the opportunity to speak to FRANK, especially in the last years, when he was battling his illness, how he would say: I am fine, LINCOLN, I am fine. As a matter of fact, Diosito has protected me even from pain.

He would refer to God in that marvelous way which I would translate only as: My dearest God, my dearest God. He had great love for God as well as for family and for country and for freedom.

I wish to take this opportunity, Mr. Speaker, to make sure that his family knows not only how much FRANK will be missed here in the Halls of Congress but that his friends here will not only miss him but look forward to being in touch with his family and that his family know that we long to be their friends, as we were, of FRANK TEJEDA.

We will miss him, that very special man of patriotism, of grace and character and honor and integrity, of courage and optimism and strength and decency, that exemplary man who we had the honor and the privilege of getting to know personally during the last 4 years, FRANK TEJEDA. Hasta luego, caro amigo.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. HINOJOSA].

Mr. HINOJOSA. Mr. Speaker, it is an honor for me to be able to speak from the House, from the floor of the House of Representatives, my maiden speech, as a freshman Congressman, as one who knew FRANK TEJEDA. I feel honored that I will be allowed to come before you and to express my thoughts and my sentiments about this great individual whom we knew as FRANK.

The simplicity with which he spoke, the simplicity with which he treated the rest of the colleagues from Texas and from the rest of the country was something that was outstanding. It was spoken yesterday at the church as we, over 60 of us, Congressmen and Congresswomen, were seated and listened to the priests, to the bishops who were celebrating the mass. They said that he was the individual, he was the Congressman who had grown up right there in that neighborhood and had been an altar boy, had been attending school in that Catholic church and had played in the background and in the playgrounds adjacent to the church, and they spoke of how he had surfaced and become a leader amongst his little friends.

□ 1500

But not only did he surface to become a leader amongst those little friends, he rose here in the Halls of Congress to become one of the national leaders whom we all respected, and so we are here to pay tribute to FRANK TEJEDA.

We are here to join the many who feel exactly as I do, and that is that he was an honorable man; that he was honest; that he was hard working; that he was one whom you could depend on. If he gave you his word, you could count on it.

When I heard his children express their thoughts at the service yesterday, when I heard Marissa, when I heard Sonya, when I heard Frankie, I knew that he had done a wonderful job as a father and as a friend to those children. And so my last words are that we not forget those three children that he leaves behind, because they gave up so much so that their father could go and serve his constituents, that he could go and serve his country. And for that, I hope that we will always remember them in our prayers and that we see that they lack nothing the rest of their lives.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to my fellow Texan, Mr. BONILLA.

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

Mr. BONILLA. Mr. Speaker, I thank my colleague from Texas, Mr. GONZALEZ, for yielding me this time. We are all mourning a great loss we have all suffered in south Texas with the passing of our friend, FRANK TEJEDA.

FRANK was my personal friend. He and I were both elected at the same time and came to Congress the same year. We would often fly back and forth on the airplane, back to visit our constituents on weekends, and talk about how we all were so fortunate to wind up here representing the people of south Texas and west Texas.

During those times we would reflect on the places where he and I came from. He went to Harlandale High School, which is a couple miles up the road from South San Antonio High School, where I attended on the south side of San Antonio. And as we spent those many hours talking about the things we wanted to accomplish and the things that we wanted to do, it is so difficult to believe that in such a short period of time he is no longer with us.

He was the kind of person that in the last few days in south Texas we have all been reflecting on his accomplishments and what he did as a great community activist and a great advocate for the poor and for those who had no place else to turn often.

FRANK TEJEDA was always there when they needed him. He sponsored Little League baseball teams. He would pay for funerals for people who could not afford them in the neighborhoods in San Antonio. Never asking for any publicity, never asking for any recognition but simply writing a check, often, many times, most of the times out of his personal account to help families who otherwise would have no place else to turn.

As we think back on the legacy he has left us, what greater legacy can a man leave behind than having led by example with great honesty, with great character, with great integrity, with great dignity; and not only preaching those values everywhere he went but by leading by example at every opportunity.

South Texas and San Antonio loved FRANK TEJEDA. They loved FRANK TEJEDA, and his memory will live on forever. I just hope that one day as I work in these Halls of Congress that I can accomplish half of whatever he accomplished as a legislator and in the many years he served in public office.

FRANK, we know you are up there looking down on us today hoping that we can carry on the work that you started here; and as your children reflect on you, as your mother and your family members reflect on you and as

your friends reflect on you and what you have meant to them, we all appreciate the great legacy you have left us about the values and honesty and integrity and the things that were important to you. We will certainly try to aspire to meet the standards that you have set.

There is no greater legacy that an American will leave behind. We will miss you, FRANK. We will all remember your work and try to work and aspire to meet those standards you set for us.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I thank my friend for yielding me this time so that I can add my words to those of my colleagues in memory of my friend and classmate, FRANK TEJEDA, who recently fought his last battle. He fought so many in his life. He fought them all with honor and with grace, and that is the way he fought his last one as well.

I remember working with FRANK on the Armed Services Committee for the 4 years that he and I served in this institution, and working so well with him and in a spirit of bipartisanship. And for FRANK TEJEDA that was not something that he did when it was politic but not when it was not politic. It was something he did all the time. He did not even think about it. It was just a function of his character. FRANK loved people and he looked at individuals as individuals and he worked with them and for them his whole life.

FRANK was a man who went through a lot of adversity; had a lot of difficult times. Mr. Speaker, that makes some people bitter, but it empowers other people. It allows them to understand, truly, the sufferings that other people are going through and to be a method of comforting them, and that is what FRANK did.

Mr. Speaker, there is a verse from ''America the Beautiful'' that I really like. I think of it when I think of my colleagues and my friends who are veterans and have served their country so honorably, and I think it sums up at least a part of FRANK's life and his public service so well. I would like to recite it in closing my remarks.

> Oh, beautiful for heroes proved in liberating strife, who more than self their country loved and mercy more than life.

That was our friend FRANK TEJEDA. We will miss him. I would like to add my voice to my colleagues in extending my condolences to his family and friends.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas, Mr. SAM JOHNSON.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank my colleague for yielding. I appreciated FRANK. I tell my colleagues, FRANK TEJEDA and I had a chance to serve in the Texas House together. He was in the House when I was first elected down there, and later elected to the Senate, and I was there with him for the whole 7 years I was in the House. I got to know him, because down there we are not partisan like we are up here. We were bipartisan. We ate and drank together and we made laws together and we got to know each other. And I got to know FRANK. I even served on committees with him.

When he was elected to the U.S. House of Representatives, he did not have any opposition. Since that time he has been having to fly through Dallas to get up here, which is where I am from, and I have flown back and forth with him many times. And I want to tell my colleagues that he read the Bible on the airplane, memorized verses, and said that he was going to do what was right for America and what was right in the eyes of the Lord.

FRANK TEJEDA was a marine, and because of that he gave great faith in the strength of our armed services, which I believe in as well, and he and I were on common ground there. The strength of this Nation lies in our strength, in our military strength to form our foreign policy around the world. FRANK did that with a vehemence no one else could do. He was a great marine.

To FRANK, I say, and I think the marines would say, semper fi. Adios amigo.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I thank the dean of the Texas delegation, Mr. GONZALEZ, for yielding me this time.

We all now know much more about FRANK TEJEDA, his records, his legacy, his biography, but what will last in those hidden hollows of the hearts that knew him as a son, as a brother, as a father, as a comrade, as a colleague, and as a friend will be FRANK's unwavering courageous dedication to his God, to his family, and to his country.

The mark of any mortal is not how much he exhibits to the world but the quality of what he leaves behind. FRANK's real legacy is the high esteem in whom all who knew him held him. His honesty, his impeccable integrity, his quiet unassuming professional manner, his almost single-minded devotion to making life better.

Whether you were his marine buddy in the swamps of Vietnam, his neighbor in the barrio of San Antonio's south side, the many kids, young ballplayers, who got that uniform that they treasured so much because of the generosity of FRANK, whether you were a confidante or a combatant in the corridor of Congress, you could always be sure that FRANK would give you every consideration, every remedy, every ounce of integrity, honesty, fair play and unwavering courage that inhabited his being.

Let it be said in the words of two quotations that I think best fit now the memory of FRANK TEJEDA. Sir Richard Francis Burton said, ''He noblest lives and noblest dies who makes and keeps his self-made laws.'' And Daniel Webster once observed, ''Although no sculptured marble should rise to their memory, nor engraved stone bear records of their deeds, yet will their remembrance be as lasting as the lands they honored.''

FRANK TEJEDA loved this land and he honored it in so many ways while he was privileged to live on this Earth and we will forever remember him.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas, Congressman SESSIONS.

Mr. SESSIONS. Mr. Speaker, I thank the dean of the Texas delegation, Mr. GONZALEZ, very much.

I rise today also to say farewell to FRANK TEJEDA, a fellow Texan, a man who deeply believed not only in the faith and hope of Texans, but very much in our country and all that we stand for.

A lot has been said here today about the honesty, forthrightness, and the hard work that FRANK TEJEDA exemplified as a Texan, as a father, as a parent, and as a man who did the best for his country. But I would also like to rise today and say that as I attended the funeral yesterday that I saw a hope within the people of San Antonio, the people who lined the streets, who joined us in the cathedral, in the church there as we said goodbye to FRANK.

The people who were out on the street and the people who came to say goodbye recognized that FRANK TEJEDA had a hope from within him that represented a mission, a mission that we should all strive for. If there is one legacy that FRANK TEJEDA would leave, it was one that the people of the 28th Congressional District of Texas had, and that is one of hope, one of admiration to our country and for each one of us that we work together and the hope that we can come together as a country.

So while we say goodbye to FRANK TEJEDA, let us also recognize that what burned so deep in FRANK TEJEDA's heart also is shared by those people in San Antonio and it is that, Mr. Speaker, that I saw that burned so brightly and so deep that caught me and stunned me of the hope that we can all have, not just in San Antonio and not just in Texas but across this great land.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the dean of the Texas delegation for yielding me this time.

Mr. Speaker, many people have noticed and taken note of the incredible rise and the success story that was the life of Congressman FRANK TEJEDA. I will not recount that incredible story of triumph over adversity. My colleagues from Texas have done that most eloquently. I just want to take a

moment to reflect and to share a story of a trip I took last year to San Antonio. It is a story which I believe lends insight into the kind of man that FRANK TEJEDA was.

I went to Texas on just a few days' notice. In spite of that, FRANK put together a luncheon at which more than 100 leaders of the San Antonio African-American community turned out. An impressive demonstration of organizational skill, I thought to myself.

In the hour or two that I spent with those people from San Antonio, I realized that these people had not turned out to hear from me but to hear and see their Congressman, their friend, their brother, FRANK TEJEDA.

FRANK was not just respected in his community. He was not just liked. What I discovered on my trip to San Antonio was that FRANK was loved by the people in his district. FRANK was what every Member of Congress wants to be: He was a true representative of the people. FRANK understood his community because he was a part of that community. They were always on his mind and in his soul.

Mr. Speaker, we will all miss FRANK TEJEDA. In a time when people toot their own horns, especially here in Washington, he was quiet. He was a quiet man, a sincere man, a reflective and thoughtful man.

□ 1515

Mr. Speaker, I will miss FRANK, the House will miss FRANK, and the Nation will miss FRANK. There are not enough people like FRANK TEJEDA. God bless him and his family.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I am honored today to join with the Texas delegation and my other colleagues in honoring FRANK TEJEDA for his years of service and dedication to our Nation.

As we have heard, FRANK TEJEDA lived a life of hard work. He worked hard for his constituents of Texas. He worked hard as a member of the Marines. He worked hard in school. His accomplishments indeed include a law degree from UC-Berkeley and two more postgraduate degrees from Yale and Harvard.

Indeed this is commendable for a young man who early in life left school, disenchanted with some of the problems that had beset him as a young man. Some of his counselors, as I have read the record, called him just a trouble-making Mexican. Well, FRANK proved them wrong.

I had the privilege to serve with FRANK and understand him. He was not driven to prove to others that he could do something. He was driven by his own desire to do something. Whether it was bringing technology into the rural areas of his district or providing urban San Antonio with new community development opportunities, FRANK made it happen. I remember how he helped a small coalition of businesses in San Antonio. Its executive director, Sam Gorena, sought assistance in reviving the local economy and attracting new businesses. FRANK helped and we helped along with him in building that new economic blood for that community.

We, the colleagues of FRANK TEJEDA in the Congressional Hispanic Caucus, have lost one of our strongest representatives to our Nation's military and a leader to be sure, a leader in thoughtful debate, a leader here in the House. We, the colleagues of FRANK TEJEDA in Congress, were lucky to have served with him. He will live forever in our memories for his strength and his integrity. We as Americans owe FRANK a debt of eternal gratitude.

Ms. VELÁZQUEZ. Mr. Speaker, my colleagues, it is sad to admit it, but we live in a time of few heroes. Last week, we lost a modern-day hero who only months ago walked among us on this floor. Congressman FRANK TEJEDA has left us, but his spirit remains.

What an honor and privilege it was to serve with this great Latino. Mr. Speaker, a hero sacrifices selflessly and gives his whole being to causes bigger than himself. FRANK TEJEDA demonstrated this not only as a United States marine in the jungles of Vietnam but also in public life back home.

As a State legislator and as a Congressman, he fought the hard fights. He relentlessly protected the poor Mexican-American people of his Texas district. Here in Washington, he spoke out against assaults on immigrants, women, and children.

He was also a true champion of all veterans and never forgot his fellow men and women in uniform. FRANK TEJEDA was truly a powerful ally for all of us in the Congressional Hispanic Caucus.

Out of the tough barrios of San Antonio, TX, FRANK TEJEDA was conditioned to survive—to beat the odds—to overcome any barriers. When I think about FRANK TEJEDA, what sticks out the most is what a fighter he was in all that he did.

He battled off his tragic illness for over a year. Even in his final days, he insisted on being sworn in on his sickbed to fulfill the wishes of the 73-percent strong who elected him to his third term.

The Congress and the Nation mourn FRANK TEJEDA because he left us way too soon. However, we also celebrate his inspiring memory and peaceful strength. You were an example and a hero to this country. Thank you, FRANK, and may your goodness and justice guide us all.

Mr. FROST. Mr. Speaker, the House has lost a courageous Member of this body, and I have lost a good friend.

FRANK TEJEDA only served in the House for 4 years, but he nevertheless had a profound impact on those of us who knew him and worked with him. He had a deep commitment to helping people who traditionally have been left out of the mainstream of society. He wanted to reach out and ensure that the disadvantaged had an opportunity to fully participate in American life, that no institution, whether it be government, education, or business, would be closed to them.

FRANK was also committed to ensuring that America had a strong national defense. As a former marine, FRANK understood the value of freedom, and knew well the terrible cost of maintaining our cherished liberties. He worked tirelessly within the National Security Committee to see that the men and women serving in our Armed Forces had the resources necessary in today's world to protect our freedoms.

FRANK had fought hard for his constituents, for the people of Texas, and for all Americans. More recently, he battled valiantly against a disease that ultimately took his life. He never gave up.

He will be missed.

Mr. OXLEY. Mr. Speaker, I rise to mark the passing of our colleague, the gentleman from Texas, FRANK TEJEDA.

Congressman TEJEDA's spirit, his patriotism, his sense of duty, and his service to the Nation and his fellow veterans set an example for all Americans, particularly the youth of San Antonio. The House of Representatives, certainly, is poorer for his loss.

I wish to extend my sympathies to his family and friends.

Que Dios lo tenga en su Gloria.

Mr. EVANS. Mr. Speaker, on June 7, 1945, Gen. George S. Patton, Jr., while eulogizing our American World War II dead, reminded our grieving Nation: ''It is foolish and wrong to mourn the men who died. Rather we should thank God that such men lived.'' General Patton's words should support and sustain us today as we remember our colleague, FRANK TEJEDA. Rather than mourning FRANK's too-early death, let us thank God for his life—let us thank God we had the opportunity, and the privilege, to know and work with this extraordinary man.

FRANK was a favorite in this House. A genuinely friendly, decent, kind, and quiet man, his participation in a hearing or meeting guaranteed civility and tolerance. When he spoke, others leaned in so they could hear his words. I firmly believe that FRANK's notable courtesy and obvious concern and regard for the views of others were the results of a life challenge—as a young man growing up in southside San Antonio—as a highly decorated marine who fought and was wounded in the jungles of Vietnam—as a student at three of our country's most highly respected centers of learning and intellectual challenge—the University of California at Berkeley, Harvard, and Yale.

As a fellow member of the Committee on Veterans' Affairs, I know that FRANK's thoughtful, informed comments and constructive participation were highly regarded. He was among the first to sound the alarm regarding Persian Gulf war syndrome. He championed improvements in the Montgomery GI Bill. He fought to ensure that the many veterans in San Antonio were well cared for and that the Audie Murphy VA Hospital in San Antonio provided only the finest health care. I was also privileged to serve with FRANK on the Committee on National Security where his faithful and effective participation demonstrated his commitment to the members of our Armed Forces and a strong national defense.

All of us considered FRANK a good friend and colleague. Our admiration, however, grew into a real sense of awe as we watched him literally wage the battle of his lifetime—a fight he carried on with enormous courage and dignity. None of us will ever forget the Honorable FRANK TEJEDA—or the special grace with which he lived his life.

Our deepest sympathy goes to FRANK's beloved family, his loyal and devoted staff, and the residents of the 28th Congressional District of Texas, whom FRANK represented so ably and with great diligence. Please know that we in this House are anxious to help in any way possible during the coming difficult months. Let us all thank God for the life of FRANK TEJEDA.

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE FRANK TEJEDA

The SPEAKER pro tempore Mr. GOODLATTE. Pursuant to the order of the House of Tuesday, January 7, 1997, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on Monday, February 3, 1997, appointed the following Members to attend the funeral of the late Honorable FRANK TEJEDA:

Mr. GONZALEZ of Texas; Mr. ARMEY of Texas; Mr. GEPHARDT of Missouri; Mr. DELAY of Texas; Mr. BONIOR of Michigan; Mr. FAZIO of California; Mrs. KENNELLY of Connecticut; Mr. ARCHER of Texas; Mr. FROST of Texas; Mr. STENHOLM of Texas; Mr. HALL of Texas; Mr. ORTIZ of Texas; Mr. BARTON of Texas; Mr. COMBEST of Texas; Mr. SMITH of Texas; Mr. EDWARDS of Texas; Mr. SAM JOHNSON of Texas; Mr. BONILLA of Texas; Mr. GREEN of Texas; Ms. EDDIE BERNICE JOHNSON of Texas; Mr. BENTSEN of Texas; Mr. DOGGETT of Texas; Ms. JACKSON-LEE of Texas; Mr. THORNBERRY of Texas; Mr. PAUL of Texas; Mr. BRADY of Texas; Ms. GRANGER of Texas; Mr. HINOJOSA of Texas; Mr. LAMPSON of Texas; Mr. REYES of Texas; Mr. SANDLIN of Texas; Mr. SESSIONS of Texas; Mr. TURNER of Texas; Mr. MARTINEZ of California; Mr. KLECZKA of Wisconsin; Mr. BECERRA of California; Mr. BISHOP of Georgia; Mr. DIAZ-BALART of Florida; Mr. MCHALE of Pennsylvania; Mr. MENENDEZ of New Jersey; Ms. VELÁZQUEZ of New York; Mr. JACKSON of Illinois; Mr. ROMERO-BARCELO of Puerto Rico; and Mr. UNDERWOOD of Guam.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 35.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 2

Mr. THUNE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Joint Resolution 2.

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

There was no objection.

PERMISSION FOR SPEAKER TO ENTERTAIN MOTION TO SUSPEND RULES ON WEDNESDAY, FEBRUARY 5, 1997

Mr. THUNE. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, February 5, 1997, for the Speaker to entertain a motion to suspend the rules and pass a bill or resolution relating to the late Honorable FRANK TEJEDA of Texas.

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

There was no objection.

EXTENSION OF AGREEMENT ON FISHERIES BETWEEN ESTONIA AND THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–39)

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 Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Estonia Extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (''the 1992 Agreement''). The Agreement, which was effected by an exchange of notes at Tallinn on June 3 and 28, 1996, extends the 1992 Agreement to June 30, 1998.

In light of the importance of our fisheries relationship with the Republic of Estonia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 4, 1997.*

EXTENSION OF AGREEMENT ON FISHERIES BETWEEN LITHUANIA AND THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–40)

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 Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Lithuania Extending the Agreement of November 12, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (''the 1992 Agreement''). The Agreement, which was effected by an exchange of notes at Vilnius on June 5 and October 15, 1996, extends the 1992 Agreement to December 31, 1998.

In light of the importance of our fisheries relationship with the Republic of Lithuania, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 4, 1997.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now recognize Members for special orders until 6 p.m., at which time the Chair will declare the House in recess.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

RULES OF PROCEDURE FOR THE COMMITTEE ON THE JUDICIARY, 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HYDE] is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, pursuant to clause 2(a) of rule XI of the rules of the House, I submit for publication in the CONGRESSIONAL RECORD, the rules of procedure for the 105th Congress adopted by the House Committee on the Judiciary on January 21, 1997.

COMMITTEE ON THE JUDICIARY—RULES OF PROCEDURE

RULE I

The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its subcommittees with the following specific additions thereto.

RULE II. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Tuesday of each week while the House is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays and legal holidays when the House is not in session) before each scheduled Committee or subcommittee meeting, each Member of the Committee or subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee.

(d) The Chairman, with such notice to the ranking Minority Member as is practicable, may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(e) Committee and subcommittee meetings for the transaction of business, i.e. meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(f) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.

(g) For purposes of taking any action at a meeting of the full Committee or any subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the members of the Committee or subcommittee, except that a full majority of the Members of the Committee or subcommittee shall constitute a quorum for purposes for reporting a measure or recommendation from the Committee or subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

RULE III. HEARINGS

(a) The Committee Chairman or any subcommittee chairman shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing. If the Chairman of the Committee, or subcommittee, with the concurrence of the ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or subcommittee chairman shall make the announcement at the earliest possible date.

(b) Committee and subcommittee hearings shall be open to the public except when the Committee or subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(c) For purposes of taking testimony and receiving evidence before the Committee or any subcommittee, a quorum shall be constituted by the presence of two Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

RULE IV. BROADCASTING

Whenever a hearing or meeting conducted by the Committee or any subcommittee is open to the public, those proceedings shall be open to coverage by television, radio and still photography except when the hearing or meeting is closed pursuant to the Committee Rules of Procedure.

RULE V. STANDING SUBCOMMITTEES

(a) The full committee shall have jurisdiction over the following subject matters: antitrust law, tort liability, including medical malpractice and product liability, legal reform generally, and such other matters as determined by the Chairman.

(b) There shall be five standing subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

(1) Subcommittee on Courts and Intellectual Property: copyright, patent and trademark law, administration of U.S. courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) Subcommittee on the Constitution: constitutional amendments, constitutional rights, federal civil rights laws, ethics in government, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) Subcommittee on Commercial and Administrative Law: bankruptcy and commercial law, bankruptcy judgeships, administrative law, independent counsel, state taxation affecting interstate commerce, interstate compacts, other appropriate matter as referred by the Chairman, and relevant oversight.

(4) Subcommittee on Crime: Federal Criminal Code, drug enforcement, sentencing, parole and pardons, Federal Rules of Criminal Procedure, prisons, other appropriate matters as referred by the Chairman, and relevant oversight.

(5) Subcommittee on Immigration and Claims: immigration and naturalization, admission of refugees, treaties, conventions and international agreements, claims against the United States, federal charters of incorporation, private immigration and claims bills, other appropriate matters as referred by the Chairman, and relevant oversight.

(c) The Chairman of the Committee and ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each subcommittee to which such Chairman or ranking Minority Member has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such subcommittee.

RULE VI. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

RULE VII. NON-LEGISLATIVE REPORTS

No report of the Committee or subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or subcommittee issuing the report shall have been apprised of such report and given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays and legal holidays when the House is not in session).

RULE VIII. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use according to the Rules of the House. The Chairman shall notify the ranking Minority Member of any decision to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 5 minutes.

[Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

RULES OF PROCEDURE FOR THE COMMITTEE ON EDUCATION AND THE WORKFORCE, 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GOODLING] is recognized for 5 minutes.

Mr. GOODLING. Mr. Speaker, Pursuant to rule XI, clause 2(a) of the Rules of the House of Representatives, I respectfully submit the rules for the 105th Congress for the Committee on Education and the Workforce for publication in the CONGRESSIONAL RECORD.

RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE, 105TH CONGRESS

RULE 1. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS: VICE CHAIRMAN

(a) Regular meetings of the committee shall be held on the second Wednesday of each month at 9:30 a.m., while the House is in session. When the Chairman believes that the committee will not be considering any

bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect; and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to the call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff director of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open to the public, including radio, television, and still photography coverage. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the vice chairman, or the Chairman's designee.

(e)(1) The Chairman of the committee and of each of the subcommittees shall designate a vice chairman of the committee or subcommittee, as the case may be.

(2) The Chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings, or, in the absence of the chairman, the vice chairman, or the Chairman's designee shall preside.

RULE 2. QUESTIONING OF WITNESSES

Committee members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party members and all other members alternating between the majority and minority party in order of the member's appearance at the hearing. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position.

RULE 3. RECORDS AND ROLLCALLS

(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule XXXVI of the Rules of the House of Representatives, any official permanent record of the committee (including any record of a legislative, oversight, or other activity of the committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule

(s) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House, any record of the committee for which a time, schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accordance with the order of the committee.

(c) The official permanent records of the committee include noncurrent records of the committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the committee will respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of committee Rule 18(d) have been met, a quorum consisting of a majority of the members of the committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the committee which—

(A) provides for the nonavailability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule XXXVI of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b)(3) of this Rule.

RULE 4. STANDING SUBCOMMITTEES AND JURISDICTION

(a) There shall be five standing subcommittees with the following jurisdictions:

Subcommittee on Early Childhood, Youth, and Families.—Education from preschool through the high school level including, but not limited to, elementary and secondary education generally, school lunch and child nutrition, vocational education and overseas dependent schools; all matters dealing with programs and services for the care and treatment of children, including the Head Start Act, the Juvenile Justice and Delinquency Prevention Act, and the Runaway Youth Act; all matters dealing with programs and services for the elderly, including nutrition programs and the Older Americans Act; special education programs including, but not limited to, alcohol and drug abuse, education of the disabled, environmental education, Office of Educational Research and Improvement, migrant and agricultural labor education, daycare, child adoption, child abuse and domestic violence; poverty programs, including the Community Services Block Grant Act and the Low Income Home Energy Assistance Program (LIHEAP); and programs related to the arts and humanities, museum services, and arts and artifacts indemnity.

Subcommittee on Postsecondary Education, Training, and Life-Long Learning.—Education beyond the high school level including, but not limited to, higher education generally, training and apprenticeship (including the Job Training Partnership Act, the Full Employment and Balanced Growth Act, displaced homemakers, Work Incentive Program, welfare work requirements), adult basic education (family literacy), rehabilitation, professional development, and postsecondary student assistance; all domestic volunteer programs, library services and construction, the Robert A. Taft Institute, and the Institute for Peace.

Subcommittee on Workforce Protections.—Wages and hours of labor including, but not limited to, Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, Migrant and Seasonal Agricultural Worker Protection Act, Service Contract Act, workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety and the U.S. Employment Service.

Subcommittee on Employer-Employee Relations.—All matters dealing with relationships between employers and employees generally including, but not limited to, the National Labor Relations Act, Bureau of Labor Statistics, pension, health, and other employee benefits, including the Employee Retirement Income Security Act (ERISA); and all matters related to equal employment opportunity and civil rights in employment.

Subcommittee on Oversight and Investigations.—All matters related to oversight and investigations of activities of all Federal departments and agencies dealing with issues of education, human resources or workplace policy. This subcommittee will not have legislative jurisdiction and no bills or resolutions will be referred to it.

(b) The majority party members of the committee may provide for such temporary, ad hoc subcommittees as determined to be appropriate.

RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the committee and the ranking minority party member shall be ex

officio members, but not voting members, of each subcommittee to which such Chairman or ranking minority party member has not been assigned.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, DC. Any member of the committee may attend public hearings of any subcommittee and shall be afforded an opportunity by the subcommittee chairman to question witnesses.

RULE 7. SUBCOMMITTEE CHAIRMANSHIPS

The method for selection of chairmen of the subcommittees shall be at the discretion of the full committee Chairman, unless a majority of the majority party members of the full committee disapprove of the action of the Chairman.

RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As far as practicable, the Chairman of the committee shall seek to assure that subcommittees are not scheduled to meet for markup or approval of any measure or matter when the committee is meeting to consider any measure or matter for markup or approval. No markups shall be scheduled simultaneously by the subcommittees.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFF

(a) The employees of the committee shall be appointed by the Chairman in consultation with subcommittee chairmen and other majority party members of the committee within the budget approved for such purposes by the committee.

(b) The staff appointed by the minority shall have their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION AND DUTIES OF COMMITTEE STAFF

The staff of the committee shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. The staff appointed by the minority shall be under the general supervision and direction of the minority party members of the committee, who may delegate such authority as they determine appropriate. All committee staff shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. To the extent practicable, the Chairman or the subcommittee chairman shall make public announcement of the final list of witnesses scheduled to testify at least 48 hours before the commencement of the hearing. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) All hearings conducted by the committee or any subcommittee shall begin at 9:30 a.m. on the scheduled date and shall end at 12:15 p.m., unless there is good cause to schedule a hearing at a different time or to extend the length of the hearing. All opening statements at hearings conducted by the committee or any subcommittee will be made part of the permanent written record. Opening statements by members may not be presented orally, unless the Chairman of the committee or any subcommittee determines that one statement from the Chairman or a designee will be presented, in which case the ranking minority party member or a designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee or any subcommittee is a constituent of a member of the committee or subcommittee, such member shall be entitled to introduce such witness at the hearing.

(c) To the extent practicable, witnesses who are to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 48 hours in advance of their appearance, a written statement of their proposed testimony, together with a brief summary thereof, and shall limit their oral presentation to a summary thereof. The staff director of the committee shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(d) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may waive this right by calling at least one witness during a committee hearing or subcommittee hearing.

RULE 13. MEETINGS-HEARINGS-QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, DC, or during a recess or adjournment of the House without the prior authorization of the committee Chairman. Where feasible and practicable, 14 days' notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee authorizing a subpoena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) When a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

(d) In the conduct of hearings of subcommittees sitting jointly, the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings for purposes of such shared consideration.

(e) No person other than a Member of Congress or Congressional staff may walk in, stand in, or be seated at the rostrum area during a meeting or hearing of the Committee or Subcommittee unless authorized by the Chairman.

RULE 14. SUBPOENAS

A subpoena may be authorized and issued by the committee or subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members of the full committee voting, a majority being present. Authorized subpoenas shall be signed by the Chairman of the committee or by any member designated by the committee.

RULE 15. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

''This report has not been officially adopted by the Committee on Education and the Workforce (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members.''

The minority party members of the committee or subcommittee shall have three calendar days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of

the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill or resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been in the hands of all members at least 48 hours prior to such consideration. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking minority member of the committee or for other reasons), a comparison showing proposed changes in existing law.

(e) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the committee or subcommittee, as the case may be.

RULE 16. VOTES

(a) No vote by any member of the committee or any subcommittee with respect to any measure or matter may be cast by proxy.

(b) With respect to each rollcall vote on a motion to report any bill, resolution or matter of a public character, and on any amendment offered thereto, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

RULE 17. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. The Chairman shall review travel requests to assure the validity to committee business. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Oversight pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Oversight with respect to domestic and foreign expense allowances.

(d) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

RULE 18. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS

(a) The Chairman shall consult with subcommittee chairmen regarding referral, to the appropriate subcommittees, of such bills, resolutions, and other matters which have been referred to the committee. Once printed copies of a bill, resolution, or other matter are available to the Committee, the Chairman shall, within three weeks of such availability, provide notice of referral, if any, to the appropriate subcommittee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the Chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 19. COMMITTEE REPORTS

(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule Xi and clauses 3 and 7(a) of Rule XII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in the report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier than the end of the period provided under clause 2, paragraph (1)(5) of Rule XI of the Rules of the House of Representatives after the committee approves a measure or matter if a member at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(d) The report on activities of the committee required under clause 1 of Rule XI of the Rules of the House of Representatives, shall include the following disclaimer in the document transmitting the report to the Clerk of the House:

''This report has not been officially adopted by the Committee on Education and the Workforce or any subcommittee thereof and therefore may not necessarily reflect the views of its members.''

Such disclaimer need not be included if the report was circulated to all members of the committee at least 10 days prior to its submission to the House and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

RULE 20. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered report, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 21. BUDGET AND EXPENSES

(a) The Chairman in consultation with the majority party members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority party members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 17 within the limits of their

portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Oversight, and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, DC:

(1) out of funds budgeted and set aside for each subcommittee, not to exceed $3,000 for expenses of witnesses attending hearings of each subcommittee;

(2) out of funds budgeted for the full committee majority, not to exceed $3,000 for expenses of witnesses attending full committee hearings; and

(3) out of funds set aside to the minority party members,

(A) not to exceed, for each of the subcommittees, $3,000 for expenses of witnesses attending subcommittee hearings, and

(B) not to exceed $3,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of committee funds shall be maintained in the committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 22. APPOINTMENT OF CONFEREES AND NOTICE OF CONFERENCE MEETINGS

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

(b) After the appointment of conferee pursuant to clause 6(f) of Rule X of the Rules of the House of Representatives for matters within the jurisdiction of the committee, the Chairman shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

RULE 23. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

(a) The general conduct of each hearing or meeting covered under authority of this clause and the personal behavior of committee members, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.

(b) Persons undertaking to cover committee hearings or meetings under authority of this rule shall be governed by the following limitations:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witnesses served with a subpoena by the committee shall be required against their will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This paragraph is supplemental to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) The number of television and still cameras permitted in a hearing or meeting room shall be determined in the discretion of the Chairman of the committee or subcommittee holding such hearing or meeting subject to cause 3(e) of Rule XI of the Rules of the House of Representatives.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flash photography shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by the committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 24. CHANGES IN COMMITTEE RULES

A proposed change in these rules shall not be considered by the committee unless the text of such change has been in the hands of all members at least 48 hours prior to the meeting in which the matter is considered.

RULES OF THE U.S. HOUSE OF REPRESENTATIVES, 104TH CONGRESS

RULE XI, CLAUSE 2(K)

Investigative hearing procedures

(k)(1) The chairman at an investigative hearing shall announce in the opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULES OF PROCEDURE FOR THE COMMITTEE ON HOUSE OVERSIGHT, 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, pursuant to the requirements of clause 2 of rule XI of the Rules of the House of Representatives, I hereby submit for publication in the CONGRESSIONAL RECORD the rules of the Committee on House Oversight for the 105th Congress, as adopted by the committee in open session on January 8, 1997.

RULES OF PROCEDURE OF THE COMMITTEE ON HOUSE OVERSIGHT

RULE NO. 1

General provisions

(a) The Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and (subject to the adoption of expense resolutions as required by House Rule XI, clause 5) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee, and to distribute such information by electronic means. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the appropriate House account.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under House Rules X and XI during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE NO. 2

Regular and special meetings

(a) The regular meeting date of the Committee on House Oversight shall be the second Wednesday of every month when the House is in session in accordance with Clause 2(b) of House Rule XI. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with Clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the chairman subject to Clause 2(c) of House Rule XI. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee is not present at any meeting of the committee or at the discretion of the chairman, the vice chairman of the committee shall preside at the meeting. If the chairman and vice chairman of the committee are not present at any meeting of the committee, the ranking member of the majority party who is present shall preside at the meeting.

RULE NO. 3

Open meetings

As required by Clause 2(g), of House Rule XI, each meeting for the transaction of business, including the markup of legislation, of the committee, shall be open to the public except when the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: *Provided, however,* That no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

RULE NO. 4

Records and rollcalls

(a) The result of each rollcall vote in any meeting of the committee shall be transmitted for publication in the Congressional Record as soon as possible, but in no case later than two legislative days following such rollcall vote, and shall be made available for inspection by the public at reasonable times at the committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against; and the members present but not voting.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) House records of the committee which are at the National Archives shall be made available pursuant to House Rule XXXVI. The chairman of the committee shall notify the ranking minority party member of any decision to withhold a record pursuant to the rule, and shall present the matter to the committee upon written request of any committee member.

(d) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

RULE NO. 5

Proxies

No vote by any member in the committee may be cast by proxy.

RULE NO. 6

Power to sit and act; subpoena power

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents; as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths of any witness.

(b)(1) A subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpoena issued by the committee may be enforced only as authorized or directed by the House.

RULE NO. 7

Quorums

No measure or recommendation shall be reported to the House unless a majority of the committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating committee orders, or changing the rules of the committee, the quorum shall be one-third of the members of the committee. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

RULE NO. 8

Amendments

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9

Hearing procedures

(a) The chairman, in the case of hearings to be conducted by the committee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one (1) week before the commencement of that hearing. If the chairman of the committee, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing sooner, or if the committee so determines by majority vote, a quorum being present for the transaction of business, the chairman shall make the announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the CONGRESSIONAL RECORD as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of his or her statement.

(c) When any hearing is conducted by the committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Committee members may question a witness only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question the witness. The 5-minute period for questioning a witness by any one member can be extended as provided by House Rules. The questioning of a witness in committee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(e) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics

on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (f)(5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 10

Procedures for reporting measures or matters

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported to the House unless a majority of the committee was actually present.

(2) With respect to each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to House Rule X, of clause 2(b)(1) separately set out and clearly identified;

(2) the statement required by section 308(a)(1) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Reform and Oversight under House Rule XI, clause 2(l)(3)(D) separately set out and clearly identified whenever such findings and recommendations have been submitted to the committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental minority, or additional views (and any material submitted under subparagraphs (c)(3) and (c)(4) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c); or

(B) the filing of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings published and available to the members of the House prior to the consideration of such measure or matter in the House.

(g) the chairman of the committee may designate any member of the committee to act as ''floor manager'' of a bill or resolution during its consideration in the House.

RULE NO. 11

Committee oversight

The committee shall conduct oversight of matters within the jurisdiction of the committee in accordance with House Rule X, clause 2 and clause 4(d)(2). Not later than February 15 of the first session of a Congress, the Committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plans for that Congress in accordance with House Rule X, clause 2(d).

RULE NO. 12

Review of continuing programs; Budget Act provisions

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriation for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocation made to it, the joint explanatory statement accompany the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 13

Broadcasting of committee hearings and meetings

Whenever any hearing or meeting conducted by the committee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause 3 of House Rule XI, subject to the limitations therein.

RULE NO. 14

Committee staff

The staff of the Committee on House Oversight shall be appointed as follows:

A. The committee staff shall be appointed, except as provided in paragraph (B), and may be removed by the chairman and shall work under the general supervision and direction of the chairman;

B. All staff provided to the minority party members of the committee shall be appointed, and may be removed, by the Ranking Minority Member of the committee, and shall work under the general supervision and direction of such Member;

C. The chairman shall fix the compensation of all staff of the committee, after consultation with the Ranking Minority Member regarding any minority party staff, within the budget approved for such purposes for the committee.

RULE NO. 15

Travel of members and staff

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of

committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel will occur;

(3) The locations to be visited and the length of time to be spend in each;

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee, prior authorization must be obtained from the chairman. Before such authorization is given, there shall be submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spend in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought. (2) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, members and staff attending meetings or conferences shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Oversight pertaining to such travel.

RULE NO. 16

Powers and duties of subunits of the committee

The chairman of the committee is authorized to establish appropriately named subunits, such as task forces, composed of members of the committee, for any purpose, measure or matter; one member of each such subunit shall be designated chairman of the subunit by the chairman of the committee. All such subunits shall be considered ad hoc subcommittees of the committee. The rules of the committee shall be the rules of any subunit of the committee, so far as applicable, or as otherwise directed by the chairman of the committee. Each subunit of the committee is authorized to meet, hold hearings, receive evidence, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary, and to report to the full committee on all measures or matters for which it was created. Chairmen of subunits of the committee shall set meeting dates with the approval of the chairman of the full committee, with a view toward avoiding simultaneous scheduling of committee and subunit meetings or hearings wherever possible. It shall be the practice of the committee that meetings of subunits not be scheduled to occur simultaneously with meetings of the full committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the chairman through the clerk of the committee.

RULE NO. 17

Other procedures and regulations

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 18

Designation of clerk of the committee

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the committee shall act as the clerk of the committee.

TRIBUTE TO LOY SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, Tennessee has lost one of its leading citizens and a truly great American, Loy Smith. Loy passed away on Sunday after suffering a heart attack while working with one of his great loves, his horses. He was 68.

Loy was a longtime close friend of both my late father and me and one of our strongest supporters. He served for 14 years as a State Representative from our home district in the Tennessee House of Representatives.

He rose to the rank of House Republican leader from 1978 to 1980. He then voluntarily left elective office to devote more time to his family and his many business interests. He remained active in politics, however, always interested in good government and in doing his part.

He served as Knox County Republican chairman from 1990 to 1992 and was one of the finest leaders our party ever had. Loy was active in many other aspects of community life, too. He was a deacon of the Thorngrove Christian Church and was a past president of the Carter Optimist Club.

He was a member of the Knoxville Elks Lodge, the Odd Fellows, the Thorngrove Community Club, the Volunteer Carriage Club, the Sons of the Revolution and the Pascal Carter Memorial Park Association.

His first love was his family, and he is survived by his wife Lonna Rhea, his children, daughter Scottie and sons, David, Jim, and Jeff, and several inlaws, grandchildren, nieces, and nephews.

After his family, his strongest feelings were bound up with the Republican Party. He was a very loyal Republican and very conservative in his philosophy. He believed very strongly in the things that made this Nation great, and he especially believed in our great free enterprise system.

He was a vice president of and worked for the John Bailey Insurance Co. for 40 years. He also founded with his sons the Southeast Equipment Co. and was the owner of other businesses such as the Kay's Ice Cream Shops chain.

The Tennessee State legislature adopted a resolution Monday praising Loy Smith as, quote, ''a man of great wisdom and compassion, earning the universal respect and admiration of his peers.''

State Senator Ben Atchley, a longtime friend and associate of Loy's, said this: ''Loy had a strong sense of the situation. He had the wisdom of understanding and of understanding the end result. He could get to the bottom line in a hurry, and he was a strong force in Republican politics.''

Loy was a graduate of Carter High School. He volunteered to serve as a paratrooper in the U.S. Army and then received a business degree from the University of Tennessee.

He was a patriotic man who loved this country. More importantly, Loy Smith was simply a good man who helped countless numbers of people. He was not famous nationally, I suppose, but he was the type of man who has made this Nation the great Nation that it is today.

He did not live his life on the sidelines. He was in the arena in every possible way, and he truly made his mark.

Loy Smith will be missed most especially by his family and also by me and many, many others, I would say perhaps thousands of others. If this Nation had more people like Loy Smith, it would be a much better and kinder and stronger place. He lived his life to the fullest, and he served his country well.

□ 1530

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes.

[Mr. ROEMER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HEALTH INSURANCE FOR CHILDREN

The SPEAKER pro tempore. (Mr. GOODLATTE). Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, in December I and about 30 other Democrats sent a letter to President Clinton requesting that he include a program to provide assistance to the Nation's 10 million uninsured children in his budget that he would submit to Congress, and I am naturally very pleased that in his State of the Union Address tonight the President will announce a proposal to have Medicaid cover the 10 million

children who currently lack health insurance.

In millions of American working families both spouses work and yet neither works at a job that offers health insurance benefits, and while Medicaid provides coverage for children and families near or below the poverty level, many working families make more than the Medicaid threshold but not enough to afford health care premiums, and as a result millions of working parents remain unable to provide any health insurance whatsoever for their children.

Hoping to expand upon the progress made by last year's passage of the Kennedy-Kassebaum bill, congressional Democrats have been working hard to develop ways to address this problem. Indeed, many Members here in the House, including myself, are working on legislative proposals to remedy the problem. But I believe that making health insurance available to uninsured children really should be a central part of what we do in this Congress.

It was part of the Families First agenda which was developed by Democrats last year to help the average American family meet the costs of everyday life, and the attention the President will give this issue tonight is sorely needed. It is my hope that Republicans will join the President and congressional Democrats in recognizing that making health insurance available to all children is perhaps the most important issue we will examine here in the next 2 years.

U.S. PATENT LAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRABACHER) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, today I would like to discuss with the Members here assembled and those listening on C–SPAN and those who will be reading the CONGRESSIONAL RECORD an issue that will be determined very early on in this session.

It is an issue that is somewhat obscure. It is an issue that is very difficult to understand in that it is complicated and deals with a complicated part of the law. It is an issue that will probably be ignored by much of the public and will probably not even be understood by most of the Members of the House of Representatives. Yet how Congress resolves this issue will determine the future well-being of our people and the security of our country.

This Congress will determine early on the fundamental patent law that will take precedence in this country probably for the next 50 years and perhaps longer. We will be making a determination of what the patent law of the United States of America will be for this generation and future generations of Americans.

Now some people say oh, my gosh, he was saying this is so important, and now all of a sudden he is talking about patent law. Well, that is exactly what I am talking about. Patent law is a part of the American legal system that has been taken for granted by the American people.

However, every time we turn around we can see that it is America's technological edge that has permitted the American people to have the highest standard of living in the world and permitted our country to sail safely through the troubled waters of world wars and international threats. It is American technology that has made all the difference, and it is American patent law that has determined what technology and what level of technological development that America has had.

This is not an obscure issue. This is an issue of vital importance to every American, and it will determine in the future the standard of living of our people and the safety of our country.

We Americans came to this continent as poor immigrants, by and large, millions of us. We fared very well for a people and, comparing what we did as Americans to other countries, we faced the most undeveloped land imaginable. There was no land that was more undeveloped than the United States of America when our forefathers and mothers came here.

And, yes, we had space and we had resources. But more importantly than that, the secret of America's success is not found in our wide expanses and our deposits of minerals. Instead, the secret of our success can be found in the fact that our people had freedom and they had guaranteed rights, and also, of course, we had a dream. We had a dream of a country where average people, even people who are below average, people who came here from every part of the world, of every race, of every religion, of every creed, could come and they could live in dignity, they could live free from fear, they could live with the understanding that their children would have opportunity to improve themselves because there was a rising standard of living. We believed in rights, and we believe that these rights are God given rights and not just government rights.

Patent rights are one of those rights that are written into the U.S. Constitution, and there is another fact for those of you who may be listening to a discussion of patents for the first time. Do you know that the United States of America is one of the only countries of the world to have written into its founding document, the Constitution, a section dealing with patent rights? In fact, Benjamin Franklin, Thomas Jefferson, Washington, and others of our Founding Fathers were not only people who believed in freedom, but they believed in technology.

Visit Monticello and see what Thomas Jefferson did with his time after he penned the words to the Declaration of Independence, after he served as President of the United States. He went back to Monticello, and he spent his time inventing things that would lift the burden from the shoulders of labor.

Benjamin Franklin, the inventor of the bifocal and the stove; these were our Founding Fathers because they knew that with freedom and with technology we could increase the standard of living of our people. Our people were not just the Americans who were here, but the tens of millions of Americans who would come from other lands, who we would have to produce the wealth that was necessary to support them. We have the strongest patent protection in the world, and that is why in the history of mankind there has never been a more innovative and creative people.

Everyone has heard about Thomas Fulton and the steamboat. They assume that we invented, meaning Thomas Fulton invented, the steam engine. Thomas Fulton did not invent the steam engine. Mr. Fulton put the steam engine onto a boat and put it to work.

Cyrus McCormick invented the reaper; Samuel Morris, the telegraph; Thomas Edison, the light bulb and so many other inventions. We are proud of our history of technologies because we know as Americans, and we have always known through our country's history, that these inventions produced more wealth with less labor and increased the standard of living of all people and the opportunity of all people who were part of our American brotherhood and sisterhood.

And then of course the Wright brothers. We remember the Wright brothers: Men with little education who worked in a bicycle shop and ended up inventing something less than 100 years ago they were told was absolutely impossible by the experts. Yet they went ahead and moved ahead, received a patent, and they changed the future of mankind forever as they took mankind's feet off of the ground and put us on the road to the heavens.

Innovation and our great creative genius is the miracle that produced our wealth, not just our muscle. It was the genius and tenacity of the Wright brothers and of Cyrus McCormick and others that produced the wealth that has changed all of humankind and especially all the lives of all Americans. It was not raw muscle of every American, it was our ingenuity, our intelligence and, yes, the legal system that was established to protect that ingenuity and creativity. We treated intellectual property rights, the creation of new technologies, as we treated the property rights that someone had to a piece of land. It was his property or her property. And that is what America is all about, in that every person had a right to own a piece of property, and today as we enter the intellectual and innovative era of the electronic age and the age where ideas and creativity will mean even more, it is vital that we maintain this traditional support.

In World War II and then in the cold war, it was our genius and our commitment to freedom that carried the day. It was not our willingness to throw man for man against the Germans and the Japanese or face the Chinese Communists and the Russian Communists person for person in the cold war. If that was the case we would have been destroyed. We could never have matched them for pure muscle power. Instead, our aerospace workers, our scientists, our inventors, our computer specialists, our missile technicians, our rocket builders and, yes, those scientists who came up and started developing the SDI, the strategic defense system that would have created a missile defense system for the United States; these technological workers in our society made the difference in the cold war.

Yes, we won the cold war without having to fire a shot because we relied, yes, on courage, yes, on faith and freedom, but also in superior technology, and we had that superior technology because our lands protected American inventors and our creative citizens as no other in the world.

Today it is my sad duty to inform my fellow colleagues and the American people who are reading this RECORD and who are listening tonight that we face a great historic challenge, and this challenge comes at exactly the time when our country is moving into a global economy, which means that there is global competition, global warfare on an economic level that we must win or our country and our people will lose. If we lose this battle, our people will suffer. Future generations will see their economic situation, their standard of living decline, as well as the safety and strength of our country, if we do not remain technologically superior in this new challenge that we face as part of the global economy.

Our adversaries, by the way, have identified this as our strong point. They did this long ago. It did not take the Japanese too long before they realized what it is that always gives Americans the edge. How come that they always are able even though we are working so hard and we are able to maintain unity among our people like the Americans can never have, how come we are always falling one step behind as compared to the Americans as a new day approaches? They saw it right away. Americans are innovative, Americans have the ideas. We have to depend on them to get our ideas. Well, they identified that as our strong point, but it is also our weak point in that the American people have no idea what legal structure has been established to protect that technological lead.

What I am talking about is the fundamental patent law of this country. In short, let me explain that our economic adversaries and their allies, who are multinational corporations who are based here in the United States, whose allegiance, who knows where, in what country their allegiance is to are engaged in a systematic attack on the patent rights of the American people. Those people and those of our fellow citizens not engaged in the development of new technology, those people who are not inventors have no idea what fear is spreading throughout the community of innovative thinkers and creative technologists in our society. In an age of information technology innovation America's adversaries are hitting us hard and our people do not know it, and 20 years from now our citizens will wonder what hit them, whether it is—they might think it was another Pearl Harbor and happened in one moment. They know exactly what it was, but if it is happening slowly and their rights are being eroded and they do not know that laws are changing, they will have a decreasing standard of living and attack on their well-being and not know what hit them.

This attack is being conducted not by bombers in Pearl Harbor in Hawaii, but is being done by lobbyists in the Nation's capital who are out to destroy our patent system, lobbyists who have been hired by well-heeled multinational corporations and by companies who no longer have any desire to pay for the use of technology that has been developed by other American citizens. They are out, so-called, but when you ask them, they are not saying, well, we are out to destroy the patent system. No, instead what is being said is there is a measure out now to correct a so-called flaw in the system.

□ 1545

When you read the defense of the changes that are being proposed, you will hear about a minuscule flaw that has been used in less than 1 percent of all patents, actually probably one-tenth of 1 percent of all patents, that they are using as an excuse to fundamentally change the entire patent structure, the entire patent rights that have been guaranteed to Americans since the founding of our country.

In reality, if you look very closely, it is not this flaw that they will talk about, however. In reality, this flaw, which is called the submarine patent issue, is not what will be admitted to by those who are pushing the hardest on this particular issue, this reform of the patent system, so-called reform.

In fact, last year, Congresswoman Schroeder was in the well, and when I asked her about it, offhandedly she said, oh, well this is nothing more than an attempt to harmonize our patent law with the rest of the world.

Well, that is the real motivating force for many of those who are pushing so-called patent reform in the U.S. Congress, to harmonize, harmonize American patent law with the rest of the world. What does that mean?

Well, we have had the strongest patent protection of any country on this planet, just as we have had the strongest protection for our rights of speech and freedom of religion and the other rights that we hold sacred.

Now, tell me this: If Americans were out to harmonize patent law, that is one thing, certainly. But what would happen if they said, in order to harmonize freedom of religion and freedom of speech, we are going to reduce the amount of protection of these freedoms that are now enjoyed by the American people so that those freedoms will be exactly the same as, let us say, the people of Singapore have? What would be the reaction? There would be an immediate revolution throughout America, people saying, you are not going to diminish our rights in order to harmonize law internationally; forget it.

However, the move to harmonize patent law is going much more smoothly, because it is being done very low-key, not many people understand it, while the freedom and the well-being of future generations is being frittered away.

The fact is, we have had the strongest protection, patent right protection, and that is why we have had more innovation and a higher standard of living than any other people in the world. The common man here has opportunity that common people in other parts of the world do not have, because America has had technological superiority, and if our rights to patent protection are diminished in order to harmonize them with the rest of the world, is it not great that we will end up with the same type of opportunity and the same type of rights that they have in Third World countries? Is that what we want?

That is an abomination that is being carried out in an underhanded way here in Washington, DC, and the American people have got to know about it, and they have to unite, and they have to fight, or they will lose what our forefathers fought for and put into our Constitution.

But the argument you hear about submarine patents, every time we will hear from the other side, they will stress something called submarine patents. Submarine patents, by the way, are this: An inventor invents something and then intentionally tries to stall the Patent Office from its own internal procedures so that the patent, instead of being issued quickly, takes 5 years, maybe even longer, to issue, because the patent applicant is doing everything he can to manipulate the system.

Of course, what the people do not really explain is the fact that every decision as to whether or not that person will be granted a continuance or a continuation of his application is made by the Patent Office itself. Any type of manipulation of the patent system can be corrected by internal reforms within the Patent Office.

And I might add that the submarine patent problem is a problem for some people, but it is a minuscule problem. For people to suggest that a very small problem that can be corrected by administrative mandates within the system, that we must eliminate the guaranteed patent term, which is what they

are doing, in order to correct this problem, this is a very similar type suggestion to that if you have a hangnail.

Think about it. You have a hangnail, and you are talking about how terrible that hangnail is; in fact, your toe has become infected. And you go to your doctor, and the doctor goes into great detail about the ugliness and how horrible hangnails are. And you will hear hours of talk about the horrors of hangnails, being submarine patents. Only what the doctor is leading up to is that he is going to amputate your leg.

If you go along with a doctor who wants to amputate your leg because you have a hangnail, you have got problems. And what is going to happen to the U.S. patent system unless the American people rise up and contact their elected representative and tell their representative not to permit this to happen is, in the name of correcting a hangnail called submarine patenting, they are going to amputate the leg and destroy the whole system.

Basically, most inventors, the vast majority of inventors, maybe 95 to 99 percent of all inventors, struggle as hard as they possibly can to have their patent granted as soon as possible. They are afraid, No. 1, if they wait, that innovation will overtake their invention and they will not be able to make any money on it because there will be something else that is out.

No. 2, every second that they do not have the patent issued to them, they are restricted in the amount of money that they can get, because people will not invest and will not give money for something that has not already been issued as a patent. So they are struggling, and they are struggling.

We are told by those people who want to totally change the patent system that these evil inventors, you know, evil people like Thomas Edison and Cyrus McCormick, evil inventors like people who invented the drugs that have cured polio, evil inventors, that these people are stringing out the process.

They are not stringing out the process, they are struggling to get their patents through, and the one or two exceptions are not reason to destroy the rights of these inventors who have changed the landscape of the United States of America and improved the lives of our people.

Patent rights, unfortunately, have already been diminished, and most Americans do not even know it. Three years ago, 3 years ago, there was a change that was snuck into the GATT implementation legislation that changed the fundamental basic law of the land dealing with patents, a law that had been in place, a system that had been in place, since the founding of our country. Let me explain it.

Since the founding of our country, if an inventor applied for a patent, that inventor would be granted a patent. Once his patent was granted, he would have 17 years of a guaranteed patent term to reap the benefits of his invention, his or her invention. That applicant would be able to know that, no matter how long it took, if the Patent Office and the bureaucracy and those other people who were trying to stop him from getting the patent issued, no matter what happens, if it took 10 years or 20 years, the inventor knew that after that patent was actually granted, he or she would have 17 years of a guaranteed patent term. That was the term. Americans had a right to a guaranteed patent term.

Well, they just changed that a little bit. They just changed the wording a little bit. They changed the wording in the GATT implementation legislation. It now says that the patent applicant has 20 years of patent protection from the date of filing.

Now, let me describe what that really means. That means there is no guaranteed patent term, because if a patent applicant now, an inventor, files for a patent, if the system—by the way, if we are talking about innovative, innovative and breakthrough technology, sometimes it takes years, even a decade, for the Patent Office to issue that patent and say, you are the inventor, this is what you say it is.

What happens with this new system that they snuck into the law is that the clock is ticking against the inventor. Instead of having a guaranteed patent term of 17 years, the inventor now has an uncertain term, and if it takes the bureaucracy 10 years or 15 years, the patent applicant may end up with 5 years in return.

Now, what does that mean? That means that venture capitalists who usually go into partnership with inventors, they provide the money that the inventor needs, they sustain them while they are exploring new ideas and trying to develop new models and working innovations, and the venture capitalists also have known, hey, I am going to have 17 years to earn my investment back.

That investor and that inventor now know that they may have no time to earn their investment back, because there is no longer a patent term certain. We eliminated the right of Americans to a guaranteed patent term. And it did not just happen. It was done, as I say, it was snuck into the GATT implementation legislation.

And let me mention this as well. We were told when we voted for fast track for GATT, and I voted for fast track for GATT, that the only thing in the implementing legislation would be those things required by GATT. That is this General Agreement on Trades and Tariffs.

This provision that I am talking about today was not required by GATT, yet it was put into the implementation legislation as an underhanded attempt to put us into a situation where we had to vote for that agreement, vote for that change, or vote against the entire world trading system.

Those of us who voted for fast track were totally betrayed. We were betrayed, because we had made an agreement that the only thing in there would be those that were required by GATT.

Well, the change was made, and 2 years ago I moved forward to try to reinstate the guaranteed patent term, because the more I studied it, the more I found out how this situation smelled to high heaven. It was just something that had been put over through the GATT implementation legislation.

Later on, I found that this was not required by GATT, but what it was required by was a personal agreement between the head of our Patent Office, Bruce Lehman, and his Japanese counterpart to harmonize American law with Japanese law.

You heard me. There was a personal agreement from someone who had absolutely no right to make that agreement and expect that it would be just put into law without debate, that he could just sneak it into another piece of legislation. That was an agreement between that Government official, Bruce Lehman, and his Japanese counterpart. This is incredible.

So, we have the agreement that we are going to harmonize our law. Now, what happens in Japan? Yes, we are trying to harmonize our law with the Japanese law.

What happens in Japan? We already discussed the fact that the Japanese never come up with any new innovations, they take them from the United States. One of the reasons is because their patent law has this system, and when an inventor applies for a patent in Japan, he knows, or she knows, that the clock is ticking against the inventor and that all of a sudden, when the word gets out in Japan that this new invention has been requested, a patent has been requested for this new invention, what happens? The new inventor is confronted by corporate special interests who beat down that inventor until the inventor concedes ownership rights to the special interests.

So when you have huge corporations running roughshod over the people of Japan, of course the people of Japan do not invent very many things, because the creative people feel, why should they? And they put their energies into other things, like families and other things that are important to all individuals.

□ 1600

Do we want to have a system, do we want our system to be like the Japanese system? Is that what we want? Do we want to eliminate the guaranteed patent term because the Japanese did not have a guaranteed patent term? That is what happened in the GATT implementation legislation.

Step two of the attack, by the way, happened 2 years ago as well. Actually, last year we saw this. It was a comprehensive bill, H.R. 3460, which was submitted, a comprehensive patent reform bill. It was submitted and it almost got to the floor. I was fighting it

all year round. All year round. It almost got to the floor, but we managed to prevent it from getting to the floor.

What about H.R. 3460? That bill has now been reintroduced in Congress. Here we are in our first weeks of the session and H.R. 3460 has already been introduced. It is now called H.R. 400. This is the bill. I call it the Steal American Technology Act, H.R. 400.

What does H.R. 400 do? First of all it reconfirms the end, the demise of America's right to a guaranteed patent term. It basically reaffirms that. No longer will we ever have a dream, if this bill passes, of the right of a guaranteed patent term. Now it is an uncertain patent term, and I might add, it will put us in the same position as the Japanese, that the Japanese have with their major corporations.

This bill not only does that, but it drastically changes other patent rights. Up until now in the United States of America, throughout our 200-year history, a patent applicant would apply for a patent with the full understanding that everything that he was applying for with the Government would be confidential. In fact, people could be put in jail for disclosing the contents of a patent applicant. This is something we have held sacrosanct, that it is information that belongs to the patent applicant, the right of confidentiality, the right to be kept secret.

H.R. 400, that is the bill people are trying to push through this House, and they will be trying as the weeks go on, with ever-increasing intensity and every Japanese paid lobbyist that they can get down here.

This bill, what does it do also? This bill mandates that every patent application made in the United States of America will be published after 18 months. Published. We have gone from a right of a guaranteed patent term, that has been eliminated; then we have a right of confidentiality to our inventions, and now they are trying to eliminate that.

What does it mean? It means that every copycat in the world, every brigand, technological thief in the world will have every detail of every American patent application after 18 months. Many of our patent applicants will see their inventions manufactured overseas by copycat thieves before the U.S. Patent Office has had time to grant them a patent.

I sat in my office as the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary passed through that bill last year. There was a man who was a president of a small solar company and he was listening to it. He was enraged. His face reddened and his fists clenched. He said, Congressman, if this bill passes, my Japanese competitors will be taking my patent applications, they will be manufacturing my new ideas that I have spent millions of dollars developing. They will be taking the profit from the sale of my innovations to fight me in court to destroy my own patent rights.

Is this a formula for catastrophe? Is this a formula for disaster? It is an invitation to thieves around the world to steal American technology. H.R. 400, the Steal American Technologies Act, it will not protect American inventors.

You will hear hoopla, hoopla, hoopla. It is a 90-page bill filled with platitudes trying to get people away from the central point that they are giving away America's technological secrets to the Chinese, the Japanese, and everybody else who could get themselves someone in Washington, DC to fax those materials to them around the world.

In fact, there will be a whole new industry outside the Patent Office. There will be people going from the Patent Office to the fax machines as rapidly as possible to get the information about new American ideas out, and who can go into manufacturing them the quickest before the Americans are even able to issue the patent.

This is something that the American people should be able to understand. Patent law is confusing. It is difficult to understand. But every American should understand that if we give our secrets away, if we publish them for the world, people who do not like us, who are our economic adversaries, will use our ideas against us.

What a catastrophe if the Wright Brothers, in building their airplane, were faced with a Mitsubishi Corp. who came down upon them and had every secret of their devices and said, no, this is our plane, this is our plane. You Americans did not invent this, we invented this. You would have two Americans in a bicycle shop facing massive Japanese corporations. That is exactly what is going to happen if those people who are pushing H.R. 400 have their way.

America's standard of living, we do not need the aerospace workers out in California, we do not need the aerospace industry, do we? That is what the Wright Brothers gave to America. They gave hundreds of thousands of dollars, millions of Americans great jobs and standards of living because we protected their invention. We gave them property rights to what they invented. We kept it secret until they were issued the patent. We do not give away our secrets and expect our enemies not to use them.

H.R. 400 also by the way obliterates the Patent Office; just by the way, it also eliminates the Patent Office from the U.S. Government. Just thought I would throw that in as well. It is like saying, oh, yes, we have decided to make the court system a quasi-independent corporation. That is right. They are going to take the Patent Office in H.R. 400 and they are going to turn it into a quasi-independent corporation.

Our patent examiners, who have a history of integrity and honesty, they have been protected by their civil service protection, they have a quasi-judicial function. They are making legal determinations, legal judgments that will mean who owns billions of dollars of wealth in our society. Those people are now going to work for a quasi-independent corporation, and what influences will be on that corporation we do not know. We do not know.

It would be like saying, now we are going to rely on a private corporation to set up a judicial system before we know all the details on how it is going to function, as if patent rights—of course, they do not mean a thing. The American people would know what was going to happen if we were going to give corporations the right to run all the judges and all the courts in our country. They would know that. They would know we had better have every detail mapped out. We do not have every detail mapped out.

H.R. 400, the Steal American Technologies Act, would not only disclose all of our secrets, but our own people who are there to protect us, the patent examiners who are there to protect the rights of our citizens, will be put into an entirely different arrangement. They are no longer our representatives, no longer people who are working for the United States, working for the American people, they are working for some quasi-independent corporation.

I believe, I personally believe, in privatization. Any time we can have privatization, boy, DANA ROHRABACHER, is there. The National Taxpayers Union and all these other people know I am there when it comes to privatization. I think it is a good idea.

But I would not support privatizing all the courts. I would not support privatizing the Army. There are certain functions in Government. One of those functions happen to be the protection of our rights, and property rights, as I say, the intellectual property rights of our people, are going to be ever more important. So we are going to take that function away from employees at the Patent Office and turn it into a quasi-independent corporation?

Who is going to control it? Who is going to be on the board of directors? Are they going to be corporate representatives on the board of directors, maybe foreign corporations might be able to be on the board of directors? I do not know. We will have to find out those answers.

Basically, H.R. 400 will permit, the Steal American Technologies Act will permit foreign and multinational corporations to run roughshod over the American people in the same way they have been running roughshod over their own people. That is predictable. They are going to give them all the information. They are going to strip away the rights that have protected American inventors. You do not expect that these huge powerful corporate interests that have had such incredible impact on their people in their own countries are not going to come over here and try to do the same thing to our people.

In a few days I will be introducing a bill which will counteract H.R. 400. My bill, like a similar bill that I had last year, will be entitled ''the Patent Term Restoration Act.'' This bill offers us a chance to restore to the American people the guaranteed patent term which has been our right since our country's founding. I am asking my colleagues to sign on as cosponsors.

The other side has already had their multinational corporate interests putting pressure on our colleagues here. This is a free society. They have a right to speak. They have a right to talk to their representatives. But it is important that the American people have their influence as well. Every American needs to talk to his or her Member of Congress, his or her Member of the House of Representatives, and ask that that representative cosponsor the Patent Term Restoration Act, and oppose, please, and oppose the Steal American Technologies Act, H.R. 400.

Last year my bill, which is basically similar to the bill that will be reintroduced in the next few days, last year we had the support of biotech companies, we had the support of those who are under attack from all over the world, we had the support of labor unions, we had the support of venture capitalists, the pharmaceutical companies, major universities like the Massachusetts Institute of Technology. But more importantly, we had support from every individual inventors' organization in the country. In short, we had the support of the little guys versus the big guys.

This is the ultimate fight of the little guys versus the big guys. In America's history, in America's history, the average person, the little guy, has always come through because our Government is designed not for the protection of people who can hire stables of lawyers to do their bidding, and that is what H.R. 400 would do, the Steal American Technologies Act will do. It will mean that the big corporations who can hire the lawyers will have Government protection of their rights, but the rest of us will be left out.

But we are not going to permit that to happen, because we can mobilize support in Congress if the American people will speak to their Congressmen, if they will call their Representative in the House of Representatives and say, ''We want you to support H.R.,'' whatever the bill will be, which is basically the Patent Restoration Act, the Patent Restoration Act, and to oppose H.R. 400, which is the Steal American Technologies Act.

Japanese corporations, as I say, and Chinese, and all these people, when you hear people talking about the global economy, by the way, I believe in a global economy. No matter what we do, we are going to have a global economy. We are going to have a more global system, because communications and transportation are better than ever, thanks to the Wright Brothers and thanks to Thomas Edison and a lot of other people. But the fact is that we cannot use that concept as an excuse to diminish the rights of our people.

If we are going to harmonize our law with Japan or anyone else, we must bring their standard of protection up to that of the American people. That is what this debate will be all about, of whether or not we can—the big shots, of course, they can just have their lawyers do the work for them, but the rest of us depend on these things being written into law, these protections to be written into law.

We need to restore the American guaranteed patent rights. We need to restore them, and when we face these issues of global economy in the future, we must face them with the understanding that we will not be entering the global economy by basically diminishing the rights of our people. The American people can understand that. The American people, if they speak to their elected Representatives, their will, their will will take precedence over the powerful special interests.

Today we join the battle. Today we will begin a fight that will be decided before August, and before August, through this body, will come through either a bill that is aimed at restoring the guaranteed patent term to the American people, or H.R. 400, the Steal American Technologies Act.

□ 1615

This will determine the future of our country. People will not fight for the American people unless the American people fight for themselves. We must all participate. I am confident that just as in the past, the American people will be the winners and that in the future of our country, when we evermore in the years ahead look to technology, we will be the technological leaders. We will not, our people will not go out to do battle, to do battle with enemies and adversaries around the world in equipment and weapons that are inferior technologically.

Think about having to disclose every new patent idea after 18 months, whether or not the patent has been issued. That means our adversaries, who might want to destroy us, will have technology that can actually target America for destruction. Certainly they will have information that can target American jobs and the standard of living of our people for destruction.

But we will win this battle and we will win the battles in the future because we will be strong and the American people will speak loudly and rise up and prevent this abomination of H.R. 400, the Steal American Technologies Act, from passing and will demand their rights be restored, patent rights and their rights to decency and their rights to opportunity as American citizens.

PROBLEMS OF THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore (Mr. CALLAHAN). Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I appreciate the attention that the Speaker and, more recently, the President has given to the problems of the District of Columbia. The reason for that attention is that those problems are indeed desperate.

Let me concede that there are operational problems of the city that must be laid at the feet of the city and the city has accepted that challenge.

I come as an advocate for my city, not as an apologist. All the analysts also say that there are structural defects in the financial relationship between the city and the Federal Government. They can perhaps be summed up in the notion that this city pays for State, county, and municipal functions and, though the vast majority of those who work in the city come from the suburbs, it is the District that must pay for the services they use. And they make no contribution.

As a result, I have introduced a bipartisan bill, the District of Columbia Economic Recovery Act. It is a progressive tax cut. Essentially it would allow the residents of the District of Columbia to use their own money to save the Capital of the United States.

Why is this necessary? Perhaps that is best understood by looking at this chart, ''Frightening Decline of D.C. Tax Base.'' Mr. Speaker, this is 1990. This is the year 2000.

When cities begin to lose their tax base at this rate, the State kicks in and keeps them from going belly up. There is no State to do that for the District of Columbia. Most cities, particularly the large cities of the United States, Detroit, New York, Chicago, Newark, LA, would not have been left standing if, given similar flight, they had not had a State as a safety net. If the District were not stateless, I would not have put in my tax-cut bill. The President will speak tonight, I believe, of a proposal he has to help the District by taking some of the cost of State functions from the District and taking back pension liability that the Congress built up.

The fact is that as grateful as we are for a proposal that is serious, it is marginal. It would take about 10 percent of what District taxpayers pay now and, remember, those taxpayers are rapidly disappearing. It would leave those same disappearing taxpayers with 90 percent of the costs they now pay.

My bill contains protections against gentrification. It is a progressive tax cut based on income. Mr. Speaker, no one even speaks today of the underlying democratic flaw that afflicts the Capital of the United States. It is the last great injustice on American soil, that the District is third per capita in Federal income taxes and yet has indeed taxation without representation. The four territories have a delegate just as the District does. They pay no Federal income taxes. I even won the

right to vote on the House floor in the Committee of the Whole and in one of this body's most ungenerous acts, this vote was taken from me by rule by the majority, an act that violates the principles of the majority and the minority. It is a vote I hope to reclaim.

More important than my vote, Mr. Speaker, however, is the survival of my city and your Capital. As we begin the 105th Congress, I ask Members to keep an open mind as we try to find a way toward recovery for the Capital of the United States. We are not asking to tax others. We are asking that the money we spend in Federal taxes be cut somewhat so that we can help revive our city. You must not allow the Capital of the United States to become an absolute disgrace because its problems have been laid only at its feet and its own great country has not come forward to help it. The President wants to help. I now ask my own colleagues to help as well.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 8:40 p.m., for the purpose of receiving in joint session, the President of the United States.

Accordingly (at 4 o'clock and 22 minutes p.m.) the House stood in recess until approximately 8:40 p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 9 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. William Sims, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas [Mr. ARMEY];

The gentleman from Texas [Mr. DELAY];

The gentleman from Ohio [Mr. BOEHNER];

The gentleman from California [Mr. COX];

The gentleman from Arkansas [Mr. DICKEY];

The gentleman from Arkansas [Mr. HUTCHINSON];

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from California [Mr. FAZIO];

The gentlewoman from Connecticut [Mrs. KENNELLY];

The gentleman from Arkansas [Mr. BERRY]; and

The gentleman from Arkansas [Mr. SNYDER).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Mississippi [Mr. LOTT];

The Senator from Oklahoma [Mr. NICKLES];

The Senator from Florida [Mr. MACK];

The Senator from Georgia [Mr. COVERDELL];

The Senator from Idaho [Mr. CRAIG];

The Senator from Kentucky [Mr. MCCONNELL];

The Senator from Arkansas [Mr. HUTCHINSON];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Kentucky [Mr. FORD];

The Senator from Maryland [Ms. MIKULSKI];

The Senator from Louisiana [Mr. BREAUX];

The Senator from Massachusetts [Mr. KERRY];

The Senator from Nevada [Mr. REID];

The Senator from West Virginia [Mr. ROCKEFELLER];

The Senator from North Dakota [Mr. DORGAN]; and

The Senator from New Jersey [Mr. TORRICELLI].

The Assistant to the Sergeant at Arms announced the acting dean of the diplomatic corps, His Excellency Mohsin A. Alaini, Ambassador of Yemen.

The acting dean of the diplomatic corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Associate Justices of the Supreme Court of the United States.

The Associate Justices of the Supreme Court of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 11 minutes p.m., the Sergeant at Arms, Mr. Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. Speaker, Mr. Vice President, Members of the 105th Congress, distinguished guests, and my fellow Americans:

I think I should start by saying thanks for inviting me back.

I come before you tonight with a challenge as great as any in our peacetime history, and a plan of action to meet that challenge, to prepare our people for the bold new world of the 21st century.

We have much to be thankful for. With 4 years of growth, we have won back the basic strength of our economy. With crime and welfare rolls declining, we are winning back our optimism, the enduring faith that we can master any difficulty. With the Cold War receding and global commerce at record levels, we are helping to win an unrivaled peace and prosperity all across the world.

My fellow Americans, the state of our union is strong, but now we must rise to the decisive moment, to make a Nation and a world better than any we have ever known. The new promise of the global economy, the information age, unimagined new work, life-enhancing technology, all these are ours to seize. That is our honor and our challenge. We must be shapers of events, not observers. For if we do not act, the moment will pass, and we will lose the best possibilities of our future.

We face no imminent threat, but we do have an enemy: The enemy of our time is inaction.

So tonight I issue a call to action, action by this Congress, action by our States, by our people, to prepare America for the 21st century. Action to keep our economy and our democracy strong and working for all our people; action to strengthen education and harness the forces of technology and science; action to build stronger families and stronger communities and a safer environment; action to keep America the world's strongest force for peace, freedom, and prosperity. And above all, action to build a more perfect union here at home.

The spirit we bring to our work will make all the difference. We must be committed to the pursuit of opportunity for all Americans, responsibility from all Americans, in a community of all Americans. And we must be committed to a new kind of government, not to solve all our problems for us, but to give our people, all our people, the tools they need to make the most of their own lives.

And we must work together. The people of this Nation elected us all. They

want us to be partners, not partisans. They put us all right here in the same boat. They gave us all oars, and they told us to row. Now, here is the direction I believe we should take. First we must move quickly to complete the unfinished business of our country, to balance the budget, renew our democracy, and finish the job of welfare reform.

Over the last 4 years, we have brought new economic growth by investing in our people, expanding our exports, cutting our deficits, creating over 11 million new jobs, a 4-year record. Now we must keep our economy the strongest in the world. We here tonight have an historic opportunity. Let this Congress be the Congress that finally balances the budget.

In two days, I will propose a detailed plan to balance the budget by 2002. This plan will balance the budget and invest in our people while protecting Medicare, Medicaid, education and the environment. It will balance the budget and build on the Vice President's efforts to make our government work better even as it costs less.

It will balance the budget and provide middle class tax relief to pay for education and health care, to help to raise a child, to buy and sell a home.

Balancing the budget requires only your vote and my signature. It does not require us to rewrite our Constitution.

I believe it is both unnecessary and unwise to adopt a balanced budget amendment that could cripple our country in time of economic crisis and force unwanted results, such as judges halting Social Security checks or increasing taxes. Let us at least agree we should not pass any measure, no measure should be passed that threatens Social Security. Whatever your view on that, we all must concede, we do not need a constitutional amendment; we need action.

Whatever our differences, we should balance the budget now. And then for the long-term health of our society, we must agree to a bipartisan process to preserve Social Security and reform Medicare for the long run so that these fundamental programs will be as strong for our children as they are for our parents.

And let me say something that is not in my script tonight: I know this is not going to be easy, but I really believe one of the reasons the American people gave me a second term was to take the tough decisions in the next four years that will carry our country through the next 50 years. I know it is easier for me than for you to say or do, but another reason I was elected is to support all of you without regard to party to give you what is necessary to join in these decisions. We owe it to our country and to our future.

Our second piece of unfinished business requires us to commit ourselves tonight before the eyes of America to finally enacting bipartisan campaign finance reform. Senators MCCAIN and FEINGOLD, Representatives SHAYS and MEEHAN have reached across party lines here to craft tough and fair reform. Their proposal would curb spending, reduce the role of special interests, create a level playing field between challengers and incumbents and ban contributions from noncitizens, all corporate sources and the other large soft money contributions that both parties receive.

You know and I know that this can be delayed, and you know and I know that delay will mean the death of reform. So let us set our own deadline. Let us work together to write bipartisan campaign finance reform into law and pass McCain-Feingold by the day we celebrate the birth of our democracy, July 4th.

There is a third piece of unfinished business. Over the last four years, we moved a record two and a quarter million people off the welfare rolls. Then last year, Congress enacted landmark welfare reform legislation demanding that all able-bodied recipients assume the responsibility of moving from welfare to work. Now each and every one of us has to fulfill our responsibility, indeed our moral obligation, to make sure that people who now must work can work.

Now we must act to meet a new goal, 2 million more people off the welfare rolls by the year 2000.

Here is my plan: Tax credits and other incentives for businesses that hire people off welfare; incentives for job placement firms and States to create more jobs for welfare recipients; training, transportation and child care to help people go to work.

Now I challenge every State: Turn those welfare checks into private sector paychecks. I challenge every religious congregation, every community nonprofit, every business to hire someone off welfare. And I would like to say especially to every employer in our country, whoever criticized the old welfare system, you cannot blame that old system anymore. We have torn it down. Now do your part. Give someone on welfare the chance to go to work.

Tonight I am pleased to announce that five major corporations, Sprint, Monsanto, UPS, Burger King and United Airlines, will be the first to join in a new national effort to marshal America's businesses, large and small, to create jobs so that people can move from welfare to work. We passed welfare reform. All of you know I believe we were right to do it. But no one can walk out of this Chamber with a clear conscience unless you are prepared to finish the job.

And we must join together to do something else, too, something both Republican and Democratic governors have asked us to do, to restore basic health and disability benefits when misfortune strikes immigrants who came to this country legally, who work hard, pay taxes and obey the law. To do otherwise is simply unworthy of a great Nation of immigrants.

Now, looking ahead, the greatest step of all, the high threshold of the future we must now cross and my number one priority for the next four years is to ensure that all Americans have the best education in the world.

Let us work together to meet these three goals: Every 8-year-old must be able to read; every 12-year-old must be able to log on to the Internet; every 18-year-old must be able to go to college; and every adult American must be able to keep on learning for a lifetime.

My balanced budget makes an unprecedented commitment to these goals, $51 billion next year. But far more than money is required.

I have a plan, a call to action for American education based on these 10 principles.

First, a national crusade for education standards, not Federal Government standards, but national standards representing what all of our students must know to succeed in the knowledge economy of the 21st century.

Every State and school must shape the curriculum to reflect these standards and train teachers to lift students up to them. To help schools meet the standards and measure their progress, we will lead an effort over the next 2 years to develop national tests of student achievement in reading and math.

Tonight I issue a challenge to the Nation: Every State should adopt high national standards, and by 1999 every State should test every fourth grader in reading and every eighth grader in math to make sure these standards are met.

Raising standards will not be easy, and some of our children will not be able to meet them at first. The point is not to put our children down, but to lift them up. Good tests will show us who needs help, what changes in teaching to make, and which schools need to improve. They can help us to end social promotion, for no child should move from grade school to junior high or junior high to high school until he or she is ready.

Last month, our Secretary of Education Dick Riley and I visited northern Illinois where eighth grade students from 20 school districts in a project aptly called ''First in the World'' took the Third International Math and Science Study. That is a test that reflects the world class standards our children must meet for the new era. And those students in Illinois tied for first in the world in science and came in second in math.

Two of them, Kristin Tanner and Chris Getsla, are here tonight, along with their teacher, Sue Winski. They are up there with the First Lady, and they prove that when we aim high and challenge our students, they will be the best in the world. Let us give them a hand. Stand up, please.

Second, to have the best schools, we must have the best teachers. Most of us in this Chamber would not be here tonight without the help of those teachers. I know that I would not be here.

For years, many of our educators, led by North Carolina's Governor Jim

Hunt and the National Board for Professional Teaching Standards, have worked very hard to establish nationally accepted credentials for excellence in teaching. Just 500 of these teachers have been certified since 1995. My budget will enable 100,000 more to seek national certification as master teachers.

We should reward and recognize our best teachers. And as we reward them, we should quickly and fairly remove those few who do not measure up, and we should challenge more of our finest young people to consider teaching as a career.

Third, we must do more to help all our children read. Forty percent, 40 percent, of our 8-year-olds cannot read on their own. That is why we have just launched the America Reads Initiative, to build a citizen army of 1 million volunteer tutors to make sure every child can read independently by the end of the third grade. We will use thousands of AmeriCorps volunteers to mobilize this citizen army. We want at least 100,000 college students to help.

And tonight I am pleased that 60 college presidents have answered my call, pledging that thousands of their work/study students will serve for 1 year as reading tutors.

This is also a challenge to every teacher and every principal: You must use these tutors to help your students read. And it is especially a challenge to our parents: You must read with our children every night.

This leads to the fourth principle: Learning begins in the first days of life. Scientists are now discovering how young children develop emotionally and intellectually from their very first days and how important it is for parents to begin immediately talking, singing, even reading, to their infants.

The First Lady has spent years writing about this issue, studying it, and she and I are going to convene a White House Conference on Early Learning and the Brain this spring to explore how parents and educators can best use these startling new findings.

We already know we should start teaching children before they start school. That is why this balanced budget expands Head Start to 1 million children by 2002. That is why the Vice President and Mrs. Gore will host their annual family conference this June on what we can do to make sure that parents are an active part of their children's learning all the way through school.

They have done a great deal to highlight the importance of family in our life, and now they are turning their attention to getting more parents involved in their children's learning all the way through school. And I thank you, Mr. Vice President, and I thank you especially, Tipper, for what you are doing.

Fifth, every State should give parents the power to choose the right public school for their children. Their right to choose will foster a competition and innovation that can make public schools better. We should also make it possible for more parents and teachers to start charter schools, schools that set and meet the highest standards and exist only as long as they do. Our plan will help America to create 3,000 of these charter schools by the next century, nearly seven times as many as there are in the country today, so that parents will have even more choices in sending their children to the best schools.

Sixth, character education must be taught in our schools. We must teach our children to be good citizens, and we must continue to promote order and discipline, supporting communities that introduce school uniforms, impose curfews, enforce truancy laws, remove disruptive students from the classroom, and have zero tolerance for guns and drugs in schools.

Seventh, we cannot expect our children to raise themselves up in schools that are literally falling down. With the student population at an all-time high and record numbers of school buildings falling into disrepair, this has now become a serious national concern.

Therefore, my budget includes a new initiative: $5 billion to help communities finance $20 billion in school construction over the next 4 years.

Eighth, we must make the 13th and 14th years of education, at least 2 years of college, just as universal in America by the 21st century as a high school education is today, and we must open the doors of college to all Americans.

To do that, I propose America's HOPE scholarship, based on Georgia's pioneering program, 2 years of a $1,500 tax credit for college tuition, enough to pay for the typical community college.

I also propose a tax deduction of up to $10,000 a year for all tuition after high school, an expanded IRA you can withdraw from tax free for education, and the largest increase in Pell grant scholarships in 20 years.

This plan will give most families the ability to pay no taxes on money they saved for college tuition. I ask you to pass it, and give every American who works hard the chance to go to college.

Ninth, in the 21st century, we must expand the frontiers of learning across a lifetime. All our people, of whatever age, must have the chance to learn new skills. Most Americans live near a community college. The roads that take them there could be paths to a better future. My GI bill for America's workers will transform the confusing tangle of Federal training programs into a simple skill grant to go directly into eligible workers' hands. For too long, this bill has been sitting on that desk there without action. I ask you to pass it now. Let us give more of our workers the ability to learn and to earn for a lifetime.

Tenth, we must bring the power of the Information Age into all our schools. Last year, I challenged America to connect every classroom and library to the Internet by the year 2000, so that for the first time in our history, children in the most isolated rural towns, the most comfortable suburbs, the poorest inner city schools, will have the same access to the same universe of knowledge. That is my plan: a call to action for American education.

Some may say that it is unusual for a President to pay this kind of attention to education. Some may say it is simply because the President and his wonderful wife have been obsessed with this subject for more years than they can recall. That is not what is driving these proposals. We must understand the significance of this endeavor. One of the greatest sources of our strength throughout the Cold War was a bipartisan foreign policy. Because our future was at stake, politics stopped at the water's edge. Now I ask you, and I ask all our Nation's governors, I ask parents, teachers and citizens all across America, for a new nonpartisan commitment to education, because education is a critical national security issue for our future, and politics must stop at the schoolhouse door.

To prepare America for the 21st century, we must harness the powerful forces of science and technology to benefit all Americans.

This is the first State of the Union carried live in video over the Internet. But we have only begun to spread the benefits of a technology revolution that should become the modern birthright of every citizen.

Our effort to connect every classroom is just the beginning. Now we should connect every hospital to the Internet, so doctors can instantly share data about their patients with the best specialists in the field. And I challenge the private sector tonight to start by connecting every children's hospital as soon as possible, so that a child in bed can stay in touch with school, family and friends. A sick child need no longer be a child alone.

We must build the second generation of the Internet so our leading universities and national laboratories can communicate in speeds a thousand times faster than today, to develop new medical treatments, new sources of energy, new ways of working together.

But we cannot stop there. As the Internet becomes our new town square, a computer in every home, a teacher of all subjects, a connection to all cultures, this will no longer be a dream, but a necessity. And over the next decade, that must be our goal.

We must continue to explore the heavens, pressing on with the Mars probes and the international space station, both of which will have practical applications for our everyday living.

We must speed the remarkable advances in medical science. The human genome project is now decoding the genetic mysteries of life. American scientists have discovered genes linked to breast cancer and ovarian cancer, and medication that stops a stroke in

progress and begins to reverse its effects, and treatments that dramatically lengthen the lives of people with HIV and AIDS.

Since I took office, funding for AIDS research at the National Institutes of Health has increased dramatically, to $1.5 billion. With new resources, NIH will now become the most powerful discovery engine for an AIDS vaccine, working with other scientists to finally end the threat of AIDS. Remember that every year we move up the discovery of an AIDS vaccine will save millions of lives around the world. We must reinforce our commitment to medical science.

To prepare America for the 21st century, we must build stronger families.

Over the past 4 years, the family and medical leave law has helped millions of Americans to take time off to be with their families. With new pressures on people in the way they work and live, I believe we must expand family leave so that workers can take time off for teacher conferences and a child's medical checkup. We should pass flextime so workers can choose to be paid for overtime in income, or trade it in for time off to be with their families.

We must continue, step by step, to give more families access to affordable, quality health care. Forty million Americans still lack health insurance. Ten million children still lack health insurance. Eighty percent of them have working parents who pay taxes. That is wrong. My balanced budget will extend health coverage to up to 5 million of those children. Since nearly half of all children who lose their insurance do so because their parents lose or change a job, my budget will also ensure that people who temporarily lose their jobs can still afford to keep their health insurance. No child should be without a doctor just because a parent is without a job.

My Medicare plan modernizes Medicare, increases the life of the trust fund to 10 years, provides support for respite care for the many families with loved ones afflicted with Alzheimer's, and for the first time it would fully pay for annual mammograms.

Just as we ended drive-through deliveries of babies last year, we must now end the dangerous and demeaning practice of forcing women home from the hospital only hours after a mastectomy. I ask your support for bipartisan legislation to guarantee that a woman can stay in the hospital for 48 hours after a mastectomy. With us tonight is Dr. Kristen Zarfos, a Connecticut surgeon whose outrage at this practice spurred a national movement and inspired this legislation. I would like her to stand so we can thank her for her efforts. Dr. Zarfos, thank you.

In the last 4 years, we have increased child support collections by 50 percent. Now we should go further and do better, by making it a felony for any parent to cross a State line in an attempt to flee from this, his or her most sacred obligation.

Finally, we must also protect our children by standing firm in our determination to ban the advertising and marketing of cigarettes that endanger their lives.

To prepare America for the 21st century we must build stronger communities. We should start with safe streets. Serious crime has dropped 5 years in a row. The key has been community policing. We must finish the job of putting 100,000 community police on the streets of the United States.

We should pass the victims rights amendment to the Constitution, and I ask you to mount a full-scale assault on juvenile crime with legislation that declares war on gangs, with new prosecutors and tougher penalties, extends the Brady bill so violent teen criminals will not be able to buy handguns, requires child safety locks on handguns to prevent unauthorized use and helps to keep our schools open after hours on weekends and in the summer so our young people will have some place to go and something to say yes to.

This balanced budget includes the largest antidrug effort ever to stop drugs at their source, punish those who push them and teach our young people that drugs are wrong, drugs are illegal and drugs will kill them. I hope you will support it.

Our growing economy has helped to revive poor urban and rural neighborhoods, but we must do more to empower them to create the conditions in which all families can flourish and to create jobs through investment by business and loans by banks.

We should double the number of empowerment zones. They have already brought so much hope to communities like Detroit, where the unemployment rate has been cut in half in 4 years.

We should restore contaminated urban land and buildings to productive use. We should expand the network of community development banks, and together we must pledge tonight that we will use this empowerment approach, including private sector tax incentives, to renew our capital city so that Washington is a great place to work and live and once again the proud face America shows the world.

We must protect our environment in every community. In the last 4 years we cleaned up 250 toxic waste sites, as many in the previous 12. Now we should clean up 500 more so that our children grow up next to parks, not poison. I urge you to pass my proposal to make big polluters live by a simple rule: If you pollute our environment, you should pay to clean it up.

In the last 4 years we strengthened our Nation's safe food and cleaning drinking water laws, we protected some of America's rarest and most beautiful land in Utah's Red Rocks region, created three new national parks in the California desert and began to restore the Florida Everglades. Now we must be as vigilant with our rivers as we are with our lands.

Tonight I announce that this year I will designate 10 American Heritage rivers to help communities alongside them revitalize their waterfronts and clean up pollution in the rivers, proving once again we can grow the economy as we protect the environment.

We must also protect our global environment, working to ban the worst toxic chemicals and to reduce the greenhouse gases that challenge our health even as they change our climate.

Now, we all know that in all of our communities some of our children simply do not have what they need to grow and learn in their own homes or schools or neighborhoods and that means the rest of us must do more, for they are our children too. That is why President Bush, General Colin Powell, former Housing Secretary Henry Cisneros will join the Vice President and me to lead the President's Summit of Service in Philadelphia in April.

Our national service program, AmeriCorps, has already helped 70,000 young people to work their way through college as they serve America. Now we intend to mobilize millions of Americans to serve in thousands of ways. Citizen service is an American responsibility which all Americans should embrace, and I ask your support for that endeavor.

I would like to make just one last point about our national community. Our economy is measured in numbers and statistics and is very important. But the enduring worth of our Nation lies in our shared values and our soaring spirit. So instead of cutting back on our modest efforts to support the arts and humanities I believe we should stand by them and challenge our artists, musicians and writers, challenge our museums, libraries and theaters.

We should challenge all Americans in the arts and humanities to join with their fellow citizens to make the year 2000 a national celebration of the American spirit in every community, a celebration of our common culture in the century that is passed and in the new one to come in a new millennium so that we can remain the world's beacon, not only of liberty but of creativity long after the fireworks have faded.

To prepare America for the 21st century we must master the forces of change in the world and keep American leadership strong and sure for a uncharted time.

Fifty years ago, a farsighted America led in creating the institutions that secured victory in the Cold War and built a growing world economy. As a result, today more people than ever embrace our ideals and share our interests. Already we have dismantled many of the blocs and barriers that divided our parents' world. For the first time more people live under democracy than dictatorship, including every Nation in our own hemisphere but one, and its day too will come.

Now we stand at another moment of change and choice and another time to

be farsighted, to bring America 50 more years of security and prosperity. In this endeavor our first task is to help to build for the very first time an undivided democratic Europe. When Europe is stable, prosperous and at peace, America is more secure. To that end we must expand NATO by 1999 so that countries that were once our adversaries can become our allies. At the special NATO summit this summer that is what we will begin to do. We must strengthen NATO's partnership for peace with non-member allies and we must build a stable partnership between NATO and a democratic Russia.

An expanded NATO is good for America and a Europe in which all democracies define their future, not in terms of what they can do to each other but in terms of what they can do together for the good of all, that kind of Europe is good for America.

Second, America must look to the East no less than to the West. Our security demands it. Americans fought 3 wars in Asia in this century. Our prosperity requires it. More than 2 million American jobs depend upon trade with Asia. There, too, we are helping to shape an Asian Pacific community of cooperation, not conflict.

Let our progress there not mask the peril that remains. Together with South Korea, we must advance peace talks with North Korea and bridge the Cold War's last divide. I call on Congress to fund our share of the agreement under which North Korea must continue to freeze and then dismantle its nuclear weapons program.

We must pursue a deeper dialogue with China for the sake of our interests and our ideals. An isolated China is not good for America. A China playing its proper role in the world is. I will go to China, and I have invited China's President to come here, not because we agree on everything, but because engaging China is the best way to work on our common challenges like ending nuclear testing, and to deal frankly with our fundamental differences like human rights.

The American people must prosper in the global economy. We have worked hard to tear down trade barriers abroad so that we can create good jobs at home. I am proud to say that today America is once again the most competitive Nation and the number one exporter in the world. Now we must act to expand our exports, especially to Asia and Latin America, two of the fastest growing regions on earth, or be left behind as these emerging economies forge new ties with other nations.

That is why we need the authority now to conclude new trade agreements that open markets to our goods and services even as we preserve our values. We need not shrink from the challenge of the global economy. After all, we have the best workers and the best products. In a truly open market we can outcompete anyone, anywhere on earth.

But this is about more than economics. By expanding trade, we can advance the cause of freedom and democracy around the world. There is no better example of this truth than Latin America, where democracy and open markets are on the march together. That is why I will visit there in the spring, to reinforce our important ties.

We should all be proud that America led the effort to rescue our neighbor, Mexico, from its economic crisis. We should all be proud that last month Mexico repaid the United States, 3 full years ahead of schedule, with a half a billion dollar profit to us.

America must continue to be an unrelenting force for peace, from the Middle East to Haiti, from Northern Ireland to Africa. Taking reasonable risks for peace keeps us from being drawn into far more costly conflicts later.

With American leadership, the killing is stopped in Bosnia. Now the habits of peace must take hold. The new NATO force will allow reconstruction and reconciliation to accelerate. Tonight I ask Congress to continue its strong support of our troops. They are doing a remarkable job there for America, and America must do right by them.

Fifth, we must move strongly against new threats to our security. In the past 4 years we agreed to ban, we led the way to a worldwide agreement to ban nuclear testing. With Russia, we dramatically cut nuclear arsenals, and we stopped targeting each other's citizens. We are acting to prevent nuclear materials from falling into the wrong hands, and to rid the world of landmines.

We are working with other nations, with renewed intensity, to fight drug traffickers and to stop terrorists before they act, and hold them fully accountable if they do.

Now we must rise to a new test of leadership, ratifying the Chemical Weapons Convention. Make no mistake about it, it will make our troops safer from chemical attack. It will help us to fight terrorism.

We have no more important obligations, especially in the wake of what we now know about the Gulf War. This treaty has been bipartisan from the beginning, supported by Republican and Democratic administrations, and Republican and Democratic Members of Congress, and already approved by 68 nations. But if we do not act by April the 29th, when this convention goes into force with or without us, we will lose the chance to have Americans leading and enforcing this effort. Together, we must make the Chemical Weapons Convention law, so that at last we can begin to outlaw poison gas from the earth.

Finally, we must have the tools to meet all these challenges.

We must maintain a strong and ready military. We must increase funding for weapons modernization by the year 2000, and we must take good care of our men and women in uniform. They are the world's finest.

We must also renew our commitment to America's diplomacy, and pay our debts and dues to international financial institutions like the World Bank, and to a reforming United Nations. Every dollar, every dollar we devote to preventing conflicts, to promoting democracy, to stopping the spread of disease and starvation, brings a sure return in security and savings. Yet international affairs spending today is just 1 percent of the Federal budget, a small fraction of what America invested in diplomacy to choose leadership over escapism at the start of the Cold War. If America is to continue to lead the world, we here who lead America simply must find the will to pay our way.

A farsighted America moved the world to a better place over these last 50 years, and so it can be for another 50 years. But a shortsighted America will soon find its words falling on deaf ears all around the world.

Almost exactly 50 years ago, in the first winter of the Cold War, President Truman stood before a Republican Congress and called upon our country to meet its responsibilities of leadership. This was his warning. He said, ''If we falter, we may endanger the peace of the world—and we shall surely endanger the welfare of this nation.'' That Congress, led by Republicans like Senator Arthur Vandenberg, answered President Truman's call. Together, they made the commitments that strengthened our country for 50 years. Now let us do the same. Let us do what it takes to remain the indispensable Nation, to keep America strong, secure, and prosperous for another 50 years.

In the end, more than anything else, our world leadership grows out of the power of our example here at home, out of our ability to remain strong as one America.

All over the world people are being torn asunder by racial, ethnic, and religious conflicts that fuel fanaticism and terror. We are the world's most diverse democracy, and the world looks to us to show that it is possible to live and advance together across those kinds of differences.

America has always been a Nation of immigrants. From the start, a steady stream of people, in search of freedom and opportunity, have left their own lands to make this land their home. We started as an experiment in democracy fueled by Europeans. We have grown into an experiment in democratic diversity fueled by openness and promise.

My fellow Americans, we must never, ever believe that our diversity is a weakness. It is our greatest strength.

Americans speak every language, know every country. People on every continent can look to us and see the reflection of their own great potential. And they always will, as long as we strive to give all of our citizens, whatever their background, an opportunity to achieve their own greatness.

We are not there yet. We still see evidence of abiding bigotry and intolerance and ugly words and awful violence

in burned churches and bombed buildings. We must fight against this in our country and in our hearts.

Just a few days, before my second inauguration, one of our country's best known pastors, Reverend Robert Schuller, suggested that I read Isaiah 58:12. Here is what it says: ''Thou shalt raise up the foundations of many generations, and thou shalt be called, the repairer of the breach, the restorer of paths to dwell in.''

I placed my hand on that verse when I took the oath of office on behalf of all Americans, for no matter what our differences in our faiths, our backgrounds, our politics, we must all be repairers of the breach.

I want to say a word about two other Americans who show us how. Congressman FRANK TEJEDA was buried yesterday, a proud American whose family came from Mexico. He was only 51 years old. He was awarded the Silver Star, the Bronze Star and the Purple Heart fighting for his country in Vietnam, and he went on to serve Texas and America fighting for our future here in this Chamber. We are grateful for his service and honored that his mother, Lillie Tejeda, and his sister Mary Alice, have come from Texas to be with us here tonight, and we welcome them.

Gary Locke, the newly elected Governor of Washington State, is the first Chinese American Governor in the history of our country. He is the proud son of two of the millions of Asian American immigrants who strengthened America with their hard work, family values and good citizenship. He represents the future we can all achieve. Thank you, Governor, for being here.

Reverend Schuller, Congressman TEJEDA, Governor Locke, along with Kristin Tanner and Chris Getsla, Sue Winski and Dr. Kristen Zarfos, they are all Americans from different roots whose lives reflect the best of what we can become when we are one America.

We may not share a common past, but we surely do share a common future. Building one America is our most important mission, the foundation of many generations, of every other strength we must build for this new century. Money cannot buy it. Power cannot compel it. Technology cannot create it. It can only come from the human spirit.

America is far more than a place. It is an idea, the most powerful idea in the history of nations. And all of us in this Chamber, we are now the bearers of that idea, leading a great people into a new world. A child born tonight will have almost no memory of the 20th century. Everything that child will know about America will be because of what we do now to build a new century.

We do not have a moment to waste. Tomorrow there will be just over 1,000 days until the year 2000; 1,000 days to prepare our people; 1,000 days to work together; 1,000 days to build a bridge to a land of new promise.

My fellow Americans, we have work to do. Let us seize those days and the century.

Thank you. God bless you, and God bless America.

(Applause, the Members rising.)

At 10 o'clock and 20 minutes p.m. the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order: The members of the President's Cabinet; the Associate Justices of the Supreme Court of the United States; the Acting Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 29 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. ROGAN. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

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:)

Ms. WATERS, for 5 minutes, today.
Ms. NORTON, FOR 5 MINUTES, TODAY.
Mr. ROEMER, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. DUNCAN) TO REVISE AND EXTEND THEIR REMARKS AND INCLUDE EXTRANEOUS MATERIAL:)

Mr. RIGGS, for 5 minutes, on February 5.
Mr. HYDE, for 5 minutes, today.
Mr. GOODLING, for 5 minutes, today.
Mr. DUNCAN, 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. DUNCAN) and to include extraneous matter:)

Mr. OXLEY.
Mr. CASTLE.
Mr. LEWIS of California.
Mr. WOLF, in two instances.
Mr. DAVIS of Virginia.
Mr. MCKEON.
Mrs. MORELLA.
Mr. BURTON of Indiana.
Mr. QUINN.
Mr. GILMAN, in two instances.
Mr. HUNTER.
Mr. TALENT, in four instances.
Mrs. MYRICK.
Mr. DAN SCHAEFER of Colorado.
Mr. DIAZ-BALART.
Mr. RAMSTAD.
Mr. THOMAS.
Mr. GANSKE.
Mr. SAXTON.
Mr. HYDE.
Mr. EWING.
Mr. GILMAN.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mrs. MINK of Hawaii.
Mr. CUMMINGS.
Mr. SABO.
Mr. ACKERMAN.
Mr. PRICE of North Carolina.
Mr. TOWNS.
Mr. DINGELL.
Mr. CONYERS.
Mr. YATES.
Mr. TRAFICANT.
Mr. BROWN of California.
Mr. BARCIA.
Mr. CONDIT.
Mr. POSHARD.
Mrs. LOWEY.
Mr. CLAY.
Mrs. KENNELLY of Connecticut.
Mr. MENENDEZ.
Mr. OWENS.
Mr. RICHARDSON.
Mr. BONIOR.
Ms. HARMAN.
Mr. MCDERMOTT,
Ms. FURSE.
Mr. BLUMENAUER.
Mr. STARK.
Mr. BENTSEN.
Mr. DIXON.
Mr. FARR of California.
Mr. CARDIN.
Mr. KENNEDY of Massachusetts.
Mr. ORTIZ.
Mr. LIPINSKI.

(The following Members (at the request of Mr. ROGAN) and to include extraneous material:)

Mr. COYNE.
Mr. WYNN.
Mr. BARCIA.
Ms. NORTON.

(The following Members (at the request of Mr. ROGAN) and to include extraneous material:)

Mr. CRAPO.
Mr. CUNNINGHAM.
Mr. HERGER.
Mr. FRELINGHUYSEN.
Mr. WOLF.
Mr. MCHUGH.
Mr. COBLE.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that

committee had examined and found truly enrolled a joint resolution of the House of the following title, which were thereupon signed by the Speaker:

H.J. Res. 25. Joint resolution making technical corrections to the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208), and for other purposes.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a joint resolution of the House of the following title:

On January 23, 1997:

H.J. Res. 25. Joint resolution making technical corrections to the Omnibus Appropriations Act, 1997 (Public Law 104–208), and for other purposes.

ADJOURNMENT

Mr. ROGAN. Mr. Speaker, pursuant to House Resolution 35, I move that the House do now adjourn in memory of the late Honorable FRANK TEJEDA.

The motion was agreed to; accordingly (at 10 o'clock and 30 minutes p.m.), pursuant to House Resolution 35, the House adjourned until tomorrow, Wednesday, February 5, 1997, at 11 a.m., in memory of the late Honorable FRANK TEJEDA of Texas.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1299. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—1997 High-Theft Vehicle Lines—Correction (National Highway Traffic Safety Administration) [Docket No. 96–17; Notice 02] (RIN: 2127–AG34) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1300. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Technical Amendment (National Highway Traffic Safety Administration) [Docket No. 74–14; Notice 110] (RIN: 2127–AG14) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1301. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection (National Highway Traffic Safety Administration) [Docket No. 74–14; Notice 111] (RIN: 2127–AG24) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1302. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Dummy; Occupant Crash Protection (National Highway Traffic Safety Administration) [Docket No. 74–14; Notice 104] (RIN: 2127–AF41) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1303. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plan Ohio; Revision to the Enhanced Motor Vehicle Inspection and Maintenance Program [OH69–2–6680a; FRL–5646–2] received January 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1304. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of California; Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements; Monterey Bay Area [CA–98–1–7196a; FRL–5661–6] received January 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1305. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Zinc Phosphide; Pesticide Tolerances for Emergency Exemptions [OPP–300448; FRL–5581–9] (RIN: 2070–AB78) received January 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1306. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Pesticide Tolerances for Emergency Exemption [OPP–300447; FRL–5579–7] (RIN;2070–AB78) received January 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1307. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Emission Reduction Credit Banking Provisions Implementation Plan for California State Mojave Desert Air Quality Management District [CA 157–0022a; FRL–5669–1] received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1308. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District; San Diego County Air Pollution Control District; Ventura County Air Pollution Control District [CA 105–0012a; FRL–5673–6] received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1309. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for Specific Sources in the State of New Jersey [Region 2 Docket No. NJ25–1a–159, FRL–5662–3] received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1310. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Colorado; Long-Term Strategy of State Implementation Plan for Class I Visibility Protection, Part I: Hayden Station Requirements [CO–001–0007; FRL–5669–5] received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1311. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado: Enhanced Vehicle Inspection and Maintenance Program [CO–001–0008a; FRL–5660–9] received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1312. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions Phase III—Emergency Extension of the KO88 Capacity Variance [EPA #530–Z–96–PH3F–FFFFF; FRL–5676–4] received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1313. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN64–1a; FRL–5662–7] received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1314. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Implementation Plans; Colorado; New Source Review [CO35–1–6190, CO41–1–6826, CO40–1–6701, CO42–1–6836; FRL–5664–5] received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1315. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans State: Approval of Revisions to the State of Florida State Implementation Plan (SIP) [FL–68–2–9640a; FRL–5662–1] received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1316. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN63–1a; FRL–5663–1] received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1317. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dried Fermentation Solids and Solubles of Myrothecium Verrucaria; Exemption from the Requirement of a Tolerance on All Food Crops and Ornamentals; Correction [PP 4F4398/R2209A; FRL–5570–1] (RIN: 2070–AB78) received January 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1318. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants Emissions: Group I Polymers and Resins and Group IV Polymers and Resins [AD–FRL–5676–6] received January 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1319. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Revisions to the Commonwealth of Kentucky's State Implementation Plan (SIP) [KY–092–9649a; FRL–5653–9] received January 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1320. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency,

transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN70–1a; FRL–5675–2] received January 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1321. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Testing Consent Order for Phenol [OPPTS–42150B; FRL–5570–2] (RIN: 2070–AB94) received January 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1322. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Commonwealth of Puerto Rico [Region II Docket No. 150; FRL–5675–1] received January 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1323. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Enhanced Motor Vehicle Inspection and Maintenance Program [PA 091–4050; FRL–5679–9] received January 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1324. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program; Nitrogen Oxides Emissions Reduction Program [FRL–5678–1] (RIN: 2060–AF48) received January 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1325. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Underground Storage Tank Program: Approved State Program for Alabama [FRL–5677–6] received January 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1326. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Alabama; Final Approval of State Underground Storage Tank Program [FRL–5677–5] received January 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1327. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Washington [WA7–1–5542; WA38–1–6974; FRL–5675–7] received January 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1328. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for the State of New Jersey [Region 2 Docket No. NJ16–2–160; FRL–5671–6] received January 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1329. A communication from the President of the United States, transmitting notification that the Libyan emergency is to continue in effect beyond January 7, 1997—received in the United States House of Representatives January 2, 1997, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 105–32); to the Committee on International Relations and ordered to be printed.

1330. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council—received in the United States House of Representatives January 9, 1997, pursuant to Public Law 102–1, section 3 (105 Stat. 4) (H. Doc. No. 105–33); to the Committee on International Relations and ordered to be printed.

1331. A letter from the Secretary of Education, transmitting a report concerning surplus Federal real property disposed of to educational institutions in fiscal year 1996, pursuant to 40 U.S.C. 484(o)(1); to the Committee on Government Reform and Oversight.

1332. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–348, ''Emergency Assistance Clarification Amendment Act of 1996'' received January 23, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1333. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–362, ''Commercial Counterfeiting Criminalization Act of 1996'' received January 23, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1334. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–381, ''District of Columbia Authority Police Temporary Amendment Act of 1996'' received January 23, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1335. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–438, ''Lead-Based Paint Abatement and Control Act of 1996'' received January 23, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1336. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–443, ''Tax Revision Commission Establishment Temporary Amendment Act of 1996'' received January 23, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1337. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–452, ''Insurers' Records Access and Control Amendment Act of 1996'' received January 23, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1338. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–453, ''Fiscal Year 1997 Budget Support Temporary Act of 1996'' received January 23, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1339. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–455, ''Insurance Agents and Brokers Licensing Revision Act of 1996'' received January 23, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1340. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–460, ''Eldebrooke United Methodist Church Equitable Real Property Tax Relief Act of 1996'' received January 23, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1341. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–461, ''Chevy Chase Baptist Church Equitable Real Property Tax Relief Act of 1996'' received January 23, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1342. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–462, ''Department of Corrections Criminal Background Investigation Authorization Temporary Act of 1996'' received January 23, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1343. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–463, ''Cheek Identification Fraud Prevention Temporary Amendment Act of 1996'' received January 23, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1344. A letter from the Acting Executive Director, Advisory Council on Historic Preservation, transmitting the consolidated annual report of the Advisory Council On Historic Preservation covering the Inspector General Act of 1978 and the Federal Financial Managers' Integrity Act of 1982, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

1345. A letter from the President, Barry M. Goldwater Scholarship And Excellence In Education Foundation, transmitting the 1996 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

1346. A letter from the Chairman, Consumer Product Safety Commission, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1347. A letter from the Chairman, National Labor Relations Board, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1348. A letter from the Director, National Science Foundation, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1349. A letter from the Chairman, Postal Rate Commission, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1350. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the inspector general for the period April 1, 1996, through September 30, 1996, and the semiannual report of management on final actions, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1351. A letter from the Director, U.S. Trade and Development Agency, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1352. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness

Directives; The New Piper Aircraft, Inc. (formerly Piper Aircraft Corporation) PA–31, PA–31P, and PA–31T Series Airplanes (Federal Aviation Administration) [Docket No. 95–CE–55–AD; Amdt. 39–9837; AD 96–24–13] (RIN: 2120–AA64) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1353. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allied Signal Commercial Avionics Systems CAS–81 Traffic Alert and Collision Avoidance Systems (TCAS) as Installed in, but not Limited to, Various Transport Category Airplanes (Federal Aviation Administration) [Docket No. 96–NM–81–AD; Amdt. 39–9824; AD 95–26–15 R1] (RIN: 2120–AA64) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1354. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of J–532 (Federal Aviation Administration) [Airspace Docket No. 96–AGL–2] (RIN: 2120–AA66) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1355. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Flight Rules in the Vicinity of the Rocky Mountain National Park (Federal Aviation Administration) [Docket No. 28577; Amdt. Nos. 91–254, 119–3, 121–263, 135–67 Special Federal Aviation Regulation (SFAR) No. 78] (RIN: 2120–AG11) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1356. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Grafton, ND, Grafton Municipal Airport (Federal Aviation Administration) [Airspace Docket No. 96–AGL–8] (RIN: 2120–AA66) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1357. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class D and E Airspace; South Wymouth, MA (Federal Aviation Administration) [Airspace Docket No. 96–ANE–44] (RIN: 2120–AA66) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1358. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace; Fall River, MA (Federal Aviation Administration) [Airspace Docket No. 96–ANE–45] (RIN: 2120–AA66) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1359. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Buckland, AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–32] (RIN: 2120–AA66) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1360. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Dillingham, AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–16] (RIN: 2120–AA66) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1361. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; York, NE (Federal Aviation Administration) [Docket No. 96–ACE–23] (RIN: 2120–AA66) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1362. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lebanon, NH (Federal Aviation Administration) [Airspace Docket No. 96–ANE–28] (RIN: 2120–AA66) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1363. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Old Town, ME (Federal Aviation Administration) [Airspace Docket No. 96–ANE–29] (RIN: 2120–AA66) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1364. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Springfield/Chicopee, MA (Federal Aviation Administration) [Airspace Docket No. 96–ANE–46] (RIN: 2120–AA66) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1365. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Structural Measures to Reduce Oil Spills from Existing Tank Vessels without Double Hulls (U.S. Coast Guard) [CGD 91–045c] (RIN: 2115–AF27) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1366. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Improvements to Hazardous Materials Identification Systems (Research and Special Programs Administration) [Docket No. HM–206; Amdt Nos. 171–151, 172–151, 173–260, 174–84, 175–85, 176–42, 177–89] (RIN: 2137–AB75) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1367. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials in Interstate Commerce (Research and Special Programs Administration) [Docket HM–200; Amdt. Nos. 171–150, 173–259, and 180–11] (RIN: 2137–AB37) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1368. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance; Nondiscrimination on the Basis of Handicap in Air Travel [Docket No. 46872 and 45657] (RIN: 2105–AB62) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1369. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives, Williams International, L.L.C. Model FJ44–1A Turbofan Engines (Federal Aviation Administration) [Docket No. 96–ANE–39] (RIN: 2120–AA64) received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1370. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Textron Lycoming Reciprocating Engines (Federal Aviation Administration) [Docket No. 96–ANE–37 Amdt. 39–9874; AD 97–01–03] (RIN: 2120–AA64) received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1371. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–266–AD; Amdt. 39–9871; AD 96–26–07] (RIN: 2120–AA64) received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1372. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. PA24, PA28R, PA30, PA32R, PA34, and PA39 Series Airplanes (Federal Aviation Administration) [Docket No. 96–CE–09–AD; Amdt. 39–9872; AD 97–01–01] (RIN: 2120–AA64) received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1373. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–273–AD; Amdt. 39–9866; AD 96–26–03] (RIN: 2120–AA64) received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1374. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 525 Airplanes (Federal Aviation Administration) [Docket No. 96–CE–AD; Amdt. 39–9873; AD 97–01–02] (RIN: 2120–AA64) received January 13, 1997, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

1375. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–88–AD; Amdt. 39–9869; AD 96–26–05] (RIN: 2120–AA64) received January 13, 1997, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

1376. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hamilton Standard 14RF and 14SF Series, and Hamilton Standard/British Aerospace Model 6/5500/F Propellers (Federal Aviation Administration) [Docket No. 95–ANE–66; Amdt. 39–9863; AD 96–25–20] (RIN: 2120–AA64) received January 13, 1997, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

1377. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Aircraft Engines CT7 Series Turboprop Engines (Federal Aviation Administration) [Docket No. 96–ANE–06; Amdt. 39–9864; AD 96–26–01] (RIN: 2120–AA64) received January 13, 1997, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

1378. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc.—Manufactured Restricted Category Model HH–1K, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P, Helicopters (Federal Aviation Administration)

[Docket No. 96–SW–AD; Amdt. 39–9877; AD 97–01–06] (RIN: 2120–AA64) received January 13, 1997, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

1379. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Powered by Rolls Royce Model RB211 Series Engines (Federal Aviation Administration) [Docket No. 96–NM–276–AD; Amdt. 39–9876; AD 96–26–51] (RIN: 2120–AA64) received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1380. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–28–AD; Amdt. 39–9879; AD 97–01–08] (RIN: 2120–AA64) received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1381. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 and Avro 146–RJ Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–51–AD; Amdt. 39–9878; AD 97–01–07] (RIN: 2120–AA64) received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1382. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Excess Flow Value—Performance Standards (Research and Special Programs Administration) [Docket No. PS–118; Amendment 192–80] (RIN: 2137–AB97) received January 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1383. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations; Penalty Guidelines (Research and Special Programs Administration) [Docket No. HM–207F; Amdt. Nos. 107–40 and 171–152] (RIN: 2137–AC96) received January 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1384. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of the Russian Federation—received in the United States House of Representatives January 2, 1997, pursuant to 19 U.S.C. 2432(b) (H. Doc. No. 105–31); to the Committee on Ways and Means and ordered to be printed.

1385. A letter from the Director, the Office of Management and Budget, transmitting OMB's final sequestration report to the President and Congress for fiscal year 1997—received in the U.S. House of Representatives November 15, 1996, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587) (H. Doc. No. 105–30); to the Committee on the Whole House on the State of the Union and ordered to be printed.

1386. A letter from the Secretary of Transportation, transmitting the Department's third biennial report entitled ''Effectiveness of Occupant Protection Systems and Their Use,'' pursuant to Public Law 102–240, section 2508(e) (105 Stat. 2086); jointly, to the Committees on Commerce and Transportation and Infrastructure.

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. DAVIS of Virginia (for himself, Ms. NORTON, Mrs. MORELLA, Mr. WOLF, Mr. HOYER, Mr. MORAN of Virginia, Mr. WYNN, Mr. EHRLICH, Mr. CUMMINGS, and Mr. CARDIN):

H.R. 497. A bill to repeal the Federal charter of Group Hospitalization and Medical Services, Inc., and for other purposes; to the Committee on Government Reform and Oversight.

By Mrs. MALONEY of New York (for herself, Mr. POMEROY, Mr. ENGLISH of Pennsylvania, Mr. LIPINSKI, Mr. OLVER, and Mr. WALSH):

H.R. 498. A bill to amend the Federal Election Campaign Act of 1971 to require certain disclosures with respect to phone bank communications; to the Committee on House Oversight.

By Mr. BONILLA (for himself and Mr. ORTIZ):

H.R. 499. A bill to designate the facility of the U.S. Postal Service under construction at 7411 Barlite Boulevard in San Antonio, TX, as the ''Frank M. Tejeda Post Office Building''; to the Committee on Government Reform and Oversight.

By Mr. RADANOVICH:

H.R. 500. A bill to reprogram certain funds for fiscal year 1997 to provide additional agricultural assistance to Armenia; to the Committee on Appropriations, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN:

H.R. 501. A bill to amend the Anti Car Theft Act of 1992 to provide for the establishment of a toll-free telephone number for the reporting of stolen and abandoned passenger motor vehicles, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 502. A bill to prevent the implementation of parity payments and certain marketing quotas under the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949, to reduce the amounts available for payments under production flexibility contracts entered into under the Agricultural Market Transition Act, and to shorten the period during which such payments will be made; to the Committee on Agriculture.

H.R. 503. A bill to amend the General Education Provisions Act to allow State and county prosecutors access to student records in certain cases; to the Committee on Education and the Workforce.

H.R. 504. A bill to amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. FATTAH, Mr. MATSUI, Mr. COYNE, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. JEFFERSON, Mr. CONYERS, Mr. DELLUMS, Mr. FOGLIETTA, Mr. TOWNS, Mr. SERRANO, Ms. WATERS, Mr. BISHOP, Mr. CLAYBURN, Mrs. MEEK of Florida, Mr. BLUMENAUER, and Mr. JACKSON):

H.R. 505. A bill to amend the Internal Revenue Code of 1986 to encourage economic development through the creation of additional empowerment zones and enterprise communities and to encourage the cleanup of contaminated brownfield sites; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 506. A bill to amend the Federal Election Campaign Act of 1971 to provide for public funding for House of Representatives elections, and for other purposes; to the Committee on House Oversight.

H.R. 507. A bill to amend the Internal Revenue Code of 1986 to exempt from income tax the gain from the sale of a business closely held by an individual who has attained age 62, and for other purposes; to the Committee on Ways and Means.

H.R. 508. A bill to amend the Internal Revenue Code of 1986 to make the FICA tax inapplicable to overtime hours of small business employees; to the Committee on Ways and Means.

H.R. 509. A bill to protect the retirement security of Americans; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, Government Reform and Oversight, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 510. A bill to establish a Federal cause of action for failure of State and local public employee pension plans to meet the terms of such plans, subject to differing burdens of proof depending on whether changes in the plan relating to employer contributions are subject, under the law of the principal State involved, to qualified review boards; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, 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. YOUNG of Alaska (for himself, Mr. DINGELL, Mr. SAXTON, Mr. TANNER, and Mr. CUNNINGHAM):

H.R. 511. 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; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself and Mr. POMBO):

H.R. 512. A bill to prohibit the expenditure of funds from the Land and Water Conservation Fund for the creation of new National Wildlife Refuges without specific authorization from Congress pursuant to a recommendation from the U.S. Fish and Wildlife Service to create the refuge; to the Committee on Resources.

By Mr. DAVIS of Virginia (for himself and Ms. NORTON):

H.R. 513. A bill to exempt certain contracts entered into by the government of the District of Columbia from review by the Council of the District of Columbia; to the Committee on Government Reform and Oversight.

H.R. 514. A bill to permit the waiver of District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. ANDREWS:

H.R. 515. A bill to eliminate corporate welfare; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Resources, Agriculture, Transportation and Infrastructure, and 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. BAESLER:

H.R. 516. A bill to establish the Federal authority to regulate tobacco and other tobacco products containing nicotine; to the Committee on Commerce.

By Mr. BRYANT:

H.R. 517. A bill to amend title 10, United States Code, to establish a sentence under

the Uniform Code of Military Justice of confinement for life without eligibility for parole and to provide that a decision to deny parole for a military offender serving a sentence of confinement for life may be appealed only to the President; to the Committee on National Security.

By Mr. BURTON of Indiana:

H.R. 518. A bill to amend title 18, United States Code, to provide the death penalty for the intentional transmission of the human immunodeficiency virus to an innocent victim of a Federal offense; to the Committee on the Judiciary.

By Mr. CAMP (for himself and Mr. CARDIN):

H.R. 519. A bill to amend the Internal Revenue Code of 1986 to permanently extend the special rule for charitable contributions to private foundations of stock for which market quotations are readily available; to the Committee on Ways and Means.

By Mr. CANADY of Florida:

H.R. 520. A bill to amend title 28; United States Code, to provide for reassignment of certain Federal cases upon request of a party; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mr. PORTMAN, Mrs. KENNELLY of Connecticut, Ms. FURSE, Mr. ACKERMAN, Mr. UNDERWOOD, Mr. STARK, Mr. SOLOMON, Mrs. CLAYTON, Mr. MILLER of Florida, Ms. SLAUGHTER, Mr. TOWNS, Mr. GUTIERREZ, Mr. LAFALCE, Mr. HALL of Ohio, Mr. EVANS, Mr. FROST, Mr. LEWIS of Georgia, Mr. ENGLISH of Pennsylvania, Mrs. THURMAN, Mr. POSHARD, Mr. QUINN, Mr. WYNN, Mr. GRAHAM, Ms. PRYCE of Ohio, Mr. MASCARA, Mr. MATSUI, Mr. NEY, Mr. LAZIO of New York, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. MCNULTY, Mr. STENHOLM, Mr. GILLMOR, Mr. CONDIT, Mr. GEJDENSON, Mr. SKAGGS, Ms. CHRISTIAN-GREEN, Mr. WATT of North Carolina, Mr. BARRETT of Wisconsin, Mr. ABERCROMBIE, Mr. RUSH, Mr. GREENWOOD, Ms. DUNN, Mrs. MALONEY of New York, Mr. FAZIO of California, Mr. LEWIS of Kentucky, Mr. HOLDEN, Mr. FOLEY, Mr. FOGLIETTA, Mr. OLVER, Mr. DELAHUNT, Mr. BURR of North Carolina, Mr. BUNNING, Mr. YATES, Mr. RAHALL, Mr. WISE, Mr. TORRES, and Mr. SANDERS):

H.R. 521. A bill to amend title XVIII of the Social Security Act to make certain changes to hospice care under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COYNE:

H.R. 522. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds for the economic development of distressed communities; to the Committee on Ways and Means.

By Mr. COYNE (for himself and Mr. RANGEL):

H.R. 523. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the cleanup of certain contaminated industrial sites and to allow the use of tax-exempt redevelopment bonds for such cleanup; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 524. A bill to require the mandatory reporting of deaths resulting from the prescribing, dispensing, and administration of drugs, to allow the continuation of voluntary reporting programs, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself and Mr. HULSHOF):

H.R. 525. A bill to amend the Internal Revenue Code of 1986 to repeal the estate and gift taxes and the tax on generation skipping transfers; to the Committee on Ways and Means.

By Mr. CRAPO:

H.R. 526. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DICKEY:

H.R. 527. A bill to terminate the authorities of the Overseas Private Investment Corporation; to the Committee on International Relations.

By Mr. DOOLITTLE (for himself and Mr. RADANOVICH):

H.R. 528. A bill to authorize further appropriations for clean up and repair of damages to facilities of Yosemite National Park caused by heavy rains and flooding in December 1996 and January 1997; to the Committee on Resources.

By Mr. EWING (for himself and Mr. LEWIS of Kentucky):

H.R. 529. A bill to amend the Higher Education Act of 1965 to exempt certain small lenders from the audit requirements of the guaranteed student loan program; to the Committee on Education and the Workforce.

By Mr. HERGER (for himself, Mr. CLEMENT, Mr. SHAW, Mr. BUNNING, Ms. DUNN, Mr. ENSIGN, Mr. HAYWORTH, and Mr. BURTON of Indiana):

H.R. 530. A bill to provide for the implementation of prohibitions against payment of Social Security benefits to prisoners, and for other purposes; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself and Mr. MATSUI):

H.R. 531. A bill to amend the Internal Revenue Code of 1986 to limit the applicability of the generation-skipping transfer tax; to the Committee on Ways and Means.

By Mr. SAM JOHNSON (for himself, Mr. CARDIN, Mr. CRANE, Mr. LAHOOD, Mr. BENTSEN, Mr. MATSUI, Mr. MCCOLLUM, Mr. SHAW, Mr. ABERCROMBIE, and Mr. PICKETT):

H.R. 532. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation; to the Committee on Ways and Means.

By Mrs. KENNELLY of Connecticut:

H.R. 533. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of frequent flyer mileage awards; to the Committee on Ways and Means.

H.R. 534. A bill to provide as a demonstration project a Transition to Work Program for individuals entitled to disability benefits under title II of the Social Security Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. GILMAN, Mr. SHAYS, Mr. HINCHEY, Mr. BEREUTER, Mr. FROST, Ms. DELAURO, Mr. TOWNS, Ms. NORTON, Mr. DAVIS of Virginia, Mr. SKEEN, Mr. FILNER, Mr. GREEN, Mr. MCHUGH, Mr. WYNN, Mr. WALSH, Mr. ENGLISH of Pennsylvania, Mr. BARCIA, Mrs. KELLY, Mr. TAYLOR of North Carolina, Ms. CHRISTIAN-GREEN, and Mr. ROHRABACHER):

H.R. 535. A bill to amend the Internal Revenue Code of 1986 to allow a capital loss deduction with respect to the sale or exchange of a principal residence; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. SHAYS, Mrs. MORELLA, Mr. SKAGGS, Mrs. KELLY, Mr. SCHUMER, Mr. FROST, Mr. YATES, Mr. SABO, Ms. RIVERS, Ms. JACKSON-LEE, Mrs. MINK of Hawaii, Mr. RUSH, Mr. ACKERMAN, Mr. NADLER, Mr. VENTO, Mr. MANTON, Mr. PALLONE, Mr. LEWIS of Georgia, Mr. BONIOR, Mrs. MALONEY of New York, Mr. BERMAN, and Mr. SERRANO):

H.R. 536. A bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:

H.R. 537. A bill to amend the law popularly known as the Presidential Records Act of 1978 and the law popularly known as Privacy Act, to ensure that Federal Bureau of Investigation records containing sensitive background security information that are provided to the White House are properly protected for privacy and security; to the Committee on Government Reform and Oversight.

By Mr. MANTON:

H.R. 538. A bill to require explosive materials to contain taggants to enable law enforcement authorities to trace the source of the explosive material, whether before or after detonation; to the Committee on the Judiciary.

By Mr. MCDERMOTT (for himself, Mr. RANGEL, Mr. STARK, Mr. NEAL of Massachusetts, Mr. COYNE, Mr. POMEROY, Mr. DELLUMS, Mr. SERRANO, Mr. MCGOVERN, Ms. BROWN of Florida, Ms. CHRISTIAN-GREEN, and Ms. JACKSON-LEE):

H.R. 539. A bill to amend the Internal Revenue Code of 1986 to allow certain employees without employer-provided health coverage a refundable credit for their health insurance costs; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 540. A bill to suspend temporarily the duty on certain materials used in the manufacture of skis and snowboards; to the Committee on Ways and Means.

By Mr. MCNULTY:

H.R. 541. A bill to prohibit discrimination by the States on the basis of nonresidency in the licensing of dental health care professionals, and for other purposes; to the Committee on Commerce.

H.R. 542. A bill to amend title 10, United States Code, to provide that military reservists who are retained in active status after qualifying for reserve retired pay shall be given credit toward computation of such retired pay for service performed after so qualifying; to the Committee on National Security.

By Mr. MCNULTY (for himself, Mr. STUMP, Mr. BONO, Mr. UNDERWOOD, Mr. FRANKS of New Jersey, Mr. FOLEY, Mr. MANTON, Mr. SMITH of Washington, Mr. GILMAN, Mr. ACKERMAN, Ms. SLAUGHTER, Mrs. CLAYTON, Mr. SAXTON, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINCHEY, Mr. SMITH of New Jersey, Mr. CLEMENT, Mr. LEACH, Mr. FRELINGHUYSEN, Mr. FLAKE, Mr. ENSIGN, Mr. KILDEE, and Mr. BENTSEN):

H.R. 543. A bill to provide for award of the Navy Combat Action Ribbon based upon participation in ground or surface combat as a member of the Navy or Marine Corps during the period between July 4, 1943, and March 1, 1961; to the Committee on National Security.

H.R. 545. A bill to establish the Hudson and Mohawk Rivers National Historical Park in the State of New York, and for other purposes; to the Committee on Resources.

By Mr. NADLER (for himself and Mr. HALL of Ohio):

H.R. 546. A bill to redesignate General Grant National Memorial as Grant's Tomb National Monument, and for other purposes; to the Committee on Resources.

By Mr. NADLER:

H.R. 547. A bill to require the Secretary of the Interior and the Secretary of Agriculture to establish grazing fees at fair market value for use of public grazing lands; to the Committee on Resources.

By Mr. NADLER (for himself and Mr. RANGEL):

H.R. 548. A bill to designate the U.S. courthouse located at 500 Pearl Street in New York City, NY, as the ''Ted Weiss United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 549. A bill to amend the Internal Revenue Code of 1986 to provide for individuals who are residents of the District of Columbia a maximum rate of tax of 15 percent on income from sources within the District of Columbia; to the Committee on Ways and Means, and in addition to the Committee on Government Reform and Oversight, 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. OBERSTAR:

H.R. 550. A bill to amend the Federal Water Pollution Control Act to establish requirements and provide assistance to prevent nonpoint sources of water pollution, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 551. A bill to amend the Surface Transportation Assistance Act of 1982 and title 23, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways; to the Committee on Transportation and Infrastructure.

H.R. 552. A bill to amend title 49, United States Code, to prohibit smoking on any scheduled airline flight segment in intrastate, interstate, or foreign air transportation; to the Committee on Transportation and Infrastructure.

By Mr. PRICE of North Carolina (for himself and Mr. ETHERIDGE):

H.R. 553. A bill to amend the Internal Revenue Code of 1986 to exclude scholarships and fellowships from income, to restore the deduction for interest on educational loans, and to permit penalty-free withdrawals from individual retirement plans to pay higher education expenses; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself, Mr. OBERSTAR, Mr. VENTO, Mr. BEREUTER, Mr. PETRI, Mr. STENHOLM, Mr. EVANS, Mr. HOUGHTON, Mr. UPTON, Mr. WALSH, Mr. CONDIT, Mr. KLUG, Mr. NUSSLE, Mr. SANDERS, Mr. CLYBURN, Mr. MCHUGH, Mr. MINGE, Mr. EHLERS, Mr. CAMPBELL, Mr. GRAHAM, Mr. GUTKNECHT, Mr. LUTHER, Mr. NETHERCUTT, and Mr. HILL):

H.R. 554. A bill to amend title XVIII of the Social Security Act to provide for equalization of Medicare reimbursement rates to managed care plans to improve the health of residents of rural areas; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RICHARDSON (for himself and Mr. MILLER of California):

H.R. 555. A bill to amend the Communications Act of 1934 to promote greater telecommunications and information services to native Americans, and for other purposes; to the Committee on Commerce.

By Ms. SLAUGHTER:

H.R. 556. A bill to amend the Public Health Service Act to establish a program of providing information and education to the public on the prevention and treatment of eating disorders; to the Committee on Commerce.

H.R. 557. A bill to amend the Public Health Service Act to establish a program for postreproductive health care; to the Committee on Commerce.

H.R. 558. A bill to amend the Civil Rights Act of 1964 to protect first amendment rights, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 559. A bill to amend title 38, United States Code, to add bronchiolo-alveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans; to the Committee on Veterans' Affairs.

By Mr. STARK:

H.R. 560. A bill to amend the Social Security Act to provide for a program of health insurance for children under 18 years of age and for mothers-to-be; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration for such provisions as fall within the jurisdiction of the committee concerned.

H.R. 561. A bill to amend the Internal Revenue Code of 1986 to require that group health plans and insurers offer access to coverage for children and to assist families in the purchase of such coverage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. CUNNINGHAM, Mr. ROHRABACHER, and Mr. ROGAN):

H.R. 562. A bill to amend the Internal Revenue Code of 1986 to prevent, for unemployment compensation purposes, service performed by a person committed to a penal institution from being treated as employment; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 563. A bill to establish a toll-free number in the Department of Commerce to assist consumers in determining if products are American-made; to the Committee on Commerce.

H.R. 564. A bill to provide for the phase-out of existing private sector development enterprise funds for foreign countries and to prohibit the establishment of, or the support for, new private sector development enterprise funds, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, 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.

H.R. 565. A bill to amend the Internal Revenue Code of 1986 to reinstate a 10-percent domestic investment tax credit, to provide a credit for the purchase of domestic durable goods, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BENTSEN (for himself, Mr. CARDIN, Mr. EVANS, Mr. FROST, Mr. GREEN, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. STARK, and Mrs. THURMAN):

H.R. 566. A bill to amend title XVIII of the Social Security Act to provide annual and other opportunities for individuals enrolled under a medicare-select policy to change to a medigap policy without prejudice; to the Committee on Commerce.

By Mr. COBLE:

H.R. 567. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 568. A bill to secure the voting rights of former felons who have been released from incarceration; to the Committee on the Judiciary.

By Mrs. FOWLER:

H.R. 569. A bill to amend the Federal Election Campaign Act of 1971 to reduce the amount that a nonparty multicandidate political committee may contribute to a candidate in a congressional election, and for other purposes; to the Committee on House Oversight.

By Mrs. MINK of Hawaii:

H.R. 570. A bill to make appropriations for fiscal year 1998 for a plant genetic conservation program; to the Committee on Appropriations.

H.R. 571. A bill to amend the Act of March 3, 1931, known as the Davis-Bacon Act, to require that contract work covered by the act which requires licensing be performed by a person who is so licensed; to the Committee on Education and the Workforce.

H.R. 572. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to assert jurisdiction in a labor dispute which occurs on Johnston Atoll, an unincorporated territory of the United States; to the Committee on Education and the Workforce.

H.R. 573. A bill to amend the Radiation Exposure Compensation Act to remove the requirement that exposure resulting in stomach cancer occur before age 30, and for other purposes; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii (for herself, Mr. ABERCROMBIE, Mr. PASTOR, Mr. SERRANO, Mr. STARK, Mr. TOWNS, Mr. FALEOMAVAEGA, Mr. DELLUMS, Mr. FRANK of Massachusetts, Mrs. MEEK of Florida, Ms. VELAZQUEZ, Mr. GUTIERREZ, Ms. PELOSI, Mr. KENNEDY of Rhode Island, Mr. LEWIS of Georgia, Ms. JACKSON-LEE, Mr. TORRES, Ms. MCKINNEY, Mr. OLVER, and Mr. JEFFERSON):

H.R. 574. A bill to amend the Immigration and Nationality Act to provide for less restrictive standards for naturalization as a citizen of the United States for certain categories of persons; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 575. A bill to amend title 10, United States Code, to extend eligibility to use the military health care system and commissary stores to an unremarried former spouse of a member of the uniformed services if the member performed at least 20 years of service which is creditable in determining the

member's eligibility for retired pay and the former spouse was married to the member for a period of at least 17 years during those years of service; to the Committee on National Security.

H.R. 576. A bill to direct the Secretary of the Interior to undertake the necessary feasibility studies regarding the establishment of certain new units of the National Park System in the State of Hawaii; to the Committee on Resources.

H.R. 577. A bill to amend title II of the Social Security Act to provide for treatment of severe spinal cord injury equivalent to the treatment of blindness in determining whether earnings derived from services demonstrate an ability to engage in substantial gainful activity; to the Committee on Ways and Means.

H.R. 578. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain personal care services under the unemployment tax; to the Committee on Ways and Means.

H.R. 579. A bill to provide for a Federal program of insurance against the risk of catastrophic earthquakes, volcanic eruptions, and hurricanes, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Science, 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.

H.R. 580. A bill to require the Federal Government to consider as having arrived on time any sealed bid submitted in response to a solicitation for a procurement of goods or services if the bid was sent by an overnight message delivery service at least 2 working days before the date specified for receipt of bids; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, 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. SMITH of New Jersey (for himself, Mr. OBERSTAR, and Mr. HYDE):

H.R. 581. A bill to amend Public Law 104–208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions; to the Committee on International Relations, and in addition to the Committee on Appropriations, 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. STARK (for himself and Mr. COYNE):

H.R. 582. A bill to amend title XVIII of the Social Security Act to correct beneficiary overcharges for hospital outpatient department services and to provide for prospective payment for such services and to eliminate the formula-driven overpayments for certain hospital outpatient services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARMEY (for himself and Mr. GEPHARDT) (both by request):

H.J. Res. 36. Joint resolution approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations Export Financing, and Related Programs Appropriations Act of 1997, is having a negative impact on the proper functioning of the population planning program; to the Committee on Appropriations.

By Mr. DOOLITTLE:

H.J. Res. 37. Joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts:

H.J. Res. 38. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 22d amendment relating to Presidential term limits; to the Committee on the Judiciary.

By Mr. MCNULTY:

H.J. Res. 39. Joint resolution proposing an amendment to the Constitution of the United States repealing the 22d article of amendment, thereby removing the restrictions on the number of terms an individual may serve as President; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. LIPINSKI, Mr. DIAS-BALART, Mr. HUNTER, Mr. HULSHOF, Mr. SMITH of New Jersey, Mr. STEARNS, and Mr. WATTS of Oklahoma):

H.J. Res. 40. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. SMITH of Michigan:

H.J. Res. 41. Joint resolution proposing a spending limitation amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. FRELINGHUYSEN, Mr. GILMAN, Mr. MANTON, Mr. BONIOR, Mr. FLAKE, Mr. ENGEL, Mr. PALLONE, Mr. FOGLIETTA, Mr. PAYNE, Mr. SCHUMER, Mr. ANDREWS, Mr. FRANKS of New Jersey, Ms. SLAUGHTER, Mrs. MALONEY of New York, Mr. HINCHEY, and Mr. DOYLE):

H. Con. Res. 12. Concurrent resolution expressing the sense of the Congress that a model curriculum designed to educate elementary and secondary school-aged children about the Irish famine should be developed; to the Committee on Education and the Workforce.

By Mrs. MORELLA (for herself, Mr. DAVIS of Virginia, Mr. MORAN of Virginia, Mr. WOLF, Mr. WYNN, Ms. NORTON, Mr. BORSKI, Mr. GORDON, Mr. CUMMINGS, Mr. BOUCHER, and Mr. GILMAN):

H. Con. Res. 13. Concurrent resolution expressing the sense of the Congress that Federal retirement cost-of-living adjustments should not be delayed; to the Committee on Government Reform and Oversight.

By Mr. GONZALEZ:

H. Res. 35. Resolution expressing the condolences of the House on the death of the Honorable FRANK TEJEDA; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MCNULTY:

H.R. 544. A bill for the relief of Henry Johnson; to the Committee on National Security.

By Mr. MCNULTY:

H.R. 583. A bill for the relief of David R.W. Light; to the Committee on the Judiciary.

By Mr. WYNN:

H.R. 584. A bill for the relief of John Wesley Davis; 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. 3: Mr. CHRISTENSEN.

H.R. 4: Mr. HUNTER, Mr. BURTON of Indiana, Mr. ABERCROMBIE, Mr. MCHALE, Mr. POMEROY, Mrs. CUBIN, Mr. ORTIZ, Mr. WATKINS, and Mr. DEUTSCH.

H.R. 34: Mr. ENGLISH of Pennsylvania, Mr. LATHAM, and Mr. BAKER.

H.R. 38: Mr. SMITH of New Jersey, Mr. ENGLISH of Pennsylvania, Mr. FROST, Mr. HINCHEY, Mr. SAXTON, Mr. BOUCHER, Mr. UNDERWOOD, and Mr. WATTS of Oklahoma.

H.R. 39: Mr. GINGRICH.

H.R. 40: Mr. DELLUMS, Mr. STOKES, and Mr. JACKSON.

H.R. 41: Mrs. MYRICK, Mr. WELLER, Mr. GRAHAM, Mrs. EMERSON, Mr. SESSIONS, and Mr. OXLEY.

H.R. 58: Mr. ENSIGN, Mr. SESSIONS, Mr. LOBIONDO, Mr. SCARBOROUGH, Mr. MCHUGH, Mrs. MEEK of Florida, Mr. MATSUI, Ms. DUNN of Washington, Ms. CHRISTIAN-GREEN, Mr. BROWN of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. HOLDEN, Mr. EVANS, Mr. BOEHLERT, Ms. RIVERS, Mr. GILMAN, Mr. LATOURETTE, Mr. BORSKI, Mrs. THURMAN, Mr. WELDON of Pennsylvania, Mr. ENGLISH of Pennsylvania, Mr. CAMPBELL, Mr. UPTON, Mrs. KELLY, Mr. CALVERT, Mr. HAYWORTH, Mr. SENSENBRENNER, Mr. ROGAN, Ms. MOLINARI, Mr. PORTER, Mr. COBLE, Mrs. FOWLER, Ms. JACKSON-LEE, Mrs. CARSON, Mr. OLVER, Mr. DELAHUNT, Mr. PRICE of North Carolina, Mr. FRANK of Massachusetts, Ms. KILPATRICK, Mrs. CLAYTON, Mr. CONYERS, Mr. TRAFICANT, Mr. PASCRELL, Mr. FILNER, Ms. LOFGREN, Mr. FALEOMAVAEGA, Mr. LATHAM, Mrs. LOWEY, Mr. MEEHAN, Mr. ADAM SMITH of Washington, Mr. CAMP, Mr. OBERSTAR, Mr. PASTOR, and Mr. CLEMENT.

H.R. 65: Mr. ENSIGN, Mr. CRAMER, Mr. SMITH of New Jersey, Mr. MCCRERY, Mr. HOLDEN, Mr. HUNTER, Mr. MCCOLLUM, Mr. RAMSTAD, Mr. MANTON, Mr. FROST, Mr. SCHIFF, Mrs. THURMAN, Mr. MCHUGH, Mr. FALEOMAVAEGA, Mr. PICKETT, Mr. BARCIA of Michigan, Mr. METCALF, Mr. HALL of Ohio, Mr. UNDERWOOD, Mr. HINCHEY, Mr. HORN, and Mr. GEJDENSON.

H.R. 66: Ms. RIVERS, Mr. GRAHAM, Mr. WAMP, Mr. NEY, Mr. GREEN, Mr. MATSUI, Mr. LAHOOD, Mr. MORAN of Virginia, Mr. DOOLITTLE, Mrs. TAUSCHER, Mr. CANADY of Florida, Ms. LOFGREN, and Mr. NORWOOD.

H.R. 68: Mr. FOX of Pennsylvania, Mr. HINCHEY, and Mr. RUSH.

H.R. 69: Mr. BARRETT of Wisconsin, Mr. GRAHAM, Mr. GREEN, Mr. KLUG, and Mr. RUSH.

H.R. 78: Mr. LIPINSKI and Mr. DOYLE.

H.R. 80: Mr. MCNULTY, Mr. PASTOR, Mr. RILEY, Mr. CRAMER, Mr. POSHARD, Mr. KILDEE, Mr. BEREUTER, Mr. DICKEY, Mr. GREEN, Mr. GRAHAM, Mr. NEY, Mr. KLUG, Mr. DEAL of Georgia, and Mr. CLEMENT.

H.R. 81: Mr. HOSTETTLER, Mr. PEASE, Mr. MCINTOSH, Mrs. CARSON, and Mr. VISCLOSKY.

H.R. 84: Mr. DELLUMS.

H.R. 86: Mr. CRAMER, Mr. TALENT, Mr. GOODLING, and Mr. BISHOP.

H.R. 107: Mr. HALL of Ohio, Mr. SCHIFF, Mr. FILNER, Mr. MCHUGH, Mr. BALDACCI, Mr. WAMP, Mr. FOLEY, Mr. YOUNG of Alaska, Mr. HINCHEY, Mr. CANADY of Florida, and Mr. NORWOOD.

H.R. 113: Mrs. MYRICK, Mr. PARKER, Mr. GRAHAM, and Mr. TALENT.

H.R. 123: Mr. GUTKNECHT, Mr. REGULA, Mr. MCHUGH, Mr. WELLER, Mr. LIPINSKI, Mr. MASCARA, Mr. HANSEN, Mrs. KELLY, Mr. CRANE, Mr. ENGLISH of Pennsylvania, Mr. RILEY, Mr. LIVINGSTON, Mr. JONES, Mr. TAYLOR of North Carolina, Mr. FOLEY, Mr. HUTCHINSON, Mrs. MYRICK, Mrs. CHENOWETH,

Mr. PAPPAS, Mr. CANNON, Mr. GOODE, Mr. BOEHNER, and Mr. HILL.

H.R. 126: Mr. SHADEGG, Mr. GRAHAM, Mr. STEARNS, Mr. WHITFIELD, Mr. UPTON, Mr. CAMPBELL, Mr. ROHRABACHER, Mr. CONDIT, Mr. HULSHOF, Mr. JONES, Ms. FURSE, Mr. LIPINSKI, Mr. CASTLE, Mrs. NORTHUP, Mr. CAMP, and Mr. COOK.

H.R. 127: Mr. MCCOLLUM, Mr. FAZIO of California, Mr. CRAMER, Mr. TIERNEY, Mr. TORRES, Mr. WYNN, Mr. BONIOR, Mr. SANDERS, Mrs. MORELLA, Mr. MANTON, Mr. SERRANO, Mr. CLEMENT, Mr. LEACH, Mr. KLECZKA, Ms. LOFGREN, Mr. ROHRABACHER, Mr. KENNEDY of Massachusetts Mr. MARKEY, Mr. CUMMINGS, Mr. KILDEE, Mr. BARCIA of Michigan, and Mr. LATOURETTE.

H.R. 131: Mr. SKEEN and Mr. WELDON of Florida.

H.R. 132: Mr. DUNCAN and Mr. PITTS.

H.R. 135: Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BONIOR, Mr. COSTELLO, Mr. ENGEL, Mr. GANSKE, Mr. GEPHARDT, Mr. MENENDEZ, Mr. RUSH, Mr. SCHUMER, Mr. SKAGGS, Mr. SPRATT, Mr. TIERNEY, Mr. TORRES, Ms. WATERS, Mr. WEYGAND, Mr. CUMMINGS, and Ms. DANNER.

H.R. 139: Ms. MCKINNEY and Mr. STUMP.

H.R. 141: Ms. LOFGREN, Mr. POSHARD, Mr. KLINK, Ms. RIVERS, Mr. MEEHAN, Mr. BROWN of California, Mr. TORRES, and Mr. LIPINSKI.

H.R. 145: Mr. FILNER and Mr. SKAGGS.

H.R. 150: Mr. BORSKI, Mr. MEEHAN, Mr. MCHUGH, Mrs. MEEK of Florida, Mr. EVANS, Mr. FLAKE, Mr. MCDERMOTT, Mr. UNDERWOOD, Mr. TOWNS, Mrs. MALONEY of New York, Mr. COYNE, Mr. FORBES, Ms. MOLINARI, Mr. GILMAN, Mr. ABERCROMBIE, Mr. DELAHUNT, Ms. SLAUGHTER, Mr. TRAFICANT, Mr. HINCHEY, Mr. QUINN, Mr. LIPINSKI, and Mr. SCHUMER.

H.R. 165: Mr. FRANK of Massachusetts.

H.R. 166: Mr. UNDERWOOD, Ms. CHRISTIAN-GREEN, Mr. MANTON, Mr. WYNN, Mr. FROST, Mr. SAXTON, and Mr. FOGLIETTA.

H.R. 167: Mr. CHRISTENSEN, Mr. MANTON, Mr. WYNN, Mr. FROST, Mr. SAXTON, and Mr. FOGLIETTA.

H.R. 168: Mr. UNDERWOOD, Ms. CHRISTIAN-GREEN, Mr. MANTON, Mr. WYNN, Mr. FATTAH, Mr. FROST, Mr. SAXTON, and Mr. FOGLIETTA.

H.R. 179: Mr. POSHARD.

H.R. 182: Mr. HINCHEY, Mr. BONIOR, Mr. STARK, Mr. DAVIS of Illinois, Mr. MARTINEZ, and Mr. FILNER.

H.R. 192: Mr. BOB SCHAFFER of Colorado, Mr. STEARNS, Mr. HOYER, Mr. TALENT, Mrs. MORELLA, Mr. YOUNG of Alaska, Mr. DAVIS of Virginia, Mr. MORAN of Virginia, Mr. HEFNER, Mr. MCHUGH, Mr. REGULA, Mr. FORBES, Mr. JONES, Mr. SKEEN, Mr. HOLDEN, Mrs. MEEK of Florida, Mr. HALL of Ohio, Mr. SCARBOROUGH, Mr. RIGGS, Mr. OLVER, Mrs. MALONEY of New York, Mr. STUMP, Mr. MCCOLLUM, Mr. SPENCE, Mr. GEJDENSON, Mr. CHRISTENSEN, Mr. BROWN of California, Mr. RAHALL, Mr. FRELINGHUYSEN, Mr. MILLER of Florida, Ms. RIVERS, Mr. EDWARDS, Mr. WYNN, Mr. BENTSEN, Mr. HAYWORTH, Mr. UNDERWOOD, Mr. WOLF, Mr. FAZIO of California, Mr. MCKEON, Mr. HUNTER, Ms. SLAUGHTER, Mr. SAXTON, Mr. PETRI, Mr. FROST, Mr. SHAYS, Mr. BOUCHER, Mr. BAKER, Mr. HINCHEY, Mr. FARR of California, Mr. MANTON, Mr. FRANKS of New Jersey, Mr. SAM JOHNSON of Texas, Mr. LOBIONDO, Mr. DOYLE, Mr. SHAW, Mr. KIM, Mr. CALVERT, Mr. BATEMAN, and Mr. CUMMINGS.

H.R. 200: Mr. ROYCE, Mr. FOX of Pennsylvania, Mr. HASTERT, Mr. BARCIA, Mr. BACHUS, and Mr. MCHUGH.

H.R. 213: Mr. DINGELL, Mrs. CLAYTON, Ms. NORTON, Ms. CHRISTIAN-GREEN, Mr. LIPINSKI, Mr. WYNN, Mr. EVANS, and Ms. JACKSON-LEE of Texas.

H.R. 218: Mr. LIPINSKI, Mr. CRAMER, Mr. HASTINGS of Washinton, Mr. DUNCAN, Mr. COOK, and Mr. BARCIA.

H.R. 227: Mr. JONES and Mr. CANADY of Florida.

H.R. 234: Ms. MCKINNEY, Ms. VELÁZQUEZ, Mr. MCDERMOTT, Mr. FORD, Ms. JACKSON-LEE of Texas, Mr. BARRETT of Wisconsin, Mr. DELLUMS, Mr. TORRES, Mr. EVANS, Mr. MORAN of Virginia, and Mr. HINCHEY.

H.R. 241: Mr. LEWIS of Georgia.

H.R. 242: Mr. FROST, Mr. MCGOVERN, Mr. FOX of Pennsylvania, Mrs. LOWEY, Mr. GRAHAM, Mr. CRANE, Mr. FOGLIETTA, Mr. PETRI, and Mr. GOODLING.

H.R. 250: Mr. FROST, Mr. GUTIERREZ, Mr. MANTON, Mr. ACKERMAN, Mr. ENGLISH of Pennsylvania, Mrs. MYRICK, Mr. BACHUS, Mr. BUYER, Ms. RIVERS, Ms. MCKINNEY, Mr. WALSH, Mr. MARTINEZ, Mr. BARCIA of Michigan, Mr. WYNN, Mr. KLUG, and Mr. CAPPS.

H.R. 251: Mr. SAXTON, Mr. GRAHAM, Mr. WATTS of Oklahoma, Mr. MCINTOSH, Mr. BEREUTER, Mrs. TAUSCHER, Mr. CONDIT, Mr. HILL, and Mr. MORAN of Virginia.

H.R. 290: Mrs. TAUSCHER, Mr. SCOTT, Mr. ACKERMAN, Ms. JACKSON-LEE, Mr. FOGLIETTA, Mr. MANTON, and Mrs. MINK of Hawaii.

H.R. 291: Mr. MARTINEZ, Mr. LEWIS of Georgia, Mr. BACHUS, Ms. JACKSON-LEE, and Ms. RIVERS.

H.R. 292: Mrs. MYRICK, Mr. MILLER of Florida, Mr. HANSEN, Mrs. KELLY, Mr. DUNCAN, Mr. SMITH of New Jersey, and Mr. CANNON.

H.R. 303: Mr. ENSIGN, Mr. CRAMER, Mr. SMITH of New Jersey, Mr. MCCRERY, Mr. HOLDEN, Mr. HUNTER, Mr. MCCOLLUM, Mr. RAMSTAD, Mr. FILNER, Mr. FROST, Mr. SCHIFF, Mrs. THURMAN, Mr. MCHUGH, Mr. SENSENBRENNER, Mr. PICKETT, Mr. BARCIA of Michigan, Mr. METCALF, Mr. HALL of Ohio, Mr. UNDERWOOD, Mr. HINCHEY, and Mr. HORN.

H.R. 306: Mrs. CARSON, Ms. CHRISTIAN-GREEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. FATTAH, Mr. HOLDEN, Mr. MINGE, Mr. OLVER, Mr. RUSH, Mr. STOKES, Mr. TIERNEY, and Mr. TRAFICANT.

H.R. 328: Ms. MOLINARI, Mr. SHAW, Mr. GRAHAM, and Mr. NORWOOD.

H.R. 336: Mrs. MYRICK, Mr. GRAHAM, Mr. DEAL of Georgia, Ms. DANNER, Mr. MINGE, Mr. LAHOOD, and Mr. FRANKS of New Jersey.

H.R. 338: Mr. ENGLISH of Pennsylvania.

H.R. 339: Mr. HOLDEN, Mr. RAHALL, Mr. GOODE, Mr. NORWOOD, Mr. BRYANT, Mr. BARCIA of Michigan, and Mr. LEWIS of Kentucky.

H.R. 340: Mr. WELDON of Florida.

H.R. 342: Mrs. KELLY.

H.R. 343: Mr. GOODE.

H.R. 366: Mr. MORAN of Virginia and Mr. BENTSEN.

H.R. 367: Mr. CHABOT, Mr. SHAYS, Mr. LATHAM, and Mr. ROHRABACHER.

H.R. 382: Mr. CLYBURN, Mr. FALEOMAVAEGA, Mr. GREEN, Mr. WYNN, Mr. RANGEL, Mr. TOWNS, and Mr. HINCHEY.

H.R. 383: Mr. EVANS, Ms. RIVERS, Mrs. MALONEY of New York, Mr. RUSH, Ms. VELAZQUEZ, Mr. YATES, Mrs. CUBIN, Mr. BENTSEN, Mr. FALEOMAVAEGA, Mr. RANGEL, Mr. PICKETT, Mrs. CLAYTON, Mr. SCOTT, Mrs. MEEK of Florida, Mr. OLVER, Mr. HALL of Ohio, Mr. PALLONE, Ms. JACKSON-LEE, Mr. NEAL of Massachusetts, Mr. CALVERT, Mr. DAVIS of Virginia, Ms. LOFGREN, and Mr. EHLERS.

H.R. 393: Ms. JACKSON-LEE and Mr. ALLEN.

H.R. 399: Mr. GALLEGLY, Ms. PRYCE of Ohio, Mr. LIPINSKI, Ms. CHRISTIAN-GREEN, Mr. CRAMER, Mr. FALEOMAVAEGA, Mr. GRAHAM, Mr. KLUG, Ms. RIVERS, Mr. MANTON, Mr. TAYLOR of North Carolina, Mr. PORTER, Mr. FOLEY, Mr. FORBES, Mrs. MYRICK, Mr. ROGAN, Mr. HORN, Mrs. TAUSCHER, and Ms. MCCARTHY of Missouri.

H.R. 400: Mr. GEKAS, Mr. CANNON, Mr. CONDIT, Mrs. KELLY, Mr. BILBRAY, and Mr. BERMAN.

H.R. 407: Mr. BROWN of California and Mr. BARRETT of Wisconsin.

H.R. 410: Mr. GOODLATTE and Mr. ETHERIDGE.

H.R. 411: Mr. BROWN of California, Mr. GEJDENSON, Ms. JACKSON-LEE, Mr. BERMAN, Mr. SERRANO, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHERMAN, Mr. ABERCROMBIE, Mr. HINCHEY, and Mrs. MALONEY of New York.

H.R. 414: Mrs. MORELLA, Mr. YOUNG of Alaska, Mr. DAVIS of Virginia, Mr. MORAN of Virginia, Mr. HEFNER, Mr. MCHUGH, Mr. SENSENBRENNER, Mr. REGULA, Mr. JONES, Mr. SKEEN, Mr. HOLDEN, Mr. HALL of Ohio, Mr. SCARBOROUGH, Mr. RIGGS, Mr. OLVER, Mrs. MALONEY of New York, Mr. STUMP, Mr. MCCOLLUM, Mr. SPENCE, Mr. CHRISTENSEN, Mr. BROWN of California, Mr. RAHALL, Ms. RIVERS, Mr. EDWARDS, Mr. WYNN, Mr. BENTSEN, Mr. HAYWORTH, Mr. UNDERWOOD, Mr. WOLF, Mr. FAZIO of California, Mr. MCKEON, Mr. HUNTER, Ms. SLAUGHTER, Mr. SAXTON, Mr. PETRI, Mr. FROST, Mr. BOUCHER, Mr. BAKER, Mr. HINCHEY, Mr. FARR of California, Mr. MANTON, Mr. SAM JOHNSON, Mr. DOYLE, Mr. SHAW, Mr. KIM, Mr. CALVERT, Mr. BATEMAN, and Mr. CUMMINGS.

H.R. 418: Mr. DELLUMS, Mr. KING of New York, Mr. MANTON, Mr. DEFAZIO, Mr. TRAFICANT, Mr. BURTON of Indiana, Mr. FORD, Mrs. MINK of Hawaii, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mrs. TAUSCHER, Mrs. CARSON, Mr. ENGEL, Mr. FROST, Mr. MCINTOSH, Mr. OWENS, Ms. JACKSON-LEE, Mr. COBURN, Mr. ENGLISH of Pennsylvania, Mr. FALEOMAVAEGA, Mr. LAFALCE, Mr. MILLER of California, Ms. WOOLSEY, Mr. NETHERCUTT, Mr. MCHUGH, Mr. WELLER, Ms. CHRISTIAN-GREEN, Mr. PETRI, Mr. HOLDEN, Mr. GREEN, Mr. GRAHAM, Mr. DAVIS of Illinois, Mr. RUSH, Ms. RIVERS, Mr. RANGEL, Mr. OLVER, Ms. MOLINARI, Ms. SLAUGHTER, Mrs. CLAYTON, Mr. TOWNS, Mr. HINCHEY, Mr. YATES, Mr. MARTINEZ, Ms. LOFGREN, and Mr. SANDERS.

H.R. 420: Ms. MCCARTHY of Missouri, Mrs. MYRICK, and Mr. MORAN of Virginia.

H.R. 426: Mr. KLUG, Mr. RAMSTAD, Mr. CONDIT, Mr. TALENT, Mr. TIAHRT, Mr. NEY, Mr. CHRISTENSEN, Mr. BOSWELL, Mr. JONES, Mr. SHIMKUS, Mr. BACHUS, Ms. FURSE, Mr. RIGGS, Mr. GEKAS, Mr. MILLER of Florida, Mr. SKEEN, Mr. HEFNER, Mr. GRAHAM, Mr. WATKINS, Mr. TAYLOR of North Carolina, Mr. JENKINS, Mr. PETERSON of Minnesota, Mr. BOB SCHAFFER, Mr. BURR of North Carolina, Mr. LARGENT, Mr. CAMP, Mr. NEUMANN, Mr. WHITE, Mr. PAXON, Mr. BISHOP, and Mr. DOOLITTLE.

H.R. 444: Mr. RANGEL, Ms. NORTON, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE, Mr. RUSH, and Mr. FATTAH.

H.R. 446: Mr. BACHUS, Mr. RAHALL, Mr. STUMP, Mr. PARKER, Mr. CHRISTENSEN, Mr. KLUG, Mr. WELLER, Mr. DOOLITTLE, Mr. UPTON, Mr. BURTON of Indiana, Mr. CONDIT, Mr. RUSH, Mr. WATKINS, Mr. OXLEY, Mrs. KELLY, Mr. GOODLING, and Mr. TORRES.

H.R. 459: Mrs. CHENOWETH and Mr. TAYLOR of North Carolina.

H.R. 475: Mr. ENSIGN, Mr. BURR of North Carolina, Mr. HOUGHTON, and Mr. FROST.

H.R. 476: Mr. LEWIS of Georgia, Mr. BLAGOJEVICH, Mr. FOGLIETTA, Mrs. MORELLA, Mr. ACKERMAN, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, Ms. WATERS, Mr. BROWN of California, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Ms. VELAZQUEZ, Mrs. CARSON, Mr. LIPINSKI, Ms. LOFGREN, Mr. TIERNEY, Mr. JACKSON, Mr. MENENDEZ, Mr. CLAY, Ms. ROYBAL-ALLARD, Mr. TORRES, and Mr. CUMMINGS.

H.R. 491: Mr. CUNNINGHAM, Mr. FRANKS of New Jersey, Mrs. KELLY, Mr. CHABOT, Mr. FALEOMAVAEGA, Mr. LOBIONDO, Mr. SESSIONS, Mr. GOODLATTE, Mr. BURTON of Indiana, Mr. PAPPAS, and Mr. KIM.

H.R. 493: Mr. MCHALE, Mr. HORN, Mr. POSHARD, Mr. WAMP, Mr. CARDIN, Mrs. MORELLA, Mr. MINGE, Mr. CAMPBELL, Mr.

HINCHEY, Mr. BLEMENAUER, Mrs. MALONEY of New York, Mr. SCHUMER, and Mr. KENNEDY of Massachusetts.

H.J. Res. 1: Mr. BOEHNER, Mr. CAMP, Mr. DELAY, Mr. EHRLICH, Mrs. FOWLER, Mr. FRANKS of New Jersey, Mr. GEKAS, Mr. GIBBONS, Mr. GOSS, Ms. GRANGER, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. HOEKSTRA, Mr. HOUGHTON, Mr. HYDE, Mr. JENKINS, Mrs. KELLY, Mr. MCKEON, Ms. MOLINARI, Mr. NEY, Mrs. NORTHUP, Mr. NUSSLE, Mr. PAXON, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. RILEY, Mr. ROGAN, Mr. ROGERS, Mr. RYUN, Mr. SESSIONS, Mr. SHIMKUS, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. THUNE, Mr. WATKINS, Mr. WELDON of Florida, Mr. PEASE, and Mr. BARRETT of Nebraska.

H.J. Res. 2: Mr. ADAM SMITH of Washington, Ms. GRANGER, and Mr. CANNON.

H.J. Res. 18: Mr. GOODLATTE.

H.J. Res. 33: Mr. MCINTOSH, Mr. SMITH of Michigan, and Mr. NETHERCUTT.

H. Con. Res. 4: Mr. ABERCROMBIE, Mr. PAYNE, Mr. SAWYER, Mr. TOWNS, and Mr. BONIOR.

H. Con. Res. 6: Mrs. MYRICK, Mr. MANTON, Mr. KLUG, Mr. BATEMAN, Mrs. MORELLA, Ms. MOLINARI, Mrs. LOWEY, Mrs. KELLY, Mr. LANTOS, Ms. LOFGREN, Mr. LEVIN, and Mr. SHAYS.

H. Res. 15: Mr. FROST, Mr. LANTOS, Mr. OLVER, Mrs. TAUSCHER, Mr. DEUTSCH, Ms. PELOSI, Mr. VENTO, Mr. LIPINSKI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELLUMS, Mr. PORTER, and Mr. LEVIN.

H. Res. 21: Mr. ROYCE, Mr. WATTS of Oklahoma, and Mr. BURTON of Indiana.

H. Res. 22: Mr. ROYCE, Mr. MCDERMOTT, Mr. FOLEY, Mr. OXLEY, Mr. BROWN of Ohio, Mr. FORD, Mr. DAVIS of Virginia, Mrs. MALONEY of New York, Mr. CRAMER, Mr. BERMAN, Mr. MANTON, Mr. MEEHAN, Ms. PRYCE of Ohio, Mr. FROST, Mr. LOBIONDO, Mr. FILNER, Mr. PICKETT, Mr. STARK, Mr. DOYLE, and Mr. BATEMAN.

H. Res. 23: Mr. TRAFICANT.

H. Res. 30: Mr. GIBBONS and Mr. NORWOOD.

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.J. Res. 2: Mr. THUNE.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, TUESDAY, FEBRUARY 4, 1997 No. 12

Senate

The Senate met at 11 a.m. and was called to order by the Honorable CHUCK HAGEL, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God our Father, we pause in the midst of the changes and challenges of life to receive a fresh experience of Your goodness. You are always consistent, never change, constantly fulfill Your plans and purposes, and are totally reliable. There is no shadow of turning with You; as You have been You will be forever. All Your attributes are summed up in Your goodness. It is the password for Your presence, the metonym for Your majesty, and the synonym for Your strength. Your goodness is generosity that You define. It is Your outrushing, unqualified love poured out in graciousness and compassion. You are good when circumstances seem bad. When we ask for Your help, Your goodness can bring what is best out of the most complicated problems.

Thank You for Your goodness given so lavishly to our Nation throughout our history. Today, again we turn to You for Your guidance for what is good for our country. Keep us grounded in Your sovereignty, rooted in Your commandments, and nurtured by the absolutes of Your truth and righteousness. May Your goodness always be the source of our Nation's greatness. In the name of our Lord and Savior. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE
PRESIDENT PRO TEMPORE,
Washington, DC, February 4, 1997.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHUCK HAGEL, a Senator from the State of Nebraska, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. HAGEL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished majority leader.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business until the hour of 12:30, with Senators permitted to speak for up to 10 minutes each. At 12:30 today the Senate will recess until 2:15 to allow the weekly policy conferences to meet.

Following the conferences, the Senate may consider a Senate resolution regarding mammograms, which was submitted by Senator SNOWE. It is my hope we will be able to enter a short time limitation for debate and then have a rollcall vote on the adoption of that resolution. All Members will be notified when that agreement is reached as well as when the rollcall vote can be expected. We hope that we will have that vote probably not later than 4 o'clock or so this afternoon, but we will give the specific time a little later in the morning.

As expected, yesterday the Judiciary Committee did file their report on the constitutional amendment on the balanced budget. The report became available this morning and, therefore, under the rule, the Senate may begin consideration of that joint resolution on Thursday. It is possible that we may begin opening statements on the balanced budget amendment on Wednesday, tomorrow afternoon. I will notify all Members of that schedule after I confer further with the democratic leader.

In addition, several committees are expected to complete their work on some of the pending nominations during this week. Once again, I will alert all Members as to the Senate schedule with respect to these nominees. We have at least a couple that are close to being reported. We hope to have a vote on those Thursday, if at all possible.

Of course, on Thursday morning we will also be notified of the President's budget proposals, and we hope to have a quick meeting with the President up here on Capitol Hill in the President's room certainly within the next week. We are still working on the specifics and details of that meeting, so we can begin to actually roll up our sleeves and begin work on items where we think there is a good possibility for agreement so that we can move things, like the balanced budget agreement, some tax relief for working Americans, improvements in education at the local level with parents being involved on behalf of the children's interests, safer streets, safer neighborhoods, and toxic and nuclear waste cleanup. These are areas where we have a lot of common interests, concerns, and we should go to work on these big issues as quickly as we possibly can.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. CAMPBELL. Mr. President, I ask unanimous consent that at 2:45 today

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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the Senate begin consideration of a Senate resolution submitted by Senator SNOWE regarding mammograms. I further ask unanimous consent that there be 30 minutes for debate equally divided between Senators SNOWE and MIKULSKI, with an additional 10 minutes under the control of Senator SPECTER; further, no amendments be in order, and following the conclusion or yielding back of time the resolution be temporarily set aside with a vote to occur on the adoption of this resolution at 5 p.m. this afternoon.

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

Mr. CAMPBELL. Further, Mr. President, for the information of all Senators, in accordance with this agreement, the mammogram resolution will be debated this afternoon, with a vote occurring at 5 p.m.

UNANIMOUS-CONSENT AGREEMENT—SENATE JOINT RESOLUTION 1

The PRESIDING OFFICER. Mr. President, I also ask unanimous consent that at 3 p.m. on Wednesday, February 5, the Senate begin consideration of Senate Joint Resolution 1, regarding a constitutional amendment on the balanced budget. I further ask unanimous consent that only opening statements be in order during Wednesday's session.

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

Mr. CAMPBELL. I announce this agreement will allow us to begin debate on the balanced budget amendment on Wednesday. Senators may make opening statements on Wednesday; however, no amendments will be in order.

I also ask the Senate not be in session late tomorrow to accommodate a number of Senator's schedules.

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

AUTHORITY TO APPOINT COMMITTEE OF ESCORT ON THE PART OF THE SENATE

Mr. CAMPBELL. I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 o'clock p.m. this evening, Tuesday, February 4, 1997.

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

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, pursuant to Public Law 85–874, as amended, appoints the Senator from Mississippi [Mr. LOTT] and the Senator from Alaska [Mr. STEVENS] to the Board of Trustees of the John F. Kennedy Center for the Performing Arts.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of 20 United States Code, sections 42 and 43, appoints the following Senators as members of the Board of Regents of the Smithsonian Institution: the Senator from Mississippi [Mr. COCHRAN] and the Senator from Tennessee [Mr. FRIST].

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 100–458, appoints William E. Cresswell, of Mississippi, to a term on the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, effective October 11, 1996.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30, with Senators permitted to speak therein for up to 10 minutes each.

ROBERT MORRIS, PATRIOT WHO STOOD UP FOR AMERICA

Mr. HELMS. Mr. President, one of the disappointing aspects of serving in the Senate is the inescapable and unintended detachment we so often unknowingly experience in our efforts to keep up with the joyful things happening to our friends back home and elsewhere. But it is downright discouraging to discover sometimes long after the fact, that sadness has come to our friends and their families.

For example, the death this past December 29 of a remarkable American, Robert J. Morris, who immediately earned my admiration when I came to Washington in 1951 as administrative assistant to a fine North Carolina Senator.

I had a note the other day from Bob Morris's widow, Joan, about his death. Mr. President, when I arrived in Washington years ago, Bob Morris was the very bright and talented chief counsel of the Internal Security Subcommittee of the Senate Judiciary Committee.

The New York Times on January 2 of this year reported Bob Morris's death. The headline read: ''Robert J. Morris Is Dead at 82; Crusader Against Communism''.

The opening paragraphs of the obituary read as follows:

Robert J. Morris, whose ministrations as counsel for a Cold War Senate Subcommittee bent on rooting out Communists marked a long career devoted to conservative causes, died on Sunday at Point Pleasant Hospital in Point Pleasant, N.J. He was 82 and lived in Mantoloking, N.J.

The cause of death was congestive heart failure, said his son Geoffrey, who added that Mr. Morris had been suffering for more than a year from hydrocephalus, a condition that impedes brain function.

Mr. Morris was chief counsel to the Senate Judiciary Subcommittee on Internal Security from 1951 to 1953, and again from 1956 to 1958, a period when the country was tormented by the specter of Communist infiltration at every level of life.

A graduate of Fordham Law School, he had served on a New York State Assembly committee in 1940 that investigated New York's schools and colleges for Communist activities. He worked various aspects of the Senate hearings, appearing as a witness now and then and serving as a frequent spokesman and defender of its work.

After those somewhat objective paragraphs, Mr. President, the New York Times launched a full-fledged attack on Bob Morris because of his battles against communism.

I shall omit that part of the New York Times report regarding Bob Morris's death and pick up again when the obituary regains objectivity:

Mr. Morris's interest in politics was part and parcel of his upbringing in Jersey City, where his father was known for organizing opposition to Frank Hague, the entrenched Hudson County boss. That interest sharpened while Mr. Morris served in the Navy during World War II.

Turned down at first because of his inability to recognize the color red, an anecdote he repeated with delight through the years, he became a commander of counterintelligence and psychological warfare. At one point, his son said, he was in charge of writing the threats, printed in Japanese on what looked like money, that were dropped by the planeload on Japanese cities.

He also interrogated prisoners, and began believing that Communism was a greater threat to world security than most leaders realized—an opinion that would influence the rest of his life.

Politics continued to attract him after he left the subcommittee. In 1958, he made a bid for the Republican Senate nomination from New Jersey, running on a conservative platform that stressed his subcommittee work. Like all but one of his attempts to win public office—he was elected a municipal judge in New York City in 1954, and resigned two years later to rejoin the Senate investigations—it was unsuccessful.

Turning his eye to education, Mr. Morris moved to Texas in 1960 to become president of the University of Dallas. He continued speaking out against Communism and on other issues, which became a source of friction at the university, which he left in 1962.

That summer, he founded the Defenders of American Liberties, a group he described as modeled after the American Civil Liberties Union, ''but with emphasis on different positions.'' The group quickly gained public attention with its defense of former Maj. Gen. Edwin A. Walker, who was accused of inciting unrest at the University of Mississippi at Oxford as James Meredith, its first black student, was attempting to start classes there.

In 1964, he founded the University of Plano, now defunct, in Plano, Tex., which was intended to teach mildly disabled young people through ''patterning,'' controversial at the time. It involved putting students through a series of physical exercises, including crawling and creeping, to stimulate nonphysical development in the brain.

Mr. Morris was prompted to do so by the difficulties of one of his children, William, whom he enrolled in the university. He remained at the university until 1977, and it closed a short time later.

He continued to be a vocal foe of Communism and to speak out against disarmament. While In Texas, he made two runs at the Senate, in 1962 and 1970, positioning himself as a conservative Republican. Both times he was defeated in the primary by George Bush.

He was the author of five books, all but one dealing with the prospective unraveling of the world order. One, ''Disarmament: Weapon of Conquest,'' became something of a best seller after it appeared in 1963.

He also wrote a column, ''Around the World,'' which was published from 1960 to the early 1980's in newspapers, among them The Manchester (N.H.) Union Leader and The New York Tribune. Among his interests were the politics of Africa, and he became a chairman of the American Zimbabwean Association.

In 1984, he made one last bid for the New Jersey Senate nomination, campaigning on the same platform as President Ronald Reagan but losing nonetheless. Until last year, his son said, he remained active, writing and giving lectures to groups in the New York area.

He is survived by his wife, Joan Byles Morris; a daughter, Joan M. Barry of Jackson, N.J.; six sons, Robert J. Jr., of Kauai, Hawaii, Paul E., of Montclair, N.J., Roger W., of Mantoloking, William E., of Mantoloking, John Henry 2d, of Bay Head, N.J., and Geoffrey J., of Armonk, N.Y.; two sisters, Alice Gougeon of Stone Harbor, N.J., and Kathleen Reinert of Point Pleasant Beach, N.J., and 12 grandchildren.

FUNDING FOR INTERNATIONAL FAMILY PLANNING

Mr. LEAHY. Mr. President, the Senate and House will soon vote on the President's finding that withholding disbursement of USAID family planning funds until July 1, 1997, will cause serious damage to the proper functioning of the program.

It is no surprise that the President reached this conclusion. It is beyond dispute that family planning services, including the provision of modern contraceptives, are the most effective way to prevent unwanted pregnancies and abortions. The examples that the President cites to support his finding should be read by every Member of Congress. They illustrate the harm these restrictions have already done to the program, and the further harm, measured in the numbers of women who will die from unsafe abortions that could be prevented, and children who will die from disease or starvation because their families could not care for them, as well as in added administrative costs, that a further delay in disbursement will cause. They also refute the flagrantly erroneous claim of the right-to-life lobby, that this vote is about whether or not to provide $123 million to organizations that fund abortion. Not one dime of these funds can be used for abortion, and the vote is only about when, not whether, these funds will be disbursed.

I will have more to say about this at the time of the vote, but I want to be sure that all Senators saw the editorial from this Saturday's Washington Post, and this Sunday's Post op-ed piece by David Broder, which make compelling arguments for upholding the President's finding. Perhaps most noteworthy is the quote from former Senator Hatfield, who was staunchly pro-life but an equally strong supporter of family planning. He said ''it is a proven fact that when contraceptive services are not available to women throughout the world, abortion rates increase.''

Mr. President, that should be the beginning and end of this debate. I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 1, 1997]

A KEY FAMILY PLANNING VOTE

In the familiar and frazzling congressional argument over U.S. foreign aid for family planning, the side whose explicit purpose is to oppose abortion has been marking up notable gains. In the past two years, these funds have been cut by a full third, kept from being spent until nine months of the fiscal year have passed and then allowed to be spent (''metered'') only in small monthly sums. Now an important vote is coming up that the family planning side hopes will halt and reverse this legislative harassment of a valuable program. The vote this month is not about funding abortions—something prohibited by law and policy anyway. It will simply determine whether funds already appropriated for family planning in fiscal 1997 will be held up until July or released in March.

Not a great issue, it could be said: a battle over crumbs in Congress. But it is a great issue if you believe as we do that American voluntary family planning programs—carefully drawn, executed and monitored to ensure that they will not be diverted to abortions—have made a central, proven, 30-year contribution to reducing poverty and enhancing human dignity around the world. The effectiveness of well-run programs, in fact, is no longer at issue. They work. It is demonstrable that when programs and funds are reduced—by cuts, delays and policy encumbrances—unintended pregnancies and abortions follow.

We now come to the large and continuing mystery of these programs. A strange belief that abortions can be made to end if family planning is restricted in what apparently has led antiabortion advocates to work for the denial and diminution of family planning services. ''Chris,'' Sen. Mark Hatfield wrote not long ago to one of those advocates, Rep. Chris Smith (R-N.J.), ''you are contributing to an increase of abortions worldwide because of the funding restrictions on which you insisted in last year's funding bill. It is a proven fact that when contraceptive services are not available to women throughout the world, abortion rates increase. . . . This is unacceptable to me as someone who is strongly opposed to abortion.''

The global generation now coming of childbearing age is the largest single generation ever to reach reproductive maturity, the Rockefeller Foundation reports. This is a sobering reminder of the need for the United States to resume its leadership in an important field.

[From the Washington Post, Feb. 2, 1997]

A VOTE FOR POOR WOMEN OVERSEAS

(By David S. Broder)

For 30 years, the United States has led an international effort to reduce the toll of maternal deaths and unwanted pregnancies by providing money and technical assistance for family planning programs in underdeveloped countries. Despite its dramatic successes and despite universal agreement that federal funds would not be used to pay for abortions, the program was severely cut and then temporarily suspended last year by antiabortion forces in the House of Representatives.

Now that issue is about to be revisited in a February congressional vote that will directly affect the life prospects of countless women and children—and provide an important test of the shellshocked House Republican leadership's ability to maintain a degree of cohesion in its fragile majority.

The background is this: Since the mid-1960s, the United States, through aid to foreign countries and to private, nonprofit organizations, has helped make contraceptive advice and supplies available to couples in poor lands so they can plan the size of their families. Its success is undeniable. A report released last week by the Rockefeller Foundation, a longtime supporter of family planning, noted that in the past three decades, the percentage of women in these countries using contraception has grown from 10 percent to 50 percent and the average number of children they have borne has been reduced from six to three.

The reduction in family size has helped millions escape from poverty and, for many women, enhanced the prospects for education and a richer life—to say nothing of better health. Fewer risky pregnancies and many fewer abortions are among the benefits.

No one seriously questions the efficacy of the program and, equally, no one has sought to upset the longstanding ban on U.S. government money paying for abortions. But when the Republicans won control of the House in 1995, they sought to write into law a policy that Presidents Reagan and Bush had imposed by executive order banning U.S. aid to organizations that used their own funds to pay for abortions. President Clinton ended that policy two days after he took office, and the House Republicans sought to overrule him.

Rep. Chris Smith (R–N.J.), whose opposition to abortion is as fervent as it is sincere, argued that since money is fungible, grants to groups such as the International Planned Parenthood Federation, which offers privately financed abortion counseling and services, were indirectly subsidizing the procedure he despised. But before he retired last month, Sen. Mark Hatfield (R–Ore.), as staunch an opponent of abortion as can be found, rejected Smith's logic.

In a letter to Smith last September, Hatfield wrote: ''I have reviewed the materials you recently sent to my office in response to my request that you provide proof that U.S. funds are being spent on abortion through AID's [the Agency for International Development] voluntary international family planning program. Unfortunately, I do not see anything in these materials to back up your assertion.'' Hatfield said, ''AID has a rigorous process,'' enforced by outside monitors, to carry out the abortion ban. ''In the meantime, Chris,'' he added, ''you are contributing to an increase of abortions worldwide because of the funding restrictions on which you insisted. . . . It is a proven fact that when contraceptive services are not available to women throughout the world, abortion rates increase.''

In 1995 and 1996, the House majority followed Smith, the Senate Hatfield. To break the impasse and keep the program alive, Clinton agreed last year that if the House Republicans would not insist on reinstating the Reagan-Bush restrictions, he would accept a 35 percent cut in family planning funds and agree to the financing being suspended entirely for six to nine months.

That agreement guaranteed Clinton an up-or-down floor vote in the House and Senate this month on resuming the program without the Reagan-Bush restrictions. But Smith is pressing House Majority Leader Dick Armey to break the deal Republicans made with the White House last September and allow Smith to bring up his restrictive amendment again, sweetened with a partial rollback of the funding cut. Armey's spokeswoman told me, ''We're leaning toward'' giving Smith what he wants.

That prospect has impelled many of the three dozen House Republicans who support the international family planning program to write Armey that, rather than yield to Smith and his allies, they are prepared to fight their own leadership and, if necessary, hand them an embarrassing defeat on the first major legislative test since Speaker Newt Gingrich was disciplined for ethics violations. The issue goes before the House Republican Conference later this week. But the women and children who have most at stake around the world will not have a vote.

TRIBUTE TO CHARLES A. ''BILL'' BISHOP

Mr. BAUCUS. Mr. President, I rise today to ask that this body honor a man whose life was an honor to Montana. And a man whose death is a loss to us all.

My friend, Charles A. ''Bill'' Bishop, died on Sunday, January 26. But his memory will continue to live on in all of us who remember him. His loss is sudden, and we are left now to remember this man who gave us so much. Throughout his life, he was a husband, a father, an advocate, a learner, a jokester, and a teacher. In everything he did, he attacked it with a passion—an unquenchable zest for life.

Family was everything to Bill. He idolized his wife and children, and they loved him dearly. One of his favorite things in the world was spending time with his family. I extend my deepest sympathies to them in this time of sorrow.

Bill's zest for life can easily be seen in his legacy of outspoken advocacy for the environment. With a heart as big as the Mission Mountains that he loved so much, Bill was committed to leaving this planet a better place for his children and grandchildren. On these issues, Bill was often an adviser to me. If he agreed with something I did, he would let me know. If he disagreed, I could expect to get an earful from him. Yet through it all, he was thoughtful, respectful, and eager to find solutions to the many problems that confront Montana.

I still have a hard time imagining Montana without Bill Bishop. In many ways, I will never get used to his absence. To say that I will miss him is not enough. His passing leaves my life with a little less laughter and a little less joy.

Those of us who knew Bill will make sure that the memories stay always fresh, renewed over and over again by our love for this great man. God bless you, Bill.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, February 3, the Federal debt stood at $5,297,382,328,731.42.

Five years ago, February 3, 1992, the Federal debt stood at $3,795,010,000,000.

Ten years ago, February 3, 1987, the Federal debt stood at $2,231,437,000,000.

Fifteen years ago, February 3, 1982, the Federal debt stood at $1,036,317,000,000.

Twenty-five years ago, February 3, 1972, the Federal debt stood at $423,272,000,000 which reflects a debt increase of more than $4 trillion—$4,874,110,328,731.42—during the past 25 years.

ADDRESS BY PEACE CORPS DIRECTOR MARK GEARAN

Mr. KENNEDY. Mr. President, on December 16, 1996, Mark Gearan, the Director of the Peace Corps, delivered an eloquent address at the National Press Club on the current status of the Peace Corps. Mr. Gearan's address provides an excellent summary of the accomplishments of the Peace Corps and the extraordinary assistance that Peace Corps volunteers are providing to nations in all parts of the world. I know that President Kennedy would be proud of the way the Peace Corps is living up to its ideals, and I ask that Mr. Gearan's address be printed in the RECORD.

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

REMARKS BY MARK D. GEARAN, DIRECTOR OF THE PEACE CORPS

The job of Director of the Peace Corps affords those who are privileged to hold it a unique perspective on the world and our country, one that is shaped by the enduring values that the Peace Corps represents, and by the spirit of service that Volunteers embody.

When Sargent Shriver, the first Director of the Peace Corps, came to the National Press Club in 1962, he made this observation:

''It is a complex world we live in today,'' he said. ''While one man orbits the earth in a space capsule, another man squats for hours beside an Asian rice paddy, trying to catch a fish only as big as your thumb. While some men manufacture computers, other men plow with sticks.''

What my predecessor said then still holds true today. We have men and women orbiting the earth in space capsules. But we still have men and women plowing with sticks in many parts of the world.

Yet it goes without saying that the world is much different than it was in 1962. The disparities that Sargent Shriver described are still with us. But advances in science, technology, the media, the spread of freedom and democracy, and the end of the Cold War, have not only made our lives more complicated, they have also given us new opportunities and new reason for hope.

Much the same can be said about the Peace Corps. Since President Kennedy sent the first group of Volunteers to Ghana in 1961, we have remained true to the vision and goals that were set out for us from the very beginning. Today, nearly 7,000 Volunteers are working with ordinary people in 90 countries to encourage social and economic progress at the grass-roots level. Peace Corps Volunteers are young and older; they are black, white, Asian, Hispanic, and Native American; and they come from every social, economic, and religious background.

Yet for all of their diversity, our Volunteers still share a common purpose: to help make the world a better place.

And just as it was in the beginning, the Peace Corps is still much more than a development agency. Our Volunteers are still strengthening the bonds of friendship and understanding between Americans and the people of the developing world that are, in many respects, the foundation of peace among nations.

Yet the Peace Corps has also changed to meet the needs of our time. We have worked hard to strengthen the Peace Corps while remaining faithful to our mission. And I believe that the state of the Peace Corps is as strong as it has ever been, and that its prospects for the future are bright and promising. From the number of qualified and motivated people who want to become Volunteers, to the new countries we are entering, to the strong support we have among the American people, this Administration, and in the Congress, the Peace Corps is moving forward and is poised to enter the 21st century with confidence and energy.

With this future in mind, we decided to take a look at the past and see what we could learn from some of the men and women who have served as Peace Corps Volunteers over the years. We have conducted the first comprehensive survey of returned Peace Corps Volunteers who have served in each of the last four decades since 1961.

I'll tell you more about the survey in a minute. But let me give you just a few examples that demonstrate the vitality of an agency that continues to capture the imagination of so many people.

First, we continue to attract the best that America has to offer. Last year, more than 100,000 people contacted us seeking information about how to become a Peace Corps Volunteer. Ten thousand went through our competitive application process, and we extended invitations to 3,500 of these talented and dedicated people.

Second, we are making sure that Volunteers are serving in the right countries for the times in which we live. That's why earlier this year, our Volunteers returned to Haiti after a five-year absence to work with the people of the poorest nation in this hemisphere.

That's why next month, Volunteers will go to South Africa for the first time in the history of the Peace Corps to help support and contribute to the historic transformation that is taking place in that critical country.

And that's why I recently signed an agreement with the government of Jordan that will allow Volunteers to begin serving there in April 1997 for the first time. Expanding the presence of Peace Corps Volunteers in the Middle East is an important step for us. I believe these Volunteers will help improve understanding between Americans and the people of the Arab world and contribute to Jordan's development.

Third, we are making sure that the work of our volunteers is driven by the needs of the communities where they are serving. Volunteers are working with their counterparts to help to protect and restore the environment. Others collaborate with small business people to create economic opportunities. They are working with teachers to expand access to education for children and adults, and they help farmers grow more and better food. Still others are helping to keep families healthy and prevent the spread of terrible diseases, such as HIV/AIDS.

Fourth, we are leading the way for international volunteer organizations to play an even greater role in the developing world. Earlier this year, we brought together the leaders of 35 international organizations that send volunteers outside of their own countries. Our purpose was to find ways to collaborate in the field and help those countries, such as Mali, Senegal, the Czech Republic and Malaysia, that want to establish their own volunteer organizations.

Finally, we are moving forward with the establishment of the Crisis Corps, one of our newest and most exciting initiatives. We are making it possible for experienced Peace Corps Volunteers and returned Volunteers to contribute their language skills, their cross cultural understanding, and their experience in development to short-term international relief efforts.

These are just a few of the important steps we are taking to ensure that the Peace Corps stays on the cutting edge of development and service. So like any forward-thinking organization, we thought we could learn something from the people who have contributed so much to the Peace Corps' success. We wanted to take advantage of the insights and experience of returned Volunteers who served in the Peace Corps for at least one year.

Let me share with you some of the highlights of what they had to say:

Perhaps the most impressive finding was that 94% of the respondents said that they would make the same decision to join the Peace Corps again, and 93% said they would recommend service in the Peace Corps to others.

One returned Volunteer wrote: ''Aside from the births of my two daughters, my Peace Corps experience was the most gratifying experience of my life. I'm so proud and grateful for having been blessed with such a powerful and positive experience.''

Ninety-four percent of the respondents believed they made a positive contribution to the development of the country where they served, and most indicated that their greatest contribution as Volunteers was to the individuals with whom they worked.

In addition, most of the respondents said that service in the Peace Corps met their expectations of helping others, experiencing a different culture, and their desire for travel and adventure. And 70% said that their Peace Corps experience had a positive impact on their careers.

The survey also revealed that some returned Volunteers did not leave their sense of humor overseas. In response to the question: ''In what state are you currently living?'', several Volunteers responded: ''confusion, or bliss . . .''

Our survey also confirmed what we already know: Peace Corps Volunteers face some very difficult realities—from petty burglaries and assault, to racial and sexual harassment, to political unrest and natural disasters. Service in the Peace Corps can sometimes be tough, but the Volunteers confront these challenges head on every day with great courage.

Finally, this survey also reveals that, for most returned Volunteers, their commitment to service doesn't end when they come home. They tend to be active members of their communities. Seventy-eight percent said they have volunteered since coming home, and 63% have worked with people with ''special needs,'' such as the elderly, the disabled, and refugees.

These are just some of the results of the 1996 survey of returned Peace Corps Volunteers. But what are we to make of all this? Does it matter? I think it does, and let me tell you why.

First, I believe that in many ways this survey reaffirms and justifies the confidence that Americans have placed in the Peace Corps over the years, something for which we are grateful and never take for granted.

Second, this survey also demonstrates in a small but important way that many Americans care about what happens in the world and want to help make it a better place. I believe they understand the connection between America's engagement in the world and our prosperity. And they are generous in their willingness to encourage progress and help other people.

But there is also a significant domestic dividend to the Peace Corps. Our country is fortunate to have a large cadre of people with international experience that broadens our understanding of other countries and cultures. This is a tremendous asset for America's participation in the global marketplace.

Moreover, the insights about other peoples and cultures that returned Volunteers bring back with them, I believe, can add to America's thinking and understanding of the many problems that we confront in our own multicultural society.

Finally, let me close by speaking directly to the young people in our country. The Peace Corps is an organization that is often identified with the 1960s. A lot of young people sometimes wish they had been around to witness the sweeping changes that occurred in our society and our culture back then. I believe there is much that we all can learn from that important era in our country's history.

But a nostalgic view of the past need not keep us from looking ahead and moving forward. I believe the times in which we live today are just as exciting and hold even more promise. Fifty years from now, young people will look back to the end of the 20th century and say: ''I wish I had been around when the German people took their sledgehammers to the Berlin Wall, when the people of South Africa tasted freedom for the first time, when the Cold War ended and new democracies began to flourish.'' They will surely wish they had been alive when the information revolution took off and helped shrink the world by an order of magnitude.

But the men and women who are serving as Peace Corps Volunteers today are taking part in the great struggle that still lies ahead—the struggle for human dignity both here at home and around the world. President Kennedy and each of his successors, both Democratic and Republican alike, have summoned us to participate in that struggle, and I am very proud to say that Peace Corps Volunteers are doing their part.

I believe this is the best time to be part of the Peace Corps. We are grateful for the service of more than 145,000 Americans. We are excited about our future—from the new countries where Volunteers will be serving, to our new initiatives, including the Crisis Corps. The Peace Corps is moving into the next century, proud of the legacy that precedes us and confident that Peace Corps Volunteers are making a real difference in lives of people around the world.

IMPLEMENTATION OF MANAGEMENT REFORMS AT THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. THOMPSON. Mr. President, I would like to use the opportunity, following Senate confirmation of Andrew Cuomo as the next Secretary of Housing and Urban Development, to address some vital management issues at the Department. The Department of Housing and Urban Development [HUD], like many other federal agencies, is confronted by serious management problems that impede its ability to carry out its mission.

HUD, which Secretary-designate Cuomo will head, has a diverse group of activities under its purview. HUD manages an $885 billion loan portfolio and provides $25 billion in rental subsidies and over $5 billion annually in community development grants. As the principal agency concerned with the Nation's housing needs and redeveloping our decaying cities, HUD has a monumental task on its hands and should be run as efficiently and effectively as a Fortune 500 company. Unfortunately, this has not been the case in the past.

Historically, HUD has had a rocky track record. Departmentwide management deficiencies were a major factor leading to the 1989 HUD scandals. In 1994, the General Accounting Office placed the entire department on its high risk list, designating HUD as ''especially vulnerable to waste, fraud, abuse, and mismanagement.'' I understand that this year GAO will continue to keep HUD on its high risk list, believing that the deficiencies hampering HUD's leadership in effectively managing the agency have yet to be resolved.

Congress has given agencies like HUD the tools to improve their management operations, most notably by passing legislation developed by the Governmental Affairs Committee such as the Chief Financial Officers [CFO] Act of 1990, the Government Performance and Results Act [GPRA] of 1993, and the procurement and information technology reforms of last Congress. These laws are designed to get the Federal Government to operate in a sound, businesslike manner and implementing these management reforms is a major responsibility for each department head. I urge Mr. Cuomo to devote as much of his time as necessary to use these laws to focus on getting results for the taxpayers who fund HUD and the many who depend on its programs.

The Government Performance and Results Act, for example, can be an effective tool to make government work better by measuring the success or failure of government programs and using this information to support budget decisions. I am encouraged by Secretary-designate Cuomo's enthusiastic support of GPRA in his responses to my questions submitted during his confirmation process. This is because effective GPRA implementation is especially needed at HUD. HUD's programs and missions often overlap or are linked only tangentially to HUD's primary missions. The National Academy of Public Administration and HUD's inspector general [IG] have recommended eliminating, consolidating, or restructuring many of HUD's 240 programs and activities, 91 of which, the IG said, were questionably related to the department's primary mission. GPRA, by focusing on agency missions and results, will give HUD, the Office of Management and Budget and the Congress

the information necessary to consolidate and eliminate these wasteful and redundant programs.

Unfortunately, HUD has a long way to go toward effectively implementing GPRA. The HUD IG recently found that the department is just beginning to develop an agencywide strategic plan, the key underpinning and starting point for the process of goal-setting and performance measurements under GPRA. The IG report also indicated that HUD staff felt that the initial plans were developed only by a few of the Department's staff and did not involve input from a broad range of HUD offices. Given the need for broad acceptance of performance measures and established deadlines for implementing GPRA, I hope the new Secretary will take steps to ensure the integrity and successful implementation of GPRA at HUD.

GPRA is dependent on sound financial management—something that HUD is lacking. One of the reasons for GAO's designation of HUD as a high-risk area is its poorly integrated, ineffective, and generally unreliable information and financial management systems. These systems do not meet program managers' needs and provide inadequate control over HUD's housing and community development programs. HUD must get better control over its finances and prepare timely financial statements as required by the CFO Act.

Good financial data relies upon the development of effective computer systems and these systems are crucial to HUD's ability to meet its housing mission and business needs. In recent years, the Department has obligated over $170 million annually to activities related to information management. Yet HUD has had a poor history of managing its information resources, and as a result, is struggling with aging systems that do not adequately meet the agency's needs and are contributing causes of managerial inadequacies.

In response to its problems, HUD has undergone dramatic structural changes. In September 1995, HUD completed a major field reorganization which was intended to eliminate previously confused lines of authority, enhance communications, reduce levels of review and approval, and improve customer service. In January 1996, HUD announced additional plans to reduce headquarters staff and further streamline its field organization by, among other things, closing up to 10 of HUD's 81 field offices by the end of fiscal year 1997. However, it is questionable whether these changes have turned the tide as GAO has found that the Department still has an ineffective organizational structure.

The situation is not hopeless. HUD has made some progress in recent years addressing these Departmentwide management deficiencies, but success will require top-down management support. I hope Secretary-designate Cuomo will articulate a management vision that can improve operations at HUD and take measures required to take the agency off GAO's and Congress' high-risk list. I look forward to working with him to achieve those objectives in this Congress and to effectively implement the bipartisan management reforms passed by Congress in recent years.

THE PRESIDENT'S CERTIFICATION ON INTERNATIONAL FAMILY PLANNING

Mr. DASCHLE. Mr. President, on Friday, January 31, the President submitted to the Congress a certification that merits the support of all Members of Congress who wish to see improvements in the quality of life of women and families around the world.

The President has certified that the restrictions imposed by Congress in the fiscal year 1997 appropriations legislation are ''having a negative impact on the functioning of the population planning program.'' Congress's approval of that certification would allow fiscal year 1997 family planning funds to be released at a rate of 8 percent per month beginning March 1 rather than July 1. Population programs around the world have not received any U.S. fiscal year 1997 funding even though the fiscal year began October 1, 1996, so approval of this resolution would simply reduce the delay of the funds' release from 9 months to 5.

U.S. contributions to family planning programs have immeasurably improved the lives of women in developing countries. The ability to plan the size of one's family is essential if women and children are to live longer and healthier lives and if women are to make the educational and economic gains they and we wish to see.

The Rockefeller Foundation released a report last week documenting the effectiveness of the family planning programs the United States supports. The report noted that the percentage of women in developing countries using contraception in the past three decades has grown from 10 to 50 percent, and the average number of children they have borne has dropped from 6 to 3.

Mr. President, there is a growing clamor that Congress is about to cast its first abortion vote of the 105th Congress when it votes on the President's certification. Nothing could be further from the truth. The truth is that Congress voted to cut U.S. contributions to population planning programs by 35 percent from fiscal year 1995 to fiscal year 1997 and then imposed a series of harsh metering requirements on the rate at which the money could be spent. This vote would simply remove one of the harshest requirements—that the funding be delayed by an additional 4 months.

It is tragic that the impact of these cutbacks and restrictions has been to increase the number of abortions. At a time when the number of women of childbearing age is increasing by 2.3 percent, or 24 million, per year, the United States is reducing its commitment to programs that reduce the incidence of abortion.

The close relationship between family planning and abortion is clear. In Russia, for example, the Russian Department of Health reports that the use of contraceptives grew from 19 to 24 percent between 1990 and 1994 with the establishment of 50 International Planned Parenthood Federation affiliates across Russia. During that time period, the number of abortions performed dropped from 3.6 to 2.8 million. In Colombia and Mexico, USAID has long been a major donor to their family planning programs. In Bogota, a one-third increase in use of all forms of contraception between 1976 and 1986 accompanied a 45-percent drop in the abortion rate. In Mexico City and the surrounding region, the use of all forms of contraception increased 24 percent between 1987 and 1992, while the abortion rate fell 39 percent.

Helping to provide women with the means to prevent pregnancy is a far better alternative than contributing to a situation in which they must choose between bringing a child into the world for whom they too often have neither the physical nor financial means to care, and obtaining an abortion that is often illegal and unsafe. No woman wants to face that choice.

The statistics clearly document this problem. UNICEF's 1996 ''The Progress of Nations'' reported that each year, 600,000 women die of pregnancy-related causes, 75,000 of them associated with self-induced, unsafe abortions. These women leave behind at least 1 million motherless children. In addition, an estimated 34,000 children under age 5 in developing countries die every day—a number that would surely decline if mothers were able to space the births of their children to improve the health and nutrition they can provide them.

I urge my colleagues to support this Presidential certification to reduce the most onerous restrictions on U.S. contributions to international family planning programs when it comes up for a vote this month.

CONSTRUCTION OF THE CLEAR CREEK COMPOSITE BRIDGE

Mr. FORD. Mr. President, today, I wish to extend my congratulations to the University of Kentucky, the Kentucky Transportation Center, the Great Lakes Composite Consortium, the U.S. Forest Service, and other composites manufacturers on the completion of the Clear Creek Composite Bridge in Bath County, KY, located in the Daniel Boone National Forest. This pedestrian bridge is the first of its kind in the world, and the successful creation of this bridge stems from a creative design, and a great deal of research.

The Clear Creek Bridge is a 60-foot composite bridge, which is lightweight,

maintenance free, and most importantly, unobtrusive in its environment. Dr. Issam E. Harik, a professor of civil engineering, along with graduate students Pete Szak and Brad Robson of the University of Kentucky, were the research team that designed and constructed this visually appealing and structurally sound bridge.

The research and development of the technology which allowed the construction of this pedestrian bridge are essential for a competitive and strong economy, particularly with respect to the use of composite materials. The lightweight, maintenance-free bridges of the future are a welcomed change to current engineering practices, which will save taxpayers money.

Construction material and maintenance costs surrounding today's infrastructure needs are significant, and increasing rapidly. Particularly in this year, as Congress begins discussion of the reauthorization of the Intermodal Surface Transportation Efficiency Act, it is important to identify new processes which will allow the Nation to maintain our roadways and bridges at a more affordable rate than is currently possible.

It is my understanding that a major reason for the creation of this pedestrian bridge was to validate the concept of construction of composite vehicular bridges. I encourage the dedicated engineers who worked on this project to remain committed to their research and it is my hope that the people of Kentucky and throughout the country, will be driving over composite bridges sometime in the very near future. These will truly be the bridges of and to, the 21st century.

Other special recognition goes to Northwestern University in Evanston, IL; the Morison Molded Fiber Glass Co. of Bristol, VA; Owens Corning of Toledo, OH; Ashland Chemical in Columbus, OH, and Zoltek Corp. of St. Louis, MO. This is an example of the private sector, universities, and Federal Government working together to form a strong and successful partnership.

I commend and thank the University of Kentucky team and U.S. Forest Service for their determination and hard work in building this historic bridge. Outdoor enthusiasts from communities all over the Commonwealth of Kentucky will now be better connected to the wilderness.

Mr. CAMPBELL. 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.

Mrs. HUTCHISON. 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 Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of Senate Resolution 49 are located in today's RECORD under ''Submission of concurrent and Senate resolutions.'')

Mrs. HUTCHISON. 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.

The PRESIDING OFFICER. In my capacity as a Senator from Missouri, the Chair asks unanimous consent that the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Indiana, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I make a parliamentary inquiry.

Are we under specific orders at this point?

The PRESIDING OFFICER. The Senator is informed that at 2:45 p.m. today the Senate will, in accordance with the previous order, move to Senate Resolution 47 offered by the Senator from Maine, for herself and the Senator from Maryland, and that debate will proceed for the next 40 minutes.

Mr. LEAHY. Mr. President, I will just speak for maybe a minute or so.

TRIBUTE TO ANNE DIBBLE JORDAN

Mr. LEAHY. Mr. President, it is easy for both elected officials and commenters to refer to all knowledge as residing outside the beltway.

It has been my experience that some of the greatest wealth of knowledge, experience, and ability represented in this country is inside the beltway. Rarely enough does that talent get recognized.

An exception, is the recognition in the Washington Post of the extraordinary talent of Anne Dibble Jordan. Mrs. Jordan was the cochair of the last Presidential inaugural of the 20th century.

It is my privilege to know this extraordinary woman and her noted husband, Vernon Jordan. Anne Jordan is one of those people who makes it possible for Washington and our Government to present a face worth seeing by the rest of the world. In fact for those who have come to know her, it is hard to think of anything she could not achieve.

Mr. President, I ask unanimous consent that the text of the article be printed in the RECORD.

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

[From the Washington Post, Jan. 18, 1997]

THE WOMAN BEHIND THE CURTAIN—MONDAY IS ANN JORDAN'S BIG DAY—YOU WON'T EVEN KNOW SHE'S THERE

(By Roxanne Roberts)

It's the middle of a news conference at the Foreign Press Center. Ann Dibble Jordan and Terry McAuliffe, the chairmen of the Presidential Inaugural Committee sit on a stage briefing dozens of reporters from around the world about the seemingly endless list of celebratory events.

McAuliffe pops off with enthusiastic sound bites, jumping in to answer virtually every question. Jordan sits quietly, carefully offering written remarks. If there were an award for the inaugural chairman with the lowest possible profile, Jordan would win—hands down.

Her face is dominated by her red-framed glasses. She wears simple gold jewelry, a plain black dress and carriers an inexpensive Le Sportsac purse.

''I hate interviews. I hate publicity,'' she says later. ''My husband tells me I'm the most private person he knows.''

Herein lies the intriguing contradiction of Ann Jordan: a very private person who lives a very public life. Her husband is the much-respected and much-feared lawyer Vernon Jordan, power broker extraordinaire. The Jordans are on the A-list of every Washington social event, serve on numerous corporate and charitable boards, and count a vast number of powerful people as friends—including the president and first lady. Indeed, Vernon Jordan is a favorite golfing buddy of Bill Clinton; the couples are so close they had Christmas Eve dinner together.

Shortly after the election, Clinton picked up the telephone and called Ann Jordan. ''I need your help,'' said the president, who asked that she accept the unpaid co-chairmanship. It was an offer she couldn't refuse.

''I didn't think I'd be doing all of this, I tell you,'' she says. ''I thought I'd just be a worker. But I had worked in the previous inaugural, and I'd seen a lot of the things that probably would be helpful in doing this.''

Jordan, 62, came aboard just before Thanksgiving, with an eye to creating a structure that was ''open and honest.'' This year, there are no fund-raising responsibilities, so the job of chairman is primarily one of oversight: meetings every morning to go over all the plans, defining goals, and signing off on major decisions and expenditures. When a final decision had to be made, said committee members, it was often Jordan whose judgment carried the day.

And there are also news conferences—Jordan's least favorite part of the job.

''She doesn't crave the limilight,'' says cochairman McAuliffe. ''She's just been a joy to work with. She and I have not had one disagreement in the past two months.''

''I am absolutely, totally impressed and in awe of her,'' says Harold Ickes, who is coordinating inaugural plans from the White House. ''It is not unusual for someone of her social position to take the job and be sort of honorary about it, sweeping in and out. She does not throw her weight around, although—God knows—she knows *everyone* in

Washington and can get anyone on the phone at the drop of a hat.''

Of course, in Washington one expects the customary compliments from colleagues. But the genuine exuberance for Jordan goes beyond the predictable.

Jordan describes herself as ''quite low-key . . . I know what my limits are.'' She doesn't mention the gala with Princess Diana or her vacations on Martha's Vineyard with the Clintons. She doesn't bring up the dinner at her home four years ago—the president-elect's first Washington party—or the fact that she sent cyclamens to all her neighbors apologizing for any inconvenience it may have caused.

Her official biography for the inauguration is three short paragraphs.

''She's raised in the old school,'' says events planner Carolyn Peachey, a close friend. ''Your name is in the newspaper three times: born, married, died.''

Hillary Rodham Clinton calls her ''a woman of many talents.'' Jordan's work on the inaugural committee, says the first lady, highlights her ''wonderful'' organizational and management skills. ''What I think I like most about her is her warm friendship, coupled with her marvelous sense of humor.''

Vernon Jordan is not in the habit of discussing his personal life with the press. But he is downright effusive when it comes to his wife of 10 years.

''She's smart, independent, caring, loyal,'' he says. ''She is my best friend in the world.'' The suggestion that she is shy produces Jordan's famed booming laugh. ''She's not shy *at all.* She just keeps her own counsel. And she is in many ways a very private person, which is one of her more admirable qualities.''

Nonetheless, it is difficult to be an entirely private person if one happens to be married to one of the most influential—and socially gregarious—men in the city. It is ''just nonsense,'' says Jordan, to even suggest that his wife was asked to chair the inauguration because of his friendship with the first couple.

''I think she did this out of a sense of duty and responsibility,'' he says. ''She loves to make things work right. And it's an honor, and I think she views it that way.''

There is, in fact, a long history of public service in her life. She was born in Tuskegee, Ala., one of five children of a surgeon who ran the only hospital in the city that treated black patients.

Jordan attended prep school and then went to Vassar, where she was one of four black students. She was so fair-skinned that she had to tell classmates she was black. ''You didn't want to have a conversation where you had to get up and walk out,'' she says. ''Once you say it, you don't have to tell many more. It goes around quickly.''

She took graduate courses in social work at the University of Chicago and later taught there and served as head of social services at the university's medical center. She married, had four children and divorced 11 years later. She stayed in Chicago, working full time and raising her children. ''I was used to running my own life,'' she says.

That life was shaken by the 1981 death of a daughter in a car accident. ''I think it makes you just stop and relive your life,'' says Jordan. ''I mean, you think about your life and what's important, and it changes it.''

Her other children—now in their thirties—were grown when she married Vernon in 1986. They had met years earlier while both were working with the Urban League. His first wife, Shirley, died of multiple sclerosis in 1985.

''What I like best about him is when we sit down to talk—he's very interested,'' she says. ''And he's fun to be with. He's totally unpredictable.''

And Vernon Jordan says, ''When I want to get it straight, I talk to Ann.''

And then he adds the one-liner of every clever husband: ''The fact is that I married up.''

Her new husband brought to the marriage the lifestyle of a wealthy, powerful man in this town. ''It was sort of nice to enjoy the free time of living in Washington,'' she says. ''It also allowed me to pursue a lot of my own interests. I was very busy. And Vernon is a very—to say the least—he's fun.''

Being married to Jordan also brought invitations to every important social event in Washington, including the state dinner for South African President Nelson Mandela. ''It was one of the great thrills of my life,'' she says. Mandela told her ''a very funny story about his life after he got out of prison. . . . I'm certainly grateful for those kinds of opportunities.''

Aside from inaugural duties, Jordan's time these days is devoted to her five grandchildren (all under 5 years old), volunteering in the White House social office and serving on various boards: WETA, Sasha Bruce Youthworks, the Kennedy Center and the Child Welfare League of America.

She has settled into her life in the nation's capital, but her affection for Chicago is such that she travels there as often as once a month. ''It's a wonderful city and people don't realize it.'' Washington, she says, ''is a wonderful city of live in. I mean for living purposes, it's very easy to get around, the weather's wonderful, and very interesting people here.''

It was Jordan who pushed to include residents of Washington in more inaugural activities. She is most excited about the public events on the Mall, and she was instrumental in bringing ''King,'' the musical tribute to Martin Luther King Jr., to the celebration.

''I love the fact that it can be open,'' she says. ''Not only just free events, but very well done free events.'' She hopes to find time to drop by the children's tent for the storytellers: ''My grandchildren want to see it.''

Jordan doesn't mention the glamour of the inaugural balls. She'll attend five or six, wearing a dress that she's had a long time. ''I wear it every year to the Kennedy Center,'' she says. ''It's a black velvet dress that has—I don't know what you'd call 'em, not rhinestones but sort of sparkly'' decor on the shoulders. ''I love the dress.''

On that night, her husband says simply that he'll be doing ''whatever she says.''

And afterward, instead of all the exclusive after-ball parties, you might see the inaugural chairman celebrating at . . . McDonald's.

''That's my favorite,'' she says. ''A Quarter-Pounder without cheese. Then they have to cook it fresh. We're there all the time.''

RESPECT FOR DEMOCRACY AND THE STATE OF THE UNION ADDRESS

Mr. LEAHY. Mr. President, 2 weeks ago I came to this floor and spoke of an event that happened in the late 1930's in Montpelier, VT, the capital of Vermont, the city where I was born. I will recount that only briefly because we have the state of the Union message tonight. I hope it may be instructive to some.

In the late 1930's, then-President Franklin Roosevelt visited Vermont. To put this in context, during the Roosevelt landslide, President Roosevelt carried all States but two: the State of Maine and the State of Vermont. We were not a hotbed of Democratic action, Vermont.

The president of the National Life Insurance Co. of Vermont was standing on State Street. That building was directly across the street from where my family lived. He was standing next to my father, who was probably the lone Democrat in Montpelier.

President Roosevelt's car went by, and the president of National Life, an ardent, lifelong, fervent, and proud Republican, stood at attention, took his hat off, and held it over his heart as a mark of respect, as did other men on the street.

My father, who knew him well, chided him a little bit and said, ''I never thought I'd see the day you would salute Franklin Roosevelt.'' He turned to my father and said, ''Howard, I didn't salute Franklin Roosevelt. I saluted the President of the United States.'' As a child I remember that same gentleman repeating the story to me in my father's presence.

I mention this because he was also very proud of the fact that he was one of the ones who, as he said, voted for sanity when he voted for Alf Landon and not Franklin Roosevelt.

In a way it reflects a different time, but in many ways, a good time. The United States was, in the late 1930's, approaching our eventual entry into World War II, when we had to pull together. We also showed that we respected our institutions.

Tonight there will be some of us who agree and some of us who disagree with what President Clinton says in the state of the Union message. I hope that in expressing both our agreements and our disagreements we will resolve that there are three great institutions deserving our civil respect in this country: the institution of the Presidency; the institution of the Congress itself, which is demeaned when we do things that harm or degrade it; and the institution of the judiciary.

This great democracy exists because of the respect of its people for these three institutions. This great democracy is diminished if we, especially we in the Senate, diminish any of these. Debate, yes; but respect our institutions, also, yes.

I yield the floor.

CONCERNING THE NEED FOR ACCURATE GUIDELINES FOR BREAST CANCER SCREENING

The PRESIDING OFFICER. Under the previous order, the Senator from Maine and the Senator from Maryland are recognized to speak for up to 15 minutes each, followed by a time reserved for Senator SPECTER from Pennsylvania for 10 minutes.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res 47) expressing the sense of the Senate concerning the need for accurate guidelines for breast cancer screening for women between the ages of 40 and 49.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Maine is recognized for such time as she may consume under the previous order.

Ms. SNOWE. Mr. President, I rise to offer a sense-of-the-Senate resolution in conjunction with my colleague, the Senator from Maryland, Senator MIKULSKI, who has been a longtime advocate, proponent of advancing women's health in America. We responded to the January 23 decision that was made by the advisory panel to the National Cancer Institute that recommended that women should refrain from having mammograms in their forties.

I want to thank the majority leader, Senator LOTT, the assistant majority leader, Senator NICKLES, and Senator JEFFORDS, chairman of the Labor and Human Resources Committee for their assistance in getting this resolution to the floor so quickly. I would also want to thank the Democratic leader and my friends on both sides of the aisle for allowing us to consider this resolution under a unanimous-consent agreement. Breast cancer is an issue that transcends party and politics.

My resolution expresses the sense of the Senate that NCI should conduct studies to determine, once and for all, the true benefit of mammograms for women in their forties. It also urges the Advisory Board to NCI, which will meet later this month, to consider reissuing the mammography guideline it rescinded in 1993 recommending that women in their forties seek routine mammograms. NCI must put an end to the unfortunate confusion that may cost some women their very lives.

Breast cancer is one of the most pressing public health crises facing American women today, striking one in every eight women during their lifetime. It will strike 180,000 American women this year, and kill 44,000 women—more than 10,000 of whom will be diagnosed with breast cancer in their forties. For women in this age group, it is the leading killer, and more women this year will be diagnosed with cancer in their forties than in their fifties.

Mammograms are the most powerful weapon we have in the fight against breast cancer. They enable us to detect and treat breast cancer at its earliest stages when the tumors are too tiny to be detected by a woman or her doctor, providing a better prognosis for treatment. An estimated 23.5 million mammograms were performed in 1992 at a cost of approximately $2.5 billion—a valuable downpayment in our fight against an unmerciful killer.

The question about whether women in their forties should seek regular mammograms has been an open question for years. On January 23, an NCI consensus panel decided not to recommend that women in their forties seek routine mammograms. To justify their position, they argued that the costs associated with routine mammograms for women in this age group potentially exceed the benefits. In making its decision, the panel gave undue weight to hypothetical risks, such as false-negative results that potentially provide women with a false sense of security, false-positive results that produce unnecessary anxiety, the potential for overtreatment, and radiation exposure.

If we ever hope to improve survival rates for breast cancer, women of all ages must receive accurate and consistent information regarding the importance of mammograms. Women and their doctors look to the Nation's preeminent cancer research institution—the National Cancer Institute—for clear guidance and advice on this issue.

Confusion on this issue is not new. In 1989, NCI, along with the American Cancer Society and the American Medical Association, issued breast cancer screening guidelines which advised women to begin having mammograms at age 40. In 1993, NCI rescinded these guidelines, stating that their review of clinical trials produced no evidence that mammograms significantly reduced breast cancer deaths for women in their forties. At the time, Congress and many experts questioned the appropriateness of this conclusion, based on the available scientific evidence. This is when I first introduced legislation urging NCI to reexamine this issue.

By rescinding its guideline, NCI produced widespread confusion and concern among women and physicians regarding the appropriate age at which to seek mammograms. This confusion eroded public confidence in mammography. It also reinforced the information barrier which discourages women from seeking care. Four years later, we are still mired in this controversy.

Yet new studies strongly suggest that routine mammograms for women in their forties can save lives. For example, investigators found a 24-percent lower death rate among women who received mammograms in their forties when the world's population-based trials were combined; and Swedish researchers in 1996 in two studies found a 44- and 36-percent lower death rate among women who received mammograms in their forties. And several studies have concluded that breast tumors in women under 50 grow far more rapidly than breast cancer in older women, suggesting that annual mammograms are of value to women in their forties.

In studying the research and scrutinizing the statistics, the panel appears to have lost sight of the human dimension of this question, and gave undue weight to the costs of screening, rather than the benefits. The panel emphasized that 2,500 women would have to be screened to save one life. But this 1 life represents someone's mother, wife, sister, or daughter.

The panel also emphasized that up to one-fourth of all invasive breast cancers are not detected by mammography in women in their forties. Yet, the flip side of this statistic is that three-fourths of all cancers in this age group are detected through mammography. While it may not be perfect, that clearly amounts to saved lives.

Finally, the NCI Panel also overemphasizes the risks of false-positives, suggesting that many women would undergo unnecessary surgical procedures. Yet, most women with positive findings subsequently undergo more refined diagnostic tests, including diagnostic mammograms, ultrasounds, and needle biopsies to confirm the presence of cancer, before any treatment decisions are made.

Appropriately, the Director of NCI, Dr. Richard Klausner, expressed his surprise and disappointment over the decision of the consensus panel, and has asked the NCI Advisory Board to convene next month to revisit this issue. Former NIH Director, Dr. Bernadine Healy, affirmed his views.

I am asking the Senate to consider my resolution today because women and physicians deserve to have guidance on this issue. My resolution expresses the sense of the Senate that NCI should conduct studies to determine, once and for all, the true benefit of mammograms for women in their forties. It also urges NCI's Advisory Board, which will meet later this month, to consider reissuing the mammography guidelines it rescinded in 1993 which recommended that women in their forties seek routine mammograms. Alternatively, NCI should direct women to other organizations which have issued clear guidelines on the issue, such as the American Cancer Society. This resolution does not dictate science—it simply helps to provide women with clearer guidance as they look to answer a potentially life or death question—should they get mammograms in their forties?

Ms. MIKULSKI. Mr. President, I rise in support of this sense-of-the-Senate resolution and am pleased to be a cosponsor of the resolution with my distinguished colleague, Senator SNOWE of Maine. Senator SNOWE has been an outstanding advocate for many years on the issue of women's health. This is yet one more action on her part that shows her deep commitment in this area.

Mr. President, this is a sense-of-the-Senate resolution. I am pleased to tell you that my colleagues in the Democratic caucus join with us on a bipartisan basis and have endorsed this. All six Democratic women have cosponsored this legislation. Over 30 of the men that we call the ''Galahads'' also cosponsored this resolution.

What does this resolution call for? It calls for three things that would protect women's health, particularly in the area of breast cancer. No. 1, it calls for further research on the benefits of mammograms for women in their forties; No. 2, it urges the public to follow screening guidelines issued by medical groups which call for mammography

screenings in women between the ages of 40 and 49; and it calls upon the National Cancer Institute to again revisit the guidelines that they themselves promulgated, also urging that women who are between the ages of 40 and 49 seek mammograms.

We already have clearly on the record, and clear guidelines have established, that women over 50 should get an annual mammogram. It is clear that often the older you get, the more likely you are to get breast cancer. But there is a particular group of women between ages 40 and 49 who are particularly prone to breast cancer, and each day we are learning more who that category is. Therefore, we are urging through this sense-of-the-Senate resolution that traditional guidelines urging annual or, at the very least, biannual mammograms for women between the ages of 40 and 49 be pursued.

I could not believe when an NIH advisory panel decided that women in this age group might not need mammograms, and at the very best, they were either silent or tepid in their recommendations. They made this decision because they felt there was not substantial evidence that this group was at risk. This flies in the face of what we know through studies done at the National Institutes of Health, through extramural programs at our great academic centers of excellence, and also in worldwide studies of women. The NIH panel should have recognized, also, the weight that their announcement carries. This panel absolutely confused the public, scared women, and gave permission to insurance companies not to pay for a mammogram for a woman between the ages of 40 and 49.

Mr. President, we think this creates a public health concern. Now, why would we believe that? First, women often have been reluctant to seek a mammogram either out of fear or because they do not have the Federal resources to do it. We have been working on education to deal exactly with those issues and even to offer opportunities for women to be able to have funding for this. Also, we have been engaged in an impressive and assertive effort to educate primary care physicians in urging women to get mammograms.

We have been dealing with the insurance companies on the whole issue of breast cancer. Now some companies have that misguided approach of insisting that women leave a hospital in less than 48 hours after they have had a mastectomy. Mr. President, we say enough is enough. We should take time out, go back to our science, go back to our research, go back to the National Institutes of Health and ask them to come up with the recommendations that we need. We are urging them to do that. Not only are we urging them to do that, but the actual Director of the National Cancer Institute, Dr. Richard Klausner, is also recommending that this advisory board go back and take another look.

Senator SNOWE has talked about the risk of cancer. We all know that any woman can fall prey to breast cancer. It does not matter how old she is or what her income bracket is. We know she needs to be screened. We know 40,000 women die every year of breast cancer. We know over 138,000 women every year have some early signs of breast cancer. What we are saying on behalf of the women and the men who support us, let us go back to our standards.

I am happy to have joined in this resolution because I know that mammograms save lives. And if breast cancer is detected early, the probability that a woman will survive is greater than 90 percent. My position is simple: Stick to science, go to the guidelines that were properly promulgated, listen to doctors and other health care providers working in this field.

Mr. President, for some time we have been working in a bipartisan bicameral basis on this. I remember back in the House of Representatives when Senator SNOWE and I introduced one of the first Women's Health Equity Act's that we called for activity in this area. We have been working on that ever since, on a bipartisan bicameral basis, and not only with the women taking the lead, but with the enthusiastic support of the men in our body.

Thanks to the work of Senators SNOWE, MIKULSKI, and BOXER, and Representative MORELLA and others, we have established the Office of Women's Health at NIH. We made more money for research available for diseases most affecting women. We ensured that women were included in the protocols of medical research, where they had been excluded not because of science but because of gender. We worked to expand the coverage for mammograms under Medicare and even provided funds for low-income women to get mammograms. We also have led the fight for mammogram quality standards, which we will be reintroducing as it expires. We hope to do this together, to show that when it comes to fighting for women's health, we are there. We want to make sure that each family is able to ensure that breast cancer does not strike them. We are going to do it not only on a bipartisan basis, we are going to do it on a nonpartisan basis.

I thank Senator SNOWE for taking the lead on this as she has done in so many other areas. We are pleased on our side of the aisle to also join with her.

I send to the desk the list of the Democratic cosponsors. I look forward to voting for this bill and continuing our advocacy on this most crucial issue.

The PRESIDING OFFICER. Without objection, the sponsors will be added to the bill as requested by the Senator from Maryland.

Ms. SNOWE. How much time remains on this side?

The PRESIDING OFFICER. The Senator from Maine has 9 minutes and 33 seconds remaining.

Ms. SNOWE. I just respond to the Senator from Maryland by commending her for her very strong statement, her commitment, and a resoluteness to this issue in the hope that women get the best health care in America. She has shown strong leadership on this issue throughout the years. As she mentioned, we worked on women's health issues beginning in the House of Representatives in making some extraordinary changes within the National Institutes of Health to create an Office of Women's Health, which was absolutely vital because women were excluded—as well as minorities, I might add—from clinical studies.

I thank the Senator and commend her for all she has done on behalf of women.

I yield 3 minutes to the Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I rise in strong support of this resolution. For 2 weeks, like many Americans, I was disturbed by the news that the National Institutes of Health would not recommend regular mammograms for women in their forties.

Mr. President, we have to call this a deadly and silent disease. The fact is, cancer is the leading cause of death for women between the ages of 40 to 55. Mr. President, this statistic itself should dictate that women in their forties should have regular mammograms. It only makes common sense that they should. My worry is that without the National Institutes of Health's recommendation, women will be lulled into a false sense of security and believing that they do not need a mammogram, and that doctors may not always recommend that women in their forties have one.

The last thing we need to say to women juggling family, career, and all of the problems they are faced with, is that this can wait. If we lead them to believe that, then they will let it wait, and they will face dire consequences when they do.

Too often when these matters are debated, the fact that we are talking about the lives of people, the lives of wives, mothers, daughters, and friends—by remaining silent on this issue, we are putting their health at risk. I thank Senator SNOWE for bringing this issue to the floor. It is one that deserves national attention and certainly the attention of the Senate. I am proud to be an original cosponsor of the resolution. I thank Senator SNOWE for bringing it to the Nation's attention.

I yield the floor.

Ms. SNOWE. Mr. President, I now yield 4 minutes to the Senator from Texas.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Texas [Mrs. HUTCHISON] is recognized for 4 minutes.

Mrs. HUTCHISON. Thank you, Mr. President. I thank Senator SNOWE and Senator MIKULSKI. All of the women in the Senate are cosponsoring this resolution. I will never forget 2 years ago

when Senator MIKULSKI called a hearing of all of the women in the Senate on the first time we saw there was a question by the National Institutes of Health about whether women should have screening before the age of 50. All of us, resoundingly, came together and said, ''Of course they should.'' Now we have new Members in the Senate—Senator SNOWE, Senator COLLINS, Senator LANDRIEU, who have joined us in a unanimous verdict, which is that the women of this country deserve better.

The women of this country deserve to know the facts. The facts are that the studies have come in. In 1995, a study showed a 24-percent lower death rate among women who received mammograms in their forties. That was an American study. In 1996, Swedish researchers, in two studies, found a 44-percent and a 36-percent lower death rate among women who received mammograms in their forties.

So why are we getting a mixed message? Why aren't all of the experts coming together on an issue that is killing more women in their forties than any other disease? The women of America have no guidelines. They have no guidelines because we can't get our doctors to do what they do for every other medicine and every other disease that I can think of, and that is to say we can have a 24-percent lower death rate of the women in this country in the 40-to-49 age bracket if we will have mammograms. But there is a slight chance, perhaps less than 1 percent, that having a mammogram might induce cancer.

Now, I think we are intelligent enough to receive the full facts and not have a mixed message. That is not a mixed message. When we can save thousands of lives by having mammograms between the ages 40 and 49, and there is a, perhaps, less than 1 percent chance that it might be a danger, let's give women the facts without a muddled message. That is what this resolution does today. It says to the women of our country, very clearly, that their chances of surviving breast cancer are infinitely better, and all the studies show it, if they will have a mammogram, starting at the age of 35 or 40, every 2 years, and then when you are 50, every year. It is very simple. The women of this country deserve to know that their chances are a heck of a lot better if they will have this procedure done.

Now, something that you all have not mentioned yet, which I worry about very much, is that now that we have this mixed, garbled message, are insurance companies going to step forward and say, now, wait a minute, maybe we should not cover mammograms? Is this going to open the door to questions as to whether this very basic preventive procedure will be available to the women of this country?

We must speak with a certain voice today in saying to all of our health institutes: Come forward and give us leadership. You are the experts. I think we can take the facts, and I think we can save the lives of thousands of women if we will say exactly what all of the statistics show, which is to take care of yourself. Have a mammogram, starting at the age of 35 or 40, every 2 years, and then, at 50, every year. Let's not even introduce the option of insurance perhaps not covering this kind of preventive procedure that is killing more women between the ages of 40 and 49 than any other disease in this country.

So I commend all of my women colleagues and friends for coming together, along with all of the men cosponsoring this amendment and ask for a unanimous vote today at 5 o'clock supporting this, urging experts to help the women of our country protect themselves.

Ms. MIKULSKI. Mr. President, how much time is left on our side?

The PRESIDING OFFICER. The Senator from Maryland has 6 minutes 44 seconds. The Senator from Maine has 1 minute 40 seconds.

Ms. MIKULSKI. I reserve my time. Senator SPECTER has 10 minutes on his own time. I have no objection to his proceeding.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I support the pending resolution because it focuses attention on the need for mammograms that would give the imprimatur of the U.S. Senate to this important medical testing device. I, with many other Americans, was very surprised when, on January 23, a report was issued questioning the advisability of mammograms with the essential finding that there was not enough evidence that women in their forties would benefit by advising them to have the x-ray test as part of routine health screening. The question which then came to my mind was whether there was enough evidence to conclude that women in their forties would not benefit from the mammograms as part of routine health screening.

To articulate the conclusion in the form that there was not sufficient evidence to show that women would benefit is really not to answer the question, because where the evidence may be in doubt in the minds of some scientists, the practical sense conclusion is that there is very, very substantial evidence to show that mammograms are helpful and that underlying a decision not to have mammography is a question about cost-benefit ratio and a question about certain collateral issues, which need not necessarily be faced, as to whether there will be unnecessary biopsies.

This matter struck home with me especially, because in 1993, when I sought an MRI examination of my head, I was told by the doctors that I did not need it. I then insisted on having it, and they found a potentially life-threatening problem, which was corrected after I got the MRI. There is an attitude in many quarters that unless the burden of proof rises to a certain level, and perhaps a very high level, these tests ought not to be given. I think that is the wrong standard of evaluation.

Mammograms are expensive; MRI's are expensive. But I am convinced, from the work I have done as chairman of the Appropriations Subcommittee on Health and Human Services, that we have enough mammography equipment and enough specialists and enough administrators and enough MRI machines, et cetera, to conduct the necessary tests. It may be necessary to do them in the evening. If an MRI costs $800 at a convenient time during the day, maybe it could be accomplished at 2 a.m. or 3 a.m. for $50, with a margin of cost as to what it would take.

When this report came down on January 23, 12 days ago, I immediately scheduled a hearing of the Appropriations Subcommittee on Health and Human Services. Tomorrow we will be hearing from the people who came to the conclusion that mammograms are not warranted for women in their forties, and we will also be hearing from people who have reached the opposite conclusion.

I think it is very significant that Dr. Richard D. Klausner, Director of the National Cancer Institute, expressed shock when he heard of this report that mammograms were not warranted for women in their forties.

Dr. Bernadine Healy, former Director of NIH, made this succinct statement: ''What are they saying—that ignorance is bliss?''

Dr. Daniel B. Kopans of the Harvard Medical School said the committee's report was ''fraudulent,'' which was the way he termed it.

And if you take a look at this issue historically, in 1977, the National Cancer Institute and the American Cancer Society recommended that women 40 to 49 have mammograms only if their mothers or sisters had breast cancer. In 1980, the Cancer Society recommended that one-time mammograms for women 35 to 40 were warranted to establish a baseline for future measurements for women under 50. In 1983, the Cancer Society recommended that symptom-free women 40 to 49 have mammograms every 1 or 2 years.

In 1987, the Cancer Institute adopted a working guideline to begin screening women age 40 with mammograms every 1 to 2 years. In 1989, those guidelines were officially adopted by a conference of leading cancer organizations.

Then, in 1993, the National Cancer Institute changed the recommendation, saying ''Experts do not agree on the value of routine screening of mammography of women ages 40 to 49.'' They do not agree that women in that age category ought not to have mammograms. And I say on the face of this record with succinct evidence that women do benefit from mammograms. Even though there is conflicting evidence, we ought to err on the side of safety,

and mammograms ought to be available.

But when there is a national report questioning the value for women 40 to 49, immediately it is going to send shock waves to the women of America who will say, ''Well, maybe I do not really need a mammogram.''

It is very difficult to get some people to take medical tests because people very understandably, very naturally, are afraid of the results. If you have this conclusion from a group of experts that you really ought not to have it, that it is not a matter of necessity, then women are not going to take it. Where you have this kind of report too, those who are responsible for paying for mammograms are going to have a good reason to say, ''We are not going to cover mammograms for women in the 40 to 49 category.''

When we have the hearing in the Appropriations Subcommittee on Health and Human Services tomorrow it will be a rather unusual hearing as far as I am concerned. Most of the time we have these hearings to answer questions. This is one hearing that I am approaching with the fixed opinion from all that I have studied in the past to really find a direction so that the National Cancer Institute will take whatever steps are necessary to resolve this issue in favor of having mammograms. It is simply not sufficient to say on the evidence that when there is conflicting evidence we are going to reject mammograms for women in the 40 to 49 age category.

In addition, I think that the National Cancer Institute ought to be doing more on multiinstitutional testing of MRI's on imaging. Last year, with the help of the Central Intelligence Agency and a special contribution made with the help of then-Director John Deutch, some $2 million was put up by the CIA for imaging processes on the proposition that if the CIA could image and detect through clouds and look to the Earth to find out what was going on that those processes could be helpful in the detection of breast cancer.

So I compliment my distinguished colleague from Maine and my distinguished colleague from Maryland for their leadership.

I would like to add that for the National Institutes of Health budget, specific research funding for women was added that Senator HARKIN, then-chairman of the Appropriations Subcommittee on Health and Human Services, and I as ranking member, supported. I must say that I like it better to be chairman and have Senator HARKIN as ranking member. But there has been very considerable attention to this issue not only by our very distinguished women Senators but many on the male side as well.

I hope that the vote this afternoon—and I am confident that it will be, knowing our colleagues on issues of this sort—will be a resounding vote to send a message to the women of America that they ought to get mammograms, that they ought to protect their health, and that where it is an open question as to whether it is cost-effective, let us err on the side of taking the test.

I say that with some substantial experience in the field of having undergone a test that the experts said I didn't need, which for me was a lifesaving procedure.

I thank the Chair, and I yield the floor.

Mr. MURKOWSKI. Mr. President, I rise as a cosponsor of this important resolution which expresses the sense of the Senate that further research is necessary to determine the benefits of mammography in women ages 40 to 49.

Mr. President, I have been very involved with mammography issues in Alaska and have worked with my wife Nancy to promote access to this important diagnostic tool. I would like to bring to the Senate's attention the work my wife Nancy, and others, has promoted on behalf of the Breast Cancer Detection Center of Alaska.

The Breast Cancer Detection Center of Alaska had its beginnings in 1974 when seven Fairbanks women decided that health care for women, especially in the area of breast cancer, should be made more accessible and less expensive for residents who live in remote areas of Alaska. In 1976, with very humble beginnings, the center opened its doors in Fairbanks, staffed and equipped by volunteers. The State granted the moneys for a GE mammography machine and a local bank loaned the basement of a drive-in branch for the clinic offices. Furniture, carpeting, and paint was donated by local merchants, and a nurse-administrator, radiologist, and two doctors volunteered their services. Breast examination was taught and recommended mammograms were provided free of charge.

Today, the center, housed in a very spacious office, is staffed by an executive director, two office personnel, a certified mammographer, and a radiologist. The lo-rad mammography machine is one of the finest in the State. The center still maintains the policy of waiving a fee for women who cannot afford to pay or do not have insurance.

With the unwavering support of the Fairbank community the center has been operating for 20 years with donations, insurance, and fundraisers by local service organizations.

Three years ago, the executive director informed the board of directors that a new mammography machine was needed to keep up with advancing technology. Nancy and I offered to do a fundraising fishing event in southeastern Alaska to benefit the center. At that first event, Waterfall '94, over $140,000 was raised for the breast cancer center and completely offset the cost of the new state-of-the-art lo-rad mammography unit.

Because of the overwhelming success of Waterfall '94, we decided to hold a similar event the following year to again benefit the center. Nancy, one of the original founders of the center, had long desired to have a mobile mammogram van to serve the Yukon River system villages, and the rural bush communities of Alaska. Waterfall '95 made that dream come true with a donation of $210,000 to the center. Waterfall '96 will benefit the center with an approximate $240,000 donation. Plans are already in place for the Waterfall '97 event with plans to incorporate prostate PSA tests, and to do cervical cancer checks as well.

The Breast Cancer Detection Center of Alaska now visits remote bush villages along the river system and the highways with a 43-foot van equipped with a mammogram unit and darkroom with a film processor, two dressing rooms which double as bunks for the driver and mammography technician, a small reception area, and a bathroom which can accommodate wheelchairs. There is a hydraulic lift for wheelchair entry into the van as well.

While most American women face a 1-in-9 risk of dying of breast cancer, Alaskan women face a 1-in-7 chance. Among Alaska Native women, cancer is the leading cause of death and breast cancer is the second most prevalent cancer. Now there is no reason for these women not to learn about early detection. Julia Roberts, from the small village of Tanana, said it all when she came to the van for her exam. ''I know it's important. I know if you catch it early you can probably save your life. I have three children and I want to see my grandchildren.''

Mr. President, we need more fundamental research on breast cancer. And I strongly support further study to determine the adequacy and effectiveness of mammography for women in the 40-to-49-age bracket.

Mrs. BOXER. Mr. President, I rise as an original cosponsor of this resolution concerning the need for accurate guidelines for mammography screening for women between the ages of 40 and 49.

Since 1993, when the NCI rescinded its original guidelines I have been trying to get them to return to their original position. In the past 3 years, I have written several letters to the heads of the National Cancer Institute [NCI], asking that it reconsider its position on mammography screening for women between the ages of 40 and 49.

We have seen study after study that shows that mammography screening at an earlier age can help save women's lives. Women and physicians have come to depend on the recommendations of the NCI in determining when they should begin mammography screening.

NCI's decision to back away from screening for women between the ages of 40 and 49 has led to confusion and anxiety. I applaud Dr. Klausner, head of the NCI, for convening the advisory panel. But like him, I am disappointed that the panel issued no concrete guidelines to aid women and their doctors.

Since we cannot prevent or cure breast cancer, mammography screening remains the best tool we have to detect it early when chances for survival are highest. We cannot now eliminate the only hope younger women have for fighting this dreaded disease.

This resolution is an important step in the right direction. The NCI needs to recognize the importance of mammograms for women in their forties and reissue its previous guidelines.

I ask unanimous consent that the three letters I referenced in my statement be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
HART SENATE OFFICE BUILDING,
Washington, DC, November 30, 1994.

SAMUEL BRODER, M.D.,
Director, National Cancer Institute, National Institutes of Health Buildings, Bethesda, MD.

DEAR DR. BRODER: I have previously expressed to you my deep concerns about the National Cancer Institute's position on mammography screening for women between the ages of 40 and 49. I am writing today because I believe that studies released this week underscore the need for prompt reconsideration of the position taken by the NCI.

As you probably know, two studies presented at the annual conference of the Radiological Society of North America concluded that mammography is of substantial benefit to women between 40 and 49. In a study done by the Screening Mammography Program of British Columbia, 15 percent of the cancers detected through mammography were in women under 50. Eighty-seven percent of the tumors discovered were at an early, curable stage.

Annual mammograms for women 40 and over also resulted in the greatest chance of recovery and the largest number of treatment options, in an analysis of 851 breast cancer patients at the Thomas Jefferson University Hospital in Philadelphia. The authors of this study concluded that mammography was particularly important for women under 50 due to the speed with which tumors develop in younger women.

With this new research strongly suggesting great benefit in mammography screening for women between 40 and 49, I ask the NCI once again to reconsider its position and return to its original guidelines.

Please contact me as soon as possible as I need to determine what further action I will take on this matter.

Sincerely,

BARBARA BOXER,
U.S. Senator.

U.S. SENATE,
HART SENATE OFFICE BUILDING,
Washington, DC, December 23, 1994.

Dr. SAMUEL BRODER,
Director, National Cancer Institute, National Institutes of Health Building, Bethesda, MD.

DEAR DR. BRODER: Three weeks ago I wrote to you about the National Cancer Institute's (NCI) position on mammography screening for women between the ages of 40 and 49. I continue to believe that this issue merits your immediate attention.

As I have stated previously, women and physicians have come to depend on the recommendations of the NCI in determining when they should begin mammography screening. NCI's decision to back away from screening for women between the ages of 40 and 49 has led to confusion and anxiety.

NCI's position on this issue is especially distressing in light of the conclusions found in a recent report prepared by the House Government Operations Committee titled ''Misused Science: The National Cancer Institute's Elimination of Mammography Guidelines for Women in Their Forties.''

This report notes that several senior scientists at NCI questioned the scope and quality of studies used by NCI to reverse its position on mammography and that NCI ignored the 14 to 1 decision by its own National Cancer Advisory Board ''to defer'' action on any changes to the mammography guidelines. The latter point was one which I had brought to your attention in July.

Two new research studies presented at the annual conference of the Radiological Society of North America last month now strongly support mammography screening for women under age 50. I outlined these studies and their findings in my letter to you of November 30.

It is time for the NCI to reconsider its position on mammography screening for younger women. I would like to meet with you personally to discuss what actions the NCI can take on this matter. Please contact me as soon as possible to arrange for an appointment.

Sincerely,

BARBARA BOXER,
U.S. Senator.

U.S. SENATE,
HART SENATE OFFICE BUILDING,
Washington, DC, December 3, 1996.

Dr. RICHARD KLAUSNER,
Director, National Cancer Institute, National Institutes of Health Building, Bethesda, MD.

DEAR DR. KLAUSNER: Over the past two years, I have written several letters to both you and your predecessor, Dr. Samuel Broder, asking that the National Cancer Institute (NCI) reconsider its position on mammography screening for women between the ages of 40 and 49.

As I have stated previously, women and physicians have come to depend on the recommendations of the NCI in determining when they should begin mammography screening. NCI's decision to back away from screening for women between the ages of 40 and 49 has led to confusion and anxiety.

As you know, yesterday at the Radiological Society of North America meeting in Chicago, new research was presented which supports the position that mammography screening for women should begin at age 40.

I understand that next month the NCI will convene a panel of experts to reconsider this issue. Given the new research which convincingly supports mammography screening for women between the ages of 40–49 when the panel convenes next month, I urge you to reconsider your position and reinstitute the original guidelines on mammography screening.

Since we cannot prevent or cure breast cancer, mammography screening remains the best tool we have to detect it early when chances for survival are highest. We cannot now eliminate the only hope younger women have for fighting this dreaded disease.

Sincerely,

BARBARA BOXER,
U.S. Senator.

Mr. KENNEDY. Mr. President, I support this sense-of-the-Senate resolution which calls for the National Cancer Institute to reissue guidelines for breast cancer screening for women between the ages of 40 and 50. Although an NIH advisory panel decided that women in their forties may not need mammograms, this finding continues to be a controversial one. Even though some studies have shown that mammography may not always be effective in detecting breast cancer, we can't ignore the importance of the early detection of this disease. Early detection and treatment will lead to reductions in breast cancer mortality. Failure to encourage breast cancer screening for women in their forties may well have disastrous results.

The scientific literature is controversial. In this situation, it makes no sense to rescind the current mammography guidelines and standards. The evidence is far from conclusive that screening brings no positive effect for women in their forties. Further studies need to be conducted before our choice is made. We need to do all we can to encourage the early detection of breast cancer. I commend Senator SNOWE and Senator MIKULSKI for their leadership, and I urge the Senate to pass this important resolution.

Mr. MACK. Mr. President, in 1993, the National Cancer Institute rescinded its recommendation that all women in their forties undergo mammography screening for breast cancer. Since then, American women have been receiving mixed messages about the importance of mammography.

Women are confused. Women are angry. Women are frightened. Given the wide variety of recommendations being made about mammography screening for younger women, one can certainly understand why.

The scientific community is deeply divided on the interpretation of data from mammography clinical trials conducted in the United States and elsewhere. Cancer advocacy organizations are split on the proper recommendations to give their members and the public. Physicians want to provide the best recommendations to their patients, but there is no single answer to give them. Insurance companies frequently deny coverage of benefits unless there is compelling scientific data to warrant coverage.

Clearly, women want to be more involved in making health care decisions for themselves. But when the medical, scientific, and patient advocacy communities cannot agree on the issue of mammography screening, women are being placed in a situation where they must make, at best, an educated guess as to what they should do to protect themselves from a disease which will kill an estimated 44,000 women this year.

Women and their families were hopeful they would get clear answers when the National Institutes of Health convened the Consensus Development Conference on Breast Cancer Screening for Women Ages 40–49.

Unfortunately, the Consensus Development Conference statement contains more mixed messages, more confusing data and few real answers.

The report concludes, ''zero to 10 women would have their lives extended

per 10,000 women ages 40–49 who are regularly screened. About 2,500 women should be screened regularly in order to extend one life.'' These two statements leave a great deal of room for interpretation by women, their physicians and their families.

The report concludes, ''up to 25 percent of all breast cancer is not detected by mammogram in women ages 40–49.'' One could therefore logically conclude that 75 percent of all breast cancer is detected by mammography performed on women in this age group. To me, the fact that 75 percent of breast cancers will be detected through mammography is very significant. In addition, this conclusion also makes a compelling case for additional research to develop more sophisticated equipment which can detect breast cancer earlier than today's mammography technology can.

The report also concludes that use of mammography has contributed to a growing trend that breast cancer tumors are being detected when they are small, and at an early stage. The report states that, ''the presence of smaller or earlier stage breast tumors can give a patient more choice in selecting among various treatment options.'' Research has shown that lumpectomy, combined with radiation therapy, is as effective as mastectomy when the tumor is detected early.

One area all parties involved in this issue can agree upon is the need for additional research. I have introduced Senate Resolution 15, to express the sense of the Senate that funding for biomedical research activities of the National Institutes of Health should be doubled over the next 5 fiscal years. It is only through research that definitive answers to these very important research questions can be obtained.

While I respect the conclusions of the consensus panel, I believe the message being sent to younger women throughout America is wrong. They are being told, in essence, that early detection of breast cancer may not be all that important. I believe most women reject that conclusion.

On numerous occasions, I have spoken about how my own family has been affected by cancer. My wife and my mother are both survivors of breast cancer because it was detected at an early stage. It haunts me to think what might have happened if they had received the message that women are currently receiving with this report.

I support this sense-of-the-Senate resolution. I believe it is important that the Senate send the message that more research is needed to further determine the benefits of mammography screening in younger women, that the National Cancer Institute should reconsider its mammography screening guidelines, and to encourage the public to consider cancer screening guidelines issued by other organizations.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I want to conclude the debate on this side by reaffirming that this resolution does not meddle with the National Institutes of Health. It does not meddle with science. It essentially says let us have more research on the subject of breast cancer in terms of its cause, in terms of its prevention, and in terms of its cures.

It also calls for the women of America and their physicians to follow those guidelines that are recommended by every physician group as well as the American Cancer Society on urging women in the age 40 to 49 group to have either an annual or biannual mammogram.

Third, it asks the National Cancer Institute to repromulgate its own guidelines urging the same.

I would like to comment that this advisory panel that made this report in January is not made up of NIH scientists. This is an outside advisory group to the National Institutes of Health.

Mr. President, I have the honor of representing the National Institutes of Health because it is in my State. How wonderful to be able to represent a Government organization devoted to saving lives by finding cures and causes for the diseases that threaten Americans and others around the world.

The National Cancer Institute has taken specific steps to be far more sensitive and to have a budget priority looking at those gender-specific diseases, particularly breast cancer and ovarian cancer. And we are pleased also with the work that is now being done in the area of prostate cancer as well.

I believe that the National Cancer Institute is on the right track. We want to be sure that they continue their scientific research, and if there is a gray area about when you should have a mammogram always go to the side of safety. Always go to the side of caution. One of the things we know is that when you are treated by a physician more information is often better information.

So, Mr. President, I urge unanimous adoption of this sense-of-the-Senate resolution.

Knowing no other Democrats who wish to comment on this issue, I yield the remainder of my time and look forward to the vote at 5 p.m.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, in conclusion I would like to make several final points.

First of all, I would like to commend Senator SPECTER for his commitment and devotion for years on this issue, and in particular tomorrow for holding a hearing as the chairman of the Labor-HHS Committee on Appropriations which I think will be very significant in highlighting and profiling the importance of this issue.

Finally, I also would like to say that I think it is critical that he send a very strong message to the Cancer Institute advisory panel that will be meeting later this month to revisit this issue, and, if they see that we have a very strong vote here in the U.S. Senate from all Senators across the political aisle, clearly I think they will rescind the statement that they made last month in not making any recommendation for women in their forties. I think it is an abdication of their responsibility, and an abdication of their knowledge of medical science in terms of what is best for women.

I am very pleased as well that all nine women here in the U.S. Senate—all Republican and all Democratic women—are cosponsors of this resolution.

I do hope that we can get unanimous support of this issue so that we can correct what I think has been a wrong decision on the behalf of women in America and does nothing to advance women's health.

That is why this resolution becomes a critically important statement to the lives, health, and safety of women in America.

I yield the remainder of my time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the vote on this resolution will occur at the hour of 5 p.m.

In my capacity as a Senator from the State of Idaho, I suggest the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

THE ENVIRONMENT

Mr. BUMPERS. Mr. President, while I and a number of my colleagues will come to the floor in the days ahead to introduce specific proposals affecting our Nation's parks and public lands, I would like to talk very generally about the environmental and natural resources agenda of the 105th Congress. My hope is that we have learned from the lessons of the last Congress and will not once again attempt to undo the most effective and progressive network of environmental laws in the world.

Over 25 years ago, with overwhelming bipartisan support, the National Forest Management Act, the Federal Land Policy and Management Act, the Wild and Scenic Rivers Act, the National Environmental Policy Act, the Endangered Species Act, and the Clean Water Act were enacted into law.

Today, as a result of those and other laws passed with strong support from

both sides of the aisle, people are more actively involved in management of their public lands, more people are using public lands for recreation than ever before, our air and waters are cleaner, hunting and fishing is better, our Government is more open about the effects of its actions on the health and safety of families and local communities, and rare species such as the bald eagle and grizzly bear are thriving.

By protecting our natural resource heritage, we have become a wiser, stronger, and healthier Nation.

At times we have a tendency to overlook the value—our moral and ethical obligation—to pass on healthy lands and waters to our children's children. How else can we explain efforts in the last Congress—and proposals by some of my colleagues today—to rewrite, overturn, or significantly weaken the protections afforded all Americans by these laws?

In this regard, I was encouraged by the recent words of Mike Dombeck, the new Chief of the Forest Service. His first day on the job, Chief Dombeck said:

> More and more, people are realizing that their jobs and professions, the quality of the water they drink and the air they breathe—the very fabric of their lives —are dependent on the land that sustains them.

Dombeck told his employees that this Nation's environmental laws:

> . . . represent the conservation values of mainstream America. Do not be disturbed by the debate surrounding their execution. This is background noise to a complex society and healthy, properly functioning democracy. There is an ongoing debate in this Nation over how national forests and rangelands should be managed. That's just fine. In fact, it is healthy. Debate and information are the essence of democracy. The people we serve, all of the American people, are now more fully engaged in defining how their public land legacy should be managed.

The new Chief succinctly stated what we inside the beltway sometimes forget, ''We cannot meet the needs of the people if we do not first conserve and restore the health of the land.'' This Nation is blessed by a public land legacy that is the envy of the world. Our taxpayer-owned lands are the refuge of last resort for vanishing species. Moreover, these lands enable our children to experience the solitude of wilderness, pristine clear lakes, and a hunting and fishing experience unexcelled in pure delight anywhere else.

Last year many Members of Congress were shocked by the outrage of our citizenry over the efforts to dramatically cut the EPA budget. In 1960, 65 percent of our lakes and streams were neither swimmable nor fishable. Today 65 percent of our lakes and streams are swimmable and are fishable, and I can tell you, our people want that progress to continue until we reach 100 percent. I applaud Chief Dombeck's views and encourage my colleagues to allow him the time and resources to make the policy and personnel changes needed to achieve his critically important vision.

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. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TAX CUT AND MEDICARE CUT PROPOSALS

Mr. BUMPERS. Mr. President, tonight the President will address the Nation on the State of the Union. I do not know precisely what the President is going to say, particularly about the economy and about the budget, tax cuts, the deficit, crime, education, the environment, and so on. I am sure he will address each one of those things and more.

But I would be less than candid with my colleagues and my constituents—and I would be less than honest with myself—if I did not voice some concerns about what I have been reading about what the Republicans want in the way of tax cuts and what the President wants in the way of tax cuts, what the President wants in the way of Medicare cuts, and what the Republicans want in Medicare cuts, what kind of incentives we want for our children to attend college, what kind of a tax cut we want for so-called middle class people.

So let me address those issues seriatim and say, first of all, it is my understanding that the proposal which has been in the public domain for some time now to cut Medicare by $138 billion over the next 6 years will probably be fairly well applauded. Nobody is going to object to any proposal that makes the Medicare system sounder and gives our elderly Medicare recipients a better sense of security. Anything we can do to cause the American elderly population to sleep better at night because they know the Medicare system is sound and will be sound for the foreseeable future is a highly desirable goal.

Now, having said that, I think the Republicans will want to cut Medicare more than $138 billion. And I am not saying they are right or wrong. I do not know what the figure ought to be. I might support additional proposals to do anything to make the Medicare system sounder than $138 billion will make it.

But having said that, I am puzzled by how you achieve a balanced budget while you are cutting $138 billion in Medicare, which alone would go right on the budget deficit over the next 6 years, I believe it is.

But we do not stop with that. The Republicans do not stop with it and the Democrats do not stop with it.

The Republicans have a proposal of a tax cut which they call the middle class tax cut. It is designed to provide a $500 tax credit for each child in the family, but it is not refundable.

That means that if you are making $30,000 a year, and you pay $1,500 in taxes, you would get $1,500 back if you have three children—$500 for each child.

But if you happen to have a $30,000 income, and six children, and you do not pay any tax, you get nothing.

So the simple question must be asked, who needs a tax cut more, the parents with three children or the parents with six children?

Move on down the ladder to $25,000, move on down the ladder to $20,000, a single mother with one child who is working as a waitress in a Senate cafeteria. Her tax bill is $1,000, we will say. She would get $500. But if she had three children and was still paying $1,000, she would get $1,000, but nothing for the third child.

The third scenario: If she has children and is paying no tax, she gets nothing. And on top of that, as the Presiding Officer will tell you, and recall, we cut the earned income tax credit last year, which is so beneficial to the mother who is a waitress in a Senate cafeteria that I just described because she is entitled to an earned income tax credit by staying on the job and off of welfare.

No less a person than Ronald Reagan said it was the greatest incentive for staying off welfare he could think of. Every President since that thing first came into effect has said that this is one of the best incentives to keep people off of welfare we have. That is to say, ''If you stay on the job all year long, don't get on welfare, and if you make less than $28,000 a year, we'll give you a sum of money at the end of the year, as high as $2,000.''

So what are we doing here? What kind of social policy is it? Forget economics. What kind of social policy is it when we give money to people who have one or two children and pay income tax, give no money to people who work and pay no income tax because they have enough dependents to keep them from paying taxes and maybe whose income was cut this year because we cut the earned income tax credit? What kind of fairness is that?

So, Mr. President, I am troubled about the so-called $500 tax rebate for all your children. It is not refundable. Only if you pay taxes do you get it. Obviously, the people who are hurting most are not paying taxes because they do not make enough money.

Then we have this proposed capital gains tax cut. As I read the Republican proposal, CBO scores it to cost $33 billion over the next 5 years and $111 billion over the next 10 years. And who do you think gets the majority of the benefit? Why, it is the people who own stock in Microsoft and Intel and IBM. It is the people who are big investors in the stock market.

The rate of 28 percent on capital gains may be a tad high. There is probably nobody in this room who would quarrel with that. But if you are trying to balance the budget, which we have

been doing a magnificent job of for the past 4 years, why do we want to muck it up and start cutting taxes, which is absolutely guaranteed to start the deficit back up again?

We tried that in 1981, cutting taxes massively, increasing defense spending massively, and winding up today with a $5.2 trillion debt. This is the slowest learning crowd I have ever seen. It is worse than trying to housebreak a dog I had one time. We just could not do it.

So what are we doing talking about these massive tax cuts and balancing the budget at the same time? It has never worked, and it never will. Where did all this talk get started? If you are going to cut taxes, cut taxes for people who honestly need the money.

If you cut capital gains, with 75 percent of the benefit going to people who make over $100,000, where is it going to go? Probably into the stock market. The mutual funds are putting $15 billion a month into the market right now. Who here believes that the stock market can absorb those kinds of investments? Everything that goes up has to come down at some point or another. But I am talking about the Republican proposal.

And now the President is going to announce tonight apparently a proposed capital gains tax cut for people who have homes worth $500,000. If you bought a home 20 years ago for $100,000 and you sell it today for $500,000, under the proposal of the President you would not pay a nickel tax.

I remember many years ago when we passed an exemption for homeowners to exclude $150,000 of the price tag. You could do that one time in your life, a $150,000 exclusion. If you had a $500,000 home that you had paid $100,000 for, you not only get your $100,000 cost back, you can add $150,000 to that and you have $250,000 capital gains on which you would pay a 28 percent tax. The President's proposal is that if you have a $500,000 home and you sell it for $500,000 there is no tax, no matter what you paid for it. You may have paid $25,000 for it and it may be worth $500,000 today because somebody wants to build a McDonald's where you are living, no tax. Now, Mr. President, would you like to know how many people in this country have a home that is valued in excess of $500,000? The answer is 1 percent. The President's proposal of a $500,000 exclusion will take care of 99 percent of all the homeowners in America. I do not know what the cost of it is supposed to be.

These things are all laudable. I never lost a vote voting for a tax cut. When you tell people you are for tax cuts, everybody applauds. If there is anything people want to hear, it is that they are overtaxed, they are overregulated, they are overeverything. I understand their frustration.

But let me ask you this: When you have an economy that grew at 4.7 percent in the fourth quarter of 1996—that is a staggering growth rate—with an inflation rate of 2.2 percent, about as low as you can ever get it, Treasury bills at 5 percent as of yesterday, the unemployment rate as low as it ever gets, in short, you have an economy that is performing absolutely magnificently, and the deficit has gone from $290 billion in 1992 to $107 billion, a 63-percent reduction in 1996, what are we going to do? We are going to start pandering again. Why can we not focus on that deficit? The people of this country have a nonnegotiable demand that we balance the budget.

Do you know why a lot of people are going to vote for the balanced budget amendment to the Constitution of the United States? Do you think it is because they think it is sound economic or social policy? I do not like to denigrate other people. It is arrogant to do that. But I can tell you one reason is because they have seen the polls. I know what the polls show. One of the reasons the polls show so many people want a constitutional amendment to balance the budget is two things. No. 1, they think a constitutional amendment to balance the budget and a balanced budget are the same thing. A constitutional amendment does not guarantee you anything. Yes, it does, too: It guarantees you chaos. It is the biggest political scam ever perpetrated and foisted off on an unsuspecting public that can bring nothing but utter chaos to this Nation down the road.

Do you know something? People did not elect 100 Senators to come up here and vote however the polls show every time. They elected people to come up here and to think, to read the Constitution, understand the sacredness of the Constitution, understanding that every single little problem that comes up ought not to be solved by tinkering with that sacred document. I have never voted for a constitutional amendment. I thought in 1984 when I voted against that great constitutional amendment of prayer in school that I was serving my last term in the Senate. Do you know something? I went home and I went from one end of the State to the other explaining to the people of my State what that meant, how the school boards could pick the prayers the children would say and tell them how many times a day they would say them. What kind of nonsense is that, giving up the greatest religious freedoms we have to the local school board? Do you know what? I had the fundamentalists and the mainliners and everybody clapping and cheering because they did not want that either. But at least I did not hesitate to talk to them about it and tell them where it would lead us.

So I do not have any hesitancy today in coming to the floor and saying I am very apprehensive about all the tax cut proposals. Why are we going to cut $138 billion from Medicare and turn right around and give it away in tax cuts to the wealthiest people in America? That is not my idea of responsible legislation. That is not my idea of a responsible economy. If you want a balanced budget, now is the time to show it, and do not tell me you will hide behind this constitutional amendment and go home and say, ''I did my part. I cut taxes and then I voted for a constitutional amendment to balance the budget.''

Mr. President, I yield the floor and 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. 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.

CONCERNING THE NEED FOR ACCURATE GUIDELINES FOR BREAST CANCER SCREENING

The Senate continued with the consideration of the resolution.

Mr. BOND. Mr. President, I ask unanimous consent to be added as a cosponsor and urge my colleagues to vote for the resolution.

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

Mr. BOND. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

Mr. FORD. I announce that the Senator from Washington [Mrs. MURRAY] is absent because of attending a funeral.

The PRESIDING OFFICER (Mr. BROWNBACK). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—98

Abraham	Dorgan	Kohl
Akaka	Durbin	Kyl
Allard	Enzi	Landrieu
Ashcroft	Faircloth	Lautenberg
Baucus	Feingold	Leahy
Bennett	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Frist	Lott
Bond	Glenn	Lugar
Boxer	Gorton	Mack
Breaux	Graham	McCain
Brownback	Gramm	McConnell
Bryan	Grams	Mikulski
Bumpers	Grassley	Moseley-Braun
Burns	Gregg	Moynihan
Byrd	Hagel	Murkowski
Campbell	Harkin	Nickles
Chafee	Hatch	Reed
Cleland	Helms	Reid
Coats	Hollings	Robb
Cochran	Hutchinson	Roberts
Collins	Hutchison	Rockefeller
Conrad	Inhofe	Roth
Coverdell	Inouye	Santorum
Craig	Jeffords	Sarbanes
D'Amato	Johnson	Sessions
Daschle	Kempthorne	Shelby
DeWine	Kennedy	Smith, Bob
Dodd	Kerrey	Smith, Gordon H.
Domenici	Kerry	

Snowe	Thomas	Warner
Specter	Thompson	Wellstone
Stevens	Torricelli	Wyden

NOT VOTING—2

Murray	Thurmond

The resolution (S. Res. 47) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, read as follows:

S. RES. 47

Whereas the National Cancer Institute is the lead Federal agency for research on the causes, prevention, diagnosis, and treatment of cancer;

Whereas health professionals and consumers throughout the United States regard the guidelines of the National Cancer Institute as reliable scientific and medical advice;

Whereas it has been proven that intervention through routine screening for breast cancer through mammography can save the lives of women at a time when medical science is unable to prevent this disease;

Whereas the National Cancer Institute issued a guideline in 1989 recommending that women in their forties seek mammograms, but rescinded this guideline in 1993;

Whereas in 1993, it was difficult to have the same degree of scientific confidence about the benefit of mammography for women between the ages of 40 and 49 as existed for women between the ages of 50 and 69 due to inherent limitations in the studies that were conducted as of that date;

Whereas at that time, the American Cancer Society and 21 other national medical organizations and health and consumer groups were at variance with the decision of the National Cancer Institute to rescind the guidelines of the Institute for mammography for women between the ages of 40 and 49;

Whereas the statement of scientific fact on breast cancer screening issued by the National Cancer Institute on December 3, 1993, caused widespread confusion and concern among women and physicians, eroded confidence in mammography, and reinforced barriers and negative attitudes that keep women of all ages from being screened;

Whereas in 1995, investigators found a 24 percent lower death rate among women who received mammograms in their forties when the world's population-based trials were combined;

Whereas in 1996, Swedish researchers in 2 studies found a 44 and 36 percent lower death rate among women who received mammograms in their forties;

Whereas a number of studies have shown that breast tumors in women under the age of 50 may grow far more rapidly than in older women, suggesting, that annual mammograms are of value to women in this age group;

Whereas on January 23, 1997, a panel convened by the National Institutes of Health reviewed these and other compelling studies but decided not to recommend that the National Cancer Institute reissue its earlier guidelines;

Whereas the Director of the National Cancer Institute and other major national organizations, including the American Cancer Society, expressed surprise and disappointment with this decision;

Whereas the majority (approximately 80 percent) of women who are diagnosed with breast cancer have no identifiable risk for this disease;

Whereas breast cancer is the single leading cause of death for women in their forties and fifties, and a leading cause of death for women between the ages of 30 and 60; and

Whereas more women will be diagnosed with breast cancer this year in their forties (over 33,000 women) than in their fifties: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) adequately designed and conducted studies are needed to further determine the benefits of screening women between the ages of 40 and 49 through mammography and other emerging technologies; and

(2)(A) the Senate strongly urges the Advisory Panel for the National Cancer Institute to consider reissuing the guideline rescinded in 1993 for mammography for women between the ages of 40 and 49 when it convenes in February; or

(B) until there is more definitive data, direct the public to consider guidelines issued by the other organizations.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. 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. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MIKE DOMBECK, CHIEF OF THE U.S. FOREST SERVICE

Mr. LEAHY. Mr. President, I rise today to echo the words of Senator BUMPERS regarding national forest policy and to welcome Mike Dombeck as Chief of the U.S. Forest Service. The Forest Service is one of the oldest and one of the largest stewards of our public lands. This year marks the 100th anniversary of the Organic Act in which Congress laid out the purposes for our national forests. Since the Forest Service was created in 1905, it has grown to manage over 190 million acres of forest lands. These lands span the entire United States, ranging from the small national forests of the East to the multimillion-acre forests of the West. The mission of the Forest Service is to manage all of these forests under the principles of multiple use and sustained yield. As Gifford Pinchot, the first Forest Service Chief, declared in 1905, the role of the Forest Service was to achieve ''the greatest good for the greatest number in the long run.'' This mandate still stands today and should guide us into the next century of national forest management.

As the Green Mountain National Forest in my State begins review of its forest plan, the Pinchot vision is what I would like to see the Forest Service follow. The challenges facing the Green Mountain in many ways reflect the challenges facing the Forest Service as we move into the next century—increased recreational use, pressure to increase timber production, and protection of the forest's wildlife habitat, streams, and wilderness areas. Over the last decade we have witnessed a boom in recreational use of the Green Mountain, with more than 1.5 million visitors using the forest for skiing, hiking, hunting, snowmobiling, and fishing. All of our national forests together host over 820 million visits a year.

Although visitor use is a valuable indication of the importance of these national forests, we must not forget the equally compelling reason to protect these national treasures. They represent some of our Nation's most unique ecosystems, from the tropical rainforests in the South, the alpine meadows of the Rocky Mountains, the coastal redwoods of the Pacific coast, and the hardwood forests in the East. This network of forests preserves natural resources for scientific, educational, and historical values. New scientific information and advances in technology have allowed us to improve the management of our forests to protect these values. I applaud Chief Dombeck's call for increased use of available technology, enhanced conservation education, and insistence on personal accountability to protect these natural resources.

At the same time, the resources available to the Forest Service to move our national forests into the next century must keep pace with the demands. The Forest Service is developing joint business ventures and cooperative agreements with both public and private partners to address this situation. It has looked to its neighbors to share in the responsibility and caretaking of the forests. It has reached out to private enterprises to operate facilities and develop viable business ventures to provide quality recreational opportunities while ensuring ecosystem protection.

In Vermont, the Green Mountain National Forest has worked with numerous volunteer organizations to maintain and develop campgrounds and trails in the forest. The Green Mountain also has been participating in a cooperative effort with the University of Vermont to develop a database of resource information to analyze different management scenarios in the forest. I appreciate Chief Dombeck's recognition of the value of these multipartner projects in reaching out to the communities who live near our national forests.

Although some people feel that these increasing pressures and sometimes conflicting demands on our national forests is reason to completely overhaul the laws that govern our forests, I believe that these laws are sound. When the National Forest Management Act [NFMA] was drafted in the mid-1970's there was a crisis facing the management of our forest, the competing interests of timber production and forest conservation were colliding. That environment created what I believe is a law that offers the flexibility, public participation, and accountability necessary to guide our national forests into the next century.

The responsibility of guiding our national forests into the next century lays on the shoulders of both the Chief and the many employees who serve him. The relationship between the Chief, Forest Service employees, and the public will become increasingly important as the demands on the National Forest System continue to grow and diversify. I have great admiration for the traditions and mission of the Forest Service; I have confidence that it has the statutory and administrative ability to maintain the balance between multiple-use and sustained yield management of our forests; I have respect for the knowledge and skills of the people that work for the Forest Service; but, I also have concerns that as the Agency faces the pressure to maintain timber production and expand recreational opportunities we could compromise the debt we owe to our children—conserving these forests for their use and enjoyment.

As the 14th Chief of the Forest Service, Chief Dombeck will have to lead the Agency through the swirling debate on how to manage our forests for multiple-use while protecting them for future generations. I believe Chief Dombeck has the vision and leadership ability to achieve this goal. I welcome the opportunity to work with him to implement his philosophy of collaborative stewardship and accountability to the public as a whole and to the direct neighbors of the national forests. Chief Dombeck has already laid out some changes to move in this direction. I urge my colleagues in Congress to work with Chief Dombeck to pursue changes that will enable the Forest Service to address the growing demands on our forests.

I do not see anybody seeking recognition, Mr. President, so 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. 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.

IMPLEMENTATION OF MANAGEMENT REFORMS AT THE DEPARTMENT OF COMMERCE

Mr. THOMPSON. Mr. President, I want to take this opportunity to address some vital management issues at the Department of Commerce and urge Secretary-designate Daley to make use of the management tools Congress has provided to obtain better results for the taxpayers' investment. The Department of Commerce must tackle some endemic management problems before it can successfully carry out its mission of promoting the Nation's international trade, economic growth, and technological advancement.

The main problem with the Department of Commerce may be in the breadth of its mission. Commerce's writ runs from promoting American competitiveness in the global marketplace to providing the weather data we see on the news each night. The Department, which employs 35,000 people and spends $3.5 billion of taxpayer dollars is, in reality, a loose collection of more than 100 programs. In the last Congress, many questioned the value added of this departmental bureaucracy. This culminated in action by the Senate Governmental Affairs Committee to report out a bill that would have abolished the Department, as such, and reassigned many of its functions.

Clearly, the Department's new leadership will have a task ahead of it to ensure that its many bureaus and offices are efficiently run and are effectively serving the taxpayers' interest. For example, the General Accounting Office [GAO] has identified the National Weather Service's modernization efforts as being a high risk area which is especially vulnerable to the problems of waste, fraud, abuse, and mismanagement. This year, planning for the decennial census is expected to be added to that list. In addition, auditors have found significant accounting problems at the National Oceanic and Atmospheric Administration.

I hope that the Department of Commerce will be able to improve its operations through effective implementation of recently enacted legislation. Congress has given the agencies like the Department of Commerce the tools to improve their management operations, most notably by passing the Chief Financial Officers Act of 1990, the Government Performance and Results Act [GPRA] of 1993, and the information management and procurement reforms of the 104th Congress. These laws are designed to get the Federal Government to operate in a sound, business-like manner and implementing these management reforms is a major responsibility for each department head.

The Government Performance and Results Act, for example, can be an effective tool to make Government work better by measuring the success or failure of Government programs and using this information to support budget decisions. For example, GAO found that the Commerce Department shares its mission with at least 71 Federal departments, agencies, and offices. With this type of overlap and duplication, the Department needs to have a clear idea of its primary missions, otherwise it risks doing a lot of things poorly and nothing well at all. GPRA, by focusing on agency missions and results, will give Commerce, the Office of Management and Budget, and Congress the information necessary to consolidate and eliminate wasteful and redundant programs at the Department.

I submitted to Secretary-designate Daley several questions regarding his views on implementing GPRA and improving Commerce's financial accountability and information resources management as part of his confirmation process. I look forward to receiving from him a firm commitment to use GPRA's strategic planning process, performance goals, and performance measures to radically transform his agency to better serve the taxpayers.

There are many challenges ahead for Congress and Secretary-designate Daley as we address the problems at the Department of Commerce identified by GAO, the Department's inspector general and others. Certainly, the bipartisan management reforms we have enacted should be implemented to assist in that process. I am sure that together we can work to effectively implement sound management policies and practices and I look forward to achieving those objectives in the coming Congress.

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 one nomination which was referred to the Committee on Banking, Housing, and Urban Affairs.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON AGREEMENT BETWEEN THE UNITED STATES AND LITHUANIA—MESSAGE FROM THE PRESIDENT—PM 7

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to Public Law 94–265, 16 U.S.C. 1823(b), to the Committee on Commerce, Science, and Transportation and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Lithuania Extending the Agreement of November 12, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (''the 1992 Agreement''). The Agreement, which was effected by an exchange of notes at Vilnius on June 5 and October 15, 1996, extends the 1992 Agreement to December 31, 1998.

In light of the importance of our fisheries relationship with the Republic of Lithuania, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 4, 1997.*

REPORT ON AGREEMENT BETWEEN THE UNITED STATES AND ESTONIA—MESSAGE FROM THE PRESIDENT—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to Public Law 94–265, 16 U.S.C. 1823(b), to the Committee on Commerce, Science, and Transportation and to the Committee on Foreign Relations.

THE WHITE HOUSE, *February 4, 1997.*

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Estonia Extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (''the 1992 Agreement''). The Agreement, which was effected by an exchange of notes at Tallinn on June 3 and 28, 1996, extends the 1992 Agreement to June 30, 1998.

In light of the importance of our fisheries relationship with the Republic of Estonia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 4, 1997.*

REPORT OF THE STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was ordered to lie on the table.

The PRESIDENT. Mr. Speaker, Mr. Vice-President, Members of the 105th Congress, distinguished guests, my fellow Americans:

I come before you tonight with a challenge as great as any in our peacetime history—and a plan of action to meet that challenge, to prepare our people for the bold new world of the 21st Century.

We have much to be thankful for. With four years of growth, we have won back the basic strength of our economy. With crime and welfare rolls declining, we are winning back our basic optimism, the enduring faith that we can master any difficulty. With the Cold War receding and global commerce at record levels, we are helping to win unrivaled peace and prosperity all across the world.

My fellow Americans, the state of our union is strong, but now we must rise to the decisive moment, to make a nation and a world better than any we have ever known. The new promise of the global economy, the Information Age, unimagined new work, life-enhancing technology—all are ours to seize. That is our honor and our challenge. We must be shapers of events, not observers. For if we do not act, the moment will pass—and we will lose the best possibilities of our future.

We face no imminent threat, but we do have an enemy: The enemy of our time is inaction.

So tonight, I issue a call to action—action by this Congress, by our states, by all our people, to prepare America for the 21st Century. Action to keep our economy and our democracy strong and working for all our people; action to strengthen education and harness the forces of technology and science; action to build stronger families and stronger communities and a safer environment; action to keep America the world's strongest force for peace and freedom and prosperity. And above all, action to build a more perfect union here at home.

The spirit we bring to our work will determine its success. We must all be committed to the pursuit of opportunity for all Americans, and responsibility for all Americans, in a community of all Americans, and to a new kind of government—not to solve all our problems for us, but to give all our people the tools to make the most of their own lives.

And we must work together. The people of this nation elected us all. They want us to be partners, not partisans. They put us all here in the same boat, they gave us all oars, and they told us to row. Here's the direction I think we should take.

First, we must move quickly to complete the unfinished business of our country—to balance our budget, renew our democracy, and finish the job of welfare reform.

Over the last four years, we brought new economic growth by investing in our people, expanding our exports, cutting our deficits, creating over 11 million new jobs. Now we must keep our economy the strongest in the world.

We here tonight have an historic opportunity. Let this Congress be the Congress that finally balances the budget.

In two days, I will propose a detailed plan to balance the budget by 2002.

This plan will balance the budget and invest in our people while protecting Medicare, Medicaid, education, and the environment. It will balance the budget and build on the Vice President's efforts to make our government work better, even as it costs less. It will balance the budget and provide middle class tax relief to pay for education and health care, to help raise a child, to buy and sell a home.

Balancing the budget requires only your vote and my signature. It does not require us to rewrite our Constitution. I believe it is unnecessary and unwise to adopt a balanced budget amendment that could cripple our country in time of crisis later on, and force unwanted results such as judges halting Social Security checks or increasing taxes. Let us agree: We should not pass any measure that threatens Social Security. We don't need a Constitutional amendment—we need action.

Whatever our differences, we should balance the budget now, and then, for the long-term health of our society, we must agree to a bipartisan process to preserve Social Security and reform Medicare, so that these fundamental programs will be as strong for our children as they are for our parents.

Our second piece of unfinished business requires us to commit ourselves tonight, before the eyes of America, to enacting bipartisan campaign finance reform.

Senators MCCAIN and FEINGOLD, Representatives SHAYS and MEEHAN, have reached across party lines to craft tough and fair campaign reform. Their proposal would curb spending, reduce the role of special interests, create a level playing field between challengers and incumbents and ban contributions from noncitizens and all corporate sources, and the other large soft money contributions that both parties receive.

You know and I know that delay will mean the death of reform. So let's set our own deadline. Let's work together to write bipartisan campaign finance reform into law, and pass McCain-Feingold by the day we celebrate the birth of our democracy—July the 4th.

There is a third piece of unfinished business: Over the last four years, we moved a record two and a quarter million people off the welfare rolls. Then last year we enacted landmark welfare reform, demanding that able-bodied recipients assume the responsibility of moving from welfare to work.

Now each and every one of us has to fulfill our responsibility—indeed, our moral obligation—to make sure that people who must work, can work. Now we must act to meet a new goal: two million more people off the welfare rolls by the Year 2000.

Here is my plan: Tax credits and other incentives to businesses that hire people off welfare. Incentives for job placement firms and for states to create more jobs for welfare recipients. Training, transportation and child care to help people go to work.

Now I challenge every state: turn those welfare checks into private sector paychecks. I challenge every religious congregation, every community non-profit, and every business: hire someone off welfare. And I say especially to every employer in this country who has ever criticized the old welfare system: You cannot blame that old system anymore. We have torn it down. Now do your part. Give someone on welfare the chance to work.

Tonight, I am pleased to announce that five major corporations—Sprint, Monsanto, UPS, Burger King, and United Airlines—will be the first to join in a new national effort to marshal America's businesses, large and small, to create jobs so people on welfare can move to work.

We passed welfare reform. We were right to do it. But no one can walk out

of this chamber with a clear conscience unless you are prepared to finish the job.

And we must join together to do something else too—something both Republican and Democratic governors have asked us to do—to restore basic health and disability benefits when misfortune strikes immigrants who came to this country legally, who work hard, pay taxes, and obey the law. To do otherwise is simply unworthy of a great nation of immigrants.

Next, the greatest step of all—the high threshold to the future we now must cross—and my number one priority as President for the next four years—is to ensure that Americans have the best education in the world.

Let's work together to meet these goals: Every 8 year old must be able to read; every 12 year old must be able to log on to the Internet; every 18 year old must be able to go to college, and every adult American must be able to keep on learning.

My balanced budget makes an unprecedented commitment to these goals—$51 billion dollars next year. But far more than money is required.

I have a plan, a Call to Action for American Education, based on these ten principles.

First, a national crusade for education standards—not federal government standards, but national standards representing what all of our students must know to succeed in the knowledge economy of the 21st Century. Every state and school must shape the curriculum to reflect these standards, and train teachers to lift students up to meet them. To help schools meet the standards and measure their progress, we will lead an effort over the next two years to develop national tests of student achievement in reading and math.

Tonight, I issue a challenge to the nation: Every state should adopt high national standards, and by 1999, every state should test every 4th grader in reading and every 8th grader in math to make sure these standards are met.

Raising standards will not be easy, and some of our children will not be able to meet them at first. The point is not to put our children down, but to lift them up. Good tests will show us who needs help, what changes in teaching to make, and which schools to improve. They can help us to end social promotion. For no child should move from grade school to junior high, or junior high to high school until he or she is ready.

Last month, Secretary of Education Dick Riley and I visited Northern Illinois, where 8th grade students from 20 school districts, in a project called ''First in the World,'' took the Third International Math and Science Study—a test that reflects the world-class standards our children must meet for the new era. And those students in Illinois tied for first in the world in science, and came in second in math. Two of them, Kristin Tanner, and Chris Getsla are here tonight, with their teacher, Sue Winski. They prove that when we aim high and challenge our students, they will be the best in the world.

Second, to have the best schools, we must have the best teachers. Most of us would not be here tonight without the help of such teachers. I know I wouldn't be. For years, many educators, led by North Carolina's Governor Jim Hunt and the National Board for Professional Teaching Standards, have worked hard to establish nationally accepted credentials for excellence in teaching. Just 500 of these master teachers have been certified since 1995. My budget will enable 100,000 more to seek national certification as master teachers. We should reward our best teachers, quickly and fairly remove those few who don't measure up, and challenge our finest young people to consider teaching as a career.

Third: we must do more to help all our children read. 40% of our 8 year olds cannot read on their own. That's why we have just launched the America Reads initiative—to build a citizen army of one million volunteer tutors to make sure every child can read independently by the end of the 3rd grade. We will use thousands of AmeriCorps volunteers to mobilize this citizen army. We want at least 100,000 college students to help. And tonight, I am pleased that 60 college presidents have answered my call, pledging that thousands of their work study students will serve for one year as reading tutors.

This is also a challenge to every teacher and every principal: use these tutors to help students read. And it is especially a challenge to our parents: Read with your children every night.

This leads to the fourth principle: Learning begins in the first days of life. Scientists are now discovering how young children develop emotionally and intellectually from their first days, and, therefore, how important it is for parents to begin immediately talking, singing, even reading to their infants. The First Lady has spent years studying and writing about this issue. She and I will convene a White House Conference on Early Learning and the Brain this Spring, to explore how parents and educators can best use these startling new findings.

We already know we should start teaching children before they start schools. That's why my budget expands Head Start to one million children by 2002. And, in June, the Vice President and Mrs. Gore will host their annual family conference. This one will focus on the importance of parents' involvement throughout a child's education.

Fifth, every state should give parents the power to choose the right public school for their children. Their right to choose will foster the competition and innovation that can make our public schools better. We should also make it possible for more parents and teachers to start charter schools, schools that set and meet the highest standards, and survive only as long as they do. Our plan will help America create 3,000 of these charter schools by the next century—nearly seven times as many as there are today—so that parents will have even more choices in sending their children to the best public schools.

Sixth: character education must be taught in our schools. We must teach our children to be good citizens. And we must continue to promote order and discipline, supporting communities that introduce school uniforms, impose curfews, enforce truancy laws, remove disruptive students from the classroom, and have zero tolerance for guns and drugs.

Seventh: we cannot expect our children to raise themselves up in schools that are literally falling down. With the student population at an all time high, and record numbers of school buildings falling into disrepair, this has now become a serious national concern. My budget includes a new initiative: $5 billion to help communities finance $20 billion in school construction over the next four years.

Eighth: We must make the 13th and 14th years of education—at least two years of college—just as universal in America as a high school education is today, and we must open the doors of college to all.

To do that, I propose America's HOPE scholarship, based on Georgia's pioneering program: two years of a $1,500 tax credit for college tuition, enough to pay for the typical community college. I also propose a tax deduction of up to $10,000 a year for all tuition after high school; an expanded IRA you can withdraw from tax free for education; and the largest increase in Pell Grant scholarships in 20 years. This plan will give most families the ability to pay no taxes on money saved for college tuition. I ask you to pass it—to give every American who works hard the chance to go to college.

Ninth: In the 21st Century, we must expand the frontiers of learning across a lifetime. All our people, of whatever age, must have a chance to learn new skills. Most Americans live near a community college. The roads that take them there can be paths to a better future. My G.I. Bill for Workers will transform the confusing tangle of federal training programs into a simple skill grant that will go directly into eligible workers' hands. For too long, this bill has been sitting on that desk down there without action—and I ask you to pass it now. Let's give more of our workers the ability to learn and to earn.

Tenth: we must bring the power of the Information Age into all our schools. Last year, I challenged America to connect every classroom and library to the Internet by the year 2000, so that, for the first time in history, a child in the most isolated rural town, the most comfortable suburb, the poorest inner city school, will have the same access to the same universe of knowledge. I ask your support to complete this historic mission.

That is my plan—a Call to Action for American Education.

We must understand the significance of this endeavor: One of the greatest sources of our strength throughout the Cold War was a bipartisan foreign policy; because our future was at stake, politics stopped at the water's edge. Now I ask you—I ask all our nation's governors—and I ask teachers, parents and citizens all across America—for a new nonpartisan commitment to education—because education is one of the critical national security issues for our future—and politics must stop at the classroom door.

I pledge to take this Call to Action to our country, so that together, we can make American education, like America itself, the envy of the world.

To prepare America for the 21st century, we must harness the powerful forces of science and technology to benefit all Americans.

This is the first State of the Union carried live over the Internet. But we have only begun to spread the benefits of a technology revolution that should be the modern birthright of every citizen.

Our effort to connect every classroom is just the beginning. Now, we should connect every hospital to the Internet, so doctors can instantly share data about their patients with the best specialists in the field. And I challenge the private sector to start by connecting every children's hospital as soon as possible, so that a child in bed can stay in touch with school, family and friends. A sick child need no longer be a child alone.

We must build the second generation of the Internet so our leading universities and national laboratories can communicate at speeds 1000 times faster than today, to develop new medical treatments, new sources of energy, and new ways of working together.

But we cannot stop there. As the Internet becomes our new town square, a computer in every home—a teacher of all subjects, a connection to all cultures—this will no longer be a dream, but a necessity. And over the next decade, that must be our goal.

We must continue to explore the heavens, pressing on with the Mars probes and the international space station, both of which will have practical applications for our everyday living.

We must speed the remarkable advances in medical science. The human genome project is now decoding the genetic mysteries of life. American scientists have discovered genes linked to breast cancer and ovarian cancer, and medication that stops a stroke in progress and begins to reverse its effects—and treatments that dramatically lengthen the lives of people with HIV and AIDS.

Since I took office, funding for AIDS research at the National Institutes of Health has increased dramatically, to $1.5 billion. With new resources, NIH will now become the most powerful discovery engine for an AIDS vaccine, working with other scientists to finally end the threat of AIDS. Every year we move up the discovery of an AIDS vaccine, we can save millions of lives around the world.

To prepare America for the 21st Century, we must build stronger families.

Over the past 4 years, the Family and Medical Leave Act has helped millions of Americans take time off to be with their families. With new pressures on people in the way they work and live, we should expand Family Leave so that workers can take time off for teacher conferences and a child's medical checkup. We should pass flextime so workers can choose to be paid for overtime in income, or trade it for time off to be with their families.

We must continue, step-by-step, to give more families access to affordable, quality health care. 40 million Americans still lack health insurance. 10 million children still lack health insurance. 80% of them have working parents who pay taxes. That is wrong. My balanced budget will extend health coverage to up to five million of those children. Since nearly half of all children who lose their insurance do so because their parents lose or change jobs, my budget will also ensure that people who temporarily lose their jobs can still afford to keep their health insurance. No child should be without a doctor just because a parent is without a job.

My Medicare plan modernizes Medicare, increases the life of the Trust Fund to 10 years, provides support for respite care for the many families with loved-ones afflicted with Alzheimers—and for the first time, it would fully pay for annual mammograms.

Just as we ended drive through deliveries of babies last year, we must now end the dangerous and demeaning practice of forcing women home from the hospital only hours after a mastectomy. I ask your support for bipartisan legislation to guarantee that women can stay in the hospital for 48 hours after a mastectomy. With us tonight is Dr. Kristen Zarfos, a Connecticut surgeon whose outrage at this practice spurred a national movement and inspired this legislation. We thank her for her efforts.

In the last four years, we have increased child support collections by 50%. Now, we should go further, and make it a felony for any parent to cross state lines in an attempt to flee from this, his or her most sacred obligation.

Finally, we must also protect our children by standing firm in our determination to ban the advertising and marketing of cigarettes that endanger their lives.

To prepare America for the 21st Century, we must build stronger communities.

We should start with safe streets. Serious crime has dropped five years in a row. The key has been community policing—and we must finish the job of putting 100,000 community police on our streets. We should pass the Victims' Rights Amendment to the Constitution.

And I ask you to join me in mounting a full scale assault on juvenile crime, with legislation that: declares war on gangs, with new prosecutors and tougher penalties; extends the Brady Bill so violent teen criminals will never be able to buy handguns; requires child safety locks on handguns to prevent unauthorized use; and helps to keep our schools open after hours, on weekends, and in the summer, so young people will have someplace to go and something to say yes to.

My balanced budget includes the largest anti-drug effort ever: to stop drugs at their source, punish those who push them, and teach our young people that drugs are wrong, drugs are illegal, and drugs will kill them.

Our growing economy has helped to revive poor urban and rural neighborhoods. But we must do more, to empower them to create the conditions in which families can flourish, and to create jobs through investment by business and loans by banks.

We should double the number of empowerment zones. They have already brought hope to communities like Detroit, where the unemployment rate has been cut in half in four years. We should restore contaminated urban land and buildings to productive use. We should expand the network of community development banks.

And together, we must pledge tonight that we will use this empowerment approach—including private sector tax incentives—to renew our capital city, so that Washington is a great place to live and work, and is once again the proud face America shows to the world.

We must protect our environment in every community. In the last four years, we cleaned up 250 toxic waste sites, as many as in the previous twelve. Now we should clean up 500 more of them, so that our children grow up next to parks, not poison. Big polluters must live by this simple rule: If you pollute our environment, you pay to clean it up.

In the last four years, we strengthened the nation's safe food and clean drinking water laws. We protected some of America's rarest, most beautiful land in Utah's Red Rocks region, created three new national parks in the California desert, and began to restore Florida's Everglades. Now we must be as vigilant with our rivers as we are with our land. Tonight, I announce that this year I will designate 10 American Heritage Rivers, to help communities alongside them revitalize their waterfronts and clean up pollution in the rivers, proving once again that we can grow the economy as we protect the environment.

We must also protect our global environment, working to ban the worst toxic chemicals and to reduce the greenhouse gasses that challenge our health even as they change our climate.

We all know that in all of our communities, some of our children simply do not have what they need to grow and learn in their homes, or schools, or neighborhoods. The rest of us must do more, for they are our children too. That is why President Bush, General Colin Powell, and former Housing Secretary Henry Cisneros will join Vice President GORE and me to lead the President's Summit of Service in Philadelphia in April.

Our national service program, Americorps, has already helped 70,000 young people work their way through college as they serve America. Now we intend to mobilize millions of Americans to serve in thousands of ways. Citizen service is an American responsibility, which all Americans should embrace.

I'd like to make one last point about our national community. Our economy is measured in numbers and statistics, and it's very important. But the enduring worth of our nation lies in our values and our soaring spirit. So instead of cutting back on our modest efforts to support the arts and humanities, I believe we should stand by them, and challenge our artists, musicians and writers, our museums, libraries and theaters, to join with all Americans to make the Year 2000 a national celebration of the American spirit in every community—a celebration of our common culture in the century that has passed, and in the new one to come in the new millennium, so that we can remain the world's beacon of liberty and creativity, long after the fireworks have faded.

To prepare America for the 21st Century, we must master the forces of change in the world and keep American leadership strong and sure for an uncharted time.

Fifty years ago, a farsighted America led in creating the institutions that secured victory in the Cold War and built a growing world economy. As a result, today more people than ever embrace our ideals and share our interests.

Already, we have dismantled many of the blocs and barriers that divided our parents' world. For the first time, more people live under democracy than dictatorship, including every nation in our hemisphere but one—and its day too will come.

Now, we stand at another moment of change and choice—and another time to be farsighted, to bring America 50 more years of security and prosperity.

Our first task is to help build, for the first time, an undivided, democratic Europe. When Europe is stable, prosperous and at peace, America is more secure.

To that end, we must expand NATO by 1999, so that countries that were once our adversaries can become our allies. At the special NATO summit this summer, that is what we will begin to do. We must strengthen NATO's Partnership for Peace with non-member allies. And we must build a stable partnership between NATO and a democratic Russia.

An expanded NATO is good for America. And a Europe in which all democracies define their future not in terms of what they can do to each other, but in terms of what they can do together for the good of all—that kind of Europe is good for America.

Second, America must look to the East no less than the West. Our security demands it: Americans have fought three wars in Asia this century. Our prosperity requires it: more than 2 million American jobs depend upon trade with Asia.

There, too, we are helping to shape an Asian Pacific community of cooperation, not conflict. But we must not let our progress there mask the peril that remains. Together with South Korea, we must advance peace talks with North Korea and bridge the Cold War's last divide. And I call on this Congress to fund our share of the agreement under which North Korea must continue to freeze and then dismantle its nuclear weapons program.

We must pursue a deeper dialogue with China—for the sake of our interests and our ideals. An isolated China is not good for America. A China playing its proper role in the world is. I will go to China and I have invited China's president to come here, not because we agree on everything, but because engaging China is the best way to work on common challenges like ending nuclear testing—and to deal frankly with fundamental differences like human rights.

Third, the American people must prosper in the global economy. We have worked hard to tear down trade barriers abroad, so that we can create good jobs at home. I am proud to say that today, America is once again the most competitive nation, and the number one exporter in the world.

Now, we must act to expand our exports, especially to Asia and Latin America, the two fastest growing regions on earth—or be left behind as these emerging economies forge new ties with other nations. That is why we need the authority now to conclude new trade agreements that open markets to our goods and services even as we preserve our values.

We need not shrink from the challenge of the global economy. We have the best workers and the best products. In a truly open market, and we can out-compete anyone in the world.

But this is about more than economics. By expanding trade, we can advance the cause of freedom and democracy around the world.

We should all be proud that America led the effort to rescue our neighbor Mexico from its economic crisis—and we should all be proud that last month, Mexico repaid the United States, three years ahead of schedule, with a half a billion dollars profit for us. And today our exports to Mexico are at an all time high.

Fourth, America must continue to be an unrelenting force for peace—from the Middle East to Haiti—from Northern Ireland to Africa. Taking reasonable risks for peace keeps us from being drawn into far more costly conflicts later.

With American leadership, the killing has stopped in Bosnia. Now, the habits of peace must take hold. The new NATO force will allow reconstruction and reconciliation to accelerate. Tonight, I ask Congress to continue its strong support for our troops there. They are doing a remarkable job for America—and America must do right by them.

Fifth, we must move strongly against new threats to our security. In the past four years, we agreed to ban nuclear testing. With Russia, we dramatically cut our nuclear arsenal; we stopped targeting each others citizens. We are acting to rid the world of landmines, and prevent nuclear materials from falling into the wrong hands. We are working with other nations, with renewed intensity, to stop terrorists and drug traffickers before they act, and to hold them fully accountable if they do.

Now, we must rise to a new test of leadership: ratifying the Chemical Weapons Convention. It will make our troops safer from chemical attack. It will help us to fight terrorism. We have no more important obligations—especially in the wake of what we now know about the Gulf War. This treaty has been bipartisan from the beginning, supported by Republican and Democratic administrations alike—and Republican and Democratic Members of Congress alike—and already approved by 68 nations. If we do not act by April 29—when this Convention goes into force, with us or without us—we will lose the chance to have Americans leading and enforcing this effort. Together, we must make the Chemical Weapons Convention law, so that at last we can begin to outlaw poison gas from the earth.

Finally, we must have the tools to meet all these challenges.

We must maintain a strong and ready military. We must increase funding for weapons modernization by the Year 2000, and we must take good care of our men and women in uniform. They are the world's finest.

We must also renew our commitment to America's diplomacy—and pay our debts and dues to international financial institutions like the World Bank, and to a reforming United Nations. Every dollar we devote to preventing conflicts, to promoting democracy, to stopping the spread of disease and starvation, brings a sure return in security and savings. Yet international affairs spending today is just one percent of the federal budget—a tiny fraction of what America invested in diplomacy to choose leadership over escapism at the start of the Cold War. If America is to continue to lead the world, we here who lead America simply must find the will to pay our way.

A farsighted America moved the world to a better place over these last fifty years. And it can do so for another fifty years. But a shortsighted

America will soon find its words falling on deaf ears all around the world.

Almost exactly fifty years ago, in the first winter of the Cold War, President Harry Truman stood before a Republican Congress and called upon our country to meet its responsibilities of leadership. This was his warning: ''If we falter, we may endanger the peace of the world—and we shall surely endanger the welfare of this nation.'' That Congress, led by Republicans like Senator Arthur Vandenberg, answered President Truman's call. Together, they made the commitments that strengthened our country for fifty years. Now let us do the same. Let us do what it takes to remain the indispensable nation—to keep America strong, secure and prosperous for another fifty years.

In the end, more than anything else, our world leadership grows out of the power of our example here at home, out of our ability to remain strong as one America.

All over the world, people are being torn asunder by racial, ethnic, and religious conflicts that fuel fanaticism and terror. We are the world's most diverse democracy. And the world looks to us to show that it is possible to live and advance together across those kinds of differences.

America has always been a nation of immigrants. From the start, a steady stream of people, in search of freedom and opportunity, have left their own lands to make this land their home. We started as an experiment in democracy fueled by Europeans. We have grown into an experiment in democratic diversity fueled by openness and promise.

My fellow Americans, we must never believe that diversity is a weakness—it is our greatest strength. Americans speak every language, know every country. People on every continent can look to us and see the reflection of their own greatness, as long as we give all of our citizens, whatever their background, an opportunity to achieve their greatness.

We are not there yet. We still see evidence of abiding bigotry and intolerance, in ugly words and awful violence, in burned churches and bombed buildings. We must fight against this, in our country and in our hearts.

A few days before my second inauguration, one of America's best known pastors, Rev. Robert Schuller, suggested that I read Isaiah 58:12. It says: ''Thou shalt raise up the foundations of many generations, and thou shalt be called, the repairer of the breach, the restorer of paths to dwell in.'' I placed my hand on that verse when I took the oath of office, on behalf of all Americans. For no matter what our differences—in our faiths, our backgrounds, our politics—we must all be repairers of the breach. We may not share a common past, but surely we share a common future.

I want to say a word about two other Americans who show us the way to that common future. Congressman FRANK TEJEDA was buried yesterday, a proud American whose family came from Mexico. He was only 51 years old. He earned the Silver Star, the Bronze Star and the Purple Heart fighting for his country in Vietnam, and he went on to serve Texas and America fighting for our future in this chamber. We are grateful for his service and honored to have his mother, Lillie Tejeda, with us tonight.

Gary Locke, the newly elected Governor of Washington State, is our first Chinese-American Governor, the proud son of two of the millions of Asian-American immigrants who have strengthened America with their hard work, family values, and good citizenship.

Rev. Schuller, Congressman TEJEDA, Governor Locke, along with Kristin Tanner, Chris Getsla, Sue Winski and Dr. Kristen Zarfos—all Americans from different roots, whose lives reflect our shared values and the best of what we can become when we are one America.

Building that one America is our most important mission, ''the foundation of many generations,'' of every other strength we must build for the new century. Money cannot buy it. Power cannot compel it. Technology cannot create it. It must rise from the human spirit.

America is far more than a place. It is an idea, the most powerful idea in the history of nations. We are now the bearers of that idea, leading a great people into a new world. A child born tonight will have almost no memory of the 20th Century. Everything that child will know of America, will be because of what we do now to build a new century.

We don't have a moment to waste. Tomorrow morning, there will be just over 1,000 days until the Year 2000. 1,000 days to prepare our people. 1,000 days to work together. My fellow Americans, we have work to do. Let us seize the days and the century.

Thank you, God bless you, and God bless America.

MESSAGES FROM THE HOUSE

At 4:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 35. That the House has heard with profound sorrow of the death of the Honorable Frank Tejeda, a Representative from the State of Texas.

The message also announced that pursuant to the provisions of section 637(b) of Public Law 104–52, as amended by section 2904 of Public Law 104–134, the Speaker reappoints Mr. PORTMAN of Ohio to the National Commission of Restructuring the Internal Revenue Service.

The message further announced that pursuant to section 637(b) of Public Law 104–52, the minority leader accepts the resignation of ROBERT T. MATSUI of California from the National Commission on Restructuring the Internal Revenue Service and hereby appoints Mr. WILLIAM J. COYNE of Pennsylvania to the Commission for the remainder of its term.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–942. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, reports of three deferrals of budget authority; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

EC–943. A communication from the Acting Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule relative to financial reporting, received on January 29, 1997 to the Committee on Agriculture, Nutrition, and Forestry.

EC–944. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report on salary range structure and performance merit pay matrix for 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–945. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to the fluid milk promotion program, received on January 27, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–946. A communication from the President of the United States, transmitting, pursuant to law, the report concerning the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–947. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report a rule relative to home mortgage disclosure, received on January 28, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–948. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules including one rule relative to National Emission Standards, (FRL–5682–3, 5584–5), received on January 29, 1997; to the Committee on Environment and Public Works.

EC–949. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to the weighted average interest rate, received on January 29, 1997; to the Committee on Finance.

EC–950. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to the alternative minimum tax, received on January 29, 1997; to the Committee on Finance.

EC–951. A communication from the Chief of the Regulations Unit, Internal Revenue

Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97–8, received on January 30, 1997; to the Committee on Finance.

EC–952. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Federal Managers' Financial Integrity Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC–953. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, the report of a rule relative to real property, (RIN3090–AF92) received on January 29, 1997; to the Committee on Governmental Affairs.

EC–954. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–955. A communication from the Director of the Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–956. A communication from the General Counsel and Corporate Secretary of the Legal Services Corporation, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–957. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a rule entitled ''Exceptions to the Educational Requirements for Naturalization for Certain Applicants'' (RIN1115–AE05) received on January 29, 1997; to the Committee on the Judiciary.

EC–958. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to the disaster reserve assistance program, received on January 30, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–959. A communication from the Secretary of Energy, transmitting, pursuant to law, the semi-annual report on programs for the protection, control and accountability of fissile materials in the countries of the former Soviet Union; to the Committee on Armed Services.

EC–960. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding transactions involving exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–961. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding transactions involving exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–962. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of a rule relative to liquefied natural gas, (RIN2137–AC91) received on January 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–963. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule relative to fishing quotas, (RIN0648–XX70) received on January 30, 1997; to the Committee on Commerce, Science, and Transportation.

EC–964. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule relative to Ex Parte No. 542, received on January 30, 1997; to the Committee on Commerce, Science, and Transportation.

EC–965. A communication from the Director of the Office of Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of rule relative to endangered and threatened wildlife and plants, (RIN1018–AB88) received on January 31, 1997; to the Committee on Environment and Public Works.

EC–966. A communication from the Director of the Office of Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of rule relative to endangered and threatened wildlife and plants, (RIN1018–AC83) received on January 31, 1997; to the Committee on Environment and Public Works.

EC–967. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, a rule regarding the release of individuals administered radioactive materials, (RIN3150–AE41) received on January 29, 1997; to the Committee on Environment and Public Works.

EC–968. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report of the Treasury Bulletin for December 1996; to the Committee on Finance.

EC–969. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on the Human Rights Pratices for 1996; to the Committee on Foreign Relations.

EC–970. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC–971. A communication from the Secretary of State, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC–972. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report relative to bid protest for fiscal year 1996; to the Committee on Governmental Affairs.

EC–973. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report under the Government in the Sunshine Act during calendar year 1996; to the Committee on Governmental Affairs.

EC–975. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–414 adopted by the Council on October 1, 1996; to the Committee on Governmental Affairs.

EC–976. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–495 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–977. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–499 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–978. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–498 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–979. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–507 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–980. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–510 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–981. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–511 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–982. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–513 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–983. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–514 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–984. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–515 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–985. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–516 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–986. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–517 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–987. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–518 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–988. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–519 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–989. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–520 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–990. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–521 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–991. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–523 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–992. A communication from the President of the United States, transmitting, pursuant to law, the report on the impact to delaying USAID population funding; to the Committee on Appropriations.

EC–993. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, the Office's Sequestration Preview Report for fiscal year 1998; pursuant to the order of August 4, 1977; referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

EC–994. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to parity price regulations, (RIN0560–AF08) received on February 3, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–995. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report on contributions from other nations for relocation costs; to the Committee on Armed Services.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 30, 1997, the following reports of committees were submitted on February 3, 1997, during the adjournment of the Senate:

By Mr. WARNER, from the Committee on Rules and Administration, without amendment:

S. Res. 42: An original resolution authorizing expenditures by the Committee on Rules and Administration.

Under the authority of the order of the Senate of January 30, 1997, the following reports of committees were submitted on February 3, 1997:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S.J. Res. 1: A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget (Rept. No. 105–3).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. Res. 43: An original resolution authorizing expenditures by the Committee on the Judiciary.

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 44: An original resolution authorizing expenditures by the Committee on the Budget.

By Mr. ROTH, from the Committee on Finance, without amendment and with a preamble:

S.J. Res. 5: A joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative.

REPORTS OF COMMITTEES

The following reports of committees were submitted on February 4, 1997:

By Mr. SPECTER, from the Committee on Veterans' Affairs, without amendment:

S. Res. 45. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. Res. 46. An original resolution authorizing expenditures by the Committee on Indian Affairs.

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. MCCAIN:

S. 255. A bill to amend the Communications Act of 1934 to provide for the reallocation and auction of a portion of the electromagnetic spectrum to enhance law enforcement and public safety telecommunications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 256. A bill to amend the Commodity Exchange Act to require the Commodity Futures Trading Commission to regulate certain cash markets, such as the National Cheese Exchange, until the Commission determines that the market does not establish reference points for other transactions, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR (for himself, Mr. HARKIN, and Mr. LEAHY):

S. 257. A bill to amend the Commodity Exchange Act to improve the Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 258. A bill to improve price discovery in milk and dairy markets by reducing the effects of the National Cheese Exchange on the basic formula price established under milk marketing orders, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG:

S. 259. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. KYL, Mr. HUTCHINSON, Mr. ROBERTS, and Mr. ROBB):

S. 260. A bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. FORD, Ms. SNOWE, Mr. THOMPSON, Mr. THOMAS, Mr. ROTH, Mr. MOYNIHAN, Mr. NICKLES, Mr. MCCAIN, Mr. CONRAD, Mr. ABRAHAM, Mr. FRIST, Mr. GRAMS, Mr. LUGAR, Ms. COLLINS, Mr. BREAUX, Mr. DEWINE, Mr. BURNS, Mr. WARNER, Mr. ROBERTS, Mr. COATS, Mr. MACK, Mr. KEMPTHORNE, Mr. D'AMATO, and Mr. ENZI):

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; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. WELLSTONE:

S. 262. A bill to amend title 18, United States Code, to provide for the prospective application of certain prohibitions relating to firearms; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE) (by request):

S.J. Res. 14. A joint resolution affirming certain findings of the President of the United States with regard to programs concerning international family planning; to the Committee on Appropriations, for not to exceed five calendar days pursuant to section 518A(d) of Public Law 104–208.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 45. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. CAMPBELL:

S. Res. 46. An original resolution authorizing expenditures by the Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Ms. SNOWE (for herself, Ms. MIKULSKI, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. MURRAY, Ms. MOSELEY-BRAUN, Ms. LANDRIEU, Ms. COLLINS, Mr. LEVIN, Mr. AKAKA, Mr. BRYAN, Mr. CLELAND, Mr. TORRICELLI, Mr. HOLLINGS, Mr. FORD, Mr. BINGAMAN, Mr. BREAUX, Mr. KERREY, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. GRAHAM, Mr. DODD, Mr. KERRY, Mr. KENNEDY, Mr. GLENN, Mr. LIEBERMAN, Mr. SARBANES, Mr. LAUTENBERG, Mr. WYDEN, Mr. BAUCUS, Mr. MOYNIHAN, Mr. BIDEN, Mr. DORGAN, Mr. DURBIN, Mr. CONRAD, Mr. BUMPERS, Mr. LEAHY, Mr. FAIRCLOTH, Mr. ROBB, Mr. SPECTER, Mr. D'AMATO, Mr. ABRAHAM, Mr. GRASSLEY, Mr. COATS, Mr. COVERDELL, Mr. KEMPTHORNE, Mr. WARNER, Mr. MURKOWSKI, Mr. THOMAS, and Mr. BOND):

S. Res. 47. A resolution expressing the sense of the Senate concerning the need for accurate guidelines for breast cancer screening for women between the ages of 40 and 49; submitted and read.

By Mr. LOTT:

S. Res. 48. A resolution providing for service on a temporary and intermittent basis by the Director of the Office of Senate Fair Employment Practices, and for other purposes; considered and agreed to.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. Res. 49. A resolution expressing the condolences of the Senate on the death of Representative Frank Tejeda; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 255. A bill to amend the Communications Act of 1934 to provide for the reallocation and auction of a portion of the electromagnetic spectrum to enhance law enforcement and public safety telecommunications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE LAW ENFORCEMENT AND PUBLIC SAFETY TELECOMMUNICATIONS EMPOWERMENT ACT

Mr. MCCAIN. Mr. President, I rise to introduce the Law Enforcement and Public Safety Telecommunications Empowerment Act. This legislation addresses a longstanding need by police, fire departments, and emergency medical services for more channels of radio communication and for more state-of-the-art technology to use in their efforts to safeguard life and property.

Mr. President, the telecommunications needs of the public safety community have been a subject of widespread concern for many years. In many instances, channel capacity for safety-of-life communications is dangerously low. In many others, budgetary constraints have kept law enforcement and other public safety officials from getting new communications equipment and services that

would make their transmissions more efficient and reliable.

Most recently, a Federal advisory committee documented these needs for more spectrum. There are clearly ways this can be done. But spectrum is a limited, and therefore very valuable, resource, and big businesses that would compete for this same spectrum must not be allowed to divert it for commercial use. Further, this bill creates specific mechanisms that will continue over the years to assure that money and equipment are available for the continuing need of those whose job is to safeguard our lives, our health, and our property.

Let me outline the provisions of this bill. First, the bill orders the FCC to give public safety radio users four new radio channels. These new channels are currently allocated to television use and are located between TV channels 60 and 69. Ongoing plans to convert television broadcasting to more spectrum-efficient digital transmission technology is expected to make this channel reallocation possible without significant impact on the television service people receive.

Next, this legislation provides that the rest of the available spectrum between TV channels 60 and 69 will be auctioned to the highest bidder for commercial use. Of the money raised, 10 percent, or a sum of not less than $200,000,000 or more than $750,000,000, is earmarked for distribution to the Governors of each of the States for use in purchasing services and equipment that would increase the ability of public safety radio users to communicate quickly and easily in times of emergency.

Third, to make sure that the four new public safety radio channels are used in as efficient a manner as possible and to provide added public safety communications resources tailored to their specific needs, this legislation gives the Governors the authority to lease, sell, or otherwise dispose of any extra channel capacity they may have. This will enable them to procure new technology or services that will further improve the effectiveness of public safety communications. The remainder of the money raised at auction would be used for deficit reduction.

Mr. President, in closing, this is a fair bill. The spectrum is owned by the public and the public should benefit from its use. This plan benefits the public in two ways: It helps protect the public by augmenting police and fire services, and it helps pay down the deficit.

Mr. President, I hope my colleagues will support this measure. 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. 255

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 ''Law Enforcement and Public Safety Telecommunications Empowerment Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Improvements in technology have made it possible for television broadcast stations to offer advanced television services.

(2) To facilitate the transition to advanced television services, the Federal Communications Commission is issuing additional licenses to existing broadcast licensees and permittees under section 336 of the Communications Act of 1934 (47 U.S.C. 336).

(3) As part of the transition to advanced television services, the Federal Communications Commission will develop and implement an allotment plan that will permit the repacking of television broadcast station licenses into a smaller segment of the Very High Frequency and Ultra High Frequency bands than presently used for broadcast television.

(4) Implementation of the advanced television service transition plan will enable the Federal Communications Commission to allocate spectrum to other purposes.

(5) Implementation of the advanced television service transition plan will permit recovery for the public of a portion of the value of the public spectrum resource made available for commercial use.

(6) Many of the State and local agencies responsible for law enforcement and public safety have inadequate spectrum and inadequate funding to maintain the existing level of, or to effect improvements in, the radio communications on which they depend to perform their missions.

(7) Implementation of the advanced television service transition plan will permit State and local law enforcement and public safety agencies to secure additional spectrum and additional funding for mission-related activities.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) ''Board'' means the Board of Directors of the Institute;

(2) ''Director'' means the Executive Director of the Institute;

(3) ''Governor'' means the Chief Executive Officer of a State;

(4) ''Institute'' means the Public Safety Telecommunications Institute;

(5) ''recipient'' means any grantee, contractor, or recipient of financial assistance under this Act; and

(6) ''State'' means any State of the United States and includes the District of Columbia.

SEC. 4. RECLAMATION OF SPECTRUM.

(a) COMMISSION ACTION.—Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end thereof the following:

''SEC. 337. RECLAMATION AND REALLOCATION OF SPECTRUM FOR LAW ENFORCEMENT, PUBLIC SAFETY, AND COMMERCIAL PURPOSES.

''(a) IN GENERAL.—The Commission may not issue new broadcast station licenses in the spectrum between 746 and 806 megahertz after the date of enactment of the Law Enforcement and Public Safety Telecommunications Empowerment Act, except as provided by this section and that Act.

''(b) INCUMBENT BROADCAST LICENSEES.—Any person who, on the date of enactment of that Act, holds a license to operate a television broadcasting station, or a permit to construct such a station, between 746 and 806 megahertz—

''(1) may not operate at that frequency after the date on which the advanced television services transition period terminates, as determined by the Commission; and

''(2) shall surrender any license to operate such a television broadcast station, or permit to construct such a television broadcasting station, to the Commission for reallocation under this Act within 30 days after that date.

''(c) SPECTRUM BETWEEN 746 AND 806 MEGAHERTZ.—

''(1) PUBLIC SAFETY.—Within 30 days after the date of enactment of that Act, the Commission shall allocate and assign 24 megahertz of electromagnetic spectrum to law enforcement and public safety use. The provisions of chapter 5 of title 5, United States Code, do not apply to the allocation and assignment of spectrum under this paragraph, and such allocation and assignment shall be carried out as expeditiously as possible without regard to any other provision of law or regulation thereunder relating to notice and opportunity for a hearing.

''(2) COMMERCIAL USE.—Within 1 year after the date of enactment of that Act, the Commission shall allocate 36 megahertz of electromagnetic spectrum between 746 and 806 megahertz for commercial uses.

''(d) TRANSFER OF ASSIGNMENT AUTHORITY.—The Commission shall transfer to the Public Safety Telecommunications Institute established under section 8 of that Act the right to assign spectrum allocated under subsection (c)(2) in accordance with this section and the provisions of that Act.

''(e) ASSIGNMENT BY PUBLIC SAFETY TELECOMMUNICATIONS INSTITUTE.—Within 5 years after the date of enactment of that Act, the Institute shall assign licenses for the commercial use of the spectrum for which assignment authority was transferred to it under subsection (d) by competitive bidding carried out in a manner consistent with section 309(j) of this Act. The Institute shall work closely with the Commission in assigning licenses for the commercial use of that spectrum, and shall make such assignments in accordance with rules established by the Commission.

''(f) SEQUENTIAL ASSIGNMENT OF SURPLUS PUBLIC SAFETY SPECTRUM.—If the Governor of any State to which spectrum is assigned for law enforcement and public safety purposes determines that a portion of that spectrum is excess to the needs of the State for such purposes, then the Governor may lease, sell, or otherwise assign any such excess portion to any person for any lawful purpose under this Act under such terms and conditions as the Governor may require. Any term used in this subsection that is defined in section 3 of the Law Enforcement and Public Safety Telecommunications Empowerment Act has the meaning given to it by that section.

''(g) EFFECTIVE DATE FOR AUCTIONED SPECTRUM.—Licenses assigned under subsection (e) shall become effective on the day after the date on which the advanced television services transition period terminates, as determined by the Commission. A license assigned under subsection (f) shall become effective on the next business day following the date on which it is assigned.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Communications Act of 1934 is amended by inserting after the item relating to section 336 the following:

''337. Reclamation and reallocation of spectrum for law enforcement, public safety, and commercial purposes

SEC. 5. USE OF PROCEEDS FROM AUCTION.

(a) ESTABLISHMENT OF ACCOUNT.—There is hereby established on the books of the Treasury an account for the proceeds of the auction conducted under section 8(b). Except as provided in subsections (b) and (c), all proceeds from that auction shall be deposited in

the Treasury in accordance with chapter 33 of title 31, United States Code, and credited to the account established by this subsection.

(b) LAW ENFORCEMENT AND PUBLIC SAFETY.—

(1) AMOUNT.—Out of the amounts received from the auction of spectrum under section 8(b), the Institute shall retain amounts equal to 10 percent of the sum of the amounts credited to that account, but not less than $200,000,000 nor more than $750,000,000, for use in funding State and local law enforcement and public safety agencies' mission-related radio communications capabilities.

(2) ALLOCATION AMONG STATES.—Amounts retained under paragraph (1) shall be distributed to each State in proportion to its share of the population of the United States according to the latest decennial census, subject to such procedures and conditions as the Commission may establish to ensure proper accounting for the use of distributed amounts.

(3) USE OF AMOUNTS RECEIVED.—The chief executive officer of each State shall use amounts received under this section exclusively for the purpose for which such amounts are authorized under this Act. In administering any amounts received under this section, that chief executive officer shall give due regard to opportunities that—

(A) commercially-provided services; and

(B) the sharing of resources and facilities by law enforcement and public safety agencies,

afford for improved and more efficient law enforcement and public safety radio communications.

(c) ADMINISTRATIVE EXPENSES.—

(1) INSTITUTE.—Out of amounts received from the auction under section 8(b) of this Act remaining after provision is made for the distribution under subsection (b) of this section, the Institute shall—

(A) retain such amounts as may be necessary to fund its administrative expenses; and

(B) transfer to the Federal Communications Commission such sums as may be necessary to compensate it for its costs incurred in support of the Institute's operations.

(2) FEDERAL COMMUNICATIONS COMMISSION.—The salaries and expenses account of the Commission shall retain as an offsetting collection such sums as may be transferred to the Commission under paragraph (1) to cover the costs of developing and implementing the program required by this Act. Such offsetting collections shall be available for obligation subject to the terms and conditions of the receiving appropriations account, and shall be deposited in such accounts on a quarterly basis. Any funds appropriated to the Commission for fiscal year during which the auction generates proceeds shall be used by the Commission to implement this Act. Such offsetting collections are authorized to remain available until expended.

SEC. 6. PERMANENT AUCTION AUTHORITY.

Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by striking paragraph (11) and redesignating paragraphs (12) and (13) as paragraphs (11) and (12).

SEC. 7. RELATIONSHIP TO OTHER LAW.

(a) IN GENERAL.—Nothing in this Act, or in section 309(j) or 337 of the Communications Act of 1934 (as added by this Act), may be construed as a violation of any provision of the Omnibus Budget Reconciliation Act of 1990, or any other provision of law prohibiting or limiting the earmarking of revenues.

(b) EFFECTIVE DATE.—The provisions of subsection (a) apply to any auction of spectrum under this Act, or under the Communications Act of 1934, that takes place after January 31, 1997.

SEC. 8. PUBLIC SAFETY TELECOMMUNICATIONS INSTITUTE.

(a) ESTABLISHMENT; PURPOSE; INCORPORATION; POWERS.—There is established a private nonprofit corporation which shall be known as the Public Safety Telecommunications Institute. The purposes of the Institute are—

(1) to auction and assign spectrum in accordance with section 337 of the Communications Act of 1934 and this Act;

(2) to award grants and contracts under this Act;

(3) to certify programs that are intended to use funds made available under this Act to aid and improve State law enforcement and public safety telecommunications systems; and

(4) to carry out its other duties under this Act. The Institute may be incorporated in any State under section 9(a) of this Act. To the extent consistent with the provisions of this Act, the Institute may exercise the powers conferred upon a nonprofit corporation by the laws of the State in which it is incorporated.

(b) DUTIES.—

(1) IN GENERAL.—The Institute shall—

(A) auction spectrum transferred to it under section 337 of the Communications Act of 1934 in accordance with section 309(j) of the Communications Act of 1934;

(B) assign licenses for the commercial use of such spectrum in accordance with section 337; and

(C) administer the proceeds received from the auction in accordance with the provisions of this Act.

(2) APPLICATION OF SECTION 309(j).—For the purpose of applying section 309(j) of the Communications Act of 1934 to the Institute—

(A) the term ''Institute'', as defined in section 3 of this Act, shall be substituted for ''Commission'' each place it appears; and

(B) paragraph (8) of section 309(j) of such Act shall not apply.

(c) MAINTENANCE OF OFFICES IN STATE OF INCORPORATION; AGENT FOR RECEIPT OF SERVICE OF PROCESS.—The Institute shall maintain its principal offices in the State in which it is incorporated and shall maintain therein a designated agent to accept service of process for the Institute. Notice to or service upon the agent shall be deemed notice to or service upon the Institute.

(d) TAX STATUS OF INSTITUTE AND PROGRAMS ASSISTED THEREBY.—The Institute, and any program assisted by the Institute, shall be eligible to be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 170(c)(2)(B)) and as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) which is exempt from taxation under section 501(a) of such Code (26 U.S.C. 501(a)). If such treatments are conferred in accordance with the provisions of such Code, the Institute, and programs assisted by the Institute, shall be subject to all provisions of such Code relevant to the conduct of organizations exempt from taxation.

(f) RULES, REGULATIONS, ETC.; NOTICE AND COMMENT.—The Institute shall afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, guidelines, and instructions under this Act, and it shall publish in the Federal Register all rules, regulations, guidelines, and instructions. The publication of a substantive rule shall not be made less than 30 days before the effective date of such rule, except as otherwise provided by the Institute for good cause found and published with the rule.

SEC. 9. BOARD OF DIRECTORS.

(a) APPOINTMENT AND MEMBERSHIP.—

(1) The Institute shall be supervised by a Board of Directors, consisting of—

(A) 6 members to be appointed by the President, by and with the advice and consent of the Senate; and

(B) the Chairman of the Federal Communications Commission, ex officio.

(2) The President shall make the initial appointments of members of the Board under this subsection 90 days after the effective date of this Act. In the case of any other appointment of a member, the President shall make the appointment not later than 90 days after the previous term expires or the vacancy occurs, as the case may be.

(3) The initial members of the Board of Directors shall be the incorporators of the Institute and shall determine the State in which the Institute is to be incorporated.

(b) TERM OF OFFICE.—

(1) Except as provided in paragraph (2), the term of each appointed member of the Board shall be 5 years. Each such member of the Board shall continue to serve until the successor to such member has been appointed and qualified.

(2) Three of the members first appointed by the President shall serve for a term of 2 years. Any member appointed to serve an unexpired term which has arisen by virtue of the death, disability, retirement, or resignation of a member shall be appointed only for such unexpired term, but shall be eligible for reappointment.

(3) The term of initial members shall commence from the date of the first meeting of the Board, and the term of each member other than an initial member shall commence from the date of termination of the preceding term.

(c) REAPPOINTMENT.—No member shall be reappointed to more than 2 consecutive terms immediately following such member's initial term.

(d) COMPENSATION; REIMBURSEMENT FOR EXPENSES.—Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(e) STATUS OF MEMBERS OF BOARD AS OFFICERS AND EMPLOYEES OF UNITED STATES.—The members of the Board shall not, by reason of such membership, be considered officers or employees of the United States.

(f) VOTING RIGHTS OF BOARD MEMBERS; QUORUM; ACTION OF BOARD ON CONCURRENCE OF MAJORITY.—Each member of the Board shall be entitled to one vote. A simple majority of the membership shall constitute a quorum for the conduct of business. The Board shall act upon the concurrence of a simple majority of the membership present and voting.

(g) CHAIRMAN; INITIAL SELECTION AND TERM OF OFFICE; SUBSEQUENT ANNUAL ELECTION.—The Board shall select from among the appointed members of the Board a chairman, the first of whom shall serve for a term of 3 years. Thereafter, the Board shall annually elect a chairman from among its appointed members.

(h) GROUNDS FOR REMOVAL OF MEMBERS.—An appointed member of the Board may be removed by a vote of 4 members for malfeasance in office, persistent neglect of, or inability to discharge duties, or for any offense involving moral turpitude, but for no other cause.

(i) QUARTERLY MEETINGS OF BOARD; SPECIAL MEETINGS.—Regular meetings of the Board shall be held quarterly. Special meetings shall be held from time to time upon the call of the chairman, acting at his own discretion or pursuant to the petition of any 3 members.

(j) OPEN MEETINGS.—All meetings of the Board, any executive committee of the Board, and any council established in connection with this Act, shall be open and subject to the requirements and provisions of

section 552b of title 5, United States Code, relating to open meetings.

(k) DUTIES AND FUNCTIONS OF BOARD.—In its direction and supervision of the activities of the Institute, the Board shall—

(1) establish policies and develop such programs for the Institute that will further the achievement of its purpose and performance of its functions;

(2) establish policy and funding priorities and issue rules, regulations, guidelines, and instructions pursuant to such priorities;

(3) appoint and fix the duties of the Executive Director of the Institute, who shall serve at the pleasure of the Board and shall be a nonvoting ex officio member of the Board;

(4) present to other Government departments, agencies, and instrumentalities whose programs or activities relate to the employment of telecommunications in connection with law enforcement and public safety, the recommendations of the Institute for the improvement of such programs or activities; and

(6) award grants and enter into cooperative agreements or contracts pursuant to section 11.

SEC. 10. OFFICERS AND EMPLOYEES.

(a) DUTIES OF DIRECTOR; APPOINTMENT AND REMOVAL OF EMPLOYEES; POLITICAL TESTS OR QUALIFICATIONS PROHIBITED.—

(1) The Director, subject to general policies established by the Board, shall supervise the activities of persons employed by the Institute and may appoint and remove such employees as he determines necessary to carry out the purposes of the Institute. The Director shall be responsible for the executive and administrative operations of the Institute, and shall perform such duties as are delegated to such Director by the Board and the Institute.

(2) No political test or political qualification shall be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, agent, or employee of the Institute, or in selecting or monitoring any grantee, contractor, person, or entity receiving financial assistance under this Act.

(b) COMPENSATION.—Officers and employees of the Institute shall be compensated at rates determined by the Board, but not in excess of the rate of level V of the Executive Schedule specified in section 5316 of title 5, United States Code.

(c) STATUS OF INSTITUTE AS DEPARTMENT, AGENCY, OR INSTRUMENTALITY OF FEDERAL GOVERNMENT; AUTHORITY OF OFFICE OF MANAGEMENT AND BUDGET.—

(1) Except as otherwise specifically provided in this Act, the Institute shall not be considered a department, agency, or instrumentality of the Federal Government.

(2) This Act does not limit the authority of the Office of Management and Budget to review and submit comments upon the Institute's annual budget request at the time it is transmitted to the Congress.

(d) STATUS OF OFFICERS AND EMPLOYEES OF INSTITUTE AS OFFICERS AND EMPLOYEES OF UNITED STATES.—

(1) Except as provided in paragraph (2), officers and employees of the Institute shall not be considered officers or employees of the United States.

(2) Officers and employees of the Institute shall be considered officers and employees of the United States solely for the purposes of the following provisions of title 5, United States Code; Subchapter I of chapter 81 (5 U.S.C. 8101 et seq.) (relating to compensation for work injuries); chapters 83 and 84 (5 U.S.C. 8301 et seq. and 8401 et seq.) (relating to civil service retirement); chapter 87 (5 U.S.C. 8701 et seq.) (relating to life insurance); and chapter 89 (5 U.S.C. 8901 et seq.) (relating to health insurance). The Institute shall make contributions under the provisions referred to in this subsection at the same rates applicable to agencies of the Federal Government.

(e) FREEDOM OF INFORMATION REQUIREMENTS.—The Institute and its officers and employees shall be subject to the provisions of section 552 of title 5, United States Code, relating to freedom of information.

SEC. 11. GRANTS AND CONTRACTS.

(a) AUTHORITY OF INSTITUTE; PURPOSE OF GRANTS.—The Institute is authorized—

(1) to award grants and enter into cooperative agreements or contracts, in a manner consistent with subsection (b);

(2) to evaluate, when appropriate, the programs and projects carried out under this Act to determine the extent to which they have met or failed to meet the purposes of this Act; and

(3) to encourage, assist, and serve in a consulting capacity to State and local law enforcement and public safety system agencies in the development, maintenance, and coordination of telecommunications programs and services.

(b) PRIORITY IN MAKING AWARDS; ALTERNATIVE RECIPIENTS; APPROVAL OF APPLICATIONS; RECEIPT AND ADMINISTRATION OF FUNDS; ACCOUNTABILITY.—The Institute may award grants and enter into cooperative agreements or contracts as follows:

(1) The Institute may award grants to or enter into cooperative agreements or contracts with the chief executive officer of each State to carry out the purposes of this Act.

(2) The Institute may, if the objective can better be served thereby, award grants to or enter into cooperative agreements or contracts with—

(A) other nonprofit organizations with expertise in law enforcement and public safety telecommunication;

(B) institutions of higher education;

(C) individuals, partnerships, firms, or corporations; and

(D) private agencies with expertise in law enforcement and public safety telecommunication administration.

(3) The Institute may enter into contracts with Federal agencies to carry out the purposes of this Act.

(c) PERMISSIBLE USES OF FUNDS.—Funds available pursuant to grants, cooperative agreements, or contracts awarded under this section may be used—

(1) to assist State and local law enforcement and public safety administrations in establishing, improving, and integrating telecommunications;

(2) to support education and training programs for law enforcement and public safety officials and other state and local personnel in the effective use of telecommunications in carrying out their law enforcement and public safety functions;

(3) to support studies of the adequacy of law enforcement and public safety telecommunications systems for State and local governments and to implement and evaluate innovative responses to law enforcement and public safety telecommunications problems; and

(4) to carry out such other programs, consistent with the purposes of this Act, as may be deemed appropriate by the Institute.

SEC. 12. LIMITATIONS ON GRANTS AND CONTRACTS.

(a) DUTIES OF INSTITUTE.—With respect to grants made and contracts or cooperative agreements entered into under this Act, the Institute shall—

(1) ensure that no funds made available to recipients by the Institute shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any Executive order or similar promulgation by any State or local agency, or to undertake to influence the passage or defeat of any legislation or constitutional amendment by the Congress of the United States, or by any State or local legislative body, or any State proposal by initiative petition, or of any referendum, unless a governmental agency, legislative body, a committee, or a member thereof—

(A) requests personnel of the recipients to testify, draft, or review measures or to make representations to such agency, body, committee, or member; or

(B) is considering a measure directly affecting the activities under this Act of the recipient or the Institute; and

(2) ensure all personnel engaged in grant, cooperative agreement, or contract assistance activities supported in whole or part by the Institute refrain, while so engaged, from any partisan political activity.

(b) PROHIBITED USES OF FUNDS.—To ensure that funds made available under this Act are used to supplement and improve the operation of State and local government law enforcement and public safety telecommunications systems, rather than to support basic existing systems, funds shall not be used—

(1) to supplant State or local funds currently supporting a program or activity; or

(2) to construct telecommunications facilities or structures, except to remodel existing facilities to demonstrate new architectural or technological techniques, or to provide temporary facilities for new personnel or for personnel involved in a demonstration or experimental program.

SEC. 13. RESTRICTIONS ON ACTIVITIES OF THE INSTITUTE.

(a) ISSUANCE OF SHARES OF STOCK; DECLARATION OF DIVIDENDS; COMPENSATION FOR SERVICES; REIMBURSEMENT FOR EXPENSES; POLITICAL ACTIVITIES.—

(1) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the Institute shall enure to the benefit of any director, officer, or employee, except as reasonable compensation for services or reimbursement for expenses.

(3) Neither the Institute nor any recipient shall contribute or make available Institute funds or program personnel or equipment to any political party or association, or the campaign of any candidate for public or party office.

(4) The Institute shall not contribute or make available Institute funds or program personnel or equipment for use in advocating or opposing any ballot measure, initiative, or referendum.

(c) IDENTIFICATION OF INSTITUTE WITH POLITICAL ACTIVITIES.—Officers and employees of the Institute or of recipients shall not at any time intentionally identify the Institute or the recipient with any partisan or nonpartisan political activity associated with a political party or association, or the campaign of any candidate for public or party office.

SEC. 14. PRESIDENTIAL COORDINATION.

The President may, to the extent not inconsistent with any other applicable law, direct that appropriate support functions of the Federal Government may be made available to the Institute in carrying out its functions under this Act.

SEC. 15. RECORDS AND REPORTS.

(a) REPORTS.—The Institute is authorized to require such reports as it deems necessary from any recipient with respect to activities carried out pursuant to this Act.

(b) RECORDS.—The Institute is authorized to prescribe the keeping of records with respect to funds provided by any grant, cooperative agreement, or contract under this Act and shall have access to such records at all reasonable times for the purpose of ensuring compliance with such grant, cooperative agreement, or contract or the terms and conditions upon which financial assistance was provided.

(c) SUBMISSION OF COPIES OF REPORTS TO RECIPIENTS; MAINTENANCE IN PRINCIPAL OFFICE OF INSTITUTE; AVAILABILITY FOR PUBLIC INSPECTION; FURNISHING OF COPIES TO INTERESTED PARTIES.—Copies of all reports pertinent to the evaluation, inspection, or monitoring of any recipient shall be submitted on a timely basis to such recipient, and shall be maintained in the principal office of the Institute for a period of at least 5 years after such evaluation, inspection, or monitoring. Such reports shall be available for public inspection during regular business hours, and copies shall be furnished, upon request, to interested parties upon payment of such reasonable fees as the Institute may establish.

SEC. 16. AUDITS.

(a) TIME AND PLACE OF AUDITS; STANDARDS; AVAILABILITY OF BOOKS, ACCOUNTS, FACILITIES, ETC., TO AUDITORS; FILING OF REPORT AND AVAILABILITY FOR PUBLIC INSPECTION.—

(1) The accounts of the Institute shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified by a regulatory authority of the jurisdiction in which the audit is undertaken.

(2) The audits shall be conducted at the place or places where the accounts of the Institute are normally kept. All books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Institute and necessary to facilitate the audits shall be made available to the person or persons conducting the audits. The full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to any such person.

(3) The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the Institute.

(b) ADDITIONAL AUDITS; REQUIREMENTS; REPORTS AND RECOMMENDATIONS TO CONGRESS AND ATTORNEY GENERAL.—

(1) In addition to the annual audit, the financial transactions of the Institute for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States.

(2) Any such audit shall be conducted at the place or places where accounts of the Institute are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Institute and necessary to facilitate the audit. The full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such representatives. All such books, accounts, financial records, reports, files, and other papers or property of the Institute shall remain in the possession and custody of the Institute throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, and other papers or property for a longer period under section 3523(c) of title 31, United States Code.

(3) A report of such audit shall be made by the Comptroller General to the Congress and to the Attorney General, together with such recommendations with respect thereto as the Comptroller General deems advisable.

(c) ANNUAL AUDITS BY INSTITUTE OR RECIPIENTS; REPORTS; SUBMISSION OF COPIES TO COMPTROLLER GENERAL; INSPECTION OF BOOKS, ACCOUNTS, ETC.; AVAILABILITY OF AUDIT REPORTS FOR PUBLIC INSPECTION.—

(1) The Institute shall conduct, or require each recipient to provide for, an annual fiscal audit of the use of funds received under this Act. The report of each such audit shall be maintained for a period of at least 5 years at the principal office of the Institute.

(2) The Institute shall submit to the Comptroller General of the United States copies of such reports, and the Comptroller General may, in addition, inspect the books, accounts, financial records, files, and other papers or property belonging to or in use by such grantee, contractor, person, or entity, which relate to the disposition or use of funds received from the Institute. Such audit reports shall be available for public inspection during regular business hours, at the principal office of the Institute.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 256. A bill to amend the Commodity Exchange Act to require the Commodity Futures Trading Commission to regulate certain cash markets, such as the National Cheese Exchange, until the Commission determines that the market do not establish reference points for other transactions, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE NATIONAL CHEESE EXCHANGE OVERSIGHT AND IMPROVEMENT ACT

● Mr. KOHL. Mr. President, I am introducing legislation to address a matter of great concern to all dairy farmers in the Nation—the lack of a credible milk-pricing system. Though there are many aspects of the milk-pricing system in need of reform, the legislation that I am introducing today seeks to address concerns about the potential for manipulation on the National Cheese Exchange [NCE] in Green Bay, WI, and the influence of the NCE on farmers' milk prices.

Last year, a 3-year study funded by USDA, and conducted by economists at the University of Wisconsin-Madison, highlighted the flaws of the National Cheese Exchange. Specifically, the report showed that although less than 1 percent of the nation's cheese is traded on the exchange, the price resulting from the exchange's weekly trading sessions acts as a reference price for nearly 95 percent of the commercial bulk cheese sales in the country. Further, the NCE price is also used by the U.S. Department of Agriculture as a factor in calculating the monthly minimum price that farmers receive for their milk.

The report raised serious concerns about the appropriateness of allowing a market that is as thinly traded, highly concentrated, unregulated, and subject to manipulation as the NCE to have such extreme influence over farmers' milk checks and national cheese prices.

Since the report was released, a great deal of time has been devoted to a discussion of whether certain companies or cooperatives have intentionally manipulated the exchange. I personally asked the Department of Justice and the Federal Trade Commission to review the report, to determine if any antitrust laws had been violated. While I am not convinced that either agency gave much attention to the matter, both replied that they saw no sign of illegality in the activities by large traders on the NCE.

While these questions of legality and manipulation are valid, they are questions that may never be resolved to anyone's satisfaction. Ultimately what I believe to be the most important exercise is to find a market that will be more reflective of supply and demand, and to eliminate any potential for manipulation in price discovery. Farmers and consumers alike deserve to know that markets are fair and aboveboard.

With that goal in mind, my colleagues from Wisconsin, Senator FEINGOLD and Congressman OBEY, and I have worked continuously on several initiatives to create and promote alternative price discovery mechanisms, and to urge Federal and State regulatory agencies to exercise any authorities they might have to oversee the operations of the exchange.

NEED FOR AN ALTERNATIVE CASH MARKET FOR CHEESE

With regard to the possible establishment of alternative cash markets for cheese, several months ago, Senator FEINGOLD and I asked the Coffee, Sugar, and Cocoa Exchange [CSCE] to explore the possibility of establishing such an alternative. The CSCE, which already trades futures contracts for cheese, is regulated by the U.S. Commodity Futures Trading Commission, and imposes strict self-regulatory guidelines on its traders as well.

Further, there is some hope that the establishment of cash market for cheese on the CSCE, and the more direct connection to the existing cheese futures trading business, would lead to an increased volume of trading on both the cash and futures markets for cheese.

I have been very pleased to see that the CSCE is seriously considering our proposal, and is actively exploring the possibility of creating a cash market for cheese in the near term. While there is no guarantee that such a market will be successful, it is my hope that the CSCE leadership will opt to establish such a market, and will establish and enforce guidelines to assure that the new market does not merely mimic the flaws of the National Cheese Exchange.

However, even if the CSCE decides to establish an alternative market for

cheese, it will be some time before the influence of the National Cheese Exchange over farmers' milk prices and national cheese prices is diminished. Therefore, I have tried to deal with that problem directly and immediately.

EFFORTS TO REDUCE THE INFLUENCE OF THE NCE ON FARMERS' MILK PRICES

First, since I believe that it is inappropriate for an unregulated and thinly traded market like the NCE to be used in setting farmers' milk prices, I and other members of the Wisconsin congressional delegation have asked Secretary Glickman to delink the NCE from the calculation of the basic formula price [BFP]. Therefore, I was very pleased last week when Secretary Glickman announced a 60-day comment period to solicit comments about whether to delink the NCE from the calculation of the BFP. I am hopeful that this process will free farmers' milk checks from the direct connection to NCE within a few short months.

But even if the Secretary decides to eliminate the direct link between the NCE price and the basic formula price, farmers' milk prices will still be indirectly linked to the NCE, as long as industry leaders continue to use the NCE as a reference price for forward contracts for bulk cheese. Since cheese is such a dominant end product for milk, especially in Wisconsin, as long as cheese prices are set off the NCE, the NCE will be remain a major factor in milk prices.

That is why, in the long term, I believe the creation of an alternative market for cheese, which could become the new reference price for bulk cheese contracts, will be in the best interest of farmers, consumers, and cheese manufacturers.

However, until that happens, we must continue in the efforts to fix some of the flaws of the National Cheese Exchange. And it is with that purpose that I am introducing the National Cheese Exchange Oversight and Improvement Act, to require the U.S. Commodity Futures Trading Commission to oversee the activities of the NCE.

LEGISLATION NEEDED TO REQUIRE FEDERAL REGULATORY OVERSIGHT OF THE NCE

In October of 1996, Senator FEINGOLD, Congressman OBEY, and I wrote to the CFTC to urge them to oversee the activities of the National Cheese Exchange. This month, we received a response letter explaining that the CFTC, as a futures market regulatory agency, has very limited authority over cash markets. In the letter, CFTC Acting Director Theodore C. Barreaux states,

The Commodity Exchange Act does not provide the CFTC with regulatory jurisdiction over the day-to-day operations of cash commodity markets * * * The Commodity Exchange Act does confer on the CFTC the authority to investigate possible manipulation of cash markets and to impose sanctions based on its findings, if appropriate. Historically, given the Commission's principal regulatory responsibility over futures and options markets and its relatively limited resources, the CFTC has focused its investigative attention on cash market activity that involves possible adverse impact on one or more of the numerous futures and option markets which it regulates.

However, it seems very likely that the industrywide concern about the lack of viability of the cash market for cheese, is a direct factor in the reluctance of the industry to participate more fully in the trading of futures contracts for cheese on the CSCE. Therefore, I believe that the NCE does have a more direct nexus with the futures market than the CFTC is acknowledging.

However, accepting CFTC's claim that it lacks the necessary authority to oversee or regulate the NCE, this legislation is intended to give the Commission the explicit authority to do so, at least until the Commission determines that the NCE is no longer acting as a reference price for commercial sales of bulk cheese of the NCE.

While I understand the concern of the Commission that requiring CFTC regulation of cash markets would open a Pandora's box of new work for the Commission, the bill has been written in a very narrow manner, so as only to require regulation of the NCE, or other concentrated cash markets that share the specific flaws of the NCE.

I believe there are certain circumstances where a cash market has such great influence over national prices, and is so subject to manipulation, that it needs to be regulated. And the cheese exchange is perhaps the best example of that.

When you have a cash market that is very thinly traded, completely unregulated, and used as a reference price for both raw product prices paid to farmers and commercial end product sales, something must be done to bring some credibility to the market.

It is my hope that this legislation could be attached as an amendment to the Commodity Exchange Act reauthorization, which is on the Senate Agriculture Committee agenda for early action this year. I look forward to working with Chairman LUGAR, Senator HARKIN, and the other members of the committee to assure that the necessary Federal oversight of the NCE is put in place.

Further, I welcome my colleague Senator FEINGOLD as an original cosponsor of this legislation, and thank Congressman OBEY and other members of the Wisconsin House delegation for introducing companion legislation in the House today as well. It is very gratifying that the Wisconsin delegation is working cooperatively and constructively in advancing these necessary dairy pricing reforms.

In that regard, I am also pleased to be an original cosponsor of the Milk Price Discovery Improvement Act of 1997, as introduced today by Senator FEINGOLD. This legislation will make the U.S. Department of Agriculture an equal partner in the NCE reform efforts by: First, requiring USDA to delink the NCE opinion price from the USDA basic formula price [BFP], which establishes minimum milk prices paid to farmers; second, requires USDA to take steps to improve price discovery for cheese, in order to reduce the influence of the NCE on farmers' milk prices; and third, requires USDA to prohibit competitive practices on any cash market that may affect milk prices regulated under Federal milk marketing orders.

While my legislation requires CFTC oversight of the NCE and its day-to-day rules of operation, Senator FEINGOLD's legislation requires USDA authority to prohibit anticompetitive actions by traders on the NCE. These two roles are entirely compatible and complementary.

Mr. President, I ask unanimous consent that the bill summary, and the full text of the bill, be included in the RECORD.

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

S. 256

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 ''National Cheese Exchange Oversight and Improvement Act of 1997''.

SEC. 2. FINDINGS.

The Congress finds that the operation of the National Cheese Exchange and other cash markets is of national concern and in need of Federal oversight because of the following:

(1) The National Cheese Exchange, located in Green Bay, Wisconsin, is the dominant cash market for bulk cheese in the United States.

(2) While less than 1 percent of the cheese produced in the United States is sold on the National Cheese Exchange, the price determined by the National Cheese Exchange acts as a reference price for as much as 95 percent of the commercial cheese transactions conducted in the United States.

(3) A three-year federally funded investigation into the activities of the National Cheese Exchange determined that the National Cheese Exchange is very thinly traded, highly concentrated, completely unregulated, and subject to manipulation.

(4) The Coffee, Sugar, and Cocoa Exchange in New York, an exchange regulated by the Commodity Futures Trading Commission, trades futures contracts for cheese.

(5) The low volume in trading of cheese futures contracts on the Coffee, Sugar, and Cocoa Exchange is partially related to concerns about the lack of viability, and potential for manipulation, in the dominant cash market for cheese, the National Cheese Exchange.

(6) The National Cheese Exchange is completely unregulated by any Federal or State agency.

(7) The Commodity Futures Trading Commission claims a lack of authority to regulate or oversee the National Cheese Exchange and similar cash markets.

SEC. 3. COMMODITY FUTURES TRADING COMMISSION REGULATION OF NATIONAL CHEESE EXCHANGE AND SIMILAR CASH MARKETS.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 20 (7 U.S.C. 24) the following new section:

"SEC. 21. COMMISSION REGULATION OF NATIONAL CHEESE EXCHANGE AND SIMILAR CASH MARKETS.

''(a) DEFINITION OF CONCENTRATED CASH MARKET.—In this section, the term 'concentrated cash market' means—

''(1) the National Cheese Exchange located in Green Bay, Wisconsin; and

''(2) a cash market for a commodity if the Commission determines that—

''(A) the cash market is geographically centralized in the form of a market or exchange;

''(B) the cash market is very thinly traded or highly illiquid;

''(C) the price established by the cash market functions as a reference price for a majority of commercial transactions off the cash market for the commodity being traded;

''(D) trading in the cash market is concentrated among relatively few buyers and sellers;

''(E) the cash market is substantially unregulated by any other regulatory structure (including State regulation or self-regulation);

''(F) a futures market regulated under this Act also exists for the commodity that is being traded on the cash market; and

''(G) the instability, illiquidity, or potential for manipulation for on the cash market could be a deterrent to the use of the futures market for that commodity.

''(b) REGULATION OF CONCENTRATED CASH MARKETS.—In consultation with the Secretary of Agriculture, the Commission shall regulate a concentrated cash market under this Act until such time as the Commission determines that the concentrated cash market is not functioning as a reference price for a majority of commercial transactions off the cash market for the commodity being traded on the concentrated cash market.

''(c) SUBMISSION AND REVIEW OF OPERATING RULES.—The Commission shall require a cash market that is subject to this section to:

''(1) SUBMISSION REQUIRED.—The Commission shall require a concentrated cash market subject to regulation under subsection (b) to submit to the Commission for approval a set of rules governing the operation of the concentrated cash market; and

''(2) TIME FOR SUBMISSION.—In the case of the National Cheese Exchange, the operating rules required under this subsection shall be submitted not later than 90 days after the date of enactment of this section. In the case of other concentrated cash markets, the operating rules shall be submitted not later than 90 days after the date on which the Commission notifies the concentrated cash market that it is subject to regulation under this section.

''(3) NOTIFICATION OF COMMISSION ACTION.—The Commission shall promptly review operating rules submitted by a concentrated cash market under this subsection to determine whether the rules are sufficient to govern the operation of the concentrated cash market. Not later than 60 days after receiving the rules from a concentrated cash market, the Commission shall notify the concentrated cash market of the result of the review, including whether the rules are approved or disapproved. If disapproved, the Commission shall provide such recommendations regarding changes to the rules as the Commission considers necessary to secure approval and provide a schedule for resubmission of the rules.

''(4) SUBSEQUENT RULE CHANGES.—A concentrated cash market may not change approved operating rules unless the proposed change is also submitted to the Commission for review and the Commission approves the change in the manner provided in paragraph (3).

''(d) EFFECT OF FAILURE TO SUBMIT OR RECEIVE APPROVAL OF RULES.—Beginning one year after the date of the enactment of this section, the National Cheese Exchange may operate only in accordance with rules approved by the Commission under subsection (c). In the case of other concentrated cash markets, beginning one year after the date on which the concentrated cash market is notified that it is subject to regulation under this section, the concentrated cash market may operate only in accordance with rules approved by the Commission under subsection (c).''.

SUMMARY OF THE BILL

Amends the Commodity Exchange Act, to require the Commodity Futures Trading Commission (CFTC) to regulate the National Cheese Exchange (NCE), in consultation with USDA, until such time as the NCE is no longer used as a reference price for the majority of commercial cheese sales off the exchange.

Require the NCE (or any other cash market regulated by the CFTC as a result of this bill) to submit to the CFTC for approval a set of rules of operation, and to enforce those rules.

Further, the bill would give the CFTC authority to regulate other cash markets, if the conditions similar to those on the NCE were to occur on another cash market. Specifically, CFTC would be required to regulate a cash market when the following conditions coincide:

Trading is geographically centralized.

The cash market is very thinly traded or highly illiquid.

The price established by the market or exchange acts as a reference price for a majority of commercial transactions off the market.

The market is concentrated among relatively few buyers and sellers.

The market is substantially unregulated by any other regulatory structure (included state regulation or regulation by the market itself).

Manipulation on the cash market is a deterrent to the use of the futures market for the same commodity.●

By Mr. LUGAR (for himself, Mr. HARKIN, and Mr. LEAHY):

S. 257. A bill to amend the Commodity Exchange Act to improve the act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE COMMODITY EXCHANGE ACT AMENDMENTS OF 1997

Mr. LUGAR. Mr. President, today I am introducing, along with Senators HARKIN and LEAHY, legislation to amend the Commodity Exchange Act. This bill is very similar to S. 2077, which Senator LEAHY and I introduced last September after several months of hearings and informal consultations with industry, academics, and regulators. The legislation streamlines U.S. futures trading law, conforming it to changing competitive realities.

In many ways, regulation has benefited the U.S. futures industry. Prudent regulation enhances customer protection, prevents and punishes fraud and other abuses, and makes futures markets better able to provide risk management, price discovery, and investment opportunity.

Regulation, however, also has its costs. U.S. futures markets face competition that is, in some cases, less regulated or differently regulated. In the years ahead, our challenge is to balance the need for adequate regulation with the need to offer cost-competitive products.

This bill tries to strike such a balance. It requires the Commodity Futures Trading Commission to consider the costs for industry of the regulations it imposes. The bill streamlines the process of introducing new futures contracts, reducing the time that is required to begin trading these new products. It makes similar reforms to the process by which exchanges' rules are reviewed by the CFTC.

Where additional authority for the CFTC is needed, the bill provides it. The CFTC will have the authority to require U.S. delivery points for overseas futures markets to provide information that is also regularly demanded of American market participants. This is eminently reasonable, and may assist the CFTC and other regulators in the future if situations similar to the 1996 London copper market scandal recur.

The bill will also provide greater legal certainty for swaps, over-the-counter products that are of increasing importance to many businesses. It is important that these contracts' enforceability be made more certain, so that legal risk does not compound the other risks inherent in any financial transaction. In one important addition to last year's legislation, the new bill will also provide this legal certainty for swaps that are based on equities, as well as for hybrid instruments. In a more limited way, the bill will establish the terms of exemptions for on-exchange products traded solely among professional investors.

Another addition to last year's legislation is a major rewrite of the so-called Treasury amendment, a provision of the Commodity Exchange Act that excludes some financial products from its regulatory coverage. This controversial section is at best unclear, and needs a fresh look from Congress. I hope the proposals we have made in this bill—which are explained in a discussion document I will mention in a moment—will both stimulate dialog and find wide acceptance.

It is unfortunate that the CFTC and the Treasury Department, which discussed this subject at Senator LEAHY's and my request, were unable to agree on a common approach. However, the committee will work with both agencies as we move forward. Despite some differences in drafting, I believe the Treasury Department's ideas are basically consistent with what Senators HARKIN, LEAHY, and I have proposed. The Treasury did not propose, as we do, to allow futures exchanges to create professionals-only markets in Treasury amendment products. However, Senator HARKIN and I are informed that while the Treasury is still studying

this proposal, in principle the Department does not object to treating exchange affiliates in a manner similar to other sophisticated market participants.

The bill contains a number of other provisions. Senator HARKIN and I have prepared a section-by-section discussion document, which may be helpful to our colleagues.

On February 11 and 13, the committee will hold hearings on this legislation. It is a priority for the committee during the coming weeks and months.

I would like to thank Senator HARKIN for his extraordinary cooperation in putting this bill together. As the new ranking member of the committee, he has been gracious and collegial. Likewise, Senator LEAHY's efforts both last year and this year deserve special praise. I salute them both for their leadership.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

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

S. 257

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 ''Commodity Exchange Amendments Act of 1997''.

SEC. 2. TREASURY AMENDMENT.

Section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2) is amended by striking clause (ii) and inserting the following:

''(ii) TREASURY AMENDMENT.—

''(I) IN GENERAL.—Nothing in this Act shall be deemed to govern or in any way be applicable to transactions in or involving foreign currency, security warrants, security rights, resales of installment loan contracts, repurchase options, government securities, or mortgages and mortgage purchase commitments, unless such transactions involve the sale thereof to the general public for future delivery conducted on a board of trade.

''(II) OTHER AGENCIES.—Nothing in subclause (I) shall affect the powers of the Securities and Exchange Commission, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Department of the Treasury, the Federal Deposit Insurance Corporation, any agency of State government with the authority to charter, regulate, or license banks, or any State insurance regulatory agency, under this Act or any other provision of law.

''(III) DEFINITIONS.—

''(aa) BOARD OF TRADE; FOREIGN EXCHANGE TRANSACTIONS.—The term 'board of trade', as applied to foreign exchange transactions described in subclause (I), shall include unsupervised entities that are engaged in the systematic marketing of standardized, non-negotiable foreign currency transactions to retail investors.

''(bb) BOARD OF TRADE; GOVERNMENT SECURITIES.—The term 'board of trade', as used in subclause (I), shall not include a government securities dealer or government securities broker, to the extent the dealer or broker engage in transactions in government securities, as the terms 'government securities', 'government securities dealer', and 'government securities broker' are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

''(cc) GENERAL PUBLIC; RETAIL INVESTORS.—The Commission shall define the terms 'general public' as used in subclause (I) and 'retail investors' as used in item (aa), taking into account, to the extent practicable, section 4(c)(3) of this Act and section 35(b)(2) of title 17, Code of Federal Regulations. In carrying out the preceding sentence, the Commission shall not include in the definition of 'retail investors' a natural person with total assets that exceeds $10,000,000.

''(dd) OPTION.—For purposes of this clause, an 'option' shall be considered to be a transaction at the time it is purchased or sold and at the time, if any, that it is exercised.

''(IV) EMERGENCY AUTHORITY.—Nothing in this clause shall restrict the powers of the Commission under section 8a(9) as they apply to designated contract markets.''.

SEC. 3. HEDGING.

Section 3 of the Commodity Exchange Act (7 U.S.C. 5) is amended in the fourth sentence by striking ''through fluctuations in price''.

SEC. 4. DELIVERY POINTS FOR FOREIGN FUTURES CONTRACTS.

Section 4(b) of the Commodity Exchange Act (7 U.S.C. 6(b)) is amended—

(1) in the third sentence—

(A) by striking ''(1)'' and ''(2)'' and inserting ''(A)'' and ''(B)'', respectively; and

(B) by striking ''No rule'' and inserting ''Except as provided in paragraph (2), no rule'';

(2) by inserting ''(1)'' after ''(b)''; and

(3) by adding at the end the following:

''(2)(A) The Commission shall consult with a foreign government, foreign futures authority, or department, agency, governmental body, or regulatory organization empowered by a foreign government to regulate a board of trade, exchange, or market located outside the United States, or a territory or possession of the United States, that has 1 or more established delivery points in the United States, or a territory or possession of the United States, for a contract of sale of a commodity for future delivery that is made or will be made on or subject to the rules of the board of trade, exchange, or market.

''(B) In the consultations, the Commission shall endeavor to secure adequate assurances, through memoranda of understanding or any other means the Commission considers appropriate, that the presence of the delivery points will not create the potential for manipulation of the price, or any other disruption in trading, of a contract of sale of a commodity for future delivery traded on or subject to the rules of a contract market, or a commodity, in interstate commerce.

''(C) Any warehouse or other facility housing an established delivery point in the United States, or a territory or possession of the United States, described in subparagraph (A) shall—

''(i) keep books, records, and other information specified by the Commission pertaining to all transactions and positions in all contracts made or carried on the foreign board of trade, exchange, or market in such form and manner and for such period as may be required by the Commission;

''(ii) file such reports regarding the transactions and positions with the Commission as the Commission may specify; and

''(iii) keep the books and records open to inspection by a representative of the Commission or the United States Department of Justice.''.

SEC. 5. EXEMPTION AUTHORITIES.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6(c)) is amended by adding at the end the following:

''(e) PRIVATE TRANSACTION EXEMPTION.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(1), to the extent, if any, that an agreement, contract, or transaction (or class thereof) is otherwise subject to this Act, it shall be exempt from all provisions of this Act and any person or class of persons offering, entering into, rendering advice, or rendering other services with respect to the agreement, contract, or transaction (or class thereof), shall be exempt for the activity from all provisions of this Act (except in each case the provisions of sections 4b and 4o, any antifraud provision adopted by the Commission pursuant to section 4c(b), and the provisions of section 6(c) and 9(a)(2) to the extent the provisions prohibit manipulation of the market price of any commodity in interstate commerce for future delivery on or subject to the rules of any contract market) if—

''(A) the agreement, contract, or transaction (or class thereof) is entered into only between appropriate persons at the time the persons enter into the agreement, contract, or transaction (or class thereof);

''(B) the agreement, contract, or transaction (or class thereof) is not part of a fungible class of agreements, contracts, or transactions that are standardized as to their material economic terms;

''(C) the creditworthiness of any party having an actual or potential obligation under the agreement, contract, or transaction (or class thereof) would be a material consideration in entering into or determining the terms of the agreement, contract, or transaction (or class thereof), including pricing, cost, or credit enhancement terms of the agreement, contract, or transaction (or class thereof); and

''(D) the agreement, contract, or transaction (or class thereof) is not entered into and traded on or through a multilateral transaction execution facility.

''(2) EXCEPTIONS.—Paragraph (1) shall not preclude—

''(A) arrangements or facilities between parties to an agreement, contract, or transaction (or class thereof) that provide for netting of payment obligations resulting from the agreement, contract, or transaction (or class thereof);

''(B) arrangements or facilities among parties to an agreement, contract, or transaction (or class thereof) that provide for netting of payments resulting from the agreement, contract or transaction (or class thereof); or

''(C) the prohibition of transactions covered under section 32.2 of title 17, Code of Federal Regulations.

''(3) DEFINITION OF APPROPRIATE PERSON.—In paragraph (1), the term 'appropriate person' means—

''(A) a person (as defined in subsection (c)(3)); or

''(B) a natural person whose total assets exceed $10,000,000.

''(4) HYBRID INSTRUMENT EXEMPTION.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COMMODITY-DEPENDENT COMPONENT.—The term 'commodity-dependent component' means a component of a hybrid instrument, the payment of which results from indexing to, or calculation by reference to, the price of a commodity.

''(ii) COMMODITY-DEPENDENT VALUE.—The term 'commodity-dependent value' means the value of a commodity-dependent component, which when decomposed into an option payout or payouts, is measured by the absolute net value of the put option premia with strike prices less than or equal to the reference price plus the absolute net value of the call option premia with strike prices greater than or equal to the reference price, calculated as of the time of issuance of the hybrid instrument.

''(iii) COMMODITY-INDEPENDENT COMPONENT.—The term 'commodity-independent component' means the component of a hybrid instrument, the payments of which do

not result from indexing to, or calculation by reference to, the price of a commodity.

''(iv) COMMODITY-INDEPENDENT VALUE.—The term 'commodity-independent value' means the present value of the payments attributable to the commodity-independent component calculated as of the time of issuance of the hybrid instrument.

''(v) HYBRID INSTRUMENT.—The term 'hybrid instrument' means an equity or debt security or depository instrument with 1 or more commodity-dependent components that have payment features similar to commodity futures or commodity option contracts or combinations thereof.

''(vi) OPTION PREMIUM.—The term 'option premium' means the value of an option on the referenced commodity of the hybrid instrument, calculated by using—

''(I) the same method as that used to determine the issue price of the instrument; or

''(II) a commercially reasonable method appropriate to the instrument being priced where the premia are not explicitly calculated in determining the issue price of the instrument.

''(vii) REFERENCE PRICE.—The term 'reference price' means a price nearest the current spot or forward price, whichever is used to price the instrument, at which a commodity-dependent payment becomes non-zero, or, in the case in which 2 potential reference prices exist, the price that results in the greatest commodity-dependent value.

''(B) EXEMPTION.—Notwithstanding subsection (c)(1), a hybrid instrument is exempt from all provisions of this Act, and any person or class of persons offering, entering into, or rendering advice or other services with respect to the hybrid instrument is exempt for such activity from all provisions of this Act, if the following terms and conditions are satisfied:

''(i) The instrument is—

''(I) an equity or debt security (within the meaning of section 2(1) of the Securities Act of 1933 (15 U.S.C. 77b); or

''(II) a demand deposit, time deposit or transaction account within the meaning of subsections (b)(1),(c)(l), and (e) of section 204.2 of title 12, Code of Federal Regulations, respectively, that are offered by—

''(aa) an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

''(bb) an insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)); or

''(cc) a Federal or State branch or agency of a foreign bank (as defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101)).

''(ii) The sum of the commodity-dependent values of the commodity-dependent components is less than the commodity-independent value of the commodity-independent component.

''(iii) Provided that—

''(I) an issuer must receive full payment of the purchase price of the hybrid instrument, and a purchaser or holder of a hybrid instrument may not be required to make additional out-of-pocket payments to the issuer during the life of the instrument or at maturity;

''(II) the instrument is not marketed as a futures contract or a commodity option or, except to the extent necessary to describe the functioning of the instrument or to comply with applicable disclosure requirements, as having the characteristics of a futures contract or a commodity option; and

''(III) the instrument does not provide for settlement in the form of a delivery instrument that is specified as such in the rules of a designated contract market.

''(iv) The instrument is initially issued or sold subject to applicable Federal or State securities or banking laws to persons who are permitted under the laws to purchase or enter into the hybrid instrument.

''(C) PROVISION NOT EXEMPTED.—The prohibition of transactions covered under section 32.2 of title 17, Code of Federal Regulations, shall apply to a hybrid instrument under this paragraph.

''(5) APPLICATION OF EXEMPTIONS.—Subsection (c) shall not restrict the authority of the Commission to grant an exemption under this subsection that is in addition to or independent of an exemption provided under paragraph (1) or (4). An exemption provided under subsection (c) may not be applied in a manner that restricts the exemption provided under either paragraph (1) or (4).

''(6) EXEMPTION BY COMMISSION.—

''(A) IN GENERAL.—The Commission may exempt an agreement, contract, or transaction (or class thereof), or a hybrid instrument under this subsection, to the extent that the agreement, contract, or transaction (or class thereof), or hybrid instrument, may be subject to this Act.

''(B) NO PRESUMPTION CREATED.—An exemption under this subsection shall not create a presumption that the exempted agreement, contract, or transaction (or class thereof), or hybrid instrument, is subject to this Act.''.

SEC. 6. EXEMPTION FOR PROFESSIONAL MARKETS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 5) is amended by adding at the end the following:

''(f) EXEMPTION FOR PROFESSIONAL MARKETS.—

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

''(A) APPROPRIATE PERSON.—The term 'appropriate person' means—

''(i) a person (as defined in subsection (c)(3)); or

''(ii) a natural person whose total assets exceed $10,000,000.

''(B) PROFESSIONAL MARKET.—The term 'professional market' means a market—

''(i) that is traded on a board of trade that is otherwise designated by the Commission as a contract market; and

''(ii) on which only an appropriate person (as defined in subparagraph (A)) may enter into an agreement, contract, or transaction (or class thereof) on the market.

''(2) EXEMPTION.—

''(A) IN GENERAL.—An agreement, contract, or transaction (or class thereof) that is traded on a professional market and is, or may be, subject to this Act shall be exempt from this Act.

''(B) CONTRACTS NOT EXEMPTED.—The exemption provided under subparagraph (A) shall not apply to—

''(i) any individual agreement, contract, or transaction that has been transacted for the product involved as of the effective date of this subsection; or

''(ii) an agreement, contract, or transaction (or class thereof) that involves an agricultural commodity referred to in section 1a.

''(3) APPLICABILITY OF CERTAIN PROVISIONS.—An agreement, contract, or transaction (or class thereof) for which an exemption is provided under paragraph (2)(A), shall, to the extent applicable, in each case be subject to—

''(A) sections 2(a)(1)(B), 4b, and 4o;

''(B) the provisions of sections 6(c) and 9(a)(2) to the extent the provisions prohibit manipulation of the market price of any commodity in interstate commerce for future delivery on or subject to the rules of a contract market;

''(C) prohibitions adopted by the Commission against fraud or manipulation under section 4c(b); and

''(D) the powers of the Commission to respond to emergencies as provided in section 8a(9).''.

SEC. 7. CONTRACT DESIGNATION.

(a) IN GENERAL.—Section 5 of the Commodity Exchange Act (7 U.S.C. 7) is amended—

(1) by striking the matter preceding paragraph (1) and inserting the following:

''SEC. 5. DESIGNATION OF A BOARD OF TRADE AS A CONTRACT MARKET.

''(a) IN GENERAL.—The Commission shall designate a board of trade as a contract market if the board of trade complies with and carries out the following conditions and requirements:'';

(2) by striking paragraph (7);

(3) by redesignating paragraph (8) as paragraph (7); and

(4) by adding at the end the following:

''(b) EXISTING AND FUTURE DESIGNATIONS.—

''(1) IN GENERAL.—If a board of trade is designated as a contract market by the Commission under subsection (a) and section 6, the board of trade shall retain the designation for all existing or future contracts, unless the Commission suspends or revokes the designation or the board of trade relinquishes the designation.

''(2) EXISTING DESIGNATIONS.—A board of trade that has been designated as a contract market as of the date of enactment of this subsection shall retain the designation unless the Commission finds that a violation of this Act or a rule, regulation, or order of the Commission by the contract market justifies suspension or revocation of the designation under section 6(b), or the board of trade relinquishes the designation.

''(c) NEW CONTRACT SUBMISSIONS.—Except as provided in subsection (e), a board of trade that has been designated as a contract market under subsection (a) shall submit to the Commission all rules that establish the terms and conditions of a new contract of sale in accordance with subsection (d) (referred to in this section as a 'new contract'), other than a rule relating to the setting of levels of margin and other rules that the Commission may specify by regulation.

''(d) PROCEDURES FOR NEW CONTRACTS.—

''(1) REQUIRED SUBMISSION TO COMMISSION.—Except as provided in subsection (e), a contract market shall submit new contracts to the Commission in accordance with subsection (c).

''(2) EFFECTIVENESS OF NEW CONTRACTS.—A contract market may make effective a new contract and may implement trading in the new contract—

''(A) not earlier than 10 business days after the receipt of the new contract by the Commission; or

''(B) earlier if authorized by the Commission by rule, regulation, order, or written notice.

''(3) NOTICE TO CONTRACT MARKET.—The new contract shall become effective and may be traded on the contract market, unless, within the 10-business-day period beginning on the date of the receipt of the new contract by the Commission, the Commission notifies the contract market in writing—

''(A) of the determination of the Commission that the proposed new contract appears to—

''(i) violate a specific provision of this Act (including paragraphs (1) through (7) of section 5(a)) or a rule, regulation, or order of the Commission; or

''(ii) be contrary to the public interest; and

''(B) that the Commission intends to review the new contract.

''(4) NOTICE IN THE FEDERAL REGISTER.—Notwithstanding the determination of the Commission to review a new contract under paragraph (3) and except as provided in subsection (e), the contract market may make

the new contract effective, and may implement trading in the new contract, on a date that is not earlier than 15 business days after the determination of the Commission to review the new contract unless within the period of 15 business days the Commission institutes proceedings to disapprove the new contract by providing notice in the Federal Register of the information required under paragraph (5)(A).

''(5) DISAPPROVAL PROCEEDINGS.—

''(A) NOTICE OF PROPOSED VIOLATIONS.—If the Commission institutes proceedings to determine whether to disapprove a new contract under this subsection, the Commission shall provide the contract market with written notice, including an explanation and analysis of the substantive basis for the proposed grounds for disapproval, of what the Commission has reason to believe are the grounds for disapproval, including, as applicable—

''(i) the 1 or more specific provisions of this Act or a rule, regulation, or order of the Commission that the Commission has reason to believe the new contract violates or, if the new contract became effective, would violate; or

''(ii) the 1 or more specific public interests to which the Commission has reason to believe the new contract is contrary, or if the new contract became effective would be contrary.

''(B) DISAPPROVAL PROCEEDINGS AND DETERMINATION.—

''(i) OPPORTUNITY TO PARTICIPATE; HEARING.—Before deciding to disapprove a new contract, the Commission shall give interested persons (including the board of trade) an opportunity to participate in the disapproval proceedings through the submission of written data, views, or arguments following appropriate notice and an opportunity for a hearing on the record before the Commission.

''(ii) DETERMINATION OF DISAPPROVAL.—At the conclusion of the disapproval proceeding, the Commission shall determine whether to disapprove the new contract.

''(iii) GROUNDS FOR DISAPPROVAL.—The Commission shall disapprove the new contract if the Commission determines that the new contract—

''(I) violates this Act or a rule, regulation, or order of the Commission; or

''(II) is contrary to public interest.

''(iv) SPECIFICATIONS FOR DISAPPROVAL.—Each disapproval determination shall specify, as applicable—

''(I) the 1 or more specific provisions of this Act or a rule, regulation, or order of the Commission, that the Commission determines the new contract violates or, if the new contract became effective, would violate; or

''(II) the 1 or more specific public interests to which the Commission determines the new contract is contrary, or if the new contract became effective would be contrary.

''(C) FAILURE TO TIMELY COMPLETE DISAPPROVAL DETERMINATION.—If the Commission does not conclude a disapproval proceeding as provided in subparagraph (B) for a new contract by the date that is 120 calendar days after the Commission institutes the proceeding, the new contract may be made effective, and trading in the new contract may be implemented, by the contract market until such time as the Commission disapproves the new contract in accordance with this paragraph.

''(D) APPEALS.—A board of trade that has been subject to disapproval of a new contract by the Commission under this subsection shall have the right to an appeal of the disapproval to the court of appeals as provided in section 6(b).

''(6) CONTRACT MARKET DEEMED DESIGNATED.—A board of trade shall be deemed to be designated a contract market for a new contract of sale for future delivery when the new contract becomes effective and trading in the new contract begins.

''(e) REQUIRED INTERAGENCY REVIEW.—Notwithstanding subsection (d), no board of trade may make effective a new contract (or option on the contract) that is subject to the requirements and procedures of clauses (ii) through (v) of paragraph (1)(B), and paragraph (8)(B)(ii), of section 2(a) until the requirements and procedures are satisfied and carried out.''.

(b) CONFORMING AMENDMENT.—Section 6(a) of the Commodity Exchange Act (7 U.S.C. 8(a)) is amended in the first sentence by striking ''Any board of trade desiring'' and inserting ''A board of trade that has not obtained any designation as a contract market for a contract of sale for a commodity under section 5 that desires''.

SEC. 8. DELIVERY BY FEDERALLY LICENSED WAREHOUSES.

Section 5a(a) of the Commodity Exchange Act (7 U.S.C. 7a(a)) is amended by striking paragraph (7) and inserting the following:

''(7) Repealed;''.

SEC. 9. SUBMISSION OF RULES TO COMMISSION.

Section 5a(a) of the Commodity Exchange Act (7 U.S.C. 7a(a)(12)) is amended by striking paragraph (12) and inserting the following:

''(12)(A)(i) except as otherwise provided in this paragraph, submit to the Commission all bylaws, rules, regulations, and resolutions (collectively referred to in this subparagraph as 'rules') made or issued by the contract market, or by the governing board or committee of the contract market (except those relating to the setting of levels of margin, those submitted pursuant to section 5 or 6(a), and those the Commission may specify by regulation) and may make a rule effective not earlier than 10 business days after the receipt of the submission by the Commission or earlier, if approved by the Commission by rule, regulation, order, or written notice, unless, within the 10-business-day period, the Commission notifies the contract market in writing of its determination to review such rules for disapproval and of the specific sections of this Act or the regulations of the Commission that the Commission determines the rule would violate. The determination to review such rules for disapproval shall not be delegable to any employee of the Commission. Not later than 45 calendar days before disapproving a rule of major economic significance (as determined by the Commission), the Commission shall publish a notice of the rule in the Federal Register. The Commission shall give interested persons an opportunity to participate in the disapproval process through the submission of written data, views, or arguments. The determination by the Commission whether a rule is of major economic significance shall be final and not subject to judicial review. The Commission shall disapprove, after appropriate notice and opportunity for hearing (including an opportunity for the contract market to have a hearing on the record before the Commission), a rule only if the Commission determines the rule at any time to be in violation of this Act or a regulation of the Commission. If the Commission institutes proceedings to determine whether a rule should be disapproved pursuant to this paragraph, the Commission shall provide the contract market with written notice of the proposed grounds for disapproval, including the specific sections of this Act or the regulations of the Commission that would be violated. At the conclusion of the proceedings, the Commission shall determine whether to disapprove the rule. Any disapproval shall specify the sections of this Act or the regulations of the Commission that the Commission determines the rule has violated or, if effective, would violate. If the Commission does not institute disapproval proceedings with respect to a rule within 45 calendar days after receipt of the rule by the Commission, or if the Commission does not conclude a disapproval proceeding with respect to a rule within 120 calendar days after receipt of the rule by the Commission, the rule may be made effective by the contract market until such time as the Commission disapproves the rule in accordance with this paragraph.

''(B)(i) The Commission shall issue regulations to specify the terms and conditions under which, in an emergency as defined by the Commission, a contract market may, by a two-thirds vote of the governing board of the contract market, make a rule (referred to in this subparagraph as an 'emergency rule') immediately effective without compliance with the 10-day notice requirement under subparagraph (A), if the contract market makes every effort practicable to notify the Commission of the emergency rule, and provide a complete explanation of the emergency involved, prior to making the emergency rule effective.

''(ii) If the contract market does not provide the Commission with the requisite notification and explanation before making the emergency rule effective, the contract market shall provide the Commission with the notification and explanation at the earliest practicable date.

''(iii) The Commission may delegate the power to receive the notification and explanation to such individuals as the Commission determines necessary and appropriate.

''(iv) Not later than 10 days after the receipt from a contract market of notification of such an emergency rule and an explanation of the emergency involved, or as soon as practicable, the Commission shall determine whether to suspend the effect of the rule pending review by the Commission under the procedures of subparagraph (A).

''(v)(I) The Commission shall submit a report on the determination of the Commission on the emergency rule under clause (iv), and the basis for the determination, to the affected contract market, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

''(II) If the report is submitted more than 10 days after the Commission's receipt of notification of the emergency rule from a contract market, the report shall explain why submission within the 10-day period was not practicable.

''(III) A determination by the Commission to suspend the effect of a rule under this subparagraph shall be subject to judicial review on the same basis as an emergency determination under section 8a(9).

''(IV) Nothing in this paragraph limits the authority of the Commission under section 8a(9);''.

SEC. 10. AUDIT TRAIL.

Section 5a(b) of the Commodity Exchange Act (7 U.S.C. 7a(b)) is amended—

(1) in paragraph (3), by inserting ''selected by the contract market'' after ''means'' each place it appears; and

(2) by adding at the end the following:

''(7) The requirements of this subsection establish performance standards and do not mandate the use of a specific technology to satisfy the requirements.''.

SEC. 11. CONSIDERATION OF EFFICIENCY, COMPETITION, RISK MANAGEMENT, AND ANTITRUST LAWS.

Section 15 of the Commodity Exchange Act (7 U.S.C. 19) is amended—

(1) by striking ''SEC. 15. The Commission'' and inserting the following:

''SEC. 15. (a)(1) Prior to adopting a rule or regulation authorized by this Act or adopting an order (except as provided in subsection (b)), the Commission shall consider the costs and benefits of the action of the Commission.

''(2) The costs and benefits of the proposed Commission action shall be evaluated in light of considerations of protection of market participants, the efficiency, competitiveness, and financial integrity of futures markets, price discovery, sound risk management practices, and other appropriate factors, as determined by the Commission.

''(b) Subsection (a) shall not apply to the following actions of the Commission:

''(1) An order that initiates, is part of, or is the result of an adjudicatory or investigative process of the Commission.

''(2) An emergency action.

''(3) A finding of fact regarding compliance with a requirement of the Commission.

''(c) The Commission''; and

(2) by striking ''requiring or approving'' and inserting ''requiring, reviewing, or disapproving''.

SEC. 12. DISCIPLINARY AND ENFORCEMENT ACTIVITIES.

(a) IN GENERAL.—It is the sense of Congress that the Commodity Futures Trading Commission should—

(1) to the extent practicable, avoid unnecessary duplication of effort in pursuing disciplinary and enforcement actions if adequate self-regulatory actions have been taken by contract markets and registered futures associations; and

(2) retain an oversight and disciplinary role over the self-regulatory activities by contract markets and registered futures associations in a manner that is sufficient to safeguard financial and market integrity and the public interest.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that evaluates the effectiveness of the enforcement activities of the Commission, including an evaluation of the experience of the Commission in preventing, deterring, and disciplining violations of the Commodity Exchange Act (7 U.S.C. 1 et seq.) and Commission regulations involving fraud against the public through the bucketing of orders and similar abuses.

SEC. 13. DELEGATION OF FUNCTIONS BY THE COMMISSION.

(a) IN GENERAL.—It is the sense of Congress that the Commodity Futures Trading Commission should—

(1) review its rules and regulations that delegate any of its duties or authorities under the Commodity Exchange Act (7 U.S.C. 1 et seq.) to contract markets or registered futures associations;

(2) consistent with the public interest and law, determine which additional functions, if any, performed by the Commission should be delegated to contract markets or registered futures associations; and

(3) establish procedures (such as spot checks, random audits, reporting requirements, pilot projects, or other means) to ensure adequate performance of the additional functions that are delegated to contract markets or registered futures associations.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall report the results of its review and actions under subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 14. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 1a(13)(B) of the Commodity Exchange Act (7 U.S.C. 1a(13)(B)) is amended by striking ''state'' and inserting ''State''.

(b) Section 2(a)(1)(B)(iv)(I) of the Commodity Exchange Act (7 U.S.C. 2a(iv)(I)) is amended in the last sentence by striking ''section 6 of this Act'' and inserting ''section 6(a)''.

(c) Section 4(c)(3)(H) of the Commodity Exchange Act (7 U.S.C. 6(c)(3)(H)) is amended by striking ''state'' and inserting ''State''.

(d) Section 4a(e) of the Commodity Exchange Act (7 U.S.C. 6a(e)) is amended in the last sentence by striking ''section 9(c) of this Act'' and inserting ''section 9(a)(5)''.

(e) Section 4c(d)(2)(A)(iv) of the Commodity Exchange Act (7 U.S.C. 6c(d)(2)(A)(iv)) is amended by striking ''78c(a)(12)),'' and inserting ''78c(a)(12))),''.

(f) Section 4f(c)(4)(B)(i) of the Commodity Exchange Act (7 U.S.C. 6f(c)(4)(B)(i)) is amended—

(1) by striking ''compiled'' and inserting ''complied''; and

(2) by striking ''1817(a),'' and inserting ''1817(a)),''.

(g) Section 5a(a) of the Commodity Exchange Act (7 U.S.C. 7a(a)) is amended—

(1) in paragraph (11)(ii), by striking the second semicolon at the end;

(2) in paragraph (15)(C), by striking ''categories as'' and inserting ''categories as—''; and

(3) in paragraph (17)—

(A) in subparagraph (A), by striking ''minimum, that'' and inserting ''minimum, that—''; and

(B) in subparagraph (B)(ii), by striking ''affect'' and inserting ''effect''.

(h) Sections 5b, 6(b), 6(c), 6(d), and 13(c) of the Commodity Exchange Act (7 U.S.C. 7b, 8(b), 9, 13b, and 13c(c)) are amended by striking ''or the Commission'' after ''the Commission'' each place it appears.

(i) Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9) is amended in the tenth sentence by inserting a comma after ''such violation''.

(j) Section 6a(a) of the Commodity Exchange Act (7 U.S.C. 10a(a)) is amended in the second sentence by striking ''Such Commission'' and inserting ''The Commission''.

(k) Section 8 of the Commodity Exchange Act (7 U.S.C. 12) is amended—

(1) in subsection (a)(1)(B), by striking ''in any receivership proceeding commenced involving a receiver appointed in a judicial proceeding by the United States or the Commission'' and inserting ''in any receivership proceeding involving a receiver appointed in a judicial proceeding commenced by the United States or the Commission''; and

(2) in the last sentence of subsection (e), by striking ''authority.'' and inserting ''authority''.

(l) Section 8a of the Commodity Exchange Act (7 U.S.C. 12a) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking ''the provisions of paragraph (3) of this section'' and inserting ''the provisions of this paragraph or paragraph (3)'';

(B) in subparagraph (C), by adding a semicolon at the end;

(C) in subparagraph (D), by inserting ''pleaded guilty to or has'' after ''such person has''; and

(D) in subparagraph (E), by striking ''Investors'' and inserting ''Investor'';

(2) in paragraph (3)—

(A) in subparagraph (B), by striking ''Investors'' and inserting ''Investor'';

(B) by striking subparagraph (D) and inserting the following:

''(D) the person has pleaded guilty to or has been convicted of a felony other than a felony of the type specified in paragraph (2)(D), or has pleaded guilty to or has been convicted of a felony of the type specified in paragraph (2)(D) more than 10 years preceding the filing of the application;''; and

(C) in subparagraph (H), by striking ''or has been convicted in a State court,'' and inserting ''or has pleaded guilty to, or has been convicted, in a State court,''; and

(3) in paragraph (11)(F), by striking ''section 6(b)'' and inserting ''section 6(c)''.

(m) Section 8c(a)(2) of the Commodity Exchange Act (7 U.S.C. 12c(a)(2)) is amended in the second sentence by inserting after ''denied access,'' the following: ''to any other exchange, to any other registered futures association,''.

(n) Section 8e(d)(1) of the Commodity Exchange Act (7 U.S.C. 12e(d)(1)) is amended by striking ''section 6b'' and inserting ''section 6(c)''.

(o) Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) in subsection (e)(1) (as so redesignated), by striking the period at the end and inserting ''; or''.

(p) Section 12(b) of the Commodity Exchange Act (7 U.S.C. 16(b)) is amended by aligning the margin of paragraph (4) so as to align with paragraph (3).

(q) Section 14(a) of the Commodity Exchange Act (7 U.S.C. 18(a)) is amended by aligning the margin of paragraph (2) so as to align with subsection (b).

(r) Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended—

(1) in subsection (b)—

(A) in paragraph (9)(D), by striking the semicolon at the end and inserting a period;

(B) in paragraph (10)(C)(ii), by striking ''and'' at the end;

(C) in paragraph (11), by striking the period at the end and inserting a semicolon;

(D) in paragraph (12)—

(i) by striking ''(12)(A)'' and inserting ''(12)''; and

(ii) by striking the period at the end and inserting ''; and''; and

(E) in paragraph (13), by striking ''A major'' and inserting ''a major'';

(2) in subsection (h)(1)—

(A) in the first sentence, by inserting after ''person associated with a member,'' the following: ''takes any membership action against any member or associate responsibility action against any person associated with a member,''; and

(B) by adding at the end the following: ''The association shall make public its findings and the reasons for the association action (including the action and penalty imposed) in any action described in the first sentence, except that evidence obtained in the action shall not be disclosed other than to an exchange, the Commission, or the member or person who is being disciplined, who is subject to a member responsibility action, who is being denied admission to the futures association, or who is being barred from associating with members of the futures association.'';

(3) in the last sentence of subsection (j)—

(A) by striking ''one hundred and eighty days'' and inserting ''45 calendar days''; and

(B) by striking ''one year'' and inserting ''120 calendar days''; and

(4) by redesignating subsection (q) (as added by section 206(b)(2) of the Futures Trading Practices Act of 1992 (Public Law 102–546)) as subsection (r) and moving such subsection to the end of the section.

SUMMARY AND DISCUSSION—THE COMMODITY EXCHANGE ACT AMENDMENTS OF 1997

SECTION 1. SHORT TITLE

The bill is entitled the ''Commodity Exchange Act Amendments of 1997.''

SEC. 2. TREASURY AMENDMENT

The ''Treasury amendment'' to the Commodity Exchange Act (so called because it was added in 1974 at the request of the Treasury Department) excludes certain transactions from the Act altogether, so that the CFTC has no authority to regulate them. Foreign currency and government securities transactions are the most prominent categories of transactions excluded by the Treasury amendment, though there are several others. The history, purpose and scope of the Treasury amendment have been the subject of frequent disagreement even among federal agencies, and the provision has been frequently litigated.

The CFTC has historically asserted that the amendment permits it to enforce the Act against firms offering Treasury amendment products to the general public, arguing that the amendment's purpose was merely to exclude such institutional markets as the interbank currency market from regulation. Other agencies have dissented from this view. In addition, futures exchanges have argued that they should be able to offer contracts in Treasury amendment products that would not be subject to CFTC regulation, as long as they did not offer these contracts to the general public but only to a sophisticated, institutional or professional clientele.

The Committee, in mid-1996, asked the CFTC and the Treasury Department to arrive at a consensus on how the Treasury amendment should be interpreted and, if necessary, re-written. Unfortunately, the agencies were unable to agree and have formulated recommendations that are quite different in both intent and effect.

This legislation reflects a view that there should be a federal role in protecting retail investors from abusive, improper or fraudulent activity in connection with the sale of foreign currency futures or options by an otherwise unregulated entity. By the same token, the legislation provides no role for the CFTC where other regulators—including the banking and securities agencies—already provide federal regulatory oversight. Similarly, the bill views current regulation of other off-exchange Treasury amendment products as adequate and does not provide a role for the CFTC in this regard. For example, federal agencies and private firms alike have widely agreed that it would be unnecessary and inappropriate for the CFTC to regulate the ''when-issued'' market in Treasury securities.

The bill defines more clearly the CFTC's role in regulating retail transactions and affords equivalent opportunities for futures exchanges to develop markets in Treasury amendment products for professional investors. In particular, the bill states that an unsupervised entity systematically marketing standardized, non-negotiable foreign currency transactions to retail investors will be considered a ''board of trade,'' and hence subject to the CFTC's jurisdiction.

The bill instructs the CFTC to define the term ''retail investors,'' and provides some guidance on how to do so. It further clarifies that an option involving a Treasury amendment product is a ''transaction,'' meaning that it is excluded from the Act to the same extent as other transactions. Finally, the bill retains the current Treasury amendment provision which extends CFTC jurisdiction to products offered on a board of trade, but makes this provision apply only when these products are offered to the general public. The effect is that futures exchanges would be able to develop separate markets in Treasury amendment products. As is the case when such products are traded over the counter among institutions today, the Act and its regulations would not apply. The bill instructs the CFTC to define the term ''the general public,'' in order to make clear the parameters under which exchanges may establish these markets. The bill also confirms the CFTC's ability, acting pursuant to its emergency powers under Sec. 8a(9) of the Act, to secure the integrity and viability of approved contract markets in the event that market factors, including the establishment by futures exchanges of markets in Treasury amendment products, adversely affect them.

SEC. 3. HEDGING

The CEA does not directly define the term ''hedging.'' In Section 3 of the CEA, which contains various legislative findings that justify regulation of futures markets, the statute speaks of business operators ''hedging themselves against possible loss through fluctuations in price.'' Questions have been raised whether hedging can occur against risks other than price risks—for instance, in new futures contracts that are based on yields of specified crops in particular States. The bill deletes the phrase ''through fluctuations in price.'' It makes clear that risks to be hedged may be risks other than those directly resulting from price changes. This change will not affect the authority to establish speculative limits, require reporting of large trader positions and otherwise ensure market integrity.

In the course of hearings and discussions on the proposed legislation, the Committee may also consider whether to revise Section 3 of the Act more extensively in order to bring it up to date with market needs and conditions, preserving the Act's important functions of facilitating price discovery and customer protection while recognizing the changes that have occurred in the composition and sophistication of market participants as well as the more competitive environment in which the futures industry now operates.

SEC. 4. DELIVERY POINTS FOR FOREIGN FUTURES CONTRACTS

In recent years, some overseas futures exchanges have established delivery points in the United States. The implications of making and taking delivery of a physical commodity that is priced on a foreign exchange may differ, depending on the comparability of price discovery on that exchange and on U.S. exchanges, as well as other factors. Serious questions were raised last year, as various allegations about the copper markets were made and investigated, about what role, if any, delivery points for foreign futures contracts may have played in that affair. These questions are not yet answered. However, the legislation makes changes that will be appropriate regardless of the outcome of specific investigations.

The bill directs the CFTC to consult with overseas regulators and other appropriate parties in countries where futures exchanges have established U.S. delivery points. The aim of the consultations will be to secure adequate assurances against any adverse effect on U.S. markets because of these delivery points. Such assurances could take the form of changes to regulations or trading rules in the overseas market.

The bill also gives the CFTC authority to obtain information from warehouses that are delivery points for foreign exchanges. This information would be similar to that which the CFTC may already require of persons making trades on overseas futures markets, and will assist the CFTC in ensuring market integrity, preventing abuses, and otherwise discharging its responsibilities.

SEC. 5. EXEMPTION AUTHORITY AND SWAP EXEMPTION

The Act gives the CFTC authority to exempt transactions from its regulatory requirements, either completely or on stated terms. In 1993, the CFTC used this authority to exempt swap agreements from most, but not all, portions of the Act. This exemption generally has worked well, facilitating a climate in which swaps, which offer numerous benefits to their users if properly and prudently employed, could trade with secure legal status. (It was the lack of such legal certainty which, in part, prompted Congress to enact the exemptive authority.) Despite the CFTC's prompt action following the 1992 enactment of exemptive authority, the status of swaps remains subject to a change in regulations that could subject these instruments to renewed legal uncertainty.

The bill will provide additional legal certainty for swaps and similar transactions in three ways. First, the bill codifies the present exemption from regulation for transactions that meet its requirements, either now or in the future. For these qualifying instruments—which now rely on the exemptions for swaps in Part 35 of the Code of Federal Regulations and for hybrid instruments in Part 34—a statutory change would be required in order for the exemption to become more restrictive than it now is. The codification does not affect the CFTC's power to grant additional exemptions that would be less restrictive than, or independent of, the current exemption. Nor does it limit the CFTC's ability to enforce antimanipulation or anti-fraud provisions of the CEA as they may apply to these transactions or as the present exemptions may be conditioned on compliance with their provisions. The CFTC will have, under the codified exemption, the same authority to enforce these provisions of the Act as it has retained under its current policies. In addition, the CFTC would implement the conditions for an exemption, such as making creditworthiness a material consideration, in a manner consistent with its current interpretations. (It has been suggested that some additional conforming changes may also be appropriate to Section 12(e) of the Act.)

Second, the bill codifies two important elements of the present swaps exemptive authority, again to enhance legal certainty. The legislation clarifies that the CFTC may issue an exemption that is applicable to the extent the exempted transaction may have been subject to the Act—i.e., without requiring a prior decision on whether the transaction actually was, in fact, subject to the Act. Relatedly, the legislation states that the mere fact that a transaction was exempted from the Act does not, in itself, create a presumption that the transaction was one that would have fallen under the Act's regulatory requirements had it not been exempted. Thus, the bill makes the existence of an exemption a neutral event, for purposes of determining whether the exempted transaction was subject to the Act: No inference for or against such a determination is warranted by the mere fact of an exemption. Both these clarifications are consistent with present regulations for these exemptions.

Third, the bill for the first time extends the same legal certainty to swaps based on equities as is now available for other swaps. Although the great majority of swaps involve interest rates or currencies, there presently exist swaps based on equities or equity indices. The legal status of these instruments has been less certain than that of other swaps; they rely primarily on a 1989 policy statement by the CFTC which predates the present swaps exemption. The bill codifies, for these swaps, the same exempt

status as for other similar instruments: To the extent they may be subject to the Act's provisions, they will be exempt from those provisions (other than anti-fraud and anti-manipulation strictures) as long as they satisfy the terms and conditions of the present swaps exemption as to the way in which they are structured and traded, and as to the persons who may enter into them.

SEC. 6. EXEMPT TRANSACTIONS ON CONTRACT MARKETS

In contrast to the exemptions for swaps and hybrids, the Commission's exemptive terms for on-exchange professionally traded markets (codified in Part 36 of the Code of Federal Regulations) have not led to significant commercial activity. The legislation provides that such markets may be established by futures exchanges, subject to some limitations. In particular, the bill does not exempt such ''professional markets'' from the so-called ''Shad-Johnson'' accord, which governs on-exchange products involving equities. Moreover, the legislation excludes agricultural commodities from the list of products for which the professional markets must be recognized.

SEC. 7. CONTRACT DESIGNATION

The Act now requires futures exchanges to be ''designated'' as a ''contract market'' for each futures contract they trade. This process has been streamlined by the CFTC in recent years, but the statute continues to reflect a rather elaborate process in which, in many ways, the burden of proof is placed on exchanges to demonstrate why they should be able to offer new products for trading. Even for a sector like the the futures industry, where the public interest requires regulation, this implicit presumption against new product development is out of date.

The bill streamlines the process of introducing new futures contracts, both by compressing the time available for agency review and by creating a presumption that products developed by exchanges should be permitted to trade unless the CFTC finds compellingly why they should not. The legislation treats new contract applications as rules, albeit under somewhat different procedures from other exchange rules. Under the new procedure, an exchange submits a new contract to the CFTC. The new contract may trade after 10 business days, unless the CFTC states an intention to review it for possible disapproval. After a further 15 business days, the new contract can be traded unless the CFTC institutes proceedings to disapprove it. These proceedings are to be completed within 120 days; if not, the new contract can trade until and unless it is finally disapproved. In contrast to the present burden on an exchange to show that a contract is in ''the public interest,'' the CFTC could only disapprove a contract by showing that it was ''contrary to the public interest'' (or by showing that it violated law or regulations). The philosophy is a fairly simple one: Subject to prudent regulatory limits, private futures exchanges can more appropriately and efficiently decide which new products are ripe for trading than can the government. The exchanges may sometimes err in these judgments, but that is the way markets work.

SEC. 8. DELIVERY BY FEDERALLY LICENSED WAREHOUSES

An obscure provision of the Act now allows any federally licensed grain warehouse to make delivery against a futures contract, on giving reasonable notice. Though seldom if ever used, this provision appears to conflict with the ability of exchanges to establish their own trading procedures, including delivery points. In an extremely tight market, the current provision could in some circumstances facilitate market manipulation. The bill repeals this provision.

SEC. 9. SUBMISSION OF RULES TO COMMISSION

The bill revises current requirements for submitting exchange rules to the CFTC. These rules affect the everyday procedures for doing business on the exchange, as well as the ground rules for trading. They run the gamut from major to minor. As with the procedures for approving new contracts, the legislation compresses the time available for federal review and generally streamlines procedures. Rules are to be submitted to the CFTC and can become effective in 10 business days unless the CFTC notifies the exchange that it will review them for possible disapproval. If the CFTC does not institute disapproval proceedings within 45 days of receiving the proposed rule, or conclude its proceedings within 120 days, the rule can become effective until and unless disapproved.

The authors of the bill intend that its legislative history will also discuss the implementation of statutory requirements for the composition of exchange boards of directors. The CFTC will be directed to report, on an ongoing basis, its evaluation of how fully these requirements are being met. The report language will provide further clarification of Congressional intent with regard to the qualification of individuals to satisfy particular requirements for board representation.

SEC. 10. AUDIT TRAIL

Futures exchanges are subject to audit trail requirements that are intended to ensure market integrity, and to deter and detect abuse. The bill clarifies these requirements in one respect. It states—consistent with testimony by the CFTC before Congress in 1995—that the audit trail requirements establish a performance standard, not a mandate for any particular technological means of achieving the standard. In further support of this clarification, the bill speaks of the ''means selected by the contract market'' for meeting audit trail standards. The authors of the bill intend that its legislative history will also note further CFTC testimony that, in assessing the ''practicability'' of various components of the audit trail standards, the cost to exchanges of meeting the standards is one factor to be taken into account.

SEC. 11. MISCELLANEOUS TECHNICAL AMENDMENTS

The bill makes several technical changes to correct omissions in the current statute. Moreover, it makes additional technical amendments, in many cases as a result of CFTC suggestions, that correct previous errors or inconsistencies as to typography, proper citation and the like.

SEC. 12. CONSIDERATION OF EFFICIENCY, COMPETITION, RISK MANAGEMENT, AND ANTITRUST LAWS

The bill requires the CFTC, in issuing rules, regulations and some types of orders, to take into account the costs and benefits of the action it contemplates. The requirement is not for a quantitative cost-benefit analysis, but a mandate to consider both costs and benefits, as well as other enumerated factors. The authors of the bill believe that in establishing its policies and giving direction to market participants, the CFTC should weigh how its actions may affect the participants' costs of doing business, as well as what benefits may accrue from the action.

Some activities of the CFTC, of course, do not call for this kind of approach, and indeed applying a cost-benefit requirement to them would be inappropriate. Thus, the bill exempts the CFTC's adjudicatory and investigative processes, emergency actions and certain findings of fact that are objective, quantitative or otherwise unsuitable for a cost-benefit approach. The bill's eventual legislative history will further discuss Congressional intent in enacting this requirement.

SEC. 13. DISCIPLINARY AND ENFORCEMENT ACTIVITIES

Enforcement is a priority for the CFTC. Like other financial regulators, the CFTC is assisted in its enforcement activities by the complementary rules, surveillance and disciplinary actions of self-regulatory organizations (SROs). These include both the futures exchanges themselves and the National Futures Association. The bill provides guidance to the CFTC on the deployment of enforcement resources, and requires a report in one year on the overall enforcement program. The legislation expresses the sense of Congress that the CFTC should avoid unnecessary duplication of effort where SROs have taken adequate action to deter abuse and ensure customer protection. It further states that the CFTC's oversight and disciplinary role should be sufficient to safeguard market integrity and protect public confidence in markets.

SEC. 14. DELEGATION OF FUNCTIONS BY THE COMMISSION

The CFTC, under current law, has delegated some limited duties to the National Futures Association. Today's austere budget climate makes it prudent for the commission to assess whether other functions could appropriately be delegated. The bill calls on the CFTC to determine which, if any, additional functions should be delegated to SROs, suggesting the use of procedures like spot checks and random audits to ensure that any delegated functions are adequately performed, and requires a report in one year with the results of the review. The authors intend that the bill's legislative history will cite several current CFTC activities that could be considered for delegation.●

● Mr. HARKIN. Mr. President, I am pleased to join Chairman LUGAR and Senator LEAHY in introducing legislation to amend the Commodity Exchange Act. This bill updates and streamlines U.S. futures trading law, and provides needed clarification to several critical issues facing today's vast derivative markets.

After reviewing the committee testimony taken last year, and meeting informally with industry, regulators, and academics, Chairman LUGAR, Senator LEAHY, and I are convinced that these changes are appropriate and necessary if the United States is to maintain its dynamic, world-class futures trading industry.

There is a strong public interest in maintaining a competitive and sound futures market in the United States. These markets are critical because they allow farmers, ranchers, and other businesses to manage risk and maximize their investment opportunities. At the same time, the committee has an obligation to protect the public trust through effective enforcement and regulatory measures that prevent and punish fraud and other abuses that may, and have, occurred in the international financial markets—including the futures market.

This bill is a bipartisan effort to find the balance between the need for prudent regulation with industry's need for changes so that the U.S. futures market continues to be the driving

force in today's competitive global financial markets.

Introduction of this legislation is timely. President Clinton's 1998 budget, due for release later this week, challenges Federal agencies to do more with less. It will ask Federal agencies to improve programs and services and streamline procedures.

This legislation provides legislative backing to accomplish this crucial goal. The bill proposes specific changes that will further assist the Commodity Futures Trading Commission, the primary regulator of the futures industry, to continue its on-going effort to focus scarce resources where they are most effective—in enforcement—preventing consumer fraud and manipulation of market prices.

The legislation allows industry to focus on product innovation and marketing so that the end users—farmers, ranchers, and other businesses—have available to them, free of fraud and at a competitive price, the most state-of-the-art financial products.

The bill also provides the CFTC with additional authority to require U.S. delivery points for overseas futures markets to provide information similar to that currently demanded of American market participants. This provision may help prevent a repeat of last summer's 1996 London/Tokyo copper market crisis where billions of dollars were lost due, in part, to lack of sufficient information and Government oversight by the CFTC's foreign counterparts.

I am pleased that this legislation addresses the uncertainty that currently exists in the so-called ''Treasury amendment'', a 1974 provision of the Commodity Exchange Act that excludes certain financial products from its regulatory coverage. This provision has long been controversial and our proposal suggests one solution.

It is unfortunate that the Treasury Department and the CFTC were unable to negotiate a resolution of this issue in time for this bill's reintroduction. But I remain open to alternative proposals, and look forward to hearing the views of all interested regulators, industry participants, and users of these products at next week's hearings.

Two other important aspects of this legislation are a provision that provides greater legal certainty for the over-the-counter financial tools such as swaps and hybrids, and a provision that codifies a 1992 provision to allow on-exchange products to be traded solely among professional investors. Both of these provisions are important to the ability of private enterprises to manage business risk.

I am very pleased to join my colleagues in offering this bill. Chairman LUGAR, Senator LEAHY, and I have worked together on futures issues for many years. We did the same on this bill—working to ensure that these markets remain competitive while maintaining effective provisions on customer protection and market integrity.

Introducing this bill early in the 105th Congress offers ample time to continue last year's public discussion and debate over what changes are appropriate and necessary to maintaining a viable U.S. futures market.

It is my experience that such a dialogue helps develop solid bipartisan legislation. As with most issues, there are many interests that must be balanced, and this bill strives to find that balance. I am certainly open to further input as we hold hearings next week.

I look forward to continuing the process.●

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 258. A bill to improve price discovery in milk and dairy markets by reducing the effects of the National Cheese Exchange on the basic formula price established under milk marketing orders, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE MILK PRICE DISCOVERY IMPROVEMENT ACT OF 1997

● Mr. FEINGOLD. Mr. President, I introduce the Milk Price Discovery Improvement Act of 1997 with my senior Senator from Wisconsin [Mr. KOHL]. Mr. President, this bill addresses longstanding farmer concerns that milk prices can be manipulated by those with the incentive and ability to do so. Those concerns were validated by a March 1996 University of Wisconsin study funded by the Department of Agriculture which concluded that the National Cheese Exchange, a cash market for cheese located in Green Bay, WI, directly and indirectly influences farm milk prices and is highly vulnerable to price manipulation by its major traders.

Concern about trader concentration and price manipulation is not exclusive to the dairy industry, Mr. President. Two weeks ago, the minority leader, Senator DASCHLE, introduced the Cattle Industry Improvement Act which addressed concerns about growing concentration in the livestock industry and the lack of market information available to livestock producers. Less than 2 percent of the cattle in the U.S. are sold on markets with open and competitive bidding and the top four packing firms in this country slaughter 80 percent of all cattle.

The unfortunate trend of increasing concentration throughout agriculture and the growing scarcity of reliable market information has placed farmers at an extreme disadvantage compared to powerful corporate traders. Mr. President, I was pleased to cosponsor the Cattle Industry Improvement Act, which seeks to prevent noncompetitive practices in the livestock industry and improve market information because I believe this trend must be stopped.

The bill I am introducing today addresses these same alarming trends in the dairy industry and seeks to prevent manipulation of farm-level milk prices. Dairy farmers must not be held captive to a market that cannot be relied upon to provide accurate information about the value of the milk they produce. Unfortunately, farm milk prices are currently determined by such a market—the National Cheese Exchange.

The National Cheese Exchange is the only cash market in the United States for the sale of bulk cheese. Located in Green Bay, WI, the Exchange trades cheese each Friday for half an hour. Between 1988 and 1993, only 1 percent of all bulk cheese sold nationally was traded on the NCE. During this 5-year period, eight buyers and sellers dominated much of the exchange trading, despite exchange membership of 30 to 40 companies. The top seller on the exchange accounted for 75 percent of all sales during this period.

Thus, the exchange is not only thin with respect to the volume of cheese bought and sold, it is also thinly traded with the same small number of large firms dominating the trading activity. The opinion price on the National Cheese Exchange, and other markets with these characteristics, is easily influenced by one trade. In addition, unlike other cash markets which trade more frequently, when the price changes at the National Cheese Exchange it stays at that level until one week later at the next trading session. This infrequency of trading lends greater significance to any trading activity which alters the price of cheese.

The existence of such a market on its own would not be a problem if it did not affect dairy farmers and others off the exchange. Unfortunately, the opinion price of the National Cheese Exchange directly and decisively affects the price that farmers throughout the Nation receive for their milk. A 1-cent change in the opinion price at the exchange generally translates into a 10-cent change in the price of milk to farmers. When prices on the exchange drop suddenly and precipitously, dairy farmers nationally lose millions of dollars in producer receipts. In the last 3 months of 1996, cheese prices on the National Cheese Exchange fell by more than 50 cents per pound, with an unprecedented price plunge of 21 cents in one trading session. As a result, as many of my colleagues are aware, milk prices fell by more than $4 per hundredweight—a 26-percent decline in income. In Wisconsin alone, this price decline has cost dairy farmers more than $165 million in lost income.

The price decline has been extremely painful for dairy farmers still struggling with high feed bills but what has made the pain more difficult to bear is the general belief held by many dairy economists that the price fell too far too fast and could not be justified based on prevailing market conditions. Whether the price declined so drastically simply because the National Cheese Exchange is a poor indicator of market conditions or because traders intentionally drove the price down is irrelevant. The perception of farmers that the exchange price was manipulated warrants its retirement as the mover of milk prices in this country.

The reality that the exchange clearly overreacted to market conditions with record-setting price declines necessitates it.

The National Cheese Exchange has such a dramatic effect on milk prices for two reasons. First, milk prices are tied directly to the exchange opinion price through the basic formula price [BFP], calculated by USDA. The BFP determines the class III price for milk regulated under the Federal milk marketing order system. Second, even if the formal linkage did not exist, milk prices would still be dramatically affected by the exchange opinion because it is used as the benchmark in virtually all forward contracts for bulk cheese; 90 to 95 percent of bulk cheese in the United States is sold through forward contracts. In other words, virtually all cheese sold in the country is priced based on the opinion price at the Cheese Exchange. That is, at least in part, due to the lack of any alternative market information on the value of cheese.

The combination of thin nature of the National Cheese Exchange and its influence on milk prices nationally, creates a situation in which there is both the opportunity and the incentive for price manipulation. Anyone buying or selling cheese on the National Cheese Exchange may be able to affect the price of milk throughout the country. The extensive report issued by the University of Wisconsin last year concluded that the trading patterns on the NCE suggest that lead traders use the NCE to influence exchange prices with the intent of affecting milk and cheese prices nationwide.

Unfortunately, no viable alternative to the National Cheese Exchange currently exists for cheese price discovery. While there is a futures market for cheese and other dairy products, trading of futures contracts have been weak making the futures prices unreliable benchmarks. Furthermore, there is little or no market information on prices for off-exchange spot transactions of cheese collected by the Department of Agriculture. Secretary of Agriculture Dan Glickman recently announced a new cheese price series that should improve market information for off-exchange transactions. However, such information may not be adequate to supplant the role of the National Cheese Exchange. Of even greater concern is that despite its influence over milk prices nationwide and its vulnerability to manipulation, the exchange is not regulated by any State or Federal entity.

Mr. President, farmers throughout the country are frustrated by a pricing system that can no longer guarantee that milk prices are determined competitively and without manipulation and that they believe led to the severe and unwarranted price decline last fall. They have rightfully demanded that we change the way milk prices are set by U.S. Department of Agriculture to reduce the influence of the exchange on farm-level prices. In addition, farmers have called for increased regulation of the exchange to prohibit manipulation of milk and cheese prices.

Mr. President, that is my goal in introducing this legislation today. Farmers must not be held hostage to this market any longer. First, my legislation directs USDA to break the direct link between the basic formula price and the National Cheese Exchange. Second, it requires USDA to develop alternative sources of cheese market information so that buyers and sellers of cheese need no longer rely on the exchange as a reference price for forward contracts. Finally, my legislation will provide USDA with clear authority to prohibit noncompetitive practices on any cash market that affects the price of milk regulated under Federal milk marketing orders, including the National Cheese Exchange. By law, USDA has been charged with ensuring orderly conditions for the marketing of milk. The agency cannot meet that charge without greater authority to oversee the National Cheese Exchange and prevent those who benefit from low milk prices from driving them down. Ultimately, the solution to these problems lies in the creation of a reliable price discovery system for milk and dairy products that the dairy industry can rely on. But it will take time to develop those alternatives, and it will take time for the dairy industry to come to rely on them. Until we reach that goal, it is absolutely critical that USDA prohibit noncompetitive activities on the National Cheese Exchange.

Mr. President, I am also pleased to be a cosponsor of the National Cheese Exchange Oversight and Improvement Act introduced by my senior Senator from Wisconsin, Senator KOHL. This bill provides the Commodity Futures Trading Commission [CFTC] with day-to-day regulatory jurisdiction over the activities of the National Cheese Exchange. While the CFTC has some limited jurisdiction over the exchange, they do not have the authority to impose trading rules on the exchange. The new authority provided in our respective bills for USDA and CFTC to oversee the exchange should ensure farmers that until the functions of the exchange can be replaced by alternative price discovery mechanisms, we will do all we can to prevent manipulation of farm milk prices.

Mr. President, I believe the combination of the provisions of the Milk Price Discovery Improvement Act and the National Cheese Exchange Oversight and Improvement Act will go far toward resolving some of the problems that have led to the recent milk price plunge that has cost this country's family farmers so dearly. This legislation, if passed, may also help restore the confidence of dairy farmers in our milk pricing system.

Mr. President, there are varied and complicated reasons that the trend in American agriculture is toward fewer and larger farms and toward greater concentration in processing and manufacturing. However, I believe that Federal policies that provide competitive advantages to larger farms and subtly discriminate against smaller farmers are among them. Sanctioning pricing mechanisms, like the National Cheese Exchange, that provide unequal market power and information, and relying on them to set prices, is one such policy. Small dairy farmers are less able to withstand the lost income resulting from volatile prices caused by the National Cheese Exchange. Small cheese processors and manufacturers that dot Wisconsin's countryside also suffer from price volatility and manipulation on the exchange yet lack the ability to counteract the power of other traders. We can restore a degree of market equality by improving price discovery and by preventing those with the power to manipulate prices from doing so. That is the goal of the Milk Price Discovery Act of 1997. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that a summary of my legislation as well as the full text of the bill be included in the RECORD.

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

S. 258

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 ''Milk Price Discovery Improvement Act of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the National Cheese Exchange, located in Green Bay, Wisconsin, is the only cash market for bulk cheese in the United States, trades less than 1 percent of all bulk cheese sold nationally, and currently functions as the only price discovery mechanism for bulk cheese throughout the industry;

(2) the National Cheese Exchange opinion price directly influences milk prices paid to farmers because of its use in the Department of Agriculture's basic formula price under Federal milk marketing orders;

(3) opinion prices at the National Cheese Exchange influence the price for much of the bulk cheese bought and sold in the United States and directly or indirectly influences the price of milk paid to producers throughout the United States;

(4) the National Cheese Exchange is a thinly traded, illiquid, and highly concentrated market that is increasingly volatile;

(5) a report issued by the University of Wisconsin and funded by the United States Department of Agriculture concluded that the National Cheese Exchange is vulnerable to price manipulation;

(6) the thin nature of the National Cheese Exchange and the characteristics of that market that may facilitate price manipulation have led to widespread producer concern about the validity of prices at the National Cheese Exchange; and

(7) it is in the national interest to ensure that prices on cash markets that directly and indirectly affect milk prices are determined in the most competitive manner practicable and to improve price discovery for milk and other dairy products.

SEC. 3. BASIC FORMULA PRICE.

Section 143(a) of the Agricultural Market Transition Act (7 U.S.C. 7253(a)) is amended by adding at the end the following:

''(5) NATIONAL CHEESE EXCHANGE.—

''(A) IN GENERAL.—In carrying out this subsection and section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary shall not, directly or indirectly, use a price established on the National Cheese Exchange to determine the basic formula price for milk or any other milk price regulated by the Secretary.

''(B) REGULATIONS.—Not later than 60 days after the date of enactment of this paragraph, the Secretary shall review and amend the applicable regulations promulgated by the Secretary to ensure that the regulations comply with subparagraph (A).

''(C) EFFECT ON FURTHER REVISION.—Subparagraph (B) shall not preclude a further revision to, or replacement of, the basic formula price under this subsection or section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, except that the revision or replacement shall be consistent with subparagraph (A).''.

SEC. 4. DAIRY PRICE DISCOVERY AND REPORTING SYSTEM.

Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended by adding at the end the following:

''(o) DAIRY PRICE DISCOVERY AND REPORTING SYSTEM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop a price discovery system for raw milk, bulk cheese, and other dairy products in order to facilitate orderly marketing conditions.

''(2) ADMINISTRATION.—In carrying out paragraph (1), the Secretary shall—

''(A) collect and disseminate, on a weekly basis, statistically reliable information, obtained from all cheese manufacturing areas in the United States on prices and terms of trade for spot and forward contracts, reported separately, transactions involving bulk cheese, including information on the national average price and regional average prices for bulk cheese sold through spot and contract transactions;

''(B) provide technical assistance to any person, group of persons, or organization seeking to organize a cash market alternative to the National Cheese Exchange that the Secretary believes will improve price discovery; and

''(C) not later than 180 days after the date of enactment of this subsection—

''(i) in cooperation with the Commodity Futures Trading Commission, conduct a study and report to Congress on means of encouraging improved volume in futures trading for milk, bulk cheese, and other dairy products; and

''(ii) conduct a study and report to Congress on the feasibility and desirability of the creation of an electronic exchange for cheese and other dairy products.

''(3) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under paragraph (2)(A) shall be kept confidential by each officer and employee of the Department of Agriculture, except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.''.

SEC. 5. OVERSIGHT OF CASH MARKETS AFFECTING FEDERAL MILK MARKETING ORDERS.

Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

''(20) OVERSIGHT OF CASH MARKETS AFFECTING FEDERAL MILK MARKETING ORDERS.—

''(A) DEFINITION OF NONCOMPETITIVE PRACTICE.—In this paragraph, the term 'noncompetitive practice' means an action or measure that involves engaging in a course of business or act for the purpose or with the effect of—

''(i) manipulating or controlling a price on a cash market that affects the price of milk regulated under an order issued under this section;

''(ii) creating a monopoly in the acquiring, buying, selling, or dealing in a product; or

''(iii) restraining commerce.

''(B) GENERAL RULE.—In order to ensure fair trade practices and orderly marketing conditions for milk and milk products under this section, the Secretary shall prohibit noncompetitive practices on a cash exchange for milk, cheese, and other milk products that the Secretary finds affects or influences the price of milk regulated under an order issued under this section.

''(C) OTHER AGENCIES AND STATES.—This paragraph shall not affect the authority of the Federal Trade Commission, Commodity Futures Trading Commission, Department of Justice, any other Federal agency, or any State agency to regulate a noncompetitive practice described in subparagraph (B).

''(D) ENFORCEMENT.—The enforcement provisions of sections 203, 204, and 205 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193, 194, 195) shall apply, to the extent practicable (as determined by the Secretary), to this paragraph.''.

THE MILK PRICE DISCOVERY IMPROVEMENT ACT OF 1997

Section 1. Short Title.

Section 2. Findings.

Section 3. Basic Formula Price.

Requires U.S. Secretary of Agriculture to delink the National Cheese Exchange (NCE) opinion price from the USDA Basic Formula Price used under Federal Milk Marketing Orders at a date no later than 60 days after enactment of this Act. This will eliminate the formulaic link between the NCE and milk prices that has been in place since Spring 1995.

Prohibits USDA's use of NCE prices in any future revision or replacement of the Basic Formula Price.

Section 4. Dairy Price Discovery and Reporting System.

Requires Secretary to take steps to improve price discovery in order to reduce the influence of the National Cheese Exchange on farmer milk prices. Alternative price discovery mechanisms will provide more information to buyers and sellers of cheese and may reduce trader reliance on the Exchange as the sole source of price information.

Requires Secretary to expand USDA's monthly cheese price reporting system to provide weekly information on actual prices paid for cheese throughout the country.

Requires Secretary to provide technical assistance to farmers and others seeking the creation of alternative cash markets.

Requires Secretary to work with the Commodity Futures Trading Commission to determine means of increasing trading volume on dairy futures markets.

Requires Secretary to conduct a study on the feasibility of creating an electronic market for cheese and other dairy products.

Section 5. Oversight of Cash Markets Affecting Federal Milk Marketing Orders.

Requires Secretary to prohibit noncompetitive practices on any cash market that may affect or influence the price of milk regulated under Federal Milk Marketing Orders. Noncompetitive practices include any activity conducted for the purpose or with the effect of manipulating prices on such a market.●

By Mr. CRAIG:

S. 259. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

THE FAIR LABOR STANDARDS ACT WATER DELIVERY ORGANIZATIONS FLEXIBILITY AMENDMENT ACT OF 1997

● Mr. CRAIG. Mr. President, I am introducing a bill today, which this body previously approved as an amendment to the first bill amending the Fair Labor Standards Act [FLSA] that the Senate passed in 1989. This bill would solve a problem with the interpretation of a provision of the FLSA, clarifying that the maximum hour exemption for agricultural employees applies to water delivery organizations that supply 75 percent or more of their water for agricultural purposes.

Representative MIKE CRAPO, of the Second District of Idaho, is today introducing an identical bill in the other body. Our bill would restore an exemption that was always intended by Congress.

Companies that delivery water for agricultural purposes are exempt from the maximum-hour requirements of the FLSA. The Department of Labor has interpreted this to mean that no amount of this water, however minimal, can be used for other purposes. Therefore, if even a small portion of the water delivered winds up being used for road watering, lawn and garden irrigation, livestock consumption, or construction, for example, delivery organizations are assessed severe penalties.

The exemption for overtime pay requirements was placed in the FLSA to protect the economies of rural areas. Irrigation has never been, and cannot be, a 40-hour-per-week undertaking. During the summer, water must be managed and delivered continually. Later in the year, following the harvest, the work load is light, consisting mainly of maintenance duties.

Our bill is better for employers, workers, and farmers. Winter compensation and time off traditionally have been the method of compensating for longer summer hours. Without this exemption, irrigators are forced to lay off their employees in the winter. Therefore, our bill would benefit employees, who would continue to earn a year-round income. It also would keep costs level, which would benefit suppliers and consumers.

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. 259

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

SECTION 1. AMENDMENT TO THE FAIR LABOR STANDARDS ACT OF 1938.

Section 13(b)(12) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(12)) is amended by inserting after ''water'' the following: '', at least 75 percent of which is ultimately delivered''.●

By Mr. ABRAHAM (for himself, Mr. HATCH, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. KYL, Mr. HUTCHINSON, Mr. ROBERTS, and Mr. ROBB):

S. 260. A bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes; to the Committee on the Judiciary.

POWDER COCAINE PENALTIES LEGISLATION

● Mr. ABRAHAM. Mr. President, I introduce legislation that would increase penalties for distribution of powder cocaine. It would do this by applying existing mandatory minimum sentences of 5 and 10 years for this crime to a larger class of powder cocaine dealers.

Specifically, under current law, a dealer has to distribute 500 grams of powder to qualify for the 5-year minimum, and 5,000 grams to qualify for the 10-year minimum. My bill would lower the trigger quantities to 100 grams and 1,000 grams, respectively.

As many of you will recall, last Congress, the Sentencing Commission proposed a dramatic lowering of penalties for distribution of crack. That proposal would have taken effect automatically had Congress not stepped in to prevent it from doing so it by adopting legislation I introduced to block it.

The principal argument the Commission advanced for its proposal was that current law's sharp differentiation between sentences for crack cocaine and powder cocaine distribution is wrong. Therefore, the Commission argued, we should equalize these penalties by lowering penalties for crack cocaine.

As is clear from the fact that I sponsored legislation to prevent its recommendation from taking effect, I did not agree with the Commission's view that crack and powder penalties should be equalized. I also did not think that dramatically lowering crack penalties was a good idea for anyone—least of all for inner-city residents where crack is most freely available and where parents need the most help in protecting their kids from those peddling this poisonous drug.

At the same time, it also seemed to me that the Commission's report made some valid criticisms of the current disparity in the sentences. It just seemed to me that it drew the wrong conclusion from its criticisms, and that the answer to the problems it identified was not to lower crack sentences but to raise powder sentences.

That is why, at the same time I introduced my legislation to prevent the Commission's proposal from taking effect last Congress, I also introduced the same bill I am introducing today: to raise the sentences for those who deal powder cocaine, and thereby bring the quantity ratio down from 100–1 to 20–1.

I believe this proposal recognizes two realities: that crack is more dangerous and more addictive than powder, but that powder is very dangerous and a critical contributor to our very serious crack problem.

First, as both the Commission's own study of the matter and a recent medical study indicate, crack is a more dangerous and addictive form of cocaine than powder. Moreover because of its relative cheapness and ease of use, it is more attractive to first-time users, and especially children.

It is also common sense that with crack use finally stabilizing, we should not jeopardize what success we have had in combating it by dramatically lowering the penalties for selling it. That would surely invite new entrants into the crack market, and thereby lead to an increase in drug use and trigger a resurgence of violence among competing crack dealers.

On the other hand, as the Commission's report also pointed out, present law has resulted, at least occasionally, in insufficiently severe punishment of individuals at the top of crack distribution chains. These dealers distribute their product in powder rather than in crack form. And at least a few of them have received considerably less than the mandatory 5-year penalty. At the same time lower level dealers who worked for them and sold the final product, crack, were receiving at least 5-year sentences. This overly lenient treatment of the powder kingpins does not seem right.

Second and more generally, when the mandatory sentences for powder were originally set, they were set without knowledge of the extent of our crack problem and the contribution that powder cocaine makes to it. An increase therefore is warranted for that reason as well.

Finally, while I believe some differential in the quantities that trigger the same sentence for crack and powder is warranted, 100 to 1 seems too great. It is also unique in our drug laws' treatment of derivative versus source drugs, and that uniqueness is part of what has made it racially divisive.

My proposed legislation addresses all three of these points. Its lower threshold for powder mandatories would make it much less likely that a powder kingpin at the top of a crack-dealing chain would escape with a lower punishment than those further down in the chain.

By raising the sentences for powder significantly, the bill also takes into account the contribution that powder cocaine dealing generally makes to the crack market.

Finally, the change in the powder triggers makes the ratio of powder to crack necessary to trigger the same sentences 20 to 1 rather than 100 to 1. This would bring it in line with other similar differentials between source and derivative drugs, such as opium and heroin, which likewise have a 20 to 1 quantity ratio.

Mr. President, last Congress we withheld action on this question beyond blocking the Sentencing Commission's proposal because we were told that the Commission ought to be given another chance to devise a solution. I believe, however, that this Congress must act on this matter—whether with the help of the Commission or on its own. By introducing this legislation at this time, I want to make clear that I intend to see to it that we do so.●

By Mr. DOMENICI (for himself, Mr. FORD, Ms. SNOWE, Mr. THOMPSON, Mr. THOMAS, Mr. ROTH, Mr. MOYNIHAN, Mr. NICKLES, Mr. MCCAIN, Mr. CONRAD, Mr. ABRAHAM, Mr. FRIST, Mr. GRAMS, Mr. LUGAR, Ms. COLLINS, Mr. BREAUX Mr. DEWINE, Mr. BURNS, Mr. WARNER, Mr. ROBERTS, Mr. COATS, Mr. MACK, Mr. KEMPTHORNE, Mr. D'AMATO and Mr. ENZI):

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; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

THE BIENNIAL BUDGETING AND APPROPRIATIONS ACT

Mr. DOMENICI. Mr. President, on behalf of Senator FORD and 23 other Senators, I rise to introduce the Biennial Budgeting and Appropriations Act, a bill to convert the budget and appropriations process to a 2-year cycle and to enhance oversight of Federal programs.

One of the greatest challenges facing the 105th Congress and President Clinton is to balance the Federal budget by 2002 and maintain balance through the next century when we will need to confront the very serious fiscal problems associated with an aging America. Balancing the Federal budget will require long-term planning, tough choices, and steadfast effort. These decisions should not be made, indeed I contend cannot be made, using the current fractionated annual budget process.

Congress should now act to streamline the system by moving to a 2-year, or biennial, budget process. This is the most important reform we can enact to streamline the budget process, to make the Congress a more deliberative and effective institution, and to make us more accountable to the American people.

Mr. President, moving to a biennial budget and appropriations process enjoys very broad support. President Clinton has proposed this reform. Presidents Reagan and Bush also proposed a biennial appropriations and budget cycle. Leon Panetta, who has

served as White House Chief of Staff, OMB Director, and House Budget Committee chairman, has advocated a biennial budget since the late 1970's. Former OMB and CBO Director Alice Rivlin has been arguing for a biennial budget for almost two decades. Other supporters include Senators LOTT, FORD, ROTH, THOMPSON, and GLENN. Last year, 42 Senators wrote our two Senate leaders calling for quick action to pass legislation to convert the budget and appropriations process to a 2-year cycle.

The most recent comprehensive studies of the Federal Government and the Congress have recommended this reform. The Vice President's National Performance Review and the Joint Committee on the Reorganization of Congress both recommended a biennial appropriations and budget cycle.

A biennial budget will dramatically improve the current budget process. The current annual budget process is redundant, inefficient, and destined for failure each year. The current process to develop, legislate, and implement the annual budget consumes 3 years: 1 year for the administration to prepare the President's budget, another year for the Congress to put the budget into law, and the final year to actually execute the budget.

Today, I want to focus just on the congressional budget process, the process of annually passing a budget resolution, authorization legislation, and 13 appropriation bills. The record clearly demonstrates the serious shortcomings of this process:

We have met the statutory deadline to complete a budget resolution only 3 times since 1974. In 1995, we broke the Senate record for the most rollcall votes cast in a day on a budget reconciliation bill.

The Congressional Budget Office just released its report on unauthorized appropriations. For fiscal year 1997, 121 laws authorizing appropriations have expired. These laws cover over one-third, or $89.6 billion, of appropriations for nondefense programs. Another 52 laws authorizing non-defense appropriations will expire at the end of fiscal year 1997, representing $31 billion more in unauthorized nondefense programs.

Since 1950 Congress has only twice met the fiscal year deadline for completion of all 13 individual appropriations bills to fully fund the Government.

While we have made a number of improvements in the budget process, the current annual process is redundant and inefficient. The Senate has the same debate, amendments, and votes on the same issue three or four times a year—once on the budget resolution, again on the authorization bill, and finally on the appropriations bill.

I recently asked the Congressional Research Service [CRS] to update and expand upon an analysis of the amount of time we spend on the budget. CRS looked at all votes on appropriations, revenue, reconciliation, and debt limit measures as well as budget resolutions. CRS then examined any other vote dealing with budgetary levels, Budget Act waivers, or votes pertaining to the budget process. For 1996, CRS found that the Senate devoted 73 percent of its time to the budget.

If we cannot adequately focus on our duties because we are constantly debating the budget in the authorization, budget, and appropriations process, just imagine how confused the American public is about what we are doing. The result is that the public does not understand what we are doing and it breeds cynicism about our Government.

Under the legislation I am introducing today, the President would submit a 2-year budget and Congress would consider a 2-year budget resolution and 13 2-year appropriation bills during the first session of a Congress. The second session of the Congress would be devoted to consideration of authorization bills and for oversight of Government agencies.

Most of the arguments against a biennial budget process will come from those who claim we cannot predict or plan on a 2 year basis. For two-thirds of the budget, we do not actually budget on an annual basis. Our entitlement and revenue laws are under permanent law and Congress does not change these laws on an annual basis. The only component of the budget that is set in law annually are the appropriated, or discretionary accounts.

Mr. President, the most predictable category of the budget are these appropriated, or discretionary, accounts of the Federal Government. I recently asked CBO to update an analysis of discretionary spending to determine those programs that had unpredictable or volatile funding needs. CBO found that only 4 percent of total discretionary funding fell into this category. Most of this spending is associated with international activities or emergencies. Because most of this funding cannot be predicted on an annual basis, a biennial budget is no more deficient than the current annual process. My bill will continue to allow supplemental appropriations necessary to meet these emergency and unanticipated requirements.

This legislation also will enhance oversight of Federal programs and activities. Frankly, the limited oversight we are now doing is not as good as it should be. We have a total of 34 House and Senate standing authorizing committees and these committees are increasingly crowded out of the legislative process. Under a biennial budget, the second year of the biennium will be devoted to examining Federal programs and developing authorization legislation. The calendar will be free of the budget and appropriations process, giving these committees the time and opportunity to fully review and legislate changes to Federal programs.

We also build on the oversight process by incorporating the new requirements of the Government Performance and Results Act of 1993 [GPRA] into the biennial budget process. The primary objective of this law is to force the Federal Government to produce budgets focused on outcomes, not just dollars spent. When the goal is to balance the budget, decisions must be made based on performance.

More specifically, GPRA requires agencies to develop strategic plans, performance plans, and performance goals. GPRA requires agencies to report on their actual performance in relation to these goals. Finally, GPRA requires the President to incorporate these performance plans into the President's budget submission to Congress.

At the beginning of each even-numbered year, this new biennial bill requires Federal agencies to submit their preliminary performance plans and any proposed legislation that will enhance the performance of Federal programs to authorizing committees. During these even-numbered years, the authorizing committees will review these performance plans and actual performance and develop authorization legislation geared to enhancing the performance of the Federal Government.

Mr. President, a biennial budget is not a panacea for all our budget woes. A biennial budget cannot make the difficult decisions that must be made in budgeting, but it can provide the tools necessary to make much better decisions. By moving to a biennial budget cycle, we can budget more effectively, strengthen oversight and watchdog functions, improve the efficiency of Government agencies, and work to balance the budget in an intelligent, fair, and deliberative manner.

Mr. President, I ask unanimous consent that a Washington Post article, a description of the bill, and a section-by-section analysis of the bill be made a part of the RECORD.

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

DESCRIPTION OF THE BIENNIAL BUDGETING AND APPROPRIATIONS ACT

Cosponsors (24): Senators Ford, Snowe, Thompson, Thomas, Roth, Moynihan, Nickles, McCain, Conrad, Abraham, Frist, Grams, Lugar, Collins, Breaux, DeWine, Burns, Warner, Roberts, Coats, Mack, Kempthorne, D'Amato, and Enzi.

The Domenici bill would convert the annual budget, appropriations, and authorization process to a biennial, or two-year, cycle.

FIRST YEAR: BUDGET AND APPROPRIATIONS

Requires the President to submit a two-year budget at the beginning of the first session of a Congress. The President's budget would cover each year in the biennium and planning levels for the four out-years. Converts the ''Mid-session Review'' into a ''Mid-biennium review''. The President would submit his ''mid-biennium review'' at the beginning of the second year.

Requires Congress to adopt a two-year budget resolution and a reconciliation bill (if necessary). Instead of enforcing the first fiscal year and the sum of the five years set out in the budget resolution, the bill provides that the budget resolution establish binding levels for each year in the biennium and the sum of the six-year period. The bill modifies the time frames in the Senate ten-year pay-as-you-go point of order to provide that legislation could not increase the deficit for the

biennium, the sum of the first six years, and the sum of the last 4 years.

Requires Congress to enact a two-year appropriations bill during the first session of Congress. The Domenici bill provides two fail-safe measures if there were an attempt to continue to appropriate funding on an annual basis. First, the Domenici bill provides a new majority point of order against appropriations bills that fail to cover two years. Second, if an appropriations bill were enacted that failed to appropriate money for the second year of the biennium, funding would be automatically appropriated at the first year's level. These fail-safe measures would not apply to supplemental appropriations bills to fund unanticipated needs such as emergencies.

Makes budgeting and appropriating the priority for the first session of a Congress. The bill provides a majority point of order against consideration of authorization and revenue legislation until the completion of the biennial budget resolution, reconciliation legislation (if necessary) and the thirteen biennial appropriations bills. An exception is made for certain ''must-do'' measures.

SECOND YEAR: AUTHORIZATION LEGISLATION AND ENHANCED OVERSIGHT

Devotes the second session of a Congress to consideration of biennial authorization bills and oversight of federal programs. The bill provides a majority point of order against authorization and revenue legislation that cover less than two years except those measures limited to temporary programs or activities lasting less than two years.

Requires the General Accounting Office (GAO) to give priority to requests for audits and evaluations of programs and activities during the second year of the biennium.

Modifies the Government Performance and Results Act of 1993 (GPRA) to incorporate the government performance planning and reporting process into the two-year budget cycle to enhance oversight of federal programs.

The Government Performance and Results Act of 1993 (GPRA) requires federal agencies to develop strategic plans, performance plans, and performance reports. The law requires agencies to establish performance goals and to report on their actual performance in meeting these goals. GPRA requires federal agencies to consult with congressional committees as they develop their plans. Beginning this year, GPRA will require all federal agencies to submit their strategic plans to the Office of Management and Budget, along with their budget submissions, by September 30 of each year. Finally, GPRA requires the President to include a performance plan for the entire government, beginning with the FY 1999 budget.

The Domenici bill modifies GPRA to place it on a two-year cycle along with the budget process. The bill also requires the authorizing committees to review the strategic plans, performance plans, and performance reports of federal agencies and to submit their views, if any, on these GPRA plans and reports as part of their views and estimates submissions to the budget committees.

The Domenici bill requires agencies to submit a preliminary performance plan and proposed authorization legislation to the relevant authorizing committees by March 31 of even-numbered years. In developing proposed authorization legislation, the bill directs agencies to include in their proposed legislation, changes that will enhance agencies' ability to meet their strategic and performance goals.

BIENNIAL BUDGETING AND APPROPRIATIONS ACT—SECTION-BY-SECTION ANALYSIS

Section 1 states the title of the legislation—the ''Biennial Budgeting and Appropriations Act''.

Section 2 amends section 300 of the Congressional Budget and Impoundment Control Act to revise the timetable to reflect a biennial budget process. In general, the revised timetable is similar to the current timetable except that most of the milestones only apply to the first session of a Congress. The timetable is modified to extend the deadline for completion of the budget resolution to May 15th and to extend the deadline for completion of reconciliation legislation to August 1st. The revised timetable contains two milestones in the second session: a February 15th reporting requirement for the CBO annual report on the budget and an end of session deadline for completion of action on authorization legislation. This section also amends the timetable to provide a special schedule in years a new President is elected. Generally, deadlines are extended by 6 weeks to give a new President more time to prepare and submit his budget.

Section 3 includes most of the other amendments made to the Congressional Budget and Impoundment Control Act.

Section 3(a) amends section 2 of the Act to make a conforming change to the statement of the purposes of the Act. Section 3(b) adds a definition for ''biennium'' and makes a conforming change to the definition of a budget resolution.

Section 3(c) amends section 301 to require the Congress to complete action on a biennial budget resolution by May 15th of each odd-numbered year; to require the budget resolution to cover the biennium, and each of the ensuing four years; to make conforming changes regarding requirements for hearings and reports on budgets; to make other conforming changes to the section; and, to make conforming changes to the section heading and the table of contents of the Act.

Section 3(d) amends section 302 of the Budget Act, regarding committee allocations, to require the conference report on a budget resolution to include an allocation of budget authority and outlays to each committee for each year in the biennium and the total of the biennium and the four succeeding fiscal years. This subsection also makes conforming changes to section 302(f).

Section 3(e) amends section 303 of the Budget Act, regarding the point of order against spending and revenue legislation affecting future fiscal years, to make a conforming change to provide that such legislation cannot be considered until the budget resolution for a biennium is adopted. This subsection also drops an exception in the Senate that exempts appropriations measures providing an advance appropriation for the two fiscal years following the budget year from this point of order.

Section 3(f) makes conforming changes to section 304 of the Budget Act, regarding revisions of budget resolutions. Maintains current law that allows Congress to revise the budget resolution at any time.

Section 3(g) amends section 305 to make a conforming change regarding a reference to the budget resolution.

Section 3(h) and (i) amend sections 307 and 309 to make conforming changes regarding the deadlines for completion of appropriations bills.

Section 3(j) amends section 310 to make conforming changes regarding reconciliation.

Section 3(k) amends section 311 to provide that a point of order will lie against any legislation that would cause the total budget authority, outlay, Social Security outlay, or Social Security revenue levels to be breached in either fiscal year of the biennium or that would cause revenue, Social Security revenue, or Social Security outlays levels to breached for the sum of the biennium and the four outyears covered by the resolution. Currently, the budget resolution all budget authority and outlays are enforced for the first year covered by the budget resolution and Social Security outlay, Social Security revenue, and total revenues are enforced for the five years covered by the budget resolution.

Section 3(l) amends section 401(b)(2) to make a conforming change regarding the referral of certain entitlement legislation to the Appropriations Committee.

Section 3(m) amends section 603 to make a conforming change regarding automatic allocations to the House Appropriations Committee if the budget resolution is not adopted by May 15th.

Section 4 amends the Senate pay-as-you-go point of order that prohibits consideration of legislation that would increase the deficit over a ten year period. The current Senate pay-as-you-go point of order prohibits consideration of legislation that would increase the deficit in the first year, the sum of the first five years, or the sum of the last five years. Section 4 modifies this point of order to prohibit consideration of legislation that would increase the deficit for the sum of the first two years (the biennium), the sum of the first six years, or the sum of the last four years.

Section 5 amends the relevant sections of Title 31 of the U.S. Code regarding materials the President's budget submission and related documents.

Section 5(a) amends section 1101 to add a definition of ''biennium''.

Section 5(b) amends section 1105 to require the President to submit the budget the first Monday of February for every odd-numbered year (except the schedule in section 300(b) of the Budget Act applies for years in which a new President is elected). Section 5(b) also amends a number of requirements in section 1105 to conform the President's budget to a biennial budget. Among these changes, the President's budget would have to propose levels for each fiscal year in the biennium and projections for the four succeeding years.

Section 5(c) amends section 1105(b), regarding estimated expenditures and proposed appropriations for the legislative and judicial branches, to require the submittal of these proposals to the President by October 16th of even-numbered years.

Subsections (d) and (e) of section 5 make conforming changes to section 1105 regarding the President's recommendations if there is a proposed deficit or surplus and capital investment analyses.

Section 5(f) amends section 1106 to change the requirements regarding the President's ''Mid-session Review''. Current law requires the President to submit the Mid-session Review before July 16 of each year. Section 5(f) requires the President to submit a ''Mid-biennium Review'' before February 15 of each even-numbered year. With this modification, the President will submit his biennial budget at the beginning of each odd-numbered year and provide updated information on the budget at the beginning of each even-numbered year.

Section 5(g) amends section 1109 to make conforming changes to require the President to submit current services estimates for the upcoming biennium and to require the Joint Economic Committee to submit an economic evaluation to the Budget Committee as part of its views and estimates report. This subsection also makes two technical corrections to require the President to submit the current services information with his budget

submission and to require the Joint Economic Committee to submit its economic evaluation within 6 weeks of the President's budget submission.

Section 5(h) makes amendments to provisions regarding year ahead requests on authorization legislation to require the President to submit requests for authorization legislation by March 31st of even-numbered years.

Section 5(i) amends section 1119 to conform a requirement regarding agency budget justifications and consulting services information to the biennial budget submission.

Section 6 amends section 105 of Title I of the U.S. Code regarding the form and style of appropriations Acts to require that they cover two years.

Section 7 adds a new section 314 to the Budget Act that establishes two new points of order in the Congress against authorization legislation. The first point of order prohibits consideration of authorization legislation that covers less than 2 years except for temporary activities. The second point order prohibits consideration of authorization or revenue legislation until the Congress has completed action on the biennial budget resolution, biennial appropriations bills, and all reconciliation bills. These two points of order do not apply to appropriations measures, reconciliation bills, privileged matters, treaties, or nominations. This point of order can be waived by a simple majority.

Section 8 amends section 717 of title 31 of the U.S. Code to require the General Accounting Office to give priority during the second session of a Congress to requests for Federal program audits and evaluations.

Section 9 establishes a stopgap funding mechanism to provide funding authority for the second year if Congress enacts an appropriations bill that only funds one year. This automatic funding authority does not apply to supplementals or continuing resolutions.

Section 9(a) amends chapter 13 of title 31 to add a new section 1311. Section 9(b) amends the table of contents of chapter 13 of title 31 to add the new section 1311.

Section 1311(a)(1) provides that if Congress enacts a regular appropriation bill in an odd-numbered year that fails to provide funding for the second year of the biennium, the second year is automatically funded at the first year's level. Section 1311(a)(2) provides that in determining the level of funding for the first year, the President must take into account sequester reductions made pursuant to the Balanced Budget and Emergency Deficit Control Act and cancellations made pursuant to the Line Item Veto Act. Section 1311(a)(3) provides that the automatic funding authority remains in effect only for the duration of the second fiscal year.

Section 1311(b) makes the automatic appropriation in the second year subject to the same terms and conditions Congress established for the first year's appropriation.

Section 1311(c) provides that the funding authority shall not apply to a project or activity if another law prohibits funding for that activity.

Section 1311(d) defines ''regular appropriation bill'' as any one of the thirteen regular appropriations bills.

Section 10 amends the Government and Performance and Results Act of 1993 (GPRA) to incorporate GPRA into the biennial budget cycle.

The Government Performance and Results Act of 1993 (GPRA) requires federal agencies to develop strategic plans, performance plans, and performance reports. Strategic plans set out the agencies' missions and general goals. Performance plans lay out the specific quantifiable goals and measures. Performance reports compare actual performance with the goals of past performance plans.

GPRA currently requires federal agencies to consult with congressional committees as they develop their strategic plans. Beginning this year, GPRA will require all federal agencies to submit their strategic and performance plans to the Office of Management and Budget, along with their budget submissions, by September 30 of each year. Finally, GPRA requires the President to include a performance plan for the entire government, beginning with the FY 1999 budget.

Section 10(a) and (b) amend section 306 of title 5 and section 115 of title 31 to require agencies to prepare performance plans every two years, in conjunction with the President's development of a biennial budget, and strategic plans every four years (covering a six-year period). This subsection also requires federal agencies to submit a preliminary draft of the performance plans to the relevant authorizing committees by March 31 of even-numbered years. Subsection (b) also requires agencies to include an executive summary of their 10 most important performance goals and to consult with Congress in developing these priority goals. The purpose of this change is to require agencies to highlight the crucial goals for Congress.

Section 10(c) amends section 1105(a)(30) of title 31 to require the President's budget to include aggregate performance report for the executive branch starting with the FY 2002–03 budget. Currently, OMB must submit an aggregate performance plan (known as the Federal Government performance plan) with the President's budget, but GPRA does not require them to prepare a performance report, indicating how they measured up to their goals.

Section 10(d) amends section 1116 of title 31 to make two changes. First, this subsection requires agencies to report to Congress on statutory barriers that limit their ability to meet their mission statement and to propose legislative recommendations to modify or eliminate such barriers. Second, this subsection adds subsections (g) and (h) to section 1116. Subsection (g) would require agencies to include an executive summary in their performance report describing actual results in relation to their 10 most important performance goals. Subsection (h) requires OMB's overall performance report to compare actual results with the goals established in previous federal government performance plans.

Section 10(e) amends section 301(d) of the Budget Act to require Congressional committees to review the strategic plans, performance plans, and performance reports of agencies in their jurisdiction. Committees may then provide their views on the plans or reports to the Budget Committee, if they so choose, as part of their views and estimates report.

Section 10(f) provides that the amendments shall take effect on March 31, 1998.

Section 11 amends the Budget Act to add a new section 315 that provides a majority point of order against consideration in any odd-numbered year of a regular appropriations bill that fails to fund both years of the biennium. This point of order does not apply to supplementals or continuing resolutions.

Section 12 requires OMB to conduct a study within 6 months of enactment of the feasibility of converting the fiscal year to a two year period.

Section 13 provides an effective date for the Act and a transition period. Subsection (a) generally provides that the Act takes effect on January 1, 1998. Section 13(b) provides a transition year to the biennial cycle by requiring the authorizing committees to start consideration of two-year authorization legislation in 1997. The result is that the authorizing committees will act on legislation for the fiscal year 2000–2001 biennium in calendar year 1997. The budget and appropriations committees will then follow by developing a budget resolution and 13 appropriations bills for the fiscal year 2000–2001 biennium in calendar year 1998.

[From the Washington Post, Dec. 8, 1996]

MAKE IT A TWO-YEAR BUDGET

(By Pete V. Domenici)

Democrats and Republicans are pledging bipartisanship cooperation in fashioning this year's federal budget. We should begin by abandoning the outmoded and disorderly annual budget and appropriation process and move to biennial budgeting and appropriating to stabilize our budget decisions. This is the most important reform we can adopt to improve the process, provide for oversight and careful deliberation, and make us accountable to the American people.

This is not a partisan issue. President Clinton, Senate Republican Leader Trent Lott and Democratic Whip Wendell Ford support biennial budgeting and appropriating. It also was recommended in 1993 by the bipartisan Joint Committee on Reorganization of Congress.

Under a biennial budget, the president would submit a two-year budget and Congress would consider a two-year budget resolution and 13 two-year appropriation bills during the first session of a Congress. The second session would be devoted to consideration of authorization bills and for oversight of government agencies.

A biennial budget would dramatically improve the current budget process. It would allow legislators to legislate intelligently. It would provide for oversight of what has been legislated, and it would cut down on the tremendous annual effort that now is devoted to developing and implementing the annual budget.

Consider that each year program managers interrupt their work to develop detailed documents to propose and support their budget. That budget must be reviewed by agency budget officers and senior agency officials before it is presented to the Office of Management and Budget (OMB). After OMB's review and the president's approval, the entire budget is presented to Congress. The executive branch's preparation and review of the budget takes a year.

After the budget is submitted to Congress; the agencies have to track and respond to inquiries from Congress as it considers the budget through the budget resolution, authorizing legislation and, ultimately, through appropriations legislation. The congressional budget consumes another year.

To understand how much effort goes into preparation of the annual budget, one need only look at one agency's budget justification in the annual process. Let's take the civil works program of the Army Corps of Engineers. The corps' civil works budget amounts to roughly $3.7 billion, or 0.2 percent of the total federal budget. Each year

the corps prepares and submits to the Appropriations Committee an eight-volume budget justification amounting to 2,005 pages!

Moreover, our current budget process—in which Congress tries to hold hearings, markups and floor action annually on authorization, budget and appropriations legislation—makes it extremely difficult for a member of Congress to fully meet all his or her obligations, much less take the necessary time to fully participate in each of these activities.

While an improvement over what went before, the current budget process is redundant and inefficient. Yogi Berra once observed that ''it's never over until it's over,'' but it seems too often that the budget process is never over. The Senate has the same debate and votes on the same issue three or four times a year—once on the budget resolution, again on the authorization bill and few amendments on the floor, and again on the appropriations bill. In 1993 I found that the Senate devotes roughly 40 percent of its time debating budget resolutions, reconciliation and appropriations bills.

In addition to the time-consuming nature of the budget process, Congress regularly misses its own deadlines and guidelines, which generates cynicism about our work. In the 22-year history of the Budget Act, we have met the statutory deadline to complete a budget resolution only three times. Last year, we broke the Senate record for the most roll-call votes cast in a day on a budget reconciliation bill.

Since 1950, Congress only twice has met the fiscal year deadline for completion of all 13 individual appropriations bills to fully fund the government. Congress usually governs in the breach, rushing to complete action on omnibus continuing resolutions in the best years or government shutdowns in the worst.

A biennial budget, while not a panacea, could improve the budget process dramatically. In 1987 I asked 50 agencies about their views on the biennial budget. Thirty-seven agencies supported a biennial budget. None opposed it. The agencies generally responded that they could operate under a biennial budget, and that it would save money for their operations.

Based on a 1993 congressional study, only 4 percent of discretionary funding—or $18.5 billion of the $541 billion appropriated in FY 1993—required annual funding because of unpredictable funding patterns.

If we have a two-year process, we can deal with another concern—that Congress does not spend enough time reviewing the operations of the federal government. Frankly, the limited oversight we are doing now is not as good as it should be.

Authorizing committees must increase their focus on their oversight role. Implementing the Government Performance and Results Act will begin to force the federal government to produce budgets next year focused on outcomes, not just dollars spent. When the goal is to balance the budget, decisions must be made based on performance. With a biennial budget, we would create an atmosphere that encourages and rewards better oversight, because the entire second year of any Congress would be devoted to authorizations and reviewing program performance.

By moving to a two-year budget and appropriations cycle, Congress can inject stability into a sometimes chaotic system, strengthen congressional oversight and watchdog functions, improve the efficiency of government agencies and—finally, it is hoped—increase the public's confidence that the achievement of balanced budget has been done intelligently, deliberatively and fairly.

Mr. MCCAIN. Mr. President, I rise in strong support of the Biennial Appropriations and Budget Act—A bill introduced today by Senator DOMENICI, the chairman of the Budget Committee. I am pleased to be an original cosponsor of this important legislation.

Under a biennial budget, the President would submit a 2-year budget in the first session of a Congress. The priority in the first session of the Congress would be completion of the biennial budget resolution and biennial appropriations bills. The second session would be reserved for authorization legislation and enhanced oversight. The planning and performance requirements of the Government Performance and Results Act of 1993 would be incorporated into the budgeting process as well.

I have long advocated changing our budget process in this manner. As a matter of fact in 1993, I introduced similar legislation. Changing our budget process would give Congress more time to develop and implement long-term budget plans. In addition, the 2-year cycle would allow more time for oversight and thorough evaluation of programs and spending.

Our current process is simply not working. Only three times in the past 20 years has Congress passed the budget resolution on time, and this is only the first step in congressional action on the budget. Only twice since 1950, has Congress met the fiscal year deadline for completion of all 13 individual appropriations bills. Most of the time Congress is rushing to pass appropriations bills, continuing resolutions, or omnibus spending bills at the last minute, trying to avoid a Government shutdown. This is not how we should be managing the power of the purse.

This idea is not new. President Clinton's former Chief of Staff and OMB Director, Leon Panetta, introduced the first biennial budget bill in 1977 when he was a Congressman. Vice President GORE strongly endorsed this idea in his National Performance Review. In his book, ''Creating a Government that Works Better and Costs Less,'' GORE states, ''Biennial budgeting will not make our budget decisions easier, for they are shaped by competing interests and priorities. But it will eliminate an enormous amount of busy work that keeps us from evaluating programs and meeting customer needs.''

Congress' failure to meet our prescribed deadlines, in current budget process, contributes to the American people's cynicism about politics. The time has come to recognize that our current budget process is broken and we must find a way to fix it. Biennial budgeting is an important first step toward fixing our current system by making our budget process more efficient and streamlined. I hope that Congress will act on this important legislation expeditiously.

Mr. THOMAS. Mr. President, it is an honor to join the chairman of the Budget Committee, Senator DOMENICI, in introducing legislation to create a 2-year budget and appropriations process. Senator DOMENICI has worked long and hard on this issue and I am hopeful that we can finally enact this commonsense reform this year.

The current budget process is breaking down. Congress and the executive branch spend entirely too much time on budget issues. Since the most recent budget process reform in 1974, Congress has consistently failed to complete action on the Federal budget before the start of the fiscal year and, as a result, has increasingly relied on omnibus spending measures to fund the Federal Government. In fact, since 1977, Congress has passed over 60 continuing resolutions just to keep the Federal Government open.

The budget resolution, reconciliation bill, and appropriations bills continue to become more time consuming. In the process, authorizing committees are being squeezed out of the schedule. There are too many votes on the same issues and too much duplication. In the end, this time could be better spent conducting vigorous oversight of Federal programs which currently go unchecked, exacerbating the Federal budget deficit.

In response to these problems, last Congress I introduced legislation that would create a biennial budget process. I am pleased to continue this effort by joining Senator DOMENICI in offering this bill. It will rectify many of the problems regarding the current process by promoting timely action on budget legislation. In addition, it will eliminate much of the redundancy in the current budget process. This legislation does not eliminate any of the current budget processes—each step serves an important role in congressional deliberations. However, by making decisions once every 2 years instead of annually, the burden should be significantly reduced.

Perhaps most importantly, biennial budgeting will provide more time for effective congressional oversight, which will help reduce the size and scope of the Federal Government. Congress simply needs more time to review existing Federal programs in order to determine priorities in our drive to balance the budget.

Another benefit of a 2-year budget cycle is its effect on long-term planning. A biennial budget will allow the executive branch and State and local governments, all of which depend on congressional appropriations, to do a better job making plans for long-term projects.

Two-year budgets are not a novel idea. Nor will biennial budgeting cure all of the Federal Government's ills. However, separating the budget session from the oversight session works well across the country in our State legislatures. It is a solid first step toward restoring some fiscal accountability in our Nation's Capital. I am hopeful this bill will be a catalyst for action on this commonsense, good Government reform.

Mr. FORD. Mr. President, I am pleased to be an original cosponsor of

the Biennial Budgeting and Appropriations Act. I am a full-fledged supporter of a 2-year budget cycle—an issue I have been championing since 1981. I believe in its potential as strongly now as I did then. It's an idea whose time has come.

There are several advantages to a 2-year budget cycle. Foremost, there will be a savings of time and money. Congress currently debates spending priorities and funding decisions not only every year, but several times within 1 year. By limiting budget action to only one session of each Congress, we eliminate repetitive votes on budget priorities and spending allocations. We also allow the executive branch and recipients of Federal aid, such as State and local governments, to better manage Federal dollars to get more cents out of the dollar.

Biennial budgeting allows for greater planning and more deliberate spending decisions. Too often, Congress has padded the budget resolution with spending for anticipated reforms and new initiatives only to find that action is not completed on the authorization before the new fiscal year begins. Unfortunately, those funds provided in the budget cannot be deleted or reserved for the next fiscal year, but must be spent on other programs.

A 2-year budget, with one session reserved specifically for oversight and authorizations, will give Congress the time to enact responsible spending proposals before the adoption of a budget resolution and appropriations bill. A 2-year budget cycle will give the executive branch and State and local governments, 2 years to plan for the most efficient use of Federal dollars.

This legislation will give Congress the opportunity to review spending decisions, and allow the executive branch to conduct compliance review. Too often we hear that once a Federal program is created, it will be funded into eternity. Congress simply needs more time to review existing spending programs to determine whether they should be modified, expanded, or replaced.

The Biennial Budgeting and Appropriations Act provides greater funding certainty for State and local governments. Our elected counterparts in the States must plan their budgets in large part around Federal spending decisions. As we know from last year's debate on the budget, Congress all too often misses deadlines and does not complete action before the beginning of the fiscal year. State and local governments simply cannot put their budget deliberations on automatic pilot while Congress completes its work and they cannot be expected to efficiently carry out Federal spending programs if they lack the certainty that funds will be provided on time.

While a 2-year budget won't replace the tough decisionmaking necessary for deficit reduction, it will make our work on the deficit and the Federal budget more efficient and more effective. When I was Governor of Kentucky, 2-year budgeting helped us to lay out a master plan for the entire State. And that master plan enabled agencies, local governments, and constituency groups to do long-term planning—planning that led to greater efficiency, overall cost savings, and equally important, peace of mind about future funding. We need this sort of planning on the Federal level. Ask any constituent what some of their top concerns are, and most, if not all, will talk about wasteful Government spending. If we truly want to address their concerns, I say the 2-year budget is the way to go and I am pleased to join Senator DOMENICI and others in pushing it forward with renewed vigor this year.

Mr. THOMPSON. Mr. President, I am pleased to join Senator DOMENICI as a cosponsor of this important legislation. I supported a similar measure in the 104th Congress and held a hearing last year in the Committee on Governmental Affairs. The issue has been debated over a number of years without success. However, the 105th Congress presents a new opportunity. As chairman of the Governmental Affairs Committee, I pledge my support in moving this measure to the full Senate.

The bill being introduced today has the fundamental goal of moving both the budget and appropriations process to a 2-year cycle—just once at the beginning of each Congress. In addition, it will link program results obtained under the Government Performance and Results Act [GPRA] to the budget process. Congressional committees will be required to review the GPRA reports and provide views and comments in conjunction with their comments on the budget.

Biennial budgeting would provide more time for Congress to conduct greater oversight and indepth evaluations of existing programs. We need to take more time to find out what is working and what is not. Congress should not just rely on good intentions when it passes new measures. We must ensure that the laws we write do provide the benefits and services as envisioned. The current budget process leaves us with far too little time to devote to thoughtful and systematic oversight of Federal programs, and far too little time to develop and consider long-term policy initiatives.

Another important reason I support 2-year budgeting, in addition to enhanced oversight, I believe the bill would provide Members of Congress with more time to spend with the people they represent, receiving their views and insights on Government programs, services, and pending legislation. Freedom from dealing with the budget on an annual basis has the ability to move us closer to a citizen legislature as envisioned by the Founding Fathers. We have no greater responsibility than representing the people of our State. To do so, we need to spend time at home.

On the issue biennial budgeting, once again the States are leading the way, with more than 20 States currently using some form of it. I firmly believe it is time for Washington to recognize the value in this and enact this bill promptly. I support the Biennial Appropriations and Budget Act of 1997, and encourage all my colleagues to do the same. It is an idea whose time has come.

By Mr. WELLSTONE:

S. 262. A bill to amend title 18, United States Code, to provide for the prospective application of certain prohibitions relating to firearms; to the Committee on the Judiciary.

FIREARMS LEGISLATION

● Mr. WELLSTONE. Mr. President, today I am introducing legislation that will make clear that from now on, if you are convicted of beating your wife, your husband, or your children, your actions will result in you forfeiting your firearm privileges, no matter who you are.

The bill amends the Federal law that prohibits someone with a misdemeanor conviction for domestic violence from possessing firearms or ammunition so that the law is applied prospectively only, from the date of enactment. I urge my colleagues to support this bill. We know that all too often the only difference between a battered woman and a dead woman is a batterer with a gun. Many of you are familiar with facts I have stood here and recited in the past: Four women a day are killed at the hands of their batterer;

The California Department of Justice Law Enforcement reported in 1994 that 68 percent of the murder victims known to have been killed by an intimate were killed by firearms, 68 percent;

The likelihood of a woman dying during a domestic assault is directly related to the type of weapon available. When a firearms is available, the assault is three times more likely to end in death than an assault with a knife. If no weapon is available the dispute is 23 times less likely to end in death;

Fifty-seven percent of children under 12 who are murdered are killed by a parent.

These are statistics based only on what is reported. We know that there are people watching who are victims of abuse in their own homes. It is happening to women that you know in your work place, in your church or synagogue and your neighborhood.

Domestic violence is the most underreported crime in the country.

We will not tolerate the violence.

We will not ignore the violence.

We will not say that it is someone else's responsibility.

I urge my colleagues to support this bill.

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. 262

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

SECTION 1. PROSPECTIVE APPLICATION OF THE DOMESTIC VIOLENCE MISDEMEANOR CONVICTION FIREARMS PROHIBITION.

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

(1) Spouses, ex-spouses, and current and former boyfriends commit over 1,000,000 violent crimes against women each year, including assault, rape, and murder.

(2) Approximately 28 percent of all women murdered in the United States each year are killed by current or former husbands or boyfriends.

(3) Weapons are used in 30 percent of domestic violence incidents.

(4) Domestic violence calls are one of the largest categories of calls to police each year, and, in some locations, up to one-third of all police time is spent responding to domestic calls.

(5) Studies show that police are more likely to respond to a reported incident within 5 minutes if the offender is a stranger to the victim and that, police are more likely to take a formal report with respect to an incident in which the offender is a stranger to the victim.

(6) Studies show that only approximately 10 percent of spouses who are abused ever call the police, in spite of the fact that conjugal assaults account for 12 percent of all assaults that result in serious injury, 16 percent of all assaults requiring medical care, and 18 percent of assaults that result in the loss of at least a full day of work.

(7) Data compilation suggests that injuries in all domestic assaults are at least as severe as those suffered in 90 percent of violent felonies, although the overwhelming number of domestic violence injuries are considered to be only misdemeanors in most States.

(8) In the 104th Congress, Congress amended the Federal law that regulates the lawful transfer and possession of firearms and ammunition to provide that an individual's conviction of a misdemeanor crime of domestic violence will prohibit the individual from possessing any firearm or ammunition and will prohibit others from licensing or transferring a firearm or ammunition to that person.

(9) The term ''misdemeanor crime of domestic violence'' is defined in Federal law as a Federal or State misdemeanor crime that ''has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim''.

(10) For purposes of Federal law, to be considered convicted to be of a misdemeanor crime of domestic violence, a person must—

(A) have been represented by counsel or knowingly waived representation; and

(B) have been tried by a jury or knowingly waived trial by a guilty plea or otherwise if entitled to a jury trial for the offense at issue.

(11) There are exceptions to the new Federal law that may apply to an individual determined to have been convicted of a misdemeanor crime of domestic violence, if ''the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable provision provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms''.

(12) Congress clearly intended for this Federal law to apply to peace officers. The general exception to the law for firearms and ammunition that are issued for the use of ''the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof,'' does not apply to individuals convicted of a misdemeanor crime of domestic violence.

(b) UNLAWFUL ACTS.—Subsections (d)(9), (g)(9), and (s)(3)(B)(i) of section 922 of title 18, United States Code, are each amended by inserting'', on or after September 30, 1996,'' before ''of a misdemeanor''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by the first section designated as section 658 of Public Law 104–208.●

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. ASHCROFT, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 4, a bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

S. 5

At the request of Mr. ASHCROFT, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 5, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

S. 10

At the request of Mr. HATCH, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 15

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 15, a bill to control youth violence, crime, and drug abuse, and for other purposes.

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 29

At the request of Mr. LUGAR, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Indiana [Mr. COATS], and the Senator from Kansas [Mr. ROBERTS] were added as cosponsors of S. 29, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 30

At the request of Mr. LUGAR, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Kansas [Mr. ROBERTS] were added as cosponsors of S. 30, a bill to increase the unified estate and gift tax credit to exempt small businesses and farmers from inheritance taxes.

S. 31

At the request of Mr. LUGAR, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Indiana [Mr. COATS], and the Senator from Kansas [Mr. ROBERTS] were added as cosponsors of S. 31, a bill to phase-out and repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 61

At the request of Mr. LOTT, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from New York [Mr. D'AMATO], the Senator from Alabama [Mr. SHELBY], the Senator from Louisiana [Mr. BREAUX], the Senator from Maryland [Mr. SARBANES], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors 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. 72

At the request of Mr. KYL, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 72, a bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gain rates for all taxpayers, and for other purposes.

S. 74

At the request of Mr. KYL, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 74, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

S. 76

At the request of Mr. KYL, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 76, a bill to amend the Internal Revenue Code of 1986 to increase the expensing limitation to $250,000.

S. 140

At the request of Mr. FAIRCLOTH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 140, a bill to improve the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

S. 143

At the request of Mr. DASCHLE, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Vermont [Mr. LEAHY], and the Senator from

Ohio [Mr. GLENN] were added as cosponsors of S. 143, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 194

At the request of Mr. CHAFEE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 194, a bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly-traded stock to certain private foundations and for other purposes.

S. 202

At the request of Mr. LOTT, the names of the Senator from Florida [Mr. MACK], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 202, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 210

At the request of Mr. MURKOWSKI, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 210, a bill to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE RESOLUTION 16

At the request of Mr. LUGAR, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of Senate Resolution 16, a resolution expressing the sense of the Senate that the income tax should be eliminated and replaced with a national sales tax.

SENATE RESOLUTION 42—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER, from the Committee on Rules and Administration, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 42

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1997, through February 28, 1998, under this resolution shall not exceed $1,339,106, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this resolution shall not exceed $1,375,472, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1998, and February 28, 1999, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 43—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. HATCH, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 43

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1997, through February 29, 1998, under this resolution shall not exceed $4,362,646.00 of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this resolution shall not exceed $4,480,028.00 of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1998, and February 28, 1999, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, U.S. Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, to be paid from Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 44—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. DOMENICI, from the Committee on the Budget, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 44

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under the rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1997, through February 28, 1998, under this resolution shall not exceed $3,105,190, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this resolution shall not exceed $3,188,897, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1998, and February 28, 1999, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 45—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER, from the Committee on Veterans' Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 45

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1997, through February 28, 1998, under this resolution shall not exceed $2,776,450, of which not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this resolution shall not exceed $1,153,263, of which not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendation for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1998, and February 28, 1999, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for (1) the disbursement of salaries of employees paid at an annual rate, or (2) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 46—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL, from the Committee on Indian Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 46

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Indian Affairs is authorized from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1997, through February 28, 1998, under this resolution shall not exceed $1,143,036, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) no funds may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this resolution shall not exceed $1,171,994, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) no funds may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1998, and February 28, 1999, respectively.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees fees paid at an annual rate, (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United

States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 47—RELATIVE TO ACCURATE GUIDELINES FOR BREAST CANCER SCREENING

Ms. SNOWE (for herself, Ms. MIKULSKI, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. MURRAY, Ms. MOSELEY-BRAUN, Ms. LANDRIEU, Ms. COLLINS, Mr. LEVIN, Mr. AKAKA, Mr. BRYAN, Mr. CLELAND, Mr. TORRICELLI, Mr. HOLLINGS, Mr. FORD, Mr. BINGAMAN, Mr. BREAUX, Mr. KERREY, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. GRAHAM, Mr. DODD, Mr. KERRY, Mr. KENNEDY, Mr. GLENN, Mr. LIEBERMAN, Mr. SARBANES, Mr. LAUTENBERG, Mr. WYDEN, Mr. BAUCUS, Mr. MOYNIHAN, Mr. BIDEN, Mr. DORGAN, Mr. DURBIN, Mr. CONRAD, Mr. BUMPERS, Mr. LEAHY, Mr. FAIRCLOTH, Mr. ROBB, Mr. SPECTER, Mr. D'AMATO, Mr. ABRAHAM, Mr. GRASSLEY, Mr. COATS, Mr. COVERDELL, Mr. KEMPTHORNE, Mr. WARNER, Mr. MURKOWSKI, Mr. THOMAS, and Mr. BOND) submitted the following resolution; which was considered and agreed to:

S. RES. 47

Whereas the National Cancer Institute is the lead Federal agency for research on the causes, prevention, diagnosis, and treatment of cancer;

Whereas health professionals and consumers throughout the United States regard the guidelines of the National Cancer Institute as reliable scientific and medical advice;

Whereas it has been proven that intervention through routine screening for breast cancer through mammography can save the lives of women at a time when medical science is unable to prevent this disease;

Whereas the National Cancer Institute issued a guideline in 1989 recommending that women in their forties seek mammograms, but rescinded this guideline in 1993;

Whereas in 1993, it was difficult to have the same degree of scientific confidence about the benefit of mammography for women between the ages of 40 and 49 as existed for women between the ages of 50 and 69 due to inherent limitations in the studies that were conducted as of that date;

Whereas at that time, the American Cancer Society and 21 other national medical organizations and health and consumer groups were at variance with the decision of the National Cancer Institute to rescind the guidelines of the Institute for mammography for women between the ages of 40 and 49;

Whereas the statement of scientific fact on breast cancer screening issued by the National Cancer Institute on December 3, 1993, caused widespread confusion and concern among women and physicians, eroded confidence in mammography, and reinforced barriers and negative attitudes that keep women of all ages from being screened;

Whereas in 1995, investigators found a 24 percent lower death rate among women who received mammograms in their forties when the world's population-based trials were combined;

Whereas in 1996, Swedish researchers in 2 studies found a 44 and 36 percent lower death rate among women who received mammograms in their forties;

Whereas a number of studies have shown that breast tumors in women under the age of 50 may grow far more rapidly than in older women, suggesting, that annual mammograms are of value to women in this age group;

Whereas on January 23, 1997, a panel convened by the National Institutes of Health reviewed these and other compelling studies but decided not to recommend that the National Cancer Institute reissue its earlier guidelines;

Whereas the Director of the National Cancer Institute and other major national organizations, including the American Cancer Society, expressed surprise and disappointment with this decision;

Whereas the majority (approximately 80 percent) of women who are diagnosed with breast cancer have no identifiable risk for this disease;

Whereas breast cancer is the single leading cause of death for women in their forties and fifties, and a leading cause of death for women between the ages of 30 and 60; and

Whereas more women will be diagnosed with breast cancer this year in their forties (over 33,000 women) than in their fifties: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) adequately designed and conducted studies are needed to further determine the benefits of screening women between the ages of 40 and 49 through mammography and other emerging technologies; and

(2)(A) the Senate strongly urges the Advisory Panel for the National Cancer Institute to consider reissuing the guideline rescinded in 1993 for mammography for women between the ages of 40 and 49 when it convenes in February; or

(B) until there is more definitive data, direct the public to consider guidelines issued by other organizations.

SENATE RESOLUTION 48—RELATIVE TO THE DIRECTOR OF THE OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 48

Resolved,

SECTION 1. TEMPORARY AND INTERMITTENT SERVICE.

(a) DEFINITIIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Senate Fair Employment Practices.

(2) HEARING OFFICER.—The term ''hearing officer'' means a hearing officer appointed in accordance with section 307(b) of the Government Employee Rights Act of 1991 (2 U.S.C. 1207(b)) (as in effect on January 22, 1995).

(3) OFFICE.—The term ''Office'' means the Office of Senate Fair Employment Practices.

(b) DIRECTOR.—

(1) SERVICE.—The acting Director may continue to serve as the Director only on a temporary and intermittent basis, in accordance with a contract entered into with the President pro tempore of the Senate, on the recommendation of the Majority Leader and the Minority Leader of the Senate.

(2) CONTRACT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), subsection (b) of section 303 of the Government Employee Rights Act of 1991 (2 U.S.C. 1203) (as in effect on January 22, 1995) shall not apply to the serivce of the Director.

(B) EXCEPTION.—The contract shall include provisions concerning such service that are consistent with the last sentence of subsection (b)(1) of such section 303 of the Government Employee Rights Act of 1991.

(c) HEARING OFFICERS.—The President pro tempore of the Senate may extend pursuant to an agreement between the President pro tempore and a hearing officer, a contract that was entered into by the Director and the hearing officer prior to the date of adoption of this resolution. The President pro tempore shall extend any such contract on behalf of the Office in the same manner and under the same conditions as a standing committee of the Senate may procure services on behalf of the committee under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)). The Director shall have no authority under subsection (c) of such section 303 of the Government Employee Rights Act of 1991.

(d) EXPENSES OF THE OFFICE.—

(1) APPROVAL.—The Office shall have no authority to approve a voucher under subsection (d) of such section 303 of the Government Employee Rights Act of 1991, except for the compensation of a hearing officer. The Office shall also obtain the approval of the Committee on Rules and Administration of the Senate for voucher for the compensation of the hearing officer. The Officer shall obtain the approval of the President pro tempore of the Senate and the Committee for any voucher required under such subsection for the compensation of the Director or for reimbursement of expenses for a private document carrier. The Director shall retain authority to make payments described in paragraphs (2) through (5) of the third sentence of such subsection.

(2) LIMITATIONS.—Payments described in paragraph (1) shall be made from amounts made available under subsection (e). The Office shall use the amounts to carry out the responsibilities of the Office in accordance with section 506 of the Congressional Accountability Act of 1995 (2 U.S.C. 1435).

(e) FUNDING.—The Secretary of the Senate may make available amounts, not to exceed a total of $5,000, from the resolution and reorganization reserve of the miscellaneous items appropriations account, within the contingent fund of the Senate, for use by the Office through September 30, 1997.

(f) EFFECTIVE DATE.—This resolution takes effect on January 31, 1997.

(g) TERMINATION.—This authority under this resolution terminates at the end of September 30, 1997.

SENATE RESOLUTION 49—EXPRESSING THE CONDOLENCES OF THE SENATE

Mrs. HUTCHISON (for herself and Mr. GRAMM) submitted the following resolution; which was considered and agreed to:

S. RES. 49

Whereas the Senate has learned with profound sorrow and deep regret of the passing of our colleague, the Honorable Frank Tejeda;

Whereas Representative Tejeda has spent 4 years in the House of Representatives;

Whereas Representative Tejeda served his country honorably in the United States Marine Corps from 1963 to 1967; and

Whereas Representative Tejeda was awarded the Purple Heart, the Silver Star, the Commandant's Trophy, the Marine Corps Association Award, and the colonel Phil Yeckel

Award for ''the best combined record in leadership, academics, and physical fitness'': Now, therefore, be it

Resolved, That—

(1) when the Senate adjourns today, it adjourn as a further mark of admiration and respect to the memory of our departed friend and colleague, who left his mark on Texas and our Nation; and

(2) the Senate extends to his family our thoughts and prayers during this difficult time.

SEC. 2. The Secretary of the Senate shall communicate this resolution to the House of Representatives, and shall transmit an enrolled copy to the family of Representative Frank Tejeda.

Mrs. HUTCHISON. Mr. President, I have a resolution that I am submitting on behalf of myself and Senator GRAMM. I have sent it to the desk and I ask that it be held and that it be cleared by the close of business today.

Mr. President, the resolution is commending and is in honor of a fallen comrade. He was a Member of the House, a member of the Texas delegation, FRANK TEJEDA.

FRANK TEJEDA was a hero, a patriot. He served his country in every possible way. FRANK TEJEDA dropped out of high school at the age of 17 to join the Marine Corps. He liked to tell the story that he thought he would have a couple of months to sit around and dream about being in the Marine Corps. And they said to this young 17-year-old, ''We would love to have you. Here are your tickets to California, you leave this afternoon.'' So he was off on his life adventure in the Marine Corps.

FRANK TEJEDA went to Vietnam. He was a hero in Vietnam. FRANK TEJEDA won not only the Purple Heart but the Silver Star for his heroic performance in going onto a battlefield that was riddled with bullets flying all around him to save a comrade.

He was always there when his country called. After he came back, the high school dropout went to college and graduated. He graduated not only from St. Mary's University, but also went to law school at the University of California at Berkley and received his law degree. Then, he got graduate degrees from both Harvard and Yale. He served in the Texas Senate—I knew him there—and then he came to Congress, and we were able to serve together here.

FRANK was, in every sense, the truest Texan. I was privileged to be at his funeral yesterday in south San Antonio, at St. Leo's Catholic Church. You could see the essence of what FRANK was. You could see it in the people that he had gone to church with all his life. You could see it in the people who eulogized him, that had grown up with him, and who now are also leading citizens of San Antonio. You could see it in the people who were holding signs along the road between the church and Fort Sam Houston, where he was to be buried with full military honors.

No one will be able to fill the shoes of a great Texan like FRANK TEJEDA. He will have a successor. We will have someone that will represent San Antonio and Texas in the U.S. Congress. But you don't fill the shoes of a person who never forgot from where he came, who was always there for the people that he grew up with and that he represented in the U.S. Congress, to make sure that they were part of the great American dream.

He was there for our military, he was there for our veterans. I remember when I was working to make sure that the veterans' pay came when Government was shut down. FRANK TEJEDA was right there trying to help me make sure that that happened. When the people at Kelly Air Force Base learned that their base was going to be shut down, with privatization as an option that was given by BRAC, FRANK TEJEDA and I rolled up our sleeves to go to work for privatization, because we wanted the good people at Kelly Air Force Base to be able to keep those jobs, and because we knew it was in the best interest of our country that they keep those jobs because they are the trained work force.

I think the most important thing I could say about anyone with whom I served in Congress is, if we are in a fight, he was someone I would want in the trenches with me.

That describes FRANK TEJEDA. He proved himself on the real battlefield in Vietnam. He proved that he was someone you would want in the trenches with you when you are fighting for your life, for your country, and he proved it in so many ways in his service in the U.S. Congress.

I will miss FRANK TEJEDA as a friend. America will miss him as a patriot and a hero. I would like for this resolution to be passed today when we close the Senate, and I would like to close the Senate in honor of former Congressman FRANK TEJEDA, who was buried yesterday at Fort Sam Houston with full military honors.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''The President's Fiscal Year 1998 Budget Request for the United States Small Business Administration.'' The hearing will be held on Wednesday, February 12, 1997, beginning at 9:30 a.m., in room 428A of the Russell Senate Office Building.

For further information, please contact Louis Taylor at 224–5175.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''Nomination of Aida Alvarez to be Administrator of the United States Small Business Administration.'' The hearing will be held on Thursday, February 13, 1997, beginning at 9:30 a.m., in room 428A of the Russell Senate Office Building.

For further information, please contact Louis Taylor at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, February 4, 1997, at 10 a.m. in open session, to receive testimony concerning the Army sexual harassment incidents at Aberdeen Proving Ground and sexual harassment policies within the Department of Defense.

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

COMMITTEE ON FINANCE

Ms. SNOWE. Mr. President, I ask unanimous consent that the full Committee on Finance be permitted to meet to conduct a hearing on Tuesday, February 4, 1997, beginning at 10 a.m. in room 215–Dirksen.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an Employment and Training Subcommittee hearing on Fair Labor Standards Act reform, during the session of the Senate on Tuesday, February 4, 1997, at 9:30 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate to receive testimony from committee chairmen and ranking members on their committee funding resolutions for 1997 and 1998 on Tuesday, February 4, Wednesday, February 5, and Thursday, February 6, all at 9:30 a.m.

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

ADDITIONAL STATEMENTS

COSPONSORSHIP OF THE SAFE AND AFFORDABLE SCHOOLS ACT

• Mr. ABRAHAM. Mr. President, I rise today to cosponsor Senate bill S. 1, the Safe and Affordable Schools Act. I do so because I am convinced that we owe our children the opportunity to learn in a safe environment and that our children should not find the door to higher education closed to them by high costs. This legislation will help children from low income families escape unsafe schools and at the same time help parents and their children better afford higher education.

We have a crisis in our schools, Mr. President. According to one recent study, 2,000 acts of violence are committed every hour in our classrooms. The study also found that high percentages of students have changed their daily routine because of personal safety concerns, and that most students say they could obtain marijuana

within a day if they wished. Drugs and violence have no place in our schools alongside math and history.

To address this problem, the Safe and Affordable Schools Act authorizes $50 million for fiscal year 1998 school choice pilot programs. These moneys may be used to develop, establish, and operate programs to protect children who have been victims of, or witnesses to, violence in our elementary and secondary schools. To encourage local safety measures, the act gives priority to programs providing for suspension, delay, or restriction of driving privileges for minors found to be using drugs.

Mr. President, poor kids in this country should have the same right to attend a safe school as their more well-off counterparts. That is why school choice programs are essential. This bill provides funding for pilot programs and also for broader school choice vouchers to give parents in our less affluent areas a chance to send their children to good schools.

Unfortunately, Mr. President, too many kids who graduate from high school find the doors to higher education closed to them by sky-high costs. Public college and university tuition alone has risen 234 percent over the last 15 years. This has put too tight a squeeze on students and their parents as they seek the opportunities only higher education can provide in our country.

To make higher education more affordable for students in college and for parents saving for their children's education, this legislation provides a number of rational, cost-effective tax incentives. To begin with, Mr. President, this bill establishes the Bob Dole education investment account. Parents would be able to contribute $1,000 per year to this account, and would be eligible to establish an account for each child. The savings will be significant. If a parent puts aside $1,000 at the time a child is born, and contributes $1,000 every year until the child is 18, the investment account would contain $34,000 to pay college costs.

And this legislation offers further help to parents and students. It excludes from taxation educational assistance provided by employers. It also excludes any prepaid higher education disbursement from the State. In addition, the bill would make student loan interest deductible, up to a maximum of $2,500 per year. Finally, the bill would exclude from gross income any moneys received through Federal work study programs.

These provisions will make higher education more affordable. They will keep the doors of opportunity open for all Americans. Combined with school choice measures, they will go a long way toward establishing the equality of opportunity for which our country always has been known.

I urge my colleagues to support this worthwhile legislation.●

RETIREMENT OF PROCTOR JONES

●Mr. LEAHY. Mr. President, the Senate, with its long hours and demanding schedule is not generally known for the long tenure of its Members' staff. Proctor Jones is an exception to that rule. Proctor has served the Senate for more than 35 years. He has spent 27 of those years working for the Committee on Appropriations, outlasting seven committee chairmen. Nobody knows the ins and outs of the appropriations process, better than Proctor Jones.

The energy and water appropriations bill just won't be the same without Senator JOHNSTON leading the Democratic members of the subcommittee and Proctor behind the scenes crafting the bill. It is not a coincidence that the energy and water appropriations bill is usually one of the first to be passed by Congress. Proctor's experience on appropriations, combined with Senator JOHNSTON's bargaining skill made them a formidable pair. They will be sorely missed on the Appropriations Committee. I commend Proctor on his long and dedicated service to the Senate and wish him the best of luck.●

TRIBUTE TO STEVE AND LORRAINE GOREN ON BEING NAMED 1997 DOVER CITIZENS OF THE YEAR

● Mr. SMITH. Mr. President, I rise today to congratulate Steve and Lorraine Goren, coowners of Farnham's clothing store in Dover, on being named the 1997 Citizens of the Year by the Greater Dover Chamber of Commerce. As a former small businessman myself, I commend their accomplishments.

Farnham's clothing store has been a Dover establishment since 1855. For years, Steve and Lorraine have been involved in Dover's growth in a number of ways.

Steve Goren is a member of the Dover Parking Commission and a trustee at the Dover Children's Home. He is a former member of the Dover Industrial Development Authority, a former director of Great Bay Bank Shares, and was on the board of Southeast Bank. In addition, both Gorens are active in the downtown merchants group.

Lorraine Goren has represented Temple Israel on the board of Dover Cooperative Ministries for years, served as treasurer of the Wentworth-Douglass Hospital Auxiliary and rallied Dover merchants for support during the American Cancer Society's annual daffodil sales. She has also served the Dover Chamber of Commerce as a member of the Cochecho Arts Festival committee and the Apple Harvest Day committee.

Both Steve and Lorraine have dedicated their time, talent and energy to serving the residents of Dover in an exemplary way. The Goren's outstanding community commitment is important to the future and prosperity of New Hampshire's communities. Congratulations to Steve and Lorraine for this distinguished recognition. I am honored to represent them in the U.S. Senate.●

TRIBUTE TO BEATRICE RUTH FAIRFAX

●Ms. MOSELEY-BRAUN. Mr. President, I want to take a moment to talk about Beatrice Ruth Fairfax, a constituent of mine who died on January 14, 1997, at the age of 84, after a lifetime of making a difference in the lives of those she touched. She will be sorely missed by her family, friends, and community.

Upon her graduation from Hyde Park High School, Beatrice Fairfax worked as a writer and became involved in many civil rights and labor union causes. She met her husband, Bob Fairfax through their involvement in cultural arts activities with the Works Progress Administration [WPA]. They married in 1935 and eventually settled in the Altgeld-Murray public housing development as one of Altgeld's first interracial families. The Fairfaxes worked tirelessly to improve the quality of life for public housing residents. They founded and managed the community's first newspaper, the Altgeld Beacon, while working as beat reporters for the Chicago Defender Newspaper. They also established numerous Boy Scout troops throughout the Chicago Housing Authority [CHA], and founded the Jackson Raiders, an award winning drum and bugle corps. In keeping with Mrs. Fairfax's philosophy, ''Before a community can make social sense, it has to make economic sense,'' the Fairfaxes also participated in the establishment of one of the country's first and largest black owned food coop stores, which was owned by 300 black families and patronized by thousands of public housing residents. In addition, the Fairfaxes were two of the original plaintiffs in Gautreaux versus Chicago Housing Authority, a landmark case which resulted in the end of racially discriminatory practices of the CHA.

After her retirement from the Illinois Department of Labor, Mrs. Fairfax continued to be active in community affairs and maintained affiliations with the American Association of Retired Persons, American Federation of State, County and Municipal Employees, Boy Scouts of America, Girl Scouts of Chicago, Chicago Parent Teacher Association, Citizen Utility Board, Chicago Urban League, Chicago Sinai Congregation, Jewish Council for the Elderly, Illinois Public Action Council, and the Friends of the Chicago Children's Choir, to name a few. In addition to her many substantial accomplishments, on a personal note, I must say that Bea Fairfax was one of the kindest and most generous people I have known. She didn't just talk the talk, but walked the walk. Her life was truly dedicated to improving the lives of others. No one knows that more than her

family, including her daughters, Joyce Theresa Fairfax-Wells, and Ruth Mary Fairfax-Frazier, her son-in-law, Anthany Frazier, her former son-in-law, Cornell Wells her grandchildren, Annika Frazier-Muhammad, Darius Frazier, Monnica Wells, and Jacqueline Wells, her great grandson, Hamza Ibn Omar Frazier-Muhammad, and many other relatives, friends, and members of the community she helped to create. Her death is a great loss, but the legacy of her good works will endure.●

TRIBUTE TO WILLIAM MARVIN ON BEING NAMED THE 1996 MANCHESTER CITIZEN OF THE YEAR

●Mr. BOB SMITH. Mr. President, I rise today to congratulate Bill Marvin, president of Manpower Temporary Services, on being named the 1996 Manchester's Citizen of the Year. I commend his outstanding community commitment and congratulate him on this well-deserved honor.

As chairman of the 1996 Optima Board, Bill oversaw the capital campaigns for the Currier Gallery and the Palace Theatre, the downtown ice skating rink, and the merger of Catholic Medical Center and Elliot Hospital.

Bill is a member of the Manchester Rotary Club, the Manchester Chamber of Commerce and the Catholic Medical Center. He has also brought two area hospitals together and has helped to organize bingo games for the Boys and Girls Club.

He is known to many as always willing to take responsibility, whether to chair a committee, raise money, or oversee a board of directors. Whatever Bill dedicates his time to, he always gets the job done.

While giving his time to all these community projects, Bill and his wife, Ann, operate Manpower Temporary Services which was named the 1995 Service Business by Business New Hampshire magazine.

As a former small businessman myself, I am proud to honor Bill Marvin's outstanding community commitment that is important to the future and prosperity of Manchester. We are indeed indebted to him for his efforts. Congratulations to Bill on this award and his service to New Hampshire and the people of Manchester.●

TRIBUTE TO THE JOHN BAPST MEMORIAL HIGH SCHOOL BAND

● Ms. SNOWE. Mr. President, I rise today to honor the John Bapst Memorial High School Band which honored Maine and America with its outstanding performance during 1997's Presidential Inauguration.

Personally selected by President Clinton to attend the festivities, the John Bapst band had audiences on their feet with rousing renditions of ''The Maine Stein Song,'' ''Camino Real,'' and ''Acclamations,'' to name a few. The band performed on the National Mall, along with bands such as the Count Basie Orchestra, and also at the prestigious Kennedy Center for the Performing Arts.

This is not the first time that Maine has been made proud by the John Bapst band. In 1991, the band was on hand to welcome troops returning home after the Gulf war. For many, their stop in Bangor was the first time on American soil since their deployment. I am certain they will never forget the warm greetings they received in Bangor—which garnered national attention—and John Bapst band played a special part in honoring our servicemen and women. The tradition continued when John Bapst played for President Clinton last November. The President was so impressed with the group that he pledged to invite them to inaugural festivities should he be reelected.

Mr. President, this band represents the very best characteristics of America's young people. Band members set a goal of excellence and worked hard to achieve it, and I believe their efforts should be highlighted. In an era of conflicting and often dubious influences for young men and women, and in a time when negative stories abound in the media, our children should have positive examples to follow. That is why we should shine a spotlight on groups like the John Bapst band, which represent the finest qualities and aspirations of America's youth. I applaud the band members and their director, Julie Ewing, for showing our youth what can be accomplished through commitment and hard work.

In closing, I would once again like to thank the John Bapst Memorial High School Band for their tremendous contribution to the 1997 inaugural festivities, and for making the State of Maine very proud.●

COSPONSORSHIP OF THE OLDER AMERICANS FREEDOM TO WORK ACT

● Mr. ABRAHAM. Mr. President, I rise today in cosponsorship of Senate bill S. 202, the Older Americans Freedom to Work Act. This important legislation would remove existing penalties on outside income earned by Social Security beneficiaries who have reached retirement age.

Currently, Mr. President, persons between the ages of 65 and 69 face a penalty of $1 in reduced benefits for every $3 in earnings above $13,500 per year. This penalty is unfair because it singles out older Americans for double taxation. That is, this income already is subject to normal taxation, and currently is reduced again through the earnings penalty.

The penalty also is unwise, Mr. President, because it discourages trained and experienced people from participating in the labor force. When the current earned income limit was devised back in the 1930's, it was thought that encouraging older Americans to leave the labor force was a good idea. But times have changed. Where during the Great Depression there were too many workers and too few jobs, we face, in the next several decades, a worsening labor shortage. As the baby boom generation reaches retirement age between 2000 and 2010, there will be fewer younger workers to take the place of those who retire. We should be encouraging older Americans to stay in the labor force as long as they can safely continue to make a contribution there. In this way older people can better see to their financial needs, senior citizens will remain more active and thus happier and healthier, and our Nation will continue to benefit from these people's skills and wisdom.

For the sake of our older Americans, and for the sake of continuing economic prosperity for all Americans, I urge my colleagues to support this legislation.●

TRIBUTE TO THE CONCORD HIGH SCHOOL CRIMSON TIDE MARCHING BAND ON REPRESENTING NEW HAMPSHIRE IN THE 1997 INAUGURAL PARADE

●Mr. BOB SMITH. Mr. President, I rise today to congratulate the students of the Concord High School Crimson Tide marching band for the distinguished honor of representing New Hampshire in the 1997 inaugural parade. All 116 band members and Bill Metevier, the band's director, deserve special commendation for their hard work and achievement. Being selected as 1 of only 20 bands to perform for the President and the First Lady is quite an honor for all the students.

At an inaugural reception on behalf of the Concord High School Crimson Tide marching band last week, I had the pleasure of meeting some of the band members, young men and women, who have demonstrated the hard work and dedication that is characteristic of Granite State students. These band members have proven that determination and teamwork are the hallmark of success both as musicians and students. The Crimson Tide marching band's decision to play the ''National Emblem March,'' composed by E.E. Bagley while he was a resident of New Hampshire, was a very fitting tribute to the Granite State and our role in American history. We were indeed honored to have the Crimson Tide marching band representing New Hampshire with their outstanding musical performances.

The Concord School's Friends of Music also deserve special recognition for their help in raising $20,000 from residents and local companies during such a very short period of time. Without their hard work, the Crimson Tide's trip to Washington, DC, would not have been possible.

Marching in the parade was also a special highlight for these students since the Concord High School is celebrating its 150th anniversary this year.

The Crimson Tide band with their classic military cadet style uniforms

have also performed for audiences in Ottawa, Canada, New York City, Williamsburg, VA; and are planning to return to Williamsburg in April.

I want to express my thanks to both the students and faculty at Concord High School for their commitment to excellence. Congratulations to all the students and Bill Metevier on such a magnificent accomplishment.

Mr. President, I ask that a list of the names of these outstanding students be printed in the RECORD.

The list follows:

CONCORD HIGH SCHOOL CRIMSON TIDE MARCHING BAND

Megan Albert, Dylan Allen, Holly Anderson, Matt Andrews, Alicia Andrus, Angela Averill, George Bacher, Jon Balinski, Sarah Ball, Paul Barnwell.

Matt Baron, Ed Barton, Jon Beckwith, Andy Bennert, Erin Benoit, Burt Betchart, Cheryl Blanchard, Melanie Blanchette, Stephen Bloomfield, Desirae Brooks.

Katie Cantwell, Jeff Carlquist, Jessica Carr, Carolyn Chaloux, Dan Connelly, Joan Conroy, Patty Cullen, Nathan Davis, Sara Dickson, Laura Dimick.

Susan Dimick, Kyle Donovan, Parker Donovan, Robin Duckworth, Eric Dyment, Steve Fisher, John Fitzgerald, Kerry Flannery, Nissa Gainty, Leona Geer, Mike Gogelen, Andy Hamilton, Katie Haubrich, Danielle Hebert.

Alex Heinecke, Mike Henninger, Jason Hines, Elizabeth Immen, Brad Jobel, Hillarie Johnson, Danielle Jones, Heidi Jones, Aureta Keane, Ryan Kelly, Phil Kugel.

Jeff Laliberte, Jesse Lamarre-Vincent, David Loo, Shana Lorber, Kevin Lucey, Theresa MacNeil, Ethan Mallove, Tegan Marquis, Courtney Masland, Greg May, Sarah May, Luke Maziarz.

Sarah Maziarz, Sarah Metting, Lolly Mielcarz, Carl Mintken, Karen Morin, Mary Moss, Miho Nakashima, Chris Newell, Christina Newton, Devin O'Connor.

Tim Osmer, Bill Osmer, Brent Paige, Eddie Parker, James Perencevich, Eric Pierce, Erika Poisson, Jill Ramsier, Kristen Randall, Kristen Reed, Tricia Reed.

Lynn Reingold, Andrew Ritchie, Becca Roy, Jen Russell, Dan Sarapin, Elaine Sarnosky, Tony Sartorelli, Gianna Scarano, Kevin Scribner, Sara Sheehy, Lucas Smith, Rosco Smith.

Calee Spinney, Geoffrey Stebbins, John Sullivan, Dan Turk, Rachel Turk, Stacey Ulmanis, Daniel Vyce, Jessy Wallner, Sara Walsh, Carlyn Wanta, Tiffany Watkins, John Webb, Jon Weiss, Amanda Welch, Cullin Wible, Carll Wilkinson.●

RULES OF THE COMMITTEE ON THE BUDGET, 105TH CONGRESS

● Mr. DOMENICI. Mr. President, in accordance with rule XXVI paragraph 2 of the Standing Rules of the Senate I hereby submit for printing in the CONGRESSIONAL RECORD, the rules governing the procedures for the Committee on the Budget for the 105th Congress which were adopted by the committee earlier this week. The only change from the rules of the committee for the 104th Congress is the addition of a new rule which adopts the Senate's rule regarding the use of charts in the Senate Chamber.

The rules follow:

RULES OF THE COMMITTEE ON THE BUDGET, 105TH CONGRESS

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of our Senator.

(4)(a) The Committee may poll—

(i) internal Committee matters including those concerning the Committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other Committee business that the Committee has designated for polling at a meeting, except that the Committee may not vote by poll or reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the Chair shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2)(a)–(e), then the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may vote by proxy if the absent Member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no Member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking minority member determine that there is good cause to begin such hearing at an earlier date.

(2) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 day prior to appearance, unless the requirement is waived by the chair and the ranking minority member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

(1) Graphic displays used during any meeting or hearing of the committee are limited to the following:

Charts, photographs, or renderings:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the Senator's seat or at the rear of the committee room.

When: only at the time the Senator is speaking.

Number: no more than two may be displayed at a time.●

JUVENILE JUSTICE PROVISIONS IN CRIME BILL

● Mr. ABRAHAM. Mr. President, I rise in support of S. 10, the Violent And Repeat Offender Act of 1997, introduced recently by my good friend, the Senator from Utah, who I know developed this legislation in close cooperation with the majority leader and my new

colleagues on the Committee, the Senators from Missouri and Alabama. While I do not necessarily agree with every provision of this legislation, I believe overall it makes great improvements over our general framework for handling juvenile crime, and I am therefore pleased to be an original cosponsor of this bill.

This legislation is urgently needed. Over the past decade, the rate of homicide committed by teenagers, ages 14–17, has more than doubled. Crimes of violence committed by juveniles have increased by almost 100 percent. In 1994 alone, the number of violent crimes committed by juveniles increased by almost 10 percent. Drug use among teens—a significant factor in violent crime—is on the rise again, after nearly a decade of steady decreases.

We have reached the point that 35 percent of all violent crime is committed by offenders less than 20 years of age. Today's teenaged criminal is far more likely to be a murderer than was his counterpart 20 years ago.

These trends are expected to continue well into the 21th century. Meanwhile, our current approach to juvenile crime is anachronistic and based on faulty premises. It assumes that we should be following a treatment and rehabilitation model for all juvenile crimes—whether what is involved is petty larceny or murder—and it then tries to leverage Federal dollars that we make available to the States to impose this model on their juvenile justice systems. For instance, the existing Juvenile Justice Act requires that States that receive money under the act look to alternatives to incarceration for all juvenile offenses without regard to the offense committed by the juvenile.

This bill corrects that by substantially revising both the Federal Government's approach to juvenile crimes that fall under its jurisdiction and the terms on which we make Federal dollars available to the States. At the Federal level, S. 10 will permit juveniles 14 years olds or older who are charged with murder, crimes of violence, or serious drug offenses to be prosecuted and sentenced as adults. Federal courts will be required to consider prior offenses in sentencing juveniles, just as they would with adult offenders. Juveniles sentenced to Federal prisons will no longer be automatically released on their 21st birthdays, but will serve their full sentences.

The bill also attacks violent juvenile crime by enhancing penalties relating to the paraphernalia of violence. Federal penalties are increased for these offenses: illegally transferring a hand gun to a minor; possession of a firearm during the commission of a felony; and use of body armor during the commission of a felony.

Finally, this bill authorizes new Federal funding for various valuable State juvenile justice programs while relieving them from burdensome, outdated, unnecessary and in some instances harmful requirements for obtaining funds previously authorized for this purpose. The bill will fund fingerprinting and DNA testing for juvenile offenders, expanded record-keeping, and workable prevention programs. It will also release the States from harmful Federal mandates, permitting greater innovation and flexibility in State juvenile justice systems. While the bill continues to ensure that juvenile and adult offenders are not in actual contact in jail or prison together, it eliminates many other requirements that presently accompany acceptance of Federal juvenile grants such as the obligation to avoid if at all possible incarcerating any young offender including a murderer.

The new conditions on grants established in S. 10 are designed to assure that recipient States' juvenile systems are not based on the notion—unfortunately previously foisted on the States by the Federal courts and the Congress—that all young offenders are eager to be rehabilitated. Rather, they take the realistic view that recipients' juvenile systems should respect the rights of juvenile offenders and the special considerations that may be appropriate for dealing with them in some instances, but that they must principally be designed to protect the public safety and be adequate to do so. Thus, for example, the bill requires that recipient States permit prosecution of juveniles 14 and older as adults in cases of murder, rape, or other crimes of violence.

The juvenile justice reforms in this legislation are long overdue. I urge the Senate to act quickly in passing the Violent And Repeat Offender Act of 1997.●

LEGAL SERVICES CORPORATION

● Mr. SARBANES. Mr. President, for over two decades, the Legal Services Corporation, or LSC, has been the embodiment of the words emblazoned in stone above the Supreme Court: ''Equal Justice Under Law.'' In its effort to fulfill this commitment, the Legal Services Corporation has provided critically needed services to millions of poor, elderly, and disabled citizens who otherwise would not have access to the American legal system and the protection it affords the many basic rights we have in this country—protection which so many of us take for granted. The Legal Services Corporation has also proven to be one of the most efficient Federal programs in existence, using only 3 percent of its total funding for administration and management.

Yet in recent years, the Corporation's ability to satisfy its mandate has been imperiled by congressional efforts to limit its activities, both by cutting the Corporation's funding and by restricting the kinds of activities in which its lawyers could engage. Some of these efforts have already succeeded, and I suspect that further initiatives in this vein will emerge in the 105th Congress.

But Mr. President, before we hasten down this path, let us look at what we have already wrought with respect to the ability of our Nation to provide legal services to the needy.

I use as an example the effect of cutbacks in the Legal Services Corporation in my own State of Maryland. Maryland's Legal Aid Bureau receives by far the largest portion of its funding from the Legal Services Corporation, and over the years has done an outstanding job of representing Maryland citizens living in poverty. With the funding received from LSC, the 13 legal aid offices located throughout Maryland provide general legal services to approximately 19,000 families and individuals annually.

In contrast to this tradition of effective service, a January 23 article in the Baltimore Sun entitled ''Poor Have Trouble Getting Legal Help'' demonstrates the current state of legal services in Maryland—a state in no small part due to Congress's recent scaling back of the LSC.

The article notes that over 1 million Marylanders qualify for legal services, but that volunteer lawyers—the source of the majority of legal assistance with the implementation of Government cutbacks—are barely making a dent in the caseload. In fact, Mr. President, Robert Rhudy, executive director of the Maryland Legal Services Corporation, a State-created organization that administers legal assistance programs in the State, estimates that the Maryland Legal Aid Bureau has the ability to address only 20 percent of the matters that come to its attention.

The article also notes that recent studies confirm these estimates, finding that about 80 percent of the State's poor lack access to volunteer lawyers. Mr. President, these developments are shameful, and cannot be tolerated by a society that prides itself on its commitment to constitutional principles of equal protection of the laws and equal access to justice.

Part of the solution certainly lies in encouraging and facilitating volunteerism in our legal communities. Pro bono service is part of a lawyer's ethical obligations. At the same time, we in Congress bear real responsibility for the shortage of legal assistance to the poor. Our efforts to cut back LSC funding in recent years have had a devastating impact on the poor, and have tilted the scales of justice in a way that the creators and founders of LSC would have found to be intolerable.

Mr. President, I ask that the January 23 Baltimore Sun article be printed in today's RECORD. I daresay that many other States have stories similar to those in my State, and I urge my colleagues to investigate their States' situation before once again lining up to do away with a program that should be one of the great prices of our Nation.

The article follows:

[From the Baltimore Sun, Jan. 23, 1997]

POOR HAVE TROUBLE GETTING LEGAL HELP—FEW LAWYERS AGREE TO GIVE FREE SERVICE

(By Elaine Tassy)

Poor Marylanders who need legal help are likely to have trouble finding it, and with federal funding cuts at agencies that handle such cases, the problem is worsening.

More than a million Marylanders have income low enough to be eligible for free civil legal services, said Robert J. Rhudy, executive director of Maryland Legal Services Corp. Low-income households often have several legal problems in a year.

But volunteer lawyers are barely making a dent in that need.

''Of those problems that could clearly benefit from legal attention, we believe that we currently have the ability to serve the need of less than 20 percent . . .'' said Rhudy, whose organization was created by state legislators to help manage and fund free or reduced-fee services.

Only about 5,000 new cases were handled last year by volunteer lawyers serving in programs that keep statistics, according to Sharon E. Goldsmith, executive director of the People's Pro Bono Action Center Inc.

And, although the number of volunteers is actually greater because some lawyers provide services without being party of any program—by offering advice to community groups, for example—studies have shown that about 80 percent of the state's poor lack access to volunteer lawyers.

''We have clients on waiting lists all the time . . . We've probably got a couple hundred cases sitting here,'' said Winifred C. Borden, executive director of Maryland Volunteer Lawyers Service, the largest of several Baltimore-based agencies that match volunteer lawyers with cases presented by poor people. Those in need often wait months before a volunteer is found, she added.

The shortage of lawyers willing to do free, or pro bono, work in civil cases—unraveling family, employment, disability, education and housing disputes—has prompted agencies that recruit volunteers to step up their efforts.

''We all recognize there is this tremendous need,'' said Baltimore County Circuit Judge Dana M. Levitz, who also is seeking new ways to recruit lawyers for such cases.

No statistics

No one knows how many lawyers do pro bono work. ''We've never been able to come up with a tracking system,'' said Janet Stidman Eveleth of the Maryland State Bar Association.

Studies have found that in addition to those doing pro bono work independently, about a fourth of Maryland's 20,000 practicing lawyers volunteer through programs such as the Homeless Persons Representation Project, the House of Ruth Domestic Violence Legal Clinic and the Senior Citizen Law Project.

But many experts think the number of volunteer lawyers is still too small.

''I think lawyers like [doing pro-bono work] in principle, and a substantial number of lawyers do it. But at the moment, I think that it's getting harder and harder to find lawyers who are willing to take pro bono cases,'' said David Luban, professor of legal ethics at the University of Maryland School of Law.

Lawyers have vigorously resisted proposals to require each of them to do 50 hours of pro bono work a year, he said.

No enforceable requirement exists for volunteer legal work. But the rules that govern Maryland lawyers state: ''A lawyer should render public interest legal service . . . by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations.''

Demand for such services is rising. Congress has scaled back the services the Legal Aid Bureau—a nonprofit organization providing civil legal services to the poor—is permitted to provide and has trimmed its budget in recent years, creating more demand for volunteers to fill the gap.

NO FREE TIME

Some lawyers say they are held back by a lack of free time, conflicts of interest and difficulty in finding cases that match their expertise. Others say they will help but don't follow through.

For example, Borden said, from July 1995 to June 1996, 2,017 lawyers signed up to volunteer and 788 took cases.

The number of volunteers expressing interest also has decreased in recent years. A statewide survey found that in 1989, almost 1,700 cases new cases were handled by volunteers working with structured programs. The number jumped to almost 6,000 by 1993 but dropped to 5,253 in 1995, the most recent statistics available, said Goldsmith.

People with thorny, time-consuming domestic matters such as child-custody disputes are the most likely to request volunteers. But many lawyers shy away from such cases.

Criminal-defense lawyer Leonard H. Shapiro, who often handles drunken-driving cases, said volunteering appeals to him, but only in cases in which he has expertise.

''I don't want to engage in an area of the law where I don't think I'm qualified,'' he said. ''I wouldn't want to put the client in jeopardy while I experimented.''

SPECIALTIES LINKED

Volunteer agencies are working to link lawyers with programs or cases that reflect their specialties.

Goldsmith tries to match tax lawyers, for example, with economic development projects such as Habitat for Humanity's in Sandtown-Winchester, where residents need help in acquiring loans and property.

Levitz, after seeing dozens of poor defendants appear before him without lawyers, asked the Judicial Ethics Committee whether judges could recruit volunteers by writing letters of inquiry, placing ads in legal newspapers or talking to lawyers at bar association meetings.

Two years ago, the committee, most of whose nine members are judges, prohibited such actions. But it reversed its stance in October, saying judges could seek volunteer lawyers in those ways.

IDEA STUDIED

At a recent meeting of Baltimore County judges, Levitz presented the idea of seeking volunteers; a three-judge panel is studying the idea.

Some lawyers balk at volunteering, but others embrace it.

Daniel V. Schmitt is one of the latter. He handles general business and commercial litigation cases at a four-person firm in Towson, and provides 60 hours of free legal help annually to special education students in Baltimore and Harford counties.

Using referrals from the Maryland Disability Law Center, he helps students get into appropriate schools and classes, and helps find computers equipped for people who cannot type with their hands.

''I believe that pro bono is a professional and moral obligation,'' said Schmitt, 38. ''As a professional, I feel you need to hold yourself to a higher standard, and a higher standard would include giving back to the community.''●

VERMONT CHIEF JUSTICE JEFFREY L. AMESTOY

● Mr. LEAHY. Mr. President, Vermonters are rightfully proud of their new chief justice of the Vermont supreme court, Jeffrey L. Amestoy.

Chief Justice Amestoy—a Republican who left behind a distinguished tenure as Vermont's attorney general when he accepted the nomination to Vermont's highest judicial post by Gov. Howard Dean, a Democrat—was administered the oath of office by Governor Dean on January 31 in Montpelier.

I was one of many who were present as Chief Justice Amestoy delivered the traditional inaugural address in the chamber of the Vermont House of Representatives. It was more than a speech to be heard. It was also a speech to be felt. He offered an illuminating, uplifting, heartfelt, and deeply personal tapestry that deservedly will long be remembered.

Governor Dean has said, ''The most important things in a judge are integrity, compassion, and hard work.'' All who know Jeffrey Amestoy and all who heard him speak on that wintry Vermont afternoon know how abundantly those qualities are present in our new chief justice.

I join all Vermonters in offering congratulations to Chief Justice Amestoy, to Jeff's wife, Susan Lonergan Amestoy, to their three daughters, Katie, Christina, and Nancy, and to Jeff's mother, Diana Wood Amestoy. All were on hand for the stirring ceremony in Montpelier.

Mr. JEFFORDS. Mr. President, I join Senator LEAHY today in paying tribute to Vermont's new chief justice, Jeffrey L. Amestoy. Jeff is a good friend and a great Vermonter, and I know he will serve in his new post with distinction and honor.

Jeff Amestoy and I have shared many life experiences. We were both raised in Rutland, VT. He served as an assistant attorney general under my stewardship as Vermont's attorney general in the early 1970's. And now, over 20 years later, he is serving in the position that my father, Olin Jeffords, once held: chief justice of the Vermont supreme court.

As someone who has known Jeff for over 25 years, I can attest to his judicial knowledge, his keen sense of Vermont values, his modest demeanor and his dedication to the people of Vermont.

I was fortunate to be able to attend the swearing-in ceremony for Jeff last Friday in Montpelier. It was a wonderful event, one that I will never forget. Jeff's comments were from the heart and I am pleased to join Senator LEAHY in offering them today as part of the RECORD.

Mr. LEAHY. Mr. President, on behalf of Senator JEFFORDS and myself, I commend to the attention of our colleagues Chief Justice Jeffrey Amestoy's inauguration address before the Vermont House of Representatives on January 31, 1997, and submit the

text to the speech for the RECORD, as printed in the Times Argus of Barre, VT, on February 1, 1997.

The text of the speech follows:

INAUGURAL ADDRESS OF CHIEF JUSTICE JEFFREY L. AMESTOY

Three weeks ago, at the occasion of my nomination for the position of chief justice, I said I had so many people to thank I didn't know where to end.

Today the task is even more difficult.

But I still know where to start: Thank you, Governor Dean.

To my ''particular friend,'' Susan Lonergan Amestoy: I could not have made this journey without you—and it wouldn't have been as much fun.

To Katherine, Christina, and Nancy Amestoy—for whom this is the third visit to the State House this month—thank you for your patience.

I thought the events of the past 30 days might have been bewildering to our daughters, but Katie Amestoy had it exactly right when she told a friend on the day of my second interview with the governor:

''I can't come over today. My Dad's trying out for Chief Justice.''

I thank my mother, Dianna Wood Amestoy, for being here today and for always being there in times of need.

For those of you for whom a desire to impress your parents is a part of your motivation, I offer the following cautionary tale.

When I called my mother to tell her of my nomination, she replied:

''That's wonderful, I've just been hang gliding in Montana.''

If I can bring one half of my mother's energy, and one quarter of her sense of humor to my new responsibilities, Vermont will be well served.

Thank you (Wisconsin) Attorney General (James) Doyle, and thank you Attorney General Malley for your generous words.

Present today are colleagues—current and former—from the National Association of Attorneys General. They, together with the staff of the Vermont Attorney General's Office, have not only supported me professionally during the last dozen years; they have been among my closest friends.

And if it is true, as I believe it to be, that one can be judged by the friends one treasures, then you will understand why their being here today means so much to me.

There are also here individuals to whom I cannot ever make an adequate expression of thanks.

When I became a candidate for public office, the best advice I ever received was: ''Never pass an old friend to say hello to a new one.''

Today is special for many reasons, but most of all because our old friends are here.

Twenty years ago, as a young assistant attorney general, I spent a Sunday in the law library preparing for an oral argument the next day before the Vermont Supreme Court.

Then, as now, the law library was next to the court. But in those days, the doors to the Supreme Court were unlocked during the weekend.

And so when I finished a long day's preparation, I went into the empty courtroom and sat in the seat of a Vermont Supreme Court Justice.

The next morning I appeared before the Court. As chance would have it, as I began my argument, I was interrupted by Justice Larrow.

Some here may remember Justice Larrow's reputation as an incisive interrogator. If you argued before him you will recall his habit of clearing his throat just before he reached the most penetrating portion of his inquiry.

''Mr. Amestoy,'' he began, ''would you please tell this court what gives you the right * * *'' and at this point, as Justice Larrow began clearing his throat, I was struck with the awful realization that it was Justice Larrow's seat I had sat in the previous afternoon.

For one terrible moment I thought I was going to be asked: ''What gives you the right to sit in the seat of a justice of the Vermont Supreme Court?''

There may be some here who have a similar question. If so, I am grateful to you—as I was to Justice Larrow that day—for not asking.

I believe, if I meet the standards I have set for myself, the question will occur to you less often in the future.

I am privileged to join a court comprised of individuals with whom I have worked and for whom I have great respect.

Justice Johnson and I worked closely together at the Office of Attorney General, where she was an unexcelled chief of the Public Protection Division.

I have known Justice Morse since his service as defender general and his work as one of Vermont's finest trial judges.

Justice Dooley and I worked together when he served as Governor Kunin's legal counsel and secretary of administration. More recently, I participated with Justice Dooley in the court/prosecution program in Karelia. Joining us in Russia was, among others, Maryland Attorney General Joseph Curran.

Hence, Attorney General Curran is the only attorney general in the country that knows both John Dooley and me. It was that knowledge that led the Maryland attorney general to offer the observation, when he learned that John and I were being considered for chief justice, that I was a strong second choice.

That is an opinion, I know, that is not exclusive to the state of Maryland.

Justice Gibson, as all who know him would anticipate, has been extraordinarily generous and helpful to me.

All here know, I am sure, that Justice Gibson's career is consistent with the unparalleled contributions to public service by the Gibson family.

What may be less well known is that Justice Gibson plays first base for the combined court/attorney general softball team.

As a rookie second baseman, I was saved from several errors by the sure grasp and long range of first baseman Gibson.

I will rely on that same grasp and range to minimize the errors of a rookie chief justice.

I also take the liberty today of expressing my gratitude to former Chief Justice Allen—not just for his courtesies to me, but for his service to Vermont.

In the 1980s, history linked the chief justice of Vermont and the attorney general of Vermont more closely than either one of us would have chosen. Although I do not know all that occurred during the unhappy years enveloped by the ''judicial misconduct'' controversy, I know more than all but a few in this chamber.

It may be that another individual in the position of chief justice during those troubled years could have struck the critical balance necessary to keep the court functioning without sacrificing the integrity of the institution.

But I, for one, am glad that we do not have to test the hypothetical.

And surely it is difficult, even as a hypothesis, to imagine another chief justice who could have brought the court through those difficult days and led the court to a point where, by every objective measure, it is now more efficient than at any time in its history.

So today I deliver my first opinion as chief justice. It is one which I know to be unanimous. It is an opinion which will be corroborated by the judgment of history:

Frederic Allen was a great chief justice.

Fred Allen's shoes are being ones to fill.

But—I brought my own shoes.

If a span of years in which to serve as chief justice is granted to me by God and the Legislature (that's an alphabetical listing, Mr. Speaker!), I shall judge my success, or lack thereof, against three objectives.

First, and by far the most important: Did I contribute to the faith of Vermont's citizens in our judicial system, and to their trust in the character of those entrusted with its authority?

Second: Did I, as chief appellate judge of Vermont, contribute to a body of law that clearly and concisely communicates to litigants, lawyers, and trial judges the standards to be used to achieve the just and timely resolution of disputes?

Third: Did I, as chief justice, ensure that the judiciary, as a separate and co-equal branch of government, has the resources necessary to fulfill its responsibilities and the accountability for the use of those resources?

For that work, I will need the help of all, most especially the judges and staff of the trial courts who honor me with their presence today.

When it became apparent that I was to assume the duties of a new position, I received several calls from those most directly affected by my status.

The callers were cordial but all had the same message, which may be summarized as follows:

1. I should remember who had trial court experience and who didn't.

2. I should realize that there were many in their group that were equally or more qualified than I.

3. I should never forget that, while I might now have the impressive title, the real work was done in the trenches of the day-to-day business of the trial courts.

I am referring, of course, to the calls I received from state's attorneys when I was first elected attorney general!

I trust that my past work will offer some guide to what the future may hold. In any event, I shall do my best to avoid the example of the Vermonter who—when asked by his neighbor if he had an opinion about a controversial issue to be heard at Town Meeting—replied: ''Not yet. But when I do take a position, I'm prepared to be bitter!''

I believe in ''civility in public discourse and constancy in private affection.''

And I believe, with Learned Hand, that ''the spirit of liberty is the spirit that is not too sure it is right.''

We will need that spirit more than ever to meet the changes that the new century will surely bring.

Two years ago, I spoke to new citizens at a naturalization ceremony in Newport, Vermont. The event coincided with the completion of the debate in the Vermont Legislature over the proposed resolution relating to the flag burning amendment.

That probably accounted for the fact that the hosts for the ceremony—the American Legion—were somewhat less enthusiastic about my presence than when the invitation to speak was extended.

But whatever one's view of that proposed amendment, it is remarkable, as I observed then, that upon taking the oath of citizenship, had one of the new citizens refused to recite the pledge of allegiance, neither the attorney general of Vermont, nor the attorney general of the United States, nor the entire United States government, could have compelled recitation of the pledge.

Indeed, the judicial system would have protected the new citizen and provided redress for any attempted compulsion.

But, of course, each of the new citizens recited the pledge of allegiance of their own

free will and with more meaning than I am accustomed to hearing.

It is an inherent American trait to look at the courts to vindicate one's rights. With God's grace, it shall always be so. But it is neither law nor courts that shall secure our future.

''Liberty,'' said Learned Hand, ''lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it.''

So although I have much to learn about judging, it seems to me that Curtis Bok was right when he said of his own judicial experience ''. . . there still remains a mystery . . . that defies analysis.''

''Perhaps,'' wrote Judge Bok, ''it would be better to say that a judge's cases take hold of him and pull things out of him, and that it is his business to be sure to keep the proper supplies on hand, so far as he can be the master of that.''

If ''the proper supplies,'' or at least a portion of them, are integrity and hard work, compassion and common sense, an abiding respect for the dignity of the individual and the value of community—then, to the extent I start today with those ''supplies,'' it is because of the people in this room and the Vermont we love.

And it is because of one who is not here, nor ever could be the seven other times his son took the oath of office in this historic chamber.

More than four decades ago, a young father took his son to Hand's Cove on Lake Champlain for a day of duck hunting.

But the father soon understood that of his son a hunter he could not make.

So he turned the day into a history lesson, for Hand's Cove is where Ethan Allen and the Green Mountain Boys gathered before their raid on Fort Ticonderoga in the early morning of May 1775.

From the father's description of the events sprung a boy's interest in history and the individuals and ideas that shape it.

Many years later—when the boy was much older than the father had been on that day—his interest in law led him to Learned Hand.

And to the realization, which somehow seemed fitting, that Hand's Cove was the home of—indeed had been named for—the Vermont ancestors of the great judge.

Logic tells me that there is no connection in the coincidence of a place from which sprung the beginning of this state, and the family of a remarkable jurist, and a father's gift to his son.

But my heart tells me otherwise.

And I believe in the ''restless wisdom of the heart.''

And I believe, too, in the wisdom of the poet who says to each of us—a chief justice no less than the child who even now gazes out a window, perhaps on Leonard Street: ''We see but what we have the gift of seeing''; to this life, ''What we bring, we find.''●

TRIBUTE TO THOMAS, SHEILA, AND STACEY THOMSON ON BEING NAMED NEW HAMPSHIRE'S OUTSTANDING TREE FARMERS OF 1997

● Mr. SMITH. Mr. President, I rise today to congratulate Tom Thomson, his wife Sheila, and their son Stacey, on being named New Hampshire's 1997 Outstanding Tree Farmers of the year. Tom first purchased his own wood lot at the age of 11 with his two older brothers. Today, Tom and his family manage about 2,500 acres of forest in New Hampshire and Vermont.

Stacey, Tom, and Tom's father, former Gov. Mel Thomson Jr., constitute three generations of New Hampshire tree farmers. Tom's tree farm is an example of a multipurpose forest with a diverse landscape. In addition to enhancing wildlife habitat, Tom has also increased recreational opportunities in the forest, opened vistas and taken care of the protection of water quality. He received a prestigious annual award by the New Hampshire Fish and Game Department and the University of New Hampshire Cooperative Extension in 1994, when his 1,060 acre tract in Orford, NH, became designated as a wildlife stewardship area.

Tom is known by many for his adoption of more sustainable forestry practices, and encouragement of his neighbors to do the same. He gives tree farm tours each year to school children, New Hampshire's Timberland Owners Association Board Members, conservation groups, Audubon groups and New England wildflower groups. Most recently, he had also had visitors from Eastern and Central Europe and South America. Tom also works with the New Hampshire Board of Licensure for Foresters, the New Hampshire Current Use Advisory Board, the New Hampshire Ecological Reserve System Steering Committee and the New Hampshire Forest Stewardship Committee. His enthusiasm and outstanding commitment to his work has a very important impact on the future of New Hampshire's beautiful woods.

I have known Tom and his family for many years. They are hard-working, dedicated farmers who embody the true spirit of New Hampshire. Tom's commitments to preservation and forest education are exemplary. I warmly congratulate Tom, Sheila, and Stacey for their outstanding accomplishment and well-deserved honor.●

TRIBUTE TO THE OLD TOWN MARCHING BAND

● Ms. SNOWE. Mr. President, I rise today to honor the Old Town Marching Band of Old Town, ME.

The band made the entire State of Maine proud with its extraordinary performance in the 1997 Inaugural Parade. Countless hours of practice and preparation go into such an effort, and the students' dedication to excellence was obvious and stood as a wonderful tribute to the late Old Town Superintendent of Schools, Dr. John Grady.

I was approached early last year by Dr. Grady, who shared with me his dream of having the Old Town Marching Band represent Maine at this year's inaugural parade. Sadly, Dr. Grady passed away, but his dream lived on in the hearts of bandmembers and the Old Town community. Old Town was one of more than 400 groups seeking to perform in the parade—only 23 were selected, and of those only 9 were high school bands.

Old Town's participation in the 1997 Inaugural Parade is the latest of a long list of accomplishments. The band is nationally recognized, having won numerous awards including first place at the 1994 Saint Anselm College New England Jazz Festival, the Jazz Ensemble Grand Champions at the 1996 Orlando Musicfest, and an award-winning appearance at the 1995 Cherry Blossom parade in Washington, DC.

Mr. President, this band represents the very best characteristics of America's young people. Band members set a goal of excellence and worked hard to achieve it, and I believe their efforts should be highlighted. In an era of conflicting and often dubious influences for young men and women, and in a time when negative stories abound in the media, our children should have positive examples to follow. That is why we should shine a spotlight on groups like the Old Town Marching Band, which represent the finest qualities and aspirations of America's youth. I salute the band as well as its director, Jeffrey Priest, for showing young people what can be accomplished through hard work and commitment.

In closing, I would once again like to thank the Old Town Marching Band for their tremendous contribution to the 1997 inaugural parade, and for making Old Town and the State of Maine very proud.●

TRIBUTE TO REYNALDO MARTINEZ

● Mr. REID. Mr. President, I rise today to pay tribute to my friend and chief of staff, Reynaldo Martinez. Rey has recently been chosen for the Community Hero Award by the National Conference of Christians and Jews, and I am proud of him for receiving this well-deserved honor.

I have known Rey since I was a boy. He and I have worked side by side since he ran my first campaign and got me as elected student body president of Basic High School in 1956. Since then, he has been my adviser, campaign manager, and chief of staff. In addition to helping take me from assemblyman, to lieutenant governor, to the U.S. Senate, he has had many other titles during his life, including teacher, lobbyist, coach, education advocate, and husband. To me, Rey is both a valued friend and a trusted adviser. To his country and the State of Nevada, he is a dedicated public servant and a tireless fighter.

In his boyhood days, Rey was a great baseball player who led his high school team to numerous victories. This left-handed pitcher played a leading role in Basic High's multiple State championships, as well as its championship of the California Interscholastic Federation. In short, our tiny school in Nevada was so good, we beat all of the usually dominant California schools.

Rey's baseball talents led him to Arizona State University, where, in addition to his efforts on the field, he earned a degree in teaching. After graduation, Rey returned to Nevada to

teach government and coach the Western High School baseball team to victory in two State championships. While he was teaching, Rey worked on a local Nevada campaign with Monroe Sweetland, an executive with the National Education Association [NEA]. Mr. Sweetland recognized talent when he saw it, and lured Rey away from the Clark County School District to work for the NEA in Washington, DC, and across the Nation. After 13 years with the NEA, Rey directed his innumerable talents to my government career.

For more than 30 years, Rey has been a key player in the public arena, both in Nevada and across the Nation. He is an invaluable asset to all of the organizations and campaigns to which he has lent his energy and skill. He has a quick mind and a political acumen which he uses to great effect for the causes he believes in. He has been recognized for his efforts by groups across the Nation, including twice being named Outstanding Hispanic of the Year—in 1990 by the Latin Chamber of Commerce, and in 1988 by the New Mexico Club in Las Vegas. In 1980, the National Education Association recognized Rey as one of its outstanding political and legislative consultants. He has also been honored as an outstanding teacher in Clark County and an outstanding baseball coach in Nevada. The Community Hero award is just the most recent in his distinguished list of accolades.

The goal of the National Conference of Christians and Jews is to end bias, bigotry, and racism. Through advocacy and education, the National Conference seeks to promote understanding in all races and religions. For someone who has done so much toward these worthy goals, and who has served his community so well, Rey is truly deserving of the title ''Community Hero.''

It is my pleasure to speak today in tribute to my friend Reynaldo Martinez, and congratulate him on being selected for this honor.●

NOTE

On page S829 of the January 30, 1997, RECORD, during consideration of the nomination of William M. Daley, the question by the Presiding Officer is in error. The permanent RECORD has been corrected to reflect the following:

''The PRESIDING OFFICER (Mr. SMITH). The question is, Will the Senate advise and consent to the nomination of William M. Daley, of Illinois, to be Secretary of Commerce? On this question, the yeas and nays have been ordered, and the clerk will call the roll.''

PROVIDING FOR SERVICE BY THE DIRECTOR OF THE OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 48 submitted earlier today by myself and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 48) providing for service on a temporary and intermittent basis by the director of the Office of Senate Fair Employment Practices.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 48) was agreed to.

The resolution is as follows:

S. RES. 48

Resolved,

SECTION 1. TEMPORARY AND INTERMITTENT SERVICE.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Senate Fair Employment Practices.

(2) HEARING OFFICER.—The term ''hearing officer'' means a hearing officer appointed in accordance with section 307(b) of the Government Employee Rights Act of 1991 (2 U.S.C. 1207(b)) (as in effect on January 22, 1995).

(3) OFFICE.—The term ''Office'' means the Office of Senate Fair Employment Practices.

(b) DIRECTOR.—

(1) SERVICE.—The acting Director may continue to serve as the Director only on a temporary and intermittent basis, in accordance with a contract entered into with the President pro tempore of the Senate, on the recommendation of the Majority Leader and the Minority Leader of the Senate.

(2) CONTRACT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), subsection (b) of section 303 of the Government Employee Rights Act of 1991 (2 U.S.C. 1203) (as in effect on January 22, 1995) shall not apply to the service of the Director.

(B) EXCEPTION.—The contract shall include provisions concerning such service that are consistent with the last sentence of subsection (b)(1) of such section 303 of the Government Employee Rights Act of 1991.

(c) HEARING OFFICERS.—The President pro tempore of the Senate may extend, pursuant to an agreement between the President pro tempore and a hearing officer, a contract that was entered into by the Director and the hearing officer prior to the date of adoption of this resolution. The President pro tempore shall extend any such contract on behalf of the Office in the same manner and under the same conditions as a standing committee of the Senate may procure services on behalf of the committee under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)). The Director shall have no authority under subsection (c) of such section 303 of the Government Employee Rights Act of 1991.

(d) EXPENSES OF THE OFFICE.—

(1) APPROVAL.—The Office shall have no authority to approve a voucher under subsection (d) of such section 303 of the Government Employee Rights Act of 1991, except for the compensation of a hearing officer. The Office shall also obtain the approval of the Committee on Rules and Administration of the Senate for the voucher for the compensation of the hearing officer. The Office shall obtain the approval of the President pro tempore of the Senate and the Committee for any voucher required under such subsection for the compensation of the Director or for reimbursement of expenses for a private document carrier. The Director shall retain authority to make payments described in paragraphs (2) through (5) of the third sentence of such subsection.

(2) LIMITATIONS.—Payments described in paragraph (1) shall be made from amounts made available under subsection (e). The Office shall use the amounts to carry out the responsibilities of the Office in accordance with section 506 of the Congressional Accountability Act of 1995 (2 U.S.C. 1435).

(e) FUNDING.—The Secretary of the Senate may make available amounts, not to exceed a total of $5,000, from the resolution and reorganization reserve of the miscellaneous items appropriations account, within the contingent fund of the Senate, for use by the Office through September 30, 1997.

(f) EFFECTIVE DATE.—This resolution takes effect on January 31, 1997.

(g) TERMINATION.—This authority under this resolution terminates at the end of September 30, 1997.

EXPRESSING CONDOLENCES OF THE SENATE ON THE DEATH OF REPRESENTATIVE FRANK TEJEDA

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 49 submitted earlier today by Senators HUTCHISON and GRAMM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 49) expressing condolences of the Senate on the death of Representative Frank Tejeda.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 49) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follow:

S. RES. 49

Whereas the Senate has learned with profound sorrow and deep regret of the passing of our colleague, the Honorable Frank Tejeda;

Whereas Representative Tejeda has spent 4 years in the House of Representatives;

Whereas Representative Tejeda served his country honorably in the United States Marine Corps from 1963 to 1967; and

Whereas Representative Tejeda was awarded the Purple Heart, the Silver Star, the Commandant's trophy, the Marine Corps Association Award, and the Colonel Phil Yeckel Award for ''the best combined record in leadership, academics, and physical fitness'': Now, therefore, be it

Resolved, That—

(1) when the Senate adjourns today, it adjourn as a further mark of admiration and respect to the memory of our departed friend and colleague, who left his mark on Texas and our Nation; and

(2) the Senate extends to his family our thoughts and prayers during this difficult time.

SEC. 2. The Secretary of the Senate shall communicate this resolution to the House of Representatives, and shall transmit an enrolled copy to the family of Representative Frank Tejeda.

ORDERS FOR WEDNESDAY, FEBRUARY 5, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the joint session is completed this evening, the Senate stand in adjournment until the hour of 11 a.m. on Wednesday, February 5.

I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted.

I further ask unanimous consent that there then be a period of morning business until 3 p.m. with Senators permitted to speak for up to 5 minutes each, except for the following: Senator COLLINS for 30 minutes; Senator THOMAS, or his designee, 60 minutes; Senator DASCHLE, or his designee, 60 minutes; and Senator ROTH, or his designee, 45 minutes.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will automatically adjourn following the conclusion of the joint session this evening. Tomorrow, following the morning business, at 3 p.m., the Senate will begin consideration of Senate Joint Resolution 1, the constitutional amendment for a balanced budget. By a previous agreement, only opening remarks will be in order to Senate Joint Resolution 1 on Wednesday, and I would not anticipate a late night session.

Also, I remind my colleagues that the Senate may consider any additional nominations that become available this week. I understand there is still a possibility that we would have one or two that could be available on Thursday. We are hoping that is true.

Finally, I ask that all Members be present in the Senate Chamber tonight promptly at 8:30 p.m. so that we can proceed over as a group at 8:40 to the House of Representatives for the President's State of the Union Address.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, I ask unanimous consent, pursuant to Senate Resolution 49, as a further mark of respect to the memory of the deceased Honorable FRANK TEJEDA, late a Representative from the State of Texas, that the Senate stand in adjournment until 11 a.m. tomorrow.

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

RECESS

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess until the hour of 8:30 p.m.

There being no objection, the Senate, at 6:19 p.m. recessed until 8:29 p.m.; whereupon the Senate reconvened when called to order by the Presiding Officer (Mr. SANTORUM).

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–1)

The PRESIDING OFFICER. The Senate will proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Thereupon, the Senate, preceded by the Assistant Sergeant at Arms, Loretta Symms; the Secretary of the Senate, Gary Sisco; and the Vice President of the United States, ALBERT GORE, Jr., proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, William J. Clinton.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress appears in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL 11 A.M. TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:28 p.m., the Senate adjourned until Wednesday, February 5, 1997, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 4, 1997:

EXECUTIVE OFFICE OF THE PRESIDENT

JEFFREY A. FRANKEL, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE MARTIN NEIL BAILY, RESIGNED.

EXTENSIONS OF REMARKS

SUPPORT THE POSTAL SERVICE CORE BUSINESS ACT OF 1997, H.R. 198

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. HUNTER. Mr. Speaker, today I rise to reintroduce the Postal Service Core Business Act of 1997. Last year, I introduced this same bill as H.R. 3690. This is an important bill framing a debate on an important subject: Where is the line between U.S. Government competition with the private sector, particularly small business?

My bill will establish a clear line of demarcation between the U.S. Postal Service, a Federal agency, and small private businesses across America. For the past 20 years, a vibrant private sector business has been evolving. In fact, the industry was born within a region I represent, San Diego, CA.

This business sector is known as the CMRA, or Commercial Mail Receiving Agents, industry. These businesses establish a special relationship with the Postal Service and become agents for receiving mail for individuals and small businesses. These small businessmen and women open a store, usually in a shopping mall, or a downtown business district, and rent private mailboxes to customers. Altogether, an industry of nearly 10,000 privately owned stores in all 50 States and virtually every congressional district has grown.

These CMRA stores are either franchise stores of nationally recognized groups like MailBoxes Etc, Postal Annex, PostalNet, Parcel Plus, or independently owned stores affiliated with the associated mail and parcel centers. Often, these small business owners use their life savings to establish their store. No matter what their origin, all of the stores are owner-operated by individual entrepreneurs who work long hours and thrive on fair and healthy competition. They do not look for government subsidies, nor do they shrink from competing with each other or any other private business which seeks to compete with them. What these small businesses did not count on was having to compete with the U.S. Government, in the form of the U.S. Postal Service, which has been known to describe itself as the 12th largest business in the Fortune 500.

The problem is that the Postal Service has decided to go into the business of packaging parcels, a service born and bred by these 10,000 small businesses, and there is clearly more on the horizon. In fact, the Postal Service announced its intention to spend billions to enter into retail competition with private business.

Stated simply, the Postal Service is not General Motors, AT&T, or Phillip Morris. It is an agency of the U.S. Federal Government. Its employees are Federal employees, its lawyers are from the Department of Justice, its benefits are Federal employee benefits. Further, it enjoys unique advantages as a Federal agency which none of its top 10 Fortune 500 compatriots have. For example:

1. USPS has a legal monopoly on first class mail—This generates the lion's share of its $50+ billion revenue. This gives it great opportunity to cross-subsidize from its stamp revenue to money losing operations such as their Pack & Send's.

2. USPS has no profit incentive—Since the Postal Service is a Government agency, it is not necessary for it to make a profit. That means it can run unprofitable business lines with impugnity.

3. USPS can cross-subsidize these unprofitable businesses—There is no guarantee that the Postal Service will not use its monopoly revenue to cross-subsidize unprofitable activities like Pack & Send. In fact, it can, and does, even discount coupons on these nonstamp products.

4. USPS does not charge sales tax—That is a 4- to 8-percent advantage in most States.

5. USPS pays no property tax on its own facilities—It is not fair that the USPS can enter into direct competition against private sector businesses while being exempt from property tax.

6. USPS is self-insured—As an agency of the U.S. Government, the Postal Service does not need to buy insurance. All these small businesses must, or risk losing their business in litigation.

7. USPS borrows money from the Federal Reserve—Federal law permits the Postal Service to borrow money directly from the Federal Reserve at preferred rates. CMRA's must borrow from banks at market rates and with secured collateral.

8. USPS is immune from antitrust laws—All private businesses in America, big and small, must comply with Federal and State antitrust regulations. The Postal Service, however, claims they are not subject to the same antitrust laws.

As a result, the Postal Service, a $50+ billion business, is preying on small business owners with impugnity, doing what it wants with little regulation from Federal, State, and local authorities. It is critical that Congress step in and set up some rules.

Mr. Speaker, the Postal Reorganization Act of 1970 was enacted before the CMRA industry had developed. A review of the act makes that clear. The act does not even include a definition of what services the Postal Service can and cannot offer. This 1970 law needs to be revised to set some groundrules—a line of demarcation setting out what activities the Congress intends the Postal Service to offer. Most agree that it should continue to deliver the mail, but I don't believe its job description should also include T-shirt sales or packaging services.

My bill sets out some rules as to what the Postal Service can and cannot do regarding competition with the private sector. It is simple and straightforward:

Like most of my colleagues, I am a strong supporter of the Postal Service and I rely on it everyday to receive and deliver my mail. The Postal Service Core Business Act protects and promotes a strong and vibrant Postal Service by allowing it to keep offering the same services it has been doing all these years. It can continue to concentrate on its core business: mail delivery. It can continue to offer those special and ancillary services as it has for decades, including selling packaging materials for use by its customers.

What it cannot do is compete with private businesses in areas that the Postal Service has not been traditionally engaged. For example, its new packaging service, called Pack & Send, would be prohibited under my bill. The private sector is already offering this service in over 10,000 locations throughout the country.

The Postal Service will also be prohibited from becoming a volume photocopy dealer; there are plenty of private businesses which provide this service. The same goes for gift wrapping, notary services, and other business-related services.

The aforementioned services are not functions of the Postal Service established by our Founding Fathers in the Constitution, and are therefore better left to the willing and able private sector.

This bill will not effect the Postal Service's ability to deliver overnight packages.

This bill will not prevent the Postal Service from accepting packages for mailing or shipment.

This bill will not interfere in any way with normal postal service operation.

Ny bill provides that line of demarcation which must be established now that the Postal Service is trying to branch out into other nontraditional areas of business.

The American entrepreneur is out there in all 50 States to provide these new services We do not need a Government created and protected entity like the Postal Service to provide these services.

Nearly 10,000 small business owners in virtually every congressional district support this bill. During the 104th Congress, many of these business owners contacted their Representatives with their support for a clear definition of Postal Service activities.

Mr. Speaker, I believe it is important to point out to my colleagues that the Postal Service is now offering this Pack & Send service in violation of the Postal Reorganization Act. The Postal Rate Commission [PRC] has recently found that this service cannot be offered unless and until the Postal Service has submitted it for a rate and classification hearing before the Commission.

There is one problem, however, only the Postal Service can submit the case to the Commission; the Commission cannot initiate it themselves. The PRC is now waiting for the Postal Service to submit the case or to cease the service. Until that time, the largest Federal agency, the Postal Service, is offering a service in direct competition with private sector businesses, and in violation of its own enabling legislation.

Clearly, we do not want Federal agencies acting independently of the mission they were

assigned by Congress, which is the ultimate authority. The Constitution specifically directed the Congress to determine what kind of post office the Nation should have. That is what my bill is all about.

Interestingly, Mr. Speaker, the United States is not the only country experiencing this quandary of what business line its post office should and should not be permitted to enter. In Canada, the Canada Post Corporation is currently in the business of competing with the private sector. There is no constraint on Canada Post in this regard under Canadian law, and the Canada Post has jumped in with enthusiasm.

In 1993, Canada Post purchased the largest private, Canadian owned courier service, Purolator Courier, in order to compete with local and American delivery services. Further, it is in the mailing center business as well. Much as its American counterpart, it is competing head to head with local and franchised private centers such as MailBoxes, Etc.

Canada Post is aggressively promoting unaddressed admail in direct competition with private mailers and even going so far as to deny access to private apartment boxes to its private sector competition.

This is the future for the U.S. Postal Service if my bill is not passed and Congress does not act to set ground rules in this area of what the U.S. Postal Service can and cannot do.

The Situation in Canada has so deteriorated that the government appointed a one man commission to review these and other issues and to make recommendations to the Canadian Government.

That Commission held hearings and took testimony throughout Canada and thoroughly examined the issue of competition by Canada Post with private mailing centers. Its conclusion was straightforward:

''The Government should direct Canada Post Corporation to withdraw from all competition with the private sector in areas of activity outside its core public policy responsibilities for providing postal services.'' [Report of the Canada Post Mandate Review, p. 86]

''Specifically, that means exiting from the courier business, from unaddressed admail, from the operation of business support or mailing centers, from electronic products and services, and from retailing of non-postal merchandise,'' [Report of the Canada Post Mandate Review, p. 84]

Mr. Speaker, my bill does not take on all the issues that this comprehensive review did, but that review hit the issue on the head. The basic conclusion of the Commission was that no government agency, like Canada Post or the USPS, can serve and compete with its customers at the same time.

The Postal Service Core Business Act is sound and fair in identifying a workable solution for all parties. I urge my colleagues to join me in support, because it establishes the rules necessary for both the Postal Service and the private sector as to this area of postal related business. These small business owners are looking to us to ensure that they are afforded a fair chance to succeed, and as their Representatives we need to work to meet their needs.

LEGISLATION TO CORRECT MEDICARE BENEFICIARY OVERCHARGES IN HOSPITAL OUTPATIENT DEPARTMENTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. STARK. Mr. Speaker, today Representative WILLIAM COYNE and I introduced a bill to correct a glaring failure in the Medicare Program—the massive overcharging of beneficiaries in hospital outpatient departments [HOPDs]. This bill will save Medicare disabled and senior beneficiaries about $35.7 billion between 1999 and 2003. It will stop the steady, upward climb in the percentage of HOPD costs that beneficiaries have to pay.

The problem is difficult to describe and the legislative solution is also complicated. But what is not complicated is understanding the impact on Medicare beneficiaries. I would like to include in the RECORD at this point an article from the June 30 New York Times and the AARP Bulletin of August, 1996 that does an excellent job of explaining why our bill is needed—ASAP.

I also include some prospective payment assessment commission analysis of data from the Health Care Financing Administration on how beneficiary copayments in HOPDs can far exceed a patient's 20 percent share at an ambulatory surgical center. Clearly, these HOPD payments are grossly excessive, and patient advocacy groups should help spread the word about cheaper sources of safe and effective medical care.

[From the New York Times, June 30, 1996]

QUIRK IN MEDICARE LAW YIELDS BIGGER BILLS FOR OUTPATIENT CARE; OFFICIALS SAY BURDEN ON THE ELDERLY IS INCREASING

(By Robert Pear)

WASHINGTON, June 30—Because of a quirk in the Federal Medicare law, elderly people are being required to pay more than their normal share of the bill for hospital outpatient services. It is far more than Congress originally intended and the burden is rising rapidly as such services account for a larger portion of all health care in the United States.

Beneficiaries are ordinarily responsible for 20 percent of the cost of services under Part B of the Medicare program. But because of the law, they are now responsible, on average, for 37 percent of the total payments to hospitals for outpatient services, one of the most important benefits under Part B, according to a recent report to Congress by a Federal advisory panel.

For many such services, the patients' share is even larger. Donna E. Shalala, the Secretary of Health and Human Services, said beneficiaries were paying more than 49 percent of the total Medicare payment to hospitals for outpatient surgery, radiology and other diagnostic services.

And Dr. Shalala said, ''We expect that the beneficiary share of total hospital payments for these services will continue to increase rapidly,'' to 68 percent in 2000.

Since 1983, the Government has paid a flat amount for each Medicare patient admitted to a hospital, depending on the diagnosis. But there are no such limits on outpatient services. A hospital can often increase its Medicare revenue ''by simply increasing its charges'' for outpatient services, the Department of Health and Human Services told Congress. When the hospital increases its charges, the beneficiary pays more.

The Clinton Administration acknowledges that the costs are already causing hardship for many Medicare beneficiaries. But Administration officials say they lack the authority to limit what hospitals charge for outpatient services under Medicare, and they are fighting a lawsuit by Medicare patients who insist that the Government is supposed to set such limits.

The new Medicare handbook, sent to all beneficiaries in May, explains the situation this way: ''When you use your Part B benefits, you are responsible for paying the first $100 each year of the charges approved by Medicare. This is called the Part B annual deductible. After the deductible is met, Medicare pays 80 percent of the Medicare-approved amount for most services. You are responsible for the remaining 20 percent.''

But, it states, there is one big exception: ''If you receive outpatient services at a hospital, you are responsible for paying 20 percent of whatever the hospital charges, not 20 percent of a Medicare-approved amount.''

In March, the Federal advisory panel, the Prospective Payment Assessment Commission, urged congress to correct this problem. ''The growing financial burden for Medicare enrollees who receive services in hospital outpatient departments should be alleviated immediately,'' the panel said. ''Beneficiary coinsurance for these services should be limited to 20 percent of the Medicare-allowed payment.''

But neither Congress nor the Clinton Administration is pushing for a quick solution, partly because of the complexity of the problem and partly because of disagreement over who would foot the bill. If beneficiaries paid less, then the Federal Government would have to pay more or hospitals would have to accept less overall? Any solution would increase Federal Medicare costs, reduce hospital revenue or both.

For example, a 74-year-old woman named Marie Lohse had outpatient cataract surgery on one eye at a Los Angeles hospital. The hospital charged $6,277. She was responsible for 20 percent of that amount, or $1,255. But, she later learned, Medicare paid the hospital only $1,280. So the hospital received a total of $2,535, and Ms. Lohse paid 49.5 percent of the total reimbursement.

If she had paid 20 percent of the Medicare-approved amount, as required for many other Part B services, she would have paid only $507.

Robert J. Myers, who was chief actuary of the Social Security Administration for 23 years, said of the current formula, ''It's a raw deal, a gross injustice to beneficiaries that ought to be remedied.''

Mr. Myers said it had always been ''the general philosophy, the general principle of the Medicare program, that the beneficiary should be responsible for 20 percent of what Medicare recognizes as the reasonable and appropriate amount for a service.''

And in most cases that is true. But hospital outpatient services are different: the patient is responsible for 20 percent of whatever the hospital charges. Originally, what hospitals charged and what Medicare recognized as reasonable were about the same. But in recent years, hospitals have charged far more than Medicare pays for outpatient services. So in paying 20 percent of the hospital charges, beneficiaries end up paying much more than 20 percent of what the hospitals ultimately receive for such services.

Earlier versions of the Medicare handbook, in 1991 and 1992, said inaccurately that beneficiaries were responsible for only 20 percent of the approved amount.'' The handbook now says ''20 percent of whatever the hospital charges.''

The financial burden on patients has been increasing because outpatient care accounts

for a rapidly growing share of all medical care.

New surgical technology and advances in anesthesia have reduced the need for overnight hospital stays. Common outpatient services include colonoscopy, breast biopsy and hernia repair. But complex procedures like hysterectomies and reconstructive knee surgery can also be done in hospital outpatient departments.

The demand for such services increases as the procedures become safer and easier to perform. In addition, said Dr. Richard B. Reiling, chairman of the ambulatory surgical committee of the American College of Surgeons, ''Managed care and financial considerations have given us incentives to do more procedures on an outpatient basis.''

Carol S. Jimenez, a lawyer at the Center for Health Care Rights in Los Angeles, said, ''Medicare beneficiaries expecting to pay a 20 percent copayment should not be paying 49 percent or more of the amount paid to the hospital.''

But in a legal brief recently filed with the United States Court of Appeals for the Ninth Circuit, in San Francisco, the Clinton Administration said such charges were ''entirely permissible'' under current law.

Congress has never instructed Medicare officials to ''limit what hospitals could charge to beneficiaries for outpatient services,'' the Clinton Administration said.

And in a letter to a Medicare beneficiary in Florida, the Federal Government said that ''there are no restrictions on the amount that a hospital charges'' for outpatient services.

While expressing sympathy for Medicare beneficiaries ''burdened by ever-rising medical costs,'' the appeals court has so far refused to step into the dispute.

Outpatient services can be a major source of revenue because hospital admissions have fallen over the last decade and Medicare has sharply restricted payments to hospitals for inpatient services.

Spending for outpatient hospital services, by Medicare and other insurers, has grown twice as fast as outlays for inpatient hospital care, rising 15.7 percent a year since 1980, to $86.7 billion in 1994, while inpatient spending rose 7.8 percent a year, to $212.4 billion.

Many elderly people have supplementary insurance, known as Medigap policies, to help pay costs not covered by Medicare, but as they pay more for outpatient services, their Medigap premiums tend to increase. In December, when the American Association of Retired Persons announced premium increases averaging more than 25 percent for 1996, it cited the increased use of outpatient services as a major reason.

Under instructions from Congress, the Department of Health and Human Services is developing a proposal to pay hospitals a fixed amount, set in advance, for each outpatient service. Medicare could then follow its general policy of requiring beneficiaries to pay 20 percent of the approved amounts. Such a system would be complex and would need approval from Congress.

[From the AARP Bulletin, August 1996]

MEDICARE OUTPATIENT DEBACLE—HOSPITALS ALLOWED TO CHARGE MORE FOR OUTPATIENT CARE

(By Don McLeod)

A federal court ruling has focused new attention on a growing problem for Medicare beneficiaries, first reported nearly four years ago in the Bulletin.

The problem is this: When beneficiaries receive medical treatment in hospital outpatient facilities, they often pay much more than their fair share of the bill.

Why? Because under federal law hospitals can charge Medicare beneficiaries whatever they wish for hospital outpatient care. (By contrast, federal law does limit how much hospitals can charge Medicare inpatients and how much doctors can charge Medicare beneficiaries.)

All of this is perfectly legal. And if the situation is to be fixed, the Ninth U.S. Circuit Court of Appeals said in essence this summer, it is up to Congress to fix it.

Congress has the authority to limit what hospitals charge Medicare outpatients, all experts agree, but thus far has declined to do so.

Since Congress hadn't exercised its authority in this area, some Medicare beneficiaries sued the Department of Health and Human Services (HHS), which runs Medicare, to force the agency to correct the situation.

But in its ruling the court agreed with HHS Secretary Donna Shalala that existing law does not require her to take action on the issue.

All of which means hospitals can continue to charge Medicare outpatients any amount they want.

The high charges beneficiaries pay for hospital outpatient service are ''terribly unfair,'' says Brandeis University economist Stuart Altman. And, he adds, the problem ''is getting worse and worse.''

The situation comes about because of a longstanding loophole in the law. Under current law, Medicare pays for hospital outpatient treatment under Medicare's Part B, which also covers physician costs.

In the case of doctors, Medicare pays them 80 percent of what it considers a ''reasonable and customary'' amount, based largely on costs, and beneficiaries pay the remaining 20 percent of what Medicare considers reasonable.

When it comes to hospital outpatient services, Medicare pays 80 percent of what it considers reasonable, based on a complex formula that includes the hospital's costs.

But beneficiaries, by contrast, are required to pay 20 percent of the amount that hospitals decide to charge them, rather than 20 percent of what Medicare considers reasonable.

And that hospital charge can be sizable. As a result, beneficiaries often find themselves paying almost as much as the government does for hospital outpatient treatment.

In a report to Congress last year, HHS's Shalala estimated that Medicare outpatients on average pay 49 percent of the total payment made to hospitals for several common treatments.

In part, this is extra income for hospitals. If beneficiary copayments for these treatments were cut to the 20 percent Medicare believes reasonable, she said, the amount paid by enrollees ''would be reduced by over $4 billion in 1997 and by $15.7 billion in 2001.''

Nor is that all. Given the way hospital charges are rising, beneficiaries could be paying as much as 68 percent by the year 2000, Shalala warned.

''This is a windfall for hospitals,'' says AARP legislative representative Kirsten Sloan. ''There's no question about it.''

Not surprisingly, hospitals see the situation differently. Under Medicare, hospitals ''are already being paid less than their costs,'' says Carmela Coyle, the American Hospital Association's vice president for policy.

Paradoxically, the anomaly in hospital outpatient payments stems from an attempt in 1986 to bring outpatient payments closer to the billing system for inpatients.

But what Congress actually did in 1986 was create a temporary payment structure for determining what Medicare can pay hospitals for outpatient fees. At the same time, it left unaddressed the question of whether there should be limits on what beneficiaries themselves must pay. This structure is still being used and has created the inequity that exists today.

Since then, reimbursement for outpatient care has been treated differently. Beneficiaries have been required to pay 20 percent of the charges that hospitals bill them. That didn't seem significant in 1986, says Brandeis' Altman, because relatively few treatments were done on an outpatient basis and hospital charges were close to their costs.

Times have changed. Between 1985 and 1989 the number of outpatient surgeries performed by hospitals on Medicare beneficiaries increased by 50 percent and has risen since.

Other forces are helping drive up the amounts hospitals charge, some associated with actual hospital costs, some not, critics say.

Whatever the reasons, ''20 percent of charges has turned out to be a lot more than 20 percent of costs,'' says Altman, meaning that beneficiaries are paying a good deal more than what critics believe is ''reasonable.''

Beneficiaries are feeling the pinch. ''With more people using hospital outpatient services,'' says AARP's Sloan, ''the problem of the amount that beneficiaries pay out of pocket is becoming much more severe.''

The recent court decision, all sides agree, tosses this growing problem into the lap of Congress. ''So the question becomes,'' says Altman, ''why don't they change the law?''

Thus far, Congress has shown little interest in revamping the law. The major reason: money. Either Medicare—its future spending already under attack in Congress—would have to make up the costs, or hospitals would lose their windfall and have to absorb the costs.

Or the two would have to share the fiscal pain. For instance, the American Hospital Association's Coyle, insisting that Medicare has underestimated hospitals' actual outpatient costs, suggests that hospitals and beneficiaries join forces to compel ''Medicare to pay [its] fair share of costs.'' That idea hasn't caught on.

Until Congress decides what to do, beneficiaries should help themselves by being informed consumers, analysts say. ''Before they go in for hospital outpatient surgery, they should ask about the likely cost to them,'' advises AARP legislative representative Patricia Smith.

But that's only a stopgap solution. With concern in Congress growing, a move to produce change could occur next year or shortly thereafter, analysts say. It won't be easy: Congress will have to change the law in a way that hospitals, as well as Medicare and the taxpayers who finance it, will support.

The ball is squarely in Congress' court now, says Altman. The Ninth Circuit Court of Appeals has essentially ruled, he adds, that ''the law is the law, and it remains for Congress to change it. And that's what needs to be done.''

BENEFICIARY COINSURANCE PAYMENTS ACROSS SETTINGS, 1995

Procedure	Median hospital OPD coinsurance	20 percent of the national ASC rate	20 percent of the national physician fee schedule
Cataract removal w/lens insertion	$558	$176	$195
Diagnostic colonoscopy	164	79	65
Upper GI endoscopy w/biopsy	172	79	51
Diagnostic upper GI endoscopy	150	59	45
Diagnostic sigmoidoscopy	75	.....	18
Initial inguinal hernia repair	519	112	92

ANNUAL HOSPITAL OPD COINSURANCE PAYMENTS FOR BENEFICIARIES WHO RECEIVED HOSPITAL OPD SERVICES, 1995

Deciles (percent)	Annual beneficiary coinsurance
Top 10	$802
Top 20	505
Top 30	335
Top 40	227
Median	154
Bottom 40	103
Bottom 30	67
Bottom 10	20

MEDIAN BENEFICIARY COINSURANCE PAYMENTS FOR CATARACT SURGERY FOR HOSPITALS IN THE SAME MSA, 1995

Provider	Percent of total volume	Median charges	Median coinsurance payment
Hospital A	39	$2,751	$550
Hospital B	52	1,218	244
Others (2)	10	.....	.....
Total	100	2,002	400

HONORING EUGENE AND DORIS HERDMAN ON THEIR GOLDEN ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. GILLMOR. Mr. Speaker, I am pleased to extend best wishes to Eugene and Doris Herdman on the occasion of their golden wedding anniversary, February 9, 1997.

Eugene and Doris Herdman have shared a partnership of love and commitment which has been an inspiration to all who have known them. Enriched by all of life's experiences, their union has endured and grown stronger over time.

Marriage is the principal foundation on which civilization has been built. The loyalty and love that Eugene and Doris Herdman have demonstrated through the past 50 years strengthens the institution of marriage and increases our faith in the idea of trust between human beings.

As Eugene and Doris Herdman celebrate this special occasion, I wish them, their two children, Nancy and Jim, and their two grandchildren, Jon and Alison, many years of happiness and fulfillment.

TRIBUTE TO ELDER WILLIAM ALONZO GIVENS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. DIXON. Mr. Speaker, I rise to celebrate the life of Elder William Alonzo Givens, who passed away on Christmas Day, December 25, 1996.

Elder Givens was born in Austin, TX, on April 20, 1916, to Arthur Givens and Lizzy Burton. He received his ministry license at the age of 17. In 1929, the Givens family relocated to Midland, TX, where they continued to serve God faithfully, ministering to the needs of many others in the community.

On August 3, 1939, Elder Givens married the former Louise Estelle Thomas. Their blessed union produced seven children, two of whom preceded Elder Givens in death. In December 1942 Elder Givens moved his family to Los Angeles, CA. In 1943, he embarked on a career as a longshoreman, a career that would span nearly 30 years.

In 1976, Elder Givens was assigned by Bishop S. M. Crouch to serve as assistant pastor to the late Walter Sanders at All Nation Church of God in Christ, located in San Pedro, CA.

During his lifetime, Elder Givens traveled throughout California pastoring to the needs of the sick and the shut-in. He not only preached the Gospel, he worked to counsel troubled youths, and those who were in need of spiritual nourishment and fellowship. At his homegoing celebration, person after person rose to speak of their love and selfless devotion for this gentle, kind, and always God-fearing man, who loved unconditionally and cherished his family and his God.

Those who knew best of his love for humankind—his family—spoke lovingly of a man who was not only a husband and a father, but of a man who was their friend, counselor, spiritual guide, provider, and protector.

Mr. Speaker, Elder Givens was a man of tremendous character and integrity. His success was measured not in material terms, but in the honorable manner in which he lived his life. His devotion to God was unwavering, and his commitment to the sacrament of marriage and the responsibilities of parenthood, stand as the true measure of this humble servant of our God.

I, therefore, ask you to join me in celebrating the extraordinary contributions of this extraordinary man. In honoring his memory, we extend our condolences to his beloved wife, Louise; his children: Nettie, Linda, Gwendolyn, Jerry, and Robert; and his 19 grandchildren and 9 great-grandchildren, and numerous friends who mourn his loss.

SALUTE TO COYA KNUTSON

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. SABO. Mr. Speaker, today I would like to pay tribute to Coya Knutson, the only Minnesota woman ever elected to the U.S. House of Representatives, who died in October at the age of 84.

Congresswoman Coya Knutson received considerable attention in 1958 when her husband ignited a nationwide debate over the role of women in politics by sending his now-famous ''Coya, Come Home'' letters to Minnesota newspapers. The letters—which unfairly implied that her public career in Washington was forcing her to neglect her private duties as a wife and mother in Minnesota—are probably responsible for her close electoral defeat in 1958 after two terms.

Before the letters made national news. Knutson seemed a shoo-in for a third term. Her opponent that year—who ran on the slogan ''A Big Man for a Man-Sized Job''—helped put her husband up to the letters. It also didn't help that she broke with leaders of the State Democratic Party—including Hubert Humphrey—by supporting Estes Kefauver over Adlai Stevenson in the 1956 Minnesota Presidential primary. Many of her Democratic friends did not forgive her for that break, and may even have supported the ''Coya Come Home'' campaign.

But the story of Coya Knutson is far deeper than the ''Coya Come Home'' letters that gained her national notoriety and ended her congressional career.

In an era when many women in Congress were widows serving out their late husbands' terms, Coya Knutson represented much more. Former Vice President, and Minnesota Senator, Walter Mondale likened her to Hubert Humphrey. ''She was full of life,'' he said. ''She was electric and people liked her. She was kind of like Humphrey. She could go into a room and get the dead to wake up.''

When she arrived in Washington, Knutson's first choice for a committee assignment was the Agriculture Committee, where she could champion the cause of the family farmers who populated her district. But the committee's chairman ''had no interest in women serving with him.'' Most women of the time would have backed off. Knutson, however, went to Speaker Sam Rayburn and convinced him that she should be on Agriculture. So it was there she served, and it was there that her grasp of issues—and her hard work—eventually earned her the respect of the chairman.

Many of Coya Knutson's legislative priorities still have resonance today. The Washington Post cataloged her congressional work in a story published a short time after her death.

> In her four years in Washington, Coya Knutson pushed for the first Federal appropriations for cystic fibrosis research. She introduced the first bill to include an income tax checkoff for Presidential campaign financing. She created the legislation that would eventually establish a Federal student loan program. She supported the equal rights amendment when labor and many liberals still opposed it on the grounds that it could bring an end to legislation enacted to protect women in the workplace.

Unlike most of the women serving at the time, she felt no need to make the big men like her. It was that trait, combined with a real dedication to the job, that tells the real story of Coya Knutson.

During her 4 years in Washington, she did much to pave the way for women who would later serve in Congress. She overcame obstacles and pushed down barriers that women today no longer encounter. She served with grace and accepted defeats without bitterness. Coya Knutson showed the Nation that a woman's place is not only in the home, but also in the House. For that, Mr. Speaker, the Nation owes Minnesota Congresswoman Coya Knutson a tremendous debt of gratitude.

RELEASE MONEY TO SAVE WOMEN'S LIVES

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Ms. FURSE. Mr. Speaker, a very important vote on family planning will occur by the end of February.

The fiscal year 1997 Foreign Operations appropriations bill directs the President to submit

a Presidential finding to Congress no later than February 1, detailing whether or not the spending restrictions imposed on family planning overseas are having a negative impact on the proper functioning of those programs.

The Presidential finding is to be included in a joint House-Senate resolution on which both bodies must vote by February 28. If both the House and Senate approve the finding, international family planning funds will be released on March 1 rather than the current July 1 release date of funds that have already been appropriated.

I commend to my colleagues' attention the following column written by First Lady Hillary Rodham Clinton in which she portrays the situation of real women's lives and the urgent need for family planning.

TALKING IT OVER

(By Hillary Rodham Clinton)

The pregnant woman wore an alpaca shawl over her blouse and full skirt, the traditional Indian dress in Bolivia. She looked about 36 and was attending a prenatal class at a health clinic I visited this week in the Bolivian capital, La Paz. She was nursing a 3-month-old baby and expecting her eighth child, who she hoped would be her last.

I was in Bolivia to attend the Sixth Conference of Wives of Heads of State and Government of the Americas. Women from countries throughout the Western Hemisphere got together to talk about strategies to eliminate measles, promote education reform and improve maternal health in our region.

Bolivia, a country of majestic beauty in the heart of South America, was an auspicious location for such a discussion. More women die in Bolivia during pregnancy and childbirth than in any other country in South America. But in the face of this human tragedy, Bolivia has become a model of how one nation can respond to the crisis of maternal mortality by galvanizing the government, non-governmental organizations and the medical establishment to launch a nationwide family-planning campaign.

In a country where half of all expecting mothers go through pregnancy and childbirth alone—without medical attention of any kind—Bolivia's aggressive effort to educate women about their own health and their options for childbearing is resulting in safer pregnancies, stronger families and fewer abortions. Without access to family planning, women in Bolivia—and in many developing nations—often turn in desperation to illegal, unsafe abortions that can end in death or serious injury. Deaths from abortion complications account for half of all maternal deaths in Bolivia.

As Bolivia has ably demonstrated, voluntary family planning teaches women about the benefits of spacing children several years apart, breast-feeding, good nutrition, prenatal and postpartum visits and safe deliveries. It also decreases the number of abortions.

Bolivia's success at preventing mothers from dying and lowering abortion rates has been possible, in part, because of help from the United States and other countries. The U.S. Agency for International Development has provided financial and technical assistance to help Bolivia establish a network of primary health care clinics.

The clinic I visited in La Paz is one that the United States helped start. Called PROSALUD (which, loosely translated, means ''for the good of health'' in Spanish), the clinic has doctors and nurses who offer round-the-clock prenatal, obstetric and pediatric services, as well as counseling about family planning in a poor neighborhood of 15,000 people. In the first six months of this year, the clinic staff provided 2,200 medical consultations, delivered 200 babies, registered 700 new family-planning users and immunized 2,500 children.

There are obvious benefits of such a program to Bolivian women, children and families, but health and family-planning services also help alleviate poverty and contribute to the economic stability of a democratic ally in our hemisphere. Yet opponents of foreign assistance and particularly of family planning in Congress are trying to eviscerate U.S. funding for programs like the one I saw at PROSALUD. Some argue that the United States has no national interest in the health and well-being of other countries' citizens. Others mistakenly suggest that family planning is being used to encourage—rather than decrease—abortions. In fact, our government has prohibited funding of any overseas project that promotes abortion since 1973.

Ignoring this, Congress last year approved draconian cuts in family-planning assistance amounting to a 35-percent reduction in funds. To add insult to injury, the cuts were accompanied by new restrictions that delayed delivery of aid for the first nine months of the fiscal year.

Similar harsh cuts and delays are included in the current budget, meaning that many organizations could again be denied assistance for months and then receive it only in monthly installments.

According to a recent analysis by five population organizations, the funding cuts alone will result in an increase of 1.6 million abortions, more than 8,000 maternal deaths, and 134,000 infant deaths in developing countries.

Family-planning campaigns at work in Ecllvia and elsewhere represent sensible, cost-effective and long-term strategies for improving women's health, strengthening families and lowering the rate of abortion. My husband's administration remains committed to the continuation of these investments. And I will do everything I can to ensure that U.S. support for these initiatives continues. If you share my concern, I hope you will add your votes to mine and give all women everywhere the same opportunities for their lives we take for granted in ours.

TRIBUTE FOR JAMES M. MURPHY

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. TALENT. Mr. Speaker, today I rise to pay tribute to one of my constituents, Mr. James M. Murphy. Mr. Murphy has been recognized as the 1996 Outstanding Businessperson of the Year by the Creve Coeur-Olivette Chamber of Commerce. This award highlights his continuing efforts not only with the chamber, but with the entire St. Louis construction and business community. It is indeed an honor to recognize his hard work and efforts as an outstanding leader and citizen.

The following proclamation was presented to Mr. Murphy by the Creve Coeur-Olivette Chamber of Commerce, in recognition of his outstanding accomplishments.

Whereas Jim Murphy, president of Murphy Company Mechanical Contractors and Engineers, has served as the president of the Olivette Economic Development Commission, and

Whereas his leadership of the Commission has contributed to the economic stability of Olivette, and created economic growth for the City of Olivette, and

Whereas he has achieved unprecedented national success for his company in the construction and business communities, and

Whereas he has served the St. Louis business community through leadership and dedication, and

Whereas he has unselfishly devoted both time and effort to the health and welfare of the St. Louis community by supporting charitable, civic and business organizations, and

Whereas he has demonstrated the highest ethical values in the conduct of his business and personal life, and

Whereas his support of educational excellence has contributed to providing unlimited opportunity for future business and community leaders. Therefore be it

Resolved, That James J. Murphy, Jr., be honored by the memership of the Creve Coeur-Olivette Chamber of Commerce as the 1996 Outstanding Businessperson of the Year.

Mr. Speaker, I join the chamber and the St. Louis business community, in honoring Mr. Murphy for his continuing service to our community. His efforts are an inspiration to us all.

A TRIBUTE TO THE HONORABLE JUDGE MARY E. MCDEVITT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. BONIOR. Mr. Speaker, I rise to pay tribute to the Honorable Judge Mary E. McDevitt on the occasion of her retirement from the 39th district court in Roseville, MI. It will be my pleasure to enter this statement into the official CONGRESSIONAL RECORD In February when the 105th Congress convenes.

Over the years, Judge McDevitt has enjoyed a fine reputation as a distinguished jurist in our community and throughout the State of Michigan. She has demonstrated her legal expertise both as a Justice of the Peace in Erin Township and in Roseville where she has served as district judge for 39 years.

Judge McDevitt also served as a probation officer and investigator for adoptive and boarding home parents as the Macomb County Probate Court, Juvenile Division. She has been affiliated with many professional organizations, such as the American Bar Association, and has generously volunteered her time for civic activities.

Mr. Speaker, on the special occasion of her retirement after 39 years on the bench, I ask my colleagues to join me in extending best wishes to Judge McDevitt and her entire family. Her dedication and commitment will be greatly missed.

TRIBUTE TO JIM KELLY

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. QUINN. Mr. Speaker, I rise today to honor Mr. Jim Kelly on the occasion of his retirement as quarterback for the Buffalo Bills.

Throughout its celebrated history, the Buffalo Bills have never enjoyed the tremendous

success it did under the able leadership of Jim Kelly. During his 11-year career, Jim Kelly took the Bills from league obscurity to four consecutive Super Bowls. He amassed nearly 36,000 passing yards, completing over 60 percent of his attempts. But with Jim Kelly, statistics only tell half the story. His toughness, will to win, and dedication to his team are truly legendary.

In addition to his Hall of Fame caliber performance as a professional quarterback, Jim Kelly has proven himself a leader off the field in our western New York community. His charitable endeavors include an annual celebrity golf tournament to benefit disadvantaged children, involvement with area youth through an annual football camp, the Kelly for Kids Foundation, and his tireless effort on behalf of Camp Good Days and Special Times for families dealing with cancer.

Jim's own family played an important role in developing the values which made him such a leader in the community and with the Bills. His closeness to his father and brothers, well-known love and admiration for his late mother, Alice, and commitment to his new family embody the true blue-collar values which characterize our community.

Mr. Speaker, today I would like to join with Jim's wife, Jill; his daughter, Erin; his brothers, Pat, Ray, Ed, Dan, and Kevin; his father, Joe; the Buffalo Bills organization; the National Football League; and indeed, our entire western New York community to pay tribute to Mr. Jim Kelly. With retirement comes many new opportunities. May Jim meet every opportunity with the same enthusiasm and vigor in which he demonstrated throughout his brilliant career; and may those opportunities be as fruitful as those in his past.

On behalf of all of the Buffalo Bills fans in western New York and elsewhere, I would just like to express to Jim our sincere thanks and congratulations.

HONORING THE LIONS CLUB OF LaGRANGE ON THE OCCASION OF THEIR 50TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding service organization located in Ohio's Fifth Congressional District. On May 10, the Lions Club of LaGrange, OH, will celebrate their 50th anniversary.

The city of LaGrange is a community renowned for its civic pride and commitment to service. In 1947, it was home to active churches and school organizations dedicated to helping others. There was not, however, an agency which could coordinate these services to provide for the entire community. It was decided to form a Lions Club and after enlisting 28 good citizens of LaGrange, they became charter members and joined Lions International.

It was a good start and the club was active in the community from the very beginning. Throughout its history there has never been a lack of enthusiasm or volunteer labor for its many projects. In addition, the LaGrange Lions Club has been active throughout the years in zone, State and international Lions.

Anniversaries are a time to reflect upon a steadfast tradition of service. It is also a time to look toward new horizons. Lions have made it their responsibility to serve those in need by keeping pace with the ever increasing challenges facing mankind.

Mr. Speaker, it is obvious that the community and the members of the club have greatly benefited from the effort that was started in 1947. I ask my colleagues to join me today in recognizing the achievements of the LaGrange Lions and encourage them to continue to uphold what has become the standard for service in Ohio.

A TRIBUTE TO MR. THOMAS STRACK AND MS. CHRISTINE KELLY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to two outstanding athletes from my district. Mr. Thomas Strack and Ms. Christine Kelly, who are competing in pairs figure skating at the Special Olympics World Winter Games in Canada, February 1 to 8, 1997.

Mr. Strack of Palos Heights, IL, and Ms. Christine Kelly of Oak Lawn, IL, have skated together for 6 years and are both veterans of local, national, and international special olympics competitions. More important, they are good friends, and have forged friendships with many others through the special olympics.

Tom and Chris, as well as 131 other athletes and 29 coaches from Illinois, will join more than 2,000 competitors from 90 countries vying in five different events at the winter games.

Mr. Speaker, I extend my best wishes to these fine athletes, as well as all the other courageous participants in the 1997 Special Olympics World Winter Games.

TRIBUTE TO JOAN BERKMAN

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. TALENT. Mr. Speaker, today I rise to pay tribute to one of my constituents, Ms. Joan Berkman. Ms. Berkman is being recognized as the outgoing president of the Creve Coeur-Olivette Chamber of Commerce. Her dedication to community service, through her work with the chamber and numerous other organizations, highlights her as an outstanding leader and citizen.

The following proclamation was presented to Ms. Berkman by the Creve Coeur-Olivette Chamber of Commerce, in recognition of her many accomplishments.

Whereas Joan Berkman, 1996 President of the Creve Coeur-Olivette Chamber of Commerce and Area Manager of External Affairs, Southwestern Bell, and

Whereas as President of the Chamber she has provided outstanding leadership in her commitment to develop partnerships between the residential and business communities, and

Whereas she has challenged, encouraged and motivated the Creve Coeur and Olivette business communities to enhance, promote and sustain the quality of life and economic climate of both communities, and

Whereas under her leadership the Chamber has worked with the City of Creve Coeur and Missouri State Highway Department for improvements to the I–270/Olive Boulevard Interchange, and

Whereas under her leadership the Chamber, in partnership with the City of Olivette, established that city's first Economic Development Council, jointly-funded by the Chamber and City, and

Whereas under her leadership the Chamber established a partnership of governments and business organizations for expansion of MetroLink, and

Whereas for her outstanding contribution to the Creve Coeur-Olivette Chamber of Commerce she was awarded the prestigious Outstanding Businessperson of the Year Award in 1991, and

Whereas she has been recognized for her community service by the University of Missouri-St. Louis, as Volunteer of the Year, and

Whereas she received the President ''C'' Flag Award for producing and coordinating the ''Teen Talent Showcase'', and

Whereas she was recipient of the Arthur W. Page Award for Exceptional Performance in Public Relations for her ''Information for the Disabled'' Program, a Bell System Award, and

Whereas she has demonstrated unselfish commitment of time and effort through volunteer leadership positions, active participation and support of many charitable, civic and business organizations, and

Whereas she has been an inspiration to us all, and

Therefore be it resolved that Joan Berkman, be honored by the membership of the Creve Coeur-Olivette Chamber of Commerce for her service as the 1996 President of the Creve Coeur-Olivette Chamber of Commerce.

Mr. Speaker, I join the Chamber and the St. Louis business community in honoring Ms. Berkman for her continuing service to our community. Her efforts are an inspiration to us all.

TRIBUTE TO THE WILFANDEL CLUB

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. DIXON. Mr. Speaker, I rise today to salute the Wilfandel Club of Los Angeles, CA, on the occasion of more than 50 years of service to the Los Angeles community. Nearly 3 months into its 52d year, the Wilfandel Club is as strong today as it was more than five decades ago when it organized with a credo of promoting civic betterment, philanthropic endeavors, and general culture.

Founded on November 4, 1945, the Wilfandel Club took its name by combining the names of its primary founders, Mrs. Della Williams, wife of the renowned Los Angeles architect Paul Williams, and Mrs. Fannie Williams, a noted community leader. Though recognized by many in the Los Angeles community for their activism and commitment to social progress, Della and Fannie could not penetrate the barrier of racism which existed through out America—a barrier which excluded them and their fellow African-American

sisters and brothers from most of Los Angeles' large hotels and public facilities.

Undeterred, Della Williams and Fannie Williams, joined by a small cadre of like-minded African-American women determined that they would marshal forces to raise capital to purchase and renovate their very own clubhouse. With the help and support of 50 members, the women set course to do just that, purchasing property in the West Adams district of Los Angeles.

The Wilfandel Club rapidly garnered a reputation as the place to hold farewell parties for the young African-American men who went off to fight America's wars, or for the sons and daughters who were leaving to attend college. Over the years, the Wilfandel Club has been one of the primary venues for thousands of wedding ceremonies, numerous community meetings and forums, teas, showers, art exhibits, and dinners.

The club has established a rich legacy of giving back to the community. Honoring founding member's commitment to service, Wilfandel Club members have hosted and/or otherwise participated in numerous activities benefiting Community Health Week, Negro History Week, Los Angeles Beautiful, the Woman of the Year Program, Sojourner Truth, Negro Business and Professional Women, Women's DIvision—Los Angeles Chamber of Commerce, and the Watts Tower Art Center.

Wilfandel members also have raised thousands of dollars to support the American Cancer Society, the Exceptional Children's Foundation, the Foundation for the Junior Blind, as well as the National Association for the Advancement of Colored People [NAACP].

Today, Wilfandel Club members total more than 60 African-American women, all of whom share a vision and commitment to the goal of enhancing and strengthening the image of African-American women in our society, and in promoting peace, happiness, and personal growth for black women everywhere. For its contributions to the community, the club is the recipient of the Community Service Award, presented by the California State Attorney General.

Mr. Speaker, I am proud to have this occasion to salute the Wilfandel Club as it enters its 52d year of service as an outstanding African-American women's organization. From humble beginnings, its members have shepherded the club to an enviable place in the Los Angeles community, as an exemplary organization dedicated to service and empowerment. The Wilfandel Club continues to live up to the legacy envisioned by its founders. I am pleased to commend club members on their record of service to the community, and ask that you join me in extending our best wishes for at least 50 more years of outstanding service.

TRIBUTE TO MR. FRANKS OF NEW JERSEY

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I rise today to thank the gentleman from New Jersey [Mr. FRANKS] for all his hard work and effort to help us pass a balanced budget amendment to the U.S. Constitution. During the 104th Congress, the Schaefer-Stenholm balanced budget amendment passed the House by a vote of 300 to 132. This was due, in no small part, to the diligent efforts of Mr. FRANKS.

This year, as we prepared to introduce House Joint Resolution 1, Mr. FRANKS' name was inadvertently left off the list of original cosponsors. I regret this error.

Mr. FRANKS is a fiscal conservative and an important member of the House Budget Committee who has led the effort to balance the Federal budget. I look forward to working with him again as we prepare to vote on a balanced budget amendment to the Constitution.

TRIBUTE TO DANIEL C. LAFFERTY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Daniel C. Lafferty, who is being honored this evening for his 18 years of service as the director and health officer of the Macomb County Health Department. It will be my pleasure to enter this statement into the official CONGRESSIONAL RECORD in February when the 105th Congress convenes.

Mr. Lafferty has been a public health leader in the State of Michigan for many years. He has implemented several community-based health programs that have received local, State, and national recognition. As a dedicated and responsive public health advocate, Dan appreciates the need for cooperation and collaboration in order to address community health concerns and problems. Over the years he has worked closely with hospitals in his communities to improve the quality of health care for all county residents.

For the past 18 years, the citizens of Macomb County knew they could always count on Dan Lafferty to perform his responsibilities with professionalism and competence. To serve the public more ably, he has taken numerous important leadership positions. Dan has been active in the Michigan Association for Local Public Health, serving 2 terms as president and 12 years on the Executive Council. Additionally, he has served on Blue Ribbon health committees under 3 separate Governors and has chaired a variety of State and local health and community planning committees. I applaud his efforts to make Macomb County a better place to live.

I am pleased to pay tribute to Dan for all his fine work in making Macomb County a healthier community. As family and friends and associates gather tonight to honor him, I am proud to join in saluting Daniel Lafferty.

TRIBUTE TO WALTER FRANCHUK

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Walt Franchuck, a former trustee in Lenox Township and friend. After 30 years of devoted service to the people of Macomb County, Mr. Franchuk has decided to retire. It will be my pleasure to enter this statement into the official CONGRESSIONAL RECORD in February when the 105th Congress convenes.

For three decades, the residents knew they could count on Walt Franchuk to perform his responsibilities with professionalism and competence. One of New Haven's elder statesmen, he served 10 years as the supervisor of Lenox Township. He was elected in 1962 to the County Board of Commissioners, and also served as chairman in 1985 and 1986. Mr. Franchuk sampled retirement after departing the board in 1988, but it was short-lived. He was elected as a trustee in Lenox Township in 1992.

On November 6, 1996, he announced his retirement from his long career in politics. He finished where he started—as a member of the Lenox Township Board. He and his wife, Freda, will no doubt enjoy this time as they spend their retirement visiting with family.

After 30 years of public service, I thank him for his efforts and commend him for his work. I am sure that many folks will miss Walt Franchuk and he deserves all the best in the future. I ask that my colleagues join me in offering sincere congratulations to him and his family on the event of his retirement.

A TRIBUTE TO CAPT. RICHARD ''DICK'' TRACY ON HIS RETIREMENT FROM LAW ENFORCEMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding police officer on his retirement after more than 40 years in law enforcement—Capt. Richard Tracy, the real Dick Tracy.

Captain Tracy, a Chicago native and resident of Garfield Ridge neighborhood in my district, has spent four decades at virtually every level of law enforcement, starting as a Parole Officer walking the beat with the Chicago Police Department in 1956. He worked his way up through the ranks and various assignments, including narcotics and burglary investigations, as well as a stint as an investigator with the Cook County State's attorney. Captain Tracy made sergeant in 1962, serving as a patrol supervisor and an instructor in the training division.

In 1967, he went from the big city to a small town, taking the position of Chief of Police in Pottstown, PA, where he supervised a force of 36 sworn officers. After 5 years in Pottstown, Captain Tracy became Director of Regional Police of Mid-Monongahela Council of Governments, an experiment in multicommunity law enforcement funded by the U.S. Law Enforcement Administration.

In 1975, he returned to Chicago as a patrol sergeant, who was soon promoted to lieutenant and, in 1987, made captain, serving as a Watch Commander and Commanding Officer of the Graphics Arts section.

Mr. Speaker, I would like to salute Captain Richard, ''Dick,'' Tracy for his dedication and fine service to law enforcement and best wishes.

''POPULATION STILL MATTERS''

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mrs. MORELLA. Mr. Speaker, the first foreign policy vote of the 105th Congress may well take place in the first week of February. This vote will determine the rate of expenditure of appropriated funds for international population assistance. It will have a significant impact on the quality of life for men, women, and children all over the world. I place in the CONGRESSIONAL RECORD for the consideration of my colleagues an editorial from the Baltimore Sun that appeared Saturday, January 18, 1997.

POPULATION STILL MATTERS

Recent reports indicate that world population growth has slowed, and that is good news. But with the number of women of childbearing age increasing by 24 million each year, there needs to be a similar increase in the availability of voluntary family planning programs to maintain the slower rates of growth.

Unfortunately, Congress has put restrictions on U.S. aid to voluntary family planning programs, including unconscionable delays in releasing the funds. Next month, after President Clinton certifies that the funding delays are ''having a negative impact on the proper functioning'' of the programs, both Houses of Congress will have a chance to approve the finding. If they do, family planning aid can begin flowing again March 1, rather than waiting until July.

Congressional votes on family planning often get tangled up with abortion. But these votes, having to do only with the timing of the release of funds already appropriated, provide a clean vote on support for voluntary family planning. They have nothing to do with abortion.

Population growth in itself is not a bad thing. But without rises in incomes and purchasing power in the developing countries where most of this increase occurs, continued growth in the world economy could be threatened. And as population puts pressures on land, firewood and other rural resources, poor people flock to cities, creating even more stress on fragile water, sanitary and social service infrastructures. In developing countries, cities usually grow twice as fast as the population as a whole. Anyone familiar with Mexico City, Manila or any other megalopolis knows what that can do to the quality of life in urban areas.

But the strongest argument for family planning aid is the beneficial effect it has on the health of mothers and their children. Voluntary programs often provide the only reproductive health care available to women in developing countries.

By spacing their children two years apart, these women are able to increase the chances that their infants will survive, while helping them preserve their own health. About 600,000 women die in childbirth every year, leaving millions of orphans. And each year some 15 million pregnant women are left with debilitating injuries, infections or other complications. That is too heavy a toll to sacrifice to ideological posturing to please domestic constituencies.

PROFESSIONAL SERVICE TRADE CORPS ACT OF 1997

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Ms. KAPTUR. Mr. Speaker, one key reform essential to assure strong economic growth in our U.S. marketplace as well as to reduce the chronic U.S. trade deficit, is to upgrade the skill level of our U.S. trade negotiators. America must move our products into foreign markets, and assure that our trade negotiators are trustworthy.

The bill, the Professional Trade Service Corps, would achieve these goals by creating an accomplished professional body of American trade negotiators. Just like diplomats in our Foreign Service, our trade representatives are America's conveyors of our Nation's economic and political interests.

Specifically, the act authorizes the creation of the Professional Trade Service Corps to fill key trade positions in the six Federal agencies with major trade-related functions or offices. It will insure better coordination and continuity of service among the Office of the United States Trade Representative, the State Department, the Commerce Department, the Agriculture Department, the Labor Department, and the Treasury Department in their trade-related functions.

We would not allow graduates of West Point to lead foreign armies against our country. We should not allow trade negotiators trained at taxpayer expense to leave Government service and represent foreign interests against the best interests of our Government. We must treat this situation as seriously as any international proceeding.

There is a revolving door at the highest levels of government service that foreign interests use to manipulate our trade policies and destroy U.S. industries and jobs. This bill will go a long way to establishing standards to remedy this egregious problem.

The Professional Trade Service Corps Act will create a cadre of career trade professionals similar to the Foreign Service, identify key trade-related positions, and staff these positions with broadly trained experts in this highly specialized area. Just as importantly, it establishes a career path for continued government service and advancement, encourages continuity of staffing with the carrot of incentives, and the stick of postemployment restrictions.

This corps of trade professionals will be constituted of applicants chosen through a rigorous selection process. They will be carefully trained to establish a high level of excellence in these key trade positions.

To meet these objectives, this act establishes a Trade Service Corps Institute to provide specialized training which will include: the history of U.S. trade negotiations; trade negotiating strategies; the economics and politics of trade; the cultural and business practices of countries with which the United States has significant trade relations; foreign language instruction; and instruction in the operations within and the interrelationships among the various trade-related agencies.

This act will require the Professional Trade Service Corps members to remain in government service for a period of time at least three times the length of their training, and subject them, as well as the legislative branch, to postemployment restrictions in their representation of foreign interests in trade-related matters.

It is time to stop the revolving door which threatens our trade interests and jobs. This bill is an important step in that direction. The Professional Trade Service Corps Act presents a comprehensive strategy for improving the quality and integrity of our trade negotiators. We must protect our economic and trade interests; to do otherwise is to compromise our national security.

Mr. Speaker, I urge the support of all of my distinguished colleagues and ask that they join me in cosponsoring the Professional Trade Services Corps Act of 1997.

INTRODUCTION OF HEALTHY START ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. STARK. Mr. Speaker, today, I am introducing a variation of a bill proposed in the last Congress by our colleague, Representative Sam Gibbons of Florida, to provide universal health insurance for all American children and their mothers during pregnancy. The bill, entitled the Healthy Start Act of 1997, will end the national disgrace of 10 million uninsured children under age 18 and American women going through pregnancy without health insurance and without adequate prenatal care.

The bill is an investment in the future: healthier mothers and their children will mean a better American work force and economy. This bill has a price tag—but it has a pay-out that is beyond calculation in dollars and in a better quality of life.

The bill would ensure that every child in America up to age 18 and every pregnant woman would have health insurance roughly equivalent to the Medicare package of benefits, enhanced with pregnancy, well-baby, well-child and EPSDT benefits.

The bill is very, very simple: If a family does not have this package of insurance through the private market or the workplace, they would be required to buy it. If they are below the poverty level, they would owe nothing. Above the poverty level, they would buy it on a sliding scale basis, with premiums paid through the tax system.

The bill is a form of individual mandate: each parent is responsible for doing the right thing by their kids—and the Government's role is to make it affordable.

We have business alone.

We allow people to buy private policies as an alternative.

We maintain freedom of choice.

We don't disrupt families who already have insurance and are happy with their policies.

The need for this type of legislation is eloquently described in Representative Gibbons introductory remarks, and I refer readers to page E1252 of the July 11, 1996, CONGRESSIONAL RECORD. The only difference between this bill and the original Gibbons bill is that my bill covers all children up to age 18, rather than age 13, and adds the EPSDT benefits as part of the required coverage for children.

I am also introducing today a bill for a refundable, phased-out tax credit to help parents buy a kids'-only health insurance policy. Frankly, I think the universal insurance bill that I've described in this speech is the ideal approach. It is a model of what a civilized nation ought to provide for its people. It is the platonic ideal of a bill—and it is also unlikely to pass in this Congress. The perfect should not be the enemy of the good, and therefore I am also proposing the tax credit legislation as a way to help children which is passable in the 105th Congress.

I remain firm in the faith that when our Nation's social conscious reawakes, the type of social insurance universal coverage bill I've described in this speech will become the law of the land.

SOCIAL SECURITY PRIVATIZATION—A RED HERRING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. DINGELL. Mr. Speaker, I rise today to share with you the following article from the January 14, 1997, business section of the Washington Post. Written by Allan Sloan, this article accurately highlights some of the pitfalls with Social Security privatization. The golden goose, which some regard the stock market to be, may, in fact, be a red herring. Mr. Speaker, I ask that the above-referenced newspaper article be printed in the RECORD at this point.

IN STOCKS AND SOCIAL SECURITY, A FREE LUNCH IS PURE FANTASY

If you're so worried about Social Security that you stay awake nights, cheer up. A solution is at hand. To ensure a good night's slumber, sit down at bedtime with the report issued last week by the Advisory Council on Social Security. This 752-page, two-volume opus is so complicated, technical and jargon-laden that it makes your average computer instruction manual look like a comic book.

By now, you're probably over-familiar with the details. The council, formed in 1994, was expected to propose rescuing Social Security by raising taxes and trimming benefits. Surprise! Instead of relying on this traditional but painful fix, the council proposed to ''reform'' the system's retirement and disability programs by betting trillions of dollars on stocks. That's trillions, with a ''t.''

Talk about the temptations of a bull market. Rather than bite the bullet on Social Security, we can all chow down on a free lunch. Stock market profits will keep baby boomers fat and happy in retirement; Generation X's taxes won't go through the roof to make the boomers' golden years glorious.

But you know what? It's all fantasy. Lots of Americans favor putting some of the funds into stocks. But if we're silly enough to try it, it won't work. Let's back up a bit before explaining why.

The free lunch proposed by the council comes in three varieties, because the members couldn't agree on the most appetizing dish. The first would make the federal government the world's biggest stockholder. The second would establish a new 1.6 percent tax on Social Security-covered wages and require people to invest the money in one of a half dozen or so government-sponsored funds. The third would require people to save 5 percent of Social Security wages in accounts holding any kind of publicly traded securities they wish, would have Uncle Sam borrow as much as $7 trillion to pay benefits to make up for the money that would be invested rather than redistributed to retirees, and would finance it all with a 1.52 percent tax on top of the existing 12.4 percent tax.

Let's concentrate on the idea of putting the Social Security fund in stocks, which seems more likely to be taken seriously in Washington than the forced-savings approaches.

What all three plans have in common is that they would throw us willy-nilly into a high-stakes game of retirement roulette, betting the nation's financial future (or the futures of millions of individual retirees) on the stock market. The council didn't start out to do this. Initially its members tried to agree on a cuts-and-taxes fix. But some members feared that sharp tax increases and benefit cutbacks would erode Social Security's political base by making people think the program is a lousy investment.

How did the council's biggest faction—6 of 13 members—decide to put 40 percent of the Social Security fund in stocks? ''That's the amount that makes things come out,'' says panel member Robert Ball, the former Social Security commissioner who's pushing this plan hard.

Ball says it's perfectly safe for Social Security to have its money in the hundreds (or thousands) of stocks that make up an index such as the Standard & Poor's 500 or the Russell 3000. Why does Ball say that's safe? Because unlike individual investors, the government won't panic during downturns or be forced to liquidate its holdings at low prices to generate cash.

Unfortunately, he's wrong. The Treasury would in fact find itself a few trillion dollars in the hole if stocks merely rose at a rate lower than the council projects.

Here's the problem. In a triumph of statistic over common sense, the council's plans all assume that stock prices will rise more quickly than they have in the past. A dubious prospect, considering that stock prices already are at such nosebleed-high levels that even many bulls have gotten nervous stomachs.

Anyone who has studied financial history, even a little, gets very nervous when people confidently predict what stock prices will be in 75 years. Betting that stock prices will keep rising rapidly because they have been rising rapidly ''is like the guys on Noah's ark projecting six more weeks of rain on the 39th day,'' says Joseph Rosenberg, chief investment strategist at Loews Corp. and one of Wall Street's most respected investors. ''You can't believe how dumb a government can be.''

Rosenberg points out that stocks don't necessarily spring back quickly from deep drops the way they did after the 1987 market crash. Stocks didn't regain their 1929 highs until 1954, Rosenberg notes, and it took almost 10 years for stocks to match the highs they reached in 1973.

But even absent a 1929 or 1973 disaster, stocks aren't likely to make the money the council projects.

Here's why. Combining several different assumptions, the council projects that inflation will be 4 percent a year, bonds will yield 2.3 percentage points more than inflation and stocks will produce 7 percent more. That works out to 6.39 percent for bonds and 11.28 percent for stocks, says Stephen Goss, deputy chief actuary of the Social Security Administration. The stock number includes capital gains and reinvested dividends.

Now, 11.28 percent a year may not strike you as a big hurdle, given that stocks earned three times 11.28 in 1995 and twice as much last year. But it's a huge number. Consider Corporate America's expectations of the market. Greenwich Associates, a consulting firm, says the corporate pension managers it surveyed expect stocks to average 9.6 percent annually for the next five years.

Maybe my harping on the 11.28 percent projected return for stocks is wasting your time. But look what happens when numbers differ by small amounts over decades. Let's compare the 11.28 percent a year the council projects with the 10.71 percent a year that Ibbotson Associates says stocks earned from 1926 through 1996, a 71-year period.

Do the math—don't try it without a compounding calculator—and you see that $1 invested in 1926 had become $1,372 by last Dec. 31. But if stocks had earned the council's projected 11.28 percent, our dollar would have grown to $1,975. A big difference, eh? It means that if stocks rise for the next 71 years at the Ibbotson rate instead of the council's rate, Social Security's stock portfolio would be worth 30 percent less than the council projects.

What terrifies me and many Wall Street types is the prospect of the government pounding into the stock market running prices to the moon with automatic buying, and then having the market crash on us for some reason that we can't yet foresee.

It's one thing for someone like me, who makes a very good living, to bet on the stock market. I can afford to lose. But betting the federal budget on stocks is madness. And forcing millions of people who don't know stocks from smocks to let the market determine whether their retirement dinners will consist of cat food or caviar doesn't seem like the way we should treat people. If we're going to fix Social Security, let's do the boring, painful things that we know will work. And let's try to remember the prime rule of economics. There ain't no such thing as a free lunch.

TRIBUTE TO ROBERTA STANLEY

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, one of the pleasures of serving this body, is the opportunity to recognize outstanding individuals from across the Nation. It is with great pride that I rise to congratulate Mrs. Roberta Stanley of Waltham, MA, who will be honored today by the Waltham and Greater Boston Business and Professional Women's Club.

I have had the privilege of knowing Roberta Stanley for many years and can attest to her outstanding community activism. She has distinguished herself through her exceptional commitment to helping those in need. In addition, her dynamic leadership and participation in public service, such as serving as a member of the Democratic city committees, has made the city of Waltham a better place to live.

Mr. Speaker, I am sure that I speak for everyone who has either worked with Roberta or benefited from her work when I offer my warmest congratulations and best wishes on this special day as she is honored for the many contributions she has made to the community.

INTRODUCTION OF LEGISLATION TO CLARIFY THAT FREQUENT FLIER MILEAGE IS NOT TAXABLE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation to clarify that frequent flier mileage is not taxable. I believe that frequent flier miles are not taxable under current law. However, in light of the Internal Revenue Service's position in technical advice memorandum 9547001 and despite the fact that technical advice memoranda only apply to a given taxpayer and set of circumstances, I feel a clarification is necessary.

The technical advice memorandum would require employers that permit employees to use frequent flyer miles for personal trips to report as income on workers' W–2 forms the full cost of plane tickets that led to the accumulation of the frequent flier miles. This simply makes no sense.

This is one of those areas where taxation would raise a myriad of questions for which there is no single correct answer, such as appropriate timing—would miles be taxed when earned or when used; valuation—is a mile earned from a credit card equal to a mile earned by flying a particular airline—what is the correct value of a ticket or a free upgrade in light of the fact that any given flight has a myriad of service classes; segregation—do employees have to try and keep track of which miles were earned for personal travel, which miles were earned for business travel, and which miles are earned from using a credit card, or using a particular long-distance carrier? Taxation of frequent flier miles would only result in mindless complication and paperwork of nightmarish proportions for millions of Americans, the airlines and the Internal Revenue Service. And the Service should realize this.

At a time when over 15 million Americans are enrolled in frequent flier programs and suspicion that the Internal Revenue Code is not fair and needlessly complex is at an all time high, it would be sheer folly for the Service to move in this area. They have opened, closed, and reopened several projects to address the tax treatment of frequent flier miles over the years, all to no avail.

I believe that frequent flier miles are not taxable under current law and should remain that way. My bill would simply explicitly say that frequent flier miles are not taxable. I urge my colleagues' support.

A POINT-OF-LIGHT FOR ALL AMERICANS: SHIRLEY URSULA GRABER

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. OWENS. Mr. Speaker, I rise to honor the memory of Shirley Ursula Graber, an individual who was a committed fighter for racial and gender equality, and social and economic justice. As a social architect, community leader, teacher, and trusted confidant, she harbored a great faith in people, believing that everyone was capable of growth. During her journey in this world, Ms. Graber's unwavering activism influenced many—young and old—to become catalysts of change. Ms. Shirley Ursula Graber is a great Point-of-Light whose citizenship, passion, and accomplishments should be saluted as a source of inspiration for all Americans.

From her college days to age 72 when she succumbed to a grave illness, Shirley Graber's principles were placed strategically into action. She was copresident of Brooklyn NOW—National Organization for Women—and executive board member of Brooklyn OWL—Older Women's League. At Brooklyn NOW, she led just a handful of dedicated women to prevent the dissolution of the chapter in the early 1990's. Consequently, the chapter was brought to new heights of activism and political awareness, and is now 350 members strong with a solid core of active advocates. At Brooklyn OWL, Ms. Graber influenced the focus and success of the 250-member chapter in its advocacy of issues especially significant to women in their golden years.

Shirley Graber always recognized and attacked any person, effort or idea that threatened the social condition of women. She spearheaded the formation and served as Chair of the Coalition to Save the Brooklyn College Women's Center. This union of women's organizations in Brooklyn fought to save the oldest women's center in New York State that had been threatened with extinction by budget cuts.

Ms, Graber thoroughly appreciated the historical transformation of women's rights in America. She was dedicated to completing this transformation and furthering such rights. For example, Ms. Graber possessed a fervent core belief in the need for an equal rights amendment to the U.S. Constitution. In honor of her ideas and endeavors, she received the New York State NOW Woman to Woman Award. A plaque in her honor is also scheduled for installation in the Women's Hall of Fame at Seneca Falls, NY—the birthplace of the U.S. women's suffrage movement.

Shirley Graber was the daughter of a steel mill union organizer and a strong-minded mother, who in her 90's is still an outspoken community and women's rights advocate. A resident of Brooklyn, NY, Ms. Graber was born in Cleveland, OH and moved to New York in 1948 to attend graduate school. She first attended Ursuline College in Ohio, the first member of her family to obtain a post-secondary education.

As evidenced in her life activities, it is difficult to determine where Ms. Graber's professional, civic, and personal life began and ended. The fervor and skill with which she carried out her work as teacher, organizer, and counselor were inextricably connected to her larger goals of equality and justice for all. Consistently, she not only uplifted her community and her gender, but she improved the quality of life for everyone. A consummate team player, pillar of support, and unifying force behind numerous noteworthy efforts, Shirley Ursula Graber is a great Point-of-Light for all the children, women, and men of America.

REMEMBERING JIM RICE

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. SABO. Mr. Speaker, today, I rise to pay tribute to the life of Jim Rice, a friend and fellow Minnesotan who so skillfully served his State and his community as a member of the Minnesota State Legislature for 26 years. Jim died unexpectedly in October at age 71. But it is not his death that I, his family, and his north Minneapolis community will remember most—rather it is his life and the colorful force of his personality.

Jim Rice was often described as one of the last few characters to inhabit the Minnesota House. It's been said he could ''strip the bark off a debating opponent with verbal broadsides that used everything from Shakespeare to quotations of bar-stool philosophers on Minneapolis' north side.''

I served with Jim in the Minnesota Legislature before coming to Congress, and I got to see him in action. He was not only a forceful orator on the House floor, but also a skilled legislator with a deep concern for working families, the poor, the arts, and the preservation of the rich history of north Minneapolis neighborhoods.

Prior to serving in the legislature, Jim served as a Hennepin County Parks Commissioner, and before that as executive secretary to former Minnesota Gov. Karl Rolvaag. Earlier, he served in the infantry in World War II. Jim and his wife Jill made time to lovingly raise 8 children, and later to spend time with their 11 grandchildren.

I will close by including a letter Jim wrote to congratulate his grandson, John Conor Creber, for learning to read. It is a memento the family cherishes, and a vivid example of Jim's passion for learning. It shows the type of man Jim Rice was:

DEAR JOHN CONOR:

When your pretty mama told Grandma Jilly that you had learned to read the other night I wanted to get on the phone right then to tell you how wonderful that news was to me. It was so wonderful that I decided that writing to you would be much better.

With your hard work you have developed a gift or talent that is greater than almost anything that will ever happen to you. Your ability to read is better than any toy in the world; it will never break. It is better than your sports equipment; it will never wear out. It will never get lost or go away from you; it will grow and grow all the days of your life.

It will be your best friend. It will help you to love other people and they will love you. It will help you to help other people and they will help you.

It works like this; when you don't know something, you get a book or a map or a pamphlet and you learn about it. You don't ever have to be afraid or ashamed to say, ''I don't know,'' because you will be able to read about it the first chance you get.

You will make more and better friends; everyone likes a person who has read many books and articles because that person is a delight with whom to be.

Your reading will make you laugh and cry. It will make you happy and sad. It will teach you about the whole world and all the people in the world.

You have always been one of the nicest boys I have ever known. Now, you have the ability to give brightness to everyone.

We are all very proud of you and thank you for your hard work.

With Love,

GRANDPA.

Mr. Speaker, Jim Rice will be missed, but not forgotten.

INTRODUCTION OF THE COMMODITY EXCHANGE ACT AMENDMENTS OF 1997

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. EWING. Mr. Speaker, today I am reintroducing legislation to reform the Commodity Exchange Act [CEAct] which governs the regulation of futures and options on U.S. commodity exchanges and other risk management financial instruments that are traded in over-the-counter markets.

This legislation is identical to H.R. 4276 introduced in the 104th Congress. Briefly, the legislation provides a conditional exemption for certain transactions involving professional markets, clarifies the effect of the designation of a board of trade as a contract market, simplifies the process for submission and disapproval of contract market rules, regulates audit trail requirements, establishes cost-benefit analysis requirements, repeals the Commodity Futures Trading Commission's deficiency order authority, and clarifies the impact of the section 2(a)(1)(A)(ii) of the CEAct commonly known as the Treasury amendment.

The purpose of the legislation is to assure the competitiveness of the U.S. futures industry, to preserve the vitality of price discovery and hedging functions of the futures markets and to recognize the impact of technology on our markets. The legislation I am introducing today is designed to serve as a discussion document as the House Agriculture Committee prepares to debate the many issues involved in reform of the CEAct.

In an effort to further discussion, the committee has requested comment from industry representatives directly and indirectly impacted by the CEAct including producer groups, self-regulating organizations, exchanges, the Commodity Futures Trading Commission, and the U.S. Department of Agriculture. I look forward to working with interested entities in the industry and with my colleagues on both sides of the aisle as we proceed with this necessary reform.

TRIBUTE TO THE MINNESOTA VETERINARY MEDICAL ASSOCIATION ON ITS 100TH ANNIVERSARY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to the members of the Minnesota Veterinary Medical Association and its members' 100 years of faithful service to Minnesotans.

Over the years, the members of the association have provided exceptional animal health care, food safety, and public health services through the adherence to the highest professional standards of veterinary medicine.

The association was founded in 1897 by 13 veterinarians to further cultivate the science and art of comparative medicine and to promote livestock production as a branch of the agricultural industry. They also worked to protect high educational and ethical standards within their profession and to promote educational opportunities for the veterinarians of Minnesota.

Mr. Speaker, the veterinarians of Minnesota have been a crucial health care provider for the animal population in my State for the last 100 years—making consumers, pets, their owners, and the rural economy of our State a healthier place. I wholeheartedly applaud the 1,400 current members of the association for their dedication and service to the people of Minnesota.

TRIBUTE TO LIA B. BOWLER

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. TALENT. Mr. Speaker, I rise today to honor the outstanding accomplishments of 2d Lt. Lia B. Bowler. In December, Ms. Bowler successfully completed Marine Corps Officer Candidate School. In the fine tradition of the corps, she persevered through the rigors of the training and was accepted into the elite group of Americans that serve our country as officers in the Marine Corps.

Yet, Mr. Speaker, I rise today not only to congratulate Ms. Bowler on her commission, but also to recognize her outstanding work for the Second Congressional District of Missouri. We had the honor of her service first as an intern and later as our system administrator. In the almost 2 years she worked in the Washington office, she exhibited a dedication, diligence, and professionalism which were highly valued by everyone who worked with her. Although her loss to the Marine Corps will be felt by our office, it will be a gain for the Marines. Therefore, it is with great confidence that I can say her service as an officer will be in the highest traditions of the corps.

INTRODUCTION OF LEGISLATION TO CORRECT MEDICARE BENEFICIARY OVERCHARGES IN HOSPITAL OUTPATIENT DEPARTMENTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. STARK. Mr. Speaker, I am today introducing with Representative WILLIAM COYNE a bill to correct a glaring failure in the Medicare program—the massive over-charging of beneficiaries in hospital outpatient departments [HOPD's].

This bill will save Medicare disabled and senior beneficiaries about $35.7 billion between 1999 and 2003. It will stop the steady, upward climb in the percentage of HOPD costs that beneficiaries have to pay. Usually beneficiaries pay 20 percent of a set fee schedule for part B services. The way the HOPD law was drafted, however, has caused the beneficiary share of HOPD costs to climb to about 45 percent of outpatient department revenues. If the law is not corrected, seniors will pay an ever-increasing percentage.

Our bill will stop the rise in the beneficiaries' effective percentage payment and return it to the 20 percent that Medicare beneficiaries were promised. There are reports that the President's Medicare budget proposal will include a correction of the HOPD problem, but over a 10-year period. The President is to be congratulated for finally addressing this issue. We believe it should be done more quickly, and would like to work with interested parties to find the best way to pay for this program improvement at the same time we are making other savings to extend the life of the Medicare part A trust fund.

The HOPD problem is a serious one, with no easy solutions. In 1995, the Secretary of HHS presented a lengthy report to Congress that discussed a number of possible solutions—see attachment No. 1. We have adopted the basic ideas from that report and establish an HOPD prospective payment system and a correction of what is known as the formula-driven overpayment [FDO].

How did this problem arise? Hospital outpatient departments do all kinds of things like tests, x rays, and surgeries that the Secretary of HHS has determined can be safely done in an outpatient setting. HOPD services are paid under Part B. The key to the problem lies in the fact that Medicare pays HOPD's on a reasonable cost basis and not based on a prospective payment system [PPS] or fee system. Since costs are determined retroactively, the hospitals get paid retroactively by Medicare, but bill the patient at the time of service. At the time the patient gets the service and leaves the HOPD, we are unable to say for sure what the patient's 20 percent copayment is, since there is no set schedule of fees. As a result, the system was established in such a way that coinsurance is calculated based on charges at time of service. The charges, of course, may have little or no relation to costs and have crept up over time relative to what Medicare ends up actually paying for the cost of the service. So instead of paying 20 percent of a set and known fee, the seniors and disabled are paying 20 percent of charges. In 1996, this has become the equivalent of about 45 percent of the total payment to the hospital, Medicare plus coinsurance.

There is often a complication in the payment system I've just described for certain types of services provided in HOPD's, which results in what is called a formula-driven overpayment. If the surgery done in the HOPD is one that could have been done in an ambulatory surgery center and ASC's do about 2,700 different kinds of procedures, so there is a lot of overlap, then the amount of the Medicare payment is calculated differently. The payment calculation is also determined differently for radiology and diagnostic services performed in hospital OPD's compared to other services. For these services, the payment is either the lower of: One, reasonable cost as I've described in the previous paragraph, or two; a blended amount that is based partially on the reasonable cost in No. 1 and partially on either the ASC payment rate, for surgical services, or the physician fee schedule, for diagnostic and radiology services.

Because of a drafting error in the payment formula, however, Medicare payments for the services paid on the basis of the blended amount are higher than they should be. This is because the computation of the Medicare payment is done in such a way that it is not reduced by the full amount of the actual coinsurance paid by the beneficiary. In contrast, for OPD services other than surgery, radiology, and diagnostic, every dollar a beneficiary pays in coinsurance results in a decrease of $1 in what Medicare pays. As a result of this erroneous payment formula, Medicare payments are higher than intended. Furthermore, hospitals have an incentive to increase their charges because they will receive more from Medicare. This bill would correct this formula-driven overpayment. Attachment No. 2 explains the math in a specific example that makes the problem clearer than my words can describe.

We will be submitting a detailed explanation of how this bill will work to restore the proper balance between hospital billings and the obligations of beneficiaries. We hope that this legislation can be enacted soon, before the burden on seniors and the disabled becomes even more unfair.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, March 17, 1995.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington DC.

DEAR MR. PRESIDENT: I am respectfully submitting the report on Medicare hospital outpatient prospective payment as required by section 4151(b)(2) of the Omnibus Budget Reconciliation Act of 1990 (P.L. 101–508). This section requires the Secretary of Health and Human Services to develop a proposal to replace the current Medicare payment system for hospital outpatient services with a prospective payment system.

The report presents a phased approach to the establishment of a hospital outpatient prospective payment system. For the first phase, a prospective payment system would be for hospital outpatient surgery, radiology, and other diagnostic procedures. As further research is completed, the payment system could be expanded to cover all hospital outpatient services.

The report discusses an issue with the amount of coinsurance that Medicare beneficiaries pay for outpatient surgery, radiology and other diagnostic procedures. Current law requires that beneficiaries pay 20 percent of *submitted charges.* However, in the recent past, hospitals' submitted charges have substantially exceeded Medicare's *payment* for these services, so that most of the time beneficiary coinsurance payments substantially exceed 20 percent of Medicare's payment. If Congress chose to set beneficiary coinsurance at 20 percent of Medicare allowed payments, this act would require a substantial increase in program expenditures and also could affect payments to providers. Even incremental modifications in the coinsurance percentage can have substantial impacts on Medicare program expenditures. Should Congress decide to modify current coinsurance arrangements, the report presents a number of alternatives and displays their costs to the Medicare program.

In addition, the report discusses a related problem with the current payment formula that results in an unintended increase in Medicare payments—the so-called ''formula driven overpayment.'' We believe this result was not intended by Congress. If Congress chooses to address this issue, the correction can be made separately or as part of the implementation of a prospective payment system.

I am also sending a copy of this report to the Speaker of the House of Representatives.

Sincerely,

DONNA E. SHALALA.

Enclosure.

FORMULA-DRIVEN OVERPAYMENT TO HOSPITALS

As mentioned in previous sections, there is an anomaly that occurs with Medicare's payment when payment is made under the blended rate for hospital outpatient services. Beneficiaries pay 20 percent of hospital charges as coinsurance on most hospital outpatient services. Generally, every dollar a beneficiary pays in coinsurance results in a corresponding decrease of $1 in Medicare payment. To illustrate, assume a beneficiary receives a hospital outpatient service for which the Medicare payment is based on the lower of the hospital's reasonable costs or its customary charges. The hospital charges $1,000 and its costs are $750. Payment is determined as follows:

Total payment to the hospital	$750
Beneficiary payment ($1,000 20%)	−(200)
Medicare program payment	$550

If the hospital increases its charges, the beneficiary's coinsurance will increase, the Program payment will decrease, but the total amount realized by the hospital will not change.

This is not the case for coinsurance paid for procedures that are paid on the basis of a blended rate. For example, the blend for ASC approved surgical procedures consists of 42 percent of the hospital's costs or charges net of coinsurance, whichever is less, and 58 percent of 80 percent of the ASC payment rates. Because the blend is determined net of the coinsurance that would have been paid to an ASC (20 percent of payment rates), instead of the 20 percent of charges the beneficiary actually paid, Medicare does not get the full benefit of the actual coinsurance when the hospital's charges exceed the ASC payment rates. That is, to the extent that 20 percent of hospital charges exceed 20 percent of the ASC payment rates. Medicare's payment is higher than it should be since the formula assumes a lower copayment than is actually provided. Medicare does not receive the benefit of 58 percent of the difference between 20 percent of charges and 20 percent of the ASC rate, and the hospital retains the amount. For purposes of this report, this amount is called the formula-driven overpayment.

The following example illustrates how the blended payment method transfers a portion of the benefit of coinsurance away from the Medicare program to the benefit of hospitals. The result is that hospitals receive more payment than intended by statute, while the Medicare program pays more:

Assume a Medicare beneficiary receives an ASC procedure in a hospital outpatient department. The hospital charges $1,000, its costs for performing the surgery are $750, and the ASC payment rate for the procedure is $585. Assume the annual deductible has been met. The beneficiary's coinsurance payment is $200 (i.e., $1,000 20%). The Medicare program payment is calculated as the lower of:

1. The lower of the hospital's reasonable cost or its customary charges, net of deductible and coinsurance amounts:	
$750 − $200	$550
or	
2. A blended amount comprised of:	
42 percent of the lower of the hospital's costs or charges, net of deductible and coinsurance (see 1 above):	
42% $550	$231
and	
58 percent of 80 percent of the ASC payment rates, net of deductible:	
58% (80% $585)	271
Total	$502

The blended amount is the lowest and, therefore, the amount the Medicare program pays. The hospital receives:

From the Beneficiary	$200
From the Medicare program	+502
Total	$702

Medicare payment would be lower if the payment were calculated the way it is for other hospital outpatient services and, instead of removing coinsurance and deductibles at each step of the payment calculation, the total payment is calculated first and then is reduced by the amount the beneficiary actually paid. For example:

Determine the lower of:	
1. The lower of the hospital's reasonable cost ($750) or its customary charges ($1,000)	$750
or	
2. A blend of:	
42 percent of the lower of costs or charges:.	
(42% $750)	$315
and	
58 percent of the ASC payment rate: (58% 585)	+339
Total	$654

Then reduce by beneficiary copayments to arrive at the Medicare program's payment:	
Total Payment	$654
Beneficiary Payment (20% 1,000)	−(200)
Medicare program Payment	$454

The difference between $502 and $454, or $48, represents the formula-driven overpayment which occurs under the current blended payment formulas.

Moreover, because of the way coinsurance is accounted for under the current blended payment methods, the hospital can further increase its total payment by simply increasing its charges. For example, if the hospital increased its charge to $1,300 for the procedure, the hospital would still be paid under the blended payment amount but it would receive:

From the Beneficiary (20% $1,300)	$260
From the Medicare program	+477
Total	$737

Program payment would be computed as follows:	
42 percent of the lower of the hospital's cost or charges, net of deductibles and coinsurance:	
42% ($750 − $260)	$206

and	
58 percent of 80 percent of the ASC payment rate net of deductible: 58% (80% $585)	$271
Total	$477

In the first illustration, the hospital charged $1,000 and received a total payment of $702. If the hospital merely increases its charges to $1,300, it will receive $737. As the example shows, for a hospital that is paid based on the blend, the more it charges, the more its total payment (beneficiary plus Medicare program payment) will be. As a result, the current payment system gives an incentive for hospitals to increase charges.

(Note: In order to simplify the examples in this section, the blended payment method is shown as it would apply to an individual procedure. In determining actual payments to hospitals, however, the blended payment calculation is applied in the aggregate to all of the ASC approved procedures a hospital performed during a cost reporting period, not on a procedure-by-procedure basis.)

The same situation exists under the current blended payment methods for hospital outpatient radiology and other diagnostic services. We estimate that the magnitude of the formula-driven overpayment that occurs under the blended payment method to be over $950 million in Medicare program payments to hospitals in 1993—approximately 14.8 percent of total payments for these services. This total includes $350 million for ASC approved surgeries and $600 million for radiology and other diagnostic services, respectively. For surgical procedures, this represents 10.8 percent of total payments to hospitals and 20 percent of Program payments to hospitals for these outpatient services. For radiology, the formula-driven overpayment represents 19 percent of total payments to hospitals and 38.7 percent of Program payments. By FY 2001, we estimate the formula-driven overpayment for surgery, radiology and other diagnostic services to be $6.7 billion.

We believe that these formula-driven overpayments were not intended by the Congress. If Congress chooses to address this issue, it could be enacted either as a separate change or as part of a prospective payment system for outpatient services. It should be pointed out that, if a prospective payment method for outpatient surgery, radiology and other diagnostic procedures is adopted, this change would automatically occur for those services. Indeed, we recommend that the prospective rates be set so that aggregate payments to hospitals for these services are no higher than current law payments net of the total amount of the formula-driven overpayment.

TRIBUTE TO JOHN MOONEY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. LIPINSKI. Mr. Speaker, I pay tribute today to an outstanding individual who represents hundreds of thousands of Americans who participated in the battle that was the beginning of the end of Nazi Germany—the invasion of Normandy.

Mr. Mooney, who served in the 2d Armored Cavalry Division, was part of the wave of brave Allied soldiers that stormed the beaches and cliffs overlooking the English Channel on June 6, 1944. Even after the Allies established a beachhead, it took more than 2 months of fierce fighting before the risk of the Germans reversing the invasion had ended.

During the last 3 years, Mr. Mooney and thousands of his comrades have been honored by the Regional Council of Normandy with the Medaille de Jubile, a decoration commemorating the 50th anniversary of the Battle of Normandy and the beginning of the liberation of Europe.

Mr. Speaker, I would like to remind our fellow members and all freedom loving people in America and the world of the debt of gratitude we owe Mr. Mooney and the heroic soldiers, sailors and airmen whose efforts at Normandy marked the beginning of the end of Nazi tyranny.

HONORING DR. MENASCHE-LANIADO

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Ms. FURSE. Mr. Speaker, I rise today to recognize a very special woman who provides dental care for Soviet Union students who are participants in the programs created from the Freedom Support Act.

It is an unfortunate reality that these students arrive in our country with staggering dental problems. Dr. Sandra Menasche-Laniado of Portland, OR, has quietly taken it upon herself to provide the vital care that these students require, asking for no monetary compensation.

As an example of her incredible unselfishness, she currently is treating one young lady whose dental treatment will come to the staggering total of $3,780.

Dr. Menasche-Laniado is truly the essence of one person making a difference. She points the way in demonstrating the virtue of compassion and turning this compassion onto a path of positive, meaningful action. I applaud her work, and I am privileged to have this opportunity to recognize Dr. Menasche-Laniado before this body.

CELEBRATING A CENTURY OF INTEGRITY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mrs. LOWEY. Mr. Speaker, my distinguished colleagues, I rise today to call your attention to an important centennial anniversary that occurred in New York State last month.

On January 28, the New York State Society of Certified Public Accountants celebrated 100 years of distinguished service to the public.

In fact, the society is the oldest State professional accounting association in the Nation.

The founding members established the society to facilitate and support the establishment of the New York State CPA licensing law, the first such law in the United States.

The New York State Society of Certified Public Accountants represents the CPA profession, which was created to maintain the integrity of our Nation's capital markets.

The society has continuously served its members for 100 years by providing educational and professional information to enable them to better serve the public interest. Its code of conduct provides the framework for the highest ethical behavior and professionalism issues to protect the public interest.

The committees of the society have assisted state, local, and Federal regulators and other government groups in the discharge of their oversight of financial reporting, soundness, and integrity.

Please join me in wishing congratulations to the New York State Society of CPA's on its 100th anniversary.

INTRODUCTION OF THE MEDICARE HOSPICE BENEFIT AMENDMENTS OF 1997

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CARDIN. Mr. Speaker, I rise today with my colleague, ROB PORTMAN, and more than 50 additional colleagues to introduce the Medicare Hospice Benefit Amendments of 1997. This legislation will make technical changes and clarifications to improve the Medicare hospice benefit. This is a noncontroversial bill that has true bipartisan support and should be included as part of Medicare reform this year.

Hospice care is a vital Medicare benefit. It is a coordinated program of palliative medicine and supportive services provided mainly in the home but also in home-like settings that provides for physical, psychological, social, and spiritual care for dying persons and their families. Services are provided by a medically directed, interdisciplinary team of professionals and volunteers. Hospice recognizes dying as part of the normal process of living and focuses on maintaining the quality of remaining life. Hospice affirms life and neither hastens nor postpones death.

The concept of hospice care emerged in this country in response to the unmet needs of dying patients and their families for whom traditional medical care was no longer effective, appropriate, or desired. Hospice has become an effective alternative to there being ''nothing else to do.'' The Nation's hospice programs currently provide compassionate care to more than 390,000 patients and families each year. In 1994, one out of every three people who died from cancer or AIDS were cared for by hospice. Terminally ill Medicare patients who elect hospice opt out of most other Medicare services related to their terminal illness and instead receive all of their care through the hospice program.

Hospice is not only a compassionate and appropriate form of care for terminally ill individuals, it is also cost effective. A 1994 Lewin study comparing the relative cost of hospice care to conventional care for Medicare beneficiaries with cancer, found that for every dollar Medicare spent on hospice patients, it saved $1.52 in Medicare part A and B expenditures. Based on these findings, the growth and greater utilization of hospice care should be viewed in a positive light and should be encouraged.

The Medicare hospice benefit was adopted by Congress 1982. Since then, more and

more Americans have chosen to receive humane and cost-effective hospice care. In recent years, it has become clear that certain technical changes are necessary in the Medicare hospice benefit not only to protect beneficiaries but to ensure that high quality and cost-effective hospice services continue to be available.

The Medicare Hospice Benefit Amendments of 1997, will make six technical changes to the Medicare hospice benefit.

First, the bill restructures the hospice benefit periods. Under current law, the patient's attending physician and the hospice medical director must certify that the patient electing hospice care in lieu of other Medicare services is terminally ill—defined as having a prognosis of 6 months or less to live if the illness runs its normal course. There are four benefit periods, with recertifications of terminal illness by the hospice physician at the beginning of each. The first two periods last 90 days, the third is 30 days, and the fourth is of unlimited duration.

If a beneficiary revokes a hospice election during a benefit period, the remaining days in that period are forfeited. This existing structure is especially troubling for patients who withdraw from hospice during the fourth hospice period because they then forfeit their ability to elect hospice services in the future. Thus, a patient who goes into remission and is no longer eligible for hospice because his or her life expectancy exceeds 6 months, is not able to return to hospice when his or her condition worsens. Our bill would correct this problem by restructuring the benefit periods so that there would be two 90-day periods, followed by an unlimited number of 60-day periods. This would also result in more frequent reevaluation of patients who outlive their original prognosis.

Second, our bill clarifies that additional Medicare services are available—in addition to those specifically required by the hospice rules—when these services are a necessary component of the plan of care. This amendment is consistent with current HCFA policy. The existing statute is ambiguous because the beneficiary must waive coverage under part B for most services when they are related to the terminal illness, but some items are not clearly listed as part of the hospice benefit. For example, diagnostic tests and radiation therapy are not listed in the definition of hospice care, but occasionally the hospice team may agree with the attending physician that these services are necessary to manage the patient's terminal illness. Our bill would ensure that the hospice would be able to provide the appropriate care and that beneficiaries would not be liable for the costs of that care.

Third, our bill amends the core services requirement to allow hospices to contract for physician services with independent contractor physicians or physician groups. HCFA has interpreted the existing statute as requiring a W–2 employer/employee relationship between the hospice and its medical director and other staff physicians. This raises corporate practice of medicine problems in some States, and it is increasingly difficult for hospices to recruit part-time physician employees as the trend toward physician groups continues.

Fourth, the bill allows waivers of certain staffing requirements for rural hospices to be granted. Some hospices in rural areas have difficulty becoming Medicare-certified because of shortages of certain professionals. Currently, approximately 80 percent of hospices are Medicare-certified or pending certification.

Fifth, our bill amends the so-called waiver of liability provisions to protect the beneficiary if a hospice claim is denied by Medicare because the terminal illness eligibility requirement allegedly was not met. While this bill does not reinstate the waiver of liability presumption under which providers with low error rates were paid before 1996, waiver of liability for hospice reasonable and necessary denials is still available on a case-by-case basis. This means that the hospice may appeal the denials and the beneficiary is not liable for payment. The same process and protection are needed for denials based on 6-month prognosis issues.

Last, our legislation allows HCFA to set documentation requirements for physician certifications. Currently, the statute requires that paperwork documenting the physician certification of a patient's terminal illness be completed within a certain number of days of the patient's admission to hospice. This bill will eliminate the strict statutory requirements and give HCFA the discretion, as it currently has with home health certifications, to require hospice certifications to be on file before a Medicare claim is submitted.

In summary, the Medicare Hospice Benefit Amendments of 1997 is very similar to the bill we introduced last year. The major difference is that we dropped a provision in the 1996 legislation to extend the presumption of the waiver of liability that CBO scored with a budget impact. Therefore, our new bill should be revenue neutral. This Medicare Hospice Benefit Amendments of 1997 is noncontroversial and is needed to ensure that we have a smoothly operating Medicare hospice benefit for our Nation's seniors. I look forward to working with my colleagues to enact this legislation in this Congress.

HONORING THE DEDICATED SERVICE OF BOB FERGUSON

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. POSHARD. Mr. Speaker, I rise today to recognize the dedication and accomplishments of Mr. Bob Ferguson of Flora, IL. Born and raised in that community, Bob has devoted his entire life to helping his friends and neighbors in various capacities and has become the standard by which such service is measured. Last November Bob was named as the 1996 Citizen of the Year by the Flora Chamber of Commerce, and I would like to extend my congratulations in regard to this honor as well as my thanks for his years of selflessness.

Bob Ferguson understands the meaning of the word commitment. He exemplifies it, as his life has been a series of enduring relationships. After serving his country in the U.S. Navy, Bob married his wife Shirley in 1949 and has raised two daughters and been blessed with six grandchildren. He worked for the U.S. Postal Service for 32 years while also serving as Flora City commissioner for over 12 years. His list of achievements in the community is too large to list in its entirety, but a sampling of its diversity is telling: Assistant Bible school superintendent with the First Christian Church, original organizer and board member of the Flora Bank & Trust, a charter member of the Clay County Historical Society, member of the Flora Elks Lodge, the American Legion, the VFW, Freemasonry, Clay County Shrine Club, and other like organizations, and cochairman of the Clay County Red Cross financial drive. His willingness to help when asked and his ability as a fundraiser and civic leader should inspire everyone who does not think they can make a difference through volunteering. Not only did he participate on the behalf of numerous worthy causes, but he directed his special talents to make these efforts especially fruitful. A person's time and energy are often the most valuable gifts they have to give, and in Bob's case it has resulted in a profound impact on an immeasurable number of lives.

Mr. Speaker, as a public servant, I am extremely moved by the unselfish acts of others. Bob Ferguson is not only a good friend of mine and the entire 19th Congressional District of Illinois, but also an exemplary role model. I hope all of our citizens can follow his lead and look around them to see where they can make a difference. It is an honor to represent Bob in the U.S. Congress.

1–800 ''BUY AMERICAN'' LEGISLATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. TRAFICANT. Mr. Speaker, I rise today to reintroduce legislation to establish a toll-free 1–800 phone number consumers can call to get information on products made in America. Similar legislation I authored was approved unanimously by the House in both the 103d and 104th Congress. Unfortunately, the other body did not act on the bill in either Congress.

My bill directs the Commerce Department to contract out the program to a private company. The toll-free number will provide consumers with information on products made in this country. The bill uses the same definition for an American-made product that the Federal Trade Commission uses in determining uses of ''Made in the USA'' labels. Only those products with a sale price of $250 or more would be included in the program. The bill would subject any companies providing false information to Federal penalties. One of the key components of my bill is that the program would be self-financed through the imposition of a modest annual registration fee on participating companies.

I want to emphasize that my bill will not require the Commerce Department to hire more people or create a new unit. The only expense to the Department would be to prepare language for the Federal Register and to prepare bid documents. Let me reemphasize that the program will be contracted out and run by a private company. All the program would do is provide American consumers with information on what products are made in America.

When making a big purchase, most Americans want to buy American. This program will help them make an informed and patriotic decision. I urge my colleagues to cosponsor this bill. The text of the bill is as follows:

H.R.—

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

SECTION 1. ESTABLISHMENT OF TOLL FREE NUMBER PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Commerce shall establish a toll free number program to help inform consumers whether a product is made in America or the equivalent thereof. The Secretary shall publish the toll-free number by notice in the Federal Register.

(b) CONTRACT.—The Secretary of Commerce shall enter into a contract for—

(1) the establishment and operation of the toll free number pilot program provided for in subsection (a), and

(2) the registration of products pursuant to regulations issued under section 2,

which shall be funded entirely from fees collected under section 2(b).

(c) USE.—The toll free number shall be used solely to inform consumers as to whether products are registered under section 2 as made in America or the equivalent thereof. Consumers shall also be informed that registration of a product does not mean—

(1) that the product is endorsed or approved by the Government,

(2) that the Secretary has conducted any investigation to confirm that the product is a product which meets the definition of made in America or the equivalent thereof, or

(3) that the product contains 100 percent United States content.

SEC. 2. REGISTRATION.

(a) PROPOSED REGULATION.—The Secretary of Commerce shall promulgate a regulation—

(1) to establish a procedure under which the manufacturer of a product may voluntarily register such product as complying with the definition of a product made in America or the equivalent thereof and have such product included in the information available through the toll free number established under section 1(a);

(2) to establish, assess, and collect a fee to cover all the costs (including start-up costs) of registering products and including registered products in information provided under the toll-free number; and

(3) for the establishment under section 1(a) of the toll-free number pilot program.

(b) REGISTRATION FEE.—

(1) IN GENERAL.—Manufacturers of products included in information provided under section 1 shall be subject to a fee imposed by the Secretary of Commerce to pay the cost of registering products and including them in information provided under subsection (a).

(2) AMOUNT.—The amount of fees imposed under paragraph (1) shall—

(A) in the case of a manufacturer, not be greater than the cost of registering the manufacturer's product and providing product information directly attributable to such manufacturer, and

(B) in the case of the total amount of fees, not be greater than the total amount appropriated to the Secretary of Commerce for salaries and expenses directly attributable to registration of manufacturers and having products included in the information provided under section 1(a).

(3) CREDITING AND AVAILABILITY OF FEES.—

(A) IN GENERAL.—Fees collected for a fiscal year pursuant to paragraph (1) shall be credited to the appropriation account for salaries and expenses of the Secretary of Commerce and shall be available in accordance with appropriation Acts until expended without fiscal year limitation.

(B) COLLECTIONS AND APPROPRIATION ACTS.—The fees imposed under paragraph (1)—

(i) shall be collected in each fiscal year in an amount equal to the amount specified in appropriation Acts for such fiscal year, and

(ii) shall only be collected and available for the costs described in paragraph (2).

SEC. 3. PENALTY.

Any manufacturer of a product who knowingly registers a product under section 2 which is not made in America or the equivalent thereof—

(1) shall be subject to a civil penalty of not more than $7500 which the Secretary of Commerce may assess and collect, and

(2) shall not offer such product for purchase by the Federal Government.

SEC. 4. DEFINITION.

For purposes of this Act:

(1) The term ''made in America or the equivalent thereof'' means—

(A) an unmanufactured end product mined or produced in the United States; or

(B) an end product manufactured in the United States if the value of its components mined, produced, or manufactured in the United States equals 90 percent or more of the total value of all of its components.

(2) The term ''product'' means a product with a retail value of at least $250.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or in any regulation promulgated under section 2 shall be construed to alter, amend, modify, or otherwise affect in any way, the Federal Trade Commission Act or the opinions, decisions, and rules of the Federal Trade Commission under such Act regarding the use of the term ''made in America or the equivalent thereof'' in labels on products introduced, delivered for introduction, sold, advertised, or offered for sale in commerce.

A TRIBUTE TO THE RECIPIENTS OF THE WEST SUBURBAN CHAMBER OF COMMERCE'S ANNUAL AWARDS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. LIPINSKI. Mr. Speaker, I pay tribute today to five individuals and one organization for their outstanding contributions in making my district a better place to live and work. Their efforts are also being recognized by the West Suburban Chamber of Commerce, which will honor them at its 95th annual awards dinner February 8, 1997.

The Chamber's Citizen of the Year is Hon. Timothy Hansen, who serves as the village president of LaGrange, IL. I have had the pleasure to work with President Hansen on solving a number of challenges facing his community, and I can say that his recognition is well-deserved. Mr. Hansen has served the community since 1981, including 4 years as its president and 4 years as a member of the board of trustees. His even-handed management style and willingness to let all sides be heard on important issues has made President Hansen well-respected throughout his community.

The Chamber's Man of the Year is Mr. William F. Hendrickson, the retired president of Hendrickson Manufacturing. Throughout his life, Mr. Hendrickson has been dedicated to improving both the business and civic climate of his community, serving on the boards of important businesses and charitable organizations. Some of the groups he has devoted his time and energies including the Rich Port YMCA, the Plymouth Place retirement community and the Chicago Youth Center.

Ms. Cynthia Breunlin is being honored as the Chamber's Woman of the Year. Ms. Breunlin, the executive director of the West Cook Development Corp., has been involved with numerous community groups, including the NAACP and the Community Diversity organization in LaGrange. Ms. Breunlin, a former schoolteacher, has been honored for her community work by the Girl Scouts, Triton Junior College and School District 102. She is a recipient of the prestigious Medgar Evers Award from the NAACP.

Mr. David Bennett, executive director of the West Central Municipal Conference [WCMC], is the chamber's Public Servant of the Year. At the WCMC, Mr. Bennett has worked to bring often diverse suburban Chicago communities together to solve common problems. Mr. Bennett not only works for these communities, he makes his home in the area as well. He is active in his church, St. John of the Cross in Western Springs, IL, as well as the American Heart Association.

Mr. Robert Breen, is being recognized for Outstanding Community Service by an Individual. This award is especially appropriate as the name ''Breen'' is synonymous with public service in his community. He and his family have been the driving force behind the annual Pet Parade, a trademark event in LaGrange where the community comes together for a day of fun and creativity for all ages. Mr. Breen, who also helps manage his family's extensive dry-cleaning business, is also a recognized leader in the fabricarce industry, as well as his local business community.

The Chamber's Outstanding Community Organization this year is the LaGrange Community Nurse and Service Association, which is celebrating 75 years of service. While LaGrange Community Nurse and Service Association provides a wide array of health care services, the main focus is supplying primary care for low-income families who do not have insurance. The association also provides food for families in emergency situations and clothing and toys for needy children at Christmas.

Mr. Speaker, I salute these five outstanding individuals and one great organization on their good work, and give them my best wishes for continued success in serving the people of their community in the future.

TRIBUTE TO WILLIAM H. ''BILL'' WEBER

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. TALENT. Mr.Speaker, I would like to pay tribute to Mr. William H. ''Bill'' Weber, a resident of my congressional district, who has been named the ''citizen of the year'' by the St. Charles Chamber of Commerce. It is my privilege to call this outstanding community leader my friend.

Mr. Weber, a lifelong resident of St. Charles, MO, has distinguished himself with a lifelong commitment to volunteerism. He has championed numerous causes with his vision and energy. Mr. Weber has been the driving force behind the funding of numerous projects,

including the St. Peters Rec-Plex and the YMCA of St. Charles. He has served on the board of directors for Boys Town of Missouri, Missouri K.I.D.S., Lewis and Clark Performing Arts, and United Services for the Handicapped.

Mr. Weber knows that giving of yourself is simply more than donating a check. He understands that in St. Charles, as in the rest of the country, it is volunteerism which drives community spirit and cooperation. For all his life he has embodied those ideals.

A quote recently printed in the St. Charles Chamber newsletter by Mr. Ben Blanton, may best describe his character: ". . . this lion of a man has a teddy bear heart. A lion exterior to do battle for all the right things of our community, and a compassionate heart to weep over those who are in need."

Mr. Speaker, I ask you to join me in thanking Mr. Weber for his dedicated service and wishing him continued success. I am honored to join the St. Charles Chamber of Commerce in honoring this outstanding leader and citizen.

HAPPY 50TH ANNIVERSARY, AMVETS POST 22

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. BARCIA. Mr. Speaker, patriotism is the noblest American virtue. I rise today to pay tribute to a group of individuals that exemplifies patriotism, the members of AMVETS Post 22. The AMVETS know service to their country doesn't end after their military career. They have been providing vital services to not only veterans but the community as a whole.

On Saturday, January 25, AMVETS Post 22 in Essexville, MI will celebrate their 50th anniversary. But more than celebrating their anniversary, AMVETS is celebrating 50 years of community service and involvement. AMVETS is involved in community projects providing services not only to veterans but to any member of the community in need. In such activities as the Caro State Hospital where they held local talent shows with music, singers, and dancers, for the patients. The civic minded members of AMVETS also pass on our country's patriotic rituals to the public in an annual flag disposal ceremony designed to teach the community how to respectfully dispose of worn out flags.

Yearly Thanksgiving dinner and Christmas baskets for the needy help assuage hunger around the holidays, but their concern is not seasonal. In September they hold the white clover sales where members go out all day collecting donations. This money is used for such vital community projects as Special Olympics and Toys for Tots.

In an effort to ensure that those who served their country are not forgotten, the AMVETS assist the veterans hospital by taking patients on outings and volunteer weekly at the hospital to make veterans more comfortable. They also hold Pearl Harbor Day services and Memorial Day services.

With an eye to the future, AMVETS provides scholarships for students aiding them in pursuit of higher education in many diverse fields of study. They also foster civic pride amongst grade school students with their essay and poster contest.

Mr. Speaker, AMVETS Post 22 has been working hard for 50 years to improve the quality of life for all Americans. Please join me in congratulating the AMVETS Post 22 on its 50th anniversary, with best wishes for many more.

TRIBUTE TO JIM ESHLEMAN

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. BROWN of California. Mr. Speaker, I would like to ask my colleagues to join me today in recognizing the achievements of Jim Eshleman, an aerospace engineer from California's Inland Empire. Jim was recently honored with 1 of 50 company-wide Nova awards by Lockheed Martin Corp. The award was presented during a ceremony at the Air and Science Museum here in Washington last summer.

Jim was recognized as the flight sciences lead for a team that designed and built a large-scale model of an aircraft that may replace about 3,000 military jets of various designs by the year 2010. Called the "Joint Strike Fighter Demonstration Airplane," a one-design-fits-all aircraft that could replace diverse military aircraft. All would be variations of the same plane, with but few modifications for each aircraft.

Jim brings to his work at Lockheed the history and values of his home town Fontana in my congressional district. Along with his family, including his six brothers and sisters, Jim worked in the Eshleman Meat Co. in Fontana. Jim belonged to the local 4–H Club. In high school, he took an aviation sciences class and earned his pilot's license before high school graduation. He was educated at California State Polytechnic University, Pomona and Stanford University. He worked at NASA Ames Research Center before coming to Lockheed Martin in 1986 to join the famed Skunk Works.

At home in my district, we are proud of the contributions Jim is making in the aerospace field. I ask my colleagues to share this pride in an American whose work will make a difference in the way military avionics will develop in the next century.

HONORING THE AWARD WINNERS OF THE DALE CITY CIVIC ASSOCIATION

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. DAVIS. Mr. Speaker, it gives me great pleasure today to rise and bring to the attention of my colleagues some very special and important people in Dale City, located in Prince William County in the 11th District of Virginia. These are individuals who have put the welfare of the community, Dale City, VA, above their own needs and desires, not only performing their jobs, but going above and beyond the call of duty. These individuals have become role models to others in their professions and to other volunteers.

These citizens were honored on February 1, 1997 by the Dale City Civic Association, one of the largest, most active and accomplished citizens associations in the commonwealth of Virginia. The Dale City Civic Association was created 30 years ago and hosts an annual service awards banquet. In addition, the association offers a number of awards and scholarships for college bound students from Dale City, monitors development and serves as a sounding board for citizens and businesses.

I would like to offer my congratulations to the award recipients.

Catherine Spellane Citizen of the Year: Irene Dell. Ms. Dell is a member of the Dale City Civic Association and volunteers for the Dale City Volunteer Fire Department. She has made significant contributions in raising thousands of dollars for the fire department and has been instrumental in the success of kids programs run by the volunteer fire department. She has volunteered much of her time to organize and help the DCCA become the successful association that it is today.

Youth Citizen of the Year: Kiana Rene Trent. Ms. Trent is a sophomore at C.D. Hylton H.S. She is the Class President and has played a major role in drug awareness programs, Just Say No campaigns, and SADD. She is a member of the student council Model United Nations, the swim team, and the junior varsity cheerleading team, to name a few. In addition to these activities, she has also won the Martin Luther King oratory contest. She is a model student and an accomplished citizen.

Firefighters of the Year: Marc Sherman and Eric Wyatt. Capt. Sherman and Capt. Wyatt are both volunteer firefighters at the Dale City Volunteer Fire Department Station 13. They have progressed from recruits to their present positions as battalion captains. These two men are true heroes, role models for our youth to emulate. In a recent residence fire, the brave efforts of these men saved the life of a child. They truly perform above and beyond the call of duty and help make DCVFD second to none. They have both volunteered over 1000 hours each.

Emergency Medical Technician of the Year: Angela Goodwin. Lt. Goodwin has been a volunteer EMT with the Dale City Volunteer Fire and Rescue Department since 1992. She is a driving force in the fire department paramedic program, providing unsurpassed advanced life support to patients in life threatening situations. Lt. Goodwin is always available for public education, internal training for her crews, as well as maintaining EMS supplies for three stations. Additionally, she is responsible for the management of her battalion crew and must provide constant supervision to assure her personnel will be ready to meet any emergency situation.

Nurse of the Year: Nancy O'Shields. Ms. O'Shields is a nurse at Potomac Hospital. She has been a member of this nursing staff for 24 years and has served as a staff nurse with the medical—surgical unit until transferred to the emergency department where she worked for several years. Currently, she serves as the director of outpatient surgical services. In her spare time, Nancy is active in her church and sings in the choir. She is a member of the police wives association, and she was also very active in the Dale City Little League and the area schools when her children were young. She is a model citizen within the community.

Police Officer of the Year: First Sergeant Shari S. Williams. First Sergeant Williams developed the Police and Community Together Program which forms alliances with police officers and citizens in specific neighborhood watches to solve community problems. The object of this project is to keep an open dialogue to address concerns or needs that may arise in the community. She has also worked closely with the crime prevention bureau to make this program the success it is today.

Community Service Award: Earl Barnes. Mr. Barnes is a member and 2nd vice president of the DCCA. He is also a member of the P.W. County Board Audit Committee, a member of the P.W. County Arts Council and the American Legion Post, as well as the Treasurer of Westwind Forest HOA. He is one of the 24 students to graduate from the inaugural P.W. County Community Leadership Class and plays an important role as a member of the 11th District Congressional Federal Employee Working Group. He is always seen as a person that lends a helping hand, and always thinks of others before himself.

Elementary School Teacher of the Year: Mary Allen. Ms. Allen has been a teacher in Prince William County for the past 27 years, 10 years at Occoquan elementary and 17 years at Enterprise elementary. She is not just a classroom teacher, she has also been the grade level chairman, lead teacher and has served as an enhanced instructional process coach. Additionally, she has recently worked on two school review committees. She is always helping other teachers both in and out of school.

Middle School Teacher of the Year: Alan Graham. Mr. Graham has been a teacher for 20 years. Currently, he teaches computer science at Beville middle school. Additionally, he coaches the baseball team, edits the newsletter, and inspires young thespians. He teaches the immigrant students in ESOL class and has a willingness to adapt his instruction so that these limited English students can grasp the course content as well as improve their language skills. He always strives to make the lab he works in a better place for kids to learn.

High School Teacher of the Year: Jan Polk. Ms. Polk has been a teacher in Prince William County for 32 years. Currently, she teaches social studies at C.D. Hylton high school. Each year, Jan plans and organizes a mock election. Nearly 1000 people attend and participate in this most interesting exercise of civic responsibility. She is well respected by all of her students and colleagues at Hylton high school. Not only does she work with the most experienced educators, she also assists the newest first year teachers by sharing materials, strategies, and personal support.

Mr. Speaker, I am proud to represent these outstanding citizens and I know my colleagues join with me in congratulating these individuals for their tireless efforts to make Dale City, VA a better place to live.

MAKE A COMMITMENT TO CHILDREN NOW

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. STARK. Mr. Speaker, I am introducing today a bill to help low-income working families buy health insurance for their uninsured children. Families who buy an individual children's health insurance policy will be given a 95 percent refundable tax credit against the cost of the policy.

Health insurance equals access to health care. Access to health care equals better health and a better quality of life. It is that simple.

Health insurance can mean the difference between life and death—and between a good quality life and a stunted life. A recent GAO report provides a concise summary of why the lack of insurance is so important.

Studies have shown that uninsured children are less likely than insured children to get needed health and preventive care. The lack of such care can adversely affect children's health status throughout their lives. Without health insurance, many families face difficulties getting preventive and basic care for their children. Children without health insurance or with gaps in coverage are less likely to have routine doctor visits or have a regular source of medical care. . . . They are also less likely to get care for injuries, see a physician if chronically ill, or get dental care. They are less likely to be appropriately immunized to prevent childhood illness—which is considered by health experts to be one of the most basic elements of preventive care.

Numerous studies have underscored the importance of access to health insurance. Despite the widespread recognition of the problem, there are 10 million children in the United States without health insurance. Said differently, 14.2 percent of all children are uninsured, according to the latest analysis of the Bureau of Census' March 1995 current population survey by the General Accounting Office (GAO).

Many analysts predict that this figure will continue to grow, mainly because private health insurance continues to decrease. Private coverage—employer-based and individually-purchased insurance—for children declined steadily between 1987 and 1993, from 73.6 percent down to 67.4 percent of all children. Currently 40 percent of children are not covered under their parents' employment based health insurance. According to experts at the Center for Health Policy Research at George Washington University, one child loses private coverage approximately every minute.

Health insurance for children in America is getting worse—not better. With the recent attack on welfare, and therefore Medicaid, it may get disastrously worse—fast. We desperately need to reverse the trend of rising uninsured rates for children. The General Accounting Office recently issued a report to Senator CHRISTOPHER DODD, dated June 17, 1996, entitled ''Health Insurance for Children: Private Insurance Coverage Continues to Deteriorate,'' The report states

The number of children without health insurance coverage was greater in 1994 than at any time in the last 8 years. In 1994, the percentage of children under 18 years old without any health insurance coverage reached its highest level since 1987—14.2 percent or 10 million children who were uninsured. In addition, the percentage of children with private coverage has decreased every year since 1987, and in 1994 reached its lowest level in the past 8 years—65.6 percent * * *.

Several States have built on existing programs to expand health insurance coverage for uninsured children. At the State level, the current strategy to cover the uninsured is to fill in the gaps in insurance coverage. In July of 1996, Massachusetts adopted coverage expansions for children in Medicaid in the State's Children's Medical Security Plan; in New York and Florida as well funds were appropriated to extend children's health insurance programs to additional children. Although a few States have moved forward to expand health insurance coverage for children, it is not enough. We need to do more.

The bill I am introducing today is not a mandate; it does not require any individual to buy health insurance. It does, however, provide incentives for the sale and purchase of individual children's health insurance policies, and it does help families, especially very low income families, buy a policy of their choice.

The bill would create a refundable tax credit of 95 percent of the cost of the premium to buy health insurance for a child. The credit is available to families based on a computation of adjusted gross income plus an additional $5,000 amount for each child covered.

This bill is a small, incremental step forward. It is by no means everything I would like. If I could waive a magic wand, I would make sure that everyone in America had high quality health insurance tomorrow morning. That isn't going to happen—but this small step, starting with children, could help millions of children grow up to be healthier, more productive citizens. Like my amendment which started the COBRA Health Continuation program which has been used by 40 million Americans, this bill could make a world of difference to millions of Americans in the years ahead.

We spend long hours debating whether there should be prayer in school, but no time discussing how much parents pray that their children don't get sick because the parents can't pay the bills. We spend days debating obscenity on the Internet, but little time debating how obscene it is for a society as rich as ours to have so many children and parents unable to seek adequate medical care. It's time to debate a critical issue—the health of our children.

To repeat, the bill is not a mandate, but a chance for the 99.99 percent of parents who care to have affordable health insurance for their children. It uses the private market exclusively. It is a first step. I welcome cosponsors for the bill, and comments and suggestions from the public on ways to improve the bill.

The following is a summary of the bill:

CHILDREN'S HEALTH INSURANCE ACT OF 1997
SUMMARY

I. OFFERING OF POLICY

Group health plans must make available qualifying coverage for eligible children whose parent(s) has group health coverage under the plan. Group health plans must offer coverage at least annually. Each insurer that offers health insurance coverage must have available for purchase health insurance for eligible recipients under the age of 21. A health insurance policy must be reasonably priced (it is reasonably priced if the premium or other charge for the coverage does not exceed 150 percent of the average price for similar coverage offered in the same state).

II. BENEFIT PACKAGE

The benefit package must include benefits provided under Medicare (parts A and B) plus well child care benefits including newborn

and well baby care, routine office visits, immunizations, routine lab tests, preventive dental care, and EPSDT services. A prescription drug benefit for catastrophic costs is also included. There is no cost sharing for preventive services.

III. QUALIFYING DEPENDENT

A qualifying young dependent is defined as an individual who is under 21 years of age, and is claimed as a dependent for tax purposes. It does not include an individual who has applied for and who has been determined eligible for Medicaid.

IV. TAX CREDIT

Each taxpayer who purchases a health insurance policy for their dependent receives a tax credit in an amount up to 95 percent of the cost of the premium to buy health insurance for a qualifying dependent. The credit is available to taxpayers based on a computation of adjusted gross income plus an additional $5,000 amount for each child covered. There is full tax credit provided at the adjusted gross income of up to $15,000 plus $5,000 per child covered by the health insurance policy. The ''$15,000'' figure represents approximately 200 percent of poverty for an individual under the age of 65. For example, a family with adjusted gross income of $25,000 and two qualifying children would receive a refundable tax credit of 95 percent of total premium paid for coverage of the two children. As a family's income rises and the need for a subsidy is less critical, the credit phases out. The credit is available only to subsidize traditional health insurance coverage for children. The bill provides for an advanced payment structure for 60 percent of the tax credit similar to the earned income tax credit advanced payment system. A return relating to premiums received for health insurance coverage for children would be required.

V. EXCISE TAX

The bill provides for an excise tax on any group health plan (25 percent of each premium received by the group health plan for the plan year in which the failure occurs) or insurer that offers individual health insurance policies (25 percent of the total amount of the premiums paid to the insurer for such coverage for the plan year in which the failure occurs) who fails to offer an individual children's health insurance policy for sale. The tax would not apply where the failure to offer a children's health insurance policy was due to reasonable cause and not willful neglect. The tax would also not occur if the failure to offer the plan was corrected within a 30 day period.

VI. OTHER PROVISIONS

Medicaid cost-sharing assistance for qualifying children with family income below 150 percent of the poverty line would be financed 100 percent by the Federal Government. There is coordination with other tax provisions subsidizing health costs to disallow the credit in instances where the taxpayer also claims a medical expense for the same premium cost or claims a deduction for health insurance costs of self-employed individuals. Grants to states for health insurance outreach and information programs would be established.

TRIBUTE TO BISHOP RENE GRACIDA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to commend a dear friend and a man who commands great respect in the greater south Texas area, Bishop Rene Gracida on the occasion of his silver jubilee of his episcopacy.

Twenty-five years ago, on January 25, 1972, Bishop Gracida was consecrated a bishop by Cardinal John Dearden in St. Mary's Cathedral in Miami, FL. He came to the diocese of Corpus Christi in 1983, and since that time, he has ordained 65 men to the priesthood.

During the celebration of his 25th anniversary, Bishop Gracida will ordain three more men to the priesthood for the diocese of Corpus Christi and three to the diaconate for the Society of Our Lady of the Most Holy Trinity.

Bishop Gracida has been a powerful presence in Corpus Christi and the south Texas area. He is respected by many people in the community, including this Member.

I wish him the very best on his anniversary and look forward to his service in the community for many years to come.

SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES HEARING SCHEDULE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. WOLF. Mr. Speaker, as chairman of the Appropriations Subcommittee on Transportation and Related Agencies, I am pleased to announce the subcommittee's hearing schedule for fiscal year 1998. A tentative schedule follows.

The subcommittee will conduct 10 hearings beginning in late February and concluding March 20, prior to the March district work period. The subcommittee will receive testimony from Members of Congress and other public witnesses on February 25 and 26. Those parties interested in testifying before the subcommittee are directed to submit a letter of request to the subcommittee no later than February 14. Every attempt will be made to accommodate all requests. Members of Congress and other public witnesses may, without prejudice, submit their testimony for the hearing record rather than testify in person. Oral and written testimony will receive the same consideration.

Oral testimony will be limited to 5 minutes. The subcommittee will receive testimony from only one designated spokesperson per organization, association, municipality, aviation or transit authority, or group. Witnesses testifying before the subcommittee are to provide 25 copies of their prepared testimony to the subcommittee no later than February 20, 1997.

This year, an additional requirement is imposed on nongovernmental witnesses presenting oral testimony. Pursuant to clause 2(g)(4) of rule XI of the Rules of the House of Representatives, the Committee on Appropriations requires, to the greatest extent practicable, each nongovernmental witness who plans to give oral testimony to submit a written statement including a curriculum vitae and a disclosure of the amount and source by agency and program, of any Federal grant or subgrant thereof, or contract or subcontract thereof, received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

Members and public witnesses who wish to submit their testimony for the hearing record are to provide three copies of their prepared testimony to the subcommittee by April 4, 1997. All Members' requests shall also be submitted by that time.

Any questions can be directed to Linda Muir of the subcommittee staff at 202–225–2141. Correspondence should be addressed to: Subcommittee on Transportation and Related Agencies Appropriations, Attention: Linda Muir, 2358 Rayburn House Office Building, Washington, DC 20515.

TRANSPORTATION APPROPRIATIONS SUBCOMMITTEE FISCAL YEAR 1998 HEARING SCHEDULE—FEBRUARY 23–APRIL 5, 1997

February 25—Members of Congress and public witnesses.

February 26—Members of Congress and public witnesses (9 am and 1 pm).

March 4—Secretary of Transportation.

March 6—U.S. General Accounting Office (GAO).

March 11—National Transportation Safety Board, Office of Inspector General (1 pm).

March 12—Coast Guard.

March 13—Federal Highway Administration, National Highway Traffic Safety Administration.

March 18—Federal Aviation Administration.

March 19—Federal Transit Administration, Washington Metropolitan Area Transit Authority (WMATA).

March 20—Federal Railroad Administration, National Railroad Passenger Corporation (Amtrak).

April 4—Prepared statements for hearing record and Members' requests due (3 copies).

CONDIT HONORS LOCAL GROUP

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CONDIT. Mr. Speaker, I rise today to honor the 100 year anniversary sorority from my district known as Omega Nu. In early 1897, five young women attending San Jose High School formed the Greek Organization Alpha Chapter of Omega Nu. They spent a great deal of time hosting luncheons, dances, and tea parties. Members of the Alpha Chapter aided in the establishment of chapters in Stockton, Santa Cruz, Oakland, San Francisco, Sacramento, Alameda, and as far north as Portland, OR, and Seattle, WA, before laws outlawed secret sororities on high school campuses. Not to be deterred the Alpha Chapter sought out young matrons as members and the society evolved from a strictly social group to a more charity minded organization.

At the conclave in 1914, Grand President Georgy Landsborough from Sacramento called upon all chapters to ''maintain a special aim for the sorority namely charity * * * and that it is up to us to show our critical friends, through the excellent work that we can do along this line that we can be a blessing to the community in which we exist.''

Distance, war and antifraternity laws impacted several out-of-State chapters. Thus, since the early 1920's, northern California has been home to 13 extremely active Omega Nu chapters; each distinct within their community but with charity remaining the first and foremost focus of the various chapters. One hundred years of charity includes food baskets at

Thanksgiving and Christmas time, donating money and services to the Community Chest, now United Way, Red Cross, American Field Service, American Cancer Society, Alzheimer's, Salvation Army, Boy Scouts, Girl Scouts, Special Olympics, AIDS, Abused Women's Centers, Children's Crisis Centers, Meals on Wheels and many other organizations which have needed our help over the years. Omega Nu also provides clothes for destitute families, dental and eye care for young people and contributes money, services, and materials to all levels of the educational system. Many chapters also give scholarships to high school graduates, college students and reentry students to help finance their college education.

Each year, the 13 chapters of Omega Nu compile a journal of all the activities we have taken part in. The number of organizations which have benefited from their years of philanthropic commitment is unbelievable. In the last 50 years, we have given back to the community over $4,100,000. Besides dollars, the members have also contributed countless hours of their own time and a vast amount of energy, fulfilling the needs of those less fortunate.

It is my pleasure to recognize such a fine organization that has worked so very hard to make a difference in the community in which they serve.

A TRIBUTE TO PATRICIA O'BRIEN, THE ARGO-SUMMIT CHAMBER OF COMMERCE VOLUNTEER OF THE YEAR

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to an outstanding woman who has dedicated much time and effort in bettering the lives of her fellow citizens—Ms. Patricia O'Brien.

Ms. O'Brien's efforts will also be recognized Feb. 21, 1997 by the Argo-Summit Chamber of Commerce as she is the organization's Volunteer of the Year.

A resident of Summit, IL, Ms. O'Brien has been active in collecting food, especially in her place of work, United Parcel Service, where she is a truck driver. Three years ago, she began a food drive at UPS, and in 1996, Ms. O'Brien and her co-workers collected more than 1 ton of food. Last summer, she helped collect and deliver more than 10,000 pounds of extra food from the Taste of Chicago festival, and regularly retrieves leftovers from the McCormick Place Convention Center for area food pantries and homeless shelters.

Ms. O'Brien has received the Casey Award from UPS and the Tom Shay Award from the International Brotherhood of Teamsters for her community service.

Mr. Speaker, I salute the selfless efforts of Patricia O'Brien and extend to her my best wishes for continued success in the future.

THANK YOU TERRY WATSON

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. BARCIA. Mr. Speaker, in 1776, 13 colonies declared their independence to form a new nation. They put their convictions to pen and the Declaration of Independence was signed on July 4, 1776. Two hundred years later, we continue to celebrate the birth of our Nation. Parades, picnics, marching bands, and barbeques are arranged all over the country. However, the Fourth of July weekend would not be complete without fireworks.

Terry Watson, president of the Bay City Fireworks Festival, founded the festival in 1983 and has contributed to a Fourth of July fireworks display that astounds and astonishes. Terry took a well deserved 2-year break from his hard work and commitment to entertaining Bay City's families. The festival went on without him. However, they experienced financial trouble. The citizens requested that Terry return to revitalize the festival. Terry was elected president in the fall of 1995. Writing new bylaws and forming the board of directors, Terry returned full swing with his commitment to improving and refining the festival operations.

Through several fundraisers, the generous support of Tom LaPorte, president and CEO of Mortgage America, the overwhelming support of the community and the dedication of Terry Watson and the volunteer board of directors, the Bay City Fireworks Festival, retired the nearly $120,000 debt, and the festival continues to thrive and grow, showcasing Bay City and all of mid-Michigan. Plans are already under way and the work has begun for the 1997 Bay City Fireworks Festival. The citizens of Bay City can look forward to a spectacular display because Terry's motto is ''Bigger is Better.''

Terry is not only committed to entertaining the people of Bay City but, as a Bay City police officer, he has protected and served the citizens of Bay City for 25 years. He also served as the chairperson of the Fraternal Order of Police Fireworks Programs for 22 years.

I urge my colleagues to join me in sending congratulations and thanks to Terry for his commitment to help fellow Michiganites celebrate our Nation's birthday. He has provided people of all ages enjoyment and awe.

TRIBUTE TO HERB CAEN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. FARR of California. Mr. Speaker, the relationship between elected officials and the media has historically been one of love and hate. Those of us in the public eye realize that by entering into the arena we are subject to criticism and commentary from the media. After you have spent time in public life you learn to accept the fact that there are going to be those who disagree with you on a variety of issues. Some commentators can give fair, and well-reasoned arguments for why they have a difference of opinion, and some choose to just throw mud. Herb Caen never threw mud.

On Saturday, February 1, the people of northern California lost one of it's most beloved figures. Herb Caen was more than just a columnist, he was a towering figure in the city where he wrote for the San Francisco Chronicle for almost 60 years. Every morning thousands of people in the bay area and beyond awoke to read Herb's unique blend of local news, gossip, jokes, one-liners, and political commentary. In May 1996, Herb was awarded a special Pulitzer Prize for his ''extraordinary and continuing contribution as a voice and a conscience of his city.'' In addition to his column for the Chronicle, he also wrote magazine articles, and 12 books including, ''One Man's San Francisco'' and ''Don't Call it Frisco.''

In fact, the people of San Francisco admired him so much that upon his public announcement last summer that he had inoperable lung cancer, the city of San Francisco dedicated a 3.2-mile promenade stretching from China Basin to Fisherman's Wharf as Herb Caen Way. Besides being an entertaining writer, and political watchdog, Herb was a crusader, who used the power of the pen to tackle injustice, and to fight for what he believed in. Many credit Herb with saving the cable cars, and preventing the Golden Gate Park from being paved over by a massive highway project. But more than anything, it was the way in which Herb lived his life that he will be most remembered for. Whether it was dancing the night away to a jazz band, or just strolling along his beloved waterfront, he always had a good time. I am sure that I am joined by all of northern California in saying that we will miss Herb Caen.

TRIBUTE TO THE LATE CHARLES P. HOWARD, JR.

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CUMMINGS. Mr. Speaker, I rise today to pay a special tribute to the late Charles P. Howard, Jr., a lawyer and a great civil rights activist in Baltimore, MD.

Charles Preston Howard, Jr. was born in Hampton, VA, the son of Charles Preston Howard, Sr., an attorney, and Louisa Maude Lewis. The family moved to Des Moines, IA, when he was a child, where he graduated from high school in 1939.

While in high school, Mr. Howard and his two brothers, Joe and Lonnie, founded the Iowa Observer, a neighborhood newspaper that grew into a network of four weekly papers that were also published in Indiana and Wisconsin. The three youths were greatly influenced by their great-uncle, Henry McNeal Turner, a turn-of-the-century African Methodist Episcopal bishop whose newspaper, the Voice of the People, crusaded against segregation.

Charles Howard, Jr. began studying journalism at Drake College in 1940 and transferred to Howard University, where he entered an Army training program for journalists. As a reporter for the Army Times during World War II, Mr. Howard displayed his disdain and outrage for segregation which would mark his entire

career. He openly questioned the role of black troops fighting for a democracy that promoted segregation. He suggested in editorials that black troops should resist such discrimination, and in two instances there were demonstrations at Army camps where Mr. Howard was stationed in England and in the United States. Some changes were initiated by military authorities, but it wasn't until May 1948, when President Truman signed Executive Order No. 9981, that segregation in the military was ended.

As an aide to Gen. Benjamin O. Davis, the first African-American general in the U.S. Army, Howard served on the staff of the Supreme Headquarters Allied Expeditionary Force until being discharged at the war's end.

Upon returning to Howard University, Charles Howard worked with the lawyers and participated in the university's support of the Brown versus Board of Education case, the landmark case that desegregated the Nation's public schools.

Mr. Howard began practicing law in 1955, after earning his law degree in 1954 from Howard University Law School and an international law degree from New York University in 1955. Soon after his graduation from law school, Mr. Howard quickly developed a reputation as a fearless and colorful defense lawyer. Lawyers impressed by his brilliant defense techniques and verbal pyrotechnics often crammed courtrooms to watch him try a case.

''He was certainly tenacious and he wasn't opposed to taking the bench over difficult cases,'' said Gloria E.A. Toote, a Harlem lawyer who held positions in the Nixon, Ford, and Reagan administrations and got to know Mr. Howard when they were students at Howard University. ''Once he was committed, it became a moral commitment, and he wouldn't let go. He'd work until he dropped from sheer exhaustion.''

In the late 1960's, he established Howard and Hargrove, Maryland's first black corporate law firm, which was in the American Building on Charles Street. Later, Howard formed Howard, Brown, and Williams where he retired in 1985.

In 1966, Mr. Howard ran for the House of Delegates and lost, but his race signaled the developing black presence on the city's political landscape. He later helped elect his brother, Joseph C. Howard, to the supreme bench of Baltimore City in 1968. Judge Howard, who was later appointed to the U.S. district court, is now retired.

Charles Howard, Jr.'s professional memberships included the Professional Ethics Committee for Legal Aid to the Indigent, the National Bar Association, the American Society of International Law, and the Maryland State Bar Association. He was active in the NAACP, the YMCA, and the Boy Scouts of America. He was also a member of the board of Arena Players Theater Co. and in 1971 was named to the board of the Maryland Public Broadcast Commission by Gov. Marvin Mandel. He also was acting president of Bay College until the school closed in 1978. Mr. Howard was also a member of the St. James Episcopal Church where was an active member.

In recent years, Mr. Howard was most concerned about economic alternatives to welfare dependency and worked with and counseled black businessmen. A popular tenet of Howard's was that the successful had an obligation to help those in need.

On December 14, 1996, Charles Preston Howard, Jr. died of a heart attack at his home in the Ashburton section of Baltimore, MD at the age of 75. He is survived by his wife of 6 years, the former Jewel White, two sons, Charles P. Howard III of Los Angeles and Charles Lattimore Howard of Philadelphia, a daughter, Catherine Marie Howard of Baltimore, and another brother, Dr. Lawrence Howard of Baltimore.

Charles P. Howard and his dedication to the African-American community will certainly be missed in Baltimore and across the country. He was an outstanding American who labored tirelessly to ensure that every person enjoyed the benefits of true American values.

According to family members, ''Charlie's life work seemed to always orbit around the critical importance of building and nurturing community institutions for the future of humanity everywhere.''

MEDIGAP PROTECTION ACT OF 1997

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. BENTSEN. Mr. Speaker, I rise today to introduce vital consumer protection legislation for Medicare beneficiaries. The Medigap Protection Act of 1997 will provide real freedom to senior citizens to choose between traditional fee-for-service Medicare and managed care Medicare programs without risk of penalty. It does so by guaranteeing access to Medigap supplemental insurance for seniors who choose to enroll in fee-for-service Medicare after participating in Medicare managed care plan.

Congress this year will again debate fundamental changes to the Medicare System. Previous reform proposals would strongly encourage Medicare beneficiaries to enroll in managed care plans. Nationwide, approximately 13 percent of the Medicare population already is enrolled in managed care options. I support providing freedom of choice for senior citizens, but this choice must be real and not coerced. As more senior citizens enroll in managed care plans, we need to ensure that they can reenroll in traditional Medicare without losing benefits or paying a financial penalty.

Under current law, Medicare beneficiaries can enroll in either a managed care product or traditional Medicare Program. Many enrollees in traditional Medicare choose to purchase supplemental insurance policies, often called Medigap, to cover the cost of copayments, deductibles, and other uncovered benefits such as prescription drugs. When Medicare beneficiaries make this initial choice, current law protects them by requiring all insurers to sell Medigap insurance. Regrettably, this consumer protection is not provided after the initial enrollment period.

This legislation would require guaranteed issue of Medigap policies for those senior citizens who choose to enroll in traditional Medicare after leaving a managed care Medicare Program. This bill would require any issuer of Medigap insurance to provide an annual enrollment period of 30 days for those Medicare beneficiaries who reenroll in the traditional Medicare Program. The Secretary of Health and Human Services would issue regulations to enforce this act. The bill would be become effective 90 days after enactment.

Without this protection, senior citizens do not have a real choice. In addition, many senior citizens are not aware of this lack of protection and may enroll in managed care plans without knowledge of this problem. Consumers should be able to choose plans without financial coercion or penalties, such as the inability to purchase Medigap insurance. For many senior citizens, Medigap benefits are extremely important because traditional Medicare does not provide prescription drug coverage. I want to ensure that Medicare beneficiaries make a choice between equal options. This legislation also provides greater freedom and choice for seniors without forcing them to cover the costs of higher copayments, deductibles, and prescription drugs.

This is another common sense health care reform we can pass immediately that should be supported on a bipartisan basis. President Clinton endorsed this provision as part of his 1997 budget. We need to pass commonsense, reasonable legislation that will improve the Medicare Program so senior citizens are protected and have real choice. I urge my colleagues to join me in this effort to strengthen consumer protections for Medicare beneficiaries.

COURT RULING SHOWS WHY CONGRESS MUST CLOSE MEDICARE HOSPITAL OUTPATIENT DEPARTMENT LOOPHOLE THAT HURTS SENIORS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. STARK. Mr. Speaker, today, Representative BILL COYNE and I have introduced legislation to close the Medicare Hospital Outpatient Department [HOPD] loophole that is costing retirees and the disabled billions and billions of dollars a year in improper charges.

On June 25, the U.S. Ninth Circuit Court of Appeals denied a class action motion to require hospitals to charge no more than a reasonable amount for services rendered in HOPD's under Medicare part B.

To quote from the Bureau of National Affairs' description of the case:

> At the center of this case is a fight over cost sharing, and in particular, how much of the cost beneficiaries should be responsible for,'' the appeals court wrote. It explained that under the basic formula for Part B services, a beneficiary must pay 20 percent of the reasonable *charges* for the items and services rendered and the federal government pays a lesser of the reasonable *cost* of such services or the customary charges, but in no case may the payment exceed 80 percent of the reasonable *cost*. [emphasis added]
>
> The court explained that the cost-sharing arrangement is known as the ''80–20 split,'' but the label is misleading because of the total amount paid to the provider, the beneficiary's share typically exceeds 20 percent.
>
> That share rises because the Health Care Financing Administration reimburses on the basis of the hospital's costs, while the beneficiary owes a percentage of hospital charges. Because providers normally charge above cost, the beneficiary's share represents

something more than 20 percent of the total payment to the hospital.

Carol Jimenez, an attorney for the Los Angeles-based Center for Health Care Rights and the appellants' lead attorney, said the ruling ''will result in both beneficiaries and the Medicare program paying more for hospital outpatient services.''

In an announcement following the decision, Jimenez cited a General Accounting Office report finding that Medicare patients' cost sharing, as well as Medicare's costs, vary dramatically for the same service depending on where it is received. For example, cataract surgery that cost a patient $1,200 in a hospital [plus additional amounts paid by Medicare] would cost a patient only $250 and the Medicare program only $1,000 if performed in an independent surgical center.

* * * the Ninth Circuit * * * concluded, ''While we are sympathetic to the plight of Medicare beneficiaries who are burdened by ever rising medical costs, we conclude that ''none of [the existing laws] compels HHS to limit the charges.

The court wrote that Congress is aware of both the cost-shifting problems and HHS' failure to ''correct'' it. ''* * * Congress is aware of the issue—indeed Congress may have caused the problem by introducing prospective payment for some services but not others—and that Congress has deliberatively declined to address it.

The court also noted that Congress is studying the feasibility of a prospective payment system for hospital outpatient services which could address the beneficiaries concerns. ''Thus, we decline the beneficiaries' invitation to preempt congressional action in this very delicate area of public policy,'' the court wrote.

Mr. Speaker, it is way past time that Congress acted to correct this multi-billion dollar cost shift onto retirees and the disabled and to fulfill Medicare's promise of an 80–20 copay system.

IN RECOGNITION OF GREGORY SZURNICKI

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today with great pride to share with my colleagues in the House of Representatives the story of a man whose entire life has been committed to making the lives of others better.

I speak of Gregory Szurnicki, who was honored on January 25, 1997 by the Kings Park Chamber of Commerce as the 1996 Man of the Year.

The youngest of nine children, Gregory entered the Armed Forces shortly before his 20th birthday to fight in World War II. He, like many other courageous young soldiers, landed on Omaha Beach in Normandy, France on D-day, June 6, 1944. Five campaigns later, the war ended for him just outside of Berlin, Germany and 1 year later was discharged from military service.

After the war, he settled in Suffolk County, and began working at the Kings Park State Hospital in charge of 85 patients during the evening shift. It was here that he began his efforts to improve the quality of life of the patients and the employees. He effected such changes as improved patient-staff ratio, upward mobility through career ladders, and a higher level of training opportunities. In 1975, Greg founded the Kings Park Employees Federal Credit Union and served as the union's president until 1996.

Throughout his career, he formed many civic groups and became extremely active in local civic affairs. His involvement with the union as an advocate and organizer led him to many positions on the local, regional, and statewide levels where he could continue to work for the good of all.

Since his retirement in 1988, Greg has continued to stay fully involved in civic affairs. He serves as the facilitator for the Northwest Civic Coalition and the Suffolk Community Alliance, whose membership includes all the major civic coalitions in Suffolk County.

Greg is truly one of Kings Park's treasures and has been a driving force in ensuring that Kings Park is a better place to live in.

I ask my colleagues to join with me in saluting Gregory Szurnicki who has provided a lifetime of service to his country and his community, and in congratulating him on being named the 1996 Man of the Year by the Kings Park Chamber of Commerce.

MICHIGAN STATE REPRESENTATIVE ROBERT A. DEMARS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. DINGELL. Mr. Speaker, I rise today to honor a great man and friend, former Michigan State Representative Bob DeMars. Bob was devoted to his family and committed to his work and his cherished memory will not fade from the hearts and minds of those who knew and loved him.

Bob died as he lived: serving the people of his district in Lincoln Park, Melvindale, Ecorse and Allen Park.

As a Michigan native, Bob spent his entire life in public service, first as a teacher, then as mayor, city councilman, city treasurer, and State representative.

Bob taught for 26 years in the Lincoln Park Public Schools. He served as a local president for the Michigan Education Association and as a local president, state vice president, and national vice president of the American Federation of Teachers.

Bob was a veteran of World War II where he served in the U.S. Navy's Submarine Service. He introduced many bills to assist veterans, introducing legislation that provided special license plates for veterans of World War I, World War II, and the Korean and Vietnam wars to honor those who served their country.

In community service, Bob served as president of the Lincoln Park Jaycees and the Lincoln Park Kiwanis Club. He was also a member of the American Legion, V.F.W., Chamber of Commerce, Eagles, Masons, Scottish Rite, Shriners, Moose, Optimists, Historical Society, and the P.T.A. He sponsored two Little League baseball teams. In the Democratic Party, Bob served as vice-chairman of the 26th District and was a precinct delegate. He was a member of the Michigan Democratic Party and the Lincoln Park, Allen Park and Melvindale Democratic Clubs.

Bob's 15-year-old daughter Maeann and wife of 32 years, Deanie were the light of his life.

Today we join his friends and family in remembering Bob DeMars and thank him for the growth and encouragement he gave to our community and its people.

He is greatly missed.

INTRODUCTION OF EWING-LEWIS LENDER AUDIT LEGISLATION

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. EWING. Mr. Speaker, in partnership with Mr. LEWIS of Kentucky, I have introduced a bill which will repeal an ineffective and burdensome regulation now mandated by the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1992. This act blindly requires all lenders who participate in the Federal Family Education Loan Program to perform expensive, comprehensive annual audits on their student loan portfolios. Similar legislation was included in the continuing resolution adopted for fiscal year 1997, and thus expires on September 30 of this year. Passage of this bill will permanently extend the lender audit exemption.

In our respective districts, the gentleman from Kentucky and I represent small banks and credit unions which maintain and service small student loan portfolios in compliance with the Federal Family Education Loan Program. The profit on these portfolios is estimated to be around $3,000 to $5,000 annually, while the audit required by the Department of Education costs anywhere from $2,000 to $14,000 annually. As you can see it does not make sense for small lenders to service these loans and participate in the FFEL program. In fact, many small lenders are selling their portfolios and leaving the student loan business altogether. This is not fair to student borrowers in rural areas who are increasingly unable to utilize lending institutions that they are familiar with. This is also not fair to smaller lenders who wish to service and maintain student loans. If this policy is enforced, small lenders will be effectively cut out of the student loan business and consumers will be denied the opportunity to do business at their local bank.

I contacted the Department of Education about the possibility of a waiver or alternative to this detrimental mandate. The Department stated, ''* * * lender audits are required by statute * * *'' and that the ''* * * statute does not provide authority for the Department to waive the annual audit based on the size of the lender's FFEL portfolio or the cost of the audit.'' Furthermore, according to the Department of Education's Office of the Inspector General, lender portfolios totaling less than $10 million do not even have to send their audit to the Department for review. They are only required to ''* * * hold the reports for a period of 3 years and shall submit them only if requested.'' That means lenders waste thousands of dollars on a compliance audit that is never sent anywhere or reviewed by anyone. I have no doubt that protecting the integrity of the Student Loan Program is important to all of us. However, this current situation does not protect any portfolios under $10 million because no one reviews the results of the audits.

The Office of the Inspector General at the Department of Education has also expressed

concern regarding this burden in their semi-annual report (October 1993–March 1994) stating, ''* * * we are concerned that the cost may outweigh the benefits of legislatively required annual audits of all participants, regardless of the size of participation or the risk they represent to the program.'' In this report the Inspector General recommends that a threshold be established for requiring an institutional audit, ''* * * and we continue to believe that a threshold is necessary for both the institutional and lender audits. Such a threshold would eliminate the audit burden for the smaller participants in the program while helping assure that scarce departmental resources are focused on the areas of greatest risk.''

The Ewing-Lewis bill works in concert with the Department of Education and the authorizing committee which have expressed the need for an audit threshold. This legislation will help the little guy in the student loan business and ensure consumer choice and convenience. Please support this sorely needed legislation.

INVESTMENT IN AMERICA ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. TRAFICANT. Mr. Speaker, every session since coming to Congress in 1985, I have introduced a bill to reinstate a 10-percent domestic investment tax credit [ITC] for the purchase of domestic durable goods. I am reintroducing this bill today, and I invite all Members to become cosponsors.

Mr. Speaker, as you know, the Ways and Means Committee intends to overhaul tax policy during the 105th Congress. I believe my 10 percent investment tax credit bill should be considered as a part of that new tax plan.

The way this bill works, it couldn't be simpler. If an American businessman buys a domestic product like a new machine or computer to improve their business, the consumer can take a 10-percent tax credit if that product was made in America. If the consumer purchases a new American-made automobile or truck, they can take a 10-percent tax credit. The tax credit would be worth up to $1,000.

Investment tax credits are not new, but mine incorporates buy-American language to assist economic enhancement. I believe that repealing the investment tax credit in 1986 was one of the major reasons for the downfall in investment. As a result, American companies are competing with one hand tied behind their backs. Under my bill, at least 60 percent of the basis of the product must be attributable to value within the United States to take advantage of the credit. In other words, language the Commerce Department already uses to define an American-made product.

The purpose of the investment in America tax credit is to stimulate the economy by spurring consumers and businesses to purchase American-made goods to enhance our long-term competitiveness. I don't know of a simpler way to change our complex tax policy for the better. I have always argued that the social problems this country faces can be linked to the unfair and harmful trade and tax policies enacted by the Congress. The 105th Congress offers us a unique opportunity to make a difference in the direction this country is headed.

Mr. Speaker, I urge all Members to cosponsor my bill. As a Congress, we need to show the American people that we are sincere about making America a strong nation once again.

STATEMENT ON THE TRANSITION TO WORK ACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mrs. KENNELLY. Mr. Speaker, I am introducing legislation today to help Americans with disabilities return to work. The Transition to Work Act would provide Social Security Disability Insurance [SSDI] recipients with three important bridges to employment. First, continued Medicare coverage for those leaving the rolls for work; second, a disabled worker tax credit to cushion the loss of disability benefits and to make work pay; and third, greater choice in vocational rehabilitation providers. The legislation is supported by the Arc, the American Rehabilitation Association, the American Association of University Affiliated Programs, American Network of Community Options and Resources, American Psychological Association, American Speech-Language-Hearing Association, Bazelon Center for Mental Health, International Association of Business, Industry and Rehabilitation, National Easter Seal Society, National Multiple Sclerosis Society, the United Cerebral Palsy Associations, and Jerry Mashaw, chairman of the Disability Policy Panel of the National Academy of Social Insurance [NACI]. The proposal is based on the work incentive recommendations of the NACI Disability Policy Panel.

The primary barrier confronting many Americans with disabilities attempting to leave the SSDI rolls for work is the fear of losing health coverage. The Transition to Work Act would alleviate this anxiety by guaranteeing continued Medicare coverage for at least 6 years after an individual first leaves SSDI for work, this is a 2-year extension over current law. Furthermore, after that time period, the legislation would allow an individual to buy-in to Medicare part A based on a capped, income-related premium. Beneficiaries would pay 10 percent of earnings in excess of $15,000 for the Medicare buy-in premium, those earning less than $15,000 would continue to get Medicare part A free. This new Medicare coverage extension and buy-in would assure disabled Americans that their health coverage would not be pulled out from under them if they return to work.

Second, we must recognize that there is little incentive to make the transition to employment if work pays little or no more than disability insurance. For this reason, the Transition to Work Act would establish a new refundable tax credit to supplement the Earned Income Tax Credit [EITC] for individuals leaving the disability rolls for work. The maximum annual credit for an individual without children would be $1,200 and would phase out at $18,000 in earned income. The new credit would be especially helpful to individuals without children since their current EITC is relatively small, only $306 a year.

And, finally, the legislation would provide SSDI recipients with a ''Ticket for Work Opportunity'' that could be used to purchase either private rehabilitation or State vocational rehabilitation [VR] services, replacing the current system which automatically refers individuals to the State VR agency. Under this new system, which would be implemented first as a demonstration project, providers of VR services would get paid for results, not services. Providers would receive one milestone payment upon an individual's initial placement into employment, and then for 5 years thereafter would receive 50 percent of the amount the DI trust fund is saving because an individual has left the rolls for work. Payments to providers would actually occur in the second through sixth years of employment since individuals still receive cash disability payments during their first year of employment. Not only would this proposal increase the overall availability and choice of vocational rehabilitation services for disabled Americans, but it would also guarantee that payment for those services reflect savings to the SSDI trust fund.

Let me say that it is no easy task for Americans to leave the disability rolls for work. After all, these same individuals were forced to leave employment because of the severity of their disability. However, we can and should do more to help disabled individuals make the transition back to employment. Every SSDI recipient we help return to work, means one more person attaining a higher standard of living. In addition, it also means fewer dollars leaving the Social Security trust fund. I hope my colleagues will join me in this effort to reduce the barriers facing those with disabilities who want to return to work. A more detailed description of the legislation follows this statement.

THE TRANSITION TO WORK ACT OF 1997

DETAILED DESCRIPTION OF PROVISIONS

The Transition to Work Act would: (1) extend Medicare coverage for an additional two years and provide for an income-related Medicare buy-in thereafter; (2) create a Disabled Worker Tax Credit; and (3) demonstrate the effectiveness of encouraging people to work through Tickets for Work Opportunity.

Continued Medicare coverage and improved Medicare buy-in

Under current law, a beneficiary who goes back to work is entitled to up to 39 months of continued Medicare coverage. That 39 months begins after the 9 months of trial work during which the individual also continues to receive both cash benefits and Medicare. After a 3-month grace period, cash DI benefits cease.

The proposal would extend the continuation of Medicare for an additional 2 years. As under current law, no cash benefits would be paid during this continuation period. As a result of the plan, Medicare would continue for a total of 6 years after the beneficiary first began to work. This would eliminate one of the largest disincentives to work.

After the individual had retained employment and his Medicare continuation coverage had ended, he would be permitted to purchase Medicare coverage based on an income-related premium. The premium would be 10% of the individual's earnings in excess of $15,000. The premium would be capped at the maximum premium under current law.

Current law allows disabled and other individuals to purchase Medicare coverage. DI beneficiaries may purchase Medicare Part A Hospital Insurance at the full actuarial cost of coverage. In 1997, that amount is $3,732 annually. Beneficiaries may purchase Medicare Part B at the same premium as other enrollees—about $526 a year in 1997. Under current

law, the HI premium is reduced for former beneficiaries who have at least 30 quarters of Social Security coverage. Under current law, the reduction in the premium will be fully phased in by 1998. In 1998 and thereafter, the reduction will be 45% of the premium for HI.

Under current law, State Medicaid programs may purchase Medicare HI coverage for low-income former beneficiaries known as ''Qualified Disabled and Working Individuals.''

Disabled worker tax credit

The plan would offer a refundable Disabled Worker Tax Credit (DWTC) to encourage DI beneficiaries to leave the rolls and return to work. To encourage work and cushion the loss of benefits, the credit would be available to DI beneficiaries whose benefits had ceased due to work. The DWTC would provide a modest supplement to the Earned Income Tax Credit (EITC). Like the EITC, the credit would increase as earnings increased up to a maximum credit; would plateau at a level designed to make work more financially rewarding than collecting disability benefits; and would phase out thereafter.

The DWTC for a person with no children would increase until earnings reached $8,000 and would be phased out completely at $18,000. This would provide a maximum credit of $1,200 annually in addition to the current EITC OF $306. The credit for a worker with one child would peak at $7,000 of earnings and phase out at $25,800. The maximum credit would be $500 annually in addition to the EITC of about $2,100. Finally, the credit for a worker with two-children would peak at about $10,000 and would be phased out at about $29,000. The maximum credit would be $750 annually in addition to the current EITC of $3,560.

Tickets for work opportunity

The Commissioner of Social Security would be required to establish a Transition to Work demonstration program in as many localities as she deems appropriate. Under the Transition to Work program, Social Security Disability (DI) beneficiaries would be encouraged to return to work through Tickets for Work Opportunity (TWO). The TWO could be used by beneficiaries to seek out those providers of rehabilitation services who would most effectively help them to return to work. The individual could choose to receive services from a private provider or from the State vocational rehabilitation (VR) agency.

Under current law and policy, Social Security Disability Insurance (DI) beneficiaries are referred to State VR agencies for rehabilitation when the Disability Determination Service determines that the beneficiary would be eligible for VR services in that State. A DI beneficiary who refuses such services may lose his or her benefits. State VR agencies are reimbursed for the cost of rehabilitation after the individual has been gainfully employed for nine months. Under the current system, less than 1% of DI beneficiaries return to work.

The Ticket for Work Opportunity would offer beneficiaries additional options for rehabilitation services. Furthermore, both public and private providers would have an incentive to seek out beneficiaries to help them leave the disability rolls. Under the plan, the TWO would be provided automatically to those persons most likely to return to work—to new beneficiaries and to those who are notified of the commencement of a continuing disability review (CDR). All other DI beneficiaries would have the option to participate in the TWO plan.

Beneficiaries would present the TWO to a public or private provider of vocational rehabilitation services. Payment would be made by the Commissioner of the Social Security Administration to the provider for successfully returning the beneficiary to work A milestone payment would be paid to the provider when the beneficiary was placed in employment and began to work. When the individual had engaged in Substantial Gainful Activity (i.e., earnings exceeded $500 a month) throughout the 9-month trial work period and his or her benefits ceased, the provider would receive 50% of the savings which accrued to the Disability Insurance Trust Fund. Providers would receive payments on a quarterly basis. The Commissioner of Social Security would be permitted to alter the percentage or the period of the payments if she determined that the incentive was not adequate to return beneficiaries to work.

The Social Security Administration would certify providers. Providers would be defined to include a broad range of rehabilitation services include job training, liaison and placement. The Commissioner would be required to provide beneficiaries with a list of providers of vocational rehabilitation services available in each locality.

The vocational rehabilitation provider and the beneficiary would jointly develop an individual transition to work plan. The plan would take effect upon approval by the beneficiary.

THE AMERICAN ASSISTANCE ACT

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. RADANOVICH. Mr. Speaker, I rise to introduce the Armenian Assistance Act. This bill is designed to assist Armenia and her people with an ambitious and progressive plan, similar to the successful program Operation Flood of India, to reconstruct sagging agricultural markets.

Ultimately, if Armenia is able to feed itself, its people will directly benefit from improved public health and nutrition standards. Improvement to Armenian's agricultural sector, specifically in the area of wheat seed development, is in the direct strategic interest of the United States and our desire to secure the advantages of a stable Caucasus region. Further, this bill will help empower Armenians in their bid for reform, likely establish new markets for United States products, and it specifically will enhance the exporting of United States agricultural products.

However, in introducing this bill, I am not proposing additional burdens for America's hardworking taxpayers nor proposing that we neglect America's precious farmland. Our people and farmers deserve more responsible representation. I recognize the need to harness the waste and dated programs contained within past foreign aid budgets. Therefore, I have pursued creative measures for striking a balance between the issue of controlling foreign aid and the need to help Armenia.

Allow me to clearly outline what this bill will do:

First, empower the private sector transition in Armenia toward a market economy, and likely establish new markets for the United States by strengthening our consumer buying power in Armenia.

Second, enhance the exporting of U.S. agricultural products.

Third, assist to coordinate activities with the U.S. Department of State, and help to establish a monitoring system in the Caucasus region for zoonotic diseases, which are transmissible from animals to humans. These diseases have no boundaries and are apt to cause major public health problems throughout the region, and furthermore are easily spread to Europe.

If this bill is passed, it is my intention to request that the agricultural renewal program in Armenia be implemented by the Armenian Technology Group [ATG], a nonprofit organization based in Fresno, CA. Over the past several years, ATG has been involved in similar programs in the area. It should be noted that, 80 percent of the organization's operational funding has been generated from the private and public sectors, and only 20 percent from U.S. Government sources. ATG has been effective in implementing its programs by working directly with the people of Armenia, in assisting them in their transition toward market economy, and in helping build democracy from the bottom up. I have enclosed for the RECORD specific figures on ATG's contributions and investments in the agricultural sector of the Republic of Armenia.

You may recall in the 104th Congress that the Government of Turkey was appropriated $22 million in economic support aid. Initially, the aid was dependent on Turkey's long-awaited recognition of the Armenian Genocide. A belligerent Ankara reacted to the House genocide clause, a reasonable amendment which I was privileged to introduce and lead in eventual passage in the House, by telling the United States State Department and the United States Congress that Turkey would not accept United States aid with preconditions such as recognition of the Armenian Genocide. Amazingly, Turkey was given the support and was not asked to recognize the genocide. All this despite their declaration to decline United States economic aid, while countries such as Armenia were in desperate need of financial support.

The Armenian Assitance Act proposes to redirect the $22 million or any remaining amount not yet obligated from the fiscal year 1997 Foreign Appropriations Act in economic support aid for Turkey, and transfer those funds to Armenia for agricultural development. I'm certain Armenia has been, and will continue to be, grateful for the support of the United States Government and the American taxpayer.

ARMENIAN TECHNOLOGY GROUP, INC.

[ATG Sponsored Contributions and Investments in the Agricultural Sector of the Republic of Armenia 1989–1996]

Contributions/Donations Per Sector	Amount USD	Percentage
ATG Contributions:		
Private Sector Donations	$11,695,672	58.13
In-Kind Professional Services	3,751,456	18.65
Cash Contributions	586,468	2.92
U.S. Government Support:		
USAID Grants/Sub-Grants	2,948,226	14.66
Transportation Costs	1,025,000	5.10
UNHCR Grants	115,010	0.58
Total	20,121,832	

THE PRESIDENT'S CALL FOR INDISPENSABLE LEADERSHIP—JANUARY 21, 1997

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. OWENS. Mr. Speaker, President Clinton's inaugural address was not a State of the Union speech obligated to provide substance for general proposals. Appropriately, the President used his second inaugural statement to set a tone for the next 4 years, the prelude to the 21st century. America is a great country blessed by God with wealth far surpassing any Nation on the face of the Earth now, or in the past. The Roman Empire was a beggar entity compared to the rich and powerful Americans. God has granted us an opportunity unparalled in history. President Clinton called upon both leaders and ordinary citizens to measure up to this splendid moment. The President called upon all of us to abandon ancient hatreds and obsessions with trivial issues. For a brief moment in history we are the indispensable people. Other nations have occupied this position before and failed the world. The American colossus should break the historic pattern of empires devouring themselves. As we move into the 21st century we need indispensable leaders with global visions. We need profound decisions.

INDISPENSABLE NATION

Under God, The indispensable nation, Guardian of the pivotal generation, Most fortunate of all the lands, For a brief moment, The whole world we hold in our hands, Internet sorcery computer magic, Tiny spirits make opportunity tragic, We are the indispensable nation, Guardian of the pivotal generation, Millionaires must rise to see the need, Or smother beneath their splendid greed, Capitalism is King, With potential to be Pope, Banks hoard gold, That could fertilize universal hope, Jefferson Lincoln Roosevelt King, Make your star spangled legacy sting, Dispatch your ghosts, To bring us global visions, Indispensable leaders, Need profound decisions, Internet sorcery computer magic, Tiny spirits make opportunity tragic, We are the indispensable nation, Guardian of the pivotal generation, With liberty and justice for the world, Under God.

SUPPORT GREATER MEDICARE EQUITY AND FAIRNESS BY REFORMING THE AAPCC PAYMENT FORMULA

HON. JIM RAMSTAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. RAMSTAD. Mr. Speaker, I rise today to introduce legislation to respond to an issue of great importance to Medicare beneficiaries and health care providers in my district and throughout the country—reforming the payment for Medicare risk-based managed care plans.

Currently, Medicare payments to risk-based health care plans are calculated on the basis of Medicare spending in each county's fee-for-service section—medical care outside of managed care plans. The variation in the adjusted average per capita cost [AAPCC] formula reflects different utilization of health care services.

In 1996, Dr. John E. Wennberg, the director of the Center for the Evaluative Clinical Studies at Dartmouth Medical School, published ''The Dartmouth Atlas of Health Care.'' The atlas shows that the rates of hospital beds and physicians per 1,000 residents determines how much care Medicare beneficiaries use. Revising the highly variable AAPCC payment formula will result in greater equity for Medicare beneficiaries regardless of where they live, allowing choices among plans and more equitable distribution of out-of-pocket costs and additional benefit packages.

Because of the need to correct the inequity in the AAPCC payment formula for millions of Medicare beneficiaries, I strongly supported changes to the formula during consideration last session of the Medicare Preservation Act. Regrettably, congressional efforts to reform the geographic disparity and inequities in the AAPCC formula were denied by the stroke of the President's veto pen.

The legislation I am introducing today narrows the AAPCC payment gap between rural and urban areas in a budget neutral fashion. At a minimum, a county would receive 80 percent of the national input-price-adjusted capitation rate. This change helps reflect the true cost of doing business, taking into consideration uncontrollable factors such as wage rates or supply costs. The language also implements a 3-year average for the baseline rather than 1 year. This change provides greater representation of historical health care costs for an area. This bill is based on the Physician Payment Review Commission's ''1996 Annual Report to Congress.''

When the Health Care Financing Administration [HCFA] released the 1997 payment rates for Medicare managed care plans, the agency told us that payments nationally to Medicare-managed care plans would increase an average of 5.9 percent as of January 1, 1997—significantly lower than the 1996 national average increase of 10.1 percent.

This is good news in terms of the solvency of the Medicare trust fund—we need to slow the rate of growth of Medicare spending to stave off its imminent bankruptcy. The bad news is that this average increase reflects wide variation in percentage increases from county to county. Four counties: Valencia, N.M.; and three New York State counties Bronx, Monroe and New York, actually will receive negative growth—real decreases. Because the actual dollar variations are also extreme, many low-payment areas get a double whammy—lower percentage increases off a lower base.

This situation continues a trend inherent in the flawed payment formula. The following table illustrates the vast variation between counties across the country. I believe it is important to point out that even though the 1996 AAPCC payment increased an average of 10.1 percent not all counties shared in the bounty of that increase. The same is also true for the 1997 AAPCC payments.

Counties that typically lost ground were those in efficient markets and rural counties with historically lower reimbursement rates. Because of these lower payment rates and lower annual increases, these regions will continue to lack the ability to attract managed case options to their area or offer enhanced health care benefits often found in higher payment communities.

MONTHLY PAYMENT RATES TO MEDICARE-MANAGED CARE PLANS

Area/county	1995 payment	1995 percent increase	1996 payment	1996 percent increase	1997 payment	1997 percent increase
National average	$400	5.9	$440	10.1	$466	5.9
Richmond, NY	668	6.2	758	13.4	767	1.1
Kern, CA	439	5.8	478	8.9	512	7
Hennepin, MN	359	2	386	7.6	405	4.8
Tulare, CA	333	2.9	360	7.9	390	8.4
Vernon, WI	209	6.6	237	13.2	250	5.5

The payment rates also illustrate the overall instability and unpredictability of AAPCC's—factors that discourage health plans from entering new markets and remaining in other markets.

If there is a silver lining to HCFA's release of the 1997 risk-based managed care payment rates, it was contained in Dr. Vladeck's remarks: ''The formula used to set HMO payment rates is flawed. It shortchanges rural areas and markets where care is delivered more efficiently, and may limit beneficiary choice.''

Dr. Vladeck's comments indicate HCFA's understanding of the inequity in the current AAPCC formula and the need for change if we are to offer all Medicare beneficiaries true choices in the type and form of health care they want to receive. I see this as a signal that in the months ahead we can work in a bipartisan, pragmatic way to improve the AAPCC payment formula.

Mr. Speaker, correcting the AAPCC payment formula is vital. The 105th Congress has the opportunity to make the formula more equitable. I look forward to working with you and my colleagues on the Committee on Ways and Means to make the needed changes to the AAPCC payment formula. The longer we continue to use the current formula, the longer efficient health care markets will be penalized and rural areas will lag behind, leaving many Medicare beneficiaries with fewer choices.

CURT FLOOD: AN UNCOMMON MAN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CONYERS. Mr. Speaker, 1 month ago, I introduced legislation repealing baseball's antitrust exemption. The bill was designated H.R. 21, in honor of Curt Flood's number when he played for the St. Louis Cardinals.

In an ear when the terms hero and courage are used all too frequently, Curt Flood stands out as the genuine article, a true inspiration to all Americans who care about economic and social equality. I am attaching a letter from President Clinton and several articles written which describe his career and reiterate these very points.

Most of us are well aware of the courage Curt Flood displayed when he refused to accept being traded to the Philadelphia Phillies. His letter to then Commissioner Kuhn cut directly to the core of the issue:

After 12 years in the Major Leagues, I do not feel that I am a piece of property to be bought and sold irrespective of my wishes. I believe that any system which produces that result violates my basic rights as a citizen and is inconsistent with the laws of the United States and the several states.

Although Curt Flood lost his legal battle challenging baseball's antitrust exemption, the public recognized the moral validity of his arguments—he was not a piece of property. His case paved the way for free agency in all professional sports. A national poll taken in the wake of *Flood* v. *Kuhn* showed that fans opposed the reserve clause, which bound players to teams for life, by an 8 to 1 margin.

And while thousands of athletes have subsequently benefited from free agency, Curt Flood paid a heavy price for his decision to take on the baseball owners. The 3-time all-star and 7-time gold glove award winner played only 13 more games before being forced out of baseball.

Less well known is the fortitude Curt Flood displayed in fighting racial intolerance. At the same time Jackie Robinson was breaking the color barrier with the Brooklyn Dodgers, Curt Flood was facing the Jim Crow laws as the sole black man playing for the High Point, NC Hi-Toms.

He alone was barred from gas station rest rooms. Only Curt Flood was forced to eat at the kitchen door while his teammates were served in the dining room. And when he played a doubleheader, he experienced only greater humiliation. As he explained to Ken Burns:

After the end of the first game you take off your uniform and you throw it into a big pile. . . . [But the clubhouse manager] sent my uniform to the colored cleaners which was probably 20 minutes away and there I sat while all the other guys were on the field. [The crowd has] really been giving me hell all day long, and now I'm sitting there stark naked waiting for my uniform to come back from the cleaners and the other guys were out on the field. So finally they get my uniform back and I walk out on the field . . . boy you'd think that I had just burned the American Flag.

Curt Flood's talents and goodwill extended well beyond baseball. He ran a foundation to benefit inner-city youngsters. An accomplished painter, his portrait of Martin Luther King hangs today in Corretta King's living room.

In the end, we will remember Curt Flood for having the courage to tell America what should have been plain and obvious all along. Discrimination is wrong. People—even athletes—are not property. Baseball is a business and should be subject to the competition laws.

A few days before Curt Flood died, I wrote him, suggesting that if the legislation I introduced in his honor was to pass into law, he should come to the White House signing ceremony. That can't happen now, but I know his indomitable spirit will be with us as we continue his fight for equality and fairness. I know all Members—and indeed all professional athletes—join me in mourning this courageous man.

THE WHITE HOUSE,
Washington, DC, January 24, 1997.

Mrs. CURT FLOOD,
4139 Cloverdale Ave.,
Los Angeles, CA.

DEAR MRS. FLOOD: Hillary and I were saddened to learn of your husband's death, and we extend our deepest sympathy.

Curt Flood was a man of extraordinary ability, courage, and conviction. His achievements on the field were matched only by the strength of his character. While there are no words to ease the pain of your loss, I hope you can take comfort in the knowledge that Curt will be remembered by so many Americans as one of baseball's finest players and a lasting influence on the sport he loved so much.

We hope that the loving concern and support of your family and friends will sustain you during this difficult time. You are in our thoughts and prayers.

Sincerely,

BILL CLINTON.

[From the Washington Post, Jan. 22, 1997]

QUITE SIMPLY, A HERO

(By Thomas Boswell)

Every few years, Curt Flood would reappear. Maybe that was so we could compare his fast-aging and haggard face with the laughing ballplayer's mug that he'd worn in the 1960s, before he took baseball to the Supreme Court.

We won't be able to read the cost of making history in that face any more. Flood died of throat cancer Monday at 59. It was Martin Luther King Jr. Day. Of all the figures in sports in the last generation, perhaps only Flood could die on the anniversary of a martyr's death and have it seem a fitting memorial.

For a few days perhaps we can remember the difference between a real rebel—one who takes risks for the sake of a genuine cause—and our phony, look-at-me rebels who only stand for the cover shoot of their next autobiography.

Rebellion that's worthy of the name isn't about attitude. The rebel to whom our respect and our heart goes out is the one, such as Flood, who never in this world wanted such a job. He just had the mixed fortune to see what was right and act on it, knowing the cost to himself.

''Baseball players have lost a true champion,'' said players union head Donald Fehr on Monday. ''A man of quiet dignity, Curt Flood conducted his life in a way that set an example for all who had the privilege to know him. When it came time to take a stand at great personal risk and sacrifice, he stood firm for what he believed was right.''

Flood had the brains and the sense of justice to understand that baseball's employment system was basically unfair. However, by temperament, he was completely unsuited to a public brawl that lasted for years. He was as distressed by conflict as Fehr is invigorated by it. And Flood's torment always showed.

When he arrived in Washington in 1971 after sitting out a season, he played only 13 games for the Senators. You couldn't tell if his Gold Glove, all-star skills were just fading fast or whether the Flood case was eating him inside. At RFK Stadium, some of us cheered. But enough booed to let Flood know that, for him, no place was home. On the road, he was vilified as a traitor who wanted to ruin the national pastime.

Back then, memories of Black Power salutes were in the air. So Flood, thoughtful but never extreme, was pigeon-holed as radical. All he said was that he was sick of being treated—and traded—''like a piece of meat.'' How could America sanction a system where a team owned a man for his whole career?

After batting .200 in 35 at-bats, Flood fled. Hard as it may be to believe these days, Flood didn't want fame. He flinched when talking about himself and even admitted that he loathed the thought that he might be hurting his sport.

For years, Flood disappeared from the public scene, often living in Europe. In 1972 Flood v. Kuhn, the Supreme Court upheld baseball's right to antitrust immunity. Flood had fought the law and, temporarily, the law won.

''You have to understand that if you do what I did to baseball, you are a hated, ugly, detestable person,'' he said, explaining his self-imposed exile. This week, Hank Aaron said simply, ''Flood was crucified for taking his stand.''

By 1976, free agency had arrived and the justice of Flood's stand against the reserve clause was vindicated. But Flood stayed on the island of Majorca. Finally, two years later, he put his toe back into baseball gingerly, as a radio announcer for the Oakland A's for one season. He looked like a shy, hyper-sensitive ghost of himself. Though only 41, he seemed far older. His wounds were deep. His sense of isolation was almost palpable.

Many in the game respected Flood's pain, regarding him like a soldier who'd suffered shell shock in a necessary battle. Nobody, however, had a name for his fragile condition. He hadn't exactly become an eccentric. But whenever you saw him at a ballpark, he seemed raw-nerved and weighted down, like a man who'd seen something—seen it clearly and undeniably—and couldn't begin to get over it.

Finally, in 1994 Flood stood before the cameras again briefly during the players strike. Ostensibly, he was part of a possible new league called the United Baseball League.

Really, he took the stage to give modern players some backbone. The message was subliminal: This guy bucked the system for all of you. Maybe baseball put him on the rack and cracked him to a degree. So when an owner sneers about breaking the union, have a little guts. The money in your bank account came out of this guy's peace of mind.

Flood's legacy remains a tangled one. You could say he did the groundwork so athletes could make more money than anybody deserves. Flood laid the cornerstone of the Shaq Fu mansion, so to speak. Flood helped make a world where Brett Favre knows nobody will mock the Superman tattoo on his biceps; self-infatuation is so routine, nobody even notices anymore. Could Dennis Rodman be as ''Bad As I Wanna Be'' without his $7 million salary? If you kick somebody, peel off a big stack of Grover Clevelands. No problem. Thanks, Curt.

Cynics will say that Flood stood for something so that those who followed him could afford to stand for nothing.

That, however, is not Flood's fault. By helping athletes make market salaries for their services, he allows them to live on a bigger scale. We hear about the jerks. But the fools are still in the minority. More athletes are like Darrell Green of the Redskins, who was chosen this week as the NFL's Man of the Year for his charity and community work.

For some of us, Flood should be a daily tonic. Maybe he'll shame us into using the language more precisely when we describe our famous athletes.

When we use ''courage'' to describe a quarterback who takes a pain-killing shot, maybe we'll blush. When we call someone who makes a jump shot at the buzzer a ''hero,'' maybe we'll be just a bit abashed. If that is heroism, what word have we reserved for people such as Flood?

And when we say losing the World Series is ''tragic,'' perhaps we'll think of the last 28 years of Flood's life—and the price he paid for following his conscience. Then, our perspective sharpened, maybe we'll choose a better word.

[From the New York Times, Jan. 21, 1997]

REMEMBERING FLOOD, A MAN FOR ALL SEASONS

(By Murray Chass)

In a recent letter to Frank Slocum, executive director of the Baseball Assistance

Team (B.A.T.), Curt Flood wrote, ''The 1996 holiday season brings mixed feelings of joy and sadness. Therefore, we'll take the advice that mother Laura gave to me when I was a kid. She'd say 'Start counting your blessings, Squirtis, by the time you've finished, you won't have time for anything else.'''

Flood, who was 59, died yesterday after a yearlong battle with throat cancer, and it is the players who came after him in the major leagues who should count their blessings for having had a man of his stature and dignity and courage precede them.

Professional athletes, for the most part, live for their time. They generally don't care what happened before them and, worse, they often don't know. Sadly, many baseball players wouldn't even be able to identify Flood, wouldn't even know that he was the forerunner of Andy Messersmith, another name they wouldn't recognize for the impact he had on their lives.

But that day in Atlanta in the last month of 1994, the players in the meeting room of the players association executive board knew about the man who was to speak to them. They saluted him with a standing ovation before he spoke.

''It almost made me forget what I was going to say,'' Flood said afterward. ''It caught me a little short. I felt a lump in my throat.''

Flood was in the room that day in his capacity as vice president of the United Baseball League, a venture that did not reach fruition. Twenty-five years earlier, in 1969, he appeared before another Players Association executive board seeking support for the task he was about to undertake. The St. Louis Cardinals, for whom he had played for 12 years, had traded him to the Philadelphia Phillies, and he didn't want to go.

Richard Moss, who was the union's general counsel at the time, recalled yesterday that Flood came to him and Marvin Miller, the head of the union, and told them he wanted to challenge the system that he said ''treated people like they were pieces of property.''

''Marvin and I weren't sure if he was serious, if he had some other agenda,'' Moss said. ''We arranged for him to come to the board meeting in Puerto Rico. The idea was to let him talk to the board and convince them that he was for real, that he really believed this and he was sincere.''

With the board's support, Flood took his challenge all the way to the United States Supreme Court. He lost, but his effort eventually emboldened other players, Messersmith in particular. Unfortunately, besides losing the case, Flood saw his career die. After sitting out the 1970 season, he played briefly for the Washington Senators in 1971.

He knew he wasn't the same player he had been, and he walked away from the only job he had known. A pariah in an owner-dominated business, Flood was not welcome to wear a baseball uniform. Instead, he drifted from country to country, first to Majorca, where he opened a bar and became an alcoholic, then back to the United States, then to Sweden, then back home again.

In recent years, Flood operated a youth center in Los Angeles. He enjoyed working with children. He would have enjoyed working with young professional baseball players, too, but he never had the opportunity. Nevertheless, he retained his dignity and, in the last year, his courage.

Yesterday, Joe Garagiola, president of B.A.T., recalled that he testified for baseball in Flood's lawsuit. ''I thought if the reserve clause went, baseball was going,'' Garagiola said. ''I was so wrong I can't begin to tell you. It took a lot of guts for him to do what he did.''

Garagiola's organization had helped Flood in the last year, and Moss, whom Flood always identified as his lawyer, had planned to appear before the B.A.T. board tomorrow morning to express Flood's appreciation for the assistance. Instead, Moss made plans to return to Los Angeles.

In his letter to Slocum, Flood also wrote, ''Say this: 'Curt accomplished every goal that he set for himself, and simply moved on.'''

He didn't gain a victory 25 years ago, and in his career he didn't achieve statistics that were good enough for the Hall of Fame. But when Flood's name first appeared on the Hall of Fame ballot, this voter marked an 'X' next to it in a symbolic gesture. No one was ever more worthy of such recognition.

[From the New York Times, Jan. 21, 1997]

CURT FLOOD IS DEAD AT 59; OUTFIELDER DEFIED BASEBALL

(By Joseph Durso)

Curt Flood, the All-Star center fielder for the St. Louis Cardinals in the 1960's who became a pioneering figure in the legal attack on baseball's reserve clause that foreshadowed the era of free agents, died yesterday in Los Angeles. He was 59.

Flood died at the U.C.L.A. Medical Center, where he had been a patient in recent months, after developing pneumonia. He had been suffering from throat cancer since last spring.

At bat and especially on the field, Flood was an outstanding player for a dozen years with the St. Louis Cardinals, a center fielder who won the Gold Glove for fielding excellence seven years in a row in the 1960's and batted over .300 six times.

But it was his stiff resolve regarding the unfairness of baseball's virtually enslavement of players and his courage in challenging a system that perpetuated this condition that carried Flood beyond baseball.

It all crystallized when the Cardinals traded Flood to the Philadelphia Phillies after the 1969 season and Flood refuse to go. Represented by Arthur J. Goldberg, former Associated Justice of the Supreme Court and United States Ambassador to the United Nations, Flood triggered a legal war that shook baseball.

Flood actually lost the battle in Federal District Court in New York when the judge suggested that the players and club owners negotiate the issue. But almost six years later, he won the war when other baseball players successfully sued and broke from the ''reserve system,'' which for almost a century had bound a player to his team year after year.

As a result, before another generation had passed, salaries in all sports soared, teams sought salary caps to contain the damage to their payrolls and large cities were required to pay small cities millions in compensation.

The solitary figure who prompted this revolution, Curtis Charles Flood, was born in Houston on Jan 18, 1938, but was raised in Oakland. He was short and skinny, but he signed his first professional contract while still a senior at Oakland Technical High School.

After two years in the minor leagues and briefly with the Cincinnati Reds, he was traded in 1958 to St. Louis, where he played for the next 12 seasons and three times played in the World Series—against the New York Yankees in 1964, the Boston Red Sox in 1967 and the Detroit Tigers in 1968.

His talents were unquestioned. During a career that lasted from 1956 to 1971, he batted 293, stole 85 bases, appeared in three World Series and reigned in center field for 12 years for the Cardinals.

During one span, he played in 226 consecutive games without committing an error and in 1966 went the entire season without committing an error and in 1966 went the entire season without making a misplay. He even became a portrait artist of some talent who was commissioned to paint August A. Busch Jr., the owner of the Cardinals, and his children in oils.

At the peak of his career, though, the man with the flawless glove misjudged a line drive, cost the Cardinals the 1968 World Series and supplied a regrettable footnote to the 1968 World Series against Detroit.

The Tigers and Cardinals were tied at three games apiece with Bob Gibson facing Mickey Lolich for the championship in St. Louis in Game 7. They were scoreless for six innings. Then in the Tiger seventh, Gibson retired the first two batters. But after two singles, Jim Northrup followed with the hard drive to center.

Flood lost sight of the ball momentarily, took a couple of steps in toward home plate, reversed direction and slipped while the ball carried over his head for a triple and two runs. The Tigers won, 4–1, and captured the Series.

After the game, Tim McCarver stood in the rubble of the Cardinals' locker-room regret and called out, ''Curt Flood, you're beautiful.

But a year later, the Cardinals slid into fourth place and Busch cleaned house. In one blockbuster trade, he sent Flood, McCarver and Joe Hoerner to Philadelphia for Richie Allen, Cookie Rojas and Jerry Johnson. But Flood sued for his freedom from a system that ''reserved'' players to their teams and that had won exemption from the antitrust laws as far back as 1922.

The trial opened May 19, 1970 before Judge Irving Ben Cooper in the United States Court House in lower Manhattan. The defendants included Commissioner of Baseball Bowie Kuhn, the presidents of the National and American Leagues and the Chief executive of all 24 teams then in the big leagues. They were being challenged by a 32-year-old outfielder who was making $90,000 a year but was determined not to be traded without his consent. When he was asked which team he wanted to play for, he testified, ''The team that makes me the best offer.''

The ''reserve clause'' in contracts was not toppled during the trial, but it came under sustained attack. Marvin Miller, executive director of the players association, described how baseball contracts tied the player to his club forever and said, ''The player has no say whatsoever in terms of what conditions he plays under, always bearing in mind he has the one alternative: He may decide to find a different way to make a living.''

The Trial consumed 10 weeks, 2,000 pages of transcript and 56 exhibits. Judge Cooper suggested that ''reasonable men'' could find a solution outside court and ruled: ''We are convinced that the reserve clause can be fashioned so as to find acceptance by player and club.''

Flood, who sat out the 1970 season, did not think so. He signed with the Washington Senators in 1971 for $110,000, but after two months suddenly quit and flew to Europe.

When the case was appealed to the Supreme Court, the justices—in a 5–3 ruling—supported the District Court and the Court of Appeals and left the ''reserve clause'' undisturbed. But Curt Flood had set the stage for the revolution that followed in 1976, and generations of free agents poured through.

''Baseball players have lost a true champion,'' the players' union head, Donald Fehr, said yesterday. ''When it came time to take a stand, at great personal risk and sacrifice, he proudly stood firm for what he believed was right.''

TRIBUTE TO BRIAN D. GALLAGHER

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. YATES. Mr. Speaker, I'm proud to report to the House that my constituent, Mr. Brian D. Gallagher of Evanston, IL, was graduated from Loyola University (Chicago) Law School on January 11, 1997, with a degree of LL.M. in child law. Mr. Gallagher is the first recipient of this advanced degree in the country.

While attending Loyola Law School in the evenings, Mr. Gallagher served the people of Cook County and the State of Illinois as an assistant to the commissioner of the Metropolitan Water Reclamation District of Greater Chicago.

Mr. Gallagher looks forward to using his new degree to continue his career of public service and I wish him every success in his future endeavors.

VOCATIONAL INDUSTRIAL CLUBS OF AMERICA WEEK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. TOWNS. Mr. Speaker, I rise today to salute the New York City Chapter of the Vocational Industrial Clubs of America [VICA] which will celebrate Vocational Industrial Clubs of America Week in New York City, February 11–17, 1997. As a nationally recognized organization comprised of students, professional members, and dedicated teachers, the purpose of VICA is to provide educational and leadership opportunities for young people as they prepare for the 21st century.

Through the efforts of more than 12,000 student members in its New York City Chapters, VICA encourages improvement of vocational and leadership skills, scholarship, citizenship and community service. Moreover, through professional development activities, members learn how to work with others, hold office and direct the affairs of the group and how to compete honorably with colleagues on the local, state, and international levels.

During my tenure in the House of Representatives, I have also personally witnesses the hard work and dedication of members, such as Ms. Janice Jones and Mr. Jerome Jeffrey, who have graciously represented the East New York High School of Transit Technology Chapter of VICA at numerous community events within the 10th Congressional District.

Mr. Speaker, it is with great pleasure that I rise today to recognize the many years of invaluable assistance this organization has provided youth and the community-at-large. I ask my colleagues to join me in celebrating Vocational Industrial Clubs of America Week.

TRIBUTE TO THE HONORABLE FRANKIE M. FREEMAN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CLAY. Mr. Speaker, I rise to pay tribute to my friend and mentor, the Honorable Frankie Muse Freeman. On November 24, 1996, attorney Freeman celebrate her 80th birthday. As a tribute to this noted legal champion and legendary figure, I declared November 24, 1996 as ''Mrs. Frankie Muse Freeman Day'' in the First Congressional District of Missouri. In further celebration of Mrs. Freeman's wonderful life, I commend her story to our colleagues.

Frankie Muse Freeman has been a practicing attorney for over 45 years and has held several trailblazing positions. These include Missouri attorney general, a commissioner of the U.S. Civil Rights Commission—to which she was nominated by President Lyndon B. Johnson—and inspector general of the Community Services Administration by President Jimmy Carter.

Over the years, Frankie Freeman has given exemplary leadership and dedicated services to numerous civic, cultural, and educational organizations and was one of the two United States representatives to the UN–ECA West African Housing Conference in Lome, Togo.

A graduate of Hampton University and Howard University School of Law, Mrs. Freeman is a member of the Mound City Bar Association, the National Bar Association, and the Bar Association of Metropolitan St. Louis.

Frankie Muse Freeman served as the fourteenth national president of Delta Sigma Theta Sorority, Inc., a public service sorority with over 190,000 members in over 870 chapters internationally.

In 1992 she was elected trustee emeritus of the Howard University Board of Trustees following 16 years as a member of the board.

Mrs. Freeman has also been an active and devoted member of the Washington Tabernacle Baptist Church and serves as treasurer of the church's scholarship fund.

For 52 years, Mrs. Freeman was the devoted wife of Shelby Freeman who died in 1991. She is dedicated to her daughter, Shelby Patricia, son-in-law, Ellis Bullock, three grandsons, and three great grandsons. Her family is bonded together with strength and love.

Again, I congratulate Mrs. Frankie Muse Freeman. I commend her for a long and illustrious career as an outstanding jurist of great character, leadership, and compassion. I further applaud her lifelong exemplary stand on justice and civil rights issues.

TRIBUTE TO LT. COL. JON T. ANDRE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. SAXTON. Mr. Speaker, it is a great honor for me to pay tribute to Lt. Col. Jon T. Andre who, on January 31, 1997, retired from the U.S. Air Force after more than 24 years of dedicated service. During his distinguished career, Colonel Andre has served his country, the U.S. Air Force, and the community of McGuire Air Force Base with distinction and honor.

Over the past 6½ years, Colonel Andre served at McGuire AFB in New Jersey. It has been during this period that I have gotten to personally know and appreciate Jon's professional integrity and always positive outlook. In 1993, Jon was assigned as McGuire's principal liaison officer during the emotional and often contentious base closure and realignment process. Jon excelled under an extremely delicate and difficult situation, deftly handling the demands placed on him by both Air Force Headquarters and the local community which sought to retain McGuire AFB. His earnest, forthright approach earned him praise by all who came in contact with Jon during this period.

A native of Ludlow, MA, Colonel Andre entered the Air Force following his graduation from Holy Cross College in 1972. Although initially trained as an air weapons controller, Jon sought early in his career to work with people and improve the personal and professional relationships within the Air Force. Throughout his career, Colonel Andre has been involved with human relations and equal opportunity programs, gaining ever more responsibility and recognition with each promotion.

By all accounts, Colonel Andre's involvement with personal development-personal relations programs was a perfect match. He repeatedly distinguished himself in this field, earning both individual as well as group honors. Specifically, Jon's accomplishments include having his office selected as the Tactical Air Command's Best Social Actions Programs for 2 consecutive years while assigned at Luke Air Force Base; selected as Instructor of the Year while serving as a weapons control instructor; and having his office recognized as the Best Major Command Social Actions Programs in the Air Force while assigned to Langley Air Force Base as the Chief of the Equal Opportunity and Treatment-Human Relations Education Branch.

Colonel Andre and his lovely wife, Patty, will begin a new career in Virginia where Jon will again use his communication and interpersonal skill as a human resources director for the historic Colonial Williamsburg Foundation. I know I speak for the entire McGuire community in wishing Jon and his family the very best as they leave the U.S. Air Force. I offer my personal thanks and the thanks of an appreciative nation as he begins a new chapter in his life.

HONORING SUPINDA BUNYAVANICH

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to honor and congratulate Supinda Bunyavanich, of Port Washington, NY, for being selected as a member of USA Today's All-USA College Academic First Team.

Supinda, a senior at Harvard University, truly embodies the ideals of leadership, perseverance, and initiative. Last summer, Supinda

organized a conference in Korea to discuss the challenges of globalization in the 21st century. She brought 268 students together from 67 universities around the world. Professors, policy experts, corporate leaders, and the media also attended the conference to give their own unique perspective on the challenges that lie ahead. As a leader of Harvard University's Project for Asian and International Relations, Supinda invited speakers and corporate sponsors, recruited delegates and managed the logistics of the event. Additionally, she raised $200,000 in donations to help financially challenged students attend the conference.

Such initiative and intellectual endeavor can be seen throughout Supinda's experience at Harvard. She helped establish a forum on children's health at the Harvard School of Government and created the curriculum for an after-school project for underprivileged youth. Supinda has also traveled to Chile to conduct biological research.

Supinda is one of 20 college students from around the country to be selected as a member of the All-USA College Academic First Team. Twelve hundred fifty-three students from all 50 states and the District of Columbia were nominated for this honor.

Supinda will graduate with a degree in environmental science and public policy and would eventually like to become a college professor. Supinda's experience demonstrates how one individual can achieve so many extraordinary accomplishments through innovation, creativity, and leadership. I ask all of my colleagues to join me in honoring and congratulating Supinda Bunyavanich, on her many accomplishments, and extending to her our best wishes for continued success.

A SALUTE TO CENTRAL HIGH SCHOOL VICTORS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. WOLF. Mr. Speaker, I would like to recognize some high school students from Central High School in Woodstock, VA, in my congressional district for their outstanding sports achievement as State champions in cross country and basketball. Both the Central High School boys' cross country team and Central High School girls' basketball team won State championship victories in 1996. To have two teams from the same school obtain the title of State champions during the same year is certainly a true accomplishment. I would like to acknowledge the following team members and coaches for the dedication and hard work that brought them to victory.

Members of the Central High School girls' basketball team are: Christy Burgess, Jessica Wellard, Kathy Gochenour, Stephanie Lane, Sarah Dinardo, Meghan Peer, Brandi Fleet, Sarah French, Lindsey Rutz, Jewelee Magdic, Tata Dooley, and their coach Roger Wilkins. Members of the boys' cross country team are: Tim Cline, Matt Dinardo, Tim Clugasch, Damon Harper, Kirk Kirkland, Bryce Long, Jason Long, Tony Scott, and their Coach Joseph Huddle.

On behalf of the citizens of the 10th District, I salute these teams and Central High School.

H.R. 505, THE COMMUNITY EMPOWERMENT ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. RANGEL. Mr. Speaker, today, we have the opportunity to take another step closer to a goal we all share with President Clinton: renewing investment in our cities and communities. I am joined by 18 other Members today in introducing H.R. 505, the Community Empowerment Act.

The Community Empowerment Act expands on the successful empowerment zone initiative we began in 1993 which created 9 empowerment zone demonstration projects and 95 enterprise communities. The bill I am introducing today provides tax incentives for an additional 22 new empowerment zones and 80 enterprise communities. The bill also provides tax incentives for cleanup of up to 30,000 brownfield sites across the country.

Everyone has an interest in seeing these communities thrive economically and environmentally. These tax incentives will mean our investments can finally pay off for both the investor and the community.

The bill would establish a new category of tax-exempt financing for 20 additional empowerment zones in 15 urban and 5 rural areas. The other newly designated areas, the 80 enterprise communities, 50 urban and 30 rural, and the 2 additional empowerment zones, would enjoy essentially the same incentives as provided under current law. Located mainly in low-income areas, the zones, and smaller enterprise communities, would be designated for tax and other incentives to enhance economic development, job growth, improved education, housing, and other benefits. As in the nine existing empowerment zones, communities would have the power to design their own specific programs.

The bill would also provide $2 billion in tax incentives specifically to address the important problem of brownfields, which are abandoned, polluted industrial sites. The tax incentives will spur the private sector to clean up these sites and put them back into productive use. The incentives would apply to all distressed communities, including current and future empowerment zones and enterprise communities, and are expected to result in $10 billion in private cleanup investment over the next 7 years. Under current law, the costs of new buildings or permanent improvements that increase the value of any property are not deductible. The community Empowerment Act would make certain remediation costs deductible if they were incurred while restoring a qualified site.

Mr. Speaker, leveraging public sector resources to encourage private-sector community investment is a fiscally responsible and wise means of promoting community development and prosperity. I invite my colleagues to sign onto this bill and vote for it.

THE NATIVE AMERICAN TELECOMMUNICATIONS ACT OF 1997

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. RICHARDSON. Mr. Speaker, today, I am introducing a bill designed to promote greater telecommunications service to native Americans, including Alaskan Natives.

There is great optimism in this Chamber about last year's Telecommunications Act, particularly the provisions on universal service. While I join my colleagues in that optimism, I am concerned that these policies will prove insufficient for native Americans.

For too long, native Americans have fallen through the cracks of our national telecommunications policy. My bill will ensure that the universal service mechanisms designed by the Telecommunications Act of 1996 will benefit carriers designated to serve Indian lands.

Among the recommendations in the 1995 Office of Technology Assessment report, ''Telecommunications Technology and Native Americans'' is a strengthened Federal/tribal government partnership in the telecommunications field to provide better services to persons in Indian country and to enable tribes to be direct providers of telecommunications services.

In conjunction with this report and President Clinton's Executive order to require all Federal agencies to adopt specific policies to ensure responsible representation of the interests of native Americans my bill will direct the FCC to:

Establish an Indian telecommunications policy that takes into account the unique government-to-government relationship between the tribes and the Federal Government, the trust obligations of the United States.

Promote opportunities for meaningful participation and comment in FCC proceedings.

Obtain and maintain a database of reliable statistics concerning the extent of subscribership to, and the affordability of, telecommunications and information services on Indian lands.

The legislation will promote the exercise of sovereign authority of tribal governments over the establishment of communications policies and regulations within their jurisdictions. Furthermore, the bill will promote native-American participation in the consumption and provision of telecommunications services.

To focus Federal infrastructure development policy, the legislation that I have introduced today requires the National Telecommunications and Information Administration [NTIA] to encourage investment in, and the deployment of, telecommunications systems on Indian lands.

We currently operate without any policy towards these sovereign entities, many of which retain great physical and geographical barriers to proper infrastructure. This lack of direction creates greater polarization between the technological haves and have-nots.

Many rural tribes are caught in a jurisdictional ''catch 22'' due to the existing lack of policy at both the Federal and State level. While many States require telecommunications carriers to serve rural areas in America as part of a larger overall regulatory agreement, the States are not compelled to extend these services onto Indian lands. Consequently, many rural Indian reservations fail to receive adequate service.

My bill does not seek to mandate States or telecommunications carriers to provide services. Instead, it asks the Federal Government to live up to the obligations it has as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes. Where States and market forces fall short in providing adequate services at reasonable and affordable rates, it is a Federal responsibility that should be provided by means of the Federal support mechanisms established under the universal service provisions of the Telecommunications Act of 1996.

The most important issue at stake here is economic development and prosperity on Indian lands. As the fiscal constraints of balancing the Federal budget here in Washington continues, we must counter spending cuts on programs that benefit native Americans with greater economic opportunity.

The future of American economic prosperity in rural America lies squarely on the back of the telecommunications infrastructure throughout the land. Already we are seeing industry sprout up in rural America where fiber optic cables have been installed; the second coming of the railroad to many of these communities. It is imperative that we include native Americans in the prosperity of the technological revolution.

As the FCC prepares to adopt a policy on universal service, the implementation process of the Telecommunications Act reaches a critical stage. I believe it is important to make it perfectly clear that the intent of Congress can only be fulfilled if the universal service policies or procedures established to implement the act address the telecommunications needs of low-income native Americans.

IN HONOR OF TWO DISTINGUISHED INDIVIDUALS MAKING A DIFFERENCE IN THEIR COMMUNITIES: MARTIN R. VITALE AND HARVEY WHILLE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to two outstanding individuals, Martin R. Vitale and Harvey Whille, in recognition for their contributions to fostering a sense of understanding within the labor and business communities. Mr. Vitale and Mr. Whille will be honored during the fourth annual Archbishop's Labor and Business Recognition Dinner at the Marriott at Glenpointe in Teaneck, NJ.

The Archbishop's Annual Labor and Business Recognition Dinner began with the purpose of recognizing those in both the labor and management fields who were making a difference to promote cooperation between these two unique entities. Over the past 4 years, this observance has become a vital component in the ongoing attempt by the Catholic Church of Newark to encourage and to enhance the dialog between labor and management. Additionally, this dinner has become a vital source of funding for the CYO/Youth Ministries of the Archdiocese of Newark which operates an Outreach Program in Jersey City.

Martin R. Vitale's road to his chairmanship of the Board of Directors of Twin County Grocers has been enhanced by numerous family members and business associates. Mr. Vitale is married to an exceptional woman named Barbara whose community service has benefited the residents of Alpine, NJ for the past 13 years. Mr. and Mrs. Vitale have four accomplished children: Andrea, Martin, Jr., Stephanie, and Barbara. Mr. Vitale's own business, Vitale Enterprises, operates 10 Foodtown supermarkets, some of which serve residents of my district.

Harvey Whille, president of New Jersey's largest labor union, United Food and Commercial Workers [U.F.C.W.], Local 1262, is a man of extraordinary commitment to the union members he represents as well as to his community. Mr. Whille's unwavering sense of responsibility to the labor movement began in 1962 as a rank and file member at Foodarama supermarkets. Subsequently, he has served as a shop steward, union organizer, representative, field director, secretary-treasurer, and local president to members who work in New Jersey and New York businesses, many of which are located in my district. Mr. Whille's dedication to community service has seen him function as the chairman of numerous charitable endeavors, including fundraising for handicapped children. Mr. Whille has received honors from both the New Jersey Industrial Union Council and the Civil Rights Committee of U.F.C.W., region 1. Mr. Whille resides in Wall Township with his wife Donna with whom he has four children, Timothy, Tammy, Thomas, and Tara, and three grandchildren.

It is an honor to have two such distinguished individuals working on behalf of the residents of my district. I ask that my colleagues join me in honoring Martin R. Vitale and Harvey Whille who epitomize the good that can be accomplished when people work together toward a common goal.

RELEASE MONEY TO SAVE WOMEN'S LIVES

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Ms. FURSE. Mr. Speaker, a very important vote on family planning will occur this month.

The fiscal year 1997 Foreign Operations appropriations bill directs the President to submit a Presidential Finding to Congress no later than February 1, detailing whether or not the spending restrictions imposed on family planning overseas are having a negative impact on the proper functioning of those programs.

The Presidential Finding is to be included in a joint House-Senate resolution on which both bodies must vote by February 28. If both the House and Senate approve the finding, international family planning funds will be released on March 1 rather than the current July 1 release date of funds that have already been appropriated.

The President has submitted that finding and now we will have the opportunity to deliver the international family planning funding, which has been delayed already since October 1 of last year.

I commend to my colleagues' attention the following column written by First Lady Hillary Rodham Clinton in which she portrays the situation of real women's lives and the urgent need for family planning. It appeared in the current issue of Popline, a publication of the Population Institute on whose board of directors I serve.

FAMILY PLANNING IS REDUCING ABORTIONS

(By Hillary Rodham Clinton)

The pregnant woman wore an alpaca shawl over her blouse and full skirt, the traditional Indian dress in Bolivia. She looked about 36 and was attending a prenatal class at a health clinic I visited this week in the Bolivian capital, La Paz. She was nursing a 3-month-old baby and expecting her eighth child, who she hoped would be her last.

I was in Bolivia to attend the Sixth Conference of Wives of Heads of State and Government of the Americas. Women from countries throughout the Western Hemisphere got together to talk about strategies to eliminate measles, promote education reform and improve maternal health in our region.

Bolivia, a country of majestic beauty in the heart of South America, was an auspicious location for such a discussion. More women die in Bolivia during pregnancy and childbirth than in any other country in South America. But in the face of this human tragedy, Bolivia has become a model of how one nation can respond to the crisis of maternal mortality by galvanizing the government, non-governmental organizations and the medical establishment to launch a nationwide family planning campaign.

In a country where half of all expecting mothers go through pregnancy and childbirth alone—without medical attention of any kind—Bolivia's aggressive effort to educate women about their own health and their options for childbearing is resulting in safer pregnancies, stronger families and fewer abortions. Without access to family planning, women in Bolivia—and in many developing nations—often turn in desperation to illegal, unsafe abortions that can end in death or serious injury. Deaths from abortion complications account for half of all maternal deaths in Bolivia.

As Bolivia has ably demonstrated, voluntary family planning teaches women about the benefits of spacing children several years apart, breast-feeding, good nutrition, prenatal and postpartum visits and safe deliveries. It also decreases the number of abortions.

Bolivia's success at preventing mothers from dying and lowering abortion rates has been possible, in part, because of help from the United States and other countries. The U.S. Agency for International Development has provided financial and technical assistance to help Bolivia establish a network of primary health care clinics.

The clinic I visited in La Paz is one that the United States helped start. Called PROSALUD (which loosely translated, means ''for the good of health'' in Spanish), the clinic has doctors and nurses who offer round-the-clock prenatal, obstetric and pediatric services, as well as counseling about family planning in a poor neighborhood of 15,000 people. In the first six months of 1996, the clinic staff provided 2,200 medical consultations, delivered 200 babies, registered 700 new family planning users and immunized 2,500 children.

There are obvious benefits of such a program to Bolivian women, children and families, but health and family planning services also help alleviate poverty and contribute to the economic stability of a democratic ally in our hemisphere. Yet opponents of foreign assistance and particularly of family planning in Congress are trying to eviscerate U.S. funding for programs like the one I saw

at PROSALUD. Some argue that the United States has no national interest in the health and well-being of other countries' citizens. Others mistakenly suggest that family planning is being used to encourage—rather than decrease—abortions. In fact, our government has prohibited funding of any overseas project that promotes abortion since 1973.

Ignoring this, Congress last year approved draconian cuts in family planning assistance amounting to a 35 percent reduction in funds. To add insult to injury, the cuts were accompanied by new restrictions that delayed delivery of aid for the first nine months of the fiscal year.

Similar harsh cuts and delays are included in the current budget, meaning that many organizations could again be denied assistance for months and then receive it only in monthly installments.

According to a recent analysis by five population organizations, the funding cuts alone will result in an increase of 1.6 million abortions, more than 8,000 maternal deaths, and 134,000 infant deaths in developing countries.

Family planning campaigns at work in Bolivia and elsewhere represent sensible, cost-effective and long-term strategies for improving women's health, strengthening families and lowering the rate of abortion. My husband's administration remains committed to the continuation of these investments. And I will do everything I can to ensure that U.S. support for these initiatives continues. If you share my concern, I hope you will add your voice to mine and give all women everywhere the same opportunities for their lives we take for granted in ours. (Permission by Hillary Rodham Clinton and Creators Syndicate.)

TRIBUTE TO OFFICER WENTLANDT

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. DIAZ-BALART. Mr. Speaker, it is with great admiration that I rise today to pay tribute to Officer Rick Wentlandt, a retired police officer who is a real-life hero. I was honored to have the opportunity to meet Officer Wentlandt's family at the dedication ceremony for the Officer Rick Wentlandt Survival City, which will continue the efforts that Officer Wentlandt began after surviving his own personal tragedy.

In 1981, Officer Rick Wentlandt of the Metro-Dade Police Department was severely wounded while on duty and forced to retire. After miraculously surviving this tragic incident, in which he interrupted an armed rape and managed to save a woman's life while he was shot six times in the process, Officer Wentlandt took what he learned from this experience and began teaching a class on Officer Survival Mindset Training. His teachings have been used to train law enforcement officers, police trainers, and mental health professionals from around the country about mastering the mental aspects of survival. Even after his injuries forced him to retire from the police department, Officer Wentlandt continued to volunteer his time, logging hundreds of hours teaching survival skills to veteran officers and new recruits.

I feel extremely fortunate to have met Officer Rick Wentlandt's family and sincerely appreciate the contributions he had made to South Florida. It is important that we learn from his experiences and take his teachings to heart.

TRIBUTE TO DOROTHY SMITH

HON. GREG GANSKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. GANSKE. Mr. Speaker, it is my pleasure today to be able to commend a fine individual, and a real friend to many people in southwest Iowa—Dorothy Smith.

For more than 10 years Dorothy worked for both myself and Congressman Jim Lightfoot in serving the people of Pottawattamie and surrounding counties. Dorothy was diligent, fair, and thorough in helping people deal with the Federal Government. She was also an excellent representative of my office, ably taking my place when congressional business kept me in Washington.

Southwest Iowa will miss Dorothy's energy, but I am sure she will remain active in the community. I would like to thank Dorothy for her service, and wish her and her husband Gordon the best as they begin the next chapter in their lives.

INTRODUCTION OF THE EDUCATION AFFORDABILITY ACT OF 1997

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. PRICE of North Carolina. Mr. Speaker, today, I am introducing the Education Affordability Act, together with my North Carolina colleague and fellow educator BOB ETHERIDGE. This legislation is designed to make education more accessible and affordable for working Americans and to give our young people the training that most new, good jobs require. Our bill would restore the tax deduction for student loan interest and the full tax exemption for scholarships and fellowships. In addition, it would permit penalty free, withdrawals from individual retirement accounts to pay for higher education expenses.

In the last decade, the number of American students borrowing money for higher education has doubled. The average cost of attendance at a public college has increased 27 percent over the past decade while the cost of private college has increased over 40 percent. It is not unusual today for a working family to spend over 25 percent of their income helping their child through college. Many of this Nation's talented young people—young people who are the future of this country—are unable to attend college because of the financial hardship.

Our legislation would take significant steps toward removing some of these barriers to higher education. First, it would restore the pre-1986 tax laws governing student loans. Instead of penalizing young people who are gifted and fortunate enough to earn scholarships and fellowships by taxing this money, our bill would make these resources tax exempt. Students and their families who need to borrow to pay the costs of education would be able to deduct the interest on their loans. Finally, this bill would eliminate the 10-percent penalty on withdrawals from IRA's for higher education expenses, allowing students additional access to resources for their education.

Accessible and affordable higher education is essential to this Nation's ability to compete in the global market. In order to remain at the forefront of this growing worldwide economy, we need to ensure that our children have access to affordable education beyond high school. Passage of this bill would help to bring higher education opportunities to every interested individual. It is an investment in the future of our young people and our country. I urge my colleagues to join us by cosponsoring the Education Affordability Act.

EZUNIAL ''EZE'' BURTS—A DISTINGUISHED RECORD OF SERVICE TO THE PORT AND PEOPLE OF LOS ANGELES

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Ms. HARMAN. Mr. Speaker, my colleague, Representative MILLENDER-MCDONALD and I are proud to join in congratulating and thanking Ezunial Burts for a distinguished 12 year record of service to the port of Los Angeles and to the citizens of Los Angeles County.

As he departs from his position as executive director at the port to take the reins as president of the Los Angeles Area Chamber of Commerce, Eze can look around to see the remarkable achievements of his tenure. Whether measured by soaring increases in cargo tonnage and container volume or by its tremendous impact on the economy of southern California, Eze led the port to unprecedented growth. Major capital improvements completed in the last 12 years include the intermodal container transfer facility, new container terminals for Trans Pacific Container Service [TraPac] and Nippon Yusen Kaisha [NYK], and the new World Cruise Center, currently the busiest west coast passenger facility.

And the future is equally promising. The ongoing construction of new, state-of-the-art facilities, including the $2 billion Alameda corridor and $600 million pier 300/400 projects, will help ensure that the port is prepared for trade in the 21st century. As a testament to the port's financial strength, all three major bond rating agencies gave the port AA ratings, the highest of any U.S. port without taxing authority.

Eze has demonstrated many strengths that will suit him well in his new career. He has been tremendously skillful working with diverse groups of maritime partners and the international trade community and his genuine warmth and concern for port employees have won him the friendship, admiration, and respect of the 670-member port management team and staff. He has served on many advisory committees and boards affiliated with port authorities and trade policy, including the Intergovernmental Policy Committee of the Office of the U.S. Trade Representative under the Clinton administration. Eze also has a laudable record of service to the community at large, serving on the board of directors of

such organizations as the National Forum for Black Public Administrators, the Metropolitan YMCA, Hancock Savings and Loan and the California Chamber of Commerce.

Eze will be sorely missed, but his legacy remains. We join the port community and our constituents in extending to him sincere appreciation and wishing him and his family every success as he assumes the critical job of president of the Los Angeles Area Chamber of Commerce.

INTRODUCTION OF THE CRIMINAL WELFARE PREVENTION ACT, PART II

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. HERGER. Mr. Speaker, today Mr. CLEMENT, Mr. SHAW, Mr. BUNNING, Ms. DUNN, Mr. ENSIGN, Mr. HAYWORTH, and Mr. BURTON join me in introducing legislation—the Criminal Welfare Prevention Act, Part II—which will prevent the needless waste of taxpayer dollars.

Last year, the 104th Congress took an important step forward in this regard by enacting legislation that denies Federal SSI benefits to inmates of State and local correctional facilities. Although prisoners were not entitled to these benefits under existing Federal law, there was no way to match prisoners in local institutions with benefit checks mailed by the Federal Government. The Criminal Welfare Prevention Act—signed into law as part of last year's welfare reform package—creates a voluntary bridge between local sheriffs and the Federal Government, helping sheriffs identify ineligible individuals. This commonsense reform will save taxpayers millions of dollars—without imposing unfunded mandates or establishing new government bureaucracies.

However, there is still more work to do. Originally, the Criminal Welfare Prevention Act had aimed to deny local prisoners Social Security [OASDI] benefits as well, but these provisions were dropped from the final conference report to comply with Senate rules against making changes to OASDI in a reconciliation bill. Consequently, many local prisoners are still receiving OASDI benefits for which they are currently ineligible under Federal law.

To address this problem, we are introducing the Criminal Welfare Prevention Act, Part II. This bill will create monetary incentives for State and local law enforcement authorities to enter into voluntary data-sharing contracts with the Social Security Administration. This exchange of information will help get prisoners off our benefit rolls and will save taxpayers an estimated $35 million by the year 2002. Under our proposal, if a participating local authority reports to the SSA that an incarcerated convict has received an OASDI check within the previous 30 days, that local authority will receive a cash payment of $400. If the discovery is made within 90 days, the local authority will receive $200. Again, participation in these contracts is purely voluntary—our bill will create an incentive structure, not an unfunded Federal mandate.

In this time of severe budgetary constraints, we strongly believe that Congress needs to cut off this tremendously wasteful flow of scarce resources. Last Congress, the original Criminal Welfare Prevention Act attracted nearly 200 cosponsors, and its SSI-related portions are now law. The remaining OASDI provisions passed the House late last year as part of a Social Security Technical Corrections bill, but Congress adjourned before Senate action could be taken. Now is the time to finish the job. I urge my colleagues to cosponsor this much-needed bipartisan reform.

INTRODUCTION OF LEGISLATION TO PROTECT MEDICARE BENEFICIARIES

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. COYNE. Mr. Speaker, today Representative STARK and I are introducing legislation to correct what has become a significant problem for many Medicare beneficiaries. Under current law, when Medicare beneficiaries receive health care in a hospital outpatient department [HOPD], they are responsible for an average of 45 percent of the total payment to the hospital. Obviously, this is far more than the 20 percent copayment that was intended when the law was first enacted.

This problem arose because the Medicare law specifies that beneficiaries are responsible for 20 percent of what the hospital charges for services rendered in their outpatient departments, while Medicare only pays 80 percent of what it deems to be the reasonable cost for such services. Until the past few decades, costs and charges remained relatively the same. However, over the past few years, charges have risen much more rapidly than reasonable costs, causing a rapid rise in beneficiary coinsurance liability.

Our legislation will correct the problem by establishing a new payment system for HOPD's which will allow the beneficiary copayment to be fixed at 20 percent of a set amount and will also ensure that Medicare will be paying its fair share.

We recognize that reducing the HOPD beneficiary copayment liability will cause a loss in revenue for hospitals and will also cost the Medicare Program money as it begins to pay its fair share of HOPD services. We do not believe, however, that these are reasons to continue to force senior citizens to pay increasingly more than they should for HOPD services. We want to work with hospitals and with the Health Care Financing Administration to find a solution to this difficult and growing problem that faces millions of Medicare beneficiaries.

Our legislation will help to soften the blow to the Medicare Program by simultaneously correcting a problem in how Medicare pays for some HOPD services. Because of a flaw in the payment formula, called the ''formula-driven overpayment,'' Medicare has been systematically overpaying hospitals for many services provided in HOPD's. While correcting the beneficiary coinsurance problem will cost Medicare money, correcting the formula-driven overpayment will help to mitigate the loss to the program.

I have introduced legislation in the past that would have corrected the beneficiary coinsurance problem. I am hopeful that this Congress will recognize the importance of relieving Medicare beneficiaries of the unfair burden they are currently shouldering when they receive health care in hospital outpatient departments.

HONORING PAUL CLARKE

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. McKEON. Mr. Speaker, the residents of California's 25th Congressional District recently recognized the passing of one of their dedicated and loyal citizens, Mr. Paul Clarke. Consultant, radio newsman, media expert, husband, son, father, and grandfather, Mr. Clarke embodied the voice and vision of the residents of the San Fernando Valley. Remembered in Washington as the chief of staff of Congresswoman Bobbi Fielder, whom he later married, southern Californians came to know him as a man with a firm grasp on the pulse of the valley.

Instrumental in Washington to furthering a variety of issues important to the San Fernando Valley, Mr. Clarke became known as a talented political campaign consultant with an innate understanding of his community. Honest and forthright, Paul Clarke was an invaluable source of information for reporters and the news industry throughout southern California.

We will miss Paul Clarke's sense of humor, wit, intelligence, and friendship. Our prayers go out to our former colleague, Bobbi Fielder, as well as to all of Mr. Clarke's family. May the Lord bless and keep him well. In our hearts and thoughts, he remains.

THE LEGACY OF THE LATE HONORABLE PAUL TSONGAS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. WOLF. Mr. Speaker, while the House was in recess in January, a former congressional colleague, retired Massachusetts Senator Paul Tsongas died after complications from cancer. I was a long-time admirer of Paul Tsongas, especially for the wisdom with which he approached life and the value he placed on his family.

For many in public service, it often comes down to choices between the job and family. Do I attend the social event or go home for my son's birthday party? Do I go to the reception sponsored by a special interest group or attend my daughter's soccer tournament? With Paul Tsongas, there was no choice. Family came first and foremost.

For several years I have used the way Paul Tsongas lived his life as an example in my speeches about family values. One of my favorite quotes from him is that he ''never heard anyone on their deathbed say, 'I wish had spent more time with my business.' ''

What are our personal priorities? People generally serve in the Congress because they want to help other people. But we need to remember that while we serve in Congress trying to help others, we do not forget those who matter most to us—our families.

In some of my speeches I also use a quote by Dr. James Dobson from a book on the family. It says:

I have concluded that the accumulation of wealth, even if I could achieve it, is an insufficient reason for living. When I reach the end of my days, a moment or two from now, I must look backward on something more meaningful than the pursuit of houses and land and machines and stocks and bonds. Nor is fame of any lasting benefit. I will consider my earthly existence to have been wasted unless I can recall a loving family, a consistent investment in the lives of people, and an earnest attempt to serve the God who made me. Nothing else makes much sense.

That quote could very well describe the life of Paul Tsongas. Syndicated columnist Cal Thomas also recently highlighted Paul Tsongas' "Strong and Positive Legacy" and I would like to share that article with our colleagues. It certainly provides some food for thought for setting priorities in our lives.

A STRONG AND POSITIVE LEGACY

(By Cal Thomas)

When a person dies prematurely, it prompts us to stop and contemplate our own lives and whether we are spending our time, like cash, to indulge our wants, or investing in relationships that will pay lasting dividends.

Paul Tsongas, the former senator from Massachusetts, died last weekend of complications from cancer at age 55. Although we never met, and I was introduced to his wife Niki just once, Mr. Tsongas made a strong and positive impression on me.

In a town where power is king, Mr. Tsongas never paid homage to the sovereign. He was such an infrequent guest on the Washington party circuit that socialites knew better than to invite him for cocktails or dinner after work. Instead, he would depart his Senate duties as early as possible in order to be with Niki and his three daughters.

In a 1984 book called "Heading Home," Mr. Tsongas wrote, "Niki and I did not frequent the social circuit, and we knew it cost us. But the kids were more important to us than being regulars on Embassy Row or in hotel ballrooms." That's family values in practice.

He was equally open about his fears following the cancer diagnosis: "I felt totally alien. I was one of the select few in the United States Senate—the most exclusive club in the world. I did not want membership in a club of the afflicted."

Mr. Tsongas learned quickly that Washington is a town that loves you only when you're "up"; when you're down, you're out. He wrote, "most of Washington views people through the prism of title. Did my friends like me for my office? One could never know. And this doubt always had a corrosive effect upon our feelings."

Despite his upbeat demeanor following the cancer diagnosis (he demonstrated to the press how healthy he was by allowing cameras to show him swimming), Mr. Tsongas had been told by doctors 13 years ago that his form of cancer had never been cured and that the statistical average for life expectancy of people in similar cases was eight years. He beat the odds by five years.

Sometimes we get so caught up in political and philosophical divisions that we forget not only the humanity of those with whom we disagree, but that we might actually learn something from them if we take the time to listen.

"Heading Home" has had such a profound impact on this economic and social conservative that I have often quoted from it (most recently in an address to new members of the Congress from both parties), and my copy of the 166-page book is well-marked and dog-eared.

How's this for baring your soul: "I was no longer the senator from Massachusetts. I was a frightened human being who loved his wife and children and desperately wanted to live." Or this: "In my desolation I had to reach deep into my beliefs. Those beliefs had never been sorely needed before—not like this. Now it would be different. God would be more a part of my life, no matter what happened. This was not a revelation or born-again experience. Not at all. Just a realization that while I had taken myself this far in life and done quite well, from here on I needed to recognize who was guiding me. I had to be more aware that one does not go through life without God's presence."

To me, the most moving part of Mr. Tsongas' book appears near the end after he's given an interview to a newspaper in which he speaks often of his love for Niki and his daughters. He turns to her and says, "You know, after 10 years in this town, all that I will be remembered for is the fact that I loved my wife."

"And what's wrong with that?" Niki replied.

In a time when reports of infidelity, allegations of ethical shortcomings and various scandals sweep Washington and the nation, what's wrong with that, indeed? Can anyone think of a greater legacy for his family or a better example for the rest of us? Or a better epitaph for Paul Tsongas?

ST. CLARE'S HOME: SERVING HOMELESS WOMEN AND CHILDREN IN NORTH SAN DIEGO COUNTY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise to pay tribute to Sister Clare Frawley and her St. Clare's Home, located in Escondido, CA, in my congressional district.

During the recent district work period, I had the privilege of visiting St. Clare's Home for myself. What I found was a true refuge where women and children in tremendous need could find real hope. In those tragic instances where people are victims of domestic violence, child abuse, or worse, in North San Diego County they have the loving arms of St. Clare's Home to find hope and rest. Furthermore, the St. Clare's Home staff work to prevent child abuse, domestic violence, substance abuse and sexual abuse in the community through educational and other programs. All together, St. Clare's Home provides emergency shelter, a maternity home complete with prenatal care and child-rearing education, a transitional program, a child care and learning center, substance abuse treatment programs, a counseling center, and much more.

I came away impressed and humbled by the love and care that Sister Clare Frawley and her staff put into the work of St. Clare's Home. They are truly doing the Lord's work in our community.

I ask that the following statement, a history of St. Clare's Home, be entered into the permanent Record of the Congress of the United States, as a thankful tribute to their staff's work in the community I represent.

THE HISTORY OF ST. CLARE'S HOME

In 1983, Sister Claire Frawley founded St. Clare's Home. Before that time there was no shelter facility for homeless women and children in North County. Sister Claire recognized the urgent need when a young pregnant woman with two small children arrived at the door of her Youth Ministry. They had not eaten in two days and were in despair. There was no shelter facility to help them. Armed with a firm resolution and a prayer, Sister Claire took them home with her for the weekend. Shortly thereafter, she rented a house for this little family and another young mother in need. As they came to her door, the poor, the tired, the hungry and the hurt, Sister Claire found more beds and more food . . . and so Saint Clare's Home began.

From the very beginning, St. Clare's Home has been a community leader in the prevention of child abuse and domestic violence. 90% of St. Clare's residents come from domestic violence and sexual abuse with substance abuse addictions as a result of the street life they've endured.

It became the mission of Sister Claire Frawley to provide food, shelter, clothing, medical care, transportation, psychological counseling, continuing education, job skills training, encouragement and unconditional love. Most of St. Clare's young residents have never known unconditional caring or lived in an environment of emotional support. Their emotional response to these acts of kindness is simply overwhelming. Their letters and poems of gratitude, pictures and art decorate Sister Claire's office and the hallways of St. Clare's administrative office. Even St. Clare's Home logo is a loving reminder of a small child who simply drew a picture with the caption, "I love my home." This small picture appears on each piece of letterhead and business card at St. Clare's Home.

Over the years, St. Clare's Home has evolved into a public nonprofit nondenominational agency serving over 3,250 homeless women and children throughout the County. Today, St. Clare's operates eight residential shelter homes supervised by trained Case Managers and the Little Angels Learning Center for children's day care, play therapy and counseling services. The recent addition of a Counseling and Resource Center provided the opportunity to expand educational and program services. This new facility has served to enhance the women's perspective with broader exposure, motivated their desire for personal growth, assisted them in goal setting and achievement, and boosted their self confidence . . . all steps toward their ultimate goals: self worth and independence.

Homeless women and children may stay at St. Clare's Home for 2 years. Although predicting the time it takes to repair a broken spirit is nearly impossible, St. Clare's Home sets precedent for program longevity in San Diego County, providing aftercare services to assure a successful transition to independence. St. Clare's Home is funded by generous corporations like UPS, foundations, individuals and government grants. St. Clare's Thrift Shoppe receives inkind gifts and has the loyal support of longtime volunteers and service clubs.

INTRODUCTION OF THE DISTRICT OF COLUMBIA ECONOMIC RECOVERY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Ms. NORTON. Mr. Speaker, today, I am introducing the District of Columbia Economic

Recovery Act [DCERA] as my first bill of the 105th Congress. It would be irresponsible not to do so. I introduced virtually the same bill on April 15, income tax day, last year. I reintroduce the bill today for two reasons: First, lethal taxpayer flight continues unabated; second, the District has no State safety-net backup to recycle income back from wealthier areas. With only the residents who remain available to keep the city alive, a tax cut incentive to keep taxpayers here has become an imperative. In short, taxpayers are in full flight, and only a dramatic and focussed incentive can keep them here.

The DCERA will reduce Federal income taxes in three ways. First, to effect the tax cut the DCERA raises the traditional standard deduction and personal exemptions: $15,000 instead of $6,550 for single filers; $25,000 instead of $8,450 for single heads of household; and $30,000 instead of $11,800 for married joint filers. Thus, residents who can least afford to pay the city's high taxes and the high cost of living—with incomes below $15,000, $25,000, and $30,000—will pay no Federal income taxes. Second, a uniform rate of 15 percent will be applied progressively up the income scale to reduce present tax liability—from a 79-percent reduction to a 34-percent reduction, depending on income. The lower the income, the greater the tax reduction. The uniform rate rescues residents from bracket creep, the mechanism that taxes away a portion of an individual's income as it increases from one bracket to the next. The uniform rate assures that residents whose income increases because of the tax cut will not have any significant portion immediately taxed away. Third, the mortgage interest and charitable deductions remain. The home mortgage interest deduction is especially vital because homeowners make a sizeable investment in the city and are most likely to remain here. Home ownership in the District of Columbia is the lowest among the 50 States and the District of Columbia.

The bill also seeks to spur business and economic development in the city in two ways. First, the DCERA exempts capital gains so long as they derive from District investments by District residents. Second, investment income will qualify for the low 15-percent rate, so long as these are investments in activity within the District by District residents. Social Security income and income from traditional IRS-qualified pension plans also qualify for the low DCERA rate.

In the absence of a State, a unique tax incentive is fully justified, is profoundly fair, and absolutely essential. The tax cut is justified and fair because District residents pay the full load of Federal taxes while lacking full representation and full home rule, and they have no State to recycle income from wealthier areas. Instead, the city is burdened with just the opposite. The Congress has imposed on District residents the cost of providing services for commuters while protecting them from paying any part of the rising cost of those services. The tax cut is essential because every plan and proposal, including the recent, welcome proposal by President Clinton, will pick up only a small fraction of the costs the District taxpayer bears. As important and gratifying as the President's plan is, its basic assumption is that there will be a large enough tax base here to pay for most of the costs of the city. That assumption defies the latest census data. This city is on track to lose nearly three times as many residents in the 1990's as in the 1980's. Today, the city's population has dropped to where it was in 1933. Yet, the President's proposal will leave 90 percent of District Government costs that are currently funded from locally raised revenues to be picked up by a tax base that is being miniaturized.

The analysts agree on the two basic necessary for the city to recover: An adequate tax base and relief from State functions and pension liability. We are gratified that the President's proposal strides in the direction we must go to fund at least some of the functions no city could bear today. My bill assures that his plan will not be stillborn. Stated painfully, but plainly, the President's plan will fail if taxpayers continue to leave at the present rate.

The DCERA has been carefully crafted as a bipartisan bill consistent with the principles of both parties. It is sizable enough to attract Republicans and to act as a realistic incentive for District residents to remain. It is steeply progressive in the tradition of Democrats in general and the 1963 JFK tax cut in particular. Once the bill is passed, half of District residents will be off the Federal income tax rolls. Tax cuts for working people will progressively depend on income.

To encourage investment in a city desperate for business, the DCERA taxes small District-based business at the 15-percent rate and eliminates capital gains, but only for District residents, thus accomplishing two goals at once. It helps reverse the huge business exodus from a city that is dangerously overdependent on the rapidly downsizing Federal sector, while encouraging business people to reside here—the only way to take advantage of the DCERA. Already impoverished, the District's business sector lost 1,800 businesses between 1990 and 1995.

Equally important, the bill contains protections against gentrification and unnatural increases in the cost of living. For example, the DCERA applies only to bona fide District residents who spend 183 days of each taxable year physically in the city, to wages earned in the District or the metropolitan region, and to investment income earned on District investments only. The bill exempts capital gains taxes only on investments in the District by District residents. Stand-by legislation further guards against unnatural increases in the cost of living. Examples include: a city council bill passed last year, at my request, that freezes property, sales, and income taxes effective when the DCERA is enacted; a measure similar to TRIM in Prince George's County that limits property tax rates and the growth of assessments; a surtax on capital gains if derived from excess profits; and a revolving fund for zero-percent interest loans—or tax credits—for home buyers to cover unusual increases in home prices, with the money to be paid back upon the sale of the home; and the maintenance of rent control. The bill also requires the Secretary of the Treasury to prepare an annual study to determine the effects of the bill, thus allowing each year for the correction of unintended consequences, if any. However, the analysts and experts who have studied the DCERA closely to not predict unusual effects, but rather, they indicate that the market will discount for urban conditions in general and conditions and services in the District of Columbia in particular in the prices of property and other investments.

Our greatest risk at this late hour is that even a tax cut may be too little to check the flight. At the very least, however, the overwhelming support for the bill among residents of every ward, every income group, and every racial and ethnic background is some evidence that the bill will help keep taxpayers here who might otherwise leave. The DCERA will give us time to improve services and to more fully regenerate our tax base. The introduction of the DCERA and the strong support it has won in the Congress has already raised resident morale and contrasts sharply with the long-running dearth of support for other approaches to help the District in the House and Senate.

Time is running out to stop the taxpayer drain. We must hope that we have not already passed the point of no return. Once a city loses a critical mass of taxpayers, it loses the capacity to turn taxpayer losses around. No city has ever reversed a taxpayer hemorrhage. With the city on life support and no state safety net to rescue the District, the greater risk lies in doing nothing.

Only blinders to the last great injustice on American soil could lead any American to question a bill reducing Federal taxes on the residents of the Nation's Capital. Third per capita in Federal income taxes, District residents stand alone in shameful defiance of the American principle of no taxation without representation. The four territories pay no Federal income taxes yet have the same representation in Congress as the District. The four territories have full self-government; the District's limited home rule is self-government only when the Congress says so. The Congress will compound the harsh civic injustice it imposes if it also insists on taxing the District's tax base into extinction. With the DCERA, District citizens ask only to rebuild their own city with their own money. Their country owes them that, and more.

DCERA PROVIDES SIZABLE PROGRESSIVE TAX REDUCTIONS

	IRS deduction	DCERA deduction
Single Filer	$6,550	$15,000
Head of Household Filer	8,450	25,000
Married-Joint Filer	11,800	30,000

Income range	No. of filers	Percent reduction in tax liability [1]
Under $15,000	50,390	100
$15,000–$29,999	87,117	79
$30,000–$49,999	52,060	51.2
$50,000–$74,999	23,568	44.2
$75,000–$99,999	9,822	36.8
$100,000–$199,999	10,259	35.7
$200,000+	4,286	34.2
Total filers	237,502	44.3

[1] Includes a tax rate of 15 percent and charitable and mortgage deductions, which are retained.

FRANK ''MAC'' MC CARTY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. BARCIA. Mr. Speaker, the people of Flushing, MI, have endured a great loss with the recent death of Frank McCarty, a man who for over 30 years served the people of his community in the best way he knew how—as

an advocate for them as a member of the city council.

Even though he had reached 75 years of age, Frank McCarty believed that there was always something more to do, something new to experience. He refused to let the knowledge that he was ill discourage him from further activity. He viewed what time he had remaining not as a time to dwell upon his own situation, but rather as a time to show that no matter what our own difficulty might be, there is always something more that can be done for others, whose situation may be worse than our own.

The people of Flushing knew Frank McCarty as both a public servant and as a businessman. His service station was a key point of activity in town, and provided many jobs for young people looking to enter the work force for the first time.

Last year, a baseball stadium in Eastview Park was named after Frank, and his wife Maxine, in recognition of his years of service. This was a most fitting tribute to a family that has been as important to the community as the community has been to the family. His devotion is what earned him the Citizen of the Year Award in 1989, and the Award for Outstanding Contribution to the Community in 1996.

His wife Maxine, and his daughters Sharon, Ann, Mary Beth, Amy, and Nancy, had the privilege to share in his entire life, so I am sure their loss is even greater. They should know, Mr. Speaker, that the city of Flushing reveres what Frank McCarty has done. The work of this gentleman shows in every neighborhood and in thousands of faces. The many associations who were privileged with his membership, including the Genesee County Small Cities and Villages Association, and Central Communications Consortium, the Main Street Reconstruction Group, the Fire Services Committee, the Flushing Area Senior Citizens Advisory Committee, and the Library/Senior Annex Board.

Occasionally life presents us with an outstanding and dedicated individual. We want that person to be with us forever, but must satisfy ourselves with the memory of the individual, the record of achievement, and the example of devotion. Frank ''Mac'' McCarty was such a man. He will be missed.

LIGHT INFANTRY DIVISIONS: ONE OF OUR BEST NATIONAL SECURITY INVESTMENTS

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. McHUGH. Mr. Speaker, I call your attention to an issue of great importance to the defense posture of the United States which takes on an even greater significance as the Department of Defense undertakes a study of the military of the future.

An August 1996 Congressional Budget Office report, ''Reducing the Deficit: Spending and Revenue Options,'' and specifically section [DEF–17] entitled ''Reduce the Number of Light Infantry Divisions,'' is seriously flawed in both its analysis and conclusions.

I believe it is imperative that the facts be known as to why we cannot afford to eliminate one light infantry division. I am also compelled to set the record straight regarding CBO's assertions about the 10th Mountain Division's role in Somalia. To let CBO's assumptions go unchallenged would be a disservice to our Nation and those men and women in uniform who risk their lives to defend it.

Mr. Speaker, I believe the facts presented in the following January 16 letter to the Director of the CBO will provide a solid basis for future consideration of such important issues. I am especially pleased that in her response, which also follows, the Director has pledged to ''be more explicit about the advantages and merits attributable to light infantry divisions'' in future editions of the report.

Mr. Speaker, I submit the exchange of correspondence for your interest and commend it to our colleagues for their thoughtful review.

U.S. CONGRESS
HOUSE OF REPRESENTATIVES,
Washington, DC, January 16, 1997.

Ms. JUNE E. O'NEILL, *Director,*
Congressional Budget Office,
Washington, DC.

DEAR MS. O'NEILL: I call to your attention the August 1996 CBO report, Reducing the Deficit: Spending and Revenue Options and specifically the section (DEF–17) entitled ''Reduce the Number of Army Light Divisions.'' At the onset, I want to thank you for your response to my August letter in which I asked for the data supporting the conclusion that the number of divisions be reduced.

DEF–17 asserted that the Department of Defense could save over $16 billion in six years by eliminating one light infantry division (LID) and an airborne division by consolidating the airborne and air assault divisions into one division. The remaining light infantry divisions would consist of one light infantry division and one airborne division of two air assault brigades and one airborne brigade.

Having reviewed the matter carefully, I must emphatically disagree with CBO's conclusions. I have found many of the assertions contained in DEF–17 to be faulty and without merit. As a Member of the National Security Committee, I well understand the need to spend every defense dollar wisely. It is in that context that I believe our light infantry divisions are one of our best national security investments. They have enabled us to meet the ever-increasing demands on the United States in this post-Cold War era. That having been said, I feel compelled to provide you with facts as to why we cannot afford to eliminate one light infantry division. I also believe it imperative that I set the record straight regarding the 10th Mountain Division's role in Somalia. To let DEF–17 go unchallenged would be a disservice to our men and women in uniform.

One of the primary lessons of military history is that to accurately predict the timing and location of future conflicts is nearly impossible. It is, therefore, essential to have military forces capable of being tailored for a variety of scenarios. Even in the mid-1980s military planners visualized a need for forces to protect our national interest in other than the European theater, forces that must be prepared to conduct low- to mid-intensity conflicts. Heavy units need lighter forces to operate between and among them on terrain not suitable for heavy vehicles: forests, mountains, urban and other areas. The Army needs traditional general-purpose light infantry utilizing light infantry tactics: forces that could be used in a wide variety of environments and provide the National Military Strategy with its rapid and mobile strategic punch or show of force to deter or compel potential adversaries. Light infantry divisions can be lifted into any region in the world with just 500 sorties of C–141s vs. over 2,300 for the Army's mechanized divisions (first units are loaded in 18 hours).

In the paragraphs which follow, I challenge the CBO assertions with the facts.

CBO Assertion: Recent history indicates that the United States may not need those divisions. Between 1945 and 1991, about 120 incidents—excluding major conflicts such as those in Korea, Vietnam, and Iraq—required commitment of U.S. ground forces. Of those, the Army was involved in about a third and, even then, generally not in large numbers.

Fact: I have found your assertion that light infantry forces were used very little from 1945 to 1991 to be a misleading statement. The infantry units in question were created in the mid-1980s, covering only six years of the CBO study. According to an October 1996 study by Science Applications International Corporation (SAIC), light infantry units have been deployed in battalion or larger force a total of 13 times in the last 15 years. During five of these deployments, a division or larger light infantry force was used (URGENT FURY—Grenada 83; JUST CAUSE—Panama 89; DESERT SHIELD/STORN—SWA 90; RESTORE/CONTINUE HOPE—Somalia 92; RESTORE/UPHOLD DEMOCRACY—Haiti 94)

CBO Assertion: The light infantry divisions have limited firepower and tactical mobility once deployed.

Fact: Light infantry divisions, by their very nature do not have the firepower or mobility existing in the U.S. mechanized divisions because they are, in fact, tailored for other missions. Light infantry divisions must be offensive, capable of using stealth and attacking by infiltration, air assault, ambush and raids. These forces, by virtue of the terrain in which they are required to operate, do not have the capability to carry high caliber weapons. To offset a lack of firepower the LID dismounted company size is near double the size of a mechanized dismounted company force; around 120 in light company and about 68 in a mechanized company. A recent study by SAIC for the 21st Century concludes that, in the future, more conflicts will be fought in densely populated, urban environments. Heavy forces are not as well designed to combat infantry in urban environments where it takes time and manpower to clear buildings and blocks. These capabilities together with its strategic projection capability offer excellent balance to the full spectrum Army.

CBO Assertion: The Defense Department made a strong statement about the utility of the LIDs in combat when it failed to use any light infantry forces during Operation Desert Storm.

Fact: Your report states that the Department of Defense failed to use any light infantry forces during Operation Desert Storm (ODS). This is totally an inaccurate statement. Both the 82nd Airborne and the 101st Airborne (AASLT) were deployed in ODS. Although the 82nd Airborne Division did not parachute into the area of operations, it was the first U.S. ground force rapidly projected to Saudi Arabia to show U.S. military commitment and resolve to the region. The highest demonstration of U.S. resolve to defend Saudi Arabia from Saddam Hussein was to put soldiers on the ground as quickly as possible. The 82nd Airborne was on the ground within 24 hours. This action drew the line in the sand and allowed time for the heavier units to arrive in the Area of Responsibility (AOR). The 101st was utilized not only in Desert Storm by air assaulting 153 miles into the enemy rear and securing key tactical objectives along the Euphrates River, but also early in Desert Shield as a covering force in defense of Saudi Arabia. It should also be

noted that the light infantry divisions remained in the continental U.S. to provide the U.S. with a strategic reserve to react to any threats seeking to capitalize on the U.S. deployment.

CBO Assertion: The 10th Mountain Division's firepower and protection proved to be inadequate against even the unsophisticated and poorly equipped troops in Somalia.

Fact: The 10th Mountain Division deployed to Somalia in 1992 with the mission of providing protection to the relief workers as they distributed food to the hungry. During the entire time the 10th Mountain Division was deployed to Somalia it accomplished its mission of protection and food distribution without any soldiers losing their lives. Mission creep (an evolving escalating requirement) redefined the U.S. role in Somalia and the forces were not re-tailored. As a result of this mission creep, Special Operating Forces (SOF) were deployed to key objectives to disrupt enemy command and control nodes. During one of the operations, the SOF operating in a different AOR required immediate support and regrettably none was available. After this operation it became apparent that the mobility and protection that armor forces have were necessary in the region if the U.S. was to pursue its redefined mission.

CBO Assertion: There have been no division size parachute assaults involving an entire division since World War II. Additionally, paratroop-qualified units exist in the special forces branch of the Army, and it is not obvious that the Army needs an entire division designed to be dropped by parachute.

FACT: While CBO correctly stated that there has been no division level airborne insertions since 1944, the capability for an airborne division insertion still exists. Special Operating Forces, in this case the Rangers, are required to have the capability for initial forced entry. The only reinforcement we have to expand lodgment is to assault airland; to insert vertically; of if tactically feasible to air assault. Assault airlanding places vulnerable Air Force Strategic lift assets on the ground and can be accomplished only if the insertion unit can secure an airfield and if the airfield is not damaged. In fact, many plans require airborne engineer units to build an airstrip to establish an aerial port of debarkation. Airborne insertion is by far the fastest way to mass combat power for initial entry. The standard airborne force package requires a brigade task force. In order to maintain a brigade on two hour notice and capable of deploying in 18 hours to any AOR, the division must rotate the duty among two other brigades. The necessitates three airborne brigade task forces.

The balance of the current Army force structure is based upon the commitment of the U.S. around the world and the requirement to execute the National Military Strategy. The Army has four divisions which are strategically fixed; two in Germany for our NATO commitments, one in Korea for deterrence by treaty arrangement, and one in the Pacific to support USCINCPAC requirements. The Army must also be prepared to commit two corps of at least three divisions to Major Regional Conflicts (MRCs) in the East and West. Accepting that, at least one division will be forward deployed in the region and the Army must deploy five additional divisions for a total of ten divisions. The light infantry divisions offer the capability of rapid strategic mobility and a balance to the Army's total force. They are designed to be utilized in low- to mid-intensity conflicts with limited support; to integrate with armor forces in high-intensity conflicts, and to fight where armor cannot.

I believe the above analysis clearly indicates that DEF–17 is faulty in its assertions. Surely this is not characteristic of the type of thoughtful work we have come to expect from the Congressional Budget Office. In the future, I hope that your military analysts will be more careful in their study of such important issues.

Sincerely yours.

JOHN M. MCHUGH,
Member of Congress.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 29, 1997.

Hon. JOHN M. MCHUGH,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: Thank you for your letter of January 16, 1997 outlining your objections to CBO's option concerning the Army's light divisions in our August 1996 edition of Reducing the Deficit. We appreciate your taking the time to inform us of your concerns. In future editions of Reducing the Deficit, we plan to be more explicit about the advantages and merits attributable to light infantry divisions, and also to clarify some statements that may have been misinterpreted.

I would ask you to please keep in mind, however, the fact that each of the entries included in Reducing the Deficit: Spending and Revenue Options is just that, an option to be considered as a means to reduce the deficit. CBO does not endorse any of those options and draws no conclusions regarding their merit.

Sincerely,

JUNE E. O'NEILL, *Director.*

THE IMPACT OF THE IRISH POTATO FAMINE ON AMERICAN HISTORY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today I introduced legislation along with Representative MENENDEZ to encourage America's schools to teach our young students about a tragic period in history that nearly destroyed the people and country of Ireland and forever changed the face of America.

The mass starvation in Ireland from 1845 to 1850 initiated by the dramatic failure of the Irish potato crop is most commonly referred to as the Irish potato famine. Although Europe's poorest country in the middle 19th century, Ireland's 8 million inhabitants were curiously well nourished. The Irish people relied on the potato for the bulk of their diet since it was inexpensive and high in nutrients. However, in 1845, the Irish potato crop was ruined across the entire countryside by phytophthora infestans, an airborne pestilence. At the time, no one knew what caused the potato blight and so little could be done to save the crops. Across the whole of Ireland, potatoes simply rotted on the ground.

The failure of the potato crop led to the inability of most Irish families to pay the rent on their cottages which, after Britain's annexation of the island in the late 18th century, were often owned by British landholders. The vicious cycle of poverty was held intact by both the continuation of the potato blight and the active exportation of the Irish grain crop by the British Crown. Those who traveled across the island during the famine noted the horrifying situation in which they encountered the Irish people. Men, women and children literally starved to death on the roadside and families huddled together in the cold waiting to die. In fact, while visiting Ireland in 1845, the African-American abolitionist Frederick Douglas wrote that the people of Ireland ''are in the same degradation as the American slaves.''

A number of British groups threw aside the prevailing prejudices against the Irish to provide relief from what had become a starvation of epidemic proportions in the colony. The Quakers, or the Society of Friends, even set up a vast array of soup kitchens throughout the countryside. However, it was not enough to stop the hunger and loss of farming wages. By the end of the epidemic in 1850, more than one million Irish had perished from the hunger, cold and disease brought about by the potato blight. It seemed the only way to elude the horrors of the famine was to leave Ireland—and so many did just that.

Although the voyage was treacherous and relatively expensive, more than one million Irish emigrated to the United States during the famine. Initially, they settled in the cities of the northeastern seaboard such as Boston and New York. Later they pushed westward to Chicago, the Great Plains and the uncharted western territories. With them they brought their Celtic culture and determination. Aside from impacting the basic makeup of the American people, Irish-Americans have made significant contributions in American business, law, music, athletics, literature, religion and politics. In fact, U.S. Presidents John F. Kennedy and Ronald Reagan, considered by many to be the greatest Presidential orators of their respective political parties this century, are both from Irish-American families.

Perhaps, though, the legacy of the Irish famine's immigration wave to America is most evident in our everyday lives. Today, more than 1.5 million of New Jersey's 8 million inhabitants claim some Irish descent, as do millions of other Americans. The resolution put forth today by myself and Representative MENENDEZ recognizes the contributions made by Irish-Americans to our greater American heritage. Irish-Americans have left an indelible mark on our American culture and history, and for that reason our children should learn more about the tragic famine which brought so many of them to our shores in search of freedom from hunger, freedom from want and freedom from colonial rule.

THANKING KENNETH SAMUEL MCCALL

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. WYNN. Mr. Speaker, I ask my colleagues from the great State of Maryland, and of this House, to join me in saluting a constituent of the fourth Congressional District of Maryland and a great American. Mr. Kenneth Samuel McCall has made outstanding contributions to the Edison Electric Institute during his 41 years of dedicated service. I congratulate him on the occasion of his retirement, and offer my best wishes to him and his family as he enters a new chapter in his life.

INTRODUCTION OF LEGISLATION TO SUSPEND DUTIES ON CERTAIN IMPORTED RAW MATERIALS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. McDERMOTT. Mr. Speaker, today I am introducing legislation which supports important regional and national interests.

My home, the Seventh Congressional District of Washington, is also the home of K2 Corp., the last remaining major U.S. manufacturer of skis and one of three major makers of snowboards in the United States. K2 conducts all significant manufacturing operations for skis and snowboards at its Vashon Island, Washington facility. In fact, all K2 snowboards and virtually all K2 and Olin-brand skis sold throughout the world are individually crafted by technicians on Vashon Island. Moreover, K2 sources almost all of the components for its skis and snowboards in the United States stimulating the U.S. economy through its purchases of raw materials from U.S. suppliers, especially in the Pacific Northwest region of the country. However, for two key ski and snowboard components, i.e., spring steel edges and polyethylene base materials, K2 has been unable to find a supplier of these products in the United States that can meet its needs. Therefore, K2 has been forced to import these products, which are subject to U.S. customs duties upon importation. This legislation provides for a temporary suspension of customs duty on the two raw materials which are vital to the U.S. production of skis and snowboards and which are unavailable from domestic producers.

K2 is working hard to remain viable in the highly competitive international market for skis and snowboards. In fact, K2 has endured as a U.S. ski manufacturer in the face of fierce price competition, while several other major ski companies no longer manufacture skis in the United States. This temporary duty suspension legislation would support jobs in the region, as well as K2's ability to continue developing innovative, fine quality products. Equally important, a temporary duty suspension would help K2 preserve and increase its competitiveness in the global marketplace.

K2 is the only major exporter of skis made in the United States. In addition, K2 is one of three principal exporters of U.S. made snowboards. Thus, K2's exports of U.S. manufactured skis and snowboards represent a substantial percentage of U.S. skis and snowboards sold worldwide. If K2 is unable to remain competitive in global and domestic markets, skis manufactured in the United States may disappear from the global marketplace. The temporary duty suspension proposed by this legislation would help prevent the shutdown of the only remaining U.S. producer of skis.

INTRODUCTION OF LEGISLATION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mrs. MINK of Hawaii. Mr. Speaker, today, I am introducing legislation to provide Social Security disability beneficiaries with severe spinal cord injuries the same protections as are afforded the blind.

Spinal cord injury can result in paralyzing injuries that severely affect their lives, and their ability to provide for themselves and to work.

My legislation seeks to help those who have somehow overcome their debilitating injury and are able to earn some money, but who still need to retain basic support as is provided under Social Security Law.

Under the current law governing the Social Security Disability Program, applicants are eligible for benefits if they are determined to have the ability to earn no more than the substantial gainful activity [SGA] amount, which is $500 a month.

The SGA is used in determining whether beneficiaries can continue to receive assistance. If they earn income over $500 a month, they will lose these benefits.

The Senior Citizens' Right to Work Act of 1995 increased the SGA amount for blind individuals to countable earnings of $1,000 per month, which took effect on January 1, 1997. This provision allows disabled individuals who are blind to qualify for Social Security disability, even if they can earn up to $1,000 per month. It would also allow blind individuals to continue receiving benefits if they return to work and earn a monthly amount not in excess of $1,000.

My legislation seeks to allow persons with severe spinal cord injury to have the same SGA as beneficiaries who are blind. These severely disabled beneficiaries should not be discouraged from working to help offset their needs which are at least equivalent to the blind, or even greater.

Social Security disability benefits should not be withdrawn from severely disabled spinal cord injured persons because they have the initiative and courage to earn up to $12,000 a year. If they can help themselves notwithstanding their disabilities, they should be encouraged to do so. I urge my colleagues' support for this legislation.

THE FOUR CHAPLAINS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. GILMAN. Mr. Speaker, I wish to recognize the legacy of the four chaplains who gave their lives for others in the icy waters of the North Atlantic over 50 years ago. On the night of February 2, 1943 aboard the U.S.A.T. *Dorchester*, four chaplains—George L. Fox and Clark V. Poling, Protestant ministers; Alexander D. Goode, a Jewish rabbi; and John P. Washington, a Catholic priest—gave their life vests to four other men after their ship was torpedoed off the coast of Greenland.

The *Dorchester*, carrying 902 servicemen, merchant seamen and civilian workers, was one of three ships in the SG–19 convoy moving across the icy waters from Newfoundland toward an Army base in Greenland. The ship's captain, Hans J. Danielsen, recognized the danger of the trip, as the stretch of water in the North Atlantic was constantly patroled by German U–boats and one of the ships in the convoy, the Coast Guard Cutter *Tampa*, had detected a submarine with its sonar earlier in the day. At 12:55 a.m. on the morning of February 3, a German U–boat spotted the *Dorchester* only 15 miles away from its final destination and fired a deadly barrage of torpedoes. The hit was decisive, striking the starboard side, far below the water line.

Aboard the *Dorchester*, chaos set in. The direct hit had killed several men instantly, while others were seriously wounded. Throughout all of the pandemonium, according to those present, the four Army chaplains brought hope in despair and light in darkness. When the chaplains opened a storage locker and began distributing life jackets, they realized that there would not be enough for all the men aboard the ship. When there were no more life jackets in the storage room, the chaplains removed theirs and gave them to four frightened young men.

As the ship went down, survivors in the nearby rafts could see the four chaplains—arms linked and braced against the slanting deck. According to eyewitnesses, the chaplains were heard offering prayers for the soldiers who had died in the wreckage. Of the 902 men aboard the ship, 672 died, leaving 230 survivors. When the news reached American shores, the nation was stunned by the magnitude of the tragedy and heroic conduct of the four chaplains. As Francis B. Thorton notes in his book, Sea of Glory: The Magnificent Story of the Four Chaplains, ''Catholic, Jew and Protestant; each proved that night that courage knows no distinction of creed, bravery no division of caste.''

The four Army chaplains were posthumously awarded the Distinguished Service Cross and Purple Heart at a ceremony at Fort Myer, VA in 1944. Since these events, a chapel in Philadelphia honoring their heroic act of selflessness was dedicated by President Truman in February of 1951 and the chaplains were posthumously awarded a Special Medal for Heroism in January of 1961 by President Kennedy. Additionally, a memorial fountain at the National Memorial Park outside of Washington, DC was constructed in 1955 to attest to their extraordinary act of courage.

On February 2nd, the members of the Rockland County American Legion and the Orange County American Legion held their annual service to honor these heroic four chaplains.

The services had been organized in Rockland County by Joseph Vitulli, commander of the Rockland County American Legion, and Peter Medina, who serves as the chaplain and chairman. These services were conducted at St. Joseph's Church in Spring Valley, NY.

In Orange County, they were organized by former American Legion County Commander Roy Cowen, who read the saga of the Four Chaplains at the services conducted at St. Patrick's Church in Highland Falls.

The chaplains remain an enduring example of extraordinary faith, courage and selflessness.

On the night of February 2, 1943, Rev. Fox, Rabbi Goode, Rev. Poling, and Father Washington passed life's ultimate test. Mr. Speaker, I invite my colleagues to join in the commemoration of their heroic act of courage which we remember this month.

ANOTHER STEP TO RESTORE POWER TO STATES

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. THOMAS. Mr. Speaker, we need to take another step to restore power to States. The Department of Labor is saying California has to pay unemployment benefits to certain criminals being released from prison. That should be a matter States decide for themselves in choosing methods for reforming prisoners.

The Department wants States like California to pay unemployment benefits to some prisoners because Federal law requires employers to pay Federal employment [FUTA] taxes on work performed by their employees. This includes prison inmates who work for private companies through innovative work programs established in several States, including California. Several hundred prisoners in California are employed in jobs provided under agreements between the State and private businesses. However, FUTA taxes do not have to be paid for work by prisoners employed in prison operations such as the laundry or cabinet shop.

Since FUTA taxes are paid on behalf of some prisoners, the U.S. Department of Labor has ruled that these prisoners must be paid unemployment benefits upon their release from their job—essentially, when they are released from prison. Failure to comply is serious: California employers, for example would lose tax credits worth $1.7 billion for FUTA taxes they pay on other workers if the California program is disqualified.

Why does Labor take this position? The Federal Unemployment Insurance Program only permits denial of employment benefits in three cases: If the worker's income exceeds certain limits; the claim is fraudulent; or the employee was fired for misconduct. Since prisoners lose their jobs when paroled or released from prison, they do not fit the exceptions.

Californian voters established the joint venture program in 1990, creating a private work program for prison inmates. Criminals' wages are used to compensate victims, offset incarceration costs, and set aside funds—20 percent—for the inmate's support upon his or her release from prison. Last year, 1996, California voters overwhelmingly passed an initiative, proposition 194, that denies unemployment benefits to criminals participating in the joint venture program.

The Department of Labor decision would force Californians either to pay out unemployment benefits to released prisoners or to eliminate a program that has been successful in helping criminals change their lives. Allowing employees to lose $1.7 billion in credits for taxes they pay on the services of ordinary working people is not an option, needless to say.

Legislation I am introducing today would change the law to treat all prison inmates who participate in work programs the same: their services would be exempt from the FUTA tax. This would effectively deny unemployment benefits to released prisoners and prohibit the Department of Labor from placing such a ridiculous requirement on the States. The bill's enactment would give States an additional tool to use in trying to reform criminal behavior and I hope my colleagues will agree to its adoption in the near future.

TRIBUTE TO LOUIS J. AMABILI, DIRECTOR OF THE DELAWARE STATE FIRE SCHOOL

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CASTLE. Mr. Speaker, I rise to commend and pay tribute to the fine work of an outstanding, dedicated, and caring Delawarean, Louis J. Amabili, director of the Delaware State Fire School. For myself, and on behalf of the citizens of the First State, I would like to thank him for his many years of tireless and dedicated service.

On this occasion in Delaware, firefighters will gather and recognize his more than 50 years of outstanding leadership and guidance to his community, State, and Nation. This type of dedication to public service is rare among individuals. During his tenure, many dedicated and caring men and women have been trained to help prevent or battle fires and perform emergency medical service for our citizens. Because of the stewardship and teamwork of Louis Amabili, Delaware fire and emergency medical services have become a vital and integral part of our community.

Louis J. Amabili has been a loyal and devoted guardian to the hundreds of fire services personnel throughout Delaware. He is the founding Director of the Delaware State Fire School, a facility that originated from his design and now bears the honor of his name. The school is currently viewed as one of the leading fire training facilities in the Nation. Under Louis Amabili's direction the Sussex County and New Castle County training centers were established to provide live fire training within 30 minutes of every fire company in Delaware. He has served as president of the New Castle Volunteer Fireman's Association, he is a member of the Hockessin Fire Co., and the International Association of Fire Service Instructors. President Richard Nixon appointed him to the Fire Prevention and Control Commission, where he coauthored the commission's report ''America Burning''. And, for his numerous achievements in fire services, Governor Pete DuPont recognized him with an ''Order of the First State''.

In addition to his many accomplishments, Louis Amabili is one of the most respected leaders in fire services today. He has served on the board of directors of the National Fire Protection Association, and chaired the Fire Officers Professional Qualifications Standards Committee. During his tenure as a member of the International Fire Services Training Association he received their highest recognition for his role in fire service training. He has chaired the Joint Council of National Fire Service Organization and helped to establish the National Fire Professional Qualification System. He serves as a member of the board of directors of the Congressional Fire Services Institute, which I have the privilege and honor of serving as cochairman, and he received the Institute's highest honor, the Congressional Fire Service Person of the Year Award.

Mr. Speaker, I salute Louis J. Amabili for an outstanding record of public and community service, a record that has touched so many lives throughout the State of Delaware and our Nation. He is truly an inspiration for all of us. His tireless commitment and dedication to the cause of volunteer firefighters will find a permanent place in the Delaware volunteer fire service history.

The example Louis J. Amabili has set in the fire service is one which we hope all future fire and emergency medical services personnel will emulate. His dedication to fire and emergency medical services is admirable and his tradition of service is truly commendable. I want to thank him for his 50 years of exemplary service.

WATER LEGISLATION

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CRAPO. Mr. Speaker, I rise today to introduce legislation to help remedy a problem that is particularly burdensome to the water delivery companies in the West. Like many seasonal businesses, complying with the Fair Labor Standards Act has become a huge burden to both water delivery companies and their employees.

Irrigation has never, nor will it ever be, a 40-hour-a-week job. During peak agricultural months, water must be managed and delivered continually. Later in the year, the work load is light, consisting mainly of maintenance duties. Time off and winter compensation have been the methods of compensating for overtime during these peak agricultural months. Instead of being allowed to offer their employees winter compensation or time off, water delivery companies must now lay off water delivery personnel after the peak agricultural months.

Under current law, contained at 29 U.S.C. sec. 213(b)(12), an exemption from the maximum hour requirement exists for employees hired to work in conjunction with water delivery companies that deliver water exclusively for agricultural use. This exemption was designed specifically to address the unique problems faced by water delivery companies when complying with the Fair Labor Standards Act.

Under the current interpretation of the law, water delivery organizations must deliver their water exclusively for agricultural purposes to qualify. For many water delivery organizations who deliver a small portion of their water for nonagricultural purposes, this interpretation has been disastrous. They are unable to benefit from the exemption even though it was designed with water delivery companies in mind.

I am introducing legislation that would expressly set the requirement of water to be ultimately delivered for agriculture purposes at 75 percent. This adjustment more accurately reflects the realities of agricultural water delivery. It would also benefit agricultural employees by making it possible for employers to provide them with year-round compensation rather than seasonal wages.

TRIBUTE TO THE ARROWHEAD CHRISTIAN ACADEMY EAGLES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. LEWIS of California. Mr. Speaker, I rise today to honor the accomplishments of the Arrowhead Christian Academy [ACA] 1996 varsity football team of Redlands, CA. On December 14, 1996, the ACA Eagles won the 1996 CIF—Southern Section—Division XII Championship, its first CIF championship ever. The Eagles' outstanding season was further highlighted by earning the 1996 Cal-Hi Sports Division V State Championship as well.

Averaging 45 points a game, this incredibly talented team went undefeated this season, 14–0. The Eagles' unstoppable offense scored a total of 638 points over the course of the season, thus becoming the fourth highest scoring football team in CIF Southern Section history. The outstanding Eagle defense held its opponents to just 116 points. Also, this remarkable season for the Eagle defense included six shut-out games.

Special recognition is in order for Head Coach Dan Finfrock, Assistant Coaches Drew Rickert, Dave Wiseman, Dave Marshall, Jon Burgess, Nate Finfrock, and Trainer Ben Mulder for their leadership and service.

Many of the Eagles were honored with All Southern-Section CIF Division 12 awards including, Coach of the Year: Dan Finfrock, Offensive Player of the Year: Trevor Wilson (Wingback), and Defensive Player of the Year: Brandon Camacho (Nose Guard). Other All CIF selections included: Steve Wharry (Linebacker), Dan Jeffers (Offensive Tackle), and Ben Burgess (Offensive Tackle).

First Team All Christian League selections were: Trevor Wilson (Most Valuable Player), Brandon Camacho (Nose Guard), Steve Wharry (Linebacker), Ben Burgess (Offensive Tackle), Mark Johnson (Defensive End), Dan Jeffers (Offensive Tackle), and Pete Coberly (Linebacker).

Second Team All Christian League selections were: Allan Kavalich (Center), Ben Ballard (Quarterback), Jonathon Reed (Fullback), and Robbie Ramos (Cornerback).

Other members of the 1996 Eagle championship team include: Charlee Brown, Jelani Andrews, Dan Schaper, Joe Ramos, Danny Lee, Steve Hale, Ben Gradias, DJ Gallagher, Andy Alexander, Jason ''Bubba'' Robertson, Carl Overholt, Bo Ashton, Nick Selle, and Robbie Whittenburg.

Mr. Speaker, I ask that you join me, our colleagues, the team's families and many friends in honoring the 1996 Arrowhead Christian Academy football team. It truly has been an unforgettable season for the Eagles and it is only fitting that the House recognize them today.

MADRID PROTOCOL IMPLEMENTATION ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. COBLE. Today, I am introducing the Madrid Protocol Implementation Act. This implementing legislation for the protocol related to the Madrid Agreement on the International Registration of Marks was introduced in both the last Congress and in the 103d Congress. While the administration has still not forwarded the treaty to the Senate for ratification, the introduction of this legislation is important to send a signal to the international community and to U.S. businesses and trademark owners that the U.S. Congress is serious about our Nation becoming part of a low-cost, efficient system for the international registration of trademarks.

The international system for the registration of trademarks established and operating under the Madrid Protocol, which is administered by the World Intellectual Property Organization, would assist our businesses in protecting their proprietary names and brand-name goods while saving cost, time and effort. This is especially important to our small businesses who may only be able to afford world-wide protection for their trademarks through a low-cost international registration system.

The Madrid Protocol went into effect in April, 1996 and currently binds 12 countries. Without the participation of the United States, the Protocol may never achieve its purpose of providing a one-stop, low-cost shop for trademark applicants who can, by filing one application in their country and in their language, receive protection by each member country of the Protocol.

There is no opposition to this legislation, nor to the substantive portions of the treaty. The State Department is attempting to work out differences between the administration and the European Union regarding the voting rights of intergovernmental members of the Protocol in the Assembly established by the Protocol. Under the Protocol, the European Union receives a separate vote in addition to the votes of its member states. While it may be argued that the existence of a supra-national European trademark issued by the European Trademark Office justifies this vote, the State Department finds the provisions of the Protocol allowing intergovernmental organizations to have a vote in addition to the votes of its constituent member States to be in opposition to the fundamental democratic concept of one vote for each State. They also fear that this voting structure may constitute a precedent for deviation from the one state-one vote principle in future international agreements in other areas. Those differences need to be settled before the Secretary of State will recommend to the President that a ratification package be presented to the Senate. The State Department is working closely with the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, which I chair, to formulate a proposal to the European Union, and subsequently to the members of the Protocol, to amend the Madrid Protocol Assembly voting procedures in a way which would provide for input by the European Union without circumventing the one member-one vote principle.

It is important to move this legislation forward at this time, however, to encourage negotiation, and to assure that the U.S. stands ready to benefit from the Madrid Protocol as soon as it is ratified.

Tuesday, February 4, 1997

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate and House met in Joint Session and received the President's State of the Union Message.

Senate

Chamber Action

Routine Proceedings, pages S921–S980

Measures Introduced: Eight bills and six resolutions were introduced, as follows: S. 255–262, S.J. Res. 14, and S. Res. 45–49. **Page S945**

Measures Reported: Reports were made as follows:

Reported on Monday, February 3, during the adjournment:

S. Res. 42, authorizing expenditures by the Committee on Rules and Administration.

S.J. Res. 1, proposing an amendment to the Constitution of the United States to require a balanced budget. (S. Rept. No. 105–3)

S. Res. 43, authorizing expenditures by the Committee on the Judiciary.

S. Res. 44, authorizing expenditures by the Committee on the Budget.

S.J. Res. 5, waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative. **Page S945**

Reported today:

S. Res. 45, authorizing expenditures by the Committee on Veterans' Affairs.

S. Res. 46, authorizing expenditures by the Committee on Indian Affairs. **Page S945**

Measures Passed:

Breast Cancer Screening: By a unanimous vote of 98 yeas (Vote No. 5), Senate agreed to S. Res. 47, expressing the sense of the Senate concerning the need for accurate guidelines for breast cancer screening for women between the ages of 40 and 49.

Pages S928–34, S936–37

Temporary and Intermittent Service: Senate agreed to S. Res. 48, providing for service on a temporary and intermittent basis by the Director of the Office of Senate Fair Employment Practices.

Page S979

Death of Representative Tejeda: Senate agreed to S. Res. 49, expressing the condolences of the Senate on the death of Representative Frank Tejeda.

Pages S979–80

Balanced Budget Constitutional Amendment—Agreement: A unanimous-consent agreement was reached providing for the consideration of S.J. Res. 1, proposing an amendment to the Constitution of the United States to require a balanced budget, on Wednesday, February 5, 1997. **Page S922**

Appointments:

Board of Regents/Smithsonian: The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, appointed Senators Cochran and Frist as members of the Board of Regents of the Smithsonian Institution. **Page S922**

Board of Trustees/JFK Center: The Chair, on behalf of the President of the Senate, pursuant to Public Law 85–874, as amended, appointed Senators Lott and Stevens to the Board of Trustees of the John F. Kennedy Center for the Performing Arts.

Page S922

Stennis Center for Public Service Training and Development: The Chair, on behalf of the Majority Leader, pursuant to Public Law 100–458, appointed William E. Cresswell, of Mississippi, to a term on the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, effective October 11, 1996. **Page S922**

Messages From the President: Senate received the following messages from the President of the United States: Transmitting a report on an agreement between the United States and Lithuania; which was referred jointly, pursuant to Public Law 94–265, 16 U.S.C. 1823(b), to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations. (PM–7). **Page S938**

Transmitting a report on an agreement between the United States and Estonia; which was referred jointly, pursuant to Public Law 94–265, 16 U.S.C. 1823(b), to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations. (PM–8). **Page S939**

Nominations received: Senate received the following nomination:

Jeffrey A. Frankel, of California, to be a Member of the Council of Economic Advisers, vice Martin Neil Baily, resigned. **Page S980**

Messages From the President: **Pages S938–43**

Messages From the House: **Page S943**

Communications: **Pages S943–45**

Statements on Introduced Bills: **Pages S945–67**

Additional Cosponsors: **Pages S967–68**

Notices of Hearings: **Page S971**

Authority for Committees: **Page S971**

Additional Statements: **Pages S971–79**

Record Votes: One record vote was taken today. (Total–5) **Pages S936–37**

Adjournment: Senate convened at 11 a.m., and as a further mark of respect to the memory of the late Representative Frank Tejeda, of Texas, in accordance with S. Res. 49, adjourned at 10:28 p.m., until 11 a.m., on Wednesday, February 5, 1997. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S980.)

Committee Meetings

(Committees not listed did not meet)

DOD SEXUAL HARASSMENT POLICIES

Committee on Armed Services: Committee concluded hearings to examine the Army sexual harassment incidents at Aberdeen Proving Ground and sexual harassment policies within the Department of Defense, after receiving testimony from Togo D. West, Jr., Secretary, Gen. Dennis J. Reimer, Chief of Staff, Lt. Gen. Jared L. Bates, Inspector General, and Brig. Gen. Daniel L. Doherty, Commanding General, Criminal Investigation Command, each of the Department of the Army, Edwin Dorn, Under Secretary (Personnel and Readiness), John H. Dalton, Secretary of the Navy, and Sheila E. Widnall, Secretary of the Air Force, all of the Department of Defense.

ORGANIZATIONAL MEETING

Committee on the Budget: On Thursday, January 30, committee approved for reporting an original resolution (S. Res. 44) requesting $3,105,190 for operating expenses for the period from March 1, 1997 through February 28, 1998, and $3,188,897 for operating expenses for the period from March 1, 1998 through February 28, 1999.

Also, committee adopted its rules of procedure for the 105th Congress.

AIRPORT AND AIRWAY TRUST FUND TAXES

Committee on Finance: Committee held hearings to examine the current operation of the Airport and Airway Trust Fund, focusing on excise taxes and proposals to modify the domestic passenger ticket tax or substitute an alternative funding system, receiving testimony from Senator McCain; Donald C. Lubick, Assistant Secretary of the Treasury for Tax Policy; Louise Frankel Stoll, Assistant Secretary for Budget and Programs and Chief Financial Officer, Department of Transportation; John H. Anderson, Jr., Director, Transportation Issues, Resources, Community, and Economic Development Division, General Accounting Office; Stephen A. Alterman, Air Freight Association, and Edward M. Bolen, General Aviation Manufacturers Association, both of Washington, D.C.; Geoffrey T. Crowley, Wisconsin Airlines Corporation, Appleton; Herbert D. Kelleher, Southwest Airlines Company, Dallas, Texas; and Michael E. Levine, Northwest Airlines, Incorporated, Eagan, Minnesota.

Hearings were recessed subject to call.

FLEXIBLE WORKPLACE OPTIONS

Committee on Labor and Human Resources: Subcommittee on Employment and Training held hearings to examine proposals to reform the Fair Labor Standards Act, focusing on recent changes in the American workforce and the need for flexible work schedules, and on S. 4, to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, receiving testimony from Senator Hutchison; Sandra J. Boyd, Flexible Employment Compensation and Scheduling Coalition, Mark Wilson, The Heritage Foundation, William J. Kilberg, Fair Labor Standards Act Reform Coalition, Karen Nussbaum, AFL–CIO, and Edith Rasell, Economic Policy Institute, all of Washington, D.C.; Michael R. Losey, Society for Human Resource Management, Alexandria, Virginia; and Sallie Larsen and Christine Korzendorfer, both of TRW Systems Integration Group, Fairfax, Virginia.

Hearings continue on Thursday, February 13.

COMMITTEE BUDGET REQUESTS

Committee on Rules and Administration: Committee held hearings to receive testimony from Senators, as indicated, in support of resolutions requesting funds for operating expenses of their respective committees for periods from March 1, 1997 through February 28, 1998, and from March 1, 1998 through February 28, 1999, as follows:

Special Committee on Aging: (S. Res. 41), Senators Grassley and Breaux;

Committee on the Budget: (S. Res. 44), Senators Domenici and Lautenberg;

Committee on Commerce, Science, and Transportation: (S. Res. 29), Senators McCain and Hollings;

Committee on Indian Affairs: (S. Res. 46), Senators Campbell and Inouye;

Committee on Banking, Housing, and Urban Affairs: (S. Res. 28), Senators D'Amato and Sarbanes; and

Committee on Labor and Human Resources: (S. Res. 35), Senators Jeffords and Kennedy.

Hearings continue tomorrow.

ORGANIZATIONAL MEETING

Committee on Veterans' Affairs: On Monday, February 3, committee approved for reporting an original resolution (S. Res. 45) requesting $2,776,450 for operating expenses for the period from March 1, 1997 through February 28, 1998, and $1,153,263 for operating expenses for the period from March 1, 1998 through February 28, 1999.

House of Representatives

Chamber Action

Bills Introduced: 85 public bills, H.R. 497–543, 545–582; 3 private bills, H.R. 544, 583–584; and 9 resolutions, H.J. Res. 36–41, H. Con. Res. 12–13, and H. Res. 35 were introduced. **Pages H282–85**

Reports Filed: No reports were filed today.

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Gutknecht to act as Speaker pro tempore for today. **Page H247**

Recess: The House recessed at 12:49 p.m. and reconvened at 2 p.m. **Page H249**

Messages from the Senate: Read letters from the Clerk wherein she transmitted messages received from the Senate on January 22 and January 23. **Pages H249–50**

National Commission on Restructuring the Internal Revenue Service: The Speaker announced the reappointment of Representative Portman to the National Commission on Restructuring the Internal Revenue Service. Subsequently, read a letter from the Democratic Leader wherein he appointed Representative Coyne to the commission. **Page H250**

Permanent Select Committee on Intelligence: The Speaker announced the appointment of Representative Goss as Chairman of the Permanent Select Committee on Intelligence. **Page H250**

Oath of Office: Pursuant to H. Res. 11, read a letter from the Honorable S. Hugh Dillin wherein he reported that he administered the oath of office to Representative Carson on January 9 at Indianapolis, Indiana. **Page H250**

Oath of Office: Pursuant to H. Res. 10, read a letter from the Honorable Orlando L. Garcia wherein he reported that he administered the oath of office to Representative Tejeda on January 8 at San Antonio, Texas. **Page H250**

Condolence Resolution: The House agreed to H. Res. 35, expressing the condolences of the House on the death of Representative Frank Tejeda. **Pages H252–59**

Funeral Committee: The Chair announced the Speaker's appointment on Monday, February 3 of the following members to attend the funeral of the late Honorable Frank Tejeda: Representatives Gonzalez, Armey, Gephardt, DeLay, Bonior, Fazio of California, Kennelly, Archer, Frost, Stenholm, Hall of Texas, Ortiz, Barton of Texas, Combest, Smith of Texas, Edwards, Sam Johnson of Texas, Bonilla, Green, Eddie Bernice Johnson of Texas, Bentsen, Doggett, Jackson-Lee of Texas, Thornberry, Paul, Brady, Granger, Hinojosa, Lampson, Reyes, Sandlin, Sessions, Turner, Martinez, Kleczka, Becerra, Bishop, Diaz-Balart, McHale, Menendez, Velázquez, Jackson of Illinois, Resident Commissioner Romero-Barceló of Puerto Rico, and Delegate Underwood of Guam. **Page H259**

Relating to the Late Honorable Frank Tejeda: It was made in order that the Speaker entertain a motion on Wednesday, February 5 to suspend the rules and pass a bill or resolution relating to the late Honorable Frank Tejeda of Texas. **Page H259**

Presidential Messages: Read the following messages from the President:

Fisheries off the Coasts of the United States: Message wherein he transmits his agreement between the United States and the Republic of Estonia—referred to the Committee on Resources and ordered printed (H. Doc. 105–39); and **Page H259**

Fisheries off the Coasts of the United States: Message wherein he transmits his agreement between the United States and the Republic of Lithuania—referred to the Committee on Resources and ordered printed (H. Doc. 105–40). **Page H259**

Recess: The House recessed at 4:23 p.m. and reconvened at 8:40 p.m. **Page H273**

State of the Union Address: President Clinton delivered his State of the Union address before a joint session of Congress. He was escorted into the House Chamber by a committee composed of Senators Lott, Nickles, Mack, Coverdell, Craig, McConnell, Hutchinson, Daschle, Ford, Mikulski, Breaux, Kerry of Massachusetts, Reid, Rockefeller, Dorgan, Torricelli, and Representatives Armey, DeLay, Boehner, Cox of California, Dickey, Hutchinson, Gephardt, Bonior, Fazio of California, Kennelly, Berry, and Snyder. The President's message was referred to the Committee of the Whole House on the State of the Union and ordered printed as a House Document (H. Doc. 105–1). **Pages H273–78**

Quorum Calls—Votes: No quorum calls or votes developed during the proceedings of the House today.

Adjournment: Met at 12:30 p.m. and, pursuant to the provisions of H. Res. 35, adjourned at 10:30 p.m. as a further mark of respect to the memory of the Honorable Frank Tejeda.

Committee Meetings

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative held a hearing on the U.S. House of Representatives. Testimony was heard from the following officials of the House of Representatives: Jeff Trandahl, Acting Chief Administrative Officer; Robin H. Carle, Clerk; Wilson S. Livingood, Sergeant at Arms; John W. Lainhart IV, Inspector General; John R. Miller, Acting Law Revision Counsel; David E. Meade, Legislative Counsel; and John F. Eisold, M.D., Attending Physician.

COMMITTEE ORGANIZATION

Committee on the Budget: Met for organizational purposes.

The Committee also approved an oversight plan for the 105th Congress.

DISABILITIES EDUCATION ACT AMENDMENTS

Committee on Education and the Workforce: Subcommittee on Early Childhood, Youth and Families held a hearing on H.R. 5, to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that act. Testimony was heard from the following officials of the Department of Education: Judy Heumann, Assistant Secretary, Office of Special Education and Rehabilitative Services; and Thomas Bloom, Inspector General; and public witnesses.

Hearings continue February 6.

TERM LIMITS—MEMBERS OF CONGRESS

Committee on the Judiciary: Ordered reported, without recommendation, H.J. Res. 2, proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives.

COMMITTEE ORGANIZATION

Committee on Ways and Means: Subcommittee on Health met for organizational purposes.

COMMITTEE ORGANIZATION

Committee on Ways and Means: Subcommittee on Oversight met for organizational purposes.

COMMITTEE ORGANIZATION

Committee on Ways and Means: Subcommittee on Trade met for organizational purposes.

NEW PUBLIC LAWS

H.J. Res. 25, making technical corrections to the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208). Signed February 3, 1997. (P.L. 105–1)

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 5, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine the recommendation of the National Institutes of Health consensus development conference on breast screening for women ages 40–49, 9:15 a.m., SD–192.

Committee on Armed Services, to hold hearings on the nomination of Federico Peña, of Colorado, to be Secretary of Energy, 2 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs, to hold hearings on the nomination of Janet L. Yellen, of

California, to be a Member of the Council of Economic Advisers, 10:30 a.m., SD–538.

Committee on the Budget, to hold hearings to examine education reform and economic growth, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation, business meeting, to consider pending calendar business, 10 a.m., SR–253.

Committee on Energy and Natural Resources, to hold hearings on S. 104, to amend the Nuclear Waste Policy Act of 1982, 9:30 a.m., SD–366.

Committee on Environment and Public Works, Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to hold hearings on ozone particulate matter standards proposed by the Environmental Protection Agency, 9:30 a.m., SD–406.

Committee on Finance, business meeting, to mark up an original bill extending the Airport and Airway Trust Fund taxes through September 30, 1997 and to correct transfer authority, 9:30 a.m., SD–215.

Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, to hold hearings on conserving judicial resources, focusing on the consideration of appropriate allocation of judgeships in the United States Court of Appeals for the Fourth Circuit, 2 p.m., SD–226.

Committee on Rules and Administration, to continue hearings on proposed committee resolutions requesting funds for operating expenses for 1997 and 1998, 9:30 a.m., SR–301.

Select Committee on Intelligence, to hold hearings on intelligence matters, 10 a.m., SH–216.

House

Committee on Appropriations, to hold an organizational meeting, 11:30 a.m., 2360 Rayburn.

Committee on Banking and Financial Services, to hold an organizational meeting, 10 a.m., 2128 Rayburn.

Committee on the Budget, hearing on ''Why the Balanced Budget Amendment is Good for Americans,'' 10 a.m., 210 Cannon.

Committee on Commerce, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on ''Cellular Privacy: Is Anyone Listening? You Betcha!'' 9:30 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Workforce Protections, hearing on H.R. 1, Working Families Flexibility Act of 1997, 9:45 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, to hold an organizational meeting, 11 a.m., 2154 Rayburn.

Committee on International Relations, to hold an organizational meeting, 3 p.m., 2172 Rayburn.

Committee on the Judiciary, to markup H.J. Res. 1, proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation, 9:30 a.m., 2141 Rayburn.

Committee on National Security, to hold an organizational meeting, 10 a.m., 2118 Rayburn.

Committee on Resources, to hold an organizational meeting, 11 a.m., 1324 Longworth.

Committee on Transportation and Infrastructure, to consider the following: to hold an organizational meeting; to approve an Oversight Plan for the 105th Congress; and H.R. 4, Truth in Budgeting Act, 4 p.m., 2167 Rayburn.

Subcommittee on Aviation, hearing on Airlines' Proposals to Establish User Fees for FAA Services, 10:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, to hold an organizational meeting, 4 p.m., 334 Cannon.

Committee on Ways and Means, to hold an organizational meeting, 11:30 a.m., and to hold a hearing on the solvency of the Airport and Airway Trust Fund, 2 p.m. 1100 Longworth.

Subcommittee on Human Resources, to hold an organizational meeting, 9:30 a.m., B–318 Rayburn.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED FIFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 3 through January 31, 1997

	Senate	*House*	*Total*
Days in session	8	4	..
Time in session	41 hrs., 19′	11 hrs., 52′	..
Congressional Record:			
Pages of proceedings	917	245	..
Extensions of Remarks	..	112	..
Public bills enacted into law	0	0	..
Private bills enacted into law	0	0	..
Bills in conference	0	0	..
Measures passed, total	26	23	..
Senate bills	0	0	..
House bills	0	0	..
Senate joint resolutions	0	0	..
House joint resolutions	1	1	..
Senate concurrent resolutions	4	3	..
House concurrent resolutions	1	1	..
Simple resolutions	20	18	..
Measures reported, total	*18	*0	..
Senate bills	0	0	..
House bills	0	0	..
Senate joint resolutions	1	0	..
House joint resolutions	0	0	..
Senate concurrent resolutions	0	0	..
House concurrent resolutions	0	0	..
Simple resolutions	17	0	..
Special reports	2	1	..
Conference reports	0	0	..
Measures pending on calendar	8	0	..
Measures introduced, total	313	576	..
Bills	254	496	..
Joint resolutions	13	35	..
Concurrent resolutions	4	11	..
Simple resolutions	42	34	..
Quorum calls	1	1	..
Yea-and-nay votes	4	6	..
Recorded votes	..	1	..
Bills vetoed	0	0	..
Vetoes overridden	0	0	..

* These figures include all measures reported, even if there was no accompanying report. A total of 2 reports has been filed in the Senate, 1 report has been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 7 through January 31, 1997

Civilian nominations, totaling 123, disposed of as follows:	
Confirmed	5
Unconfirmed	118
Civilian nominations (FS, PHS, CG, NOAA), totaling 1,149, disposed of as follows:	
Confirmed	373
Unconfirmed	776
Air Force nominations, totaling 770, disposed of as follows:	
Confirmed	37
Unconfirmed	733
Army nominations, totaling 1,445, disposed of as follows:	
Confirmed	72
Unconfirmed	1,373
Navy nominations, totaling 491, disposed of as follows:	
Confirmed	474
Unconfirmed	17
Marine Corps nominations, totaling 17, disposed of as follows:	
Confirmed	8
Unconfirmed	9

Summary

Total nominations received this session	3,995
Total confirmed	969
Total unconfirmed	3,026

Next Meeting of the SENATE

11 a.m., Wednesday, February 5

Senate Chamber

Program for Wednesday: After the recognition of four Senators for speeches and the transaction of any routine morning business (not to extend beyond 3 p.m.), Senate will begin consideration of S.J. Res. 1, Balanced Budget Constitutional Amendment.

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Wednesday, February 5

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