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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. EHLERS].

DESIGNATION OF SPEAKER PRO TEMPORE

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

HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 1997.

I hereby designate the Honorable VERNON J. EHLERS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

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 Jersey [Mr. PALLONE] for 5 minutes.

CHILDREN'S HEALTH INSURANCE

Mr. PALLONE. Mr. Speaker, last Thursday the Washington Times reported that at long last House Republicans have finally developed an agenda for the 105th Congress. The news was also accompanied by a report that in the first 2 months of the 105th Congress the House was in session for a grand total of 58 hours, compared with 296 hours in the first 2 months of the last Congress.

Mr. Speaker, one would think that with all this spare time and with daily pressure from congressional Demo-

crats, the Republicans would have included as a goal in their agenda the implementation of a plan to provide health insurance for the Nation's 10 million uninsured children. As far as the Republican agenda goes, however, health care for children is apparently not meant to be. There is no mention of any kind of children's health insurance plan in the Republican's vision of the future.

Since last spring, Democrats have been working to push the issue of children's only health care to the top of Congress' agenda, and our Families First agenda included a children's only plan. Day after day in this Congress Democrats have taken to the floor to protest the Republicans' failure to basically address anything more substantive than the propriety of hanging the Ten Commandments on the walls of Government buildings and courthouses. This is what we dealt with last week.

Mr. Speaker, Democrats are intent on passing a children's only health bill. Two weeks ago our Minority Leader GEPHARDT and our Senate Minority Leader DASCHLE sent a letter to Republican leaders GINGRICH and LOTT asking them to allow this issue to move forward. Last week we sent another letter, signed by over 175 members of the Democratic Caucus, asking the Speaker to provide a date certain for the consideration of a children's only health bill, and to date the Democrats have literally heard nothing from the Republicans on this issue.

I have to say, though, we have heard plenty from elsewhere around the country. We learned the week before last from New York City's public advocate that despite the existence of a State plan to insure children in New York, the rate of uninsured children in New York City grew by 6 percent in the last 5 years. We also learned that this happened at a time when many of New York's parents were working for companies that had over 1,000 employees.

The public advocate's report, Mr. Speaker, underscored the need for a Federal children's only health plan for parents who make too much money to qualify for Medicaid but not enough to afford health insurance for their children.

Again I would say that, not having time to wait for this Congress to do something, many States around the country have taken matters into their own hands. Massachusetts, for instance, has implemented a children's only plan, similar to various proposals developed by congressional Democrats, that assists parents who would otherwise be unable to afford health insurance for their children. The Massachusetts plan is an important example to cite, in that it illustrates the value of not only providing health care for a sick child but of providing preventative care that obviates the need for more expensive care further down the line.

I want to stress how important preventative care is. It is wise not only for budgetary reasons but, simply put, it is the humane thing to do. More than half of the uninsured children with asthma, just as an example, never see a doctor during the year. Many of these children end up hospitalized with problems that could have been prevented and could have cost less to treat. Similarly, one-third of uninsured children with recurring ear infections never see the doctor. Many suffer permanent hearing loss.

Democrats believe these problems should be prevented because they can be prevented. Our concern, again, Mr. Speaker, is rooted firmly in the notion that the right thing to do is to make sure every child in this country has access to medical care.

I have to point out that in their agenda released last week the GOP claims it wants to strengthen America's families by fighting child abuse

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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and neglect. I find it ironic that this goal can be included in their agenda and yet they propose to do absolutely nothing about health insurance for children.

Mr. Speaker, I believe the GOP needs to go back to the drawing board. It is incredible that a health plan for children did not make it into their agenda, and I hope, and we will continue to press, that they will change their minds and bring up legislation that addresses the issue of kids' health insurance.

WHY BALANCE THE BUDGET?

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

Mr. STEARNS. Mr. Speaker, I rise today to address the most imperative issue facing this Nation, and, that is, the Federal budget.

The last time our Nation, the greatest Nation on Earth, balanced its books, Nixon was President, the first moon landing occurred, and the Mod Squad was a top TV show. It was 1969. And in the 28 years that followed, the Federal Government has spent almost \$6 trillion more money than it has taken in. Put simply, this irresponsibility, this addiction to deficit spending, poses the greatest national threat to our future, to the financial security of our Nation, and to the economic well-being of our families. A balanced budget is not simply a desirable ideal. It is absolutely necessary.

And not simply because of our precarious situation as a Nation, but because putting a stop to deficit spending is good for all Americans. It means a lower cost of living, lower interest rates and a financially stable Government.

A study by McGraw Hill projects that a balanced budget would yield a 2-percent drop in interest rates. This means yearly savings of \$1,230 on a \$50,000 home loan, \$200 on an auto loan, and \$216 on a student loan. Perhaps even more important is the moral responsibility to stop robbing future generations of their opportunities and a chance to achieve prosperity. A child born today owes nearly \$200,000 in taxes over his or her lifetime just to pay the interest on the national debt. Is such a crushing legacy something we want to leave to our children and our grandchildren?

It is important to note that balancing the Federal budget does not require drastic spending cuts or massive tax increases as many would have the American public believe. Instead it requires exercising common sense and leadership. I know that I have to stay within a budget in running my congressional office and caring for my family. This is nothing new. Most of us have to stay within our means. Why can the Federal Government not do the same thing? The truth is it can. Look at

what we did in the 104th Congress. Over a 2-year span we reduced Federal spending by \$53 billion from the level proposed by the President, not by slashing prudent and necessary Government programs but by eliminating 300 wasteful and duplicative programs, projects, and grants.

I cannot stress the following statement enough: Our national debt does not result from the American people being taxed too little, it is a product of Government that overspends.

Since 1981, there have been 19 separate tax increases, the largest being President Clinton's tax hike in 1993. Yet the debt continues to rise. Today Americans pay more in taxes than ever before in history. In fact the average American family pays 40 percent of its income in taxes. That is more than it spends on housing, food, and clothing combined. Taking more money from the taxpayers has not proven the ability for us to reduce our debt. It has, however, proven to increase the size of the Federal bureaucracy. We in Congress and in the White House have an obligation to serve the public interest, a responsibility to work toward a balanced budget while taking less money from hardworking Americans.

There is a right way and a wrong way to prepare our Nation for the next century. Following the right way, we should reach a balanced budget by the year 2002 and we should keep the budget balanced without tax hikes or gimmicks. We should provide permanent tax relief for families, and we should offer an honest means of extending the life of vital and important programs, like Medicare and Social Security. Earlier this year President Clinton submitted his budget proposal. Despite his claims and promises, his budget fell well short of these criteria.

First of all, the President's budget will not reach balance in 2002, or in any year before or after. Applying the methods used by Congress in making budget projections, Mr. Clinton's budget will be \$69 billion in the red in 2002. In fact, he would have us run deficits in the \$120-billion range until after he left office. Under his plan, an amazing 98 percent of the proposed spending reduction would occur in the years 2001 and 2002, when he has retired to Little Rock.

Shakespeare said it best over 400 years ago, "Though it be honest, it is never good to bring bad news." True, President Clinton's budget deserves little praise, but this is not a case of partisan carping. Every President since President Nixon, Republican and Democrat, have at least put forth a proposal on paper that would achieve a balanced budget. Yet here we are today with a debt of almost \$6 trillion.

Nevertheless, there is something that we can do to bring about economic sanity. Congress can pass the balanced budget amendment to the Constitution.

The fact that for over 20 years the temporary residents of the White House have offered plans to balance the budget underscores the need for this amendment. We must re-

move the concept from policy papers and the rhetoric of politicians and bureaucrats and instead place it in the Constitution of the United States. Rather than talking about eliminating deficit spending, let's do it. An amendment is the only way to ensure that Washington permanently changes its ways, to make the Government accountable for every one of your tax dollars, and to prevent the next generation from being saddled with the cost of our profligacy.

This is not a partisan issue. We must not be separated by party affiliation. We must come together and share a vision for our Nation's future.

Knowing that facts do not sustain their cause, supporters of the status quo will fall back on their most potent weapon—fear. President Clinton has already brandished this weapon through his partisan charge that the amendment is a threat to Social Security. But remember what the late Paul Tsongas had to say, "I'm embarrassed as a Democrat to watch a Democratic President raise the scare tactics of Social Security to defeat the balanced budget amendment."

Although I support taking Social Security off budget, the immutable truth is, the greatest threat to Social Security is the national debt itself. Of the 5.5 trillion dollars of debt, almost \$600 billion is owed to the Social Security trust funds. If we do not balance the budget, that debt will double. Do you really think that if the Government goes bankrupt it can pay that \$1.2 trillion debt back to the trust funds without hyperinflation or a depression? The future solvency of Social Security depends solely on putting our fiscal house in order—it depends on approving the balanced budget amendment.

This is not a time to stand helplessly to the side. This is one of those moments that will define our country's destiny. First and foremost, Congress and the President should come together to affect real and meaningful fiscal change and to bolster our efforts, we should feel obligated to send to the States the balanced budget amendment. Our future is at risk, and that means everything is at risk.

In conclusion, Mr. Speaker, I earnestly urge Members to consider and vote for a balanced budget amendment to the Constitution.

EQUALITY FOR PUERTO RICANS

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, Wednesday, February 26 was a historic day. It was a historic day for the 3.8 million United States citizens of Puerto Rico and for our Nation as a whole.

On Wednesday, February 26, a group of more than 75 Members of Congress of both parties introduced H.R. 856, the United States-Puerto Rico Political Status Act. It marked what I hope will be the beginning of the end of Puerto Rico's long journey toward enfranchisement and full self-government.

It was almost 100 years ago, in 1898, that Spain ceded Puerto Rico to the

United States as a result of the Spanish-American War.

In 1917 Puerto Ricans became U.S. citizens, a citizenship that we have cherished and valued ever since and defended with our blood. In 1952 the island became a so-called Commonwealth of the United States, a change that did not affect the island's status as an unincorporated territory of the United States subject to the jurisdiction of Congress.

But if the Chinese proverb that a journey of a thousand miles must begin with a single step is true, then the actions to finally decolonize and end the disenfranchisement of the United States citizens of Puerto Rico is merely the first step.

H.R. 856 is undoubtedly the most important step that we have taken in this journey to resolve the issue of political and economic inequality that has infused the people of Puerto Rico for the last 100 years.

I have devoted most of my adult life to this struggle and to leading my people in this long and treacherous journey. As former mayor of San Juan, Puerto Rico's capital city, as former Governor and now a Member of Congress, I have heard my people's voices and have shared their dreams and aspirations. These voices, questions, and aspirations resonate loudly in the island, although to most Americans living in the continental United States they may seem as distant echoes reflecting the deep unease and disenchantment with our current relationship.

College students in Puerto Rico ask me if our present status will deny them equal treatment in Federal education programs that they desperately need to succeed in today's competitive world. Young couples ask me why they have to move to the States in order to search for opportunities that are not available in Puerto Rico. Puerto Rican veterans who have served the United States gallantly in all of the Nation's wars and conflicts in this century ask me why they cannot vote for the President that as Commander in Chief may also send their sons and daughters to fight and die in times of war. The elderly ask me why their health benefits and other support programs are less than if they resided in New York, Illinois, California, Florida, or any other State of the Union. I have heard the voice of a grandmother wondering why her son who died in Vietnam gave his life for a country that denies her and her grandchildren the right to participate on equal terms. The answer to this question is clear. We are unequals because we are not partners.

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We are unequals because we are submerged in a colonial relationship in which our economic, social, and political affairs are controlled to a large degree by a government in which we have no voting influence and in which we do not participate. We are unequals be-

cause we cannot vote for the President of the Nation of which we are citizens of and because we do not have a proportional and voting representation in the Congress that determines our rules of conduct and our future.

Mr. Speaker, this great Nation of ours, the example and inspiration of democracies throughout the world, the inspiration to the Chinese that revolted in Tiananmen, the inspiration of the revolt, the Hasidic Revolt in Poland, the inspiration of the unification of Germany, the inspiration of many other countries throughout the world, the inspiration of the peaceful revolt in Russia, cannot continue to uphold the policy that denies political participation and disenfranchises 3.8 million of its own citizens. We cannot continue to hide our heads in the sand like ostriches and pretend that nothing is happening. We are talking about the lives, the well-being, and the voting rights of 3.8 million U.S. citizens. We are not talking about illegal immigrants or legal residents. We are talking about U.S. citizens.

I am encouraged by the fact that we have been able to gather so much bipartisan support for this legislation in so little time. A similar version of this bill will be introduced in the Senate within the next weeks, and the support there seems to be as strong and as bipartisan as it is here in the House.

We are more than halfway through the 1990's, a decade that the United Nations General Assembly declared to be the international decade for the eradication of colonialism. Next year Puerto Rico will commemorate its 100th year as a United States colony. Should we celebrate or should we mourn? Will we see a silver lining in the sky by 1998 or will we see more of the same?

Our Nation cannot seek to promote and at times enforce democracy elsewhere in the world while it relegates 3.8 million of its own citizens to indefinite second class status, disenfranchised, discriminated against, and unable to exercise the most basic right in a democracy, the right to vote and participate in its government.

Mr. Speaker, to ignore the situation of Puerto Rico is to betray the spirit of our democratic values and traditions.

THE MILITARY VOTING RIGHTS ACT OF 1997

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the voting rights of America's servicemen and servicewomen are being challenged. You know, in 1952, President Harry Truman said,

Many of those in uniform are serving overseas or in parts of the country distant from their homes. If they are unable to return to their States, they are unable either to register or to vote. Yet these men and women

who are serving their country and, in many cases risking their lives, deserve, above all others, the right to vote in an election year. At a time when these young people are defending our country and its free institutions, the least we can do at home is make sure they are able to enjoy the rights that they are being asked to fight to preserve.

Having been in the military, I can personally vouch for the importance of continuing the right of military personnel to vote in Federal, State, and local elections wherever they may be assigned in the world. During my 29 years in the Air Force, I often found myself thousands of miles away from my hometown of Plano, TX, but regardless of whether I was in Asia, Europe, or another far-off place, I was still a citizen of the United States and the State of Texas, and I shared the same interests and concerns as my fellow Texans.

Through my years in the military I saw countless acts of sacrifice by members of our Armed Forces to protect and ensure the rights of others less fortunate than us. I cannot imagine coming to a time in our history when someone would take action to deny the right of our servicemen and servicewomen to vote.

Unfortunately, that point was reached last November in Val Verde County in southern Texas when the votes of 800 military personnel were questioned in a general election. The margin in the sheriff's election was 257 votes, and for county commissioner it was 113. The Texas Rural Legal Aid has alleged that 800 military absentee ballots were improperly counted, and subsequently U.S. District Judge Fred Biery violated, in my view, the opinion and the will of the people and issued a preliminary injunction to prevent the sheriff and county commissioner from taking office. Texas Rural Legal Aid is a taxpayer funded group that is supposed to provide legal services for the poor. They receive about 80 percent of their funding from the Legal Services Corporation, an organization that is fully funded by U.S. taxpayers.

While the Legal Services Corporation's purpose is supposed to provide legal services to the poor, it is frequently embroiled in controversial cases which it works to advance liberal social policies. In fact, in this particular case the Legal Service Corporation efforts have been to the detriment of the poor, who are in need of legal help, but because they are so consumed with the Val Verde case, there is no one to offer legal services for those truly in need.

This raises a question: Does the taxpayer funded legal services agency have a political agenda? The lengths to which they are willing to go to make the case was illustrated in a 23-page questionnaire that was sent to all 800 military personnel whose ballots were rejected. They were instructed to return their notarized answers within 3 days.

The questionnaire is intrusive and totally out of line. It asked for personal information such as "What is the

address where your spouse sleeps at night?" and to top it all off, taxpayer money was used again to produce and mail this intrusive questionnaire.

The response on Capitol Hill has been overwhelming. On January 6, Senators GRAMM and HUTCHINSON and Representative BONILLA wrote to Attorney General Janet Reno and asked her to intervene on behalf of the military voters. The Department of Justice answered that they cannot act on this until a judgment is rendered. The Senators also received the Legal Service's chairman to investigate the lawsuit and cut off all Federal funds.

On February 5, Senators GRAMM and HUTCHINSON introduced the Military Voting Rights Act of 1997. This bill will guarantee the right of all active military personnel, Merchant Marine, and dependents to vote in Federal, State, and local elections. This same bill has been introduced in the House by HENRY BONILLA and myself. We are fighting the battle here in Washington, and others are on the frontlines in Texas. A united front will stop this kind of reckless activism from encroaching on the rights of all Americans.

I think this ridiculous lawsuit is a blatant challenge to the military's right to vote and sets a dangerous precedent for the denial of basic rights, the power of judges to interfere with valid election results. It used to be standard practice to impeach judges who nullify elections. Maybe it ought to be again.

VOTE AGAINST HOUSE JOINT RESOLUTION 58 TO DECERTIFY MEXICO

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

Mr. REYES. Mr. Speaker, I rise this morning to urge my colleagues to support the President's decision to certify Mexico and vote against House Joint Resolution 58 to decertify Mexico.

Mr. Speaker, this is an issue that I know something about. Before being elected to Congress, I spent more than 26 years as a member of the U.S. Border Patrol enforcing this Nation's interdiction laws. I have personally observed Mexico's commitment to stem the tide of drug trafficking and have witnessed its strong cross-border drug interdiction efforts. I have been on the front lines in the so-called war on drugs, and I am here today to tell my colleagues that this resolution to decertify Mexico may be only symbolic to us, but it has with it some serious implications and consequences to those of us that live along the border, and I do not mean just people that live exclusively in Mexico.

We have developed a spirit of cooperation with Mexico in many areas: trade, environment, immigration, as well as drug interdiction. Our economies are interdependent along the bor-

der. In fact, more than 280 million people passed back and forth between Mexico and the United States during fiscal year 1996.

A vote to decertify Mexico would greatly jeopardize the spirit of cooperation we have developed with Mexico. In addition, the threat of decertification causes the peso to plunge, as we saw late last month, which not only has an adverse effect on the Mexican economy, but can also increase the pressures on our border communities and has the potential to increase illegal immigration.

Drug trafficking is not just a Mexican problem or issue. We on the northern side of the border must do more to stem the demand for illicit drugs. The good news is that the number of people using drugs last month declined. The bad news is an estimated 12.8 million Americans, or about 6 percent of the household population aged 12 and older, have used illicit drugs within the past 30 days.

Illegal drugs are readily available almost anywhere in the United States. We have not done enough to deter drug use among our Nation's children and in our Nation's neighborhoods. Illegal drug trafficking is not just a Mexican problem, it is our problem, and we must do more to reduce drug use and not just point fingers at our neighbor to the south.

Mexico has taken a number of steps in the last year to strengthen its efforts to fight the spread of illegal drugs, and they have done so by aggressively fighting corruption, they have done so by overhauling Federal agencies and recruiting qualified personnel. They have done so by strengthening counter-drug cooperation with the United States, and they have done so by improving their extradition policy. All of these things produce positive results in Mexico's fight on drugs.

The Republic of Mexico has been certified since 1986, and, moreover, the historical relationship between Mexico and the United States has been one of increasing cooperation and furtherance of mutual interests. Over the past 10 years our southern neighbor has cooperated with our efforts to stem drug trafficking while at the same time dealing with severe economic, political, and serious trade developments.

Mr. Speaker, if we want to address the basic problems surrounding the certification process, then let us do that. If we are serious about our efforts to combat drug abuse, then we need to do better on our side of the border. But this resolution does not resolve anything. It does not do anything to take drug dealers off the street, it does not do anything to help law enforcement agencies on our border, and it does not do anything to promote good will and understanding with our neighbors in Mexico. It only strains our relationship with our neighbor, and it is very counterproductive.

When all is said and done, Mr. Speaker, more is said than actually done. I

urge all of my colleagues to refrain from political posturing in the name of fighting drug trafficking and to oppose this resolution.

OPPOSE HASTY ACTION ON REVISING THE CONSUMER PRICE INDEX

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

Mr. SAXTON. Mr. Speaker, I rise this morning to express my strong opposition to hasty action on the issue of revising the Consumer Price Index to adjust Federal income tax and benefit programs. Congress should closely examine the technical issues involving the Consumer Price Index until it has all the information needed to make policy changes in this area. A trillion dollars in tax increases and benefit restraints in programs like Social Security would affect too many millions of people to make decisions on the basis of incomplete information.

After all, it took a panel of five professional economists 2 years to sort out these issues in producing a report, which is known as the Boskin report, which came out last December. Members of Congress need to carefully consider the main issues in this report and judge for themselves whether its recommendations for congressional action are warranted or not.

The Consumer Price Index is produced by the Bureau of Labor Statistics, the same agency that generates employment and unemployment figures. The CPI is a fairly old statistic, and a committee headed by George Stigler reported to the JEC in 1961 its finding on issues related to this index involving product substitution, product quality changes, updating market baskets, treatment of new products, and a number of other issues. More recently, the Boskin Commission report reviewed many of these same issues, and this report has sparked considerable controversy.

I think it is fair to say that although there is consensus that the CPI may be overstating inflation, the extent of the overstatement is very debatable and questionable. It is also worthwhile to note that Congress, rightly or wrongly, choose to index a variety of Federal benefits and tax provisions after the Stigler committee issued its report in 1961. There would seem to be ample reason for Congress to examine these issues carefully before making hasty policy decisions.

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Now, as I have pointed out, the policy decisions made regarding the CPI would affect millions of Americans. According to a recent Joint Economic Committee analysis, about 40 percent of the direct effects of legislative reductions to the CPI would comprise tax

increases. That is, taxes would go up if the CPI is adjusted downward, and that would of course be primarily on middle class taxpayers, with tax increases averaging over \$400 per year by the year 2008, and the remainder of the adjustments would fall on entitlement beneficiaries like Social Security recipients who would get lower annual cost-of-living adjustments. Congress should consider whether this mix of policy for deficit reduction achieves the desired results in the best way.

To date, the debate has been framed by the Boskin Commission report, but additional information and analysis is needed for balanced decisionmaking on this complicated issue. For this reason I have requested an indepth Bureau of Labor Statistics study of the technical issues raised by the Boskin Commission.

It is my hope that the BLS will complete its investigation and report this summer. In fairness to the many millions of Americans that could be affected by these policy changes, I would hope that Congress would receive and digest the forthcoming BLS study before hasty actions are taken. Though the BLS is certainly not above criticism and perhaps should have acted more strongly in this area heretofore, more than one perspective is needed, and the BLS can provide that perspective for sound policymaking with respect to the CPI.

Mr. Speaker, the American people have seen enough tax increases, and they are entitled to know that Social Security cost-of-living adjustments will be safe. They do not need these programs tampered with through the back-door adjustment of the CPI.

OUR CHILDREN MUST BE OUR PRIORITY

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

Mr. MCGOVERN. Mr. Speaker, this Thursday, House Democrats will introduce one of the major planks of the families first agenda: the Children's Health Care Act.

Mr. Speaker, one child in seven living in the United States is without health insurance. That is about 10 million uninsured kids. This statistic is not really startling, it is simply unacceptable. It is unacceptable for a nation as wealthy and as powerful as ours to be denying our kids the health coverage that they need and that they deserve.

Mr. Speaker, I did not have to look very far to see firsthand evidence of this national crisis. Just 2 years ago in my home State of Massachusetts, 23 percent of children under the age of 18, or some 160,000 kids, were without even basic health insurance. And it does not take a pediatrician to understand what this meant for Massachusetts. Unin-

sured children are at risk of contracting preventable illnesses, illnesses that cost far more to treat than they do to prevent. Millions of kids without insurance means millions of kids without a secure future and millions of dreams deferred.

Families with uninsured kids do not want their children to be vulnerable, but they live from month to month and paycheck to paycheck with little money in the family budget to spare. These families are hard-working families, forced by their economic position to choose between paying for things like food and rent, hot water and electricity, and paying for things like prescriptions or doctor visits for their kids.

So what happens when a child's health needs are deferred? Well, their families pay dearly. For example, one-third of uninsured children with recurring ear infections never see a doctor. Many suffer hearing loss that is permanent and, what is worse, was preventable.

But the health care crisis goes beyond health and money; it affects our children's very capacity to learn and to grow. When I was a little kid, I remember having trouble learning in school. I was getting terrible headaches all the time and I had a lot of trouble concentrating. I remember vividly the day that my parents took me to the doctor to get my eyesight checked. As it turned out, I was getting headaches because I could not see the blackboard, and there was a simple solution: I needed eyeglasses.

Now, I would be lying if I said I was really excited about the prospect of getting eyeglasses as a kid. But as I was able to read what the teacher wrote on the board and as my headaches began to disappear and as my concentration began to improve, I was so inspired that I told my parents I wanted to grow up to be an eye doctor. To be frank, my mother still thinks that I should have become an eye doctor rather than the career path that I chose. But I learned a valuable lesson from that firsthand experience, and that is keeping our kids healthy is the best way to secure their future.

Now, my own State of Massachusetts has seen some very positive changes concerning health care in the past few years. Massachusetts worked hard to craft a bill called An Act to Improve Health Care Access. Now the law of the Commonwealth, this landmark piece of legislation is on the verge of giving basic coverage to some 125,000 kids in Massachusetts. That is 80 percent of the uninsured children in the State of Massachusetts.

So how was something like this financed? Well, Massachusetts has found the funds to undertake this bold plan in two areas. First, administrators found savings by streamlining and fine-tuning the way these programs are managed. Second, Massachusetts implemented a 25-cent-per-pack cigarette tax, a move that made my home State

eligible for more Federal funding. Massachusetts is watching that revenue do what every State in the Nation should do, and that is cover children's health care.

Mr. Speaker, we must understand that it is in the best interests of our country to recognize and provide for children in need. As Members of Congress, we would not send troops into battle knowing that one-seventh of their equipment was faulty. As Government officials, we would not agree to build bridges if 1 in 7 fell to the ground. And as parents, we would never send our children to schools in which 1 student in 7 did not see a teacher.

Massachusetts should serve as an inspiration for the rest of our Nation. Mr. Speaker, it is a national scandal that 40 million Americans are without health insurance in this country, but it is absolutely unconscionable that nearly 10 million kids find themselves without proper health care. Every Member of this body earns an enormous salary and enjoys a first-rate health care plan. Why should our children deserve any less?

Now, I have no illusions about our present political environment. I understand that this Republican Congress is nowhere near heeding the call for universal health care coverage. But while we cannot cover everyone yet, we must do what we can today. So let us make sure that our kids are covered. As Members of Congress, we have a responsibility to prepare our children to be leaders tomorrow by insuring that they receive a healthy start today. Our children deserve no less.

OUR CHILDREN NEED OUR HELP

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

Mr. LEWIS of Georgia. Mr. Speaker, I am dismayed that in our great country, there are children who do not have health insurance. There are 10 million children. That is not right. That is not fair. That does not make sense.

Our country is too rich, too powerful, too strong to have children without health insurance. We cannot call ourselves truly great when we do not provide for our most vulnerable and most precious, our children.

This is a problem that we can fix and we must fix. As a nation we made a commitment to educate our children. We do this because it is good for them and it is good for all of us. Now we must make another commitment. It is time to keep all of our children healthy. Each and every child, rich and poor, black and white, in the big cities to the suburbs of rural America. Each and every child should be able to see a doctor, to get medicine when they are sick, to have medical care when they need help. A sick child cannot go to school, cannot learn. A sick child cannot build for the future. A healthy child can study, work, and dream.

Mr. Speaker, there is no one right way to solve this problem, but we must solve it. We must focus our collective energy, the House, the Senate, and the White House, to solve this problem for the sake of all of our children. Let us come together and make a real commitment to find a solution. Let us put aside partisan differences, and let us join together to help each and every one of our children.

None of our children, not one, should be left out or left behind. We can, we must work together to provide health care for all of our children. The future of our children and the future of our Nation depends upon it.

RECESS

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

Accordingly (at 1 o'clock and 10 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 Reverend Dr. Ronald F. Christian, Evangelical Lutheran Church of America, Washington, DC, offered the following prayer:

Almighty God, we acknowledge that You have made us in Your own image, so we pray: Look with love and compassion on Your whole human family. Take away from any of us the arrogance we may have for our own importance and significance. Dissolve any hatred that infects our hearts and inflicts our spirits. Break down the walls that may separate us one from the other. And, through our struggle and confusion, use our work to bring about Your purpose, so that in Your good time and season our work and our efforts and our decisions may serve the common good of all Your people, and in quiet harmony may they promote Your will and goodness. 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 Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT 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.

APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of 15 U.S.C. 1024(a), the Chair appoints the following Members of the House to the Joint Economic Committee: Messrs. STARK, HAMILTON, HINCHEY, and Mrs. MALONEY of New York.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 1997.

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

DEAR MR. SPEAKER: I request that I be granted a leave of absence from the House Committee on Small Business in order to accept an appointment to the House Permanent Select Committee on Intelligence.

Thank you very much for your time and cooperation.

Sincerely,

IKE SKELTON,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.
There was no objection.

MARKET ACCESS PROGRAM ELIMINATION ACT

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

Mr. CHABOT. Mr. Speaker, a lot of the backroom deals in this town involve taking money away from middle-class people who work for it and then giving it to special interests who lobby for it.

One of the most outrageous transfer programs around now is called the Market Access Program, or MAP. In this particular scheme the Government takes money away from taxpayers and gives it to corporate trade associations to advertise their products overseas. We are dipping into the pockets of average Americans in order to subsidize private, politically preferred business dealings. So when I say the program is outrageous, I mean just that. It should cause outrage. It is about as close to legalized theft as you can get.

If businesses want to advertise overseas, great. They should do it, but with their own money. They should not beg Congress to squeeze the taxpayers even more than they are already squeezed with the high taxes we have in this country.

That is why the gentleman from New York [Mr. SCHUMER] and I have introduced H.R. 972, the Market Access Program Elimination Act. If you want taxpayers to be able to keep more of their

own money rather than having it go to groups like the Dry Pea and Lentil Council, please join us in this effort. Let us get rid of the Market Access Program.

AMERICA SOLD LOCK, STOCK, AND PORK BARREL

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

Mr. TRAFICANT. Mr. Speaker, news reports say that China tried to influence and buy last year's Federal elections, including the Presidency. All of America is in an uproar. Newspapers are in shock and people are calling the talk shows on the radio and saying they believe America is for sale. Can you blame them?

China gets most-favored-nation trade status but sells missiles to our enemies. Japan keeps raping our marketplace, approaching \$70 billion in surpluses, and they keep denying our products. Mexico gets billions of dollars from us and they ship narcotics to our streets. And now American companies overseas are advertising in the newspaper for American workers to move overseas and get a good, livable wage job.

Beam me up, Mr. Speaker. America is not for sale. I think America has already been sold, and I think Congress should start looking into it. Sold, lock, stock, and pork barrel.

PROTECT AMERICA'S BORDERS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I like those last remarks.

Mr. Speaker, I am outraged, also, at the President's lack of leadership in protecting our borders from the invasion of Mexican drug lords.

An article in the Dallas Morning News yesterday illustrated the national disaster we now have on the Texas border. Our ranchers, their families, live in constant fear. Their cattle and dogs are being killed by the drug guys. Their houses are being robbed. Recently a Border Patrol guard was gunned down by drug smugglers. These Americans live in a virtual war zone with no relief in sight.

Eight months ago our drug czar stood in Texas and announced swift action must be taken. Congress responded by authorizing 1,000 new drug agents in each of the next 5 years. Guess what? Our President only actually implemented 500.

It is time for this President to stop paying lip service to a problem that demands attention now. No one in America should be held hostage in their own house. We protect the borders around the world. It is time we started protecting our own.

HEALTH CARE FOR CHILDREN

(Ms. DELAURO asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, during the time it takes me to give these remarks today, two American children will lose their health insurance. One minute, two children. Three thousand three hundred every day of the year added to the ranks of the uninsured. Children are losing their health insurance at twice the rate of adults. This is truly a national crisis.

Last weekend in Hershey, PA, Members of the Congress from both sides of the aisle came together for a bipartisan retreat. We talked about the importance of working together and finding common ground on important issues that face American families.

Surely we can all agree that there is no issue more important to our families than our children, for they are the future of this Nation. Let us pledge to work together, Democrats and Republicans, to see that every child in America has basic health care coverage. Let us come together and pledge to strengthen our families and to put the expansion of health care for children at the top of our legislative agenda.

TRIBUTE TO ROBERT PASCHAL

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to pay tribute to a great man and a great institution, Robert Paschal, the founder and owner of Paschal's Motor Hotel and Restaurant, who recently passed away.

Mr. Paschal moved to Atlanta at a young age and opened a soda fountain and a hot dog stand. The small stand grew into an Atlanta institution, an establishment famous for its fried chicken. He helped build a business the old-fashioned way, the hard way, through hard work.

My first meal in Atlanta was at Paschal's during the civil rights movement. This man practically fed the entire movement. Paschal's was one of the few places blacks and whites could socialize and discuss the order of the day. It was there we talked about the Selma march, the Poor People's Campaign, and the Mississippi summer project. It was there we checked the pulse of the movement. Paschal's was referred to as the Paschal precinct, and to this day it is a meeting place, a gathering place for all Atlanta.

So when Robert Paschal left us, we lost a part of Atlanta, part of our history and our hearts. He will be missed by our city and our State.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to

suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

WAIVING CERTAIN PROVISIONS OF TRADE ACT OF 1974 RELATING TO APPOINTMENT OF U.S. TRADE REPRESENTATIVE

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 5) waiving certain provisions of the Trade Act of 1974 relating to the appointment of the U.S. Trade Representative.

The Clerk read as follows:

S.J. RES. 5

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)(3)) became effective on January 1, 1996, and provides certain limitations with respect to the appointment of the United States Trade Representative and Deputy United States Trade Representatives;

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 does not apply to any individual who was serving as the United States Trade Representative or Deputy United States Trade Representative on the effective date of such paragraph (3) and who continued to serve in that position;

Whereas Charlene Barshefsky was appointed Deputy United States Trade Representative on May 28, 1993, with the advice and consent of the Senate, and was serving in that position on January 1, 1996;

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 does not apply to Charlene Barshefsky in her capacity as Deputy United States Trade Representative; and

Whereas in light of the foregoing, it is appropriate to continue to waive the provisions of paragraph (3) of section 141(b) of the Trade Act of 1974 with respect to the appointment of Charlene Barshefsky as the United States Trade Representative: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of paragraph (3) of section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)(3)) or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint Charlene Barshefsky as the United States Trade Representative.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. ARCHER] and the gentleman from New York [Mr. RANGEL] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on Senate Joint Resolution 5.

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

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of Senate Joint Resolution 5.

I strongly support Ambassador Barshefsky's nomination as USTR. In her capacity as Deputy USTR, Acting USTR and USTR-Designate, she has served the United States admirably, forging a number of important trade agreements which opened markets for U.S. exports.

Unfortunately, because of a provision adopted last Congress that amends the Trade Act of 1974, we must take action in the House today in order to permit Ambassador Barshefsky to serve as USTR. In very vague terms, current law bans the nomination of anyone as USTR or Deputy USTR if that person has ever aided, represented, or advised a foreign government in a trade negotiation or trade dispute. We must seek this waiver today because Ambassador Barshefsky had a minimal advisory role to the Canadian Government a number of years ago and would therefore be automatically precluded from serving as USTR despite this very, very minor role.

□ 1415

Now I agree we should not have individuals in positions of authority over our trade policy if there is any doubt of their loyalty to the United States and commitment to trade policies that benefit our economy, businesses and workers. However, I believe that this provision is an intrusion into the current confirmation process, which already permits Congress to consider the background of candidates and whether prior representation is relevant to the ability of an otherwise qualified individual to carry out the tasks of any of these positions. Indeed, it severely limits the pool of qualified candidates for these positions in a way that may well be unconstitutional.

In fact, when the provision was being considered last year, the Justice Department wrote to the gentleman from Illinois [Mr. HYDE] of the Committee on the Judiciary that the provision raises serious constitutional concerns because it limits the President's constitutional prerogatives to nominate persons to a senior executive position, particularly in the trade area, a letter that I am submitting for the RECORD today.

Accordingly, I urge my colleagues to support the waiver of this provision for Ambassador Barshefsky's nomination as USTR. I believe she has done a good job in her other capacities, and I think she will do a good job in the future.

Mr. Speaker, I include the following for the RECORD:

AGENCY VIEWS

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, November 7, 1995.

Hon. HENRY HYDE,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: This provides the views of the Department of Justice on S. 1060, the "Lobbying Disclosure Act of 1995," as passed by the Senate. We understand that the House may act on this legislation later this year.

The Department strongly supports the purpose of this bill and its central provisions. It will ensure that federal officials are aware of the outside sources of information and opinion made available to them and will significantly enhance public understanding of the lobbying process.

Certain features of the bill, however, present difficulties that can and should be remedied.

First, the Department has constitutional concerns about the role the bill gives to the Secretary of the Senate and the Clerk of the House; the bill's disqualification of certain persons from serving as United States Trade Representative or Deputy United States Trade Representative; and the specific manner in which the bill seeks to protect the exercise of religion, a goal with which the Administration strongly agrees.

Second, the Department has policy concerns about the relationship between the bill and the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq. (FARA).

Accordingly, we recommend that Congress pass this legislation with certain changes to ensure that it is both constitutional and effective.

Constitutional concerns

1. The bill provides that lobbyists would need to file disclosure statements with the Secretary of the Senate and the Clerk of the House of Representatives. If those officials determined that a lobbyist's statement did not comply with the law, they would notify the lobbyist. If the lobbyist did not correct the deficiency to their satisfaction, they could forward the matter to the United States Attorney for the District of Columbia, who could bring an action for a civil file. See §§4-7, S. 1060. The bill would define a civil offense consisting of the knowing failure to "remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives." See §7(2).

This arrangement would raise serious constitutional problems. Congress may not provide for its agents to execute the law. *Bowsher v. Synar*, 478 U.S. 714, 726, 733-34 (1986); see also *Metropolitan Washington Airports Authority v. Citizens for the Abatement of Aircraft Noise, Inc.*, 501 U.S. 252 (1991). Here, in contrast to the current law that gives agents of the Congress the responsibility only to collect and publish information, see 2 U.S.C. §§261-70, the bill would provide that an action for one type of civil offense could be initiated against a lobbyist only if the congressional agents, pursuant to their interpretation of the statute, issued a notice finding the lobbyist's filing to be deficient.¹ The Secretary of the Senate and the Clerk of the House of Representatives thus would be performing executive functions of *Buckley v. Valeo*, 424 U.S. 1, 140-41 (1976) (executive functions include giving "advisory opinions" and making "determinations of eligibility for funds and even for federal elective office itself"), even though Congress may vest such functions only in officials in the executive branch.

2. The bill would forbid the appointment, as United States Trade Representative or Deputy United States Trade Representative, of anyone who had ever "directly represented, aided, or advised * * * a foreign [government or political party] in any trade negotiation or trade dispute with the United States." This provision, too, would raise serious constitutional concerns. The Depart-

ment of Justice has long opposed broad restrictions on the President's constitutional prerogative to nominate persons of his choosing to senior executive branch positions. The restriction in the bill is particularly problematic because it operates in an area in which the Constitution commits special responsibility to the President, who "is the constitutional representative of the United States in its dealings with foreign nations." See, e.g., *United States v. Louisiana*, 363 U.S. 1, 35 (1960). The officers in question perform diplomatic functions as the direct representative of the President, a fact that Congress itself has recognized by providing that they should enjoy the rank of ambassador, 19 U.S.C. §2171(b). Regardless of whether the President would, as a policy matter, be willing to accept this particular restriction, Congress would exceed its constitutionally assigned role by setting such a broad disqualification. See, e.g., *Civil Service Commission*, 13 Op. Att'y Gen. 516, 520-21 (1871).

3. Section 3(8)(B)(xviii) would exempt lobbying contacts by churches and other religious organizations from the registration requirements. The Administration supports the strongest possible protection for the exercise of religion. We are concerned however, that the exemption now included in the bill could be susceptible to valid constitutional challenge in the courts. The Supreme Court has held that the Establishment Clause of the First Amendment prohibits the government from singling out religious organizations for especially favorable treatment, whether in the form of an exemption from a government requirement or in the form of a direct benefit. See, e.g., *Board of Educ. of Kiryas Joel v. Grumet*, 114 St. Ct. 2481, 2487 (1994) (plurality opinion) invalidating creation of a special school district for religious community) (Establishment Clauses requires that the government "pursue a course of neutrality toward religion, favoring neither one religions over other nor religious adherents collectively over nonadherents") (internal quotation omitted). In *Texas Monthly v. Bullock*, 489 U.S. 1 (1989), for instance, the Supreme Court held that the Establishment Clause prohibits a state from exempting certain periodicals distributed by religious organizations, and no other periodicals, from its sales and use tax.

At the same time, the Court has permitted the government in certain circumstances to provide an exclusive "accommodation" to religion. See *Corporation of Presiding Bishop v. Amos*, 483 U.S. 327 (1987) (upholding exemption of secular nonprofit activities of religious organization from Title VII prohibition on employment discrimination based on religion). The accommodation doctrine permits the government to provide religion with an exclusive exemption from a regulatory scheme when the exemption would "remov(e) a significant state-imposed deterrence to the free exercise of religion" *Texas Monthly*, 489 U.S. at 15 (plurality opinion); see also *Amos*, 483 U.S. AT 335 (government may act to "alleviate significant governmental interference" with religious exercise). Under the Court's accommodation doctrine, section 3(8)(B)(xviii) would be far less susceptible to constitutional challenge if it were rewritten to apply only when the operation of the Act would in fact burden the exercise of religion. Specifically, we recommend the following language, which tracks the standards enunciated by the Supreme Court and incorporated in the Religious Freedom Restoration Act, 42 U.S.C. 2000bb-4:

(B) The term "lobbying contract" does not include a communication that is * * *

(xviii) of such a nature that its coverage under this Act would substantially burden any person's exercise of religion. In deter-

mining whether coverage under this Act of any lobbying contact would substantially burden a person's exercise of religion, the standards of the Religious Freedom Restoration Act, 42 U.S.C. 2000bb-2000bb-4, shall apply.

The bill could also include a provision that "any regulation promulgated hereunder shall incorporate the maximum protection under the Constitution and laws of the United States for the exercise of religion by lobbyists or clients."

Alternatively, a more general exemption, reaching non-religious as well as religious organizations, would not raise Establishment Clause problems. See *Texas Monthly*, 489 U.S. at 15-16 (plurality opinion); id. at 27-28 (Blackmun, J., concurring). The Establishment Clause would be implicated by a provision permitting churches and religious organizations to use the narrower definition of lobbying contained in 26 U.S.C. §499(d), which would relieve them of some of the burdens of the legislation in a manner similar to that afforded other non-profit organizations. *Relationship to Foreign Agents Registration Act*

In addition to these constitutional concerns, we are concerned about the relationship between the bill and FARA set forth in sections 3(8)(B)(iv) and 9(3) of S. 1060. Exempting from registration under FARA all agents of foreign principals who register under this bill would significantly reduce public disclosure about such agents. It would also reduce the Department's receipts under its FARA user fees program, which may implicate the "Pay-As-You-Go" provisions of the Omnibus Budget Reconciliation Act of 1990.

FARA reflects a judgment that broad disclosure is particularly important with respect to foreign influences on the political process. Accordingly, the extent of disclosure with respect of activities, receipts and disbursements, including political contributions, required of agents of foreign principals under FARA is significantly more detailed than that required of all lobbyists under S. 1060. FARA also covers a broader range of political activities than this bill, including advertising, public relations activities and political fund-raising. The result of enactment of section 9(3) of the bill would be to exempt many agents of foreign principals from the wider and more detailed disclosure of their activities FARA intended, whenever they make a covered "lobbying contract" under this bill.

The Department recommends, therefore, that agents of foreign principals who are required to register under FARA, and who in fact do so, be exempted from registration under the Lobbying Disclosure Act. This approach would maintain the higher scrutiny Congress has historically applied to foreign influences on the domestic political process. It also has the advantage of maintaining government "user fee" revenues, because FARA recovers the costs of the administration from the agent population, and the present bill has no comparable revenue producing mechanism.

In summary, we strongly support the laudable goals of S. 1060 and its central provisions. We stand ready to assist in the important effort to achieve reform in this area. Please do not hesitate to contact us if we may be of additional assistance in connection with this or any other matter. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. CRANE].

¹The Secretary of the Senate and the Clerk of the House of Representatives would also "develop common standards, rules, and procedures for compliance" with the Act.

Mr. CRANE. Mr. Speaker, I would prefer to let my distinguished colleague on the minority side take precedence over me.

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

Mr. Speaker, I rise in strong support of Senate Joint Resolution 5, legislation to waive certain provisions of the Lobbying Disclosure Act of 1995 with respect to the nomination of Ambassador Charlene Barshefsky to become the U.S. Trade Representative. This legislation is necessary to complete the nomination process of Ambassador Barshefsky. The Ambassador has broad bipartisan support and deserves to be our next Trade Representative.

Last week the other body approved her nomination and the waiver legislation before us today by overwhelming votes of 99 to 1 and 98 to 2, respectively. During her 4 years, nearly 4 years, of service at the Office of the USTR, first as Deputy USTR and since April of last year as Acting USTR, Ambassador Barshefsky has compiled an impressive record, opening foreign markets for U.S. exporters and defending U.S. trade interests. Recently, she concluded successful multinational agreements which will reduce or eliminate tariffs worldwide on trade and information technology products and which will open foreign markets for basic telecommunication services.

Last December, she concluded a bilateral agreement with Japan on insurance, which opens that market for United States insurance providers. Last year she also struck an agreement with China providing for stronger enforcement of United States intellectual property rights in that country.

Clearly, the Ambassador has shown that she is tough and a skillful negotiator internationally. More important, however, Ambassador Barshefsky understands that international trade and our Nation's trade policies have an impact on the lives and future of all Americans. For that reason she consults closely with Members of Congress and the public at large on her action, and she clearly recognizes that trade policy is a shared responsibility of the executive and legislative branches and carries her responsibilities out accordingly.

For those who have questions or concerns about this waiver, it must be noted that Congress has previously passed legislation to waive a statutory requirement on who may serve in a particular Government position with respect to a specific nominee. It should also be noted that as Deputy USTR, Ambassador Barshefsky was specifically exempt from the provisions in question in the Lobbying Disclosure Act. The Senate Finance Committee carefully studied her record in the private sector and agreed unanimously that a waiver was entirely appropriate for Ambassador Barshefsky.

Mr. Speaker, in the past several years I have come to know, admire, and work with Ambassador Barshefsky,

who is a tireless, dedicated person on behalf of the American people. I heartily endorse the legislation before us today and urge my colleagues to support it. Ambassador Barshefsky will be a U.S. Trade Representative of which all of us will be proud.

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

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

Mr. CRANE. I yield to the gentleman from New York.

(By unanimous consent, Mr. SOLOMON was allowed to speak out of order for 1 minute.)

ANNOUNCEMENT OF AMENDMENT PROCESS FOR H.R. 1, THE WORKING FAMILIES FLEXIBILITY ACT

Mr. SOLOMON. Mr. Speaker, I ask for this time for the purpose of making an announcement.

Mr. Speaker, the Committee on Rules is planning to meet the week of March 17 to grant a rule which may limit the amendment process for H.R. 1, the Working Families Flexibility Act. The Committee on Education and the Workforce ordered the bill reported on March 5. Amendments should be drafted to the text of the bill as reported, which will be filed tomorrow, Wednesday, March 12. Copies are also available at the Committee on Education and the Workforce office should Members wish to view the bill today.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 12 noon on Monday, March 17, to the Committee on Rules, at room 312 in the Capitol. 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 that amendments comply with the rules of the House.

Again, I call my colleagues' attention to, if they want amendments considered to this legislation, they must prefile them with the Committee on Rules prior to noon on Monday, March 17.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in support of Senate Resolution 5, which waives certain provisions of the Trade Act of 1974. This resolution would grandfather Ambassador Charlene Barshefsky from the application of certain restrictive provisions of the Lobbying Disclosure Act of 1995. The Senate has also done this on occasion when there has been an outstanding candidate before them also. I would like to note, however, that this resolution applies only to Ambassador Barshefsky and in no way modifies the statute, nor does it have implications for any other prospective nominee to serve as the U.S. Trade Representative.

As a member of the Committee on Ways and Means, I have indeed been

fortunate to work with Ambassador Barshefsky and know very much how well she carries out her duties. Ambassador Barshefsky has been instrumental in developing and pursuing a strong international trade policy and has successfully completed many negotiations, but what I like best about the ambassador is she is able and willing to get up from the table and walk away when nothing is being offered. Given her tenacity and resolve on behalf of our country's trade interests, I firmly believe Charlene Barshefsky to be capable and well prepared. I have worked with few people who possess the ability to discuss the minimal, little, arcane, terribly, terribly difficult to understand details of a trade pact and then could look at the whole picture and explain it to people who have to understand it.

I am confident that the ambassador will continue to pursue a strong and fair trade agenda that seeks to promote our national interests. We could not be better represented than having this woman as our USTR.

Mr. CRANE. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from California [Mr. MATSUI], the ranking minority member on the Subcommittee on Trade.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Illinois, the chair of the Subcommittee on Trade for yielding me this time. Of course I thank the ranking member of the committee as well. I appreciate this. This is in the spirit of Hershey and bipartisanship.

Mr. Speaker, I would only like to support Senate Joint Resolution 5 as well. I think that this resolution is vitally needed given the fact that we need a waiver and a grandfather specifically for the next U.S. Trade Representative, Ambassador Charlene Barshefsky. As everyone knows, Ambassador Barshefsky has been the Deputy USTR now for 4 years, and she has been perhaps one of the greatest representatives we have had in terms of overseas negotiations.

Most recently under her leadership as acting USTR, the United States completed a multilateral agreement, the Information Technology Agreement, which will cover over \$500 billion in global trade, and just recently, in the last month, she and her staff have completed the basic Telecommunications Services Agreement, which will actually cover over 90 percent of the global population and perhaps have an additional \$600 billion worth of trade, and so I urge that we adopt Senate Joint Resolution 5 to make Charlene Barshefsky the next U.S. Trade Representative.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. SMITH].

(Mr. SMITH of Oregon asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of Senate Joint Resolution 5. As chairman of the Committee on Agriculture, I believe it is vital that the person representing the United States in trade negotiations and resolutions of disputes recognize that agriculture is an extremely important and essential issue to be considered in all trade negotiations and resolutions of disputes. American farmers and ranchers, the most productive in the world, can prosper only where there is free and fair world trade.

In fact, in 1996, Mr. Speaker, agricultural exports totaled \$60 billion, and the agricultural trade surplus exceeded \$26 billion. There is nevertheless ample opportunity for expansion. It is incumbent upon the administration, through the Office of Trade Representative and the Department of Agriculture, to make sure that opportunities exist for trade expansion and that trade disputes are resolved in a timely manner.

I had the opportunity to meet Ambassador Barshefsky, and she assures me that her knowledge of agriculture and her commitment to ensuring the proper emphasis will be on agriculture export issues. In our discussion we agreed that agriculture is the No. 1 high technology export and that it is also the No. 1 priority with the U.S. Trade Representative. In my discussions with the Ambassador, she assures me that agriculture will be her top priority, and that is why I support Senate Joint Resolution 5 and the waiver needed to assure that she will be indeed the next U.S. Trade Representative.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

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

Mr. OXLEY. Mr. Speaker, I rise in support of Senate Joint Resolution 5 regarding the appointment of Charlene Barshefsky as U.S. Trade Representative. I had the opportunity to work closely with the Ambassador and Deputy Trade Representative Jeff Lang during negotiations on the WTO Telecommunications Agreement, and I must say that I was pleased with her determination to consult regularly with Congress during these talks, and I do mean regularly. They were most helpful.

Perhaps more to the point, I was deeply impressed by what was achieved in Geneva. The agreement covers 95 percent of rural telecom revenue, giving United States firms unprecedented access to markets in Europe, Asia, and Latin America, and covers some 70 countries in its sweep.

In my opinion, the agreement is proof that Charlene Barshefsky's reputation as a tough, stalwart negotiator is well-deserved, and I would certainly support the waiver. I am just sorry that we really have to have a waiver because I think the provision in current law is too xenophobic and unrealistic.

On a related matter I want to correct a continued misperception that was repeated on the floor of the other body during debate on this measure. The gentleman from South Carolina took a statement from the RECORD made by the chairman of the House Committee on Commerce, the gentleman from Virginia [Mr. BLILEY], and inferred from it that the administration, by inference USTR, asked this Member to amend section 310(b) of the Communications Act on their behalf.

□ 1430

This is simply not so. The statement alluded to our efforts during debate on the Telecommunications Act to satisfy the concerns of the executive branch regarding international investment in U.S. telecommunications firms. However, the chief changes made were in the area of national security, and we worked very closely with the FBI and National Security Agency and the CIA, and the effect was to tighten the law, not the loosen it.

The input we received from the executive branch came at the request of the cosponsor, the gentleman from Michigan [Mr. DINGELL], and the advice we received came primarily from the security agencies, as I recall, not from the Office of the Trade Representative.

Of course, I did consult with USTR on the effect my language would have on their negotiations, as any responsible legislator would, but these consultations came at my request, not the other way around, and I wanted to point that out for the record.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I oppose the resolution, I oppose the waivers.

Current law says that no one may be appointed as U.S. Trade Representative or Deputy Trade Representative if they have ever in their past represented a foreign government in a trade dispute or a trade negotiation with the United States. Now look, I think Charlene Barshefsky is a great woman, a great American, and may be doing a great job. However, one of the reasons we passed this legislation is some of these trade representatives, after they leave, go on the employ of some of these foreign governments and companies overseas.

Now, we just passed this law a year ago, and now we are about to waive it, with Japan approaching \$70 billion in trade surpluses, China approaching \$50 billion in trade surpluses. I have nothing against Charlene Barshefsky, but here is the question I pose to the Congress of the United States: Can we not find one qualified American to be the trade representative of our country that has never been in the employ of, represented a foreign interest, or had a connection in resolving or monitoring or negotiating or resolving a trade matter on behalf of a foreign country with our Nation? I think that is the issue.

I am certainly not going to ask for a vote, and I know this is going to pass overwhelmingly, but it is no surprise our young people are responding to ads in the newspaper box so-and-so where the job is in Mexico and overseas. There is not going to be a damn job left in this country.

The only thing that bothers me, I am beginning to wonder if we have anybody in the right circle that could actually apply for these positions that has never had a tie to a foreign nation. Beam me up, here. I am a "no." I am not going to ask for a vote, but I am opposed to this waiver, and I think the Congress should follow the laws that they pass that have some common sense attached to them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. GOODLATTE). The Chair would remind all Members to refrain from the use of profanity in their speech on the floor.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Louisiana [Mr. TAUZIN].

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

Mr. TAUZIN. Mr. Speaker, let me say no one needs to be beamed up on this vote. This is a vote to confirm not only the appointment of Charlene Barshefsky, who is now our Deputy Trade Representative, to the Trade Representative, but also to pass a waiver that is necessary for that confirmation to be complete.

I want to first congratulate her on a near unanimous confirmation in the Senate and the near unanimous vote in the Senate on behalf of this resolution.

Let me point out that Charlene Barshefsky was already at USTR as Deputy Trade Representative when the law in question was passed last year. So this grandfathering is in fact a recognition of her already and continuous service at the USTR.

Let me also state that as chairman of the Subcommittee on Telecommunications and Trade of the Committee on Commerce, we have all been extraordinarily impressed with the caliber of service that this ambassador has already provided to this country. She has worked cooperatively with our committee in keeping us informed and interacting with us throughout all the WTO negotiations in Geneva that led to the successful passage of the recent agreement in Geneva on telecommunications and opening up those markets all over the world to U.S. investment.

That action alone is going to create opportunities for American jobs and businesses throughout the world in telecommunications. It is patterned very much after the 1996 Telecommunications Act that this House and the Senate so unanimously joined in just 1996 to create an open market for the United States in telecommunications.

I look forward as chairman of the subcommittee very soon to receiving the testimony of Ms. Barshefsky before our subcommittee, in not only reporting on that successful negotiation of which we are all so proud, but on the continuing efforts to bring other countries in with new and improved offers so that we can continue to open up markets for telecommunications services throughout the world for American businesses and American jobs. I urge the adoption of this resolution.

Mr. RANGEL. Mr. Speaker, I have no further requests for time.

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

Mr. Speaker, I rise in support of Senate Joint Resolution 5 in the nomination of Ambassador Charlene Barshefsky to serve as U.S. Trade Representative. I have had the pleasure of working with Ambassador Barshefsky over the last few years. I cannot say enough about her toughness, her tenacity and her aggressive advocacy on behalf of U.S. interests.

I know Ambassador Barshefsky is tough because the companies in my district have benefited from her toughness. The Eighth Congressional District of Illinois, my district, is home to some of the leading high-technology companies in the country, and they have gained market share, increased their export sales, and hired new workers in part due to Ambassador Barshefsky's tenacity. It is because of her toughness that the cellular phone market in Japan is now more open than ever, that China has signed a rigorous agreement protecting intellectual property rights, and that Motorola, to take just one example from my district, has gained greater access to the Chinese market.

I have seen her in action. A year ago Ambassador Barshefsky started building support among the Quad nations for a landmark information technology agreement. At the WTO ministerial meeting in Singapore last December, I watched her work around the clock to hold together an alliance and put in place an unprecedented market-opening agreement. It was an honor and a pleasure to see her rolling up her sleeves, getting the nitty-gritty detail and coming out with a superior deal. She does not give up and she does not give in. I am very hopeful that under her leadership at USTR we would be able to pass fast-track legislation that would permit the negotiation of further market-opening initiatives.

It has been a real pleasure to work with Ambassador Barshefsky in large part because of her rare ability to reach across party lines and work with Members from both sides of the aisle to craft good deals that best serve our companies and our workers. Good jobs and a strong economy are American goals, not Republican or Democrat goals. Ambassador Barshefsky helps us reach those goals together by putting aside politics and hammering out good policy that opens markets, increases

exports, creates jobs and strengthens the American economy so that we can remain the world's most competitive Nation into the next century and beyond.

Mr. Speaker, I agree with the gentleman from Texas [Mr. ARCHER], chairman of the Committee on Ways and Means, that we should not be forced to consider a waiver today because the underlining provision that we seek to waive is ill-advised and should not be in place. I would like to place in the RECORD a resolution and report recently adopted by the American Bar Association which clearly and cogently set forth the arguments in opposition to the preemployment restrictions imposed by the underlying provision.

Mr. Speaker, I strongly support the nomination of Ambassador Barshefsky as U.S. Trade Representative and urge my colleagues to vote for the waiver on Senate Joint Resolution 5.

AMERICAN BAR ASSOCIATION SECTION OF
INTERNATIONAL LAW AND PRACTICE RECOMMENDATION TO THE HOUSE OF DELEGATES
RECOMMENDATION

Be it resolved, That the American Bar Association urges the Government of the United States to proceed as follows:

I. Congress should avoid statutory provisions that disqualify senior executive or judicial appointees on the basis of clients they have previously represented.

II. Congress and the Administration should continue to utilize traditional mechanisms (including the Senate's power of confirmation), rather than special pre- or post-employment rules, to ensure that senior executive and judicial positions are filled only by highly qualified persons who will fulfill the responsibilities of their positions with complete integrity.

III. Ethics-in-government rules, whether addressed to pre- or post-government employment activities, should not single out foreign policy or trade functions for special, restrictive treatment. Congress should repeal the 1995 amendments to 18 U.S.C. §207 and 19 U.S.C. §2171(b), whose effect is to restrict the pre- and post-employment activities of U.S. Trade Representatives ("USTRs") and Deputy USTRs on behalf of foreign interests, and should not extend those provisions to cover other senior government positions.

AMERICAN BAR ASSOCIATION SECTION OF
INTERNATIONAL LAW AND PRACTICE REPORT
TO THE HOUSE OF DELEGATES

I. INTRODUCTION

On July 24, 1995, while debating the Lobbying Disclosure Act of 1995 ("LDA"),¹ the Senate accepted an amendment creating a new restriction on who could serve as United States Trade Representative ("USTR") or Deputy USTR.² Specifically, the statute defining the positions of USTR and Deputy USTR, 19 U.S.C. §2171(b), was amended to disqualify from eligibility anyone who at any time in the past had directly represented, aided or advised a foreign government or political party in a trade negotiation or trade dispute with the United States. A related section of the LDA created new restrictions on the post-employment conduct of persons who have served as USTR or Deputy USTR. Prior law had contained a special restriction, enacted in 1992, against a former

USTR's representing, aiding or assisting any foreign government within three years of having served as USTR.³ The LDA extended the ban's duration to a lifetime ban and its coverage to include Deputy USTRs.

The Senate accepted these two provisions (hereinafter the "USTR Amendment," reproduced in full at Appendix I to this Report) virtually without debate, and the provisions passed the House after some unsuccessful attempts to expand their reach. The President signed the Lobbying Disclosure Act, including the USTR Amendment, while recognizing the Justice Department's concern that the new pre-government employment restrictions may unconstitutionally impinge on the President's appointments power. In 1996, more bills were introduced to expand these restrictions to other government officials, but none were enacted.

The American Bar Association ("ABA") urges repeal of the USTR Amendment. While both the pre- and post-employment restrictions are objectionable, as discussed below, it is the pre-employment disqualification that raises the most serious issues, and it is this provision that most urgently should be repealed. The provision sets a dangerous precedent for limiting the availability of qualified candidates to serve in the U.S. Government. It automatically disqualifies potential nominees solely based on a prior relationship with a particular type of client. Such a rule, which effectively equates an advocate's personal views with those of his or her client, reflects an unwarranted and incorrect view of the lawyer/client relationship, especially in view of the ethical obligations of lawyers and the constitutionally-recognized right to counsel. In addition, such a rule takes no account of the nature, length, significance or contemporaneity of the relationship with the former client. With regard to the new lifetime post-employment restrictions for USTRs and Deputy USTRs, there has been no demonstration that such a ban is needed to address any real problem, and there are compelling reasons not to restrict the post-employment conduct of trade negotiators in such an unusual and severe manner.

In sum, the Report supports the accompanying ABA resolution urging that the Congress: avoid enacting disqualifications for service in the U.S. Government which presume that lawyers and other advisors take on the views of their clients; avoid singling out foreign policy and trade functions for extra-restrictive pre- or post-government employment rules; and promptly repeal the USTR Amendment.

II. THE PRE-EMPLOYMENT RESTRICTIONS

The new pre-employment restriction is unique among provisions in the U.S. Code creating "primary officers" of the U.S. Government (i.e., positions requiring nomination by the President and the advice and consent of the Senate). Of the hundreds of appointees in this category, only USTR and Deputy USTR candidates can be disqualified based solely on the identity of their former clients.

There is a serious constitutional objection to this new pre-employment restriction, in that it infringes on the President's appointments power. The ABA notes, but does not rest its concerns on, that objection. The new pre-employment restriction is also troubling on several policy grounds: (1) it arbitrarily limits the flexibility of the President to choose and the Senate to confirm, the best possible person for a particular government position; (2) it presumes, without justification, that a person advising a foreign government personally embraces and retains views antithetical to those of the U.S. Government; (3) it creates perverse anomalies unconnected to any legitimate interest in

¹Footnotes at end of article.

ensuring the loyalty of senior appointees; and (4) comparable disqualifications could easily be enacted, based on the same flawed rationale, for other government positions.

A. *The New Disqualification Is of Doubtful Constitutionality*

As mentioned above, there is virtually no legislative history accompanying the USTR Amendment and thus, unlike the debate surrounding provisions restricting post-government employment activities, no discussion by the Congress of the legality of the new pre-employment restriction. As also noted above, before the USTR Amendment there were no statutory provisions disqualifying any class of persons from service as USTR or Deputy USTR.

It is well accepted that the Congress has the constitutional responsibility for creating the various government offices not specifically enumerated in the Constitution.⁴ Further, it is well accepted that the Congress can attach qualifications to those government offices:

While Congress may not appoint those who execute the laws, it may lay down qualifications of age, experience and so on. Sometimes these qualifications significantly narrow the field of choice. However, any Congressionally imposed qualifications must have a reasonable relation to the office. Otherwise, Congress would be, in effect, creating the appointing power in Congress, rather than in the President.

Congress may, in short, create the office but may not appoint the officer. To distinguish between these two powers, the Court has developed a germaneness test.⁵

The Department of Justice articulated just such serious constitutional concerns with the USTR Amendment as it relates to the President's appointments power:

The Department of Justice has long opposed broad restrictions on the President's constitutional prerogative to nominate persons of his choosing to senior executive branch positions. The restriction in the bill is particularly problematic because it operates in an area in which the Constitution commits special responsibility to the President, who "is the constitutional representative of the United States in its dealings with foreign nations." See, e.g., *United States v. Louisiana*, 363 U.S. 1, 35 (1960). The officers in question perform diplomatic functions as the direct representative of the President, a fact that Congress itself has recognized by providing that they should enjoy the rank of ambassador. 19 U.S.C. §2171(b). Regardless of whether the President would, as a policy matter, be willing to accept this particular restriction, Congress would exceed its constitutionally assigned role by setting such a broad disqualification. See, e.g., *Civil Service Commission*, 13 Op. Att'y Gen. 516, 520-21 (1871).⁶

After passage of the Lobbying Disclosure Act by both the Senate and the House, Justice continued to express serious concerns about the new pre-employment provision, but did not recommend that the President veto the Act on this basis.⁷ The President in signing the bill noted the constitutional issue.⁸

The new disqualification raises serious separation of powers questions. When such provisions are enacted without hearings, with virtually no floor debate or legislative history, and despite constitutional objections noted by the Department of Justice, the justifications underlying them should be carefully examined. Where such provisions are not only constitutionally suspect but also premised on a mistaken and troublesome view of the lawyer-client relationship, they should be removed.

B. *It Is In The Public Interest for the President to Be Free to Appoint the Most Highly Qualified Nominees, Regardless of Past Clients*

The new disqualification rules out many qualified individuals who could otherwise serve the nation effectively as senior trade negotiators. The best qualified candidate for a particular USTR or Deputy USTR appointment may be someone who has some experience advising foreign clients. (We note, in this regard, the adage that it is useful for a prosecutor to have experience serving as defense counsel.) Yet, the USTR Amendment would prevent such a person from serving.

While it is wrong to presume a link between advocacy and personal belief, it is even more wrong to freeze such a presumption into a statute. Categorical and difficult-to-amend statutory disqualifications cannot take into account the nuances of a particular candidate's history. These are precisely the factors that the President should weigh in choosing a nominee and the Senate should review in the confirmation process.

The new disqualification does not only restrict the President's appointments power. It also represents a failure to respect the Senate's constitutional role to consider, and where appropriate disapprove, the President's nominees. The Senate should preserve its prerogative to consider a particular nominee's record of advocacy for foreign clients, or foreign government clients, in the confirmation process and to determine whether anything in that record is sufficiently troubling to justify withholding confirmation.⁹

C. *The Unstated Premise of the New Disqualification—That An Advocate is Either Tainted By or Continuously Captive to the Interests of a Former Client—Is Inconsistent with U.S. Traditions and Values*

During the 1974 Senate consideration of legislation to establish the office of special prosecutor and to depoliticize the position of Attorney General, former Supreme Court Justice Arthur Goldberg described the attorney-client relationship in the following manner:¹⁰

One of the traditional concepts applicable to the bar at large is too often overlooked in senatorial confirmation hearings involving nominees for Attorney General, Assistant Attorney General, Deputy, and U.S. Attorneys. That concept—which I fear, Mr. Chairman, in the day of the organization man and big interests which lawyers are called upon to serve, is too often overlooked—is that the bar is independent, that it is not a servant of a client, but services a client; and that the men and women of the bar are independent and give counsel and advise independently. The principal law enforcement officers of the Government should be lawyers in that sense. . . . Any nominee of a different mind or character should not be confirmed by the Senate.

For just such reasons, it is widely accepted that a lawyer should not be ineligible for nomination as a judge solely because of past representation of, for example, criminal defendants.

The USTR Amendment, and the proposals to extend the disqualification so that it applies to other government positions, adopts a different and inaccurate view of the relationship between advocates and their clients. It is wrong to assume that an outside adviser, such as a lawyer, necessarily concurs with the views or actions of his or her client, or will apply those views in carrying out the duties of a public office. Certainly, if someone represents more than one group of clients—for example, foreign governments in some matters and U.S. corporations in others—it cannot fairly be presumed that the foreign government representation deter-

mines or more accurately represents the person's own beliefs.

When an individual leaves the private sector and becomes a government official, he or she takes on totally new responsibilities and must move beyond all prior client interests—those of domestic and foreign clients alike. Other than preserving their confidences, an appointee has no continuing obligation to prior clients. The USTR Amendment wrongly ignores this aspect of public service.

Reflecting its inconsistency with U.S. traditions and values, the new disqualification is utterly without precedent in the U.S. Code. Appendix 2 to this Report identifies 126 statutory provisions, relating to U.S. Government civilian offices, that impose qualifications in addition to Senate confirmation.¹¹ As shown there, those 126 provisions fall into seven groupings: 3 provisions requiring that appointees be U.S. citizens; 19 provisions requiring that appointees be civilians at the time of their appointment; provisions that establish minimum representation on a board or commission of certain constituent groups; provisions requiring technical expertise; 6 provisions imposing "cooling off" periods to ensure civilian control of the military; 7 provisions imposing other temporary "cooling off" periods (e.g., sitting members of the U.S. Postal Service Board of Governors may not simultaneously be representatives of "special interests using the Postal Service"); and 2 provisions containing permanent, uncurable, disqualifications. Of these, only the USTR disqualification is based on advocacy activities. The other provides that members of the permanent board of the Federal Agriculture Mortgage Corporation shall not be, or have been, officers or directors of a financial institution.

D. *The New Disqualification Creates Perverse Anomalies*

Before the USTR Amendment, there were no statutory qualifications upon who could be nominated and confirmed to serve as USTR or Deputy USTR. Not even U.S. citizenship, or a record free of criminal behavior, was (or is) statutorily required. Thus, the effect of the new pre-government employment restriction is that a non-citizen, a felon or even a juvenile could in principle be nominated and confirmed as USTR, while a highly skilled trade specialist who briefly advised a foreign government twenty years ago could not.

Such a rule could also deprive the nation of highly skilled and effective public servants. Had it been in effect at the time, the USTR Amendment might have disqualified one of President Reagan's USTRs, Dr. Clayton K. Yeutter, for activities that apparently did not dominate his pre-government professional work.¹² Extending the principle, as some have proposed, to representing, aiding or advising foreign private companies might have disqualified President Bush's USTR, Carla Hills.¹³ Again, to the extent that questions arise in a particular case about the overlap between prior advocacy efforts and the advocate's own current beliefs, such questions can be effectively explored during the Senate confirmation process.

Broad and seemingly arbitrary interpretations of the USTR Amendment are possible given the lack of definitions, in either the statute or the legislative history, for crucial and open-ended terms such as, but not limited to, "aided" and "advised." For example, if a Senator meets with foreign government officials in an attempt to find a mutually advantageous solution to a particular bilateral trade dispute, it could be argued that he or she has "aided" or "advised" the foreign government in such a manner as to trigger disqualification from future service as USTR. On the other hand, it has been observed that the USTR Amendment would not

prevent appointment of a corporate executive who, in order to increase profits at his ailing company, negotiates an enormous tax subsidy from a foreign government in order to move parts of his factory abroad and subsequently fires hundreds of his U.S. workers.¹⁴

E. The New Disqualification Sets an Undesirable Precedent for Other Government Positions

A significant danger of the USTR Amendment is that the same principle could be applied to other government positions involving disciplines other than international trade negotiation. Persons could be disqualified, by statute, from being federal judges because they had at some time in their past represented criminal defendants, even if their representations had been the result of occasional court appointment. Positions at the Environmental Protection Agency could be conditioned, by statute, on never having represented, aided or assisted clients in favor of, or opposed to, toxic dump cleanup. Positions at the Department of Energy could be conditioned, by statute, on never having represented, aided or assisted clients in favor of, or opposed to, offshore drilling. Positions at the Consumer Product Safety Commission could be conditioned, by statute, on never having represented, aided or assisted clients supporting, or opposing, specific product liability actions. More broadly, anyone who has given advice to entities in a regulated industry could be disqualified from putting his or her expertise to use as a regulator in that industry. Such a rule would dramatically restrict the pool of qualified regulators.

The ABA historically has advanced the view that rigid (*i.e.*, statutory) pre-employment restrictions for government appointments should be avoided. For example, in the wake of the perceived politicization of Justice Department functions during the Watergate period, during consideration of what eventually became the Ethics in Government Act of 1978, the ABA was asked to comment on possible eligibility restrictions for senior law enforcement positions:

Question. There have been many recommendations to set the statutory requirements for appointees to the Offices of Attorney General, Deputy Attorney General, Director of the FBI, and others. Do you generally believe it is a good idea to set rigid eligibility standards by statute, considering that many highly qualified individuals would be arbitrarily excluded from consideration by such standards? If so, what sorts of standards would you suggest?

Answer. The ABA has not suggested rigid standards for appointment to any of the above-mentioned positions nor does it believe rigid standards are advisable.¹⁵

The USTR Amendment, by contrast, fails the test of narrow drafting and scope. It reaches backward in time without limit, disqualifying otherwise qualified candidates by reason of any covered representation or assistance at any earlier point in their careers. The amendment reaches candidates who agreed to assist foreign governments with no idea that doing so might preclude later public service. The amendment applies not to a carefully circumscribed category of activities, but to any representation or assistance, whether significant or insignificant, to any foreign government on any trade "negotiation" or "dispute" involving the United States. Finally, the amendment confuses the advocate's required role with his or her personal views.

III. THE POST-EMPLOYMENT RESTRICTIONS

A. Post-Employment Restrictions of General Application

There have been restrictions on the post-employment activities of various categories

of federal workers since 1872.¹⁶ The earliest versions approximating the current provisions were adopted in 1962, as part of an overall revision of the conflict-of-interest statutes.¹⁷ In short, a full and generally effective array of government-wide post-employment restrictions has been in place for many years. Those restrictions, subjected to substantial revision and fine-tuning in the Ethics in Government Act of 1978¹⁸ and the Ethics Reform Act of 1989,¹⁹ include: a lifetime ban on appearing before or communicating with any U.S. Government body on behalf of a party other than the United States, on matters in which the official "participated personally and substantially" while a federal employee;²⁰ a two-year ban on appearing or communicating with any U.S. Government body on behalf of a party other than the United States on matters that were pending under his or her official responsibility in the year prior to departure from the agency;²¹ a one-year ban for enumerated senior officials on all substantive contact with the former agency on behalf of a party other than the United States, which for Cabinet officers and certain other very senior officials extends to contacts with specified top officers of other agencies as well;²² and a one-year ban prohibiting senior officials of all departments and agencies from (i) representing the interests of a foreign government or political party before any agency or department or (ii) aiding or advising a foreign government or political party with the intent to influence a decision of any department or agency.²³

The last of these provisions, a special rule against senior officials' representing or advising foreign governments, drew a number of policy and constitutional objections prior to and at the time of its enactment.²⁴ This Report does not address the propriety of a broad, government-wide, one-year ban on post-employment activity for foreign governments. It is noteworthy, however, that this provision was justified against due process attack on the ground that it presented no absolute bar to pursuit of employment by covered officials, but "merely imposed a waiting period" of one year.²⁵

These post-employment restrictions establish a comprehensive set of rules that apply across the board to federal officials and employees in all agencies and departments. For the most part, these rules appear to have worked successfully.²⁶ They apply with full force to USTRs and Deputy USTRs, and thereby provide a solid framework for protecting the public interest in regulating the post-employment activity of persons who occupy those positions.

B. Special Restrictions Placed Upon Senior Trade Negotiators

Beginning in 1992 and by expansion in the 1995 USTR Amendment, Congress created a special rule that singles out former USTRs and Deputy USTRs for special, more restrictive treatment than other, similarly-situated, former senior officials. Congress did so with virtually no meaningful deliberation or explanation. It is the ABA's view that, in so doing, Congress created a separate category of post-employment treatment for the senior U.S. trade officials that cannot be justified and should be eliminated.

The first step along this path occurred in 1992, when Congress, as part of an appropriations bill, enacted a new Section 207(f)(2) which lengthened to three years the foreign entity ban as it applied to the USTR.²⁷ The Senate report describing this provision contained no meaningful explanation or justification of the longer period.²⁸ In signing the bill, President Bush took strong objection, noting that the change had been passed without any public discussion of the merits, without consideration of its relationship to

the comprehensive amendments passed in the Ethics Reform Act of 1989, and without evaluation of "the implications of targeting for coverage just one position."²⁹ President Bush signed the bill because it was a necessary funding measure.

Continuing this pattern of acting without legislative hearings or development, the 1995 USTR Amendment enlarged this special USTR restriction to a lifetime ban, and expanded the ban to cover Deputy USTRs as well as USTRs. Like the initial 1992 creation of the special post-employment rules of the Ethics in Government Act of 1978 or the Ethics Reform Act of 1989, each of which underwent extensive legislative consideration—the USTR Amendment did so without any meaningful legislative background.

This action raises serious legal and policy questions. In departing from the "waiting period" rationale that underlay the general one-year ban on representation of foreign governments in the Ethics Reform Act of 1989,³⁰ the new lifetime ban raises the very constitutional questions that led the Justice Department and other witnesses to express concern during the 1989 reform legislation. One of the bills leading to the 1989 Act contained a lifetime ban on certain high ranking officials representing or advising foreign entities. In hearings on that bill, a Justice Department spokesman agreed that the lifetime ban raised a serious constitutional problem.³¹ Another Justice Department official doubted that reducing the ban to 10 years would remove the constitutional problem.³² Commenting on a substitute version of the bill, a spokesperson for Common Cause agreed with shifting away from a lifetime ban on representing foreign governments in favor of a shorter period. While believing that the period for the ban should be longer than for other representations, Common Cause was "very troubled by a lifetime ban and would not recommend that."³³ Others testified that even a 10-year ban was too long.³⁴ The ACLU suggested that "[a]t the very least such a prohibition should expire if the party controlling the White House changes in the interim."³⁵

More importantly, no persuasive rationale has been advanced for applying special rules to senior trade officials. Former USTRs were barred by pre-1992 law, for example: from ever assisting foreign governments in any matter in which they had direct involvement while in government;³⁶ for communicating with USTR officials on my policy issue for a period of the one year;³⁷ from communicating with USTR officials within two years on any matter that was active within USTR during the last year of the former USTR's service;³⁸ and from appearing before any agency, within one year after leaving government, on behalf of a foreign government or political party.³⁹

Taken together, these rules adequately protect against the possibility, and against the appearance of "influence peddling" or "misuse of inside information" by former trade officials on behalf of foreign interests.

There are at least three other compelling reasons to repeal the new post-employment restrictions. First, the restrictions could easily hinder advancement of U.S. interests by diminishing the pool of qualified senior trade negotiator candidates. Among the factors cited in discouraging people from public service are increasingly severe post-employment restrictions. Past USTRs and Deputy USTRs have not made a full career of public service; like other senior appointees, they have returned to their communities and their private practices after serving in public office. Qualified candidates may decline to serve if their livelihoods—often after a relatively short period of government service—would thereby be materially jeopardized.

Second, there has been no documented misconduct by former USTRs or Deputy USTRs which would justify the new, heightened restrictions. Third, there is no principled reason to single out trade negotiators; rather, the new restrictions simply penalize or demonize the representation of foreigners. Other government officials—e.g., the Secretaries of Defense or Transportation, or the Attorney General—could just as easily be subject to the same lifetime ban.

Meanwhile, there has been absolutely no showing that the general rules applicable to all other government officials insufficiently protect the interests of the United States. The public interest is in having nominees who become public officials adhere to the highest standards while executing the duties of their office. After someone leaves office, the government's interest is properly limited to preventing the misuse of its confidential information and the misuse of influence.⁴⁰

IV. CONCLUSIONS AND RECOMMENDATIONS

For the reasons set out above, it is the view of the ABA that: Congress should avoid statutory provisions that disqualify senior executive or judicial appointees on the basis of clients they have previously represented. Congress and the Administration should continue to utilize traditional mechanisms (including the Senate's power of confirmation), rather than special pre- or post-employment rules, to ensure that senior executive or judicial positions are filled only by highly qualified persons who will fulfill the responsibilities of their positions with complete integrity. Ethics-in-government rules, whether addressed to pre- or post-government employment activities, should not single out foreign policy or trade functions for special, restrictive treatment. Congress should repeal the 1995 amendments to 18 U.S.C. §207 and 19 U.S.C. §2171(b), whose effect is to restrict the pre- and post-employment activities of U.S. Trade Representatives ("USTRs") and Deputy USTRs on behalf of foreign interests, and should not extend those provisions to cover other senior government positions.

Respectfully submitted,

LUCINDA A. LOW,
*Chair, Section of International
Law and Practice.*

FOOTNOTES

¹Pub. L. No. 104-65, 109 Stat. 691 (1995).
²See 141 Cong. Rec. S10560-61 (daily ed. July 24, 1995).
³Pub. L. No. 102-395, 106 Stat. 1873, codified at 18 U.S.C. §207(f)(2).
⁴See generally Laurence H. Tribe, *American Constitutional Law* 244 (2d ed. 1988) (analyzing the wording of Art. II, §2, cl. 2).
⁵John E. Nowak & Ronald D. Rotunda, *Constitutional Law* 265 (5th ed. 1995) (footnotes omitted).
⁶Letter from Andrew Fois, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice to the Hon. Henry Hyde, Chairman, House Committee on the Judiciary, concerning S. 1060 [the Senate bill pending before the House] 2-3 (Nov. 7, 1995).
⁷Letter from Andrew Fois, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice to the Hon. Alice M. Rivlin, Director, Office of Management and Budget concerning S. 1060 2 (Dec. 18, 1995).
⁸See 51 Weekly Compilation of Presidential Documents 2205-06 (December 25, 1995).
⁹The unwarranted breadth of the new disqualification is demonstrated by the more narrowly drawn alternatives that Congress did not select. Even assuming arguendo that assertive use of the Senate's confirmation authority is insufficient, narrower solutions are available. One is mandatory recusal with penalties for failure to do so, combined with strict reporting of prior activities. See, e.g., 28 U.S.C. §528 (Justice Department employees). Recent USTR and Deputy USTR nominees have disclosed prior representations, including foreign representations, and have voluntarily recused themselves (temporarily or permanently, as appropriate) with respect to issues involving those particular clients. Hearing to con-

sider nomination of Michael Kantor Before Senate Comm. on Finance, 103rd Cong., 1st Sess. (1993); Nomination of Carla Anderson Hills: Before Senate Comm. on Finance, 101st Cong., 1st Sess. (1989).
Nominations of Rufus Hawkins Yerza, Charlene Barshefsky, Walter Broadnax, Avis Lavelle, Jerry Klegner, David Ellwood, Kenneth Apfel, Bruce Vladeck, Harriet Rabb and Jean Hanson: Before Senate Comm. on Finance, 103rd Cong., 1st Sess. (1993).
Other trade officials have done likewise. See, e.g., Rick Jenkins, "Trade Nominations Raises 'Revolving Door' Issue," *Christian Science Monitor* at 8 (Jan. 14, 1994). Another alternative is more extensive mandatory reporting of pre-employment activities over a set period before Senate confirmation, enhancing the Senate's ability to reject a nominee based on prior activities if it wishes. See, e.g., Hearings on S. 555 (Public Officials Integrity Act of 1977, Blind Trusts and Other Conflict of Interest Matters) Before the Senate Comm. on Governmental Affairs, 95th Cong., 1st Sess. 108-09 (1977) (testimony of Fred Wertheimer, Vice President for Operations, Common Cause). Requiring disclosure of clients is not without its problems. As noted by the ABA in 1977, such a regime could place a professional person in the position of having to violate the confidentiality of a privileged relationship. See *Financial Disclosure Act: Hearings on H.R. 1, H.R. 9, H.R. 6954, and Companion Bills Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary*, 95th Cong., 1st Sess. 487, 490 (1977) (testimony of Prof. Livingston Hall and Prof. Herbert S. Miller on behalf of the American Bar Association).

¹⁰Removing Politics from the Administration of Justice: Hearings on S. 2803, S. 2978 Before the Subcommittee on Separation of Powers of the Senate Comm. on the Judiciary, 93rd Cong., 2d Sess. 62 (1974).

¹¹These are all the provisions that could be identified through review of the U.S. Code, 1994 Edition, and Supplement I to that Edition. Some of these provisions are also subject to statutory requirements designed to ensure a balance of political affiliation on Boards and Commissions, e.g., an equal number of Democrats and Republicans on the U.S. International Trade Commission. Additionally, in some cases an office is required by statute to be filled by an existing federal, state or local government official. Appendix II largely ignores such requirements.

¹²Dr. Yeutter had served on the board of directors of the Swiss Commodities and Futures Association and had been the first American businessman invited to Japan (in 1982) under a Japanese government program to improve trade relations with the United States. See Hearing on the Nomination of Dr. Clayton K. Yeutter Before the Senate Comm. on Finance, 99th Cong., 1st Sess. 28-29, (1985) (vita submitted on behalf of Dr. Yeutter).

¹³According to third-party testimony at the time of her appointment, Ambassador Hills had previously been registered under the Foreign Agents Registration Act as an agent for Daewoo Industrial Co. See Hearing on the Nomination of Carla Anderson Hills Before the Senate Comm. on Finance, 101st Cong., 1st Sess. 32, 51 (1989) (testimony of Anthony Harrigan, President, U.S. Business and Industrial Council).

¹⁴See Donald DeKieffer, "The 1995 'Irrelevant Qualifications Act'" *Journal of Commerce* at 7A (Dec. 30, 1996).

¹⁵Watergate Reorganization and Reform Act of 1975: Hearings on S. 495 Before the Senate Comm. on Government Operations, 94th Cong., 1st Sess., pt. 2 at 174 (1976) (testimony of William B. Spann, Jr., President-Elect Nominee of the American Bar Association and Chairman, American Bar Association Special Committee to Study Federal Law Enforcement Agencies). The ABA did recommend limited measures to address perceived problems of politicization of the Department of Justice. See also id. at 270-71, 295, 298.

¹⁶See S. Rep. No. 99-396, 99th Cong., 2d Sess. 13-14 (1986); S. Rep. No. 100-101, 100th Cong., 1st Sess. 8-9 (1987).

¹⁷Prior provisions had barred former employees from prosecuting claims against the United States for two years after terminating government employment. See H. Rep. No. 748, 87th Cong., 1st Sess. 2-4 (1961).

¹⁸Pub. L. No. 95-521, 92 Stat. 1824, 1864-66 (1978).

¹⁹Pub. L. No. 101-194, 103 Stat. 1716-24 (Nov. 30, 1989).

²⁰18 U.S.C. §207(a)(1) (1996).

²¹18 U.S.C. §207(a)(2).

²²18 U.S.C. §207(c), (d).

²³18 U.S.C. §207(f).

²⁴H. Rep. No. 1068, 100th Cong., 2d Sess. 13 (1988) (regarding H.R. 5043); Post-Employment Conflicts of

Interest: Hearings on H.R. 5097 and Related Bills Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary, 99th Cong., 2d Sess. 79-80 (1986) (testimony of John C. Keeney, Deputy Assistant Attorney General, Criminal Division, Department of Justice, on legislation leading up to the 1989 Act, arguing that post-employment restrictions could prohibit representations which were in the national interest). Similar views were forwarded by the ACLU, which maintained that a statute prohibiting the representation of foreign interests regulated political activity and, to be upheld, must withstand strict judicial scrutiny. See *Post-Employment Restrictions for Federal Officers and Employees: Hearings on H.R. 2267 and Related Bills Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary*, 101st Cong., 1st Sess. 200, 204-06 (1989). See also Appendix III to this Report.

²⁵S. Rep. No. 101, 100th Cong., 1st Sess. 14 (1987).

²⁶The ABA may, of course, have occasion in the future to comment or suggest improvements that would enhance the effectiveness of these rules. That is not the subject of this Report.

²⁷Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993, Section 609, Pub. L. No. 102-395, 106 Stat. 1828, 1873 (1992).

²⁸See S. Rep. No. 102-331, 102d Cong., 2d Sess. 118 (1992).

²⁹28 Weekly Compilation of Presidential Documents 1874 (Oct. 12, 1992) (statement by President George Bush upon signing H.R. 5678).

³⁰See supra, fn. 25.

³¹Integrity in Post Employment Act of 1986: Hearings on S. 2334 Before the Senate Comm. on the Judiciary, 99th Cong., 2d Sess. 37-38, 41-43, 66 (1986) (testimony of John C. Keeney, Deputy Assistant Attorney General, Criminal Division, Department of Justice).

³²Id. at 87-88 (testimony of Stephen S. Trott, Assistant Attorney General for the Criminal Division, Department of Justice).

³³See id. at 179 (testimony of Ann McBride, Senior Vice President, Common Cause); *Post-Employment Conflicts of Interest: Hearings on H.R. 5097 and Related Bills Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary*, 99th Cong., 2d Sess. 103-04 (1986) (testimony of Ann McBride, Senior Vice President, Common Cause).

³⁴See id. at 183, 186 (testimony of Norman J. Ornstein, American Enterprise Institute).

³⁵Hearings on S. 2334 (Integrity in Post Employment Act of 1986) Before the Senate Comm. on the Judiciary, 99th Cong., 2d Sess. 199 (1986) (testimony of Morton H. Halperin and Jerry J. Berman on behalf of the American Civil Liberties Union).

³⁶18 U.S.C. §207(a)(1) (1989).

³⁷18 U.S.C. §207(c).

³⁸18 U.S.C. §207(a)(2).

³⁹18 U.S.C. §207(f).

⁴⁰See *Integrity in Post Employment Act of 1986: Hearings on S. 2334 Before the Senate Comm. on the Judiciary*, 99th Cong., 2d Sess. 79-80 (1986) (testimony of David H. Martin, Director, Office of Government Ethics). The American Civil Liberties Union ("ACLU") also opined that the misuse of inside information should be the focus of ethics laws, rather than the identity of the client. Id. at 198 (testimony of Morton H. Halperin and Jerry J. Berman on behalf of the American Civil Liberties Union); Hearings on H.R. 2267 and Related Bills (Post-Employment Restrictions for Federal Officers and Employees) Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary, 101st Cong., 1st Sess. 200, 210-11 (1989).

Mr. HILL. Mr. Speaker, I rise today to express my deep concern about our action to waive provisions of section 21 of the 1974 Trade Act relating to the appointment of the U.S. Trade Representative. As you know, Senate Joint Resolution 5 waives the prohibition banning individuals who represent or have previously represented foreign governments from serving as America's top trade representative.

Mr. Speaker, the law we are asked to waive today is not some arcane law that has been in the books for decades which may have run its time. It is a law that was approved only 2 years ago to prevent lobbyists of foreign governments from obtaining an appointment to be our chief trade negotiator. While I do not doubt

the competency and ability of Ambassador Barshefsky to dedicate her best efforts as she has done as the Deputy U.S. Trade Representative, her association as a lobbyist for Canada touches a raw nerve in Montana.

Mr. Speaker, the farmers and ranchers of my home State of Montana are suspicious of the administration's commitment to ensure that NAFTA implementation is fair. To this point, evidence suggests it isn't. The Lobby Act says that anyone who has worked against the United States in trade negotiations ought to be excluded from U.S. Government service as trade representative. When the President signed the Lobby Act he singled out this provision for praise. Without being too political, it is an unusual request to waive the law just enacted. Though the issue is a material matter of law, it also goes to the heart of trust. For my farmers and ranchers in Montana, there is a constant threat of subsidized Canadian wheat and barley being dumped in United States markets. These actions threaten Montanan's livelihood and seriously question the free-trade agreements with our northern neighbor.

As you know, Mr. Speaker, I consider Canada a strong ally of the United States. We share the longest unfortified border in the world and a similar past of standing up against tyranny and for the values of democracy. However, many Montanans are greatly troubled by Canada's current trade practices. Despite the implementation of the North American Free-Trade Agreement [NAFTA], Canada continues to subsidize its various industries and commodities, including timber, beef, and grain.

Clearly, we need someone to vigorously negotiate and highlight American interests in our growing international trade. The stakes have never been higher for farmers and ranchers in my State of Montana. Our farmers need to find markets and secure agreements for free and fair trade. And they need to have confidence that Washington is behind them 100 percent. We passed a law to give them that confidence. Now is not the time to waiver.

Mr. Speaker, I believe that granting the waiver sends the wrong signal. Waiving the law only raises suspicion about our long-term dedication to free trade.

Mr. NEAL of Massachusetts. Mr. Speaker, I support the legislation before us which grandfather Ambassador Barshefsky from certain provisions of the Lobbying Disclosure Act of 1995. When this legislation was considered in the Senate, Ambassador Barshefsky was grandfathered as Deputy U.S. Trade Representative [USTR]. This resolution would extend that grandfather to Ambassador Barshefsky as she moves up to the position of USTR.

I have served on the Subcommittee on Trade for 4 years and have had the opportunity to work closely with Ambassador Barshefsky. Prior to joining USTR, Ambassador Barshefsky specialized in trade law and policy for 18 years. She brings expertise to the position of USTR.

In her 4 years at USTR, Ambassador Barshefsky negotiated many major bilateral and multilateral agreements. With respect to Japan, Ambassador Barshefsky has been the key policymaker and negotiator. Her work has resulted in agreements on the following issues: Government procurement of telecommunications equipment and services, Government procurement of medical equipment

and technology, insurance, flat glass, and cellular phones and equipment and agreements.

Ambassador Barshefsky was instrumental in reaching the intellectual property rights enforcement agreement with China. I admire her determination in reaching agreements when there were many skeptics. Several times it was down to the wire and she was able to come out with a solid agreement.

I urge you to vote for this resolution. I look forward to working with Ambassador Barshefsky in her role as USTR.

Mr. RANGEL. Mr. Speaker, I rise in strong support of Senate Joint Resolution 5, legislation to waive certain provisions of the Lobbying Disclosure Act of 1995 with respect to the nomination of Ambassador Charlene Barshefsky to become the U.S. Trade Representative. This legislation is necessary to complete the nomination process of Ambassador Barshefsky.

Ambassador Barshefsky has broad bipartisan support and deserves to be our next U.S. Trade Representative. Last week, the other body approved her nomination and the waiver legislation before us today by overwhelming votes of 99-1 and 98-2, respectively.

During her nearly 4 years of service at the Office of the USTR, first as Deputy USTR and since April of last year Acting USTR, Ambassador Barshefsky has compiled an impressive record opening foreign markets for U.S. exporters and defending U.S. trade interests. For example, she recently concluded successful multilateral agreements which will reduce or eliminate tariffs worldwide on trade in information technology products, and which will open foreign markets for basic telecommunications services. Last December she concluded a bilateral agreement with Japan on insurance which opens that market for U.S. insurance providers. Last year, she also struck an agreement with China providing for stronger enforcement of U.S. intellectual property rights in that country.

Clearly, Ambassador Barshefsky has shown that she is a tough and skillful negotiator internationally. More importantly, however, Ambassador Barshefsky understands that international trade and our Nation's trade policies have an impact on the lives and futures of Americans. For that reason, she consults closely with Members of Congress and the public at large on her actions. She clearly recognizes that trade policy is a shared responsibility of the executive and legislative branches and carries out her responsibilities accordingly.

For those who may have questions or concerns about this waiver, it must be noted that Congress has previously passed legislation to waive a statutory requirement on who may serve in a particular Government position with respect to a specific nominee. It should also be noted that, as Deputy USTR, Ambassador Barshefsky was specifically exempt from the provisions in question in the Lobbying Disclosure Act. The Senate Finance Committee carefully studies her record in the private sector and agreed unanimously that a waiver was entirely appropriate for Ambassador Barshefsky.

Mr. Speaker, in the past several years I have come to know and admire Ambassador Barshefsky's work and tireless dedication on behalf of the American people. I heartily endorse the legislation before us today and urge my colleagues to support it. Ambassador

Barshefsky will be a U.S. Trade Representative of which we will all be proud.

Mrs. KENNELLY. Mr. Speaker, I rise today in support of Senate Joint Resolution 5 which waives certain provisions of the Trade Act of 1974. This resolution would grandfather Ambassador Charlene Barshefsky from the application of certain restrictive provisions of the Lobbying Disclosure Act of 1995. On occasion the Senate has granted similar waivers when a statutory provision would have barred a highly qualified nominee from serving our Nation's executive branch. Let me note, however, that this resolution applies only to Ambassador Barshefsky and in no way modifies the statute nor does it have implications for any other prospective nominees to serve as the U.S. Trade Representative or as Deputy USTR.

As a Member of the Ways and Means Committee, I have had the pleasure of working with Ambassador Barshefsky during her time at USTR, first as deputy to Mickey Kantor and recently in the acting capacity. Ambassador Barshefsky has been instrumental in developing and pursuing a strong international trade policy having successfully completed several multilateral trade and investment treaties. Not only has she demonstrated her commitment securing agreements beneficial to U.S. trade interests, she has also demonstrated her willingness to walk away from the table when other countries have made insufficient offers.

Given her tenacity and resolve on behalf of our country's trade interests, I firmly believe Charlene Barshefsky to be capable and well prepared for her role as Trade Representative. Her professional achievements, her tough negotiating skills and her knowledge of her subject are most remarkable. I have worked with few people who possess the ability to discuss both the intricate details of trade minutia and the whole picture with such clarity and coherence.

We are embarking on a new age in the global marketplace. If we are to remain competitive, we must be able to compete in foreign markets. The United States has vigorously pursued agreements and commitments from our trading partners to open their markets and reduce their trade barriers in both goods and services. These opportunities should benefit both American companies and consumers. That must be our goal in seeking expanded trade in the future; our economic well-being depends on it.

I am confident that Ambassador Barshefsky will continue to pursue a strong and fair trade agenda that seeks to promote our national interests abroad and at home. I urge my colleagues to support the waiver and vote for Senate Joint Resolution 5.

Mr. SMITH of Oregon. Mr. Speaker, I rise in support of Senate Joint Resolution 5, a joint resolution waiving provisions of the Trade Act of 1974 relating to the appointment of the U.S. Trade Representative. As the chairman of the Committee on Agriculture I believe that it is vital that the person representing the United States in trade negotiations and resolution of disputes recognize that agriculture is an extremely important and essential issue to be considered in all trade negotiations and resolutions of disputes. American farmers and ranchers, the most productive in the world, can prosper only where there is free and fair world trade.

In fact, if not for agriculture exports the U.S. trade deficit would be larger than it currently

is. In 1996, U.S. agriculture exports totaled \$60 billion and the agriculture trade surplus exceeded \$26 billion. There is, nevertheless, ample opportunity for expansion of agriculture trade into the 21st century. It is incumbent on the administration, through the Office of the Trade Representative and the Department of Agriculture, to make sure that opportunities exist for trade expansion and that trade disputes are resolved in a timely manner.

I have had the opportunity to meet with Ambassador-Designate Barshefsky and she assures me of her knowledge of agriculture and her commitment to ensuring the proper emphasis on agriculture export issues. In our discussions we agreed that agriculture is the No. 1 high-tech export and the No. 1 priority with the USTR. Historically, agriculture has been a leader in biotechnology, a process through which researchers develop improved seeds and crops, such as those naturally protected from diseases and insects. This process has enabled farmers and ranchers to increase yields and thereby exports. It has also brought challenges from our trading partners. These challenges must be vigorously defended by the administration and Ambassador-Designate Barshefsky assures me that she will do so.

The Uruguay Round agreement included provisions on sanitary and phytosanitary disputes and provided that sound science be the basis for resolution of such disputes. Countries' use of nontariff trade barriers to restrict imports, especially those related to sanitary and phytosanitary issues, do great harm to American agriculture exports and thereby the income of our farmers and ranchers. This must be a high priority with the administration.

The Committee on Agriculture will hold a hearing on March 18, 1997, to discuss agriculture trade and the barriers that face exporters. The Secretary of Agriculture and the U.S. Trade Representative have been invited to testify. This will be an opportunity for the representatives of the administration to discuss implementation of trade agreements, the monitoring of the implementation of these agreements by other countries, and to delineate how they will secure fair treatment for American commodities in world trade.

In my discussions with Ambassador-Designate Barshefsky she assures me that agriculture will be a top priority under her watch. That is why I will support Senate Joint Resolution 5 and the waiver needed to allow her to assume the position of USTR.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARCHER] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 5.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate Joint Resolution was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 852, PAPERWORK ELIMINATION ACT OF 1997

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105-15) on the resolution (H.Res. 88) providing for consideration of the bill (H.R. 852) to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF ENERGY
STANDARDIZATION ACT OF 1997

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 649) to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

The Clerk read as follows:

H.R. 649

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 "Department of Energy Standardization Act of 1997".

SEC. 2. STANDARDIZATION OF DEPARTMENT OF ENERGY REQUIREMENTS WITH GOVERNMENT-WIDE REQUIREMENTS.

(a) DEPARTMENT OF ENERGY REGULATIONS.—Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) is amended—

- (1) by striking subsections (b) and (d),
- (2) by redesignating subsection (c) as subsection (b) and by redesignating subsections (e), (f), and (g) as subsections (c), (d), and (e), respectively, and
- (3) in subsection (c) (as so redesignated), by striking "subsections (b), (c), and (d)" and inserting "subsection (b)".

(b) SPECIAL REQUIREMENTS AFFECTING ADVISORY COMMITTEES.—

(1) SECTION 624.—Section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) is amended by—

- (A) striking "(a)"; and
- (B) striking subsection (b).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 17 of the Federal Energy Administration Act of 1974 (15 U.S.C. 776) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Texas, Mr. HALL each will control 20 minutes.

The Chair recognizes the gentleman from Colorado, Mr. DAN SCHAEFER.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 649 is a very straightforward measure and simply seeks to eliminate some of the unnecessary duplication that we have now within the DOE.

Currently, DOE is subject to two different standards for public notification and response to public comment. One set exists in the governmentwide Administrative Procedure Act and a separate set exists in the DOE organizational act. Likewise, DOE's advisory committees are subject to a separate and more restrictive public participation than required of other Federal agencies.

This measure would simply put DOE on the same par with other Federal agencies for public notice and response to comments. DOE would be fully subject to the provisions of the Administrative Procedure Act for advisory committees. This change simply allows DOE greater flexibility in closing off advisory committees to the public, fully consistent with the provisions of the Federal Advisory Committee Act.

During my time in Congress, I have been a very strong supporter of public participation in the political process. H.R. 649 will in no way diminish the ability of the public to participate in DOE's decisionmaking process, and will relieve some of DOE's administrative burden in complying with two different sets of standards.

I would especially like to thank the ranking member of the Subcommittee on Energy and Power, and fellow sponsor of this bill, the gentleman from Texas [Mr. HALL], for working with me in a very cooperative mood. We will have many more chances to work together in such a bipartisan effort and spirit as we move on.

H.R. 649 is supported by the Department of Energy. It is a bipartisan bill, and is a good, commonsense piece of legislation. I would recommend its adoption by the whole House.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I will be brief, Mr. Speaker, because the gentleman from Colorado, Mr. DAN SCHAEFER has pretty well closed in on the issue before us. However, I just want to say that I rise today very much in support of H.R. 649, the Department of Energy Standardization Act, which I had the pleasure of helping to introduce with my good friend and chairman of the Subcommittee on Energy and Power, the gentleman from Colorado, Mr. DAN SCHAEFER.

Actually, the DOE Standardization Act simply addresses the duplicative regulation being placed on the Energy Department in its public involvement process. This is a critical process, and it is a very critical process in any Federal decisionmaking, and it is defined within the boundaries of the Administrative Procedure Act and Federal Advisory Committee Act.

However, I think it was stated that the Department of Energy Organization Act and the Federal Administration Act of 1974 include provisions that are inconsistent with these two other acts. So because DOE is having to comply with different standards within various rulemaking statutes, H.R. 649 attempts to streamline these regulations by eliminating those provisions of the DOE Act and Federal Energy Administration Act of 1974 which conflict with or which overlap the requirements of the Administrative Procedure Act and Federal Advisory Committee Act.

So of course, streamlining these regulations is estimated to result in a savings of about a half a million dollars a year for the Federal Government, and I think that the gentleman from Colorado, Mr. DAN SCHAEFER, the chairman of the subcommittee, and all of our colleagues on both sides of the aisle can agree that cutting wasteful spending should always be a top priority in Congress, however small or however great, and I certainly urge my colleagues to vote "yes."

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

□ 1445

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER that the House suspend the rules and pass the bill, H.R. 649.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 649, the bill just passed and to insert extraneous material.

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

There was no objection.

EXTENDING DEADLINE FOR HYDROELECTRIC PROJECT IN WASHINGTON STATE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 651) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The Clerk read as follows:

H.R. 651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project numbered 8864, the Commission shall, upon the request of the project licensee, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence construction of the project for not more than 3 consecutive 2-year periods.

(b) APPLICABILITY.—An extension under subsection (a) shall take effect for a project upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Texas, Mr. HALL, each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. DAN SCHAEFER).

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, under section 13 of the Federal Power Act, hydro project construction must begin within 4 years of the issuance of a license. If construction has not begun by that time, the FERC cannot extend the deadline and must terminate that license.

H.R. 651 and another bill we are going to be considering very shortly, H.R. 652, provide for up to three additional 2-year extensions of the construction deadline if the sponsor pursues the commencement of construction in good faith and with due diligence.

Mr. Speaker, these types of bills have not been controversial in the past. The bills do not change the license requirement in any way and do not change environmental standards, but merely extend the statutory deadline for commencement of construction. There is a need to act now, since the construction deadlines for these projects will soon expire. If Congress does not act, FERC will terminate the license, the project sponsors will lose many of the dollars they have invested in the projects, and communities will lose the prospect of significant job creation and added revenues.

H.R. 651 will authorize FERC to extend the deadline for the construction on the Calligan Creek project, a 5-megawatt project in King County, Washington, for up to 6 additional years. There is a reason to act quickly, since the construction deadline expires on May 13, 1997. FERC has no objection to H.R. 651.

I urge my colleagues to support H.R. 651.

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

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 651, introduced by my good friend, the gentleman from Washington, Mr. RICK WHITE. This bill simply extends a construction deadline applicable to hydroelectric projects in the State of Washington, licensed by the Federal Energy Regulatory Commission.

The chairman has adequately explained the ramifications of the bill. I think FERC does oppose affording licensees more than a 10-year extension from the issuance date of the license, but in this case H.R. 651 extends the deadline up to 6 years, which in total would extend the project from the beginning to exactly 10 years, in accordance with the law.

In accordance with the 10-year rule, FERC has no objection to the bill.

It is not without warranted reason that these hydroelectric projects are in need of license extensions. In the case of the project in Washington State, the lack of power purchase agreements is the main reason construction has not commenced. Without these power purchase agreements, the project is not economically viable because it cannot be financed; all the while the deadline clock is running. And these circumstances make it critical for a construction license to be granted in accordance with the 10-year rule and FERC's agreement.

This is an easy bill with no objection from FERC, and I strongly urge my colleagues to join me in voting.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington, RICK WHITE, who is the sponsor of the bill.

Mr. WHITE. I will be very brief, Mr. Speaker. I want to thank the chairman and ranking member for helping us bring these bills to the floor. I simply want to reiterate what they said.

Mr. Speaker, this is one of these bills that it is a great pleasure to work on, because I think we are all in agreement that this is the sort of thing we should do. These bills, both of them, H.R. 651 and 652, simply extend the deadline for construction of these dams within the 10-year period that FERC prefers. I want to thank both the chairman and the ranking member once again for allowing these bills to come forward.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 651.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 651 and to insert extraneous material on the bill.

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

There was no objection.

EXTENDING DEADLINE FOR HYDROELECTRIC PROJECT IN WASHINGTON STATE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 652) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The Clerk read as follows:

H.R. 652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project numbered 9025, the Commission shall, upon the request of the project licensee, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence construction of the project for not more than 3 consecutive 2-year periods.

(b) APPLICABILITY.—An extension under subsection (a) shall take effect for a project upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. DAN SCHAEFER], and the gentleman from Texas, [Mr. HALL] each will control 20 minutes.

The Chair recognizes the gentleman from Colorado, [Mr. DAN SCHAEFER].

(Mr. DAN SCHAEFER of Colorado asked and was given permission to revise and extend his remarks.)

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 652, similar to H.R. 651, would authorize FERC to extend the deadline for the construction of the Hancock Creek Project, a 6-megawatt project in King County, WA, for up to three additional 2-year periods.

According to the project's sponsor, construction has not commenced for the lack of a power purchase agreement. There is a reason for the subcommittee to act as the construction deadline expires on June 21 of 1997. FERC has no objection to this bill, H.R. 652, and I would urge support for the bill.

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

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today again I rise in support of H.R. 652, also introduced by a fine young man, the gentleman from Washington, Mr. RICK WHITE. This bill simply allows the Federal Energy Regulatory Commission to extend the construction deadline for the Hancock Creek project in King County, WA.

As the chairman stated, this is exactly like H.R. 651, a similar bill we just finished speaking in support of. H.R. 652 authorizes FERC to extend the commencement of the construction for the 6.3-megawatt project in Washington State for up to 6 years. With this extension, the hydroelectric project would have a full 10 years.

I strongly urge Members to vote in support of H.R. 652 and allow this project sufficient time to commence its construction.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Speaker, once again I thank the chairman and ranking member for bringing this bill forward. It is exactly like H.R. 651. They both should pass for the same reasons.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 652.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legisla-

tive days within which to revise and extend their remarks on the bill, H.R. 652, and to insert extraneous material.

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

There was no objection.

DESIGNATING THE RESERVOIR CREATED BY TRINITY DAM IN THE CENTRAL VALLEY PROJECT, CALIFORNIA, AS "TRINITY LAKE"

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 63) to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake".

The Clerk read as follows:

H.R. 63

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF TRINITY LAKE.

(a) DESIGNATION.—The reservoir created by Trinity Dam in the Central Valley project, California, and designated as "Clair Engle Lake" by Public Law 88-662 (78 Stat. 1093) is hereby redesignated as "Trinity Lake".

(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the reservoir referred to in subsection (a) shall be considered to be a reference to "Trinity Lake".

(c) REPEAL OF EARLIER DESIGNATION.—Public Law 88-662 (78 Stat. 1093) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

Mr. Speaker, this basically is a simple name change to relieve a lot of confusion surrounding the name of this particular reservoir. Everything else in the area is referred to as Trinity Dam or Trinity Power Plant. Making this Trinity Lake would relieve the confusion and would, frankly, enhance the efforts of the communities to appeal more to tourism, which is what they are hoping to do.

Mr. Speaker, I know of no opposition to this. Similar legislation passed the House in the last Congress, but the Senate took no action. This did not have any problem coming out of our committee, and I urge our colleagues to support the bill.

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

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

Mr. Speaker, I note for the RECORD that Clair Engle was a distinguished member of the House of Representatives from California, and also a U.S. Senator, and that we recognize the practical reasons for this name change.

We also note that this action in no way diminishes the respect we have for

Clair Engle. The committee report suggests that another facility may in the future be designated in honor of Clair Engle, and I believe that would be an appropriate action to honor his memory.

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

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

Let me say I concur with the gentleman's sentiment. It is entirely appropriate that we have something named in honor of Senator Engel. This area was, generally speaking, the area from which he came. We would certainly support an appropriate designation in his honor. This, however, is I think necessary to assist the community in clearing up considerable confusion that does exist.

Mr. FAZIO of California. Mr. Speaker, I rise in reluctant support of this bill today. Certainly, it is important that Congress take the lead from the wisdom of local government when it is appropriate, and I understand that the genesis of this bill is a unanimous resolution by the Trinity County Board of Supervisors asking that Clair Engle Lake be renamed.

However, Congress does not act lightly in honoring one of its Members. Not every Member of Congress is honored by a congressional resolution which names a public facility in honor of a Member's service, and Congress make a diligent effort to choose a suitable honor commensurate with the Member's contributions to his State and the Nation. These decisions are not made lightly and should not lightly be cast off as our memories of significant achievements fade.

The committee report states the intention to name a suitable Central Valley Project facility for Clair Engle in exchange for the change of name for this lake. I would feel less anxious about our action today if that renaming was part of the resolution in front of us.

Some may remember one of Clair Engle's last acts, when shortly before his death and partially paralyzed, he was wheeled twice into the U.S. Senate chamber to vote, first to end debate on the landmark Civil Rights Act of 1964 and a second time to vote on final passage. These heroic acts exemplified his long record of opposition to racial discrimination. He died 1 month later.

But we in California also remember him for his long service to our State, especially his chairmanship of the House Interior and Insular Affairs Committee and his championing of improvements to the Central Valley Reclamation Project and to public power development.

Engle was born in Bakersfield in 1911 and won election as the youngest county district attorney in California's history, just 1 year after his graduation from the University of California Hastings College of Law in 1933. He had graduated from Chico State College in 1930.

He served as Tehama County district attorney from 1934 to 1942. Engle then spent one term in the State senate before winning election to the House of Representatives in a 1943 special election for a district which covered one-third of the State's land area—from the Mojave Desert to Oregon.

A member of the Interior and Insular Affairs Committee beginning in 1951, he became its chair in 1955 and served until 1958, when he was elected to the U.S. Senate.

"Congressman Fireball," as Clair Engle was sometimes known, was an active and outspoken Member of Congress and provided leadership at a key moment in our history. I believe it was fitting that his long service to California was recognized in naming Clair Engle Lake in 1964, and I hope Congress will find a suitable substitute as quickly as possible.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 63.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 63.

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

There was no objection.

GRANTING CONSENT TO CERTAIN AMENDMENTS ENACTED BY THE HAWAII LEGISLATURE TO HAWAIIAN HOMES COMMISSION ACT OF 1920

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 32) to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920.

The Clerk read as follows:

H.J. RES. 32

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States consents to the following amendments to the Hawaiian Homes Commission Act, adopted by the State of Hawaii in the manner required for State legislation:

(1) Act 339 of the Session Laws of Hawaii, 1993.

(2) Act 37 of the Session Laws of Hawaii, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

Mr. Speaker, I have a statement that I intend to submit for the RECORD. But in that this resolution indeed is authored by a member of our committee,

the gentleman from Hawaii [Mr. ABERCROMBIE], I will reserve the balance of my time and yield to him to explain the joint resolution.

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

Mr. Speaker, I thank the gentleman from California for offering me the opportunity to explain this resolution.

Mr. Speaker, I rise today in support of my joint resolution, House Joint Resolution 32, to consent to certain amendments by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920.

Over 75 years have elapsed since Congress passed the Hawaiian Homes Commission Act of 1920. Under the Hawaiian Homes Commission Act, approximately 203,500 acres of public lands was set aside for the rehabilitation of native Hawaiians through a Government-sponsored homesteading project.

Two major factors prompted Congress to pass this act. First, native Hawaiians were a dying race. Population data showed that the number of full-blooded Hawaiians in the territory, the then-territory of Hawaii, had decreased from an 1826 estimate of 142,650 to 22,600 in 1919.

Second, Congress saw that previous systems of land distribution were ineffective when judged practically by the benefits accruing to native Hawaiians. The Hawaiian Homes Commission Act was originally intended for rural homesteading; that is, for native Hawaiians to leave urban areas and return to lands to become subsistence or commercial farmers and ranchers.

□ 1500

Yet the demand of native Hawaiians for residential house lots has far exceeded the demand for agricultural or pastoral lots.

The Hawaii Statehood Act of 1959 shifted the responsibility for the administration of the Hawaiian Homes Commission Act from the Territory to the State of Hawaii. In accordance with the Statehood Act, title to the available lands was transferred to the new State. The Statehood Act, however, also included certain requirements regarding the State of Hawaii's administration of the Hawaii homes program, and it is these that give rise to joint resolution.

Section 4 of the Hawaii Statehood Act provides that, and I quote, "the consent of the United States," unquote, would be required for certain amendments by the State to the Hawaiian Homes Commission Act. As part of the administrative responsibility the Department of the Interior undertook in 1983 as, quote, "lead Federal agency," unquote, for purposes of the Hawaiian Homes Commission Act, the department and the Governor of Hawaii informally agreed in 1987 to a procedure under which the department would become involved in securing consent to State amendments to the Hawaiian Homes Commission Act.

Congress has previously enacted two statutes consenting to various amendments to the Hawaiian Homes Commission Act by the State of Hawaii: Public Laws 99-577 and 100-398.

Generally, it has been the position of the Department of the Interior in connection with State amendments to the Hawaiian Homes Commission Act to refrain from second-guessing the Hawaii State Legislature and Governor of Hawaii with respect to merits of the amendments.

The following two amendments have been determined to require the consent of the United States and again by extension therefore are meeting on the floor today on this resolution:

One of them is Act 339 of the Session Laws of Hawaii, 1993. This statute establishes the Hawaiian Hurricane Relief Fund. Section 7 authorized the Department of Hawaiian Home Lands to obtain homeowner's insurance coverage for lessees and to issue revenue bonds. Section 15 of the bill consists of a severability clause which provides that consent requirement, if any, that applies to the Hawaiian Home Lands provisions of the act shall not be deemed to have the validity of the other provisions of the act. The Department of the Interior has taken the position that State enactments which include a severability clause, in the exercise of caution, be submitted to Congress for approval.

The second measure, Mr. Speaker, is Act 37 of the Session Laws of 1994. This statute allows homestead lessees to designate as a successor to the lease a grandchild who is at least 25 percent native Hawaiian. Under the current law, as adopted by Hawaii in 1982, a lessee may designate his or her spouse or children as a successor under the lease if they are 25 percent native Hawaiian. The bill would thus allow a similar designation with respect to grandchildren. The Department of the Interior concurs with the State's position that congressional consent is required for this legislation in that it amends the 50-percent blood quantum requirement included in the Hawaiian Homes Commission Act.

So in summary, Mr. Speaker, these two measures involve the establishment of Hawaiian Hurricane Act, obviously we are subject to such phenomenon, natural phenomena in the Hawaiian Islands, and it is necessary for us to establish that fund. And by extension, for the reasons mentioned, to request the United States, that is, the House of Representatives and the Senate, to concur. And second, to provide an opportunity because of the passage of time for lessees to designate their grandchildren as well as their spouse or children if they meet the 25 percent native Hawaiian requirement.

For these reasons and with respect to that history and legacy of the Hawaiian Homes Commission Act, Mr. Speaker, I ask my colleagues to support these worthwhile measures.

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

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to commend the gentleman from Hawaii for being the chief sponsor of this piece of legislation, and I thank the gentleman from California for his cooperation in bringing this piece of legislation to the floor. This legislation passed unanimously the House Committee on Resources last week, and I am very happy that we are now bringing it for floor consideration.

Mr. Speaker, I rise today in strong support of House Joint Resolution 32, a resolution providing congressional consent to certain amendments proposed to the Hawaiian Homes Commission Act of 1920. This consent is required by the 1959 Hawaii Statehood Admissions Act.

Mr. Speaker, I have risen often on this floor to speak out in support of native Hawaiians and against some of the more oppressive actions taken by the United States against the native Hawaiians. Our illegal and unlawful support of the overthrow by force of the lawful Kingdom of Hawaii is not one of the proud moments of our history, I must submit. However, Congress did have the foresight at least to make a commitment to preserve some of the traditional lands in the Hawaiian Islands for native Hawaiians.

Under current law, a native Hawaiian with a leasehold interest in Hawaiian homelands can designate that interest to a spouse or child who is at least 25 percent native Hawaiian. But to designate that same interest to a grandchild, the grandchild would have to be at least 50 percent native Hawaiian. To tell you honestly, Mr. Speaker, this blood quantum really boils me to no end. I have never heard of a human being given blood quantum, 50 percent, 25 percent. As far as I am concerned, they are human beings.

This legislation would consent to a change adopted by the legislature of the State of Hawaii to permit a designation to a grandchild who is at least 25 percent native Hawaiian, the same criterion applied for spouses and children.

Another section of this resolution provides congressional consent to a 1993 Hawaii State law which established the Hawaiian Hurricane Relief Fund. While it is not clear that congressional consent is required for this State statute to be valid, the Department of the Interior, in its usual cautious fashion, has indicated that the prudent approach would be to obtain congressional consent. From my perspective, Mr. Speaker, the policy implemented by the State law is sound, and Congress should act promptly to alleviate any possibility of the State statute being found invalid by reason of a lack of congressional consent.

One final comment, Mr. Speaker, while I am in full support of the legislation we are considering today, I do not want my statement to be interpreted as a change of my position on blood quantum requirements. We did it with the native Indians, we did it with the native Hawaiians, and we did it with Samoans. I continue to find eligibility criteria based on blood quantum abhorrent, and I continue to oppose any such restriction.

Mr. Speaker, I urge my colleagues to support this legislation.

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

I will conclude merely by commenting on my colleague from American Samoa's remarks, that it is indeed the case that the blood quantum requirement has created misunderstanding and difficulty over the years. We need to keep in mind that the act was passed originally in 1920 and that native Hawaiians themselves are coming to grips with this question, and we hope for a resolution that may find its way for presentation to this body in the near future.

With that, Mr. Speaker, I request a favorable attention of the Members of the House to this resolution and I hope that it will receive the necessary votes in order to pass. The people of Hawaii will be very grateful for that outcome, and native Hawaiians in particular will be the beneficiaries.

Mr. Speaker, I thank the gentleman from California for his remarks and his insight. I am very appreciative.

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

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

Mr. Speaker, the changes contained in the gentleman's resolution are meritorious and desirable. They emphasize the principles of self-reliance and of the extended family, and I would strongly urge the House to approve this resolution.

Mr. Speaker, these two amendments to the Hawaiian Homes Commission Act of 1920 would have no effect on the Federal budget. However, they are important to the Native Hawaiian community and these particular provisions of the Hawaii statute cannot go into effect until this the Congress acts. Under the Hawaii Statehood Admissions Act of 1959, Congress retains the authority to consent to any changes to the Hawaiian Homes Commission Act of 1920.

The State of Hawaii acted to create the Hawaii hurricane relief fund after the devastation of Hurricane Iniki in 1993 and included provisions for Native Hawaiians affected on Hawaiian home lands. Act 339 of 1993 of the State of Hawaii proposes to authorize the issuance of hurricane insurance coverage for lessees of Hawaiian home lands and revenue bonds to establish the necessary reserves for payment of claims in excess of reserves. This is the first amendment identified in House Joint Resolution 32.

The second change to the Hawaiian Homes Commission Act proposed by the State of Hawaii by Act 37 of 1994 permits grandchildren

of a Native Hawaiian with at least 25 percent Native Hawaiian blood quantum to assume a grandparent's lease upon the death of the grandparent. It is not uncommon for Native Hawaiian grandchildren to be raised by their grandparents. This measure will support the traditional extended family values among the Native Hawaiian community.

The House consented to these same changes to the Hawaiian Homes Commission Act upon passage of H.R. 1332 in the 104th Congress. That measure, sponsored by Mr. GALLEGLY, then chairman of the subcommittee with jurisdiction over these matters in the 104th Congress, contained language identical to the text of the current resolution by Mr. ABERCROMBIE of Hawaii which is cosponsored by Mr. GALLEGLY and Mr. FALEOMAVAEGA. The other body was prepared last year to accept this provision as contained in H.R. 1332 and now as in House Joint Resolution 32, but adjourned before it could be taken up.

Both of the proposed changes to the Hawaiian Homes Commission Act by the State of Hawaii are meritorious and deserve the approval of the House today. These measures are sound and directly benefit Native Hawaiians by emphasizing the importance of the extended family and self-reliance. I urge my colleagues to approve House Joint Resolution 32 so that these measures can promptly begin to benefit Native Hawaiian families.

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

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of House Joint Resolution 32, which provides congressional approval of two amendments to the Hawaiian Homes Act of 1920 passed by the Hawaii State Legislature. These amendments involve the establishment of a Hawaiian hurricane relief fund and rules governing eligible successors to a Hawaiian homes lease.

It may seem strange to some that the Congress has to approve changes made by a State legislature. But this action is required as a result of the unique history of the Hawaiian Homes Commission Act.

The Hawaiian Homes Commission Act was passed by the Congress in 1921 to set aside some 200,000 acres of land for the use and benefit of the Native Hawaiian people, whose government had been illegally overthrown with the assistance of the U.S. Government in 1893.

The Federal Government maintained primary responsibility for the administration of these lands until Hawaii became a State in 1959. The Hawaii Statehood of Admissions Act transferred the day-to-day administration of the lands to the State of Hawaii, but the Federal Government retained oversight responsibility of the Hawaiian Homes Commission Act. Accordingly, the Hawaii Statehood Admissions Act requires that any changes made by the Hawaii State Legislature affecting the administration of the Hawaiian home lands be approved by the Congress.

House Joint Resolution 32 seeks to approve two such amendments to the act. The first is a 1993 law establishing a Hawaiian hurricane relief fund and authorizing the Hawaii Department of Hawaiian Home Lands to obtain homeowner's insurance for lessees.

The Hawaiian Islands are vulnerable to devastating hurricanes, as demonstrated by Hurricane Iniki in 1992, which virtually wiped out an entire island. It has been difficult for home-

owners in Hawaii to obtain insurance against such potential disasters. For homesteaders on Hawaiian homes lands the effort is even more difficult because of they are not land owners.

The law passed by the State legislature for which we seek approval today will assist many Hawaiian homesteaders in obtaining adequate hurricane insurance coverage.

The second amendment approved by the Hawaii State legislature allows homestead lessees to designate grandchildren who are at least 25 percent Native Hawaiian as successors to the lease. The original Hawaiian Homestead Act limited leases to those of 50 percent or more Native Hawaiian blood. This amendment approved by our State Legislature will allow Hawaiian homesteads to stay within the family for another generation.

These changes adopted by the elected body of the State of Hawaii reflect the will of the people of Hawaii in administering this important law. I would ask my colleagues to support the actions of our State and support House Joint Resolution 32.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the joint resolution, House Joint Resolution 32.

The question was taken.

Mr. SANCHEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. ABERCROMBIE. Mr. Speaker, could the Chair advise how many votes are required, how many Members have to be standing? I did not see the required number of votes.

The SPEAKER pro tempore. The Chair counted one-fifth of those Members present as standing. The yeas and nays are ordered.

Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the joint resolution just considered.

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

There was no objection.

NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 1997

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 709) to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes, as amended.

The Clerk read as follows:

H.R. 709

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 Geologic Mapping Reauthorization Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) in enacting the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), Congress found, among other things, that—

(A) during the 2 decades preceding enactment of that Act, the production of geologic maps had been drastically curtailed;

(B) geologic maps are the primary data base for virtually all applied and basic earth-science investigations;

(C) Federal agencies, State and local governments, private industry, and the general public depend on the information provided by geologic maps to determine the extent of potential environmental damage before embarking on projects that could lead to preventable, costly environmental problems or litigation;

(D) the lack of proper geologic maps has led to the poor design of such structures as dams and waste-disposal facilities;

(E) geologic maps have proven indispensable in the search for needed fossil fuel and mineral resources; and

(F) a comprehensive nationwide program of geologic mapping is required in order to systematically build the Nation's geologic-map data base at a pace that responds to increasing demand;

(2) the geologic mapping program called for by that Act has not been fully implemented; and

(3) it is time for this important program to be fully implemented.

SEC. 3. REAUTHORIZATION AND AMENDMENT.

(a) DEFINITIONS.—Section 3 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31b) is amended—

(1) by striking "As used in this Act:" and inserting "In this Act:";

(2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (7), respectively;

(3) by inserting after paragraph (1) the following:

"(2) ASSOCIATION.—The term 'Association' means the Association of American State Geologists.";

(4) by inserting after paragraph (5) (as redesignated by paragraph (2) of this subsection) the following new paragraph:

"(6) STATE.—The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands."; and

(5) in each paragraph that does not have a heading, by inserting a heading, in the same style as the heading in paragraph (2), as added by paragraph (3), the text of which is comprised of the term defined in the paragraph.

(b) GEOLOGIC MAPPING PROGRAM.—Section 4 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a national cooperative geologic mapping program between the United States Geological Survey and the State geological surveys, acting through the Association.

"(2) DESIGN, DEVELOPMENT, AND ADMINISTRATION.—The cooperative geologic mapping program shall be—

"(A) designed and administered to achieve the objectives set forth in subsection (c);

"(B) developed in consultation with the advisory committee; and

"(C) administered through the Survey.";

(2) in subsection (b)—

(A) in the subsection heading by striking "USGS" and inserting "THE SURVEY";

(B) in paragraph (1)—

(i) by single-indenting the paragraph, double-indenting the subparagraphs, and triple-indenting the clauses;

(ii) by inserting "LEAD AGENCY.—" before "The Survey";

(iii) in subparagraph (A)—
 (I) by striking "Committee on Natural Resources" and inserting "Committee on Resources"; and
 (II) by striking "date of enactment of this Act" and inserting "date of enactment of the National Geologic Mapping Reauthorization Act of 1997";
 (iv) in subparagraph (B)—
 (I) by striking "State geological surveys" and inserting "Association"; and
 (II) by striking "date of enactment of this Act" and inserting "date of enactment of the National Geologic Mapping Reauthorization Act of 1997"; and
 (v) in subparagraph (C)—
 (I) by striking "date of enactment of this Act" and inserting "date of enactment of the National Geologic Mapping Reauthorization Act of 1997";
 (II) by striking "Committee on Natural Resources" and inserting "Committee on Resources";
 (III) in clauses (i) and (ii) by inserting "and the Association" after "the Survey";
 (IV) by adding "and" at the end of clause (ii); and
 (V) by striking "and" at the end of clause (iii) and all that follows through the end of the subparagraph and inserting a period;
 (C) in paragraph (2)—
 (i) by inserting "RESPONSIBILITIES OF THE SECRETARY.—" before "In addition to"; and
 (ii) in subparagraph (A) by striking "State geological surveys" and inserting "Association"; and
 (D) by single-indenting the paragraph and double-indenting the subparagraphs;
 (3) in subsection (c)—
 (A) in paragraph (2) by striking "interpretive" and inserting "interpretative"; and
 (B) in paragraph (4) by striking "awareness for" and inserting "awareness of"; and
 (4) in subsection (d)—
 (A) in paragraph (1) by inserting "FEDERAL COMPONENT.—" before "A Federal";
 (B) in paragraph (2)—
 (i) by inserting "SUPPORT COMPONENT.—" before "A geologic"; and
 (ii) by striking subparagraph (D) and inserting the following:
 "(D) geochronologic and isotopic investigations that—
 "(i) provide radiometric age dates for geologic-map units; and
 "(ii) fingerprint the geothermometry, geobarometry, and alteration history of geologic-map units,
 which investigations shall be contributed to a national geochronologic data base;";
 (C) in paragraph (3) by inserting "STATE COMPONENT.—" before "A State"; and
 (D) by striking paragraph (4) and inserting the following:
 "(4) EDUCATION COMPONENT.—A geologic mapping education component—
 "(A) the objectives of which shall be—
 "(i) to develop the academic programs that teach earth-science students the fundamental principles of geologic mapping and field analysis; and
 "(ii) to provide for broad education in geologic mapping and field analysis through support of field studies;
 "(B) investigations under which shall be integrated with the other mapping components of the geologic mapping program and shall respond to priorities identified for those components; and
 "(C) Federal funding for which shall be matched by non-Federal sources on a 1-to-1 basis.";
 (c) ADVISORY COMMITTEE.—Section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d) is amended—
 (I) by striking subsection (a) and inserting the following:
 "(a) ESTABLISHMENT.—
 "(1) IN GENERAL.—There shall be established a 10-member geologic mapping advisory committee

to advise the Director on planning and implementation of the geologic mapping program.
 "(2) MEMBERS EX OFFICIO.—Federal agency members shall include the Administrator of the Environmental Protection Agency or a designee, the Secretary of Energy or a designee, the Secretary of Agriculture or a designee, and the Assistant to the President for Science and Technology or a designee.
 "(3) APPOINTED MEMBERS.—Not later than 90 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997, in consultation with the Association, the Secretary shall appoint to the advisory committee 2 representatives from the Survey (including the Chief Geologist, as Chairman), 2 representatives from the State geological surveys, 1 representative from academia, and 1 representative from the private sector.";
 (2) in subsection (b)(3) by striking "and State" and inserting "State, and university";
 (d) GEOLOGIC MAPPING PROGRAM IMPLEMENTATION PLAN.—Section 6 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31e) is amended—
 (1) in paragraph (1) by inserting "cooperative" after "national";
 (2) by striking paragraph (3)(C) and inserting the following:
 "(C) for the State geologic mapping component, a priority-setting mechanism that responds to—
 "(i) specific intrastate needs for geologic-map information; and
 "(ii) interstate needs shared by adjacent entities that have common requirements; and";
 (3) by striking paragraphs (4) and (5) and inserting the following:
 "(4) a mechanism for adopting scientific and technical mapping standards for preparing and publishing general-purpose and special-purpose geologic maps to—
 "(A) ensure uniformity of cartographic and scientific conventions; and
 "(B) provide a basis for judgment as to the comparability and quality of map products; and"; and
 (4) by redesignating paragraph (6) as paragraph (5).
 (e) NATIONAL GEOLOGIC-MAP DATA BASE.—Section 7 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f) is amended by striking subsection (b) and inserting the following:
 "(b) STANDARDIZATION.—
 "(1) IN GENERAL.—Geologic maps contributed to the national archives shall have format, symbols, and technical attributes that adhere to standards so that archival information can be accessed, exchanged, and compared efficiently and accurately, as required by Executive Order 12906 (59 Fed. Reg. 17,671 (1994)), which established the National Spatial Data Infrastructure.
 "(2) DEVELOPMENT OF STANDARDS.—Entities that contribute geologic maps to the national archives shall develop the standards described in paragraph (1) in cooperation with the Federal Geographic Data Committee, which is charged with standards development and other data coordination activities as described in Office of Management and Budget revised Circular A-16.";
 (f) ANNUAL REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended in the first sentence—
 (1) by striking "Committee on Natural Resources" and inserting "Committee on Resources"; and
 (2) by striking "program, and describing and evaluating progress" and inserting "program and describing and evaluating the progress".
 (g) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended to read as follows:
"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.
 "(a) IN GENERAL.—There are authorized to be appropriated to carry out the national cooperative geologic mapping program under this Act—

"(1) \$26,000,000 for fiscal year 1998;
 "(2) \$28,000,000 for fiscal year 1999; and
 "(3) \$30,000,000 for fiscal year 2000.
 "(b) ALLOCATION OF APPROPRIATED FUNDS.—
 "(1) IN GENERAL.—Of the amount of funds that are appropriated under subsection (a) for any fiscal year up to the amount that is equal to the amount appropriated to carry out the national cooperative geologic mapping program for fiscal year 1996—
 "(A) not less than 20 percent shall be allocated to State mapping activities; and
 "(B) not less than 2 percent shall be allocated to educational mapping activities.
 "(2) INCREASED APPROPRIATIONS.—Of the amount of funds that are appropriated under subsection (a) for any fiscal year up to the amount that exceeds the amount appropriated to carry out the national cooperative geologic mapping program for fiscal year 1996—
 "(A) for fiscal year 1998—
 "(i) 75 percent shall be allocated for Federal mapping and support mapping activities;
 "(ii) 23 percent shall be allocated for State mapping activities; and
 "(iii) 2 percent shall be allocated for educational mapping activities;
 "(B) for fiscal year 1999—
 "(i) 74 percent shall be allocated for Federal mapping and support mapping activities;
 "(ii) 24 percent shall be allocated for State mapping activities; and
 "(iii) 2 percent shall be allocated for educational mapping activities; and
 "(C) for fiscal year 2000—
 "(i) 73 percent shall be allocated for Federal mapping and support mapping activities;
 "(ii) 25 percent shall be allocated for State mapping activities; and
 "(iii) 2 percent shall be allocated for educational mapping activities.";
 The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming [Mrs. CUBIN] and the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ], each will control 20 minutes.
 The Chair recognizes the gentlewoman from Wyoming [Mrs. CUBIN].
 (Mrs. CUBIN asked and was given permission to revise and extend her remarks.)
 Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.
 Mr. Speaker, today I rise in support of H.R. 709, a bill to amend the National Geologic Mapping Act of 1992. This law is a codification of cooperative federalism. It expressly authorizes the practice of the U.S. Geological Survey using a small but significant portion of its geologic mapping budget to find mapping projects of priority to the State geologic surveys on a 50-50 matching share basis. In this manner, the act promotes the basic scientific endeavor the mapping the bedrock geology and superficial deposits of this country. Most people do not realize the importance of geologic mapping. It meets society's needs for geologic hazards identification and abatement, for groundwater protection, land use planning and mineral resources identification.
 H.R. 709 reauthorizes this cooperative program for three years, 1998 to the year 2000. It establishes thresholds for the sharing of funds between Federal, State and academic components. In general, the administration has agreed to dedicate not less than 20 percent of the budget line for geologic mapping to the cooperative State map component

and not less than 2 percent to the education mapping or ed map component. The ed map function is to ensure small amounts of granted moneys will be available for student training in fields of mapping skills.

This bill was amended in subcommittee by my friends, the ranking member, the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] and the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN]. The sum of those amendments clarified the definition of State to include the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

I do believe, Mr. Speaker, that the matching funds requirement is important because it assures greater scrutiny of budget requests than would otherwise be the case. The various State legislatures making funds available for their geological surveys, as well as the committee and the Congress overseeing Federal budgets, must be satisfied the mapping program brings useful results. I believe the program is indeed an important part of the U.S. Geological Survey's mission, and I urge my colleagues to support H.R. 709.

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

□ 1515

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. First of all, Mr. Speaker, I want to thank the gentlewoman from Wyoming [Mrs. CUBIN], our chair of the subcommittee, for her attitude and openness and her cooperation in the process of this bill. It has been a real pleasure working with her as the ranking member, and I look forward to a lot more of this bipartisan cooperation that we have had in this bill.

Mr. Speaker, we bring this bill, reauthorizing the National Geologic Mapping Act of 1992, to the floor today with the full support of the Committee on Resources. Democrats and Republicans alike voted to favorably report this bill to the House, and the Clinton administration has endorsed the bill.

We need geologic mapping in our society for many worthwhile purposes, including emergency preparedness, environmental protection, land use planning and resource extraction.

The Earth provides the physical foundation for our society. We live upon it and we use its resources. Therefore, we need to work toward a better understanding of the Earth's resources and its inherent dangers.

Geologic maps are one effective way to convey the Earth science information needed for better understanding and decision-making by all of us: people in Federal agencies, State and local

government, private industry and citizens alike.

The National Geologic Mapping Act of 1992 authorized the USGS to organize a national program of geologic mapping through a partnership with State geologic surveys, academia and the private sector. This cooperative relationship is essential to develop the extensive amount of material for informed decision-making.

I understand that nothing in current law or the reauthorization bill prevents Puerto Rico or other territories from participating in this valuable program. However, we wanted to be absolutely clear on this issue. Therefore, the gentlewoman from the Virgin Islands, Delegate CHRISTIAN-GREEN, and I offered amendments in the Committee on Resources that designate the Commonwealth of Puerto Rico and the other territories and the District of Columbia as eligible to participate in the geologic mapping program. The bill before us today contains these amendments.

Accordingly, it is my pleasure to support the adoption of the bill, and I urge all my colleagues on both sides of the aisle to vote yes on H.R. 709, as amended.

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

Mrs. CUBIN. Mr. Speaker, I yield 5 minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I would like to begin by thanking the gentlewoman from Wyoming for her diligent work on H.R. 709, the National Geologic Mapping Reauthorization Act of 1997. This legislation becomes very important when we address the issues of safety in the environment. H.R. 709 reauthorizes the Geologic Mapping Act of 1992, which was a legislative response to troubles in the National Academy of Sciences with their lack of basic geologic mapping efforts in this country.

Being a geologist myself, I can personally attest to the importance that mapping has on many aspects of our society. Geologic maps benefit safety regulations, telling us where natural disasters may occur. They also map fault lines and water flow patterns, which are important to identify when building infrastructure for transportation. Without a detailed geologic map of the United States, we will continue to address issues such as safe drinking water and environmental systems understanding, in the same way someone drives a car at night without headlights.

It is important for us to explore and understand what resources we have and how best to use them before we foolishly make unscientific decisions without the full knowledge of our underlying environment.

I also believe detailed geologic mapping provides the basic information for solving a broad range of societal problems. These include delineation and protection of our sources of safe drinking water, environmental systems understanding and foundations of eco-

system management, the identification and mitigation of natural hazards, such as earthquake-prone areas, volcanic eruptions, landslides and other ground failures, as well as many other land use planning requirements.

This legislation would provide an array of benefits for States. It would assist State and local communities with land and water decisions, aid farmers and ranchers with crop decisions, encourage habitat protection for endangered species, and aid the mining industry with site determination for mineral resources.

Another benefit of this legislation is its funding formula. The appropriation from the National Geologic Mapping Reauthorization Act of 1997, which requires a 50-50 matching of Federal funds from non-Federal sources, will involve State colleges and universities. This, I believe, sets an excellent precedent, allowing the Federal Government, States and colleges to cooperate in a unified, intelligent manner.

H.R. 709 authorizes in the fiscal year 1998 \$26 million to be appropriated, 75 percent for Federal mapping and supporting mapping activities, 23 percent for State mapping activities, and 2 percent for educational mapping activities. Funds for fiscal year 1999 are \$28 million and for fiscal year 2000 are \$30 million. Each year the funding formula decreases the Federal mapping activities by 1 percent and increases State mapping activities accordingly. Since fiscal year 1993, approximately \$7.5 million in Federal appropriated funds have been matched by State moneys in this cooperative peer review process of producing geologic maps.

It appears that only about one-fifth of this Nation is mapped to adequately address the issues described in section 2 of this bill. Congress has finally begun to understand the importance of geologic mapping, and it is time that we use our dollars wisely to bring about the best science to this country. H.R. 709 will achieve this goal in a cooperative partnership with little money and a big return on science that benefits our constituents.

To close, Mr. Speaker, the reauthorization of the National Geologic Mapping Act of 1992 will allow a joint venture of Federal, State and academic institutions to continue on the appropriate path of mapping the geology of this Nation. As section 2, paragraph (B) states, "Geologic maps are the primary database for virtually all applied and basic Earth science investigation." It is because of this continued need for core science that I urge all Members to support H.R. 709, and I believe this bill is in the best interest of science and this Nation as well.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the gentlewoman

from Wyoming, the chairlady of our subcommittee, that has taken the initiative and leadership in passing unanimously by our Committee on Resources this very important piece of legislation. I thank my good friends from Puerto Rico and our Democrat ranking member of the subcommittee for bringing to the attention of the Members what I consider to be a little oversight in the fact that the National Geological Mapping Reauthorization Act did not include the insular areas.

I am very happy that the gentlewoman from Wyoming has taken the initiative, with my good friend from Puerto Rico, to see that the proper amendments are made to change this reauthorization act.

Mr. Speaker, I am also happy to see my good friend from Nevada. Who could be a better expert than a person who is knowledgeable about geological issues, a geologist himself, my good friend, the gentlewoman from Nevada [Mr. GIBBONS]. Mr. Speaker, I urge my colleagues to consider his expertise and the importance of this piece of legislation, and I urge my colleagues to support H.R. 709.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today in support of H.R. 709, the National Geological Mapping Reauthorization Act of 1997 and urge my colleagues to support its passage.

I want to begin by commending my colleague, the Gentlewoman from Wyoming, chair of the Subcommittee on Energy and Mineral Resources, the Honorable BARBARA CUBIN for her leadership in guiding H.R. 709 through the subcommittee, as well as, the full Resources Committee and on to the floor of the House today.

I also want to commend the gentleman from Puerto Rico, the ranking member of the Energy and Mineral Resources Subcommittee, the Honorable CARLOS ROMERO-BARCELÓ for his leadership on this bill as well.

Mr. Speaker, H.R. 709 would reauthorize the National Geological Mapping Act of 1992 through the year 2000. It would also amend the act to designate that 20 percent of the total amount appropriated be allocated to the State component of the program. During the markup of H.R. 709 in the subcommittee, my colleague, Mr. ROMERO offered an amendment to correct an apparent oversight and make the Commonwealth of Puerto Rico, Guam, and my district of the Virgin Islands eligible to participate in the State mapping component of the bill. I then offered an amendment to my colleague's amendment to make the District of Columbia and the Commonwealth of the Northern Mariana Islands also eligible for participation in H.R. 709's program components.

I want to thank my friend, Mr. ROMERO for offering his amendment on the behalf of those of us from the U.S. non-State areas. To often we are overlooked or ignored making actions such as his amendment necessary. I also want to thank Mr. ROMERO and Chairman CUBIN for accepting my amendment to H.R. 709 as well.

H.R. 709 is a worthwhile piece of legislation, Mr. Speaker and I urge my colleagues to support its enactment.

Mrs. CUBIN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume to state that I certainly appreciate the help of the ranking minority member in adding the other additions to the bill that were originally left out. I, too, feel it was more of an oversight, that it is very important and certainly does improve the quality of the bill.

GENERAL LEAVE

Mrs. CUBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 709, as amended.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming [Mrs. CUBIN] that the House suspend the rules and pass the bill, H.R. 709, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONCERNING URGENT NEED TO IMPROVE LIVING STANDARDS OF SOUTH ASIANS LIVING IN THE GANGES AND BRAHMAPUTRA RIVER BASIN

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 16) concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin, as amended.

The Clerk read as follows:

H. CON. RES. 16

Whereas some 400,000,000 people live in Bangladesh, northern India, and Nepal near the Ganges and Brahmaputra Rivers and their tributaries;

Whereas these people comprise the largest concentration of poor people in the world;

Whereas this region lacks the resources, especially the infrastructure, that can pull its residents out of poverty;

Whereas almost every year flooding by the Ganges and Brahmaputra Rivers produces death and destruction, sometimes on a vast scale;

Whereas during the dry seasons, water supplies do not meet the needs of the region's people, especially farmers;

Whereas despite these problems, the region has great potential for development;

Whereas Bangladesh, India, and Nepal have recognized for many years that the water resources of the region, if properly managed, could contribute greatly to the welfare of millions of people in the region;

Whereas the Governments of Bangladesh and India signed a 30-year agreement on December 12, 1996, for the purpose of sharing the water of the Ganges River; and

Whereas in 1996 the Governments of India and Nepal signed and ratified a treaty enabling the joint development of the water resources of the Mahakali River: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the Governments of Bangladesh and India for their recent agreement on sharing the water of the Ganges River;

(2) congratulates the Governments of India and Nepal on their treaty enabling the joint development of the water resources of the Mahakali River;

(3) respectfully offers its encouragement for the three governments to continue their cooperation which can do much to relieve the poverty of those people living the Ganges and Brahmaputra River Basin; and

(4) urges international financial institutions, such as the World Bank and the Asian Development Bank, and the international community to offer whatever advice, encouragement, and assistance is appropriate to help in this effort.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Alabama [Mr. HILLIARD] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

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

Mr. GILMAN. Mr. Speaker, I want to commend the chairman and ranking minority member of the Subcommittee on Asia and the Pacific for crafting House Concurrent Resolution 16, a concurrent resolution concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin.

Bangladesh, India, and Nepal all depend on the Ganges and the Brahmaputra Rivers for their vital irrigation needs. The recent signing of the 30-year water sharing treaty between India and Bangladesh and the ratification of the India-Nepal water resources treaty are both historic agreements that will enable the people in these lands to better plan and utilize their precious resources.

Bangladesh's recent Presidential election gives new hope to the fragile democracy there, and the water sharing agreement will help to put it on more solid ground. We commend them for their efforts.

Mr. Speaker, I support the resolution, and I urge my colleagues to vote for it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], the distinguished chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time.

House Concurrent Resolution 16 does concern the need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin.

This bipartisan resolution was introduced on February 6, 1997 by this Member and cosponsored by the distinguished gentleman from New York, the chairman of the Committee on International Relations, Mr. GILMAN; the ranking Democrat on the Subcommittee on Asia and the Pacific, the gentleman from California, Mr. BERMAN; the distinguished gentleman from New York, Mr. ACKERMAN; and the distinguished gentleman from California, Mr. ROYCE.

Other Members have subsequently cosponsored this resolution. This Member commends the help and cooperation these Members have demonstrated in moving forward on this important issue.

The Committee on International Relations unanimously approved this resolution last Thursday and asked it be placed on the suspension calendar this week. The resolution expresses the sense of the House of Representatives that there is an urgent need to improve the lives of those people of the Bangladesh, India and Nepal countries who live near the Ganges and Brahmaputra Rivers and their tributaries.

This river basin has the greatest concentration of poor people in the world, greater than any area in Africa, for example. The region has great potential, but, regrettably, it is beset by natural disasters, including flooding during the monsoon seasons, droughts during the dry seasons, and occasional cyclones.

Members will recall, perhaps, that during the last Congress this Member and the distinguished ranking member, the gentleman from California, Mr. BERMAN, introduced House Concurrent Resolution 213, which expressed the hope that the countries of that region would work together to relieve the poverty of the region's residents, focusing primarily on the need to address the critical problems of flooding and drought. That resolution was favorably reported by the Subcommittee on Asia and the Pacific just before the end of the 104th Congress.

This Member is pleased to say that since that action, Bangladesh and India have signed a 30-year agreement on sharing the waters of the Ganges River. India and Nepal also have ratified a treaty that will permit their joint development of the Mahakali River water resources. These developments are very welcome.

House Concurrent Resolution 16, therefore, congratulates the governments of Bangladesh, India, and Nepal for these achievements and respectfully encourages them to continue their cooperation, which could do much to relieve the poverty of those people living in the Ganges and Brahmaputra River Basins.

This resolution also urges the world community, including the international financial institutions such as the World Bank and the Asian Development Bank, to provide whatever assistance is appropriate in this effort.

Mr. Speaker, the Department of State has informed this Member that

the agreement between Bangladesh and India on sharing the Ganges River water was signed on December 12, 1996, not January 13, 1997, as specified in House Concurrent Resolution 16. Therefore, the date has been changed to December 12, 1996.

This Member urges his colleagues to vote for House Concurrent Resolution 16.

□ 1530

Mr. HILLIARD. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I congratulate the gentleman from Nebraska for bringing this resolution before this body. The problem of equitable water sharing among the countries of South Asia has long plagued the region, and in many cases prevented the people of the region from enjoying anything beyond a bare minimum standard of living. In the past few months, however, India, Bangladesh, and Nepal have reached several water sharing and development agreements that will greatly contribute to the well-being of hundreds of millions of their citizens. This enlightened diplomacy should be encouraged generally, and really it is the whole purpose of this resolution.

I thank the gentleman for leading the fight in this fashion on this resolution, and I urge my colleagues to support it.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I appreciate the opportunity to address my colleagues on this. I do support the resolution.

I want to commend also the gentleman from Nebraska [Mr. BEREUTER], the chairman of the Subcommittee on Asia and the Pacific, the sponsor of the resolution.

Mr. Speaker, I recently visited India, and I had the opportunity to meet with Prime Minister Gowda at the time. In citing the achievements of his multiparty coalition government, the Prime Minister mentioned with great pride the agreement that India signed last December with Bangladesh to share the water resources of one of the world's great rivers, the Ganges. While some critics have questioned whether such a broad coalition with so many diverse parties can govern effectively, the Prime Minister demonstrated that strong leadership can be brought to bear on an issue that literally affects the lives of hundreds of millions of people, and the agreement is a tribute to the leadership of both nations.

Also last year, as was noted, the Governments of India and Nepal signed and ratified a treaty enabling the joint development of the water resources of the Mahakali River, again a tribute to cooperation between neighbors in a part of the world that has often been more marked by conflict.

Mr. Speaker, the Ganges and the Brahmaputra River Basin comprises an

area less than one-fifth the size of the United States but with twice as many people. Millions of people who reside in this area suffer from poverty and the effects of environment degradation. Yet, the area has great potential in terms of irrigation, fisheries, hydro-power generation, and navigation.

The agreements we celebrate today with this concurrent resolution begin the process of allowing that potential to be realized for the benefit of all the people in the region, but the people of these nations need some help and technical assistance. That is why it is important for us to encourage the World Bank, the Asian Development Bank, and the international community in general to provide the necessary support and encouragement, as this resolution does.

Mr. Speaker, I wanted to say as chairman of the bipartisan Congressional Caucus on India and Indian-Americans, I have tried to lobby our colleagues here as well as the administration to make America's relations with India a higher priority. India this year celebrates the 50th anniversary of its independence. It is a democracy, and the country has for the past 5 years been pursuing a historic policy of economic reform. This is the second most populous nation on Earth and it offers huge potential for trade and investment. I am convinced that the current Government of India is committed to this path, as are the Indian people.

Mr. Speaker, too often the relations between these two democracies, the United States and India, are marred by misunderstandings or simply by benign neglect. That is why it is important to send positive signals whenever possible. The resolution that we debate today will send just such a positive signal that the United States recognizes the efforts of the South Asian nations to foster greater regional cooperation and that we support these efforts. We hope these efforts will be the beginning of greater cooperation in South Asia and will serve as a model for other developing regions to better utilize their resources for the benefits of all their people.

I want to congratulate again the gentleman from Nebraska [Mr. BEREUTER] and the others that have cosponsored this resolution.

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

Mr. HILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

Mr. FALEOMAVAEGA. Mr. Speaker, I am pleased to support this resolution which congratulates the Governments of India, Bangladesh, and Nepal for their diplomacy and cooperation on water treaties that will improve the lives of over 400 million people that live near the Ganges and the Brahmaputra River Basins.

I would commend the gentleman from Nebraska [Mr. BEREUTER], the

chairman of the House International Relations Subcommittee on Asia and the Pacific, for introducing this legislation. I further would like to commend the gentleman from New York [Mr. GILMAN], the full committee chairman; the gentleman from California [Mr. BERMAN], the ranking member of the Subcommittee on Asia and the Pacific; and the gentleman from New York [Mr. ACKERMAN], and the gentleman from California [Mr. ROYCE] for their support of this measure as original cosponsors.

Mr. Speaker, this resolution supports the efforts of the Governments of India, Bangladesh, and Nepal over the past year to cooperate in sharing the waters of the Ganges River, as well as the joint development of the resources of the Mahakali River. Their efforts in negotiating treaties will help in the future to control water resources in the region, reducing flooding during rains, and providing water during droughts. Through this admirable cooperation by these Governments, it is projected that deaths and property destruction will be substantially reduced for the region's 400 million residents.

Mr. Speaker, the resolution further urges international financial institutions and the world community to assist the Governments of India, Bangladesh, and Nepal in this worthy endeavor.

I strongly endorse this measure that supports progress to improve the lives of close to half a billion people in South Asia, and certainly would like to commend the gentleman from Indiana [Mr. HAMILTON], the senior ranking member of our Committee on International Relations, for his full support of this legislation.

Mr. HILLIARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 16, as amended.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

VACATING ORDERING OF YEAS AND NAYS ON HOUSE JOINT RESOLUTION 32, GRANTING CONSENT TO CERTAIN AMENDMENTS ENACTED BY HAWAIIAN LEGISLATURE TO HAWAIIAN HOMES COMMISSION ACT OF 1920

Ms. SANCHEZ. Mr. Speaker, I ask unanimous consent that the House vacate the ordering of the yeas and nays on House Joint Resolution 32.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair will put the question de novo when proceedings resume at 5 p.m.

There was no objection.

SENSE OF HOUSE CONCERNING TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN UNITED STATES AND JAPAN

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 68) stating the sense of the House of Representatives that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the nations of the Asia-Pacific region, and that the people of Okinawa deserve recognition for their contributions toward ensuring the treaty's implementation, as amended.

The Clerk read as follows:

H. RES. 68

Whereas the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is critical to the security interests of the United States, Japan, and the countries of the Asia-Pacific region.

Whereas the security relationship between the United States and Japan is the foundation for the security strategy of the United States in the Asia-Pacific region;

Whereas strong bilateral security ties between the two countries provide a key stabilizing influence in an uncertain post-cold war world;

Whereas this bilateral security relationship makes it possible for the United States and Japan to preserve their interests in the Asia-Pacific region;

Whereas forward-deployed forces of the United States are welcomed by allies of the United States in the region because such forces are critical for maintaining stability in East Asia;

Whereas regional stability has undergirded East Asia's economic growth and prosperity;

Whereas the recognition by allies of the United States of the importance of United States armed forces for security in the Asia-Pacific region confers on the United States irreplaceable good will and diplomatic influence in that region;

Whereas Japan's host nation support is a key element in the ability of the United States to maintain forward-deployed forces in that country;

Whereas the Governments of the United States and Japan, in the Special Action Committee on Okinawa Final Report issued by the United States-Japan Security Consultative Committee established by the two countries, made commitments to reducing the burdens of United States armed forces on the people of Japan, especially the people of Okinawa;

Whereas such commitments must maintain the operational capability and readiness of United States forces; and

Whereas gaining the understanding and support of the people of Japan, especially the people of Okinawa, in fulfilling these commitments is crucial to the effective implementation of the Treaty: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Treaty of Mutual Cooperation and Security Between the United States of America and Japan remains vital to the security interests of the United States and Japan, as well as the countries of the Asia-Pacific region; and

(2) the people of Japan, especially the people of Okinawa, deserve special recognition and gratitude for their contributions toward ensuring the Treaty's implementation and regional peace and stability.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Alabama [Mr. HILLIARD] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

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

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

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of House Resolution 68. This Member commends the distinguished gentleman from Indiana [Mr. HAMILTON] for raising this issue and bringing us this legislation. This Member would note that our good friend from Indiana has consistently been a voice in support of United States security interests, and the gentleman's resolution regarding the United States-Japan security agreement and the people of Okinawa is no exception. He is to be congratulated for his initiative. This Member is pleased, together with the distinguished gentleman from California [Mr. BERMAN], to be an original cosponsor of H. Res. 68.

Mr. Speaker, the United States-Japan alliance is the cornerstone of United States security strategy for the Asia-Pacific region and serves as the anchor for the United States military presence in the region. Not only do United States forward based forces in Japan contribute to Japanese security, but these assets are absolutely essential for any contingency on the Korean Peninsula. Our bases on the Japanese mainland and on Okinawa enable us to protect and advance our interests throughout the Pacific. In addition, elements of these forward-based forces were among the first to arrive in the Persian Gulf during Operation Desert Shield.

There is no question that American forces in Japan contribute to a sense of regional stability. This Member has often commented that all the nations of Asia, with the possible exception of North Korea, welcome the presence of United States forces and want us to remain in the region. Indeed, the commitment of the Clinton administration to keep 100,000 troops in Asia has become an important issue psychologically with the countries of the region, who look constantly for reassurance that the United States military will remain in the region.

This Member would also note that the Government of Japan pays the

overwhelming majority of expenses of forward basing of American troops in Japan. In what is a model basing agreement, the Japanese pay approximately 75 percent of our basing costs. Frankly, even considering all direct and indirect costs, it is cheaper to keep our troops in Japan than it is to base them in the United States. As House Resolution 68 notes, we would not be able to maintain such a vigorous presence in the Pacific were it not for the host nation's support provided by the Japanese.

Mr. Speaker, House Resolution 68 offers special recognition of the importance of the United States-Japan Treaty of Mutual Cooperation and Security. The resolution also takes note of the contribution of the people of Okinawa, who have been expected to bear a disproportionate share of the burden of hosting our troops. This is a good and useful resolution, Mr. Speaker, and this Member urges approval of House Resolution 68.

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

Mr. HILLIARD. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, I also want to thank the gentleman from California [Mr. BERMAN] and the gentleman from Nebraska [Mr. BEREUTER], the ranking member and chairman, respectively, of the Subcommittee on Asia and the Pacific, as well as the gentleman from New York [Mr. GILMAN], the chairman of the committee, for the help and leadership they have all extended in moving this resolution to the floor.

Former Ambassador Mike Mansfield, who called the relationship between the United States and Japan the most important bilateral relationship in the world, bar none, would love to see this moved. Our bilateral alliance has endured and remains strong because the United States and Japan are united not by a common enemy but by a common interest.

In December 1996 the United States and Japan agreed to measures to renew and strengthen our security relationship. In particular, our two Governments agreed to lessen the burden borne by the people of Okinawa whose small island prefecture hosts over half of the forward-deployed United States forces in Japan.

This is the right moment to restate the fundamental importance of the United States-Japan Mutual Security Treaty to the peace and prosperity of the entire Asia-Pacific region. It is also the right time to recognize the contribution of the people of Okinawa toward ensuring regional peace and security.

My Republican colleague, Senator WILLIAM ROTH, has introduced an identical measure in the other body. This is a bipartisan effort. Our relationship with Japan is crucially important. For this reason and the others I have mentioned, I urge the adoption of this resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. I thank my good friend for yielding me this time.

Mr. Speaker, I am pleased to be a cosponsor of this resolution which reaffirms that the security treaty between the United States and Japan remains the anchor of American engagement and the foundation for regional stability in the Asia-Pacific region.

I would commend the gentleman from Indiana [Mr. HAMILTON], the ranking member of the Committee on International Relations, for introducing this excellent piece of legislation. I would further commend the gentleman from New York [Mr. GILMAN], the full committee chairman; the gentleman from Nebraska [Mr. BEREUTER], chairman of the Subcommittee on Asia and the Pacific; and the gentleman from California [Mr. BERMAN], the ranking member of the Subcommittee on Asia and the Pacific, for their strong support and work on this measure.

Mr. Speaker, House Resolution 68 sends the message that although the cold war era has ended, the security alliance between the United States and Japan remains more critical than ever—and is in the best interests of both countries as well as the nations of the Asia-Pacific region.

Mr. Speaker, this measure underscores the important role that United States Armed Forces deployed in Japan and the Pacific have played in ensuring peace, that our allies have welcomed our presence, and that the regional stability provided by our forces have materially contributed to Asia's tremendous growth and economic prosperity.

□ 1545

The resolution further recognizes, Mr. Speaker, the vital contributions of Japan as the host nation. I find it very appropriate that the people of Okinawa, who have borne the heaviest burden in supporting the American bases, are honored by this measure through special recognition and thanks for their sacrifices and invaluable contributions.

Mr. Speaker, I would urge my colleagues to adopt this excellent resolution which supports the United States-Japan security alliance, thereby furthering peace and stability for all throughout the Asian Pacific region.

Mr. HILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from Guam [Mr. UNDERWOOD].

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

Mr. UNDERWOOD. Mr. Speaker, I rise today in support of House Resolution 68.

The Treaty of Mutual Cooperation and Security between the United States and Japan is the framework that supports our commitment to the Asia-Pacific region. The Japanese-American relationship provides the stable conditions which promote trade

and commerce in the region and provides further advancements in the peaceful relations of all peoples of the Asia and the Pacific region.

The security of the Asia-Pacific region is of vital interest to the United States, and no community of the United States is more acutely aware of this than Guam, my home island. In the post-cold war environment U.S. forward deployed forces have been welcomed by our allies in the theater. This forward deployment is made possible by the special friendship shared between the United States and Japan that is signified by the Treaty of Mutual Cooperation. In the coming years, as our friendship with Japan continues, let us not just focus on the numerical commitment of 100,000 troops to the region, but ensure that the United States maintains its capabilities in the changing Asian Pacific region.

The United States commitment to the Asia-Pacific region has required sacrifices from many people, sacrifices by our soldiers, our sailors, our airmen and marines who defend our Nation's interests in the region; also the contributions by the people of Japan and, most importantly, the people of Okinawa. Okinawa has continued to play a pivotal role in ensuring the security environment of the region. This community has contributed much, and this resolution extends to them our sincere appreciation.

During my recent visit to Okinawa, I saw firsthand some of the concerns they face supporting a large contingent of U.S. forces. Even after the Special Action Committee on Okinawa recognized the need to reduce the presence of United States Armed Forces on Japan, our commitment to the people of Okinawa's concerns cannot and should not be lessened. The people of Guam have a distinct understanding of their concerns, and to them as well as the people of Japan we express our sincere appreciation.

Mr. HILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am not going to push this to the point of a vote, but I want to express my disagreement with the resolution. I am sorry to spoil the good cheer, and I admire the people of Okinawa, but I think we should make it very clear that there is considerable unhappiness in the United States and here in the Congress with the one-sidedness of this relationship, particularly financially.

Mr. Speaker, I insert into the RECORD an article, from which I want to read briefly.

The article referred to is as follows:
[From the New York Times, Feb. 15, 1997]
JAPAN HESITANT ABOUT U.S. ANTIMISSILE PROJECT

(By Clifford Krauss)

WASHINGTON, Feb. 14—After three years of exploratory talks, Administration officials say Japan has all but decided against taking part in an antimissile defense project with

the United States for fear of offending China and overspending scarce military resources.

Tokyo's hesitation stems from reluctance to spend billions of dollars when its own economy is weak, and concerns that developing a missile system would anger Japan's deeply pacifist electorate and frighten Asian neighbors wary of any signs of a Japanese military buildup.

A decision not to join the project would be a setback to American military contractors that hope to supply Japan with hardware. And it could swell United States military budgets for Asia because the United States would have to bear the cost of such a system alone.

Senior Administration officials said that no Japanese decision would be announced for months and that the United States would press ahead with its own plans to develop antimissile systems to protect American forces in Japan from any North Korean or Chinese attack.

The feasibility of an effective antimissile shield is still a matter of debate, but Pentagon officials say the Patriot missiles, which displayed a mixed record during the Persian Gulf war, have been updated and improved in recent years.

Administration officials also say a decision by Tokyo not to take part would not hurt its relations with Washington.

Discussions on how to pool technology, engineering talent and money to set up a "theater missile defense" began shortly after North Korea test-fired a Rodong 1 missile 300 miles into the Sea of Japan in 1993. A middle-level working group of Japanese and American defense planners has met nine times to discuss regional threats, deployment timetables and various types of land- and sea-based antiballistic weaponry.

Japan has been wary of the project ever since the Clinton Administration first broached the idea in October 1993. But American hopes were raised after Japan allocated \$2.7 million in its 1996 budget to study building an antimissile system, 20 times what Tokyo spent the year before on the project. American officials were also encouraged when President Clinton and Prime Minister Ryutaro Hashimoto met in Tokyo last April and promised to broaden their military alliance.

A Japanese Foreign Ministry official said the group would continue meeting until the summer, after which time Tokyo would decide what role to play. "At this moment, we have not made any decision and we cannot predict or prejudice any result or conclusion," he said.

But after a meeting in Tokyo last weekend, senior American officials have concluded that Japan is simply not ready to pursue a project that could cost them as much as \$10 billion a year—more than one-fourth of Japan's current \$35 billion military budget—for four or five years. They said the project has a few powerful supporters in Japan's military establishment, but is opposed by many in the Foreign Ministry and by most of the nation's top economic officials.

"Japan is financially constrained, and they don't have the strategic consensus," said a senior Pentagon official involved in making Japan policy. "Japan is most nervous about China, even through they talk about North Korea. A decision to build this would be perceived by the Chinese to be a blatant act. So I'm sure Japan will not go down this line."

Another Administration official, who noted that China has repeatedly warned Japan that it would view deployment of an antimissile system as a hostile act, added, "This is not something that will happen anytime soon."

The Chinese have argued that a Japanese antimissile program would undermine regional arms-control efforts.

Given the pacifist strain that runs through the Japanese electorate, American officials said, Prime Minister Hashimoto and other members of the political elite cannot be expected to commit themselves to any such program without a thorough debate in Parliament. And there is no sign, they said, that Parliament will take up the issue any time soon.

The Pentagon has proposed at least four antimissile options for deployment by 2004, including enhanced Patriot surface-to-air missiles designed to intercept low-altitude missiles and Thaad antiballistic systems for high-altitude interceptions. American officials have also discussed the possibility of sharing with Japan early-warning data from satellites that are now being developed to detect infrared radiation at the time of a launching.

"Our interest is that we would like to see American troops in Japan protected from ballistic missile attacks," said Joseph Nye, a former Assistant Secretary of Defense, who is dean of the Kennedy School of Government at Harvard University. "But Japan is very sensitive to the political repercussions in China and North Korea."

Many American military experts still say Japan will eventually join the project, but perhaps not for another five years or more.

"These things take time," said John M. Deutch, the Director of Central Intelligence, who pushed for a joint project when he served as a senior Defense Department official in the early 1990's. "Inevitably, the Japanese Government will see that it needs to be concerned with antimissile defense."

Despite the setback, Administration officials say they are committed to building or upgrading regional antimissile systems to protect American troops in all potentially hazardous regions, including Saudi Arabia, Kuwait and South Korea. The Administration's proposed \$265 billion military budget for 1998 calls for a 3 percent cut in spending from the 1997 budget, but it adds \$320 million for antimissile systems.

"The goal is to develop, procure and deploy systems that can protect forward-deployed U.S. forces, as well as allied and friendly nations, from theater-range ballistic missiles," Secretary of Defense William S. Cohen said this week while testifying on the budget before Congress. "These programs are structured to proceed at the fastest pace that technology will allow."

New York Times, February 14:

Japan has all but decided against taking part in an antimissile defense project with the United States for fear of offending China and overspending scarce military resources.

Needless to say, the scarce military resources they are afraid of overspending are theirs. They are quite willing to spend ours.

As the article points out this "could swell United States military budgets for Asia because the United States would have to bear the cost of such a system alone."

And where is this system going to go if the Japanese do not want to pay for it? Then we are going to have to pay for it in Japan. This is a system that we are going to install in Japan to protect American soldiers that are in Japan, in part to protect Japan from North Korea or China, but the Japanese do not want to offend North Korea or China; they want us to be over there to offend North Korea and China presumably, and they do not want to spend their money because they have budget problems.

The worst of it is the article then concludes in relevant part: "Administration officials say a decision by Tokyo not to take part would not hurt its relations with Washington."

Well, I have to say that maybe it does not hurt relations with the administration, but the administration is wrong to say so. The notion that the American taxpayer, and we are going to balance the budget, and we are going to be making cuts in education and environment and housing and health care and very important domestic programs so that we can spend billions of dollars to build an antimissile system in Japan to protect American troops that are in Japan to help Japan, and the Japanese tell us they cannot afford to do it because they do not have enough money; they have got budget problems.

We have got to put an end to the one-sidedness and subsidy of the Japanese nation.

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

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

In light of what the gentleman from Massachusetts [Mr. FRANK] has just said, I would remind my colleagues that American military might, 100,000 personnel, a little bit less than that at the moment, are in the Asia-Pacific region because of our national interests. If we maintain a security balance in the region, it is far less likely that American troops will ever have to be wounded and die in that part of the world in the future.

Make no mistake about it. Our forces are located in Okinawa and elsewhere because it is in our national interests to have them there.

Mr. ABERCROMBIE. Mr. Speaker, I rise today in strong support of the resolution sponsored by my colleague, Mr. HAMILTON. I commend him for his efforts to draw attention to the significance of the Asia-Pacific region.

This resolution highlights the unique and important relationship between the United States and Japan. It also addresses the important role that the people of Okinawa have played in ensuring peace and stability in the region.

The significance of the Asia-Pacific region will continue to grow in the 21st century. As we continue to review the defense treaty between the United States and Japan, it is important that the people of Japan know that we are committed to the long-term stability of the region. The United States-Japan relationship remains the cornerstone of our engagement in the region.

As a nation, we must continue to strengthen our ties with Japan. In Hawaii, the stability of our economy is tied to the stability of the region and largely to Japan. The people of Hawaii have developed broadbased ties with Japan, to include a strong relationship with the Prefecture of Okinawa.

As a result of these ties, the people of Hawaii continue to be concerned about the land issues being addressed in Okinawa with regard to basing of United States military forces. Unfortunately, it took the rape of a 12-year-old school girl in 1995 to turn the attention of the world toward the issues raised in Okinawa with respect to their land use concerns.

Today, we are making steady progress on these very sensitive issues which need to be resolved between the Okinawa Prefecture and the Government of Japan.

It is no exaggeration to say that Okinawa's people view their homeland as occupied territory. They see the overwhelming presence of United States military forces there as confirmation and they remain the poorest prefecture in Japan.

Some 50 years after the end of World War II in the Pacific, Okinawa is the only unresolved residual issue of any significance between Japan and the United States. The people of Okinawa are the least culpable of all those thrust into World War II. For centuries past, they have been known in the region for promoting peace. They are friendly to the interests and people of the United States. Yet they bear the most burden generations later.

They have given up a great deal in terms of economic prosperity and deserve to be recognized for their contributions toward ensuring the treaty's implementation and regional peace and security.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the resolution (H.Res. 68), as amended.

The question was taken.

Ms. SANCHEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just considered and also on House Concurrent Resolution 16.

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

There was no objection.

HONG KONG REVERSION ACT

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 750) to support the autonomous governance of Hong Kong after its reversion to the People's Republic of China, as amended.

The Clerk read as follows:

H.R. 750

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 "Hong Kong Reversion Act".

SEC. 2. STATEMENT OF PURPOSE.

The purpose of this Act is to support the autonomous governance of Hong Kong and the future well-being of the Hong Kong people by ensuring the continuity of United States laws with respect to Hong Kong after

its reversion to the People's Republic of China on July 1, 1997, and to outline circumstances under which the President of the United States could modify the application of United States laws with respect to Hong Kong if the People's Republic of China fails to honor its commitment to give the Special Administrative Region of Hong Kong a high degree of autonomy.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) The Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984, is a binding international agreement which sets forth the commitments made by both governments on the reversion of Hong Kong to the People's Republic of China on July 1, 1997.

(2) The People's Republic of China in the Joint Declaration pledges, among other things, that "the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs. . . ." that basic human rights and freedoms "will be ensured by law. . . ." and that "[t]he legislature of the Hong Kong Special Administrative Region shall be constituted by elections."

(3) Senior government officials of the People's Republic of China have repeatedly assured a smooth transfer of Hong Kong to Chinese sovereignty, a successful implementation of the "one country, two systems" policy, long-term prosperity for Hong Kong, and continued respect for the basic rights of the Hong Kong people.

(4) Despite general assertions guaranteeing the autonomous governance of Hong Kong, several official acts and statements by senior officials of the Government of the People's Republic of China reflect an attempt to infringe upon the current and future levels of autonomy in Hong Kong. These acts or statements include, but are not limited to—

(A) initial proposals, which were later withdrawn, by officials of the Government of the People's Republic of China to obtain confidential files on civil servants of the Hong Kong Government or require such civil servants to take "loyalty oaths";

(B) the decision of the Government of the People's Republic of China to dissolve the democratically elected Legislative Council on July 1, 1997, and the appointment of a provisional legislature in December of 1996;

(C) the delineation by officials concerning the types of speech and association which will be permitted by the Government of the People's Republic of China after the reversion;

(D) initial warnings, which were later withdrawn, to religious institutions not to hold certain gatherings after the reversion; and

(E) the decision on February 23, 1997, of the Standing Committee of the National People's Congress of the People's Republic of China to repeal or amend certain Hong Kong ordinances, including the Bill of Rights Ordinance, the Societies Ordinance of 1992 (relating to freedom of association), and the Public Order Ordinance of 1995 (relating to freedom of assembly).

(5) The reversion of Hong Kong to the People's Republic of China has important implications for both United States national interests and the interests of the Hong Kong people. The United States Government has a responsibility to ensure that United States interests are protected during and after this transition, and it has a profound interest in ensuring that basic and fundamental human rights of the Hong Kong people are also protected.

(6) The United States-Hong Kong Policy Act of 1992 sets forth United States policy concerning Hong Kong's reversion to the People's Republic of China on July 1, 1997, and Hong Kong's special status as a Special Administrative Region of that country. It ensures the continuity of United States laws regarding Hong Kong while establishing a mechanism in section 202 of that Act whereby the President can modify the application of United States laws with respect to Hong Kong if the President "determines that Hong Kong is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China".

(7) One of the principal purposes of the Congress in enacting the United States Hong Kong Policy Act of 1992 was to maintain Hong Kong's autonomy by ensuring that the United States will continue to treat Hong Kong as a distinct legal entity, separate and apart from the People's Republic of China, for all purposes, in those areas in which the People's Republic of China has agreed that Hong Kong will continue to enjoy a high degree of autonomy, unless the President makes a determination under section 202 of that Act.

(8) Although the United States Government can have an impact on ensuring the future autonomy of the Hong Kong Government and in protecting the well-being of the Hong Kong people, ultimately the future of Hong Kong will be determined by the willingness of the Government of the People's Republic of China to maintain the freedoms now enjoyed by the people of Hong Kong and to rely on the people of Hong Kong to govern themselves.

SEC. 4. CONGRESSIONAL DECLARATIONS.

The Congress makes the following declarations:

(1) Recognizing that the United States Government and the Hong Kong Government have long enjoyed a close and beneficial working relationship, for example between the United States Customs Service, the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the Secret Service, and their corresponding agencies of the Hong Kong Government, the United States urges the two governments to continue their effective cooperation.

(2) Recognizing that the preservation of Hong Kong's autonomous customs territory has important security and commercial implications for the United States and the people of Hong Kong, the United States calls upon the People's Republic of China to fully respect the autonomy of the Hong Kong customs territory.

(3) Recognizing that Hong Kong has historically been an important port of call for United States naval vessels, the United States urges the Government of the People's Republic of China to consider in a timely and routine manner United States requests for port calls at Hong Kong.

(4) Recognizing that Hong Kong enjoys a robust and professional free press with important guarantees on the freedom of information, the United States declares that a free press and access to information are fundamentally important to the economic and commercial success of Hong Kong and calls upon the Government of the People's Republic of China to fully respect these essential rights of the Hong Kong people.

(5) Recognizing that the first fully democratic elections of a legislature in Hong Kong took place in 1995, following nearly 150 years of colonial rule, the United States recognizes that the Joint Declaration of 1984 requires that the Special Administrative Region legislature "shall be constituted by

elections", declares that the failure to have an elected legislature would be a violation of the Joint Declaration of 1984, and calls upon the Government of the People's Republic of China to honor its treaty obligations.

(6) Recognizing that the United Kingdom belatedly reformed Hong Kong laws with respect to the civil rights of the Hong Kong people, the Hong Kong people have nevertheless long enjoyed essential rights and freedoms as enumerated in the Universal Declaration of Human Rights; therefore, the United States declares that the decision of the National People's Congress to repeal or amend certain ordinances is a serious threat to the Hong Kong people's continued enjoyment of their freedom of association, speech, and other essential human rights, unless those rights are reestablished no later than July 1, 1997, and calls upon the National People's Congress to reconsider its decision.

(7) Recognizing that under the terms of the Joint Declaration of 1984 the provisions of the International Covenant on Civil and Political Rights will continue to apply in Hong Kong, the United States welcomes the public statement by the Chief Executive-designate of Hong Kong that the legislation which will replace repealed or amended sections of the Societies Ordinance and Public Order Ordinance will be the subject of public consultation, and urges that the new legislation should reflect both the clearly expressed wishes of the people of Hong Kong and the provisions of the International Covenant on Civil and Political Rights.

(8) Recognizing that Hong Kong currently maintains an efficient capitalist economy and trade system by strictly adhering to the rule of law, by honoring the sanctity of contract, and by operating without corruption and with minimum and transparent regulation, the United States calls upon the Government of the People's Republic of China to fully respect the autonomy and independence of the chief executive, the civil service, the judiciary, the police of Hong Kong, and the Independent Commission Against Corruption.

SEC. 5. PRESIDENTIAL DETERMINATION UNDER SECTION 202 OF THE UNITED STATES-HONG KONG POLICY ACT OF 1992 AND ADDITIONAL REPORTING REQUIREMENTS.

(a) IN GENERAL.—In determining whether "Hong Kong is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China," as required by section 202(a) of the United States-Hong Kong Policy Act of 1992, the President of the United States, based upon the assessments made pursuant to subsection (b) of this section, as well as other information included in the reports submitted under section 301 of the United States-Hong Kong Policy Act of 1992, shall consider the performance of the Hong Kong Government and the actions of the Government of the People's Republic of China.

(b) REQUIREMENTS FOR REPORTS TO CONGRESS.—The Secretary of State shall include, in each report required by section 301 of the United States-Hong Kong Policy Act of 1992, the following:

(1) SUCCESSFUL AND TIMELY CONCLUSION OF AGREEMENTS AND TREATIES.—An assessment by the Secretary of State of whether the Hong Kong Government or the People's Republic of China, or both, as the case may be, have cooperated with the United States Government in securing the following agreements or treaties:

(A) A bilateral investment treaty.

(B) An extradition treaty.

(C) An agreement on consular access in Hong Kong for United States citizens com-

parable to that provided for in the consular convention between the United States and the People's Republic of China.

(D) An agreement to preserve the United States consulate, with privileges and immunities for United States personnel.

(E) A mutual legal assistance agreement.

(F) A prison transfer agreement.

(G) A civil aviation agreement.

(2) CONTINUED COOPERATION FROM THE AGENCIES OF THE HONG KONG GOVERNMENT.—An assessment by the Secretary of State of whether agencies of the Hong Kong Government continue to cooperate with United States Government agencies. The Secretary of State shall cite in the report any evidence of diminished cooperation in the areas of customs enforcement, drug interdiction, and prosecution and prevention of money laundering, counterfeiting, credit card fraud, and organized crime.

(3) PRESERVATION OF GOOD GOVERNANCE AND RULE OF LAW IN HONG KONG.—An assessment by the Secretary of State of whether the Hong Kong Government remains autonomous and relatively free of corruption and whether the rule of law is respected in Hong Kong. The Secretary of State shall cite in the report any—

(A) efforts to annul or curtail the application of the Bill of Rights of Hong Kong;

(B) efforts to prosecute for violations of, or broaden the application of, laws against treason, secession, sedition, and subversion;

(C) acts or threats against nonviolent civil disobedience;

(D) interference in the autonomy of the chief executive, the civil service, the judiciary, or the police;

(E) increased corruption in the Hong Kong Government; and

(F) efforts to suppress freedom of the press or restrict the free flow of information.

(4) PRESERVATION OF THE AUTONOMY OF THE CUSTOMS TERRITORY OF HONG KONG.—An assessment by the Secretary of State of whether the customs territory of Hong Kong is administered in an autonomous manner. The Secretary of State shall cite in the report any—

(A) failure to respect United States textile laws and quotas;

(B) failure to enforce United States export control laws or export license requirements;

(C) unauthorized diversions from Hong Kong of high technology exports from the United States to Hong Kong;

(D) unprecedented diversion of Chinese exports through Hong Kong in order to attain preferential treatment in United States markets; and

(E) misuse of the customs territory of Hong Kong to implement the foreign policy or trade goals of the Government of the People's Republic of China.

SEC. 6. EXTENSION OF CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES TO HONG KONG ECONOMIC AND TRADE OFFICES.

(a) APPLICATION OF INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT.—The provisions of the International Organizations Immunities Act (22 U.S.C. 288 et seq.) may be extended to the Hong Kong Economic and Trade Offices in the same manner, to the same extent, and subject to the same conditions as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(b) APPLICATION OF INTERNATIONAL AGREEMENT ON CERTAIN STATE AND LOCAL TAXATION.—The President is authorized to apply the provisions of Article I of the Agreement on State and Local Taxation of Foreign Employees of Public International Organiza-

tions, done at Washington, D.C. on April 21, 1994, to the Hong Kong Economic and Trade Offices.

(c) DEFINITION.—The term "Hong Kong Economic and Trade Offices" refers to Hong Kong's official economic and trade missions in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Alabama [Mr. HILLIARD] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

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

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

Mr. Speaker, the purpose of this legislation, H.R. 750, is to support the autonomous governance of Hong Kong and the future well-being of the Hong Kong people. This bipartisan legislation was introduced by this Member on February 13, 1997, and unanimously approved last week by the House Committee on International Relations. It has been approved for consideration under the suspension calendar of course. That is why it is here today.

This bipartisan bill has a long list of cosponsors, including as original cosponsor the distinguished gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations, with a long and distinguished record as a leader in promoting democracy and human rights. His contributions and amendment have greatly strengthened this legislation. In addition, both the distinguished gentleman from Indiana [Mr. HAMILTON], the ranking Democrat on the House Committee on International Relations, and the distinguished gentleman from California [Mr. BERMAN], the ranking Democrat on the Subcommittee on Asia and the Pacific, are also original cosponsors. Other original cosponsors include the distinguished gentleman from New York [Mr. SOLOMON], the distinguished gentleman from Nebraska [Mr. BARRETT], the distinguished gentleman from California [Mr. DREIER], the distinguished gentleman from American Samoa [Mr. FALEOMAVAEGA], the distinguished gentleman from Arizona [Mr. SALMON], the distinguished gentleman from California [Mr. COX], and the distinguished gentleman from Arizona [Mr. KOLBE]. Other distinguished Members have added their names subsequently, including two gentlemen we will hear from, the gentleman from California [Mr. CAMPBELL] and the gentleman from Illinois [Mr. PORTER].

Mr. Speaker, it is important that we consider and approve this legislation quickly because in less than 5 months the British rule ends and Hong Kong will become a special administrative region of China. Nobody knows exactly what will happen in Hong Kong on that night or the days, months and years thereafter.

This reversion is unprecedented in its complexity. Hong Kong, one of the

world's most efficient economies, will become part of an emerging giant that has yet to integrate itself fully into the world economy and which has only begun to experiment with democracy at the village level.

The United Kingdom and the People's Republic of China have largely agreed on the basic rules for Hong Kong's reversion in the Sino-British Joint Declaration of 1984. For its part China has agreed to grant Hong Kong more autonomy, more autonomy than international law requires. In Hong Kong's constitution, the Basic Law of 1989, the National People's Congress unveiled a "one country two systems" arrangement for 50 years. During that time Hong Kong is supposed to enjoy a high degree of autonomy except in the areas of foreign affairs and defense.

It is rumored that more than 7,000 journalists from around the world will be on hand at midnight on June 30, 1997, to witness the official handover. In large part the attention focused on Hong Kong by the international press has been fueled by misguided efforts by the Chinese Government to disband the current legislative council and replace it with a provisional legislature, to alter civil rights protections in Hong Kong, and to improperly influence the extremely efficient civil service there. Clearly, these actions must not go unnoticed by the international community and by the United States Government.

Therefore, today we are considering the Hong Kong Reversion Act, H.R. 750, to object to these troubling proposals and developments and to express and act to protect the United States' national interests in Hong Kong. Most importantly, this legislation is absolutely clear in demanding that the People's Republic of China fully respect the autonomy that it has promised Hong Kong in the Joint Declaration of 1984.

Despite the overwhelming attention to the important issues of the legislative council and civil rights of Hong Kong, American foreign policy makers must also be concerned about more mundane traditional and transition issues which affect fundamental United States interests. For example, negotiations are currently underway between the United States and Hong Kong and the United States and China over a myriad of technical issues, including an extradition treaty, a bilateral investment treaty, consular functions and many more very important issues. Moreover, we must be very careful to assure that Hong Kong continues to honor U.S. export control laws and regulations after the transition.

The Hong Kong Reversion Act will aid the Congress in examining all the important issues in this complex transition by building on the Hong Kong Policy Act of 1992. It requires assessments and reports by the Secretary of State in very specific areas so the President can knowledgeably determine under his existing authority

whether to maintain current U.S. relations with Hong Kong.

In light of these facts and the importance of this legislation, this Member urges his colleagues to vote for the Hong Kong Reversion Act, H.R. 750.

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

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

Mr. Speaker, I rise in strong support of this bill, and I want to commend the gentleman from Nebraska [Mr. BEREUTER] for his leadership in bringing the bill before this body.

It is no secret that many Members are concerned about what lies in store for Hong Kong after China regains sovereignty on June 30 of this year. This legislation is intended to alert the PRC to these concerns and to put the leaders in Beijing on notice that the Members of Congress care deeply about the well-being of the people of Hong Kong.

This is not meant as a threat but a statement of political reality. If Americans come to believe that China is subverting the freedom Hong Kong people currently enjoy, then it will be more difficult in maintaining the public and congressional support for recent and decent relations with China.

□ 1600

If, on the other hand, the transition in Hong Kong goes smoothly and the people of Hong Kong are permitted to retain their current freedoms, then I am confident that the public and the Members of Congress will continue to support a policy of engagement with China.

This bill is our way of saying to China, if you value your relationship with the United States, then respect the rights and liberties of the Hong Kong people. This bill also makes some useful changes regarding the report on Hong Kong the Secretary of State periodically submits to Congress and the legal arrangement that will govern Hong Kong diplomatic representatives in the United States after June 30.

The administration supports this bill. Indeed, the State Department specifically asked for the authority granted in section 6 regarding privileges and immunities. I support this bill, and I ask my colleagues to do the same.

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

Mr. BEREUTER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I rise today in strong support of H.R. 750, the Hong Kong Reversion Act. As the House sponsor of the Hong Kong Policy Act of 1992, I would like to commend my colleague, the gentleman from Nebraska [Mr. BEREUTER], for taking the lead in the final preparations for the United States Government to legally accommodate the reversion of Hong Kong to Chinese sovereignty.

This legislation is very important to the continuation of the goals of the Hong Kong Policy Act, ensuring that

Hong Kong retains its special treatment as a place unique and separate from the mainland in many ways, and that the laws of the United States reflect our desire to maintain a distinct relationship with Hong Kong. Therefore, it has my very strong support.

The return of Hong Kong, the world's freest economy, to the jurisdiction of the People's Republic of China and the events leading up to it will have a major impact on United States-China relations. Whether this impact will be positive or negative remains to be seen. What is clear is that the United States is well positioned to play a role in securing a favorable outcome.

Members of the business community, both here and in Hong Kong, have, by and large, remained optimistic that they will be able to continue to operate in Hong Kong as they have in the past. This optimism stems from the fact that the island's free market and legal institutions foster economic growth and opportunity, and the maintaining of this atmosphere is in China's best interest.

Given the dramatic opening of the mainland economy in recent years and the benefits that have followed, I believe that the business community is correct in thinking that China values the economic freedom of Hong Kong and will try to preserve it.

Unfortunately, I am afraid that the Chinese Government does not fully appreciate that preserving Hong Kong's market economy requires that they also preserve personal liberty and the rule of law. It is clear that the fate of United States interests in Hong Kong is inexorably linked to the democrats, to the journalists, to the Chinese dissidents, to the religious minorities and others whose rights will be threatened if Hong Kong is governed with the same heavy hand as the mainland.

The United States must pursue a policy which respects the primacy of the joint declaration as the document which governs the transition, a policy which recognizes the peculiar tensions of our own relationship with the awakening power of China, and the policy which clearly enunciates the values of democracy, individual liberties, marketplace opportunity, and the rule of law, and makes clear our intention to stand up for these values in Hong Kong.

This is a difficult task but not an impossible one. It is a task we must accomplish if we are to preserve Hong Kong and the remarkable, vibrant, exciting, and free place that it is today.

Mr. Speaker, the Hong Kong Reversion Act is a vital part of this balancing act and will codify our concerns about the transition. By giving the Hong Kong economic and trade office diplomatic privileges and immunities separate from the People's Republic of China, we reinforce the unique relationship we have with Hong Kong and our expectation that we will work directly with the Hong Kong government on matters of mutual concern. This is one of the most important elements of this legislation.

Further, this bill expresses our strong support for the autonomy and independence of Hong Kong in the management of its own affairs. By continuing to work directly with Hong Kong's law enforcement agencies, maintain separate treaty obligations with Hong Kong and declare our strong support for Hong Kong's institutions, the Congress will be a forceful voice for a true, one-country, two-systems approach to Hong Kong.

Finally, we must take every opportunity to send the strongest possible message to Beijing that the future of Hong Kong is important to the United States, not just for economic reasons, but for moral ones as well. A free, stable, prosperous Hong Kong serves as a positive example in a region where none of these qualities is the norm.

I hope and believe that Hong Kong can be a window on the future of Asia, especially China. We should all work to ensure that Hong Kong changes China more than China changes Hong Kong as a result of this historic process. This bill is part of that work, and I wholeheartedly commend it to my colleagues in the House.

Mr. HILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

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

Mr. LEVIN. Mr. Speaker, I appreciate the gentleman yielding me this time.

I rise in support of the Hong Kong Reversion Act, which affirms United States support for the autonomy of Hong Kong. When 21 other House Members and I visited Hong Kong and China in January, we saw firsthand the need for this legislation. Chinese Government representatives assured us that they would pursue the one China, two systems policy. The question was then and is now whether this means two political as well as two economic systems, whether political freedom will be preserved in Hong Kong alongside economic freedom.

We are concerned about this because of the intrinsic value of political freedom itself, because political freedom enhances economic freedom, and because, as shown by nations like Singapore, economic freedom does not necessarily lead to political freedom.

That is why we told C.H. Tung, China's supported chief executive for Hong Kong, that we were concerned about Beijing's decision to dissolve the democratically elected legislative counsel of Hong Kong. I asked Mr. Tung directly, "Do you personally assure us that within a year after July 1 there will be a democratically elected legislative body in Hong Kong?" He said "yes." We should insist that Mr. Tung abide by this promise to restore democracy next year.

Unfortunately, events since we left Hong Kong have pointed in a different direction, restriction of the rights to speech, assembly, and association. This bill makes clear the resolute expecta-

tion of the House that two systems within one China should mean political as well as economic freedom for Hong Kong. For in the end, the future of human rights in Hong Kong will impact the future of human rights in mainland China and indeed the future of human rights throughout the world.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. CAMPBELL], a member of the committee.

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

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman for yielding me this time and also for his generosity in accepting the amendments that I offered in this process. I rise to make a matter of legislative history what those amendments were and why I offered them, why I believe our colleagues on the Committee on International Relations accepted them, and why I hope today our colleagues on the floor of the House of Representatives will vote in favor of them.

The first deals with section 5, clause b(4)(d), and in it we deal with the provisions that the Secretary of State is to include in her report regarding the compliance of the new autonomous region, with our expectations, and I think the world's expectations, on economic behavior. A different part of the bill deals with our expectations on political behavior.

The committee added, at my suggestion, the following, "That included in that would be unprecedented diversion of Chinese exports through Hong Kong in order to attain preferential treatment in United States markets." The reason why I thought that was an important index of behavior was just this, that China not be encouraged to use Hong Kong as the means for having access to duty-free and preferential treatment throughout the world without changing a bit the economy of the other provinces of China, that Hong Kong is in a special tariff area and it be preserved in that area, but it not be isolated with the price then that the rest of China could continue in a less than free market economy, but that, rather, having seen the benefits available, particularly in the acceptance in the world economy for the special tariff region of Hong Kong, that the rest of China would be encouraged to do the same, and thereby also obtain access to the World Trade Organization opportunities when those are available, as they are presently available to Hong Kong, and other opportunities available under American law.

So I am looking to see that China does not simply send its exports more and more through Hong Kong, which would not have the beneficial effect on the rest of the country, but rather the Hong Kong example would be emulated in the rest of China.

Mr. Speaker, the other change the committee made at my suggestion is in

section 4, clause 6. In this we deal with a statement of what we are hoping for with the new government. My colleague from Michigan referred to a meeting with C.H. Tung, the likely new governor, and in that I also had the privilege of meeting with him in August. I thought I would put on the record that the Chinese sentiment is real, that the British time in Hong Kong and the British particular dictating of terms in Hong Kong was contrary to Chinese sovereignty during the entire time of the occupation, that the taking of Hong Kong in the opium war was not a high point, let us say, in human rights practiced by the United Kingdom, and that whatever one might think about the validity of the rules that the British offered during the last period of their occupation of Hong Kong during the time, especially since the agreement for the reversion of Hong Kong, that it was China's right to set these rules; it was not by leave of Britain, it was China's right.

So I asked the change to be made, that we look to the reestablishment of all of those rights which have now been taken away, particularly the rights for assembly and for political activity, that were granted during this period of time under the governorship of Chris Patten, but had not been granted theretofore, that we look to see these restored, but we see them restored when China retakes sovereignty over Hong Kong. And so a simple change to refer to is that anticipation that this occur no later than July 1, to give that at least symbolic and very important, not simply symbolic day for China, to say that now that we are sovereign again, we choose to establish guarantees of political freedom and assembly, as the sovereign and in our own right, and not simply because Britain had done so during its period of rule.

Those are the legislative historical reasons for these two amendments. I thank my colleague for giving me the opportunity to explain them.

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

Mr. HILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALÉOMAVAEGA].

Mr. FALÉOMAVAEGA. Mr. Speaker, I thank my good friend for yielding me this time.

I am honored to be an original cosponsor of H.R. 750, which expresses United States support for the autonomy of Hong Kong and establishes requirements to determine whether the People's Republic of China is honoring commitments under the Joint Declaration of 1984 to retain Hong Kong's autonomy.

I would be remiss if I did not express my appreciation to my good friend from Nebraska [Mr. BEREUTER] for introducing this legislation, and I certainly would like to commend both the chairman of our committee, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON], the ranking Democratic

member of the full committee for their sponsorship and support of this important measure.

Mr. Speaker, this legislation has bipartisan support. The transfer of Hong Kong from British to Chinese sovereignty on July 1 will indeed be a historic event. In ending Britain's colonial rule of Hong Kong, I am hopeful that China will abide by its commitment under the Joint Declaration to extend a high degree of autonomy to Hong Kong under the one-country, two-system policy.

Although the recent actions taken by China regarding Hong Kong are troubling, as raised by some of my colleagues, I would hope that we would allow China some breathing space, Mr. Speaker, as the transition occurs.

□ 1615

On that note, I would like to associate myself with the comments made earlier by the gentleman from California [Mr. CAMPBELL] regarding the fact that Hong Kong was literally a British colony. Now, all of a sudden we are talking about protection of democratic principles, personal freedoms, and more autonomy for the residents of this British colony, when years before they never had the privilege.

Mr. Speaker, what happens in Hong Kong will have serious implications on Taiwan. What happens with Taiwan's future will determine the stability of the entire Asian-Pacific region.

If China does not comply with its obligations for Hong Kong's autonomy, under the Joint Declaration, H.R. 750, will give our Government a mechanism for determining whether the current United States laws and policies toward Hong Kong should be maintained.

Again, I thank my good friend, the gentleman from Nebraska, for his introduction of this important measure. I ask my colleagues to support the legislation.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to commend the gentleman from Nebraska, the chairman of our Subcommittee on Asia and the Pacific of the Committee on International Relations, and the ranking minority member, the gentleman from California [Mr. BERMAN] for crafting this measure, a resolution to support the autonomous governance of Hong Kong after its reversion to the People's Republic of China.

Hong Kong's autonomy is clearly under attack. The Government of the People's Republic of China has decided to dissolve Hong Kong's democratically elected legislative council on July 1 of this year and appoint a provisional legislature.

Early in February of this year, the preparatory committee appointed by the People's Republic of China recommended the repeal and the amendment of Hong Kong ordinances, including the bill of rights, the societies ordinance relating to freedom of association, and the public order ordinance relating to freedom of assembly.

These two actions and the many threats by Communist officials regarding the types of speech and association, in addition to warnings to religious institutions, are ominous indicators of what the courageous people of Hong Kong are facing as their territory reverts back to Communist China.

It is without a doubt that Hong Kong's autonomy is lost without an elected legislature, and with the repeal of the bill of rights and other ordinances that protect its citizenry against Beijing's intrusion into their freedom.

H.R. 750 directs the Secretary of State to study these matters and take action in order to protect our Nation's relationship with Hong Kong. Accordingly, I urge my colleagues to fully support this measure.

Mr. Speaker, I would like also to note my appreciation for the cooperation of the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means, in connection with our proceedings here today. Chairman ARCHER agreed to waive jurisdiction of this bill in his committee in order to allow us to proceed with its expeditious consideration on the floor.

Mr. Speaker, I include for the RECORD correspondence between Chairman ARCHER and myself related to this matter.

The material referred to is as follows:

COMMITTEE ON INTERNATIONAL
RELATIONS,

Washington, DC, March 10, 1997.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing about H.R. 750, which was recently introduced by Representative Doug Bereuter and referred solely to this Committee. On March 6, 1997, our Committee marked up this bill and agreed to a resolution asking that I seek its consideration on the suspension calendar. The leadership has scheduled its consideration for tomorrow.

I am advised that the Committee on Ways and Means has jurisdictional interest in this bill, in part because, in section 5, the bill adds criteria to be considered by the President in making determinations under section 22 of the U.S.-Hong Kong Policy Act of 1992.

As you know, this bill has widespread support and the provisions that may involve Ways and Means jurisdiction are minor ones, on which our staffs have previously been in touch and about which no substantive problems were raised. Accordingly, I would appreciate your agreeing to the bill's consideration on the suspension calendar notwithstanding the fact that it was not referred to the Ways and Means Committee.

With best wishes,
Sincerely,

BENJAMIN A. GILMAN,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 10, 1997.

Hon. BENJAMIN GILMAN,
Chairman, Committee on International Relations,
Rayburn House Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing with regard to H.R. 750, the Hong Kong Reversion Act, which was approved by the Committee on International Relations on March 6, 1997 and is scheduled for consideration in the House on March 11, 1997.

In addition to addressing general economic and trade relations between the United States and Hong Kong after its reversion to the People's Republic of China on July 1, 1997, the bill contains several specific provisions that could affect the future treatment of Hong Kong under various U.S. trade laws which fall within the jurisdiction of the Committee on Ways and Means.

Section 5 of H.R. 750 requires the President, when determining, under Section 202(a) of the United States-Hong Kong Policy Act of 1992, whether Hong Kong is sufficiently autonomous to justify treatment under the laws of the United States, including U.S. trade laws, different from that accorded to the People's Republic of China, to consider information provided by the Secretary of State in the report required under section 301 of the United States Hong Kong Policy Act of 1992. This would modify the President's authority to waive the applicability of U.S. law, including import and other trade and tariff laws, with respect to Hong Kong. Section 5(b) requires that the Secretary of State include in this report an assessment of whether the Hong Kong Government and the People's Republic of China have cooperated in securing a bilateral investment treaty and whether there is diminished cooperation in areas of customs enforcement, drug interdiction and money laundering. Section 5(b) also requires the Secretary of State to cite any failure by these governments to respect United States textile laws and quotas and any misuse of the customs territory of Hong Kong to implement the foreign policy or trade goals of the Government of the People's Republic of China. All of these provisions could affect the future of U.S. commercial relations with Hong Kong.

In view of your desire for early House action on this bill, the non-controversial nature of the trade-related provisions, and the fact that they do not directly change existing U.S. trade laws or policies, it will not be necessary for the Committee on Ways and Means to mark up H.R. 750. This is being done only with the understanding that this action in the instance in no way establishes a precedent or prejudices the Committee on Ways and Means' jurisdiction over provisions of the type described above. I would appreciate your confirmation of this understanding and reference to this exchange of letters during House consideration of the bill.

I look forward to prompt consideration of this important legislation by the House.

Sincerely,

BILL ARCHER,
Chairman.

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

Mr. Speaker, I include for the RECORD a cost estimate on the impact of H.R. 750 by the Congressional Budget Office, and note that the cost is estimated to be zero.

The material referred to is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 7, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 750, the Hong Kong Reversion Act, as ordered reported by the House Committee on International Relations on March 6, 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Joseph C. Whitehill.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

H.R. 750, HONG KONG REVERSION ACT—AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON INTERNATIONAL RELATIONS ON MARCH 6, 1997

CBO estimates that the bill would result in no significant costs to the federal government. Because it would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 750 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would impose no costs on state, local, or tribal governments.

The United States-Hong Kong Policy Act of 1992 (Public Law 102-383) allows the laws of the United States to be applied to Hong Kong without change after its reversion to China so long as Hong Kong remains sufficiently autonomous to justify a separate treatment. H.R. 750 would require that the Secretary of State's report on conditions in Hong Kong required by the earlier act address specific issues regarding Hong Kong's cooperation with U.S. agencies and continued autonomy.

In addition, H.R. 750 would continue, after Hong Kong reverts to China, some of the privileges and immunities that employees of the Hong Kong economic and trade offices currently enjoy as part of the British consular presence.

The CBO staff contact for this estimate is Joseph C. Whitehill. The estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Ms. PELOSI. Mr. Speaker, I rise today in support of H.R. 570, the Hong Kong Reversion Act. I commend Chairman BEREUTER and Ranking Member BERMAN for bringing this bill to the floor today. While there are differing views in Congress about the direction which United States-China policy should take, we are all united in our concern about the future of Hong Kong. On July 1, 1997, less than 4 months from now, control over Hong Kong will revert to China. This action defines the future for a freedom-loving people, who will find themselves under the jurisdiction of an authoritarian regime.

There is much at stake with this takeover and the people of Hong Kong are not the only ones who will feel its effects. Hong Kong's very viability as a global financial center will be threatened if the Chinese Government does not act responsibly and does not respect internationally recognized basic human rights and fundamental principles. Transparency, access to unbiased information in real time, and recourse to an independent judicial system are all critical components of long-term economic growth. Restrictions on freedom of the press

and freedom of speech stifle a citizenry and undermine its economy. Unfortunately, the future picture for Hong Kong is already clouded.

In 1984, the United Kingdom and China in 1984 created a framework for Hong Kong's reversion in the Sino-British Joint Declaration. The Joint Declaration established a "one-country, two-system" arrangement, under which Hong Kong would enjoy a "high degree of autonomy" in its operation for the next 50 years. Recently, serious questions have arisen about China's intentions to adhere to its agreement in light of actions by Beijing, including abolishing Hong Kong's democratically elected legislature, and repealing its Bill of Rights and other ordinances ensuring the rights of freedom of association and assembly.

H.R. 750 reaffirms congressional support for the autonomy of Hong Kong and implements a series of reports and guidelines to determine whether China is fulfilling its obligations under the 1984 Joint Declaration. Under the bill, the President of the United States could modify current United States law and policies involving Hong Kong, should he determine that "Hong Kong is not sufficiently autonomous * * *". While this bill does not go as far as I believe it should go in protecting the people of Hong Kong, it is an important step.

No discussion of Hong Kong's future would be complete without acknowledging the ongoing struggle of its brave prodemocracy movement to ensure basic freedoms for its people. The courage and commitment of Hong Kong's prodemocracy activists, led by Martin Lee, and including Emily Lau and Christine Loh, is exemplary. We must speak out on their behalf to support their efforts and to ensure their safety.

Mr. HILLIARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 750, as amended.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the measure just considered.

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

There was no objection.

MAKING CERTAIN TECHNICAL CORRECTIONS IN HIGHER EDUCATION ACT OF 1965 RELATING TO GRADUATION DATA DISCLOSURES

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 914) to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures, as amended.

The Clerk read as follows:

H.R. 914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking "June 30" and inserting "August 31"; and

(2) in subsection (e)(9), by striking "August 30" and inserting "August 31".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MCKEON] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MCKEON]

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

Mr. Speaker, today we are taking up H.R. 914, which the gentleman from Michigan [Mr. KILDEE] and I introduced, and which was reported by the Committee on Education and the Workforce by voice vote.

H.R. 914 makes a technical correction to the student right-to-know provisions of the Higher Education Act. The student right-to-know provisions of the Higher Education Act require institutions of higher education to report graduation rates for their student body.

These statistics are compiled for the student body at large and for student athletes as well. Unfortunately, a change made in the fiscal year 1996 omnibus appropriations bill resulted in these rates being calculated at different points in time during the academic year. Rates for the student body at large are calculated as of June 30, while rates for student athletes are calculated as of August 30.

As a result of this mistake, institutions will be required to keep two sets of records for calculating and reporting graduation rates. This amendment corrects the problem by conforming the section of the Higher Education Act dealing with the reporting date for student athletes to the section of the Higher Education Act that requires preparation of graduation rates for all students.

This amendment will set August 31 as the uniform reporting date, which allows institutions to more accurately reflect the manner in which they collect the data on graduation rates, and eliminates the burdensome task of preparing two distinct sets of graduation rates.

The amendment is drafted to allow institutions to comply with the revised dates immediately, as it is our understanding that a majority of institutions wish to use the revised date, and we encourage them to do so.

However, we do not want to penalize those institutions that, for whatever reason, could not immediately comply with the date change. For this reason, the effective date for mandatory compliance with this amendment begins on July 1, 1998. This should allow sufficient time for all institutions to make any system changes necessary to comply with the date change. The higher education community requested our assistance in conforming the reporting dates for graduation rates, with the concurrence of the Department of Education. The technical correction has no budget impact.

I want to thank the gentleman from Michigan for his cooperation in moving ahead with this technical correction, and I urge my colleagues to support H.R. 914.

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

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

Mr. Speaker, I rise to urge adoption of this amendment, of which I am a co-sponsor. It is purely a technical amendment. It would change the August 30 date in the Federal right-to-know law in two places in order to reflect the fact that the month of August actually has 31 days.

The overall importance of the amendment, however, cannot be minimized. The provision to be amended relieves institutions of higher education from collecting separate sets of graduation rates in order to comply with the Federal law. Institutions would be allowed to use data that they are already collecting in order to meet the requirements of the Federal law. The simple date change from August 30 to August 31 will accomplish that objective once and hopefully forever. I urge the amendment's approval.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MCKEON] that the House suspend the rules and pass the bill, H.R. 914, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 914.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 4 o'clock and 25 minutes p.m.), the House stood in recess until 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. STEARNS] at 5 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Joint Resolution 32, de novo; House Concurrent Resolution 16, by the yeas and nays;

House Resolution 68, by the yeas and nays; and

H.R. 750, by the yeas and nays.

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

GRANTING CONSENT TO CERTAIN AMENDMENTS ENACTED BY HAWAIIAN LEGISLATURE TO HAWAIIAN HOMES COMMISSION ACT OF 1920

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the joint resolution, House Joint Resolution 32.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the joint resolution, House Joint Resolution 32.

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

A motion to reconsider was laid on the table.

CONCERNING URGENT NEED TO IMPROVE LIVING STANDARDS OF SOUTH ASIANS LIVING IN THE GANGES AND BRAHMAPUTRA RIVER BASIN

The SPEAKER pro tempore. The pending business is the question of sus-

pending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 16, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 16, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 1, not voting 16, as follows:

[Roll No 36]
YEAS—415

Abercrombie	Cramer	Gutknecht
Ackerman	Crane	Hall (OH)
Aderholt	Crapo	Hall (TX)
Allen	Cubin	Hamilton
Archer	Cummings	Hansen
Armey	Cunningham	Harman
Bachus	Danner	Hastert
Baesler	Davis (FL)	Hastings (FL)
Baker	Davis (IL)	Hastings (WA)
Baldacci	Davis (VA)	Hayworth
Ballenger	Deal	Hefley
Barcia	DeFazio	Hefner
Barr	DeGette	Hergert
Barrett (NE)	Delahunt	Hill
Barrett (WI)	DeLauro	Hilleary
Bartlett	DeLay	Hilliard
Barton	Dellums	Hinchey
Bass	Deusch	Hinojosa
Bateman	Diaz-Balart	Hobson
Becerra	Dickey	Hoekstra
Bentsen	Dicks	Holden
Bereuter	Dingell	Holley
Berman	Dixon	Horn
Berry	Doggett	Hostettler
Bilbray	Dooley	Houghton
Bilirakis	Doolittle	Hoyer
Bishop	Doyle	Hulshof
Blagojevich	Dreier	Hunter
Bliley	Duncan	Hutchinson
Blumenauer	Dunn	Hyde
Blunt	Edwards	Inglis
Boehlert	Ehlers	Istook
Boehner	Ehrlich	Jackson (IL)
Bonilla	Emerson	Jackson-Lee
Bonior	Engel	(TX)
Bono	English	Jefferson
Borski	Ensign	Jenkins
Boswell	Eshoo	John
Boucher	Etheridge	Johnson (CT)
Boyd	Evans	Johnson (WI)
Brady	Everett	Johnson, E. B.
Brown (CA)	Ewing	Johnson, Sam
Brown (FL)	Farr	Jones
Brown (OH)	Fattah	Kanjorski
Bryant	Fawell	Kasich
Bunning	Fazio	Kelly
Burr	Filner	Kennedy (MA)
Burton	Foglietta	Kennedy (RI)
Buyer	Foley	Kennelly
Callahan	Forbes	Kildee
Calvert	Ford	Kilpatrick
Camp	Fowler	Kim
Campbell	Fox	Kind (WI)
Canady	Frank (MA)	King (NY)
Cannon	Franks (NJ)	Kingston
Capps	Frelinghuysen	Kleccka
Cardin	Frost	Klink
Castle	Galleghy	Klug
Chabot	Ganske	Knollenberg
Chambliss	Gekas	Kolbe
Chenoweth	Gibbons	Kucinich
Christensen	Gilcrest	LaFalce
Clay	Gillmor	LaHood
Clayton	Gilman	Lampson
Clement	Gonzalez	Lantos
Coburn	Goode	Latham
Collins	Goodlatte	LaTourette
Combest	Goodling	Lazio
Condit	Gordon	Leach
Conyers	Goss	Levin
Cook	Graham	Lewis (CA)
Cooksey	Granger	Lewis (GA)
Costello	Green	Lewis (KY)
Cox	Greenwood	Linder
Coyne	Gutierrez	Lipinski

Livingston	Paxon	Smith (MI)
LoBiondo	Payne	Smith (NJ)
Lofgren	Pease	Smith (OR)
Lowey	Pelosi	Smith (TX)
Lucas	Peterson (MN)	Smith, Adam
Luther	Peterson (PA)	Smith, Linda
Maloney (CT)	Petri	Snowbarger
Maloney (NY)	Pickering	Snyder
Manton	Pickett	Solomon
Manzullo	Pitts	Souder
Markey	Pombo	Spence
Martinez	Pomeroy	Spratt
Mascara	Porter	Stabenow
Matsui	Portman	Stark
McCarthy (NY)	Poshard	Stearns
McCollum	Price (NC)	Stenholm
McCrery	Pryce (OH)	Stokes
McDade	Quinn	Strickland
McDermott	Radanovich	Stump
McGovern	Rahall	Stupak
McHale	Ramstad	Sununu
McHugh	Rangel	Talent
McInnis	Regula	Tanner
McIntosh	Reyes	Tauscher
McIntyre	Riggs	Tauzin
McKeon	Riley	Taylor (MS)
McKinney	Rivers	Taylor (NC)
McNulty	Roemer	Thomas
Meehan	Rogan	Thompson
Meek	Rogers	Thornberry
Menendez	Rohrabacher	Thune
Metcalf	Ros-Lehtinen	Thurman
Mica	Rothman	Tiahrt
Miller (CA)	Roybal-Allard	Tierney
Miller (FL)	Royce	Torres
Minge	Ryun	Trafficant
Mink	Sabo	Turner
Moakley	Salmon	Upton
Molinari	Sanchez	Velazquez
Mollohan	Sanders	Vento
Moran (KS)	Sandlin	Visclosky
Moran (VA)	Sanford	Walsh
Morella	Sawyer	Wamp
Murtha	Saxton	Waters
Myrick	Scarborough	Watkins
Nadler	Schaefer, Dan	Watt (NC)
Neal	Schaffer, Bob	Watts (OK)
Nethercutt	Schiff	Waxman
Neumann	Schumer	Weldon (FL)
Ney	Scott	Weldon (PA)
Northup	Sensenbrenner	Weller
Norwood	Serrano	Wexler
Nussle	Sessions	Weygand
Oberstar	Shadeegg	White
Obey	Shaw	Whitfield
Olver	Shays	Wicker
Ortiz	Sherman	Wise
Oxley	Shimkus	Wolf
Packard	Shuster	Woolsey
Pallone	Sisisky	Wynn
Pappas	Skaggs	Yates
Parker	Skeen	Young (AK)
Pascrell	Skelton	Young (FL)
Pastor	Slaughter	

NAYS—1

Paul
NOT VOTING—16

Andrews	Gejdenson	Millender-
Carson	Gephardt	McDonald
Clyburn	Kaptur	Owens
Coble	Largent	Roukema
Flake	McCarthy (MO)	Rush
Furse		Towns

□ 1725

Mr. OLVER and Mr. WAMP changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 36, on House Concurrent Resolution 16. I was detained in transit. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

The Chair is informed that the cloakroom beepers may not be working and Members should not rely on them in responding to the next two votes.

SENSE OF HOUSE CONCERNING TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN UNITED STATES AND JAPAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 68, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BE-REUTER] that the House suspend the rules and agree to the resolution, House Resolution 68, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 16, not voting 13, as follows:

[Roll No 37]
YEAS—403

Abercrombie	Burr	Diaz-Balart
Ackerman	Burton	Dickey
Aderholt	Callahan	Dicks
Allen	Calvert	Dingell
Archer	Camp	Dixon
Armey	Campbell	Doggett
Bachus	Canady	Dooley
Baesler	Cannon	Doolittle
Baker	Capps	Doyle
Baldacci	Cardin	Dreier
Ballenger	Castle	Duncan
Barcia	Chabot	Dunn
Barr	Chambliss	Edwards
Barrett (NE)	Chenoweth	Ehlers
Barrett (WI)	Christensen	Ehrlich
Bartlett	Clay	Emerson
Barton	Clayton	Engel
Bass	Clement	English
Bateman	Clyburn	Ensign
Becerra	Coburn	Eshoo
Bentsen	Collins	Etheridge
Bereuter	Combest	Evans
Berman	Condit	Everett
Berry	Conyers	Ewing
Bilirakis	Cook	Farr
Bishop	Cooksey	Fattah
Blagojevich	Costello	Fawell
Billey	Cox	Fazio
Blumenauer	Coyne	Filner
Blunt	Cramer	Foglietta
Boehlert	Crane	Foley
Boehner	Crapo	Forbes
Bonilla	Cubin	Ford
Bonior	Cummings	Fox
Bono	Cunningham	Franks (NJ)
Borski	Davis (FL)	Frelinghuysen
Boswell	Davis (IL)	Frost
Boucher	Davis (VA)	Gallegly
Boyd	Deal	Ganske
Brady	DeGette	Gejdenson
Brown (CA)	Delahunt	Gekas
Brown (FL)	DeLauro	Gibbons
Brown (OH)	DeLay	Gilchrist
Bryant	Dellums	Gillmor
Bunning	Deutsch	Gilman

Gonzalez	Luther	Ros-Lehtinen
Goode	Maloney (CT)	Rothman
Goodlatte	Maloney (NY)	Roybal-Allard
Goodling	Manton	Royce
Gordon	Manzullo	Ryun
Goss	Markey	Sabo
Graham	Martinez	Salmon
Granger	Mascara	Sanchez
Green	Matsui	Sanders
Greenwood	McCarthy (MO)	Sandlin
Gutierrez	McCarthy (NY)	Sanford
Gutknecht	McCollum	Sawyer
Hall (OH)	McCrery	Saxton
Hall (TX)	McDade	Schaffer, Bob
Hamilton	McDermott	Schiff
Hansen	McGovern	Schumer
Harman	McHale	Scott
Hastert	McHugh	Sensenbrenner
Hastings (FL)	McInnis	Serrano
Hastings (WA)	McIntosh	Sessions
Hayworth	McIntyre	Shadeegg
Hefley	McKinney	Shaw
Hefner	McNulty	Shays
Herger	Meehan	Sherman
Hill	Meek	Shimkus
Hilleary	Menendez	Shuster
Hilliard	Metcalf	Sisisky
Hinchey	Mica	Skaggs
Hinojosa	Miller (CA)	Skeen
Hobson	Miller (FL)	Skelton
Hoekstra	Minge	Slaughter
Holden	Mink	Smith (MI)
Hooley	Moakley	Smith (NJ)
Horn	Molinari	Smith (OR)
Hostettler	Mollohan	Smith (TX)
Houghton	Moran (VA)	Smith, Adam
Hoyer	Moran (KS)	Smith, Linda
Hulshof	Morella	Snowbarger
Hutchinson	Murtha	Snyder
Hyde	Myrick	Solomon
Inglis	Nadler	Spratt
Istook	Neal	Stabenow
Jackson (IL)	Nethercutt	Stark
Jackson-Lee	Neumann	Stearns
(TX)	Ney	Stenholm
Jefferson	Northup	Stokes
Jenkins	Norwood	Strickland
John	Nussle	Stump
Johnson (CT)	Oberstar	Stupak
Johnson (WI)	Obey	Sununu
Johnson, E. B.	Olver	Talent
Johnson, Sam	Ortiz	Tanner
Jones	Oxley	Tauscher
Kanjorski	Packard	Tauzin
Kasich	Pallone	Taylor (NC)
Kelly	Pappas	Thomas
Kennedy (MA)	Parker	Thompson
Kennedy (RI)	Pascrell	Thornberry
Kennelly	Pastor	Thune
Kildee	Paxon	Thurman
Kilpatrick	Payne	Tiahrt
Kim	Pease	Tierney
Kind (WI)	Pelosi	Torres
King (NY)	Peterson (MN)	Turner
Kingston	Peterson (PA)	Upton
Klecza	Petri	Velazquez
Klink	Pickering	Vento
Klug	Pickett	Visclosky
Knollenberg	Pitts	Walsh
Kolbe	Pombo	Wamp
Kucinich	Pomeroy	Waters
LaFalce	Porter	Watkins
LaHood	Portman	Watt (NC)
Lampson	Poshard	Watts (OK)
Lantos	Price (NC)	Waxman
Latham	Pryce (OH)	Weldon (FL)
LaTourette	Quinn	Weldon (PA)
Lazio	Radanovich	Weller
Leach	Rahall	Wexler
Levin	Ramstad	Weygand
Lewis (CA)	Rangel	White
Lewis (GA)	Regula	Whitfield
Lewis (KY)	Reyes	Wicker
Linder	Riggs	Wise
Lipinski	Riley	Wolf
Livingston	Rivers	Woolsey
LoBiondo	Roemer	Wynn
Lofgren	Rogan	Young (AK)
Lowey	Rogers	Young (FL)
Lucas	Rohrabacher	

NAYS—16

Bilbray	Hunter	Spence
Buyer	McKeon	Taylor (MS)
Danner	Paul	Trafficant
DeFazio	Scarborough	Yates
Fowler	Schaefer, Dan	
Frank (MA)	Souder	

NOT VOTING—13

Andrews	Gephardt	Owens
Carson	Kaptur	Roukema
Coble	Largent	Rush
Flake	Millender-	Towns
Furse	McDonald	

□ 1737

Mr. MCKEON and Mr. BUYER changed their vote from "yea" to "nay."

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

The title of the resolution was amended so as to read: "A resolution stating the sense of the House of Representatives that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the nations of the Asia-Pacific region, and that the people of Japan, especially the people of Okinawa, deserve recognition for their contributions toward ensuring the treaty's implementation."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONG KONG REVERSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 750, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BE-REUTER] that the House suspend the rules and pass the bill, H.R. 750, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 1, not voting 15, as follows:

[Roll No. 38]

YEAS—416

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

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

Turner	Watt (NC)	Whitfield
Upton	Watts (OK)	Wicker
Velazquez	Waxman	Wise
Vento	Weldon (FL)	Wolf
Visclosky	Weldon (PA)	Woolsey
Walsh	Weller	Wynn
Wamp	Wexler	Yates
Waters	Weygand	Young (AK)
Watkins	White	Young (FL)

NAYS—1

Paul

NOT VOTING—15

Andrews	Greenwood	Pryce (OH)
Carson	Kaptur	Roukema
Coble	Largent	Rush
Flake	Millender-	Towns
Furse	McDonald	
Gephardt	Owens	

□ 1747

So (two-thirds having voted in favor thereof), the rules were suspended and the bill as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Speaker, on rollcall No. 38, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. STABENOW. Mr. Speaker, I rise to indicate that on Thursday, March 6, I was on a leave of absence for official business, having had the pleasure of escorting the President of the United States to my district to discuss education issues.

As a result, I missed rollcall votes 32 through 35. Had I been present, I would have voted "nay" on rollcall votes 32 and 35, and "yea" on rollcall votes 33 and 34.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. STEARNS). 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.

IMPROVING THE COMMUTE TO WORK

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

Mr. BLUMENAUER. Mr. Speaker, throughout the Capitol this week, we are being visited by men and women who are the leaders of our transit agencies around the country. I hope that as they are visiting with us today dealing with the things that make a difference to Americans, that we in Congress will be particularly aware of two pieces of legislation that they are seeking our assistance for that will make a difference for American families.

After all, notwithstanding a lot of what passes for topical political rhetoric in our Capitol, really what American families care about most is they

want to be safe, they want their families economically secure, they want them healthy. I am here today to argue on behalf of two of these bills that will do that in terms of having a more balanced transportation system.

One, House Resolution 37, would give congressional employees here in the District of Columbia and in our district offices the opportunity to contribute to the livability of their communities by using transit. As local elected officials we have had the opportunity of implementing such programs in our community, and we found that transit passes made a great deal of difference. They improved morale of our employees, they decreased the demand for parking, they helped clean the air, they decreased congestion, and they actually ended up saving our employees money.

Sadly, the House of Representatives is behind the curve in offering transit benefits. Since 1984, private sector employers have offered their employees transit benefits for their commute to work. Even our colleagues in the U.S. Senate have successfully operated a transit pass program since 1992. Today over 2,000 employees of the Congressional Budget Office, the Architect of the Capitol, and the Senate participate in an employer-sponsored transit pass program. With the passage of the Federal Employees Clean Air Incentives Act of 1993, the House is authorized to offer its employees the same incentive.

Unfortunately, we have yet to do so. This is a bipartisan resolution, already with over 3 dozen cosponsors, that would give House offices the option to underwrite part of the cost of monthly passes for our employees. No additional revenue is needed to approve the program, since our employee transit passes would be funded out of existing transit office budgets.

The Washington Metropolitan Area Transit Authority, WMATA, is extremely supportive of this legislation, and is ready to help the House implement the transit benefit program here in the D.C. metro area as soon as we are willing to work with them.

Additionally, we are hearing from our transit friends about another important piece of legislation. This is the Commuter Choice Act, H.R. 873, that is primarily sponsored by our colleague, the gentleman from Georgia [Mr. LEWIS].

Most of us understand that the overwhelming reliance on single-occupant vehicles is responsible for unsafe air, unsafe streets, and gridlock that is increasingly paralyzing our communities. Yet, sadly, our tax policy encourages commuting by car over any other means of transportation. It is not enough that in America we spend more advertising the automobile than supporting transit. We have a tax system that discriminates against people who would like to do the right thing and not use their private automobile.

Employers can currently provide free parking up to \$170 a month tax-free, but a transit pass or car pool benefits

are allowed for only one-third of that value. The Commuter Choice Act would eliminate this imbalance, and encourage energy savings without penalizing drivers.

It would increase the nontaxable transit pass benefit to the same \$170 per month as the tax-free parking benefit.

□ 1800

In addition, this bill will take away the disincentive for people who choose alternative transportation modes. Right now, if an employer decides that they are going to give \$25 a month as an incentive for people to walk, run, or bike to work, that will make the other benefits that they provide potentially taxable, including tax-free parking.

This bill would provide the opportunity for a stipend of \$15 to \$50 per month. This cash benefit would support employees who choose to walk, bike, run, rollerblade to work. We have had opportunities in the State of California, where this has been implemented by some employers.

I urge my colleagues to support these two bills.

SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, I am a member of the Committee on the Budget. Last week Alan Greenspan, the Chairman of the Federal Reserve, came before our committee. Today Secretary Rubin, Secretary of the Treasury, came before our committee. They made, I think, a very important point that everybody should be aware of. That is that Social Security has very serious problems for the future.

Mr. Speaker, I would just like to talk about some of the things that are happening in Social Security that means that the benefits for existing retirees are threatened as well as the potential for retirement benefits for workers that are going to retire in the future.

In terms of the Federal budget, Social Security uses up now 22 percent of the total Federal budget. What is happening is we have a system in Social Security where existing workers pay their taxes in to support the retirement benefits of existing retirees, a pay as you GOPAC.

That is the way it is today. That is the way it always has been since Social Security started in 1935. What is happening is there is a fewer number of workers. The birth rate is going down, so we are seeing a fewer number of workers paying in their taxes to support an increasing number of retirees. For example, in 1945, there were 42 people working paying in their taxes to support the benefits of each retiree. By 1950, that went down to 17 individuals working paying in their taxes to support each retiree. Today there are

three people working, paying in their taxes to support each retiree.

What has happened at the same time is an increasing number of retirees. The life span is much longer. When we started Social Security, the average age of death was 61, even though the retirement age was 65. And today the average age of death is almost 74 years. If you are fortunate enough to live to be 65 years old, then the average age of death is 84 years old. So a tremendous increase in the number of retirees which is going to be compounded by the fact that the baby boomers, that huge population growth after World War II, are going to start to retire in about 2011.

So everybody is guessing we are going to run out of money, there is not enough money coming in to pay the outgo after 2011. Dorcas Hardy, a former Social Security Commissioner, estimates that we are going to run out of money as early as 2005.

Let me give you an example of the increased cost of Social Security. This year on average we are paying out for Social Security benefits \$700,000 a minute. By 2029, we will be paying out \$5,600,000 a minute. Today \$700,000, by 2029 it is going to be \$5,600,000. A tremendous increase in cost.

How do we solve the problem? I have introduced a bill last session that makes 12 modest changes for future retirees, that holds safe existing retirees, but it slightly slows down the increase in benefits for higher income retirees. It adds an additional year that you are going to have to work to be eligible for retirement. It has some changes in the bend points. It makes changes in the requirements of a spouse receiving Social Security benefits that did not work, but the point is how do we make the changes. How are we going to come to grips with changes in a program that has been called the third rail, that if politicians start touching this like they did Medicare, they are going to be chastised in the next election.

I urge my colleagues to come forward. Let us start taking our heads out of the sand.

Mr. President, I ask you, Secretary Rubin, I ask you, colleagues, I ask you, let us start dealing with this program. If we delay the solutions of solving Social Security, that simply means that the solutions are going to be much more drastic. It is important that we start today working on these solutions for Social Security.

I invite my colleagues to examine my bill. Let us run this idea up the flag pole. Let us come up with better solutions, but let us not put this decision off by simply appointing a commission that is going to come back 2 or 3 or 4 years later with three different proposals on how to solve it.

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

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

ROSE-HULMAN INSTITUTE OF TECHNOLOGY

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

Mr. PEASE. Mr. Speaker, I rise today to pay tribute to Rose-Hulman Institute of Technology at Terre Haute, IN. Rose-Hulman recently received the 1997 Theodore Hesburgh Award from the American Council on Education, which honors exceptional faculty development programs designed to enhance undergraduate teaching and learning. Additionally, the institute received a certificate of excellence for its development of faculty interdisciplinary teams who recited the integrated, first-year curriculum in science, engineering, and mathematics. This innovative program has a national impact on undergraduate engineering education and will likely affect many other levels of learning in the engineering field as well.

The State of Indiana is proud to be home to such an extraordinary educational facility. Rose-Hulman has a reputation for excellence, as evidenced by the fact that 90 percent of its freshmen return, 75 percent of them graduate, and 30 percent go on to graduate school. Its admission standards have resulted in the average SAT scores of Rose-Hulman students being the highest of any college or university in the State of Indiana; 90 percent of its freshmen place in the top 10 percent of their high school graduating classes.

The student-to-faculty ratio is 12 to 1, which is further evidence of the exceptional standards and focus on teaching and learning in this institution; 95 percent of the remarkable faculty at Rose-Hulman hold the Ph.D. degree.

These and other factors have placed Rose-Hulman among our Nation's finest educational institutions, a model for the Nation and the world in teaching, research, and service, and a deserving recipient of the 1997 Theodore Hesburgh Award from the American Council on Education.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have had a very active weekend and likewise very active several weeks. The whole issue has been around the horrors and hysteria of campaign finance reform or campaign finance offense. Let me first acknowledge, Mr. Speaker, that Members of the U.S. Congress, from my perspective, come here to work and work on behalf of their constituents. They hold near and dear the Constitution of the United

States. They appreciate that average people can run for office and represent Americans in this august and important body. They recognize that it is not their job to come here and be led by those who are filled with special interests and who pay for those special interests to be brought to the floor of the House. But they do recognize that average citizens like you and me fund different PAC's and give opportunity for their voices to be heard.

I think it is important that we recognize what democracy is. It means that teachers can gather and organize and speak about issues of education. It means that nurses can organize and talk about health issues. Senior citizens are able as well to comment on Social Security and Medicare and Medicaid. It means that everyone's voice can be heard.

Campaign finance is an equal opportunity offender. I believe in campaign finance reform. I do not believe in campaign finance hysteria.

I am very glad, as we have studied the polls, that the American people are likewise. They want to see things that are wrong corrected, but they do understand that this hysteria gets to be a little political sometimes. We need to all look at ways to improve how moneys are funded, how the message is gotten out, how the media is utilized. And I would almost say that there needs to be some ordering of how media, the electronic media, the print media is utilized so the voting public can understand who the candidates are and that the average man and woman and young person will have the opportunity to run for public office and in particular a position in the U.S. Senate or the U.S. House of Representatives.

That is what the Founding Fathers, and I hate to say there were no founding mothers, intended. They wanted the average layman, the farmer, they wanted the printer, they wanted the local philosopher to have the opportunity to be in the United States Congress. That is what I believe is right.

Is there something to having guests at the White House? Well, I might add that many of our early Presidents simply opened the doors and said, bring them off of the streets and let them stay here. It is the people's house. And if there needs to be some corrections made on how it is utilized, so be it. But do not deny the first family the opportunity to entertain their guests or maybe to say, come on in, my neighbor and my friend, to visit.

I do support campaign finance reform. But I think we are wrong to be engaged in hysteria. I think we are wrong to suggest that individuals who come here are bought and paid for. I think we are wrong to take a litmus test and not really to get to understand the 435 persons in this House and the 100 persons in the Senate and, yes, the President of the United States who comes here truly committed to doing what is right for the citizens of the United States of America.

There is some talk about a special prosecutor. I am absolutely opposed and I will tell you why. Special prosecutor connotes that someone has purposely done something illegal that may be on the verge of criminal activities. We have a body that is now set and the moneys have been voted for the U.S. Senate to begin investigating any activities that may have occurred that may be illegal or may infringe upon our rules with respect to campaign finance reform.

I say let the process go forward. Let the witnesses be subpoenaed. Let the Members who have something to say say it. Let the investigation be thorough. Let it be of Republicans. Let it be of Independents. Let it be of Democrats. Let the American people see it in the clearness of the day and let us have your input as to how best to get the message out so that we who are average citizens who come to this body can best run and not be controlled by dollars but still have the opportunity, each of us, whatever our backgrounds, to come to this body and to be able to serve you in the way that we should.

The American people have never given in to hysteria. That is why we have a body of government that has lasted almost 400 years. I ask that we not give in to hysteria, that we not allow the media frenzy and the siege upon this Government to take over from what we should be doing: dealing with NATO enlargement, national security, dealing with the drug drudgery that is plaguing our society and young people, dealing with children's health, Medicare and Medicaid, the budget.

Campaign finance reform, let us do it with reason and fairness. Let us do it with equality and opportunity for all.

ON CUBA

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

Ms. ROS-LEHTINEN. Mr. Speaker, tomorrow marks the first anniversary of the signing into law of the Cuban Liberty and Democratic Solidarity Act, better known as the Helms-Burton law.

This historic legislation set a precedent for the protection of the property rights of all Americans. It tells foreign investors that if they traffick in illegally confiscated American property in Cuba, they will be subject to lawsuits in American courts and may be denied entry into our country.

As a secondary goal, the law targets the reduction of foreign investments in Cuba which the Castro regime has been using to reinforce its totalitarian state since the downfall of the Soviet Union and the end of Soviet subsidies.

□ 1815

On both respects, Mr. Speaker, in protecting American property rights and in reducing the hard currency obtained by the Castro dictatorship, the

Helms-Burton law has been effective. Indeed, it has been a success.

Despite the decision by the Clinton administration to waive title III of the law, which is the provision that grants U.S. citizens the right to file a lawsuit against those investors who traffic in their property, the Helms-Burton law has had a significant chilling effect on the level of foreign investments flowing to the Castro regime.

Even top officials of the Castro regime have asserted the damaging effects of Helms-Burton on Castro's slave economy.

Dozens of companies have pulled out of Cuba following the implementation of the law. Some of them included Bow Valley Industries of Canada, Grupo Vitro of Mexico, Guitart of Spain, and Pemex of Mexico, among others.

Other firms, like British BAT and Beta Gran Caribe and Heenan Blauy of Canada put their operations on hold to reassess their commercial and legal risks under Helms-Burton.

Also, Grupo Domos, the large Mexican telecommunications conglomerate, recently announced plans to withdraw its offer to create a joint venture with the Cuban regime to rehabilitate the Cuban domestic telephone system.

Grupo Domos, which last year, along with the Cuban Government, announced with great fanfare this contract, failed to obtain the necessary financing to cover its obligations under the agreement.

Perhaps the most damaging effect has been on Castro's ability to finance Cuba's sugar crop, one of the regime's main sources of hard currency.

Last fall the Dutch bank, ING, pulled its financing of equipment destined for Cuba's sugar harvest. As a result, the Cuban sugar harvest is expected to be below what was expected before.

The report states that top Castro officials fault the Helms-Burton law as the cause of the problems for the regime.

Helms-Burton has helped reduce the growth of Castro's slave economy, thus weakening the regime's ability to hold on to power.

Let us remember that before the Helms-Burton law took effect, foreign investors were free to profit from legitimate American property stolen by Fidel Castro in order to exploit the Cuban worker, who enjoys no rights and no freedoms.

Castro's economy was described by a Canadian business journal as a pot of gold at the end of the rainbow. And why not? In Cuba's slave economy, the one in which many of our allies willingly and immorally participate, Castro profits while the Cuban worker suffers.

Once foreign companies are approved by the regime for investments, the Cuban Government selects the workers who will labor in the industry. The Cuban Government collects the worker's wages in dollars, estimated at about \$2,000 a month, and then pays the worker in worthless Cuban pesos, about \$10 a month.

Moreover, the companies do not have to worry about bothersome workers' rights, including the right to form labor unions, and there are no health standards nor environmental standards. Castro has one mission, obtain foreign currency, and he will do it by sacrificing the Cuban worker, or anything else that he has at his disposal.

While Helms-Burton has undoubtedly served its purpose so far, disappointing has been the reaction of our allies, particularly Canada and the European Union. The European Union has already filed a ridiculous and irresponsible challenge to Helms-Burton before the World Trade Organization. Apparently our European friends believe that our Nation has no right to determine our own foreign policy.

Even more shameful has been the behavior of Canada, a nation that has sacrificed its long reputation of promoting human rights and democracy in favor of making a quick profit off of stolen property and the exploited Cuban worker.

On a recent visit to Canada to lambast the Helms-Burton law, Canadian Foreign Minister Lloyd Axworthy highlighted the signature of an agreement with the Castro regime supporting the protection of human rights. At almost the same moment that fake document was signed, dozens of dissidents and independent journalists were being rounded up by Castro's thugs.

Helms-Burton has been a success, and we will not wait in our attempts to making sure that property rights of American citizens will be protected.

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

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

MEXICO DOES NOT DESERVE CERTIFICATION

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

Mr. MICA. Mr. Speaker, I come before the House tonight to talk about the question of whether or not the House should certify Mexico or decertify Mexico.

As my colleagues may know, the administration just recently certified Mexico as being cooperative in trying to stem the flow of drugs and illegal narcotics from that country under a certification law that, as a staffer in the other body some years ago, I had a chance to help develop.

Today, we have seen around the Capitol, scurrying around the Capitol Building, the Ambassador from Mexico and various lobbyists on various sides of the issue. But I come before the

House tonight to say not to weaken, not to cave in to the Ambassador, not to cave in to interests, trade interests or other interests, and put them before the only interests we, as representatives of the people, should be representing in the people's House, and that is the safety of our children, the safety of our schools, the safety of our streets and the very security of this Nation that I think is at jeopardy with the current situation.

Now, the question before us is whether Mexico is helping to eradicate and stop the flow of drugs. Let me talk not about what I know, but the facts that we have gathered and what others have said.

Mr. Speaker, I serve on the Subcommittee on National Security, International Affairs, and Criminal Justice that does the oversight on our national drug policy. Just prior to the certification in the House of Representatives, I was stunned, as a member of that committee, to hear Tom Constantine, the head of our Drug Enforcement Administration, the head of DEA, when he came before us just days before this administration certified Mexico. What did he say? Let me quote. "There is not a single law enforcement institution in Mexico with whom DEA has a trusting relationship."

Those are his words, not my words, words before Congress about who we can trust with cooperation. I was stunned today to hear the Ambassador from Mexico tell me that a level of cooperation unprecedented exists. Well, how can a level of cooperation exist when the DEA head says that there is not a single law enforcement institution in Mexico with whom DEA, our chief law enforcement in the drug war, has a relationship?

Assistant Secretary of State Robert Gelbard came before our committee, again just days within this certification by the administration, and said, "There is persistent and widespread official corruption throughout Mexico." And then today the administration sent folks up here to lobby us not to decertify Mexico.

Now, I know trade is important in our relationship with Mexico. It is important and there is probably billions of dollars at stake here. But there are the lives of our young people, the safety of our streets. Our senior citizens cannot sleep in their own beds at night because of fear of being broken in by someone.

Just look at the statistics. At least 200 tons of cocaine entered the United States from Mexico last year. That is 70 percent of the cocaine. This used to come through Colombia, now it comes through Mexico. In testimony before our subcommittee it was stated that just a small amount a few years ago of brown heroin came through Mexico. Now, 30 percent of all the heroin that is killing our children and our people is coming through Mexico. Over 150 tons of methamphetamines that are destroying young people in the Midwest

and the West, and heading toward the East Coast, and has become the new drug of choice, is coming through Mexico.

Mexico has failed to cooperate. They have failed to extradite. They have failed to put radar on their borders. They have failed to allow our DEA agents to go there. They have denied allowing our DEA agents to protect themselves by arming themselves. They have also subverted our attempts to have a solid maritime agreement. They have also left vetted units, which we have trained in Mexico City.

They are not doing the job. They do not deserve our certification, and they deserve this week to be decertified for these actions.

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

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

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

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

UNITED STATES ONLY ADVANCED NATION NOT TO PROVIDE HEALTH CARE FOR ALL ITS PEOPLE

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

Mr. DAVIS of Illinois. Mr. Speaker, today, like every day in America, 788 babies will be born at a low birthweight. They will start life at risk. We rank 18th in the industrialized world in the percentage of babies born at dangerously low birth weight.

Let me put it another way: No industrialized country in the world does worse. Our infant mortality rate is 8.4 per 1,000 live births. We rank 18th in the industrialized world in infant mortality.

Sometimes it takes a poet to put our feelings into words when we hear such statistics. Gwendolyn Brooks, poet laureate of Illinois, penned this question: "What shall I give my children who are poor, who are judged the least wise of the land?"

Mr. Speaker, we keep asking the question, "What shall we give our children?" We are the only advanced Nation in the world that does not provide health care for all of its people.

According to the GAO, some 10 million children, 1 in 7 in the United States, are uninsured, the highest level since 1987, before Medicaid expansions for children and pregnant women. One

child in four in the United States is now covered by Medicaid. The percentage of children with private insurance reached the lowest level in 8 years: 65.6 percent.

How do we describe the emotion of seeing a child suffering a severe asthma attack; turning blue while their chest and stomach attempts to breathe? Yet more than half of the uninsured children with asthma will not see a doctor this year. Some of them will die from asthma, a preventable disease.

How do we describe the cries of a child with an ear infection? Only a parent knows the feeling of helplessness that comes when you cannot relieve your child's pain. Yet one-third of the uninsured children with recurrent ear infections never see a doctor. Many suffer permanent hearing loss.

Only 75 percent of preschoolers are getting the recommended vaccinations. Some 1 million still need one or more doses. In many of our big cities, like Chicago, the immunization rate is less than 65 percent.

What shall we give our children?

Twelve percent of child deaths are excess deaths. Excess is the medical term meaning that these deaths were preventable. How can a Nation such as ours accept 12 percent excessive deaths?

What shall we give our children?

Almost 45 percent of all 3- and 4-year-olds from low-income families participate in center-based care. By every measure of health care status, low birth weight, prematurity, infant mortality, likelihood of injury, malnutrition, incidence of infectious disease, poor children fare worse than any others. However, only Head Start routinely provides preventive health and dental care treatment.

It is estimated that the \$54 billion cut from the safety net last year will push more than 1 million additional children into poverty and millions more will be pushed even deeper into poverty.

The poet June Jordan warned us "Our children will not survive our habits of thinking, our failures of the spirit." If all of the promise of democracy is to mean anything, if all of the incredible wealth we have accumulated is to mean anything, if all of the work, the struggle, the suffering, the dreaming, the devotion that make this country what it is today is to mean anything, then we must answer the question: "What shall we give our children?"

Let us give them a chance. Let us at least make their health a right and not a privilege. Let us make sure that in this Congress every child will have access to quality health care when he or she is sick, regardless of the ability of their parents to pay. Let us make sure that every mother receives prenatal care regardless of ability to pay. Let us make sure that every child receives preventive care regardless of the ability of their parents to pay.

□ 1830

A guarantee of quality accessible health care for every child cannot be the full answer to the question, but we must give our children nothing less.

SOCIAL SECURITY

The SPEAKER pro tempore [Mr. STEARNS]. Under a previous order of the House, the gentleman from South Carolina [Mr. SANFORD] is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, I had the good fortune this past weekend of going to the bipartisan retreat in Hershey, PA. There we discussed many issues, many problems common to the Congress, but one thing that we did not discuss was a thing called Social Security.

What is interesting about this issue is that not only is Congress not talking about it right now but the White House is not talking about it. Yet by anybody's definition, Social Security is on its way toward bankruptcy because what the trustees have said, and let me say that again, what the trustees have said, not what Republicans have said, not what Democrats have said, not what Ross Perot has said, but what the trustees have said is that if we do nothing, Social Security will go bankrupt in 2029 and it will begin to run deficits in 2012 such that either current benefits have to be cut by about 14 percent at that time or payroll taxes have to be raised by about 16 percent.

Any of the young folks that I talk to say, "I don't like the idea of payroll taxes going up by another 16 percent." Any of the older folks I talk to say, MARK, the idea of cutting benefits by 14 percent is just not acceptable."

And so what you are struck with is, is there another way out? I think that brings us to some very good news that there is another way out because what has been tried in a host of places around the globe, whether it is in a number of countries in South America or whether it is with changes being made in Australia or with changes being made in Great Britain or in a number of countries or even States within our own country, what folks have tried is the idea of personal savings accounts. When you switch from a system of sending your money to Washington and then hoping it comes back 30 or 40 years later to instead a series of personal savings accounts, wherein it is a public-private partnership, it is still a mandatory savings, it is still watched by the Government. Again, if one wants to, I guess, go gambling, you would go to Las Vegas, you would not use these accounts, so it is controlled, but by having money in your own personal savings accounts, a number of very good things seem to happen. One is that you save Social Security because again by the trustees' own numbers, the current rate of return for most people out there working

today and paying into Social Security is 1.9 percent. If you let somebody earn more than 1.9 percent on their retirement savings, then consequently they end up with more at the end of the day and can retire with more, again have more each month day in and day out in their retirement years which is what I hear from most people working today as something that they would very much like.

Another benefit that I think is worth mentioning is that you can choose for you when you want to retire. In my home State of South Carolina, we have a fellow by the name of STROM THURMOND who wants to work until he is 100. I say go for it. Yet I have got a lot of other friends who say, "You know, work is fine, MARK, but fishing is even better. I would like to retire when I'm 50."

With a personal savings account, you could do that. Why should a Congressman or a Senator or a bureaucrat in Washington choose for you when you want to retire? Yet with a pay-as-you-go system, that has to happen, because for one person to retire early while the other person was working would mean one person subsidizing the other and that could not happen.

Or, for that matter, another benefit, I think, of personal savings accounts would be moving it off the political playing field. Right now seniors very intently listen to all those political ads as one politician points his finger at the other saying what the other one is going to do with his Social Security check for good reason and, that is, Washington controls it. If you move that control out of Washington again back to the individual, you would not have to listen to those ads.

Another great benefit again of personal savings accounts. Let me stress here, what we are talking about is a voluntary program. I do not believe that you should go out and yank the rug out from underneath seniors. What we are talking about is leaving Social Security the way it is for people that are retired and simply giving people the choice. If one wants to stay on existing Social Security, do that and if you do not, that is fine, too. But by doing that, another one of the benefits would be saving more. We have a very low savings rate in this country. It is around 3 percent. In China it is around 40 percent. In Singapore it is in the mid 30's. In Chile it is about 30 percent. It is actually about 29 percent. A host of places around the globe have higher savings rates which means that they can invest more in, whether it is a chain saw or whether it is a plant that makes American workers more productive, and that is something that we need to be cognizant of and watch out for.

Again, this is not anything that is going to happen anytime soon in Congress. It is not even being talked about in Congress. But I think for us to avoid the avalanche that is coming our way, we need to begin talking about it.

Again what we need to begin talking about is a way of transitioning from Social Security and leaving seniors alone. I do not think we should ever yank the rug out from underneath seniors, but again transitioning to a system that would allow young people the choice.

HEALTH INSURANCE FOR CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, for several weeks now I have been coming to the House floor on a daily basis to talk about the need for this Congress to enact legislation that would ensure every child in the country has access to health insurance. Many of my statements have focused on how the Republicans were blocking progress on the various Democratic proposals to provide health insurance to the Nation's 10 million uninsured children. I stress that again, 10 million uninsured children in this country.

It is now 3 months into the 105th Congress and literally we have really barely done a thing. Today was just another indication of that. Just last week, the House Republicans basically put together an agenda. It appeared in the Washington Times, and I talked about it a little bit this morning. Again, much of this agenda is just a rehash of what the Republicans had been talking about since they took control of the Congress back in 1994.

Most importantly, nowhere in this 12-point agenda is there a plan to pass a health insurance plan or a health coverage plan for children. Despite the fact that these 10 million children remain uninsured, despite the fact that the congressional Democrats have expressed a willingness to work with the Republicans to fashion a bipartisan agreement, the GOP still could not find it in its heart to make children's health insurance a congressional priority.

I do not know why they left this out of their agenda. I find it truly disturbing. I will continue to mention it. Over the last several weeks there has been a steady stream of studies, visits by children's organizations, and media reports detailing the problem with the lack of health insurance coverage for children. Yet, still nothing from the Republican leadership.

This week we had 4 different children's organizations, the March of Dimes, the Children's Defense Fund, the Child Welfare League, and the National Association of Children's Hospitals, had been and are still making visits to congressional offices all over the Capitol. They are not limiting their visits to Democratic officials. They have, Mr. Speaker, been urging all Members of Congress to do some-

thing about the growing number of children who do not have any kind of health coverage at all.

With respect to stories in the newspapers, and they continue to grow, in yesterday's USA Today there was a lead story on the front page which really did a very good job of outlining the problem with the 10 million kids in the country that lack health insurance. The article talks about various proposals floating around the Congress that address the problem. It provides many details about the nature of the problem, including the observation that 86 percent of uninsured children live in families with one working parent, 63 percent live in two-parent families, 500,000 of the uninsured are infants younger than 1 year old, and 65 percent live in families with annual incomes of \$25,000 or less. A lot of interesting information here that shows increasingly that this is a problem that affects primarily working families, two-parent families, people whose incomes are not as low as one might expect.

Another disturbing trend noted in this article and others within the last few weeks is the decline in employer-based coverage. Between 1985 and 1995 the percentage of children covered by private employer-based coverage has dropped 12 percent, from 65 percent to 53 percent. This decline in worker-based coverage is an indication that working parents are finding it increasingly more difficult to purchase insurance for their children.

I think a lot of people increasingly, or many people think that if you are working, particularly if both parents are working, that they are going to be covered through their employer by a health insurance policy for the kids. Increasingly, that is simply not the case.

The article in USA Today also provides examples of those struggling to live without health coverage for their kids. I like to use examples because, as much as we talk about statistics, it is always better to have specific examples where you can bring the problem down and show how it affects an individual.

I wanted to mention in the USA Today article a person named Dee Sweat of Liberty, MT. She works at a salary of \$14,000 a year. She does not have health insurance for her 15-year-old daughter. Paying out of pocket, in the last year she paid \$1,700 or 12 percent of her yearly salary for medical treatment for her daughter. She has not been able to take her daughter to the dentist for 5 years. Five years without going to the dentist. I repeat that. She simply cannot afford health insurance. I wonder how many in this body have gone 5 years or would even contemplate letting their children go 5 years without going to the dentist.

The working parents that are mentioned in this USA Today article, who oftentimes earn too much money to qualify for Medicaid but not enough to afford health insurance for the kids, are the individuals the Democrats are

essentially trying to help. If you and your children qualify for Medicaid, we will work to get you enrolled. For those who do not, we will continue working to convince the Republicans that the time to act is now.

Every day that goes by is a day that another parent stays up late at night suffering through the hard reality of not being able to provide for a sick child. As a parent myself, Mr. Speaker, I can think of few things that could be more difficult to confront.

In the coming weeks, Democrats will be redoubling their effort to jump-start this process. We have asked Speaker GINGRICH for a date certain for consideration of legislation that would ensure that every child in America has health insurance.

I just wanted to talk a little bit about the issue and about what I think should be the basic principles of a kids' health insurance proposal. As far as the issue is concerned, the figure of 10 million American children has been mentioned several times. The number of kids with no health insurance coverage reached an all-time high of this 10 million figure in 1994, according to a recent General Accounting Office report, and that is one out of seven children.

Again, the problem is getting worse. According to the Children's Defense Fund, 3,300 kids get dropped from private health insurance coverage every day. If this trend continues, there will be 12.6 million uninsured children by 2000.

Again, this is a problem of working families. Nine out of 10 children without insurance have working parents. Medicaid helps the poorest children, and families who are well off can afford private coverage. But millions of working parents are trapped in the middle, unable to afford health insurance for their kids. Again, many of these parents, I am sure, are staying awake at night worrying about what would happen if their child fell seriously ill.

Also, what we really need is preventative care. It may be that when a child gets very sick, that they can go to the emergency room and have access to care. But children deserve to see family doctors and not go to the emergency room. Many children without health insurance never see a family doctor. The only time they get health care is when they are so sick that they need to be taken to the emergency room, where they often get treated for medical conditions that could have been prevented through regular care at much less cost.

For those who talk about the cost, I think they have to continue and should realize that in the long run the lack of preventative care, the lack of having a child being able to visit a doctor on a regular basis, in the long run only costs more when the child gets sick and has to have more serious care that involves hospitalization or other kinds of institutionalization.

□ 1845

Well, I think it is important when I continue to talk about the problem of our Nation's children, or 10 million of them not being insured, that I have to basically say what we would do about it; what would be the outlines, if you will, of a children's health bill. And basically if you think about the basic principles the Democrats have been talking about, we have been saying that a children's health proposal must first make health insurance available for every uninsured child up to at least age 18; second, make insurance generally affordable for all families; third, give all uninsured children access to policies that provide for the range of appropriate benefits; fourth, provide for prenatal care for uninsured pregnant women; and, last, build on, not replace, the current employer-based system, Medicaid and public private programs that already exist in a number of States.

The Children's Defense Fund has done an excellent job of putting together a fact sheet that basically gives some further details about the nature of the problem, and I do not want to read the entire fact sheet, but I just wanted to highlight some of the things that they brought out because they have been going around visiting with Members of Congress this week, as I mentioned before, and I think they basically summarized the nature of the problem very well.

What they have been saying again is the fact that Medicaid helps the poorest children, but that millions of working parents in the middle cannot provide their children with health insurance.

Again, why are these 10 million children uninsured? Because a lot of people are saying to themselves, you know, how is it that they fall through the cracks? Why are they uninsured? And what we are finding is that increasingly, again, it is the problem of working parents.

Since 1989, the number of children without private coverage has grown by an average of 1.2 million a year. In 1980, the majority of employees at medium and large companies had employers who paid the full costs of family coverage. By 1993, more than three-fourths of these employees were required to help pay such costs. Most employers now require large payments for family coverage. For health insurance that covers the entire family the average employee must pay over \$1,600 a year, \$1,900 in small companies. And when families cannot pay these costs, basically their children go uninsured. Other parents work for employers who offer no health coverage. Self-employed, part-time or temporary workers, independent contractors and parents working for very small businesses or service sector companies often have employers who offer no health insurance. Parents also must pay very high prices, \$6,000 a year or more, if they buy family health insurance on their

own rather than through an employer, and, as many cannot afford these costs, the children go uninsured.

So if a parent is not able to tap into a health insurance policy for their kids through their employer, you can see the level of a premium up to \$6,000 a year or more and why that would simply be unaffordable for somebody unless they are making a very large salary.

Why is it crucial to help working parents buy health insurance for their children? And again this gets into the whole issue of prevention and how providing health insurance for kids in the long run would be saving the government money.

Uninsured children are at risk of preventable illness. Most families with uninsured children live from paycheck to paycheck with little room to spare in the family budget. Many such families must choose between paying the full costs of prescriptions or doctor visits for an uninsured child and other basic family needs, including food and utility bills. So they are sitting there in the house deciding if they are going to pay for health insurance versus the rent versus utilities versus putting food on the table. Essentially it is a game of Russian roulette with their children's health, delaying care and hoping that no harm results.

Again some information about the children with untreated health problems. They are very much less likely to learn in school. Many children with undiagnosed vision problems do not get glasses and cannot even see the blackboard. Children in pain or discomfort may have trouble concentrating. I guess that is obvious. If lead paint poisoning is not detected and treated early, children can suffer permanent mental retardation. Certainly the Federal Government has addressed the issue of lead poisoning from paint and its impact on children, but again without health insurance, without regular checkups, it will not be detected.

And finally taxpayers save money when their children receive early preventative care. Each dollar invested to immunize a child saves between \$3.40 and \$16.34 in direct medical costs. Nine months of prenatal care costs \$1,100. One day of neonatal intensive hospital care for a low birth weight baby costs \$1,000. On average hospital costs for a low birth weight baby are 10 times the cost of prenatal care.

Just an example, and again this is from the Children's Defense Fund, when one rural county in Florida provided all children and pregnant women access to outpatient health care, the rate of premature births dropped by 39 percent, the percentage of children receiving checkups doubled, and emergency room visits were cut by nearly 50 percent. In every industrialized country children get better health coverage than in America in terms of the percentages that are actually covered. Every other industrialized country provides health coverage to all its people.

America does not even cover all its children. The United States ranks eighteenth in overall infant mortality. Only Portugal does worse. If the United States matched Japan's infant mortality rate, more than 15,000 American babies who died before their first birthday in 1994 would be alive. And the United States ranks eighteenth in the percentage of babies born at dangerously low weight. No industrialized country does worse than that.

Now again I do not want to keep coming up here and giving horror stories and talking about all the problems that we face because of the fact that the 10 million kids are not covered. But I think that the magnitude of this problem is such that if we do not do something quickly and if this House and this Congress does not address the problem fairly quickly, the problem only gets worse, the costs only get greater, and from a humane point of view it simply is something that we need to address, and so myself and other Democrats will be here on a regular basis tomorrow, the next few weeks or the next few months until our Republican colleagues on the other side of the aisle agree to take this up in a timely fashion.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 89, REQUESTING THE PRESIDENT SUBMIT A BALANCED BUDGET

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-18) on the resolution (H. Res. 90) providing for consideration of the resolution (H. Res. 89) requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary contingencies, which was referred to the House Calendar and ordered to be printed.

A POSITIVE AGENDA FOR THE 105TH CONGRESS

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

Mr. FOX of Pennsylvania. Mr. Speaker, I thank you for the time for us to have this special order to speak not only of the importance of moving ahead with a positive agenda for the 105th Congress, but also I rise today in the spirit of the Hershey accords, the achievements of our recent weekend in Hershey, PA, to join my colleagues in offering this special order. Probably the most important bipartisan issue we can address for the citizens of this country is the balancing of the Federal budget.

I rise here today and will be joined by several of my distinguished colleagues, not least of which is GIL GUTKNECHT, a

Congressman from Minnesota, and urge the President to work with us using the same economic assumptions, meeting the requests made by the Congress following the number of elections and producing a budget that responsibly balances our budget by the year 2002. Once we can see where the President's priorities are in the free market of a balanced budget then we can begin a civil debate over the policy differences among the various proposals.

I just want to say at the outset that my feelings are that having talked to Republicans and Democrats alike this past weekend, our issues of balancing the budget, campaign finance reform, working on things like FDA reform, improving our transportation and working on other issues of common concern throughout the Congress certainly can be accomplished because the bipartisan spirit that I felt and the finding the common ground, I think, was very special.

You know for many of us, who may be one party or the other, we do not meet other Members of the aisle, the opposite Members of the aisle, unless we are on their committee or we come from their State. This particular retreat gave us for the first time in a long time a chance for us to meet on a personal level other Members who we do not serve within the same committee or from the same State, and by that we are able to at least find common ground, and while we do not want anybody to give up their principles, we do not want anybody to give up their agenda, we do want to make sure that we, as Members of Congress, will always remain civil, Mr. Speaker, and to make sure that we can do more and be more productive because we give the mutual respect they each deserve.

I wanted to ask CONGRESSMAN GUTKNECHT, who was an active participant at the conference, what his impressions were before we get into the issues of balanced budget and other items that are on your agenda, and I know how active you have been on your committee work, GIL. Could you tell a little bit of what your impressions were of the retreat and whether you thought it succeeded in achieving the goals that it set out to begin with.

Mr. GUTKNECHT. Well, I would have to say it this way, that I was one of those who was not all that eager to go along, and it was guilt that got me to go to Hershey, PA. It may have been the chocolate that kept me there after the first several hours. But I must tell you as the weekend went along it was a very valuable experience, not only for me, but I hope for my colleagues and, most importantly, I think, for the American people.

I think that the American people sent us sort of a message in the last congressional elections. What they said in effect was that we want the Republicans to continue to control the House of Representatives and the Senate, but we want President Clinton, the Democrat, to run the executive branch of

Government, and we want there to be some checks and balances, but what they also said is they want us to work together as much as we possibly can.

And one of the valuable things, I think, that came out of Hershey is we now, all of us who were there at least, have a little better understanding of a sense of history, and if you look at this institution, the House of Representatives, there have been some rather bloody fights on this House floor. I mean there have been Members who have been caned, there have been fist fights, there have been arguments—

Mr. FOX of Pennsylvania. The caning was in the Senate, the fist fights were in the House.

Mr. GUTKNECHT. But we have had more than our share of fisticuffs that were associated with the debate here on the floor. We have also had periods where there was consensus building, cooperation, and much more agreement and ability to work together in a civilized way.

□ 1900

I think what will happen as a result of what we saw in Hershey is hopefully both sides will begin to reach out to the other side. I think in the end what we really need to do is agree where we can agree, have honest debate where we disagree. And I think the American people expect that, but I think they also expect us to compromise where we can.

Mr. Speaker, I would hope that over the next several months and over the balance of this 105th Congress we will see more civilized debate. There has been entirely too much trivializing, too much demonizing, too much personalizing the debate that occurs on the floor of this House.

We are going to have an honest discussion tonight about the budget. We obviously have a somewhat different view of the President's budget and the need to balance the budget perhaps than some of our colleagues. I brought with me some charts, and I am going to walk down there in a few minutes, and we are going to talk about what the President has proposed, what we might dispose. But I think most importantly we need to talk about, what does this mean to the average American family? What is this balancing the budget all about? Is it just some kind of an accounting exercise, or does it really ultimately impact real families and real Americans in homes and in the neighborhoods where they live?

Mr. Speaker, I think as we go through and talk a little bit about this, I think we can demonstrate that this really does have a dramatic impact not only on Americans today but, more importantly, on Americans in the future. We have some very serious problems, but I think, if we approach them in a cooperative relationship, a respectful relationship where we can have a civil and honest debate about the great issues facing our country today, then I think both the Congress and the American people will have been well served by what transpired up in Hershey, PA.

I would just say publicly for the benefit of those who may be watching back in Pennsylvania, I know we cannot refer to them, but I would like to thank them and all the folks from Pennsylvania for everything that they put into the weekend, because they really did a wonderful job and showed us tremendous hospitality. It was a beautiful setting, wonderful people. I think I gained about 4 pounds in 3 days, but it was just fantastic.

I would also just share one more thing that relates to Pennsylvania. I reminded some of the folks who were in my group, and I intend to do a 1-minute tomorrow morning and talk about, among other things, one of the things that Benjamin Franklin said. During the Continental Congress, there were some rather bitter and vicious debates that took place on the floor of those meetings. And after several days of very bitter rancor, debate going on in the Continental Congress, one morning Benjamin Franklin of Pennsylvania rose slowly at the back of the House Chambers and he said, "Let us for a moment, Mr. Speaker, contemplate our own fallibility."

Mr. Speaker, one of the things that we discussed in some of our sessions in Hershey was that there are two things that I think we need more of in this body. One is a little more humility, and second is a little more humor. Hopefully, we can bring that about in the coming days and weeks of this debate.

Tonight we want to talk about the budget, what it means to average Americans; talk a little bit about why the President's budget leaves a little to be desired. It is a starting point but something we have to work on with our colleagues here in the Congress and with the folks down at 1600 Pennsylvania Avenue. I am going to move down here and turn it back to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I wanted to mention that for a first bipartisan conference in Hershey I was very pleased to see 220 Members, both sides of the aisle being there. I think that augurs well for the future, when the next event I hope that we will have three-quarters, if not seven-eighths of the House present. Not only was Speaker GINGRICH there, but a Democratic leader, minority leader, RICHARD GEPHARDT was there, which shows that this was a bipartisan effort. Those who came to the bipartisan conference certainly left with the idea that we are going to do our part to raise the level of civility and professionalism and to make sure that we try to find a common ground without giving up principles and without giving up important items on our agenda, not only in our State, but in our country.

Mr. Speaker, one other item I think I should mention, a very important thing, is we found out that we have different regional needs. The Midwest has needs that the South does not need, and the South has needs that need to

be respected as well. So one of the outcomes that I think are going to happen, we are going to find Members visiting in those other regions. So while I am talking about how important mass transit is to the East so we do not have mass gridlock, overloading the roadways and increasing pollution and trying to help us get more trains and those initiatives, I can understand the Midwest having some interest in agriculture programs, and over in the Pacific Northwest and some of their environmental concerns.

So we need to have this shared vision for America where we all come together and work as well as we can.

Mr. Speaker, I think in looking at the balanced budget, in starting that discussion tonight, I think that is something that the Republicans and Democrats need to work on. The Clinton budget, I might say at the outset, leaves a deficit of \$70 billion in 2002, and it also, according to the Joint Committee on Taxation, is going to increase taxes by \$23 billion by 2002.

Mr. Speaker, I am interested in hearing the analysis of the gentleman from Minnesota [Mr. GUTKNECHT] of the Clinton budget as a starting point for this House to move on. And I hope that we will have the gentleman from New Jersey [Mr. SAXTON] join us, who is the chairman of the Joint Economic Committee, and I would hope that he could join us as well.

Mr. Speaker, if the gentleman from Minnesota could start us on his outline of the Clinton budget, I know it would be a good starting point for tonight's discussion.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman. As I said earlier, we need to have an honest debate about the numbers. Before we can have an honest and civil debate about the budget, we have to be speaking the same language. We cannot have a debate where I am speaking in German and someone else is speaking in French and someone else is speaking in another language altogether.

One of the problems we have in terms of our debate about the budget is we tend to be speaking in Congressional Budget Office terms, and the President this year is speaking in terms of the Office of Management and Budget. They take different assumptions.

Right now the Congressional Budget Office has gone through the budget that the President submitted, and what they have told us is that actually total deficit goes up under the President's plan in the first couple of years and then begins to come down; but even in the last year of the President's budget, the year 2002, he is still about \$69 billion short.

Now, we do not really want to have a debate about the Congressional Budget Office, who is more accurate, the CBO or the OMB or whomever, because I think sometimes the American people do not understand that. But what I hope they will understand is that, before we can have a debate about the

budget, we all have to be speaking the same language. So one of the things I think we need to get in agreement with the White House on over the next couple of weeks is what are the assumptions we are going to use.

One of the things we could do, and I learned this when I was in the State legislature and served on the Pension Commission, is that assumptions are everything. If we assume an economic growth rate, for example, of 3.5 percent over the next 5 years, frankly you do not have to make much in terms of budget changes in terms of the spending side, because the economic growth will solve it. If we assume a very low interest rate, it has a dramatic impact on the deficit. As a matter of fact, we were told by the Congressional Budget Office in the Committee on the Budget a couple of weeks ago that, if interest rates change by one-quarter of 1 percent, either up or down, it changes the deficit by \$50 billion over the next 5 years.

So one of the things we want to do is hopefully get the White House and the Congress to at least be using the same assumptions so that we are speaking the same language. As I say, then we can have a civil and honest debate about which items we are going to increase and which ones we are going to reduce.

I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding. First let me commend the gentleman from Pennsylvania [Mr. FOX] and the gentleman from Minnesota [Mr. GUTKNECHT] for sponsoring this discussion tonight. If I may just ask the gentleman's explanation of deficit in the Clinton budget.

The gentleman mentioned the scoring that takes place by two different agencies, the CBO and OMB. In spite of the fact that they do different scoring, they both agree, do they not, that the deficit goes up initially and then falls ever so slightly during the 1998-99 time frame, and then during the last 2 years of the 5-year plan, the President's 5-year plan, the deficit reduction that takes place is about 70 percent of the total deficit reduction that takes place during the whole plan. So we are essentially, under this proposal, pushing most of the deficit reduction off until after the year 2000, when we then promise the American people we will get to it. Is that fair to say under both sets of scoring?

Mr. GUTKNECHT. Mr. Speaker, under both sets of scoring, and I think that is an accurate point, both the Congressional Budget Office and OMB acknowledge that in the first year, and this is really the only budget that counts for this Congress, is the budget we are going to debate for fiscal year 1998, both would agree that the deficit actually goes up this year, which in the view of some of us is a step in the wrong direction, because we have been moving in the right direction. Partly,

and let us give some credit, we want to give credit to the White House and to the economy and other things, but part of it is that the 104th Congress did confront some of those spending issues.

Mr. Speaker, we did make some real reductions in discretionary domestic spending, and it is showing some impact. The deficit now is about half of what it was when Congressman FOX and I first came to Washington. As a matter of fact, it is less than half of what it was when we first came to Washington.

I would point out this other chart. This again is according to the Congressional Budget Office, which is the official scorekeeper for the House and the Senate, that the deficit will be about \$69 billion in the year 2002.

To get to the other point that the gentleman from New Jersey [Mr. SAXTON] made, 98 percent of the deficit reduction comes in the last 2 years of the President's budget plan. That is one of the concerns we have that is entirely too heavily what we call backend-loaded. Actually, according to the CBO, the increase in the deficit will be about \$24 billion more than it would have been if this Congress did nothing.

Mr. SAXTON. Mr. Speaker, it just seems to me, and this chart points it out even more clearly, I said that 70 percent of the reduction takes place in the last weeks of the last 2 years, and my colleague is saying that virtually all of the deficit reduction under the President's plan, 98 percent, takes place during the last 2 years. It would seem to me that, if we are going to be serious about deficit reduction and getting to a balanced budget, that we ought to start in earnest right away to make a serious step down of the deficit to take place beginning in 1998 and not waiting until the year 2000. Would my colleague agree with that analysis?

Mr. GUTKNECHT. If the gentleman would yield back, that is one of the debates that we have had, and over the last couple of years Congresses have used what we called a manana budget. It is real easy to cut the budget after we leave office. So what we are really concentrating on is what can we do in fiscal year 1998 to put us on a path toward a balanced budget.

Mr. FOX of Pennsylvania. Mr. Speaker, I think it is very clear that your leadership and the leadership of Congressman SAXTON is needed to move us forward to have a balanced budget. I know that Congressman SAXTON is the chairman of the Joint Economic Committee and has been trying to work to make sure we get that balanced budget, because by doing that, we reduce the interest cost, whether it is for car loans, for mortgages, for student loans, all of the items in life where we can make a cost difference for families back in our districts. That is what it is all about.

Mr. Speaker, I would like to at this time to include with our discussion tonight the gentleman from Utah [Mr. COOK], who has been doing a great deal

of work and has been speaking out about fiscal responsibility when he ran for the office and in his early weeks here as a Congressman has displayed that kind of fiscal responsibility. I would like to call on Congressman COOK now, if he could give us some of his thoughts on this issue and just where we should be going in this 105th Congress on the balanced budget.

Mr. COOK. Mr. Speaker, I really appreciate this opportunity to speak briefly on a subject that is very dear to me. As a longtime advocate of a balanced budget and tax reform, I am not really happy about President Clinton's proposed 1998 budget. I think in many ways this budget is a mockery of the American people's desire for a balanced budget and responsible spending in Washington.

President Clinton promised us a plan that would balance the budget by 2002. However, as my colleagues have been saying, the Congressional Budget Office reports that Clinton's budget would have a deficit of \$69 billion in 2002. Under the President's spending plan, the budget deficit would even drop to last year's level of \$107 billion until 2000. Between now and then, the deficit would balloon, to allow the President to increase aid to foreign countries and pad our welfare program, six new entitlement programs. And he would increase welfare spending alone by \$21 billion over the next 5 years.

President Clinton is proposing a budget that carries tax-and-spend ways through, I believe, the rest of his administration, leaving the bulk of his own deficit reductions for another President to implement. Play now, pay later.

The American people expect better of their President. This splurge now, starve later tactic, I think, is an offense to our people who are really looking hopefully to Washington for the fiscal responsibility they yearn for from their leaders.

I am a strong supporter of tax reform and tax relief for struggling American families. As a longtime proponent of tax reform, I really question the President's claim that he too wants to help working American families when he heaps \$23 billion in proposed permanent tax increases on those families.

□ 1915

His promise of the family-friendly tax cut, the \$500 per child tax cut, would only be good for the next 3 years if the economy does not perform the way he hopes it will. The much-touted education tax credit would only apply to families with children in college during the next 3 years on the same basis.

President Clinton offers his tax breaks that last only while he is around to take credit. Conveniently, his tax increases, too, do not start until after he leaves office, but unlike the tax breaks, they are very permanent. Indeed, his proposed legacy of \$23 billion in tax increases will linger, I am afraid, decades after he is gone.

With those tax increases, he will make it harder for American families to pull one end close enough to meet the other. He barter's our children's future with tax increases and false promises of a balanced budget, ironically while claiming to build a bridge to that future.

The Democrats' success in defeating the balanced budget amendment in the Senate was a disappointment to many, many of us and, I think, to the American people who hoped this year would finally be the year when Congress made that tough decision. We must keep faith with those Americans who must balance their own budgets and rightfully expect Congress to do likewise.

We cannot approve yet another White House tax-and-spend budget. If President Clinton does not have the courage to begin whittling Federal spending down, I think while he is around to take some of the heat himself, we do have that courage. We made an agreement, I think, with the American people, an agreement that included fiscal prudence and meaningful tax relief.

The idealism and confidence of those promises are the reasons I wanted to come to Washington. I was proud to come back here this year and stand with those who in 1994 promised a better way. We have had a rough few years with the White House fighting every inch of progress in keeping our word to the American people. Some who have stood for this have lost their bids for reelection along the way.

But keeping our word is not about our own political careers. It is not about popularity in the polls. It is about restoring integrity to government. It is about once again deserving the trust of the American people.

Mr. SAXTON. If the gentleman will yield on the one point that he made on his mention of taxes, I think it is very important to point this out, and I think the gentleman is right on, relative to this issue, when we talk about balancing the budget. There are undoubtedly some in this Chamber, as apparently the President is, apparently at least partly in favor of tax increases to try to move toward a balanced budget.

I think it is a very foolish course to follow, because history shows that every time Congress has increased taxes, Congress has also seen fit to increase spending by \$1.59 for every dollar we have increased taxes. So in spite of the fact that we had tax increases in 1990 and tax increases in 1993, in both cases, in a stated attempt to balance the budget, in both cases the deficit got worse. There are reasons for that that I will not go into, but they had to do with the way the economy performs when we raise taxes and the way it performs in a positive way when taxes are reduced.

I happen to favor a version of the balanced budget amendment which creates a supermajority provision to raise taxes. In other words, if we as an institution decide that it might be a good

idea to raise taxes instead of cutting spending to balance the budget, then we ought to do it, in my view, with a supermajority two-thirds vote.

It makes imminently common sense to me, because history has shown that over and over and over again, this institution and the President have chosen to try to control the deficit by increasing taxes. It has not worked. We need to recognize that. The supermajority provision in the balanced budget amendment seems to me to be one safeguard against the Congress falling into that trap yet again.

Mr. FOX of Pennsylvania. Mr. Speaker, I have to agree with the comments made by the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Utah [Mr. COOK]. They are very poignant regarding the importance of balancing the budget.

Mr. Speaker, I would yield back the balance of my time and ask the Speaker to consider making the Speaker's designee the gentleman from Wisconsin [Mr. GUTKNECHT]

BALANCING THE BUDGET

THE SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for the remainder of the 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I yield to my colleague, the gentleman from the great State of New Jersey [MIKE PAPPAS] who has joined the discussion tonight to talk a little bit about the budget and balancing the budget and from his perspective as a new Member of this body. We welcome him to this special order tonight and hope it will not be the last time he will join us.

Mr. PAPPAS. Mr. Speaker, I thank my colleague for yielding to me.

Mr. Speaker, I ran for Congress last year because I believe very strongly that if we as a nation could not get our Nation's fiscal house in order, the future will not be as bright as it should be. Everyone in this city says they are for a balanced budget, yet some of those same people opposed the balanced budget amendment, which would have forced both the administration and the Congress to do what every American in this country has to do each and every year: balance their own budget; that every small business person has to do each year, to balance their budget.

I think it is unfortunate that while they say they want to balance the budget, they present a plan, a plan, not a budget but a plan, that sees the budget in imbalance to the tune of \$69 billion.

I can recall back in 1992 when Mr. Clinton was running for office, that he said that he had a plan to balance the budget in 5 years. Now we are in the fifth year of his administration, and yet we are looking beyond to another 4 or 5 years when he is out of office. I am

here to act, I am here to vote. I am here to do what the people of the 12th District in central New Jersey sent me to do, to see a balanced budget within our lifetime. I am absolutely committed to do that.

I am disappointed, yet at the same time I am hopeful, because at least now within the administration there is at least agreement that we need to balance our budget. That is tremendous progress from what we may have seen many, many years ago, where there was even a difference of agreement with regard to that.

So I am here to literally roll up my sleeves, to make the tough decisions now, over the next year or two, at least within this term while I am serving the people of my district. Back home in New Jersey our State government, our county, our municipal governments, our school districts, each are required by our Constitution to have a balanced budget. I think it works very well for the people that I represent.

There are those I have even heard that have said, at least in New Jersey, those that have opposed the concept and voted against balancing the budget, they have said that when they were a local official in their community that they balanced their budget. They did not add that the Constitution requires them to balance their budget, and if that requirement was not in existence, I have to wonder and we all would have to wonder whether that would be the reality.

So I am here just to add my voice to the chorus here on both sides of this aisle that wants to see this budget balanced. I want to, as I said earlier, roll up my sleeves, make the very, very tough decisions that each of the people out there, throughout this country, have to make every day. People elected us to do that. They did not elect us to come up with a plan.

It seems even in some of the committees that I serve on, there are people that talk about specific needs that need to be filled for various segments of our population. Some of those things I think have to be addressed today, or within the next year or two, versus saying we have a plan and we are going to project that in 10 years or in 8 years, that this particular need will be met and that this particular program will be initiated.

It is great to have a plan, but the plan is only as good as the paper it is written on. If we do not follow the plan that the American people have expected us to do, or expect me to be part of instituting, then I think we will have failed. I do not think they want us to do that. I do not want to do that, and I believe that the majority of the people, at least in this Chamber, do not desire to do that.

Mr. GUTKNECHT. I thank the gentleman for his comments. I would just share, just to follow up with some of those comments, that what the gentleman was talking about, I think if the voters had been told last fall that

part of the plan would be to increase the deficit by \$24 billion this year, and ultimately wind up with a 5-year plan, and that according to our official scorekeepers, the Congressional Budget Office, that would actually leave us with a \$69 billion deficit in the year 2002, my sense is that the voters would have been incensed. They would have said no way.

I want to point out, this is one more chart that describes what we are talking about. In some respects it is like a person who says I am going to go on a diet. I am going to lose 50 pounds. But first I am going to gain 10 pounds. I will actually do most of the weight loss program in the last week of this plan of the diet.

That is crazy. That is not the way the world works. That is not the way human beings work. Frankly, we know that is probably not going to happen. At least we have a start.

I want to point out some other things. I want to get the gentleman from New Jersey [Mr. SAXTON] back involved in the discussion as well. Today the Secretary of the Treasury, Mr. Rubin, came and testified before the Committee on the Budget. I wrote down some quotes of things that he said. I agreed with much of what he said today. I did not agree with his analysis, I did not agree with his final budget plan, but at least there were a number of points that he did say that I really agree with.

One of them, he said, was that we have an historic opportunity. I think that is absolutely true. One of the unfortunate things, and the gentleman from New Jersey used the term "disappointing," and I think disappointment is the right term. For the first time in a very long time we have an electorate who wants us to make those tough decisions, we have a body politic who has said we want to balance the budget, we have a President who says that he wants to balance the budget, and we have a Congress that is prepared to make the tough choices.

Unfortunately, when we start with this kind of a plan, it makes the job even tougher. That is why I think it is disappointing.

He also said, and this is a quote: Financial markets will punish bad behavior and they will reward good fiscal behavior.

It was interesting, because the Secretary previously had been, I believe, the CEO of Goldman Sachs, and they recently put out a newsletter, an economic analysis of what was happening in Washington. The headline on this newsletter was "No Meaningful Fiscal Restraint Before the Millennium."

They go on to say, "The prospects for a balanced budget agreement remain excellent. Republicans plan to use the Clinton plan as a starting point in the construction of their own proposal," which I think is accurate. Then they say, "The bad news is that it appears increasingly likely that a deal will not result in meaningful fiscal restraint until the next millennium. In the Clinton budget plan the fiscal restraint is

extremely backloaded," which we have pointed out. Here is the point: "This suggests that a budget deal will not have near term implications for the conduct of monetary policy."

What does that mean to the average family who wants to buy a new home and a new car? What it means is that interest rates probably will not come down. As a matter of fact, they may go up. That goes back to the point that the Secretary made: Financial markets punish bad behavior. They reward good fiscal behavior.

What does this mean to families? We need to talk a little bit about that, and I want to get the gentleman from New Jersey involved in this discussion, because he probably understands this better than I do, but it is a chart I want to show of what happens to interest rates. They mean a lot because it affects what people can buy. It affects how many new homes are built and how many new cars are purchased. That affects how many new jobs are available, and good-paying jobs to the people who need them. In the end, this is really about how is it going to affect the American family.

This is an interesting chart. I think it tells some interesting things. This was November 1994, when I and 72 of my colleagues became part of the Republican majority, and we called ourselves the majority makers. You can see interest rates were trending up until the election day. Then they trended down all through 1995, until we got to where the budget negotiations broke down. Then, guess what? Interest rates started to trend back up.

After the elections of 1996 and conservative majorities were kept in the House and Senate, interest rates started trending back down. The President introduced his budget, interest rates have trended up slightly since then. Maybe it is just coincidence, but I think it is too great a coincidence. I think money markets do watch what we do here in Washington. They do reward good behavior and they do punish bad behavior.

Ultimately what this means—we want to talk a little bit about what a balanced budget ultimately means to the families. If we can balance the budget without raising taxes, a number of the leading economists in this country have said we can expect significantly lower interest rates.

□ 1930

As a matter of fact, we can expect somewhere between 1.5 to 2 percent lower interest rates. That means a savings of \$1,230 per year on the average home mortgage for a small home. For a larger home it can mean as much as \$2,100, \$2,160. On an average car loan, we are talking about a difference of \$180 a year; on a student loan, \$216 a year. That is real money.

What that means is if American families have to spend less for interest, if the Federal Government has to spend less for interest, it means that we have

more money to spend on other things. It means we can afford more homes and cars. It means that families can afford to send their kids to college.

In the end, that is what this debate is all about. It really is about improving the quality of life for American families.

I wonder if Congressman SAXTON would want to jump back in here and talk a little bit about the impact. You have probably studied the correlation between taxes and between spending and budget balancing and interest rates and how it is going to affect families more than anybody else in the Congress.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding on this point. I think it is a very important one.

Obviously, a good part of what has caused the economic growth to take place, this growth period started in 1991 incidentally, the last quarter of 1991, the growth that has taken place has been encouraged to a large degree by the Fed holding down short-term interest rates. And I think it is very important to recognize that that is one of the factors that has caused the economic growth that we have sustained through that period of time to take place.

It has been dampened somewhat, however, and I think most economists will agree that the tax increases that occurred in 1990 and 1993 had just the opposite effect. While the Fed was trying to hold down short-term rates to cause growth in the economy, at the same time Congress put a damper or a wet blanket on economic growth and caused what I see as moderate, at best, economic growth taking place.

If we had not had the tax increases on the other hand and if the economy had performed in a more robust way, while interest rates were low, we certainly would have had more job opportunities. We would have had higher wages, in my opinion, and certainly a higher rate of growth in the economy generally. So interest rates have played a very, very key role in this entire scenario.

Aside from the Fed controlling to some degree short-term rates, long-term rates are controlled to a large extent by investor expectation. If investors expect that inflation will be low and if investors expect that we are going to do our job and stop borrowing on the Federal level to the extent that we have and then they will expect that credit will loosen, then that expectation causes long-term rates to come down as well, which is all certainly very, very positive for job growth, growth in wages and growth in the economy generally.

Our job here is to be partners with the Fed and the Fed has done its job extremely well in controlling short-term rates. Our job is to help control long-term rates by doing the responsible thing and moving in a steady decline in terms of deficit spending to the

point where we actually have a balanced budget and every American family will benefit through a program like that, particularly when it comes, as you correctly point out, Mr. GUTKNECHT, to interest rates coming down.

Mr. GUTKNECHT. And that affects families. That affects their ability to buy, their ability to buy new homes, remodel homes.

I want to point out one other thing, I want to get Mr. PAPPAS back involved in this discussion a bit, too, but this chart sort of shows some of the bad news that we are, according to the Congressional Budget Office, we are still about \$69 billion short under the President's plan in the year 2002. That is sort of the bad news. But it gets worse. Because if this chart were extended, and we are going to have to get this chart extended, if you just leave everything else the same, when people my age begin to retire in about the year 2011, 2012, when we begin to really make demands upon the Social Security system, the Medicare system, and other things, and as our income levels begin to go into retirement mode, this chart begins to go right straight up. It is almost like an F-16 taking off in a completely vertical takeoff.

While I think this chart is kind of bad news, it gets a lot worse if we do not get serious about solving Medicare, solving Social Security, a lot of those underlying problems and begin to make some modest changes today so we can save the fund for the future.

I yield to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I thank the gentleman. I notice on the chart that it shows on the President's plan that the deficit begins to decrease rather rapidly after or the last year of his administration or after that. The problem with that expectation is that is making certain assumptions about what the next administration would propose and what that Congress would dispose.

And those are assumptions that I think could be rather dangerous if, again, we are just working off of a plan. Again, I think we have to do what we can do when we can do it. And today is the time that I believe that the people that we represent, each of us represent, expect us to act.

I think the chart that you are demonstrating or displaying once again shows that the difficult decisions are being passed on to the next President and to a subsequent Congress. We are here to act now. And I think that if I wrote back or if I was at a town hall meeting in my district and I told people that I am representing that you are going to have to reelect me three or four more times before we are going to start making some meaningful decisions to bring that budget into balance, I do not think they would be very happy with me.

Mr. GUTKNECHT. I might just point out, too, that I was with some school

kids yesterday. One of the things, when I am with school kids, I show them my congressional pin and this nice little card case and this voting card, which one of our colleagues, I think 2 years ago, reminded me is the most expensive credit card ever invented in the history of human beings. And it is on this credit card that previous Congresses have run up about \$5.3 trillion worth of debt on those schoolchildren.

I think it is very graphic when you explain this to schoolchildren. I think most Americans can relate to credit card debt. Every so often we read about someone or we hear about a friend or a neighbor or maybe it is us where we get into trouble with our credit cards, where we are charging more and we have reached a point where we are having more and more difficulty just making the monthly minimum and paying the interest. The Federal Government in some respects is like that person who is having some problems with their credit card debt. They are having more and more difficulty just making the interest payments.

If you had a person like that, the last thing you would do for that person, the last thing you would do is say, why do you not start out by going up and running up another \$24 billion worth of debt on that credit card.

No, I think the American people say, the first thing you ought to do is cut out the credit card. Stop spending more than you take in and do it quickly. Do not do it 5 years from now; do not do it 3 years from now. Do it this year and next year, because every dollar that we can save this year begins to multiply in the outyears.

One of reasons we are doing as well as we are, and they were modest changes but I think they will have a profound impact long-term, are the cuts that were made in the last Congress where we eliminated some 289 different programs. Some of them were not great big programs but when you pull a program out by the roots, you do not have to feed it year after year. So the savings actually multiply as you go forward.

This is the number that concerns me, and I think it concerns the gentleman from Ohio [Mr. KASICH] and the Committee on the Budget and, frankly, should be of concern to all the Members of Congress and the American people, because you do not start out going on a diet by gaining 10 pounds. That is just not good. And you do not try to solve your credit card debt problems by running up even more debt on your credit card in the very first year of the budget.

Mr. SAXTON. Mr. Speaker, I just want to make a point here. I think this is very important, because I would not want any of our colleagues or anybody who might be listening to this discussion to get the notion that we stand here talking about this ready to dismantle on a large scale Federal programs that are important to people.

Two years ago, we began to slow the growth of some programs, which is

what we still think we need to do in order to accomplish the objectives that we are talking about here tonight. We suggested, for example, that the School Lunch Program that was growing at a rate in excess of 10 percent, seems to me it was growing at something like 11.5 percent, every year we were spending 11.5 percent more than we had spent the year before, and we suggested that one way to begin to get a handle on the huge increases that we had seen in Federal spending that was driving this deficit and national debt problem would be to slow that growth rate down from about 11.5 percent, I think it was to about 7 percent. And we suggested similar kinds of things in many programs that had been growing at very high rates across the board.

At the same time, during all those years, in real terms, we were reducing defense spending. So we had a disproportionate increase in some programs and no growth at all in other programs. And what we said was, what we say today is that if we can continue to hold down those programs that are currently held down and begin to get a handle on the large increases in the programs that are growing too fast, that we can maintain the services to the American people in a very similar mode that we are today and that we have over the past several years, but they just will not grow as fast. And so I think that is an important part of the discussion as well.

There is one other point that I would like to make. I do not want to confuse the discussion about how important it is, for all the economic reasons and all the reasons that had to do with families, that we balance the budget. But there is one idea that is floating around here that I think we ought to be very cautious with, and that is that recently a commission gave a report on the Consumer Price Index. And the report suggested that the Consumer Price Index is not accurate, that it overstates the rate of inflation.

And I think it is very important to understand that, yes, while we want accurate data in terms of the Consumer Price Index, that the CPI is used in our tax code to determine how much taxes people pay from year to year. The brackets in the marginal rate structure of our Internal Revenue Code actually are indexed to go up with inflation. And if we rush out without having all the information that we can possibly get and arbitrarily legislate a change in the Consumer Price Index, it will mean a tax increase that a JEC study recently pointed out that at the end of a 12-year period will be an additional \$405 a year that the average taxpayer will pay in taxes, a very significant tax increase.

So while we want to balance the budget, we do not want to look for the oversimplified ways to do it which means slashing programs that are going to hurt people or finding a gimmicky thing like adjusting the Consumer Price Index. Because an ad-

justment downward in the Consumer Price Index of 1.1 percent, as the Boskin Commission suggested, means at the end of 12 years every American taxpayer will be paying an additional \$405 every year in taxes.

Mr. GUTKNECHT. I am glad that you made that point. I certainly did not want to suggest that we are going to eliminate important programs that Americans count on. But I do want to make the point that there is an enormous amount of duplication, and there are a lot of programs that the Federal Government funds even today that are not necessarily effective.

We have so much duplication, overlap between the States, the Feds, and so forth. I think you also make a very good point about whether or not we should tamper with the CPI for political or budget reasons. If we are going to change the CPI, it ought to be done by professionals, and it ought to be done for the right reasons, not simply just to balance our budget.

Mr. SAXTON. As a matter of fact, if the gentleman will continue to yield on that point, the Bureau of Labor Statistics, which has the responsibility, along with calculating employment and unemployment figures, also is responsible for managing the Consumer Price Index process and the formula through which they measure the rate of increase in prices or price stability.

The Bureau of Labor Statistics I have asked to report back to us by this summer on the structural makeup of the Consumer Price Index process and to make recommendations as to how the situation might be managed without legislating an arbitrary reduction which I think would be a mistake.

I think your point is absolutely correct. There are people who eat and live and breathe issues that have to do with statistical analysis and how to measure the basket of goods that the Consumer Price Index measures. Our leadership is incidentally making a lot of these same points. So I am very pleased about that and hope that we will show some restraint and not look at this as an easy fix to move toward a balanced budget because I am not so sure it gets us there.

Mr. GUTKNECHT. The other gentleman from New Jersey [Mr. PAPPAS], any other closing thoughts?

Mr. PAPPAS. I was just going to ask my colleague from New Jersey, since he has been a long-standing member of the Joint Economic Committee and he has been here in the House for a few terms, if he would tell us through his tenure here, when just the early part of this decade, when there was a tax increase that was instituted, what was the, I think we all know but just from your perspective here as a member of that committee, what was the response by the Congress and just the response of the economy to that way to address what was perceived the way to go about making progress on the deficit?

□ 1945

Mr. SAXTON. Well, today, the economy is growing at a little over 2 percent. Some quarters had been better. I think we had 3.9 percent growth in the last quarter of, I guess it was the last quarter of last year. But overall, the economy has grown since 1990, the last quarter of 1991 by a little over 2 percent.

Now, the average growth since World War II has been over 3 percent. That is 1 percentage point, but it makes a big difference, because while 1 percentage point, when we are talking 2 or 3 percent, is like 50 percent faster at 3 percent than at 2 percent.

So it is very important to realize that for some reason all of us agree that the economy is not performing as well as we would like it to. We would like it to be growing at least at the historic average since World War II, which is over 3 percent and it is growing at 2.

So when we begin to look at why that could be, one of the unmistakable conclusions we have to come to is we had the biggest tax increase in 1990, followed by an even bigger one in 1993. That, to me, seems to be what we did differently. And therefore this recovery, which I believe is part of the normal economic cycle, we are now in a growth period, this growth period is slower than I believe any other growth period since World War II.

I personally believe that it is because of the two tax increases, the gentleman correctly points out, and certainly has had an effect on our economy.

Mr. PAPPAS. Mr. Speaker, I thank the gentleman. And I asked him that question because I believe that balancing the budget is tied into, and achieving the kinds of economic growth we all want to see is tied into significant across-the-board tax relief.

Many people argue that no, we need to cut spending first before we can then do something about taxes. Again, I will go back to a point I made earlier. If that had been the case, then we would not be talking about graphs, showing graphs where we are seeing the deficit remain in existence or going up before it is going down. We would not be talking about that. We would be talking about all the other new things that we are able to do for the American people because we have the kind of economic growth that we all desire to have.

If we do not cut taxes and see the kind of economic growth that we have seen, that we saw in the early 1960's under President KENNEDY, under President Reagan in the early 1980's, we will not see the kind of growth that will in fact raise revenues and assist us in cutting that deficit.

Mr. GUTKNECHT. More important even than that, Congressman PAPPAS, is it will help those people.

We passed very important welfare reform last year and it is already beginning to show some benefits. We are seeing welfare rolls going down. I have been doing some research in my home State, and we have seen a dramatic

drop in welfare rolls just since we passed that legislation last year. The real answer is we need more jobs in the private sector. We need more people on payrolls.

When we talk about economic growth, that can become almost a nebulous term that people do not understand, but they do understand good-paying jobs and more of them. That is really what we are talking about, is making it possible so that more folks who need good-paying jobs can find those good-paying jobs in the communities and in the neighborhoods where they live.

Mr. PAPPAS. If the gentleman would continue to yield, I have to make one other point. I think one of the things that is only fair to expect from the administration under the President and the Vice President, who we all assume is going to aspire to succeed Mr. Clinton, our President, is what will the plan be? Quite frankly, whoever might be President after President Clinton leaves office, what is their plan?

If in fact this is the only thing that we are able to see enacted or proposed by the administration, what is the plan to move forward beyond that time? Again, I do not want to wait. I want to act now.

Mr. GUTKNECHT. We only have about 10 minutes left, but we have been joined by our distinguished colleague from Georgia [Mr. KINGSTON], if he wishes to grace us with some of his thoughts relative to the budget.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I wanted to respond to the gentleman from New Jersey [Mr. SAXTON] the distinguished chairman of the Joint Economic Committee, regarding his comments to Mr. PAPPAS' comments about the tax proposal and the reduction in taxes.

I am not on the Joint Economic Committee, and quite often I see their 30- and 40-page documents, and I have difficulty reading them; but I was an economics major at the University of Georgia and one of the things that we often did with economics is we delved into the theory. But it is good to just shut the book every now and then and to think about the man on the street; what it would mean to him.

Throw out the theory for a second and think about what would happen if we had more money in our pockets. If we had a guy just running around, and I will call him a friend of mine, Bill Granger. Bill is a working guy. He is a friend of mine and lives in Alma, GA. I am going to change some of the names of the cities to be a little careful here. I do not have his permission.

Say Bill gets a \$500 per child tax credit. He has three kids, so he will have \$1,500 more in his pocket. Let us say his dad does not get that, his dad gets something from Social Security earnings limitations. Whatever the case, we confiscate less money out of their wallets in Alma, GA. What that means is they would have anywhere

from, I will go ridiculously low, from \$50 a person to maybe as much as \$1,000 a person.

That means they will be able to buy more shoes, more shirts, go out to eat more often, maybe go for a longer vacation, go to Atlanta and have a big time for the weekend or something like that. When they do that, they stimulate the economy.

Let us think about approximately 150 million people with \$50 more in their wallet because we are confiscating less through a tax. So what happens is we have all that money out on the street; people going out to eat more, buying more toys, more clothes, shoes, and so forth. When they do that, small businesses expand because they are stimulated by the new growth, the new prosperity out there. When they do that, they create more jobs. And the more jobs that are created, the more people that can find work.

All the folks on welfare now, there would be a lot more job opportunities for them. They go to work. Less people are on public assistance and more revenues coming in.

Both President Kennedy and Reagan cut taxes, and when they did, actual money paid in to taxes in Washington increased. It did not decrease it.

We always hear from some people how are we going to pay for the tax cut? It is not a matter of paying for the tax cut. The revenues, because of the taxes being out on the street, the revenues actually increase. So we do have this phenomenon that if we cut taxes, revenues will increase and America has more prosperity.

I think it is a very basic thing that the person on the street can understand and appreciate. They do not need to have the charts and diagrams about it because they know. Give them their money and they can spend it better than we can.

Mr. SAXTON. If I may, I want to commend the gentleman from Georgia for the very articulate analysis or statement on behalf of what this will do for the American family.

One thing I am sure he did not mean to do, but he left out something, which is also important that causes economic growth to take place, is some of that money on the street will get saved, put into a savings account or go into a mutual fund, which creates a supply of savings which others can borrow to increase the size of their business and hire more people.

That is what creates the business cycle, when economic activities take place. Whether we believe it is the supply that creates the better economy or the demand, either way, by the inefficient Federal Government consuming less of GDP and people who are out working in the private sector consuming more of GDP, it makes the economy better when the efficient part of our economy handles the money rather than the inefficient part.

So I wanted to say that I think that the gentleman's statement on behalf of

the average American worker is very well placed.

Mr. GUTKNECHT. If I could, gentlemen, our time is just about expired. We will have to wrap it up here, but I do want to thank my colleagues for participating tonight.

I want to say, in part, with the spirit of what transpired in Hershey, PA, that we do look forward to an honest and civil debate about the great issues facing this country, and nothing can be more important than stopping the business of mortgaging our children's future and, in the end, it provides real benefits.

Not only is it the morally right thing to do to balance the budget, but it is the economically smart thing to do. I think if we work together and have a civil debate, then I think we ultimately can succeed in that.

Important now is that we all begin to speak the same language. If the President is speaking OMB and we are speaking CBO, it is going to make that job even more difficult. So in the next several weeks, what we hope to do is try to get the White House and the Congress to at least be speaking the same language.

Then we can have that civil debate and, ultimately, I think we can reach an agreement during this Congress which will be historic, which will leave a legacy that we can all be proud of and ultimately lead to a stronger economic growth, more jobs, better jobs, and the ability of more American families to have the American dream.

So again I want to thank my colleagues for joining me.

TRIBUTE TO ARNOLD ARONSON, A GREAT CIVIL RIGHTS LEADER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from South Carolina [Mr. CLYBURN] is recognized for 60 minutes.

GENERAL LEAVE

Mr. CLYBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include therein extraneous material on the subject of my special order this evening.

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

There was no objection.

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute this evening to one of our Nation's greatest civil rights leaders: Arnold Aronson. Arnold Aronson has been active in civil rights for nearly 60 years.

In 1941, he, along with A. Philip Randolph, mobilized a campaign that led to President Roosevelt's Executive order which banned discrimination on the basis of race, creed or national origin in war-related industries. This Executive order established the first Fair Employment Practice Committee.

In 1941, Mr. Aronson headed the Bureau of Jewish Employment Problems,

a one-person agency located in Chicago. Discrimination against Jews at that time was overt and widespread. Help wanted ads specifying gentile only were commonplace, and employment agencies accepted and filled orders in accordance with such specifications.

Rather than attempting to deal with the problem as it affected Jews alone, he decided to attack employment discrimination per se, no matter the victim. Accordingly, he organized the Chicago Council Against Religious and Racial Discrimination, a coalition of religious, labor, ethnic, civil rights and social welfare organizations. As council secretary, Arnold Aronson directed the campaign that led to the first municipal Fair Employment Practices Commission in the Nation.

In 1943, he organized a statewide coalition, the Illinois Fair Employment Council, and initiated the campaign for a State FEP legislation.

In 1945, he became program director of the National Jewish Community Relations Advisory Council, a coalition of national and local Jewish agencies. He developed policies and programs for Jewish agency involvement on issues of civil rights, civil liberties, immigration reform, church and State separation, Soviet Jewish immigration and support for Israel.

In 1946, Arnold Aronson became secretary of the National Council for a Permanent FEPC, a coalition which was headed by A. Philip Randolph, and together they directed campaigns for Federal civil rights legislation in the 79th and 80th Congresses.

In 1949, he became the secretary of the National Emergency Civil Rights Mobilization, which was chaired by Roy Wilkins, and together they organized a lobby in support of President Truman's proposed civil rights program.

Around this same time, Mr. Speaker, Arnold Aronson and a few men, a small group, set out to professionalize people who were working in civil rights and allied fields by establishing the National Association of Intergroup Relations Officials. The name of that group has since been changed, and today it is called the National Association of Human Rights Workers.

Arnold Aronson held many offices in that organization, including a term as president. In fact, it is my great honor to have been one of his successor presidents in this organization, and I was pleased to meet with them in Shreveport, LA, 3 weeks ago, and look forward to their annual meeting in October of this year.

□ 2000

During Arnold Aronson's term as president, he established the Journal of Intergroup Relations, which continues to the present time and is an organization to which I very often contribute.

Mr. Speaker, I think that Arnold Aronson's lasting legacy, although he has been involved in every major civil rights effort in this century, is his en-

during legacy with the Leadership Conference on Civil Rights which he cofounded with NAACP President Roy Wilkins. In 1950, he and Mr. Wilkins convened over 4,000 delegates from all over the country to urge the Congress to enact employment, antidiscrimination, and antilynching laws.

Along with Martin Luther King, Jr., Arnold Aronson was one of the 10 organizers of the 1963 March on Washington. During the Leadership Conference's first 13 years, Arnold Aronson served as its secretary and directed the day-to-day operations of the organization. Along with NAACP Washington bureau director Clarence Mitchell, Aronson and the Leadership Conference coordinated the successful lobbying efforts which resulted in the passage of the 1957 and 1964 Civil Rights Acts, the 1965 Voting Rights Act, and the 1968 Fair Housing Act.

Arnold Aronson's lasting legacy, I believe, is summed up in a quote of his, and I would like to quote it. Arnold Aronson once wrote: The struggle of civil rights cannot be won by any one group acting by or for itself alone, but only through a coalition of groups that share a common commitment to equal justice and equal opportunity for every American.

Mr. Speaker, Arnold Aronson's life is a model for us all. I consider it a privilege to have known him and to have worked with him. I am honored to join with my colleagues this evening in saluting this giant on today, his 86th birthday. Happy birthday, Arnold Aronson, and we thank you.

Mr. Speaker, joining with me in this special order this evening are Congresswoman ELEANOR HOLMES NORTON, Congresswoman SHEILA JACKSON-LEE, and Congressman JOHN LEWIS.

It is my pleasure at this time, Mr. Speaker, to yield to Congressman JOHN LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague and friend from the great State of South Carolina for yielding. I want to thank the gentlewoman from the District of Columbia [Ms. NORTON] for organizing this special order in honor of our friend Arnold Aronson. It is fitting and appropriate that we gather here on the floor of the House of Representatives to pay tribute to this great man on this, the occasion of his 86th birthday. I want to personally wish Mr. Aronson a happy, a very happy birthday.

As Americans, we owe a debt of gratitude to Arnold Aronson. We live in a better country, a better society, and a better world because of the work of this civil rights pioneer. I would not be here, I would not be a Member of Congress but for the hard work, dedication, and commitment by Arnold Aronson and others like him.

These were people who took up the cause of equal rights and civil rights long before they became politically popular, before they became the fashion of the day. Arnold Aronson was one of the original founders of the Leadership Conference on Civil Rights, and

for this he should be commended and remembered. But Mr. Aronson was more than that, I can tell you. He was the glue that held the civil rights movement together.

I remember many meetings during the 1960's, many meetings here in Washington during some heated discussion, sometimes heated debates. It was always Arnold Aronson that held us together. In order to have people and individuals, the gentlewoman from the District of Columbia [Ms. NORTON] will remember, the gentleman from South Carolina [Mr. CLYBURN] and others, to have an A. Philip Randolph, a Martin Luther King, Jr., a Roy Wilkins, a James Farmer, a Bayard Rustin, and the young people from the Student Nonviolent Coordinating Committee and others in the same room, it was a great deal to try to control.

This man, this good man, was a soldier of conscience, a warrior in a non-violent crusade to bring equality to America. While the civil rights climate ebbed and flowed in the course of his 60-year career, Arnold Aronson stood like a mighty oak planted by the bank of the river. He never swayed, he never wavered, he never faltered. He knew what was right and he worked every day to make that vision a reality.

Under his day-to-day leadership as secretary of the Leadership Conference on Civil Rights, Arnold Aronson lobbied and fought successfully for the passage of the 1957 and the 1964 Civil Rights Act, the 1965 Voting Rights Act, and the 1968 Fair Housing Act. To this day he remains an active member of the Leadership Conference. Due in part to his leadership and his ability, his capacity to build a coalition, the Leadership Conference today includes 180 viable organizations and groups and fights against all forms of racial, religious, national origin, gender, and sexual orientation bigotry and discrimination.

Tonight, Mr. Speaker, I want to note in particular the vital and historic role that Mr. Aronson played in uniting the black and Jewish communities in the struggle for civil rights. It is a bond and a friendship that continues to this very day. For example, in my city of Atlanta and many other cities, there is a black-Jewish coalition working together due in large part to the road paved by our friend Arnold Aronson.

As I said when I started, it is more than fitting and appropriate that we gather here today. Few Americans have done more to bring us together, more to unite us as a nation and as a people than has Arnold Aronson. My late mentor, Dr. Martin Luther King, Jr., talked during the 1960's of building a beloved community, a nation at peace with itself, where people were judged not by the color of their skin but by the content of their character. Arnold Aronson has done as much as any man in this Nation to help build that beloved community. For that he will always be, in my heart and in the hearts of millions of others, beloved.

Thank you, Mr. Aronson. Thank you for your hard work.

Mr. CLYBURN. I thank the gentleman from Georgia [Mr. LEWIS] for his statement.

Mr. Speaker, I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. I thank my esteemed colleague from South Carolina both for his leadership and his long service in the area of human and civil rights.

Let me thank the gentlewoman from the District of Columbia [Ms. NORTON] for her wisdom in organizing this tribute. Mr. Aronson, as one of the newer members of this Congress, let me thank you for giving me the opportunity now to serve a very diverse constituency in the U.S. Congress from the 18th Congressional District in Texas. I rise today to commend and support this special order recognizing Mr. Arnold Aronson, one of the Nation's greatest champions of the civil rights movement.

This special order fittingly comes on Mr. Aronson's 86th birthday and I tip my hat to you. Arnold Aronson has long been seen as a key figure in the history of this country's struggle for civil rights. The well-documented story of Mr. Aronson's legacy to the chapters of this Nation's civil rights movement have been chronicled by countless historians. Since the New Deal era, Arnold Aronson has spoken on behalf of this Nation's disenfranchised by advocating unity and not division.

I might say to you in a city that one might study and give rise to whether there would be opportunities for Jewish-black coalitions, let me say that I have had the privilege in the city of Houston to serve a number of years in a very thriving and ongoing dialog between the African-American and Jewish community.

Out of that very bond grew a young man by the name of Mickey Leland who served in the U.S. Congress and was one of my predecessors in this position. Mickey Leland was infused with the energy of bringing communities together and particularly worked to join the black and Jewish community.

In tribute to you, Mr. Aronson, let me say that we still have in Houston today a Mickey Leland kibbutz program that sends young men and women to Israel from the inner city African-American and Hispanic and Asian communities in order to bring about a lasting coalition.

Let me say that your words spoken so early on the struggle for the civil rights movement cannot be won by one group alone has carried many of us forward, recognizing that we are all in this same leaky boat together and we must rise together or certainly sink together.

Mr. Aronson was noted as one of the most noted founders of the Leadership Conference on Civil Rights, known in the 1950's as the Leadership Conference. Let me applaud not only the coalition but the friendship of Roy Wilkins and Arnold Aronson wherein this coalition was born. It is so very impor-

tant that at the time that Mr. Aronson made the commitment to continue work with the Leadership Conference, he was not just sitting by with idle time. He was working full time as program director of the National Community Relations Advisory Council, a coalition of major Jewish organizations.

Mr. Aronson began his struggle against discrimination in 1941 as head of the Bureau on Jewish Employment at a time when open discrimination against Jews was widespread. Help wanted ads specifying gentile only were commonplace and employment agencies accepted and filled orders in accordance with such specifications. Instead of regarding discrimination only as a Jewish program as one might have expected, he had a broader view of the true magnitude of the problem, and following his conscience, he formed the Chicago Council Against Religious and Racial Discrimination, a coalition of religious, labor, ethnic, civil rights and social welfare organizations. He coined the phrase coalition. He did not speak it, he lived it, and in tribute to him, it is continuing.

Mr. Aronson, countless generations will come to know and can appreciate the benefits that your life's work has brought to the unity of this Nation. Thank you for your dedication and commitment during those early steps in the civil rights movement that began the road to making the Constitution of this country extend its rights and protections to all of its citizens.

Finally, in closing, let me add that as we continue to try to forge coalitions, a name that comes to mind certainly is Dr. Martin Luther King. As the previous speaker noted his words, let me say that in those days of the Montgomery bus march and boycott, those were days that were both light and dark. One of the statements that Dr. King noted is that the history would recall that there were great people who decided to do the right thing and that what would be written is that they decided, first of all, never to turn back.

□ 2015

We thank you, Mr. Arnold Aronson, on this your 86th birthday for having the greatness of mind and conscious to be able to say we will never turn the clock back, and it is this day that we write of you and give tribute to you as a great American. The history books will recall your greatness as well.

Mr. Speaker, I rise today to commend and support this special order recognizing Mr. Arnold Aronson, one of this Nation's greatest champions of the civil rights movement.

This special order fittingly comes on Mr. Aronson's 86th birthday. Arnold Aronson has long been seen as a key figure in the history of this country's struggle for civil rights.

The well documented story of Mr. Aronson's legacy to the chapters of this Nation's civil rights movement have been chronicled by countless historians. Since the New Deal era Arnold Aronson has spoken on behalf of this Nation's disenfranchised by advocating unity and not division.

He said,

The struggle for civil rights cannot be won by one group acting by or for itself alone, but only through a coalition of groups that share a common commitment to equal justice and equal opportunity for every American.

Mr. Aronson brokered his words into a coalition of Mr. Roy Wilkins and Mr. Aronson wherein the Leadership Conference on Civil Rights was born.

Mr. Aronson was one of the most noted founders of the Leadership Conference on Civil Rights known in the 1950's as the Leadership Conference.

Summoned by Roy Wilkins, chairman of the event and Arnold Aronson, secretary, 4,269 delegates from 23 States, which included 291 brave souls from the South, representing 58 national organizations, converged on the Capital to take part in what its conveners called the National Emergency Civil Rights Mobilization.

The actions of Mr. Arnold Aronson and Mr. Roy Wilkins was in direct response to a report issued by President Truman's Citizens Committee on Civil Rights, in 1947, titled "To Secure These Rights," it was felt that the findings of the report could leave no Member of Congress in doubt regarding the scope and substance of racial injustice. The Truman committee found that the sensational news stories of lynching, Klan attacks, and race riots, the Truman committee found were only the most shocking manifestations of a strain of prejudice that was everywhere in American society.

This strain of prejudice permeated not only the broad areas of employment, housing, education, health care, and voting; but in many parts of the country, it infiltrated the most ordinary aspects of life, so that to be black in America was to experience daily humiliation.

Black youngsters were barred from amusement and national marble contests. Black shoppers were often unable to try on suits or dresses in department stores or eat at the lunch counters like other customers. Black travelers had to suffer the indignity of segregated seating sections, waiting rooms, rest rooms, and drinking fountains and had to often spend long, exhausting hours on the road before finding a place to stay or even a place to relieve themselves. Such conditions prevailed not only in the South, but even in our Nation's Capital.

The Congress had not enacted any civil rights law since 1875, and it appeared that it would take much more than the meeting of those delegates to change that fact.

But Mr. Aronson was not deterred and on December 17, 1951, as secretary of both the council and the mobilization, called representatives of the cooperating organizations together to plan another Washington meeting: a Leadership Conference on Civil Rights to be held in February of the following year to campaign mainly for a revision in the Senate rules that would allow a simple majority of that body to limit and close debate.

It was under the Leadership Conference name that the coalition continued from then on.

For the next 13 years the Leadership Conference was housed in a desk drawer and filing cabinet in Mr. Aronson's Manhattan office. The conference like many just causes had no money. Through the dedication and commit-

ment of Mr. Wilkins and Mr. Aronson the organization survived these lean years.

At the time Mr. Aronson made the commitment to continue work with the Leadership Conference he was working full time as program director of the National Community Relations Advisory Council, a coalition of major Jewish organizations.

Mr. Aronson began his struggle against discrimination in 1941 as head of the Bureau of Jewish employment at a time when open discrimination against Jews was widespread.

Help wanted ads specifying "Gentile only" were commonplace and employment agencies accepted and filled orders in accordance with such specifications.

Instead of regarding discrimination as only a Jewish program he had a broader view of the true magnitude of the problem. Following his conscience he formed the Chicago Council Against Religious and Racial Discrimination, a coalition of religious, labor, ethnic, civil rights, and social welfare organizations.

As the council secretary, Aronson directed the campaign that led to the first Municipal Fair Employment Practices Commission in the Nation.

In 1943, he organized a Statewide coalition, the Illinois Fair Employment Council and initiated the campaign for State fair employment practices legislation.

The first fair employment practices legislation was passed in the State of New York in 1945. In the ensuing decade, at least a dozen States enacted fair employment practices laws with Aronson serving as a consultant in several of the campaigns.

From 1945 to 1976 he served as program director for the National Jewish Community Relations Advisory Council, which is a coalition of national and local Jewish agencies. Mr. Aronson developed policies and programs for Jewish agency involvement on issues of civil rights, civil liberties, immigration reform, church-state separation, Soviet Jewish immigration, and support for Israel.

He was clearly a man ahead of his time.

In 1954, he organized the Consultative Conference on Desegregation, and Interreligious Coalition with the heads of the National Council of Churches, the Synagogue Council of America, and a representative of the national Catholic Welfare Conference as cochairman and himself as secretary. The purpose of the Consultative Conference on Desegregation was to provide an opportunity for clergymen who were under fire for speaking out in support of the Court's decision in Brown might, under the cloak of anonymity, might be able to get together with colleagues and civil rights leaders who were similarly situated for an exchange of views, experience, and for mutual reinforcement. In the few years it was in existence, the organization was able to save the pulpits of several men who had been threatened with dismissal and, in other instances to find places for clergymen who had in fact been fired for voicing support of desegregation.

Mr. Aronson, countless generations to come can know and appreciate the benefits that your life's work has brought to the unity of this Nation. Thank you for your dedication and commitment during those early steps in the civil rights movement that began the road to making the Constitution of this country extend its rights and protections to all of its citizens.

Mr. CLYBURN. I thank the gentlewoman from Texas for her statement

and thank her for her service to her constituents and to our Nation.

Mr. Speaker, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise today to honor a giant in the civil rights movement. Arnie Aronson is one of the true champions of civil rights in this country. As one of the founders of the Leadership Conference on Civil Rights, Arnie has been a lifelong crusader for civil rights. Over the years Arnie has avoided publicity, but his lack of publicity does not diminish how indebted we are all to him.

Arnie turns 86 today, and I can think of no better place to honor him than on this House floor, where some of his toughest battles were fought and won. Arnie's championship of human rights in this country has shaped the Nation's policies since the Roosevelt administration. From Roosevelt's Executive order barring discrimination in war-related industries, to the 1964 Civil Rights Act, to the 1965 Voting Rights Act and the 1968 Fair Housing Act, Arnie has helped coordinate the efforts to pass every landmark civil rights legislation this body has considered.

Arnie also devoted his life to uniting the Jewish and African-American communities in the struggle against discrimination. The strong ties that exist between these two communities today are a testament to Arnie's hard work.

I think Vernon Jordan said it best when describing the impact Arnie's work has had. He said, "You have the gratitude of countless millions who may never have heard of your name but whose lives are better, whose prospects are brighter and whose dreams are coming true, thanks to you."

Mr. Speaker, I am proud to stand today in honor of Arnie Aronson. His commitment to racial justice has touched all of our lives and the lives of many others who will never know his name but benefit from his legacy.

Happy birthday, Arnie.

Mr. CLYBURN. I thank the gentlewoman for her statement.

Mr. Speaker, I would like now to yield to the gentlewoman from the District of Columbia [Ms. NORTON] who organized this special order for this evening and thank her for having done so.

Ms. NORTON. Mr. Speaker, I first want to say how indebted I am to the gentleman from South Carolina [Mr. CLYBURN]. After I organized this special order it became necessary for me to leave the House, and on very short notice he was willing to conduct this special order. He is a most appropriate gentleman to conduct it, and I very much thank him for the grace and skill with which he has done just that.

Mr. Speaker, I am not sure that the best way to celebrate your 86th birthday is listening to a bunch of Members of Congress, but leave it to Arnold Aronson, always at work, to spend his 86th birthday just that way.

Now, you know there is a cliché about unsung heroes. But in a very real

sense Arnold Aronson gives that phrase new meaning largely because he never sought the credit and the praise that is rightfully his in a movement where people are not exactly shy in stepping forward to claim credit. It is not every good man who is honored on his 86th birthday. It is certainly not every good man that brings Members of the House for a special order of indebtedness to his work.

But Arnold Aronson deserves that, and he deserves more, and the fact is that he will probably not get a lot more. He will probably not get a lot more because in a real sense he has lived a life in which he has not sought a lot more. It is up to those of us who know his work and appreciate his work to spread the word of his work, and not only, I might say, to do tribute to his work because in a very real sense the work of Arnold Aronson deserves recognition today because it deserves repeating today and because there are too few willing to stand in the exact place where he stood, hoisting the flag of the principles that make him a great American.

I come before you this evening with particular humility as a former chair of the Equal Employment Opportunity Commission, as a child of the civil rights movement. I know my own personal indebtedness to Arnold Aronson. I know quite well that the agency that it was my great honor and privilege to chair, the law I came to administer did not simply pop up on the lawbooks one day as this House decided to do the right thing.

What is too little appreciated today is the kind of work and the kind of atmosphere in which that work had to be done. What is too little appreciated today is what it was like 56 years ago, when Arnold Aronson was there with A. Philip Randolph and where our country was at war, proudly marching off to war, with an army segregated to the core and thinking not one thing about it, marching off in peace and freedom to fight a war against the ultimate bigotry in a segregated army, and there were very few who understood that irony or even understood that it was wrong to step forward then. If you were white or if you were black was to separate yourself from the great masses. Blacks were deprived of every conceivable right. Whites, even those who knew the difference between racial right and racial wrong, seldom had the courage to act on what they knew.

Arnold Aronson has never lacked that courage. We did not get here by ourselves. We got here marching behind others, and Arnold Aronson stands among those at the front of that line.

The agency I came to chair, the Equal Employment Opportunity Commission, had its origins in the Fair Employment Practices Committee, which Arnold Aronson, working with such stalwarts as A. Philip Randolph, helped to achieve. Even the beloved Franklin D. Roosevelt did not step forward because it occurred to him that maybe

black people working in the war industry ought to have equal opportunity in jobs. Somebody had to suggest it to him. And in fact there were a small band of great men who did so, and history will remember them:

Joseph Rowell, Bayard Rustin, Clarence Mitchell, Arnold Aronson.

There are names of the 1990's, but we had best remember the names of the 1940's if we want to know truly how we got here.

Arnold Aronson wrote some of the most compelling reports of the period, the reports, the documents that made people especially those in high places, like President Truman, understand that it was time to move forward. One of the most compelling of those was to secure these rights drafted indeed by Arnold Aronson.

Today, when we are trying to get more funds for the EEOC, it perhaps seems impossible to believe that the idea of a permanent FEPC, or Fair Employment Practice Committee, was a radical idea. Money for it? The point was should there be any such committee at all.

As late as 1950 Arnold Aronson was at the forefront of those struggling for a permanent FEPC. Even the wartime experience, so successful, had not led to a permanent agency, and we were not to get one until 1964, when Arnold Aronson, unbroken in his work in the movement, helped lead the march on Washington that got finally a permanent FEPC, the Equal Employment Opportunity Commission.

The fact is that as late as the 1950's Arnold Aronson was working with Roy Wilkins to get an antilynching bill; that is what they called it when I was a child and perhaps even when my colleagues were children. They called it antilynching bills. It operated at that level of terror. We did not call it civil rights acts in order to keep people from engaging in violence, and it was at the raw level that Arnold Aronson and his colleagues were trying to convince people that you should not lynch people. That was not self-evident. That was not evident to most Americans. Somebody had to stand up and keep saying it and not relent and find ways to make it come true in a country born in racism, determined in its racism.

And what was the cry for an antilynching statute was to develop into the success of the 1960's, and when the 20th century closes its eyes and bids farewell and they name the half dozen pieces of legislation that made this century and made this country, the laws which Arnold Aronson helped achieve, particularly in the 1960's, will be numbered in that group.

In 1961, Mr. Aronson wrote the pioneering work Federal Support of Discrimination. That is what it was all about, Federal funds, the great might and weight of the Federal Government in support of discrimination. Somebody had to make this country face that fact, that the greatest support for discrimination came from the greatest country on the face of the Earth.

□ 2030

Somebody had to do it without hanging back and without dropping the ball and had to do it from one decade to the next, because even today the work is not done, and the work has been left to those who refuse to lay down their swords and retire, but recognize that they had to go forward into yet another decade, and that was Arnold Aronson.

When I was in law school and I would come down in the summers to Mississippi, to the March on Washington, to New York where it was being organized, to wherever there was work to be done, the fine hand of Arnold Aronson was always there.

He belongs to that extraordinary coterie of men to whom this country owes everything. We owe our dignity as a country; we owe the elimination of the greatest scar on the American polity; we owe it to them. We could never be a great country until that scar was wiped away and the great civil rights laws finally achieved, in no small part out of their personal labors, and especially the labor of Arnold Aronson wiped away that scar and helped us to emerge finally as a great Nation.

Let me finally say something about an issue that needs to be confronted as we are celebrating the life of Arnold Aronson. We live now in a country where people go off into their respective ethnic and racial corners. In a real sense there was more discourse across racial lines when I was a girl in the civil rights movement. We have lost some of the spirit that guided the times and events of Arnold Aronson, and I would ask us tonight not simply to honor him on his 86th birthday, but to try to reclaim and recapture the moral authority of Arnold Aronson. He had that authority because he knew no prejudice, first and foremost; because he lived the word that we were all created equal.

So today the great alliance between African-Americans and Jews needs to come alive again, needs to come alive again if we are to remember from whence we came and who were there with us when nobody else was there.

I have to say it, Mr. Speaker. The one thing I cannot understand is black anti-Semitism, because the one group of people who were always there with African-Americans were American Jews. I cannot understand it, and we need to confront it, and we need to remind people how we got there.

Arnold Aronson, for most of his life, worked for the National Jewish Community Relations Council and worked in that capacity for full rights for American Jews and American blacks. If indeed we mean to finally finish this struggle, we can only finish it if we rededicate ourselves to the principles that made it a great struggle. If it is only about our rights, it is about nobody's rights. It means nothing if we take on the very mantle of prejudice that we are ourselves so long have criticized others for wearing.

So this evening let the life of Arnold Aronson take us back to basics, to our first principles that all men and women are created equal, that if I am a black I will stand up first against anti-Semitism. If I am an Hispanic, I will stand up first against racism. The rest of you will have to stand after me. Only then and only with that resolve, only with that sense of coalition and moral authority will we complete the work so valiantly carried on by Arnold Aronson. He does us great honor by allowing us to honor him this evening.

Mr. CLYBURN. Mr. Speaker, I thank the gentlewoman very much for her very moving statement on behalf of our honoree this evening.

Mr. Speaker, as was said earlier, Arnold Aronson in 1943 started the move toward FEP agencies, but it was in 1945, I believe was the year, that the first State FEP agency was enacted into law, and that was in New York. It is my great pleasure now to yield time to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I want to congratulate the gentleman from South Carolina [Mr. CLYBURN] for taking out this most appropriate special order to honor Arnold Aronson.

Arnold Aronson represents a breed that gets lost, the people behind the scenes who do all the hard work. Often geniuses at an organization get lost. The headlines never pick them up, and history is of course filled with people of this kind, and the American dream would not be realized unless there were so many Americans of this kind out there always.

They were there during the civil rights struggle in great abundance, and they are still there to some degree. They have been intimidated by some of the loud voices and intimidated by the fact that there is such cynical reporting in the media, and have not exercised their full power.

But we are the majority; we are not beggars, the people who care. I call it the coalition of a caring majority, and I often talk about it as being a natural coalition. I say that almost in desperation, a natural coalition, because what we really need is a real coalition, and we have had real coalitions, well organized coalitions.

The Leadership Conference on Civil Rights represents a well organized coalition, a coalition that was needed at a particular time, and if it had not been there we would have a very different scenario for American history. The civil rights struggle and the results from that struggle would be very different.

It is important, and I do not want to be redundant because I think his accomplishments have been cited by a number of speakers, but it is important that we send a message to our young people, young people of all groups, all races, but particularly young people who are African-American. There is so much cynicism, there are so many loud voices competing for their attention in

trying to divert them from a course of coalition, that we have to take this opportunity to emphasize the fact that coalitions are the only way to win in America. Mr. Speaker, we only get the majority if we are a coalition in America, if we happen to be a member of a minority.

In fact, the history of the world and the history of prejudice and of oppression shows that one of the reasons that people are oppressed is that they are in a minority. I mean there is no other reason.

When we look at all of the various reasons that oppressors give, they often say that this group was oppressed because it had an inferior education, it had bad hygiene habits, bad sex mores, it had an inferior IQ, the IQ was not high enough. We get that kind of argument sometimes. But get another argument that they were too brilliant, they knew too much, they dominated too many positions in the judiciary, they dominated too many positions in the intellectual circles, and you get the same kind of oppression because the oppressor looks for a reason behind the reason.

The real reason is that because they are in a minority and they are weak, they are fodder for demagogues. I think the senior Benjamin Netanyahu, who has written a book about the inquisition, the Spanish Inquisition, one of his conclusions is that the Jews were oppressed in Egypt, and he searched for all the reasons and found that for no other reason than they were the minority and they were weak and easy prey to demagogues, and the pattern of oppression against the Jews in other places was the same. They were just there, easy fodder for demagogues.

Any minority in any society is easy fodder for demagogues. Therefore, all minorities should always place a high premium on forming coalitions, all minorities. Certainly African-Americans in America should understand that we cannot survive without coalitions. Coalitions are our only means for survival.

Yes, we have had a lot of progress, and of course we are trumpeting and paying tribute to some of the progress that has been made as a result of some of the people like Arnold Aronson, but the message to the young people should be that this is the way it was then, this is the way it has to be now, this is the way it must continue to be. Coalitions. You win with coalitions. The caring majority in America is larger than any other group. When you put it all together, the caring majority is big, the caring majority can make America work.

Most people in America do not want to live by somebody else's sweat, they do not want to live by somebody's else's blood. They do not want to be unfair. Most people in America are ready to follow leadership that calls out the best in them. But unfortunately, the leadership that gets the high visibility, the leadership that gets the media attention, the leadership

that gets the microphone most of the time are leadership members who are calling for the worst in people.

This is true unfortunately not only in the majority, but also in some minorities. In our own minority we have had loud voices that have called for separatism, isolationism; loud voices that have gone into extremism; loud voices that have sought to tear asunder long-existing coalitions. Arnold Aronson behind the scenes was one of those people who was always working to knit together that coalition and to make that coalition effective.

Throughout history there have been a whole lot of them. White men, white women, have played a major role in the liberation of black people in America. When slaves were totally powerless, when slaves had no organization to form coalitions with, it was the abolitionists, it was the whites who had to carry the ball.

In the crucial days following the end of the Civil War, it was white Thaddeus Stevens from Pennsylvania, it was white Charles Sumner and others who had to forge ahead and against evil forces that were seeking to undermine the victory won in the Civil War, the end of slavery. They had to forge ahead and help push the 13th amendment and the 14th amendment and the 15th amendment. Whites had to do that, and whites did it, in many cases all alone.

The abolitionists formed coalitions, and those coalitions began to take root after blacks were able to organize. But we are here, and for all of those young people who think we have not gone far enough: too much lack of opportunity, too much discrimination, economic oppression now is the problem, and therefore they want to become cynical about attempting to move forward in coalition with others, I say to those young people, history unfortunately moves too slow.

History unfortunately is a captive of strong men who sometimes are evil men. History unfortunately does not realize the full potential of the human spirit, but history does move forward like an inchworm. Maybe it is a wounded inchworm sometimes, but it moves forward.

We would not be where we are today if it had not been for history moving forward. It is made to move forward because there are people like Arnold Aronson that we do not hear about. They swarm like beautiful butterflies; we do not know they are there, but we only need leadership to call them forth. And among our young people, they could be and should be part of those swarming butterflies moving together to make America great; behind the scenes, unsung, doing the hard work necessary to realize the dreams that are here.

We have a great potential in this country. We are the richest country that exists on the face of the earth. Productivity, prosperity, everything is booming forward at this point. Why are there so many people suffering? Why

are there such evil ideas being put forth? It is because so many people have given up; so many people do not recognize that when we put the coalition forward, we are the majority, we do not have to be beggars.

Arnold Aronson understood that. He understood the price we have to pay in energy and time and patience to make the coalitions work. I salute Arnold Aronson, and I hope the young people will go searching; when they do their book reports and they make their various presentations during Black History Month, as well as any other time, that they single out people who have not been highlighted in the encyclopedias enough, people who have not been portrayed on the calendars, but the people who have made history what it is in terms of the positive movement forward in America, people like Arnold Aronson. I congratulate Arnold Aronson on his 86th birthday.

□ 2045

I congratulate Arnold Aronson on his 86th birthday. I thank the gentleman for being here.

Mr. CLYBURN. I thank the gentleman for his statement. Mr. Speaker, in closing this special order this evening, I thought as I listened to the remarks being made by my colleagues this evening, I thought about the last time I shared a lunch, I believe it was in Kansas City, with Arnold Aronson and the things we talked about.

I thought about many of his successors as president of the National Association of Human Rights Workers: Dick Lexum in Michigan, Leon Russell, and Albert Nelson in Florida, Mary Snead in South Carolina, Marjorie Connor in Michigan, and many, many others.

I thought about Martin Luther King, Jr.'s letter from the Birmingham city jail. A lot of us read that letter. I try to read it at least once a year. There is a place in that letter where King spoke or wrote about people like Arnold Aronson. He wrote at one place in his letter that we are going to be made to repent in this generation, not just for the vitriolic words and deeds of bad people, but for the appalling silence of good people.

I am pleased to join with my colleagues tonight thanking Arnold Aronson for being among the good people who refused to remain silent. Because he spoke up and because he stood up, many of us are here in this body this evening, and many of us are in similar bodies all across this country. I can think of no better way to help him celebrate his 86th birthday than to have participated in this special order tonight.

Finally, Mr. Speaker, I want to wish Arnold Aronson many, many more birthdays.

Mr. BISHOP. Mr. Speaker, I rise today to applaud the work and character of Arnold Aronson. His distinguished career in civil rights spans nearly 60 years. Mr. Aronson is most noted for being one of the founders of the Leadership Conference on Civil Rights in 1950 and his draft of the report "To Secure these Rights." This re-

port was later issued by President Truman's Citizens Committee on Civil Rights in 1947 and eventually became the basis for the 1957 Civil Rights Act. Mr. Aronson was also one of the ten organizers and leaders of the historic 1963 march on Washington.

Throughout his career, Aronson has worked with many organizations spanning the entire spectrum of the civil rights movement. He was program director of the National Jewish Community Relations Council and founder and president of the Leadership Conference on Civil Rights Education Fund. He is also noted for his attempts to rally Jewish and black communities in the interest of racial tolerance.

I salute the dedication and contributions of Arnold Aronson to civil rights.

GENERAL LEAVE

Mr. CLYBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

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

There was no objection.

TAX AND SPEND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the Chair recognizes the gentleman from Maryland [Mr. EHRlich] for 60 minutes.

Mr. EHRlich. Mr. Speaker, I am going to be joined by a number of our colleagues tonight on the majority side to talk about a couple of issues of great importance to the American people. The gentleman from California [Mr. COX] and I want to talk about an issue near and dear to our hearts, reform of estate taxation and the way we tax success in this country.

We are going to talk about the balanced budget, and the hope for cutting the capital gains tax rate in this country.

Mr. Speaker, what we are really talking about tonight is tax and spend: how we tax and why we spend so much in this country.

There are really two issues, when we think about it. One is how we put the brakes on government, because the nature of government is to grow always, at every level of government: local, State, and Federal. That is pretty natural when we think about it, because it is the nature of elected officials to want to please their constituents.

Unfortunately, that desire to please has given us an almost \$6 trillion budget deficit in this country, an issue we will be talking about in greater detail in the course of the evening.

How do we put the brakes on the nature of government? In Maryland, in the Maryland Legislature, the Maryland General Assembly, where I came from for 8 wonderful years, we have a constitutional requirement for a balanced budget. We are striving for that

same policy goal in this House, as Members well know.

The second part of the equation is empowering people, how we are going to empower the individual and not government. That is the logical second part of the equation.

First of all, putting the brakes to government. I am pleased to sit on the Committee on the Budget under the chairman, the gentleman from Ohio [Mr. KASICH]. I am pleased to sit with Members from both sides of the aisle who are serious about actually balancing the budget, what should be a noncontroversial goal in American political discourse, but it is. An awful lot of folks we represent do not understand why it is so controversial.

As I said earlier, Mr. Speaker, it is the natural inclination of people to please. It is the natural inclination of folks in public office to please. We are politicians. We run for elections. We want votes from folks. Usually we get those votes by promising people something. Unfortunately, on both sides of the aisle over the last 3 decades in this town, we have garnered votes by promising more government.

For whatever societal ill has come about, whatever real or perceived problem is high on the national agenda, politicians have promised more government because it is the easy thing to do. It is always easier to say yes than say no. It is always easier to create one more law, to put out one more regulation, to create one more agency, to pass one more statute, because unfortunately, an awful lot of us run for election on records, and those records are composed of what bills we have passed in the legislature.

We do not measure success by how we have downsized government, we measure success by how we have increased the scope of government in our daily lives. That is very unfortunate. I think a lot of the folks elected around here in the last couple of terms understand that is not the appropriate measure of what we should be doing in this town, because we simply cannot afford it.

There is a distinction between politics and leaders, between politicians and leaders. Politicians respond to the natural inclination for government to grow. Leaders will make the right decisions. Leaders will say no, because part of leadership is saying no, and that is where the Committee on the Budget is, particularly in the 105th Congress. That is what we are going to deliver to the American people, a real balanced budget with honest numbers.

The second part of the equation is, once we get government to stop growing, how do we empower people? People want to be empowered. As government loses power, individuals gain power. One, we empower people to put more money in their pockets so they can decide how they will spend their own hard-earned money.

There are two issues I would like to discuss with my colleague, the gentleman from California [Mr. COX] this evening, and we may be joined by another colleague, the gentleman from California [Mr. RADANOVICH]. They pertain to two major issues in the 104th Congress with a common goal: how we will empower individuals, how we will empower people to be successful in life.

I am joined by Mr. COX, and I would first like to compliment him on the great leadership he has shown with respect to the first issue, which is the way we penalize success in this country through estate taxation at the Federal level.

I know the gentleman has a number of comments on this subject, so I yield to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker I thank the gentleman for yielding to me, and I thank the gentleman for co-authoring this legislation with me. We now have, as he knows, well over 100 sponsors, Democrats and Republicans, in this Congress to do what California did by an initiative of the people; that is, repeal death taxes, the taxes on after-tax life savings, at the end of a lifetime of hard work.

A liberal, and I know he is a liberal because he describes himself as such in testimony before Congress, professor from the University of Southern California where I went to college said, as an unrequited liberal he was opposed to death taxes because they are so anti-liberal. He called them virtue taxes.

If we think about it, it makes sense. We are familiar with the notion of a sin tax, taxing tobacco or taxing alcohol or taxing gambling. These are called sin taxes. But a virtue tax would be a levy by the government on virtuous behavior, such as saving, investing, working, avoiding conspicuous consumption and instead helping other people.

That, however, is what the death tax is. It tells someone during her or his life that what they should really do if they can acquire any earnings from their work is consume it. Do not save it, do not invest it; use it up, use it up, but surely do not try and use it for the purpose of making your family better off.

It is ironic, because what that does is act as a repealer on human nature. After you get done putting food on the table and clothes on your back and a roof over your head, as a human being the most powerful incentive that you have to continue working is to help those that you love.

So Congress in its infinite wisdom came up with a tax on that virtuous behavior, on continued hard work even beyond what you need for yourself, on saving, on investment, on the avoidance of conspicuous consumption, and called it a death tax, for the reason that, I suppose, we could extract a third time from someone that we had already taxed on income during life, on capital gains during life, more money for the benefit of everyone else.

That would be a great thing if it worked, but it does not, for two big reasons. First, it does not yield much revenue. Less than 1 percent of all of our Federal revenues is provided by death taxes, even though every American knows that there is an army of tax lawyers and tax accountants at work in the industry of avoiding this tax.

The second thing is, to the extent it is paid at all, rich people are not the ones paying it. Rich people like Jacqueline Kennedy Onassis can avoid this tax, as she did when she passed on her estate to her already wealthy heirs with a state-of-the-art trust. Most of that tax liability is thereby foregone.

Peter O'Malley, who many Americans who live outside of California have now come to know as the owner of the Dodgers, at age 59 decided that he had an estate planning problem. The Dodgers were a family owned business. They are a local franchise and a local asset for us in southern California. We certainly do not want it busted up.

But the O'Malley family, and Peter O'Malley specifically, looked at the problems that would be faced for that family owned business if he were to die and he had not liquidated or sold the Dodgers and passed them on to some corporate owner. So with the death tax at 55 percent, somebody like Peter O'Malley has a pretty big incentive to convert that tax liability into a capital gains tax liability by selling the team while he is still alive, and then taking those liquid assets and putting them in the form of a trust or whatever, the fancy tax lawyers and accountants come up with to avoid the tax at death, as wealthy people are wont to do.

Rich people do not pay it, and it does not provide any revenues. It does not work. It fails the test of empiricism, but what it does do is change behavior all over America. Even worse than that, it busts up small businesses; not, typically, Peter O'Malley's Dodgers. They will not be busted up by the estate tax on Peter O'Malley's death, although they might be moved out of L.A. as a by-product of the death tax. But family farms, ranches, small businesses run by people who are cash-poor, who have trouble meeting the payroll on a weekly basis, will get busted up. Seven out of 10 family businesses, 7 out of 10 small businesses in America do not survive the death of the founder. In 9 out of 10 cases it is because of death taxes.

What happens is that if you own something that is an ongoing businesses, the death tax is applied not to your income, not to your wealth, not to your cash or liquid assets, but to the property, and the only way to satisfy that tax is to sell the property in order to create a liquid asset, since the Government will not accept your business in exchange for the tax liability. They want cash.

□ 2100

You have got to liquidate the business. You have to bust it up. And what

happens? The job creating potential of that business is destroyed so no new people will be employed there. But worse yet, the people who did work there lose their jobs. And what is their rate of tax? It is not even the 55 percent, which is a confiscatory rate for a tax on after-tax life savings. It is 100 percent. They pay a 100-percent tax because their entire income has been wiped out. They have just lost their jobs.

This is what is happening to family businesses, to small businesses, to ranches, farms across America. It is responsible for the loss of both new job opportunities and existing jobs.

The White House Conference on Small Business, whose conferees were appointed by President Bill Clinton, made repeal of death taxes, not moderation of death taxes, not reform of death taxes, but repeal of death taxes their No. 4 priority out of over 50 legislative proposals to help small business in America. This is how great a concern this issue is to small business.

We talk a lot about tax simplification. Do you know how many pages of the Internal Revenue Code are cluttered up with the death tax alone? Eighty-two pages of legalese that no American can possibly understand without the help of a fancy tax lawyer and tax accountant. That is just the Code itself.

Then there are several hundreds of pages of tax regulations interpreting those 82 pages that, again, you have got to have paid professionals to interpret and understand.

So what happens is that while the Government does not get the revenue from the tax, as I said, less than 1 percent of our Federal revenues comes from this source, tax lawyers are getting some money. Tax accountants are getting some money. There are a lot of trusts and avoidance techniques that are set up that people are investing in. All of it is make work. No economic product as a result of all this. It is an insipid, wasteful and, I daresay, immoral system.

I will close with this point and yield back to the gentleman by explaining why I go so far as to say this is immoral. I mentioned the reasons that this is a virtue tax, that it directly discriminates against savings, work, investment, the avoidance of conspicuous consumption, so on, but it is even worse than that. It goes further than that in the injury that it inflicts on Americans.

I was talking to a city council representative in one of the cities that I represent. It is a part-time city council. And in his real life, in his working life, outside of politics, he is an estate planner and a tax lawyer. He told me that in a recent day, just before I had spoken with him, he had spent the afternoon with one of his clients on his client's deathbed as that man was passing away. And in the hours that he spent with him, he had him sign documents.

This was at a time when his wife and his children, his family would have loved to be with him and spend their last moments with him while he was spending his last day on Earth. But instead he was with a lawyer signing documents.

This lawyer said to me, this city councilman who also represented his neighbors on the city council, that none of the papers that he had his client sign had any economic effect. There was really no real life consequence to any of these things except this: that if you signed the papers, you did not owe the tax and if you failed to sign the papers, your family would lose the life savings that you had put together so that they could keep on going.

So the man signed the papers, was deprived of those final moments with his family. The Government got no money. The tax lawyer got paid and the tax lawyer came to his Congressman and complained, this is not what Government should do to American citizens in their final moments on Earth.

It is an immoral tax besides being a failed exercise in collecting revenue. I mentioned, less than 1 percent of the revenues are provided by death taxes. Sixty-five cents of every dollar collected are consumed either in administrative costs by the IRS or compliance costs by Americans who are seeking to avoid their tax liability through legal means, hiring tax lawyers and accountants and so on, who are hiring tax lawyers and tax accountants to help them fill out the paperwork so they can pay the death taxes that the Government is not getting appreciable revenue from in the first place.

This is a miserable idea to have on the books. It is a failed exercise. Whatever good intention there may have been behind putting it on the books in the first place, we now have nearly a century of experience with it. It deserves to die. The death tax deserves to die, and we should repeal it. And that is why I am so happy to see so many Members here on the floor fighting for that effort.

Mr. EHRLICH. Mr. Speaker, I again congratulate the gentleman on his great leadership with respect to this issue. We have been joined by two of our great colleagues, Mr. RADANOVICH of California and Mr. HAYWORTH of Arizona. What I would like to do is, Mr. COX, I would like for you to comment on this question as well, because you have pointed up some very pertinent facts concerning the history of this very unfair tax.

You pointed out that it began as essentially a tax on the very, very wealthy. And it has come to represent a real punishment scheme against middle class folks in this country, particularly small business people. I will just cite a recent study from the Center for the Study of Taxation wherein it is estimated that over a 7-year period, GDP would increase \$79.2 billion, 228,000

more jobs would be created and private capital would increase \$630 billion simply by the repeal of this very unfair tax.

And I have to point out one further fact, the wonderful thing about measuring Government not by how much it grows but by how much it contracts is your bill, H.R. 902. How many pages did you earlier state this particular tax takes up in the code?

Mr. COX of California. In the Internal Revenue Code, 82 pages.

Mr. EHRLICH. Your repeal takes up 7 lines. That is what we should be about in this town.

I know I have a small businessman, a good friend, Mr. RADANOVICH, waiting to speak on this issue. I welcome the gentleman and I welcome my friend, Mr. HAYWORTH from Arizona. I yield to the gentleman from California, Mr. RADANOVICH.

Mr. RADANOVICH. Thank you very much, Mr. EHRLICH.

As my friend and colleague, CHRIS COX from California is one of the many from the 52 Members of the California delegation that traveled to his State back and forth, many of us spend long hours, as do you from Arizona, on the airplane back and forth. I managed to get hold of an incredible book that I would spend my time reading going back and forth across this country. It is called "Undaunted Courage." It is by Stephen Ambrose. It is the story of the discovery or actually the mapping of the Louisiana Purchase by Meriwether Lewis. And he was sent out in the 1800's, 1804, by the third President of the United States, Thomas Jefferson, to explore what was recently purchased as an addition to the United States. I read with fascination and interest the stories of risk that that man took, Lewis and Clark, both of them, and their party, in coming across to discover this new land and map out this continent.

I cannot help but think what either Meriwether Lewis or Thomas Jefferson would have thought had they realized that this country had come to the point where the U.S. Government is taking away wealth from not even the rich, I mean this is middle-class stuff here, and that they are actually into income redistribution.

It was fascinating to make that comparison of when you go back and you are privy to so much here in Washington about how this country started and the founding principles and the people and the ideas they had and such hope that they had for the American people, then come to find out that we are in a situation where we are charging capital gains and we are imposing a death tax on the American people. Frankly, I just do not think it was really what they intended when they put this country together with the ideas that they, the founding ideas that they came up with.

So it is unfortunate, I think, that we have come to this position, what we the American people have allowed to

become commonplace, which ought to be considered either the extreme or the absurd by us in this, in the form of those types of taxes.

Granted, there are those that would argue that income redistribution is good for the poor and gives a leg up to the poor and needy. And I just have to say that that is not the case and that the American people, who are very generous people and who are encouraged under freedom to take care of their weaker neighbors, do not have to resort to a government-imposed tax to redistribute wealth in this country.

It punishes accomplishment. It punishes success. It is an infringement on the rights of the family institution in this country and really is counterproductive. Unfortunately we have gotten to the point in this country, I guess that is my observation, that this is accepted. This is the norm. I cannot help but think about those early explorers of this continent and the Founders of this Nation who had, if they had any idea what kind of taxes this Government was imposing for the various reasons that they do, they would be rolling over in their graves right now.

Mr. EHRLICH. I agree with the gentleman and I really think the gentleman has hit the bottom line. At some point in this country, in this very House, the collective decision was made to punish success and punish risk in the capitalistic society. When you think about that, it really makes no sense.

I have another question for the gentleman from California, but first I want to recognize our good friend, Mr. HAYWORTH of Arizona, who I know has some very articulate views on these two issues.

Mr. HAYWORTH. Well, I thank my colleague from Maryland.

Mr. Speaker, as I was listening to my two colleagues from California, I thought some incredibly valid points were made this evening in this Chamber to the rest of the American people. My colleague from Orange County pointing out in a very poignant fashion the human toll, the emotional equation that was sacrificed in the name of accounting brought about by this radical redistribution of wealth, this success tax, this death tax, and my colleague from northern California, the first vintner to work in elective office as a constitutional officer since the third President of the United States, Mr. Jefferson, history will provide us the answer whether or not my colleague from northern California will follow Mr. Jefferson as time passes, but you ask the question historically, what would our founders say, not only explorers such as Meriwether Lewis, not only figures such as Thomas Jefferson, but one of those great men who really had a life that in many ways paralleled Jefferson's, overlapped, Jefferson's indeed one of the other founders of this Nation, Dr. Franklin of Pennsylvania, Benjamin Franklin, not only one of our founders but, at the time of this emergence on the American scene, one of

our great humorists and philosophers. And I believe it was Dr. Franklin, in his writings for Poor Richard's Almanac, who said there were two certainties in this life: death and taxes.

But I do not believe even Dr. Franklin, with his prescience, could have told us that today this constitutional republic would tax people upon their death. Of course, in the wake of the largest tax increase in American history visited upon the American Nation of the 103d Congress, when our current majority was in the minority, when three of us amongst the four were private citizens, a retroactive tax increase at that.

Mr. Speaker, colleagues, I have been across the width and breadth of the Sixth District of Arizona, visiting with a variety of constituents in a variety of town hall settings. And from retirement communities in Sun Lakes to high school classes in Fountain Hills to gatherings in Flagstaff and, indeed, this Saturday in Payson, AZ, on topic continues to come up. It is this death tax so onerous, so oppressive that we pay with a human toll that even as eloquent as the numbers my colleague from Maryland offered tonight, takes a human toll not only on the families affected, as my colleague from Orange County, CA pointed out, but also upon what could be the creation of new jobs, the expansion of wealth, the preservation of small businesses.

That is why I am so pleased that my colleague, Mr. COX, has introduced his legislation. That is why I am honored, as the first Arizonan to serve on the House Committee on Ways and Means, where we have jurisdiction over these issues of taxation.

□ 2115

While I am so enthralled with the majority on that committee, the gentleman from Texas, Mr. ARCHER, and many others, who want to throw off the yoke of oppressive taxation to offer true compassion to the American people, not some formula for the radical redistribution of wealth that would tell the American public that Washington knows best, but a notion that people could truly put their families first and in so doing could provide for others through the virtues of our free market, that is the challenge that confronts us today.

From Fountain Hill to Sun Lakes to Flagstaff, I am hearing from constituents of all ages of their very genuine concern about the death tax, their very real reservations about our entire system of taxation, and a notion that, yes, some tax must be paid, of course, but why would we punish success? Why would we punish people who have taken risk, who have provided jobs, who have helped to build the economy? What is inherently selfish about that? For it is not greed; it is, instead, benevolence and true compassion through the free market to offer jobs.

While many in this Chamber may disagree, and if there is a major philo-

sophical divide in this 105th Congress amidst this era of good feelings and bipartisanship, it is of course the notion that our opponents believe, many of them, that a centralized government redistributing the wealth knows what is best. We say the contrary is true; that the American people, working families, since this tax extends now not to the super wealthy but to those of moderate means, who have worked all their lives, to, yes indeed, working families, by allowing those families to provide for themselves, by allowing the fruits of their labor to be invested, we will in fact continue to build this economy and continue to be the envy of the world.

So I am honored to be here. I certainly appreciate the efforts of my colleague from southern California, and I thank the gentleman from northern California, and my good friend, who makes, in essence, a half an hour or 45-minute commute from his district in Maryland, and we invite him out West to catch up on his reading from time to time and also visit with some of our constituents. I think we understand what is a truth which stretches from coast to coast and, indeed, to the 49th and 50th States of our Union as well.

Mr. EHRLICH. I thank the gentleman for his invitation, it is accepted.

Mr. HAYWORTH. Indeed.

Mr. EHRLICH. I wanted the gentleman from Arizona and my classmate, the gentleman from California, to respond to this question, but I will first direct it to the senior member of this group, the other gentleman from California, Mr. COX.

We have talked about the state of the law. We have not talked about how it got to be what it is. We talk about success, and the gentleman from Arizona and the gentleman from California were very eloquent, but when we think about it, risk is really at the bottom of success, because what do we do in a free society? We encourage folks, companies, individuals, sole proprietors to go out and risk sometimes their life savings to start a business, to expand their business. Within successful risk we have jobs and jobs creation.

I have a quote from Chairman Greenspan, who appeared before the House Committee on the Budget last week and in front of the Senate Committee on Banking, Housing and Urban Affairs in February. On capital gains this time. Think about these words: "I think it is a very poor tax for raising revenue." This is a quote. "And, indeed, its major impact, as best I can judge, is to impede entrepreneurial activity and capital formation. While all taxes impede economic growth to one extent or another, the capital gains tax, in my judgment, is at the far end of the scale."

Think about those words from the chairman. Think about what we know. Think about what the gentleman hears in Arizona, what the two gentlemen hear in California, what we hear every

day, what we have lived. And my question to Mr. COX is, how did we get to where we are? How did the gentleman, who has been a great leader on these issues, and others in this body have been great leaders on these issues, how did we fail to send the right message to the American people that we will no longer penalize risk in this free society?

Mr. COX of California. Like so many things, and I thank the gentleman for yielding, these taxes were born of good intentions. Like so many government programs, they started out as simple things and grew into complexity and, in fact, inefficient complexity, so much so that they fail utterly in achieving the intended purpose. Capital gains is a perfect example.

As recently as 1978, capital gains taxes were even higher than they are now. And in 1978 there was a bipartisan effort to reduce that rate of tax on capital gains. Because back then, in 1978, people knew if we called it capital gains, the country might not understand what we were talking about. They understood it for what it really was, a penalty tax on savings and investment.

On a bipartisan basis, I remember the gentleman from California, my Senator, Alan Cranston, my Democratic Senator, fought very hard to reduce that penalty tax on savings and investment because it was depriving people of the opportunity to work. It was killing jobs, to put it quite simply.

So we reduced the rate of tax in 1978 from a very punitive nearly 50 percent down to 28 percent. And the truth is that, although all the government revenue estimators predicted that we would lose money, because after all we made the rate of tax lower, the next year, what happened? The Treasury of the United States collected more money in so-called capital gains taxes, it is actually a penalty tax on savings and investment, than they had the year before. And the same thing happened the next year and the next year.

It was \$9 billion that the government got in 1978. They were getting \$11 billion from that tax at a lower rate of 28 percent in 1980.

Mr. KINGSTON. Would the gentleman yield for a question?

Mr. COX of California. Of course. Be happy to yield to my colleague.

Mr. KINGSTON. Would the revenue from capital gains taxes go up because there were more transactions, because people no longer hoarded their money but they went back into the marketplace and traded goods?

Mr. COX of California. That is precisely what happened. Capital gains realization, and we have the data on that as well as we do on revenues, skyrocketed. So what happened in 1981? We passed the Economic Recovery Tax Act and reduced that rate of tax still further, all the way down to 20 percent from an initial high rate of 48 percent.

And once again the government revenue estimators said if we reduce the rate of tax on capital gains of course

we will get less taxes. And they ignored 3 years of history when they said that. But we then found in 1981, 1982, 1983, 1984, 1985, all the way to 1986 that revenues went up and up and up, from that basic \$9 billion at the high rate of 48 percent, to \$50 billion at a rate of 20 percent.

And why did it stop in 1986? The gentleman asked how we got here from there. Because Congress decided this had been such a successful experiment moving the rates down, they wondered what would happen empirically if we raised them, and they raised the rate of tax on capital gains back up again. Revenues fell off to \$33 billion from \$50 billion in 1 year.

And as of now, as we debate here tonight, the Internal Revenue Service's most recent data are that we still have not got back up to the level of capital gains revenues to the Treasury of the United States that we had in 1986, 10 years later.

That is how we got there from here, with the best of intentions. And our Government revenue estimators, even now in 1997, are telling this Congress that if we reduce the rate of tax on capital gains, the Government will lose revenues. Where have we heard that before?

If we did not like all the empirical evidence from America, we could look at Mexico and other countries that have had this same experience and we could find that, as my colleague points out, there is more economic activity stimulated. When we have a more moderate rate of tax, the Treasury makes out better.

So if we are worried about education, the environment, transportation, national defense, national security, anything that we would expect our national Government to do, we would have more resources to do it by plucking the goose more gently. But these punitive high rates of tax on savings and investment are killing the country, killing job creation.

Ultimately, the rich do not pay because the rich have salted away enough already. The people that pay are the ones who pay with their jobs. If we have a death tax that literally causes the business, their place of employment to be busted up, of course they lose their jobs. Of course they pay a 100-percent rate of tax. Of course they are the ones bearing the entire burden on their shoulders.

I wanted to make one more point and yield back. We have talked about how we are punishing success with the death tax. We are also not just punishing people of modest means, we are punishing people who can barely scrape by, because there is nothing in the death tax that says you have to be making money.

What the death tax says is even though individuals paid property taxes on their assets throughout the lifetime of their business, year in and year out, even though they paid income taxes, we do not care if they have any net in-

come in this business, we will take a look at their balance sheet and see what assets they have, and we will force them to liquidate them and pay taxes on their net asset value.

So let us say that an individual is, as farmers like to call themselves often, cash poor and land rich. The only way an individual could have any money is to sell off the whole farm. That is what the Government wants them to do. That is what they want that family to do. They want the family farm to suffer. Bust it up, sell it, corporatize it, get rid of it, as long as the Government gets its death taxes.

The only people that are unlucky enough to be in this position are the folks who are cash poor because they could not hire the tax lawyers, the fancy accountants to do the tax avoidance trusts that all the rich do to avoid paying this tax, which is why less than 1 percent of our Federal revenues come from this.

Even then this is the most inefficient way that the Government could imagine to collect tax because, guess what? We do not know what this is worth. We do not know what the property is worth. If it has been a family business for a long time, they have not been selling it back and forth, it is not a marketable asset. And if they are busting up the business, it is no longer a going concern, so what is this asset worth all by itself?

So the family, the heirs, the people who are trying to carry on that business, but cannot, have to get in a lawsuit with the IRS. And how often does this happen? Right now, as we debate here tonight, there are 10,000 active lawsuits over the question of valuing the estate under the death tax. That eats up all the money that the Federal Government might have gotten out of it because we have to argue for years in court about what the thing is worth.

It is a hideous example of government run amok. Perhaps with the best of intentions it was put on the books in the first place, but it does not work and the death tax deserves to die.

Mr. EHRLICH. I thank the gentleman for the history lesson. I appreciate it very much. I think we all do.

Only in this town do people think that when we raise taxes we generate additional revenue. It just does not work that way, and the gentleman's numbers speak for themselves. History, the empirical evidence, speaks for itself.

We have been joined by our friend, the gentleman from Georgia, Mr. KINGSTON, who I know is over there chomping at the bit as well. I welcome him to our discussion here tonight.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding. I wanted to talk about three people who I know to be constituents and I have changed their names only.

One is a man who worked hard all his life and had a good income, was not wealthy, he made about \$40,000 a year his last couple of years. That was the

peak of his income. He saved his money all his life, buying Exxon stock or IBM, the blue chip stuff in the 1960's and the 1970's. Now that stock has tripled in value and he has accumulated assets and he cannot sell it for a medical emergency or long-term care in his retirement now because of the huge capital gains tax.

Another person. A widow. Lives out on Whitmarsh Island. I represent the coast of Georgia. Whitmarsh Island is a beautiful barrier island. Actually, it is not a barrier island, but it is an island. Waterfront property. The woman bought the land with her husband in the 1960's, and in the 1960's this property, which is 2 or 3 acres, was worth \$25,000. Today that same piece of property is worth \$500,000. Husband is dead. She is now a widow. She is on a fixed income and she has a fixed income of about \$15,000 a year.

If she sells the property to raise money for long-term care, she is taxed at the \$500,000 tax bracket or whatever she can get for the property. Again, she would be helped by a capital gains tax relief.

□ 2130

Another one, a young person, somebody who is about 38 years old, bought some land in a commercial-residential mix area, an area that was going commercial. It was a house. He paid \$35,000 for it 10 years ago. Today that land is worth about \$50,000. So he would have a gain of about \$15,000. Revco came in, the drug store, and offered to buy that land from him. He did the math on it and found out that after paying the capital gains on it, he would not have made any money off it after holding it for 10 years. So he says to Revco, "No, I don't choose to sell." What does Revco do? They move elsewhere. That is two or three jobs right there in his neighborhood that would have been created, that needed to be created, that could not be created because the capital gains tax said no deal.

The tax system is slowing down the economy, slowing up potential for growth, and penalizing our elderly. Those are 3 real life examples that I know of.

Mr. EHRLICH. I thank the gentleman from Georgia. I think it is very important that we in these discussions talk about real people in real life in real situations facing real problems because of the real burden we place on people in this town.

Speaking of real small business people, I know the gentleman from California [Mr. RADANOVICH] recently married, and we all congratulate the gentleman, our good friend. He has a real life story of his own.

Mr. RADANOVICH. My appreciation to the gentleman from Maryland and my wife in the gallery says to say hello.

Mr. Speaker, the comment that I did want to make is that, first, in reference to starting business and what you had eloquently said earlier about

the fact that those who take the risk should get the reward.

One of the things I find very, very interesting in having taken a certain amount of risk on my own in the private sector is that there are a lot of people that are there that want a piece of that that may not have taken that certain element of risk and it is very, very important to understand that that is part of the reward from stepping out and doing something that might be out of the norm, in creating wealth or in any venture. Those who take the risk deserve the reward. They should not be redistributed.

The final point that I want to make, unfortunately I have to leave the Chamber, it is when government begins to get too big, when it becomes too large in the great scheme of things in America, when it begins to assume too many responsibilities from the American people, when it becomes activist in social issues and begins to get involved in social engineering, you do have to dream up quite a few different ways to raise revenue. What might be the norm, and how to levy taxes on, say, sales tax or income tax, which has even been accepted as the norm these days, you can go the extreme on issues such as capital gains and estate taxes. It is because I believe that government has gotten far too involved in social issues that they have gone so far as to levy taxes in areas where the Constitution never meant them to be in the first place.

Again, it is not the responsibility, I think, of the Federal Government to be enhancing the social network or to be getting involved in social activism. I would read in the Good Book that there is a story in the Bible that talked about the man who gave equal amounts of money to three different people and he punished the one who hoarded the money. It is the responsibility of Americans, I think, with the money that they have been blessed to be able to earn, to regenerate that, to create jobs with it, to reinvest it in their community, to create jobs for many, many people. It is not up to the Government to take that money away and penalize that person for their own initiative and somehow be responsible for that moral obligation of creating wealth and providing jobs in the community of Mariposa or Timonium or in Tempe or in some of those other areas. It is not Government's responsibility to be doing that. It is the individual wealth creator's responsibility to be doing that. Again, it is just another example of somehow, somewhere through the process of government getting way too big and getting involved in way too many things that they have dreamt up this idea that they should social engineer this country and, oh, by the way they are going to impose a death tax and they are going to impose a capital gains tax to fund this thing and, by the way, is the social fabric of this country any better over the last 30, 40, 50 years? I say no, absolutely not. Not only have

they decided to get into the business of social activism by imposing taxes of such an abnormal nature as these, they have made things worse and they have done a poorer job of it.

I think that is sum and total what we face when we are in Washington, us being freshmen and having the privilege of being here with the gentleman from California [Mr. COX] and the gentleman from Georgia [Mr. KINGSTON], is that we have the ability now to change something like that. But somebody has to understand whose responsibility is it to create wealth in this country, whose responsibility is it to create jobs, and that is something that is a moral imperative that should not be the responsibility of the Government.

Mr. EHRlich. Well put. I thank our colleague from California.

The gentleman from Arizona earlier used the phrase that folks, quote, want us to throw off the yoke of oppressive taxation.

My inquiry to my good friend is, is there anybody in Arizona who thinks they could do better with a few more bucks in their pocket, who believes that a cut in the capital gains rate, or elimination of capital gains differential in this country, will result in an awful lot more economic freedom and capital formation and jobs and wealth creation?

Mr. HAYWORTH. I thank the gentleman for yielding. To answer his question, what I hear from people of various political persuasions, indeed if we return briefly to the political season, one of the areas of discussion was the notion of helping working families. As our colleague from southern California has pointed out, as our colleague the gentleman from Georgia has recounted with real-life experiences, as I hear in town hall meeting after town hall meeting, there is an insistence, not born of greed but of genuine compassion and old-fashioned Yankee ingenuity, that people want to hang on to more of their money to save, spend and invest as they see fit on their families, not rejecting the notion of compassion but to truly be compassionate. And so what I hear, to answer my colleague's question, is widespread interest in changing, repealing as my colleague from southern California says, death to the death tax, and rethinking and reducing the capital gains taxes.

Indeed, we might point out, Mr. Speaker, for some of the American people who join us here, as my colleagues from Maryland, California, and Georgia have been talking tonight, just a brief lapse into previous terminology. When we talk about the death tax, it is truth in labeling, because under the current scheme, in the current lexicon, people talk about estate taxes as if this were some sort of palatial gains. It does not tell us the truth. It is a tax literally upon people who die, there is a penalty for dying, and my colleague from California pointed it out.

I just wonder, Mr. Speaker, if we should also come up with a new term

for the capital gains tax. As my colleague from Maryland pointed out, since people want to see a reduction in those rates, should we then rename that the success tax, because you are taxing and penalizing success.

Mr. COX of California. You might have to call a significant part of it the inflation tax because, just like with death taxes, there is no rule that says you have to be successful in order to have to pay it. The capital gains tax, or what I prefer to call the penalty tax on savings and investment, might also be called the inflation tax because, as we all know, we have inflation in this country and over time it adds up a great bit.

If you buy a piece of land, you buy an asset, you start a small business, just to use an obvious example of a corner grocery store, although we do not have too many of those, partly for this reason, in America, but let us say you have got a corner grocery store. And so you buy the store. The Tax Code says that is a capital asset. If you paid \$10,000 for it 20 years ago, with inflation, what is that worth today?

I do not have my calculator, but anyone can figure out it is not 10 grand anymore. If you sell the grocery store for less money than you paid for it in the first place, the nominal selling price, because of inflation, is going to be more than you paid for it and you are going to be taxed on the difference. So even though in real life you lost money, you are not a rich person, they are going to start requiring you to pay tax on that sales price.

The truth is that because we have not indexed for inflation a property tax, you do not have to make money, you can be losing money and still owe a significant tax. It can be a tax that wipes out any hope that you have of even surviving, particularly if that was your life savings, particularly if that is your only asset in life. To take someone's entire life earnings, their entire life's work and tax it all in one accounting period as if it is just income from a job, particularly when they paid income tax on it all through their life, is not only double taxation but it is punitive and it is an inflation tax. QED.

Mr. KINGSTON. If the gentleman will yield, there is also certainly class envy in this to some degree that we do have certain politicians playing on class envy because they can get re-elected easier if they stir up income groups against other income groups. Nowadays it just seems to be horrible to be successful.

For example, in Atlanta we have CNN. Ted Turner brought it in. If we have a capital gains tax reduction, will Ted Turner make out? Yes, he will, and I do not think it is a virtue for me to bash him for that. Is CNN good for Atlanta? Yes. Has Ted Turner brought lots and lots of jobs to Georgia? He certainly has. Has he taken lots of risk? Yes, he has. For that he has been rewarded through the accumulation of personal wealth, and I do not think because of that that I need to sit back

and say, well, let us tax him more because he has been successful.

I was talking to a group of people one time, I said, "When you die, should your house be cut in half and part of it go to the Government? If you have two cars, for example, should one go to your children and the other one go to Uncle Sam?" They said certainly not. I said, "You realize," and maybe the gentleman could correct me if I am wrong, but I believe the threshold is \$3 million, "if you have an estate of \$3 million, the tax rate becomes 53 percent, I believe, or thereabouts."

Mr. COX of California. Fifty-five percent, actually.

Mr. KINGSTON. OK, 55 percent. So if you have an estate of \$3 million, when you die Uncle Sam is going to get half of it. Not your children, not your grandchildren, not your friends, not a charity, but Uncle Sam. You talk to people about that, they do not realize that, because most of us will not accumulate \$3 million, unfortunately. But still, just because they have been successful, they have to have a 55 percent tax rate when they die.

Mr. COX of California. If the gentleman will yield, it is very important to stress this point. It is the one that my colleague from Arizona just made a moment ago. This is not a tax on estates as in mansions or what have you.

Imagine, for example, a real-life example of a tree farm. Let us imagine that the land that underlies the tree farm is worth \$3 million. But let us imagine that this tree farm, as it currently exists, has been very carefully husbanded by, as is true in this case of the Mississippi tree farmer, the grandson of slaves, who has gotten not only his family but a whole lot of the people in the area employed there.

And then let us imagine that this man is getting on in his years, and he is beside himself because he cannot think of any fancy estate planning technique that will keep that tree farm alive. When he dies, he is looking death in the eyes now because he is on in years, he knows that his family, his sons and what he considers to be his extended family, the people who work on that farm, are going to lose their opportunity to run it, the thing that he built up throughout his life, because they are going to have to liquidate it, sell it, put it on the auction block in order to pay the tax man, and there will be no more tree farm.

Do you know what is going to happen to that land? It is going to be developed. It is going to be subdivided, it is going to be purchased by somebody who is going to put houses on it, a shopping center, a strip mall or whatever it takes commercially to take advantage of the fact that after capital gains taxes, after death taxes and so on, this has some economic viability. So somebody who buys this property is going to want to make money on it, because that is life, and we now have, with death taxes, an additional casualty.

□ 2145

Not just Mr. Thigpen, the name of the man in this real life example, and his family and the people who work there who pay 100 percent tax when they lose their jobs, not just the loss to society of this tree farm, which has won environmental awards, not just the fact that the whole business is going to be wiped out, not just the unfairness of it all, but environmental destruction on top of it, improper stewardship of our natural resources, because the Government is so ham fisted and foolish about the way it collects revenue.

Mr. EHRLICH. Mr. Speaker, the gentleman from Georgia brings up a really interesting point which was really part of our earlier discussions concerning how we got here, how we got to where we punish people who go out and take risks and accumulate capital and create jobs. And the gentleman talked about class jealousy, class warfare, and is it not true that unfortunately in American politics today class warfare, successfully argued, leads to votes? Is that not a proven formula? Is that not unfortunate? Is that not an unfortunate comment about the state of debate in our country today when it comes to what should be relatively—and I understand the gentleman from Arizona talked about earlier there are philosophical differences, legitimate philosophical differences, on the other side, but the fact is and the evidence, as the gentleman from California has articulated tonight, the evidence is such that decreasing taxes, ceasing the punishment of success results in economic growth, but not necessarily votes.

Mr. COX of California. If I might just interject, one of the reasons you see some Californians out here on the floor is that California repealed our death tax by the initiative of the people, and every time you hear somebody say class warfare, you know only some small segment of the population will go for repealing death taxes, do not believe it. The most populous State in the Union repealed our death taxes by an initiative of the people, and we can do it in the people's House.

Mr. KINGSTON. If the gentleman will yield, you know what this is about, as Mr. COX just said, this is not about protecting the assets of wealthy families so that when the oldest person or whoever dies that it can be passed on and then the rich can remain rich. This is about economic prosperity, creating an American dream that is accessible for everybody where the unemployed can get a job, get on the economic ladder and go out and share in the American dream through upward mobility. We are talking about a tax system not to protect the rich but to create opportunities for everyone so that the American dream is accessible.

Mr. EHRLICH. I thank the gentleman from Georgia.

The last word goes to my colleague from Arizona.

Mr. HAYWORTH. I thank my colleague from Maryland for organizing this special order this evening, Mr. Speaker. I would simply point out another real life example that reaffirms the fact that this even affects working families.

Once on national television, on C-SPAN I, one morning one of my constituents called in discussing his situation in Pinetop/Lakeside, the fact that he was a working man, and as my colleague from California pointed out, because of inflation involving some of his land holdings, land that he had invested in, pinching pennies, if you will, trying to take care of his family and also provide for them. When he chose to sell that land, he was penalized; he remained in essence cash poor. That is the unfairness of the success and inflation tax otherwise known as the capital gains tax.

I thank my colleague from California for giving us a real life example of what happens when a group of people say death to the death tax. It can provide new economic life and vitality for scores of Americans. It offers true compassion not through the radical redistribution of wealth, executed by Washington bureaucrats, but through the drive, energy, tenacity, and ingenuity of the American people who are willing to save, spend, and invest in their own families, give of their own hearts to charity and in essence help provide for the next generation.

Mr. EHRLICH. Mr. Speaker, I thank all my colleagues.

TIME TO END CORPORATE WELFARE AS WE KNOW IT

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

Mr. OWENS. Mr. Speaker, it is time to end corporate welfare as we know it, and many of the kinds of tax cuts we are talking about before for individuals, certainly the capital gains tax on homes, would be eliminated or could be eliminated if we were to go after our Tax Code and make the necessary adjustments and close the loopholes and end corporate welfare. It is time to end corporate welfare as we know it. Great injustices have been done over the past 2 years as we have sought to cut back on expenditures. We have gone after the poor, we have used a microscope and focused it on the weakest and poorest of Americans.

A great injustice has been done in the welfare cuts. It is estimated that as many as 2 million children will go hungry as a result of welfare cuts. A great injustice has been done in the immigration reform. The cuts that take place as a result of immigration reform are elderly people who are not citizens, who in large numbers will end up going hungry, and some will starve, you know. And now we have a situation where we place a microscope on the poor who receive Social Security and

other groups that receive a cost of living index increase from year to year, but mostly it is people on Social Security.

A lot of us worry about tampering with Social Security. Yes, they are tampering with Social Security, they have already tampered with it when they made a great cut and took away the entitlement for Aid to Families with Dependent Children. That is part of the Social Security Act.

Now the CPI discussion, the discussion about how to change or tamper with, sabotage, the Consumer Price Index is another method, another tool, for oppressing the poorest and the weakest people in our society. The microscope is now on the poor people who receive cost of living increases. Most of those people are on Social Security.

So instead of doing that, you know, why do not we go after the really big money? Instead of squeezing the little people, you know the cuts in welfare produced small amounts of money because you were dealing with 1 percent of the total Federal budget. If you go after corporate welfare cuts, you are dealing with the really big money. The big money is in corporate welfare. The big money is in the Tax Code, the tax giveaways, and today I am going to talk about the big money is there because the Internal Revenue Service refuses to enforce the Tax Code properly.

Mr. Speaker, their refusal to enforce the Tax Code properly wastes large amounts of money. We can get as much as \$70 billion in this present year if they would just enforce the Tax Code properly. We can realize a \$70 billion windfall as a result of enforcing the Tax Code properly. That 70 billion or more, I am going to talk about that in a minute.

I wanted to emphasize two important dates. One date is March 12, tomorrow, Wednesday, when the progressive caucus will launch the war against corporate welfare. We are being joined by members of the Black Caucus. There are a number of other Members that do not belong to any caucus. We are being joined in launching a full-scale war against corporate welfare. That is going to take place tomorrow with a press conference to start the process where we will list 15 items, 15 corporate welfare items, items where large amounts of money will be generated.

Now, we are doing this under the aegis of the Progressive Caucus, but we are happy to announce and would like to call the attention to everybody that the chairman of the Committee on the Budget, Mr. KASICH, is also waging his own small-scale war on corporate welfare. At least he is using the right language, but he does not want a real war; he wants a few brush fights. We want to go further and lay it out for the American people: Yes, your taxes ought to be cut.

I agree with the substance of what the gentlemen were saying before. We ought to cut taxes for ordinary individ-

uals, we ought to cut taxes for families. The problem is that the swindle comes when you have had over the last 20 years a tremendous increase in the taxes on families and individuals while corporate taxes have gone way down. Corporate taxes were almost at 40 percent at one time while individual taxes were 27 percent. Now corporate taxes are down to the level of about 11 percent, and individual taxes and individual family taxes are up at 44 percent.

So one of the days that we want you to watch is tomorrow when we launch the war against corporate welfare, and we will lay out the details as to where you can get billions of dollars from the loopholes that will be closed and the various other programs that will be eliminated that constitute corporate welfare.

We are going to add to that, and part of that list is a step to enforce the Tax Code that exists now which does not require any legislation.

The other day I want you to remember, and you cannot forget it, is April 15. April 15 is the deadline for filing income tax returns. Nobody forgets that. Most Americans, vast number of Americans, the great majority, obey the Tax Code. We have more tax compliance in this country than we have in most other industrialized nations.

Americans obey the Tax Code; they respect the law. Individuals and families respect the law, and they obey the Tax Code.

On the surface corporations obey the Tax Code, but if you look closely, there are some instances where not only are the corporations not obeying the Tax Code, the Tax Code that already exists, but they are also not being bothered by the IRS.

The Internal Revenue Service is not seeking to enforce the Tax Code. We are going to talk about that.

Why is the focus always on the poor and extracting more from the poor, and we never seem to see the obvious, and that is that great amounts of money are being wasted in the Tax Code. Great amount of moneys are not being collected. We are giving a free ride to corporations.

Now I have sent out, and this is complicated. I intend to take it slow and submit for the RECORD, for those who are interested, a number of documents that will help you if you want to find out what the background is all about. I have sent a letter to my colleagues asking all of my colleagues who are interested to sign this letter to the Internal Revenue Commissioner. We have sent out a letter to the Honorable Margaret Milner Richardson, and we are going to send a letter out as soon as we get some additional signatures, and this letter is just saying Dear Commissioner Richardson, please enforce the law; please read the Tax Code and enforce the law. There is a simple section of the Tax Code, Sections 531 to 537 of the Internal Revenue Code, which deals with violations related to unreasonable accumulation of surplus, and that is

the part we want you to enforce, and if you enforce that, we will realize a minimum of \$70 billion in this year because we are talking about the law not being enforced for the past 3 years.

If you go back and look at the failure to enforce the law, you will find that a number of corporations have violated in large numbers, and if you apply a penalty, and it is a pretty stiff penalty, the penalty is 39.6 percent. That is a penalty. If you apply the penalty for the people who have violated it, it will generate a windfall of \$70 billion.

This is a letter to my colleagues asking them to sign on, and I hope that those who are listening will take a look at the letter to Commissioner Richardson and will sign the letter.

Needless to say, we are preparing detailed proposals for the expenditure of this windfall of revenues resulting from enforcement of the law and the collection of the penalties. We want to deal with this year's budget in the process of balancing off expenditures against revenue.

The progressives and liberals have not dealt with revenue in a proper fashion over the last 50 years. We have always been concerned with how will the Government take care of the needs of the people in terms of expenditures. We have not looked enough at how the revenue side works, where the taxes are coming from and what the injustices are there.

The pattern I have described repeatedly here is that over the years because of the fact the progressives and liberals and people who care about the majority of Americans have not looked at the tax side, they have swindled us by steadily reducing the tax burden of corporations while they steadily raise the burden on individuals.

So I want to call this letter to your attention, and for those who are interested I want to submit it in its entirety. Mr. Speaker, I want to submit 2 items for the RECORD. One is a Dear Colleague letter to my colleagues in the Congress asking them to join me in this communication with the Tax Commissioner, and the other is the letter, the actual text of the letter to Internal Revenue Service Commissioner Margaret Milner Richardson.

Now this is part of the opening war against the war that will begin tomorrow against corporate welfare. Mr. Speaker, I submit in its entirety for the RECORD, these two documents:

FEBRUARY 12, 1997.

DEAR COLLEAGUE: I am writing to request your support and signature for a letter to the Commissioner of the Internal Revenue Service which may immediately generate more than 70 billion dollars in revenue. No legislation is required. No new rule-making is required. This effort only requires the Department of Internal Revenue to enforce existing law.

Please read the attached letter. In summary, it contends that many corporations have been acting in violation of the law. Since these corporations have been purchasing large quantities of their own stock, they have been acting in violation of the "unreasonable-accumulation-of-surplus" provisions

of sections 531-537 of the Internal Revenue Code. At present these violations are accelerating.

Please read the attached letter thoroughly. Within five days we will be forwarding it to the Internal Revenue Commissioner and we need your signature. To offer your support please call Kenya Reid or Jack Seder at (202) 225-6231.

Needless to say, we are preparing detailed proposals for the expenditure of the windfall revenues resulting from an enforcement of the law and a collection of the penalties. Probably we will propose that one half of all such penalty revenues collected should be used to reduce the deficit. The remaining half should be used for one-time capital expenditures for education, job training and job producing work projects.

A clearly enunciated, innovative but practical tax and revenue policy is a long overdue need for Progressives, Liberals and all others who represent the Caring Majority in America. Before the completion of the budget and appropriations process we must enunciate such a policy. While a wise, compassionate and practical spending program must remain a priority, we must elevate our advocacy of tax and revenue measures to the same priority level.

At the center of the Caring Majority's policy must be the commitment to significantly reduce taxes for middle and low-income families and individuals in America. To offset such reductions in the overall income tax revenues we must increase income taxes paid by corporations.

It must be noted that the overwhelming reliance on income taxes is a subject that deserves thorough discussion. It is time to examine more closely the possible revenues that might be derived from selling and/or leasing the spectrum which is owned by all Americans. Greater revenues from the sale and/or lease of other citizen owned property must also be on the agenda of prospective sources. A "value added" or some similar big ticket item consumer tax must not be ruled out.

These are all tax and revenue considerations to be discussed over the next few weeks. The business at hand now is the enforcement of the present tax code. This should be the core of our 105th Congress budget and appropriations program. I look forward to hearing from you.

Sincerely Yours,

MAJOR R. OWENS,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 1997.

Hon. MARGARET MILNER RICHARDSON,
Commissioner, Internal Revenue Service,
Washington, DC.

DEAR COMMISSIONER RICHARDSON: My colleagues in Congress who have joined me in signing this letter are very much concerned about a major loss of federal tax revenue resulting from the failure of the Internal Revenue Service to apply against giant corporations the unreasonable-accumulation-of-surplus provisions of sections 531-537 of the Internal Revenue Code.

We believe that the IRS could—and should—immediately assess section 531 penalties on the more than \$275 billion that America's largest corporations have spent to buy their own stock in 1994, 1995, and 1996. These penalties at 39.6% would total over 100 billion dollars. Stock buybacks by America's great public corporations are all the rage these days, according to the financial media. Total buybacks by corporations are reported to have risen from \$20-35 billion per year in 1990-93 to \$70 billion in 1994, just under \$100 billion in 1995 and probably over \$110 billion in 1996.

These enormous buybacks demonstrate clearly that America's largest corporations are accumulating profits and earned surplus far beyond the reasonable needs of their businesses, and in virtually every case they are paying dividends that are a very small fraction of their earnings, often less than 20%. For example, in the two years 1955-56, IBM earned about \$9 billion, or \$21.00 plus per share. Of this amount, it paid out common dividends of only about \$1.4 billion (2.80 per share). All of the rest—and then some—went to buy its own stock * * * \$5.5 billion in 1995 (\$4.6 billion common and \$870 million Preferred) and \$2.3 billion in the first half of 1996, with the two-year total probably \$10-11 billion. (True, IBM has a multi-billion capital spending program, but this is much more than on amply covered by its huge additional cash flow of \$10-12 billion for the two years, from sale of capital assets and from items that are deducted on the earnings statement but do not involve cash outlays, principally depreciation, amortization and deferral of income taxes.)

We ask you this. Is there not here, and in dozens of similar cases, a clear cut case for immediate assessment of the 39.6% penalty on all amounts used for stock buybacks? Is there any need to get into an elaborate discussion of reasonable needs of the business as envisioned by sections 533 and 537?

To be specific:

(1) These corporations are paying very small dividends, amounting to a small fraction of their earnings.

(2) Therefore, since prima facie the surplus they have used to buy their own stock has been accumulated beyond the reasonable needs of the business, the 39.6% penalty should be assessed. Our study of earnings statements, cash flow statements, and balance sheets leads us to conclude that in many cases the 39.6% penalty might reasonably be applied to even larger amounts than the stock buyback amounts. But that would trigger an extended discussion of needs of the business and other considerations.

It seems to us that our suggestion has the virtue of elegant simplicity: "You spent a billion dollars on stock buybacks. Your penalty is 39.6% or \$396 million." We suspect that the Commissioner could do this in a one-page notice * * * or two pages at most.

We suggest penalties for 1994-96 because it was during this period that public company stock buybacks exploded to 12-figure totals. In addition, we are not clear as to whether the statute of limitations would bar these penalties for 1993 and earlier years. Even if it does, we suspect that many 1993-and-earlier corporate returns are still open while other issues are being discussed and negotiated. In this connection, we ask you to take note of the fact that, while the dramatic surge in stock buybacks began in late 1994, some very large amounts were spent many years earlier.

Several giant corporations have been buying back their stock for ten years or more.

As you know, the unreasonable-accumulation-of-surplus penalty provisions have been in the income tax law since it was adopted in 1913. Despite the fact that the statute as originally enacted (and re-enacted a couple of dozen times in successive revenue acts) made absolutely no distinction between publicly-owned and private companies, the practice and the general understanding was otherwise. As Mr. Justice Harlan put it in 1969, quoting (or paraphrasing) Bittker and Eustice, "In practice, the provisions are applied only to closely-held corporations, controlled by relatively few shareholders." (U.S. v. Donruss, 393 U.S. 297).

However, this de facto moratorium on application to public companies ended abruptly in 1985. Congress in the Revenue Act of 1984

amended the statute by adding section 532(c), "The application of this part to a corporation shall be determined without regard to the number of shareholders of such corporation."

Please understand, Commissioner, that this is a simple request from elected representatives of the American people that your office immediately take steps to enforce the law.

We look forward to an early response from the Internal Revenue Service.

Sincerely Yours,

MAJOR R. OWENS,
Member of Congress.

□ 2200

Mr. Speaker, I am one of those who is not ashamed to be called a liberal. In fact, I am proud of it. I am a liberal, I am progressive, all of those kinds of things that people seem to shrink away from. Our group has not disappeared. Contrary to rumor and some of the talking heads on TV, we are alive and well and there are more of us than some people think.

We really represent the majority of Americans. If you care about people, if you want to see the wealth of America distributed in a way that benefits all Americans, if you want to see our society hold together, the society, if it holds together, will protect everybody, and the people that have the most to gain from a society that holds together are the rich. The rich have the most to lose if our society breaks apart as a result of extremism and rampant injustice.

What is happening now in Albania, the society is about to fall apart because the government did not regulate the capitalists. It is as clear as that. The Communists had been ruling in Albania for all of those years, and finally the poor people of Albania had a break, they had democracy, they had capitalism, and they allowed swindlers to come in with pyramid schemes that probably most Americans would clearly understand. But these people were new to capitalism, and the new pennies they had, they put them into pyramid schemes. And they were swindled to the point where we had a revolution break out, a violent upheaval break out in Albania.

So it is to the benefit of everybody that the society hold together and, therefore, a just system of taxation is very important for that to happen.

The Soviet Union's economy is collapsing because nobody wants to obey the Tax Code. When the big corporations stop paying and they cannot collect from them, we have chaos. So if they cannot pay the Social Security, equivalent of Social Security in the Soviet Union, pensions, they cannot pay it, they cannot pay government workers.

Mr. Speaker, the head of the Soviet Nuclear Science Development recently committed suicide because this man who headed a very prestigious organization, guided his country into the pinnacles of nuclear war weaponry, was a person with great status among other scientists with great status, found himself in a position where he could not

get his scientists paid, his technicians; the whole establishment could not get paid. They were behind many months in pay and they were promised that they would be paid. And when the paycheck finally arrived, it was 1 month only. He took out a gun and blew out his brains. It is that bad in the Soviet Union.

When you have a complete collapse of a society because there is no respect for the Tax Code, no respect for the tax laws, that is what happens. There is a great danger, if you let any segment of the society ignore the tax laws, there is a great danger that you will get into a situation where you cannot enforce any of them. The little guys, the people out there who would be rushing to pay their taxes on April 15 or before April 15 obeying the law would not like to see the situation mushroom that I am going to talk about tonight, and that is a part of the Tax Code is being totally ignored and no effort is being made to enforce it.

Mr. Speaker, we are calling on the Commissioner of the Internal Revenue Service to enforce the law. We do not need legislation, we do not need any hearings, just enforce the law that already exists.

It is not true, it is a bum rap that liberals have a one-track mind. We are accused of wanting only for the Government to spend more. We want to end waste, we want to trim the budget, we want to streamline government, we want the most efficient and the most effective government.

I am profoundly troubled by our huge deficits and the fact that, although they have declined in the last few years, it looks as though they will start growing again in the next century. What kind of national debt will we leave to our grandchildren? We hear a lot of talk about this from the other side of the aisle, but we are all concerned. Some wild guesses from the right are that we will leave a \$6 trillion or maybe even a \$10 trillion debt. When these people talk about leaving this debt, they do not talk about excesses of the kind that we have experienced over the last 2 years where \$13 billion was added to the Department of Defense budget, \$13 billion more than the President had requested.

I think the President had requested too much. The cold war is over, but we are still spending at an enormously high rate for our defense. We still have the same size operations for the CIA. The CIA budget has not been reduced. It is a secret budget, of course, so I cannot stand here and say that I definitely know that to be a fact. The budget is still secret, which is one more indication of how backward we are. The cold war is over, but the CIA budget remains secret.

We have evidence cropping up all the time, evidence being revealed that there is a great deal of waste at the CIA. The people that are being paid to spy are selling the secrets of the people they are spying on. And as a result, not

only are we wasting money, but people are dying. Lives are being lost as a result of our inefficient, ineffective CIA that will not even reveal its budget to us.

So we want to end the waste. Liberals want to end the waste. Progressives want to end the waste. We need the money in Brownsville, a part of my district that is the poorest district, we need the money in Flatbush, we need the money in Flatbush, we need the money back in the district to rebuild schools. We need the money in 1,000 different ways which will benefit the society far more than pouring it down the drain through corporate welfare and unnecessary expenditures for the CIA and for the Department of Defense.

Mr. Speaker, I am disturbed and troubled by this, and so are many more of my fellow liberals in Congress and elsewhere. But something else that disturbs me and troubles me is the view that the entire burden of balancing the budget should be borne by children whose parents happen to be drawing welfare checks. I am pleased and delighted to hear my colleague, the gentleman from Ohio [Mr. KASICH], tell us again and again that, if we are going to cut back on aid to dependent children, we should go after corporate welfare too.

I congratulate Mr. KASICH, the Republican chairman of the Committee on the Budget. That takes a lot of guts. He is willing to at least fight a brush war with the corporate welfare people. That is a beginning. With his powerful voice, we hope that he will continue to forge forward and begin to listen to what we have to say to him as we launch our war against corporate welfare from the level of the Progressive Caucus and the Black Caucus and others who want to finally see some justice take place in our revenue system.

In fact, corporate welfare costs the taxpayers much, much more than personal welfare. If we add together the amount the Government spends for various corporate subsidies and the amounts of revenue that the Government loses through all kinds of varieties of tax breaks and loopholes for business, the total of corporate welfare takes a much larger part of the Federal budget than income support for the very small, those people who are under 65 and who need it.

Also, we might add to that the people who are going to suffer as a result of Medicare cuts and Medicaid cuts. If you have the CPI, if you bring in changes to the Consumer Price Index, which eliminates or reduces the cost-of-living increase, the COLA, for the elderly, we are making them suffer unnecessarily, and the amount of money that is involved there is far less than the amount of money that is going to waste via corporate welfare.

Mr. Speaker, I am deeply concerned about how much corporate welfare is costing the taxpayer. I will be joining with the other 56 Members of the House progressive caucus tomorrow, as I said

before, March 12. I will be joining with them to present a plan for eliminating, or at least cutting back, 10 of the most egregious and outrageous budget-busting corporate welfare programs. I think we raised that number to about 15. We are going to add a few items, about 15 items that are budget-busting corporate welfare programs that we will describe. We will lay out a plan for reducing them tomorrow at the progressive caucus press conference to launch our war against corporate welfare.

Our caucus has been researching and putting together a program to cut back on corporate welfare and save the taxpayers billions of dollars in 1 year and over \$250 billion to \$300 billion in 5 years. I am proud to say that we have now added to our program, as I said, my own corporate welfare measure that would save the taxpayers maybe \$60 billion to \$70 billion in the first year of savings. Within that amount, it will be \$60 billion to \$70 billion of that total, and over the total program it will save far more, twice as much as that.

One of the most flagrant examples of corporate welfare results from a failure of the Internal Revenue Service, as I said before, to enforce a provision of the corporate income tax law that is already on the books. It does not take a new bill in Congress or a new law. All it takes is for the IRS to obey the mandate of the present law.

By the way, I am not talking about something that is new in the present law or was recently added to the present law. This is a provision that was adopted in 1913. It was adopted in 1913 as an integral part of the basic income tax law. I am saying that the taxpayers have lost over \$60 billion through its failure to enforce the law. This is over the past 3 years. It should assess at least that amount against dozens of large corporations right now in 1997.

The corporate income tax law mandates a very heavy tax penalty on corporations that let their profits pile up far beyond the reasonable needs of their businesses instead of paying dividends to their stockholders or owners. The law mandates a penalty of 39.6 percent of the amount involved. That is the same as the top personal income tax rate on those with incomes well over \$100,000.

This is a very stiff penalty, 39.6 percent. That is how you will realize a great amount of money if that penalty is invoked. If it is utilized, that weapon of the Internal Revenue Service is applied, if the corporations are forced to obey the law, we are going to have those kinds of payments coming due.

Let me just read that again: The corporate income tax law mandates a very heavy tax penalty on corporations that let their profits pile up far beyond the reasonable needs of their businesses instead of paying dividends to their stockholders or owners. The law mandates a penalty of 39.6 percent of the amount involved. That is the same as

the top personal income tax rate on those with incomes well over \$100,000.

Hundreds of corporations have adopted the practice of letting their profits accumulate, and then, instead of paying dividends, as they should, using the accumulated millions or tens of millions, or in some cases billions, to buy back their own stocks on the New York Stock Exchange or the over-the-counter market.

The amounts involved are in the billions of dollars, in fact probably at least \$300 billion in the 3 years, 1994, 1995, and 1996. Hundreds of corporations have adopted the practice of letting their profits accumulate, and then, instead of paying dividends, as they should, using the accumulated millions or tens of millions, or in some cases, billions, to buy back their own stock.

Mr. Speaker, one huge corporation, whose name is a household word known to every American, earned over \$5 billion, or \$10 per share, in 1996; earned over \$5 billion, or \$10 per share, in 1996, but it paid its common stockholders only about 14 percent of that amount in dividends, \$700 million, or \$1.30 per share. It has used most of its earnings, upwards of \$3.5 billion, to buy back its stock on the New York Stock Exchange.

I hope my colleagues are listening to these numbers. I hope my colleagues heard the previous discussion about spreading the wealth, how people should get their taxes back, more money in the pockets of Americans to generate a more vigorous economy.

Would we not generate a more vigorous economy in America if we had the stockholders pay their dividends? Huge profits are made. Instead of taking those profits and hoarding them in the corporate structure, buying back the stock, why not spread the money out into the economy, give it to the people who deserve the dividends, have earned the dividends, and let them invest the money as they see fit. We could have a more diverse, more vigorous economy if the corporations paid dividends instead of hoarding the money in these buy-backs.

Why did the corporations do this? Well, they do not invite me to their board meetings, and they are very careful not to say much about what they are doing in their earnings reports or in their press releases or other communications to their stockholders and the public. That includes they do not say much to the SEC, the Securities and Exchange Commission, about this either. The agency that regulates them does not get much information of this kind.

The reason seems fairly obvious. It is amazing that there is no discussion in the press, that some of these Senators and Members of Congress are not talking about the problem of buy-backs where billions of dollars are being hoarded and the economy is being adversely affected and the tax law is not being obeyed. They are not talking about it. Instead, they focus on the

Consumer Price Index. People who ought to know better are turning away from a discussion of where the real money is to a discussion of how can we squeeze more money out of the poor, how can we change the Consumer Price Index, how can we tamper with that in a way which will produce savings on the backs of the poorest people in America?

□ 2215

Buying back their stock supports the price of the stock when a corporation does that. Maybe it moves it higher. It makes the stockholders happy, those who do not exactly know what is happening and would prefer to have the stock. Nobody gives them the choice of whether they would like to have their stocks at a higher level or the dividends. Nobody really gives them that choice, but it does make them happy to see the stocks rise. It also gives the executives bigger profits on their stock options and maybe they get bigger bonuses as a result.

It makes some of the stockholders happy for another reason. It saves them from having to pay taxes that they would have to pay on large dividends that the company paid to them. Thus, many companies are using accumulated profits to buy back the stock in order to protect their stockholders from income taxes that they would pay if the company gave them a decent dividend instead of a tiny one.

The law says when a corporation does this it must pay a penalty, a high 39.6 percent penalty. Listen carefully. What I am saying is that it is against the law. It is against the law to plot to assist the stockholders in avoiding the payment of income taxes. It is against the law. That is what this is all about. The law says when a corporation does this it must pay a penalty, a high 39.6 percent penalty.

All it takes to inspire greater respect for the law is for the IRS to assess these penalties on several hundred corporations, but it does not seem to be doing this, as far as I can find out. If you would enforce the law on some corporations the word would go out, because over the years they have stayed away from doing this; but in the last 10 to 15 years there has been a gradual increase of corporations hoarding their money, buying back their stock, watching over their shoulder to see if the IRS would do anything about it, probably. They have the best legal minds, so it is not by accident they are doing what they are doing.

But it is against the law. You pay your income taxes on April 15. You obey the law. I am sure you want everybody else to obey the law. Yes, the law can be changed. Often it is changed in favor of the people who have the most clout, the most money.

We have a big scandal raging with a focus on the White House, and excessive taxes being used to solicit contributions, collect contributions. All kinds of things are happening. They

focus it on the White House, but if you have an objective study and you focus it in other directions, you will find it is also happening in the other party, also.

It happens that there is too great an amount of money that is required to run for office. We know that. We are too cowardly to do anything about it. We need a constitutional amendment which definitely allows Congress to set limits on the amount of money spent for campaigns.

This is a problem that we can solve, but nobody has the guts to really go after it. Anybody who talks about the problem and does not want to go all the way to a constitutional amendment to limit the amount of expenditures on campaigns is a hypocrite. They really do not want to solve the problem. They want to play games with the American people. Too much money is needed to run for office. There are too many opportunities to bribe anybody running for office indirectly. Legal bribery is taking place all the time. We need to deal with that.

Corporations certainly have a lot of money. They are able to lobby hard. They are able to influence how the Tax Code is written. If they won through that avenue, we have to wave a white flag and surrender. But they did not win that way. I am sure they tried to change the law. The law has not been changed.

I want to make it clear that I have not seen any corporation's income tax return and I do not ever expect to. Not only the tax returns themselves, but also all discussions and negotiations between the IRS and any taxpayer, corporate or individual, are totally private and secret. That is the way it should be. I do not speak from knowledge of having examined anybody's tax returns anywhere.

But large publicly owned companies do publish their financial statements. My staff has examined hundreds of quarterly and annual earnings reports for 1994, 1995, and 1996. We have found more than two dozen companies with stock buy-backs amounting to \$1 billion. Over the 3 years a dozen corporations have over \$2 billion of buy-backs, and a handful over \$5 billion in buy-backs. These are the buy-backs which are not legal.

If the IRS were to assess the 39.6 percent penalties against these dozen corporations, the tax penalties would amount to several hundred million dollars in almost every case, and well over \$1 billion for a few of the individual corporations.

As I said before, I estimated the total for all corporations would be at least \$60 billion in penalties, \$60 billion or more in penalties that would be collected over a 3-year period. So even though I have not been privy to any discussion between the IRS and any corporation, it seems very clear that the IRS is not assessing these unreasonable accumulations of surplus penalties against large publicly owned corporations. That is what the penalty is.

It is called an unreasonable accumulation of surpluses. You cannot do that.

There are two requirements for this penalty to apply. One is that the earnings and the profits of the corporations are permitted to accumulate beyond the reasonable needs of the business. The penalty will apply if you have permitted the earnings and profits of corporations to accumulate beyond the reasonable needs of the business.

The other is that the accumulation is "for the purpose of avoiding the income tax with respect to its shareholders." I am quoting from the Tax Code. For the benefit of anybody who might have just joined us and is listening, this is very technical. I realize that. It is something which is very simple in the law. A few simple sentences say clearly what has to be done, but I am going through this long explanation because of the fact that for some reason the law is not being enforced.

I do not want to have a situation where people are able to pretend that the simplicity is not there. It is there. I am describing something which does not require hearings. It does not require more legislation. It is right there already in the law.

Mr. Speaker, I submit for the RECORD a document entitled "Tax Penalty on Corporations that Accumulate Surplus Profits in Excess of the Reasonable Needs of the Business, Legal Background." I want it in the RECORD so anybody who wants to look at it in great detail may examine it. It will be in the CONGRESSIONAL RECORD. Members may read it if they want to go into deep details.

The material referred to is as follows:
TAX PENALTY ON CORPORATIONS THAT ACCUMULATE SURPLUS (PROFITS) IN EXCESS OF THE REASONABLE NEEDS OF THE BUSINESS
LEGAL BACKGROUND

One of the basic principles of the tax law in the U.S. is that a corporation is a legal entity that is separate and distinct from its stockholder-owners. It is sometimes called a "fictitious person."

Thus, the shareholder-owners are not personally liable for the debts and liabilities of the corporation. This distinguishes a corporation from a sole proprietorship or partnership, where the owners of the business share all of the assets, liabilities, debts and obligations of the business. Limited liability is one of the most important and most advantageous characteristics of the corporate form of doing business and is the principal reason that the corporate form is used by virtually all businesses, large and small, in the U.S. and throughout the world.

Because the corporation is a separate and independent entity, its profits are subject to a corporate income tax. Then, when profits are distributed to the stockholder-owners as dividends, the stockholders pay a personal income tax on those dividends. This so-called "double tax" is vigorously and bitterly opposed by the business and investment communities, but it is a basic part of our tax law.

The so-called "double tax" provides a powerful incentive for corporate business managements to let profits pile up in the corporation, rather than distribute them as taxable dividends. In order to prevent this, the U.S. tax law imposes a severe penalty on corporations that accumulate surplus (profits)

in excess of "the reasonable needs of the business."

This penalty on accumulations of corporate surplus (profits) in excess of the reasonable needs of the business is not something new—it is a fundamental part of our tax law and has been since the income tax was first adopted in 1913.

In the original 1913 income tax law, the penalty was applied against the stockholder-owners. Then, in 1921, the law was changed so that the penalty applies (and has applied ever since) against the corporation itself.

Since its adoption in 1913, the Internal Revenue Code has been reenacted many times. The rate of penalty has been changed a number of times, and various amendments have added relatively technical provisions involving notice to taxpayers, burden of proof and the like. Otherwise, the penalty provision has remained in the tax law since 1913 without interruption and with only two significant changes. One changed the application from the stockholders to the corporation itself, and the other in 1984 made clear that the penalty applied to large public corporations. (See below.) The penalty provision is found in Sections 531-537 of the Internal Revenue Code.

The penalty tax rate is 39.6% of surplus accumulated in excess of the reasonable needs of the business; it was increased from 28% to 39.6% in 1993.

CONSTITUTIONALITY, VALIDITY AND ENFORCEABILITY OF THE PENALTY

This penalty tax provision has been before the U.S. Supreme Court three times. The first time was in 1938, when corporate taxpayers challenged the penalty and alleged a number of reasons why it believed it was unconstitutional, invalid and unenforceable. The Supreme Court dismissed all of these challenges summarily and without serious discussion, and it unequivocally affirmed the constitutionality and enforceability of the penalty. (*National Grocery Co.*, 38-2 USTC 9312, 304 U.S. 282, 58 Sct. 932.)

The U.S. Supreme Court considered the penalty provision again in 1969 and in 1975. In one case the issue was the motive or purpose for accumulating surplus. (*U.S. v. Donruss*, 393 U.S. 297.) In the other, there was a dispute about how to calculate the amount of accumulated surplus. (*Ivan Allen Co.*, 422 U.S. 617.) The constitutionality and enforceability of the penalty provision was taken for granted in these cases. It was never mentioned in either of the opinions.

APPLICABILITY OF THE PENALTY PROVISION TO LARGE, PUBLICLY-OWNED CORPORATIONS

There is nothing in the Internal Revenue Code or regulations that exempts publicly-owned companies from the penalty for unreasonable accumulation of surplus (profits). However, the legal community somehow developed the notion that the penalty was intended to apply only to closely-held or family companies. An exemption for publicly-owned companies evolved, even though it has no support in the statute itself.

In a case that became a landmark, *Golconda v. Commissioner*, 507 F.2d 594, the Ninth Circuit Court of Appeals held that the penalty should not be applied against publicly-owned companies unless a small group controlled 50% or more of the stock. The Court said, "There is, of course, no distinction in the statutory language between publicly and closely held corporations . . . [but] Treasury regulations and interpretations long continued without substantial change, applying to unamended or substantially re-enacted statutes, are deemed to have received Congressional approval and to have the effect of law."

The Internal Revenue Service responded to the *Golconda* decision by announcing that it

did not agree with it and would not follow it. (Revenue Ruling 75-305). The IRS stated, "The position of the Service is that there is no legal impediment in applying, in an appropriate case, the accumulated earnings tax to a publicly held corporation."

The IRS never gave any support to the theory of an exemption for publicly-owned companies. True, it did not (as far as can be determined) to try appeal the *Golconda* decision to the Supreme Court. But, that may be because it was afraid it would lose. Despite the 1974 *Golconda* decision, the IRS pursued another publicly-owned company successfully; it obtained a brief opinion by the Court of Claims that "the accumulated earnings tax can apply to publicly-held corporation" (*Alphatype Corp. v. U.S.*, 10/21/76, 76-2 USTC 9730). In its opinion, the Court stated that there is not the slightest evidence that the Commissioner has by ruling, regulation or official policy exempted such (publicly owned) corporations from liability for the accumulated earnings tax.

In 1954, in one of the periodic re-enactments of the tax code, including the penalty provision, the House attempted to add a provision exempting publicly-owned companies if no group controlled more than 10% of the stock. This proposed amendment was dropped in conference.

In 1985 the world changed. The Revenue Act of 1984, effective in 1985, amended the law by adding section 532(c). The relevant section of the Revenue Act of 1984 is as follows:

"Section 58. Amendments to the Accumulated Earnings Tax.

(a) CLARIFICATION THAT TAX APPLIES TO CORPORATIONS WHICH ARE NOT CLOSELY HELD.—Section 532 (relating to corporations subject to accumulated earnings tax) is amended by adding thereto the following new subsection:

"APPLICATION DETERMINED WITHOUT REGARD TO NUMBER OF SHAREHOLDERS.—The application of this part to a corporation shall be determined without regard to the number of shareholders of such corporation."

The above section, which remains in the law, effectively and permanently ended the de facto exemption for publicly-owned companies.

In 11 years since the law was changed, the IRS appears to have failed to apply the penalty to publicly owned companies that are buying back their own stock.

The change in the law in 1985 eliminated any doubt as to whether publicly-owned companies were exempt from the penalty—they are not. Yet, there appears to be only one court case on the matter. In 1993, the Tax Court resoundingly affirmed the opinions stated here; namely, that the 1985 tax law change "nullified" the earlier *Golconda* decision and made completely clear that publicly owned companies are not exempt from the penalty (*Technalysis v. Commissioner*, 101 TC 397).

Discussions and negotiations between the IRS and a corporate or individual taxpayer are extremely confidential, and it is not possible for outsiders to know whether the IRS has raised the issue, unless and until a particular taxpayer takes the IRS to court. However, the amounts of money involved here—the penalties may measure in the billions—are such that the matter would surely have come to public attention if the IRS were active in any significant way.

For example, if a publicly owned company is hit with a multimillion dollar tax penalty that will significantly affect its earnings, financial position, net worth and dividend policy, it is required to make that information public immediately, under rules of the Securities and Exchange Commission, the New

York Stock Exchange, and also the National Association of Securities Dealers (NASD) which regulates companies with stocks traded over-the-counter.

The penalty should be applied against publicly traded companies that pay small dividends and spend large amounts to buy back their own shares if the buy back amounts far exceed the amounts needed for employee stock purchase plans, executive stock options, and so forth.

The tax law, in section 531-537 of the Internal Revenue Code, provides that the accumulated earnings tax will apply to any corporation . . .

"Availed of for the purpose of avoiding the income tax with respect to its shareholders . . . by permitting earnings and profits to accumulate instead of being distributed." (Section 532.)

" . . . the fact that the earnings and profits of a corporation are permitted to accumulate beyond the reasonable needs of the business shall be determinative of the purpose to avoid the income tax with respect to shareholders, unless the corporation . . . shall prove to the contrary." (Section 533.)

Thus, for the penalty to apply, two tests must be met:

1. there must be an intent or purpose to save the shareholders from income taxes on dividends, and

2. the accumulation of earnings must exceed the reasonable needs of the business.

"Reasonable needs of the business" is a factual test involving a number of factors: the amount of earnings, future plans that require large capital investment, the amount of dividends paid, etc.

The argument is made here that many large publicly owned companies are accumulating profits far in excess of the reasonable needs of the business, evidenced by the following:

consistently, they are paying out in dividends 20% or less of their earnings, AND

consistently, they are accumulating cash far in excess of their needs for capital expenditures, AND

consistently, they are passing up opportunities to borrow money on very favorable terms or are even reducing outstanding debt, AND

consistently, they are using accumulated earnings not to pay dividends but to buy back their own shares at prices far in excess of book value. (Thus, if the book value of their net assets, as shown on their own published balanced sheets is, for example, \$10 per common share, and if they are buying back their stock at \$20 or \$30 per share, they are reducing the book value of their remaining shares.)

It is argued there that this pattern of behavior clearly indicates that the earning used for stock buy backs were accumulated in excess of the reasonable needs of the business.

Corporate managements will argue that, "Well, we have to buy shares back because at the same time are selling shares through employees stock purchases plans, executive stock options and dividend reinvestment plans available to stockholders, and we also (in some cases) need shares for conversion of convertible preferred stock or debentures.

These arguments are absolutely valid but many large companies are buying back twice or three times or five times or eight times as many shares as they need for these purposes.

Under Section 533, quoted in above, if a corporation fails the "reasonable needs of the business" test the burden of proof is on the corporation to show that it did not meet the other test, namely, intent to protect the stockholders from dividends.

Thus, the Internal Revenue Commissioner can reasonably take the following position:

Corporations that have failed the "reasonable needs of the business" test on the fact will be assessed a penalty of 39.6%; and the burden of proof is on the corporation to show that it did not have the intent to protect stockholders from dividends.

Sections 531-537 of the Internal Revenue Code must be enforced immediately.

These are the actual words of the statutes I have read before. It is sections 531, 532, and 533 of the Internal Revenue Code. As we move toward April 15, make a note to go and examine sections 531, 532, and 533 of the Internal Revenue Code.

Accumulation of profits is OK for the reasonable needs of businesses, even in large amounts. Whether the accumulation is justified is a factual question. It depends on an analysis of the particular situation of each corporation. There is no formula or rule that applies to every business.

A corporation may be justified in accumulating profits without paying them out as dividends to finance the planned building of a new plant, the purchase of new equipment, to replace old items or to expand the business, to finance other kinds of expansion, such as the launching of a new product or the entry into new markets in other parts of the country or in other countries.

They may do it for working capital needed to carry the inventories and receivables of a growing business. They do it to retire debt incurred in the course of a business or to make loans and advances to customers or suppliers to enable them to continue doing business with the corporation; to buy another business, to build reserves for product liability losses or reserves for property losses from storm damage; to finance expenditures required to meet environmental regulations; to finance research for the development of new products. They may accumulate capital. Nobody is talking about the government interfering with the amassing of large amounts of capital for business needs.

It goes on and on. There are many good, justifiable reasons of a business which can justify the accumulation of profits. These have been examined and ruled upon in hundreds of cases in tax court and other courts in the 80 years-plus since the income tax and tax penalty were adopted.

But buying back the stock just to run its price up and to protect the stockholders from income taxes on dividends, these are prohibited actions. You cannot do that legally. If the corporations want to pay the profits available to the stockholders, paying dividends is the way they should do it. If you want them to get the benefit of the profits, pay them the dividends; do not protect them by holding onto the money and lowering their own tax bill. That is clearly prohibited.

Mr. Speaker, let me now take a few minutes to examine the reasons for and the history of this provision for a heavy tax penalty on the unreasonable accumulation of corporate profits and

surplus. One of the very basic provisions of law and tax law in our country and throughout the world relates to the fact that a corporation is a legal entity that is distinct and separate from its owners, the stockholders.

A corporation has been called a fictitious person. This separateness is crucially important to the stockholders, because it insulates them from the debts and obligations and liabilities of a corporation and its business. If a corporation has problems, loses money, and eventually goes bankrupt or out of business, the stockholders may lose everything they invested in the stock, but that is all they will lose. The creditors cannot come after their personal assets. This is a device which has worked over a long period of time, and it is a device which you have to pay a price for.

This limited liability distinguishes an incorporated business from a partnership or a proprietorship, sole proprietorship. If those businesses go under, the owners may lose not only the amounts they invested but also their cars, their homes, their savings, and any other investment or assets.

This lesson was painfully learned by many wealthy Americans, British, and others who invested in the unincorporated Lloyds of London. Many of these names, people who were the investors in Lloyds of London, had to file personal bankruptcy when Lloyds incurred huge insurance losses for several years in a row and assessed those losses against the investors personally.

Because of this limited liability feature of the corporations, however, virtually all businesses are incorporated. Lloyds is one of the few huge operations in the world that operates that way. Even the law firms and accounting firms have recently figured out a way to organize professional corporations so that the partners can avoid unlimited personal liability.

Because of the separate identity of a corporation, it is required to file its own income tax return and to pay a corporate income tax on profits. The corporation, for all the reasons I have just given you, is treated as an individual and is required to file its own income tax return and pay a corporate income tax on its profits.

To prevent the excessive pileup of earnings, Congress established the tax penalty in the original Internal Revenue Code adopted in 1913. The code has since been renewed and revised and overhauled and amended many times.

The penalty tax rates have changed a number of times, but the basic provision has remained in the law every year without significant change, with the sole exception of an amendment in 1984. That amendment only strengthened the law. It was an amendment to make clear that the penalty provision applies to publicly owned companies.

The only big amendment recently was in 1984, when they amended the Tax Code to make it clear that the provision applies to publicly owned companies. There was a time when they

said it was only privately owned companies, closely held corporations. But now it is quite clear as of 1984.

This tax penalty is somewhat unusual in that the law does not say that excessive accumulation of corporate profits is a crime. You know, a lot of individuals that I know are in serious trouble with the IRS. The last time I was in an IRS office I saw the place full of people who were obviously poor people, and they were not being allowed to get away with anything. They were going to have to do whatever was necessary to pay the taxes that they owed. If they did not do that, if they told some lies, they would end up in jail. I know of a situation now where there is a guy who told a few lies, and they have got the U.S. attorney investigating him now. He may go to jail.

But this tax penalty is unusual. The law does not say that excess accumulation of corporate profits is a crime. The law does say instead that corporations should not do it. If they do it they will have to pay a penalty. In other words, no corporation, executive board, or anybody is going to jail for violating this part of the Tax Code. It is very interesting. But they do assess a very heavy penalty.

In the early days of the income tax, the IRS was diligent in applying this tax penalty to closely held or family companies, as I pointed out. It sometimes lost in court, but in hundreds of cases it did collect the penalties, in hundreds of cases.

But for some strange reason, in the early days the IRS rarely applied the penalty to publicly owned companies. Perhaps the reason was that it was customary in those days for large companies to pay out good-sized dividends rather than using their profits to buy back their own shares. There is nothing in the Internal Revenue Code or regulation that gives publicly owned companies an exemption from this penalty on accumulation of profits in excess of reasonable needs of business.

The notion sort of grew up like Topsy, but it has no basis. Somehow, perhaps because it was thought smaller companies were the worst offenders, it became customary for the IRS to leave large corporations alone, and so without any support in the language of the law, a de facto exemption for public companies evolved and eventually took on the force of law.

The IRS never agreed to it, they never agreed to it, and indeed it went out of its way to publicly state its disagreement with the appellate court decision that confirmed the exemption in the landmark *Golconda* case in 1974.

□ 2230

There was one case that did go to the Supreme Court, the *Golconda* case in 1974, where they, the Court ruled that it did not apply to publicly owned large corporations. That was 1974.

However, all that is history, all that is irrelevant now because in 1984, Congress amended the basic penalty provi-

sion to make it clear that it applied to all corporations regardless of the number of stockholders. Congress looked at what happened with the case in 1974 and Congress 10 years later amended the law to make it clear that this provision applies to all corporations regardless of the number of stockholders.

In other words, the amendment eliminated an exemption that had previously been thought to apply to large publicly owned corporations with dozens or hundreds or even thousands of stockholders.

Mr. Speaker, I would like to explain why I believe this 39.6-percent penalty should be applied against these huge corporations that are buying back their own stock in huge amounts.

Again, for the benefit of anybody who just joined us, I am concerned about the fact that the Congress of the United States, the CBO, the Office of Management and Budget, great Senators, some of them from New York State, have focused their attention recently on gaining more revenue, gaining more money to save through an adjustment of the Consumer Price Index, lowering the cost of living increases for everybody on Social Security in order to help balance the budget.

My question is, why do you not look at the Internal Revenue Code and demand that the Commissioner enforce the law that already exists and tomorrow, March 12, Wednesday, we are going to talk about other corporate loopholes, other corporate welfare that ought to be closed.

Why is it that everybody in Washington who is in high places, leadership, the White House, why are they blind to the existence of great abuses that are being committed by corporations? Why are they instead focusing their microscopes on programs that serve poor people and squeezing everything they can, every dollar they can out of those programs.

Mr. Speaker, I would like to explain why I believe, why I believe this 39.6-percent penalty should be applied against these huge corporations that are buying back their own stock in huge amounts. The law mandates that the penalty should be assessed if two tests are met. First, that profits are permitted to accumulate beyond the reasonable needs of business and, second, that this is done, quoting again from the statute, for the purpose of avoiding the income tax with respect to the shareholders.

In other words, there has to be the fact of the accumulation, also the intent to protect the stockholders from income taxes. The officers and directors of large American corporations can read the statute as well as I can or better. They are way ahead of me in having platoons of well-paid lawyers to advise them and keep them out of trouble. I suspect, although I cannot prove it, that these high-priced lawyers have advised them that they are vulnerable to this penalty. I suspect that the lawyers have told them to be very careful

in their public statements and to avoid bragging to the stockholders that they are protecting them from income taxes by using accumulated profits to buy back stock rather than paying dividends.

My staff and I, as I said before, have examined literally hundreds of quarterly and annual earnings reports of publicly owned corporations from 1994, 1995, and 1996, and we were struck by how very little these corporations had to say about their stock buyback programs and the reasons for them.

Here is one exception, one example we found of an exception. This is a case where the lawyers probably fell down on the job and let the veil slip. A very large American corporation, the name is a household name known to everybody, but it said, I will not name the corporation, but it said in its 1995 annual report, quoting from the report, "some shareholders have asked us why we are repurchasing shares rather than increasing our dividend as we did in years past. We believe that most shareholders prefer gains in stock price to receiving dividends because those payments are taxable annually."

There is a clear statement by a corporation of their intent to violate the law. They are not supposed to help shareholders escape paying more taxes. The management of this large corporation made a mistake. They let the veil slip. They let the real truth come out and, as I said, this is one of the rare exceptions, one of the few instances we were able to find where they admitted the real reason for buying back their stock. Of course, the Wall Street community and the business community will put the opposite interpretations on all of these earnings reports. They will say, we did not have an intent or a motive to protect the stockholders from income taxes. That is not why we were buying back the stock. The proof is that none of our earnings reports will mention such a thing. That proves that the intent is not there, except for one unfortunate company that slipped.

I am sorry but I have to say that that comes under the heading of very sophisticated baloney. This is one of those situations where everybody knows what they are doing and the reason they are doing it but nobody will say, nobody will speak the real truth. The point I am making here is that the Commissioner of Internal Revenue, if she considered assessing these unreasonable accumulations of surplus penalties, as I am urging her to do, she might conclude that there was not sufficient proof of intent to protect the stockholders from income tax. It is hard to prove intent, hard to prove what is in someone's mind. This is something that comes up often in our legal system.

I am very pleased to be able to say that the Internal Revenue Commissioner does not have to prove intent. The Internal Revenue Commissioner does not have to prove intent. Rather the way the law is written, the burden

of proof is on the corporation to disprove intent. The corporation must disprove that it intended to save money for its stockholders.

Here is the actual language of section 533 of the Internal Revenue Code. "The fact that the earnings and profits of a corporation are permitted to accumulate beyond the reasonable needs of the business shall be determinative of the purpose to avoid the income tax with respect to shareholders unless the corporation by the preponderance of the evidence shall prove to the contrary." Reading from section 533 of the Internal Revenue Code: "The fact that the earnings and profits of a corporation are permitted to accumulate beyond the reasonable needs of the business shall be determinative of the purpose to avoid the income tax with respect to shareholders unless the corporation by the preponderance of the evidence shall prove to the contrary."

Mr. Speaker, we have seen that there are two tests for this penalty to apply. The first test is the fact of an unreasonable accumulation of earnings. The second test is the intent to protect the stockholders from income taxes. But the Internal Revenue Commissioner does not have to prove the second test, the intent. If the first test, the fact test, is met, the Commissioner does not have to prove intent. Rather it is up to the corporation to disprove intent. It might be hard for the Commissioner to prove intent. That is true, but she does not have to prove intent. The burden of proof as to intent is on the corporation, not the IRS. That is what the clear language of the statute says.

Of course, Mr. Speaker, any corporation and any taxpayer has a right to object to any tax or tax penalty and to attempt to show that it has not been properly assessed. Discussions and negotiations between a corporation and the IRS are private and they are confidential. And if the discussions reach an impasse, the corporation can sue the IRS in tax court or Federal district court and let the court determine whether the tax is properly assessed. The penalty would have to be reduced or even dropped. Maybe a corporation could show that it was justified by the reasonable needs of its business in buying back its stock.

But I believe the Commissioner of Internal Revenue should find out if the penalties are justified and the way to do that is to assess the penalties, let the corporations protest, and to settle the matter in the course of negotiations the IRS normally conducts with individuals and taxpayers.

Treat the corporations the way they treat millions of Americans who file their taxes on April 15. Enforce the law. Enforce the law and let them deal with the attempt of the IRS to enforce the law. It certainly looks as though large penalties are justified based on my examination of the public financial statements of dozens of large American corporations and probably hundreds of others, too.

Many large corporations have now established a pattern that includes most or all of the following: Consistently year after year they pay dividends on their common shares that amount to only 15, 20, or 25 percent of their earnings. And consistently year after year, their accumulated earnings together with their cash-flows outside the earnings statement, from depreciation, amortization, deferred income taxes, provide far more cash than they need for capital spending and other necessary programs. And consistently year after year they do not use excess cash to pay down debt. Indeed in some cases, they actually increase debt by borrowing additional money and using it for the stock buy backs. And consistently year after year they accumulated large amounts of cash and profits far beyond the dividends they pay and the reasonable needs of the business, and they use large amounts of this money to buy back their common shares.

For dozens of corporations, probably hundreds of corporations this pattern has been present in 1994, 1995, and 1996. I believe the Commissioner of Internal Revenue, Margaret Milner Richardson, should assess 39.6 percent tax penalties as mandated by sections 531 to 537 of the Internal Revenue Code, not on all the accumulated profits but on the amounts of accumulated profits used for net buy backs of stock.

I believe that the amounts involved for all publicly owned American corporations are at least \$200 or \$300 billion or more. The 39.6-percent penalty on these amounts will total at least \$60 billion and possibly \$70 or \$80 billion of additional Federal tax revenue in this year fiscal 1997, ending September 30, 1997.

Mr. Speaker, I have said that I believe the penalties should be applied to the amount of the net buy backs which is smaller than the amount of the total buy backs. Let me discuss this point for a moment because it is a very important one and it involves the counterargument that corporations make and will make against the charge that they are accumulating profits beyond the reasonable needs of the business.

Many, in fact most publicly owned corporations have employer stock purchase plans, stock options for executives, key employees and directors, and dividend reinvestment plans for stockholders. In addition, some corporations have convertible preferred stocks or debentures which can than be converted at the option of the holder to common shares. All of these programs involve the sale or issuance of additional common shares which may be shares held in the corporate treasury or newly issued shares.

As a result, they are selling and issuing other shares under these options, purchase and conversion programs. Indeed, this is the reason that they often give for their buy-back program.

Mr. Speaker, this argument is absolutely valid. I agree that if a corpora-

tion buys back its shares, it is justified in doing so, if it issues or sells the same number of shares under these various programs. Unfortunately for their argument we have found that for many corporations the stock buy backs far exceed the number of shares issued.

In examining the published financial statements of large American corporations, we found many that bought back in 1994, 1995, and 1996, they bought back 2 or 2½ times as many shares as they issued; we have found several that have bought back 5 or 6 or 7, 8 times as many shares as they issued; we even found that one bought back over 16 times as much as they issued.

I think clearly we cannot expect the Commissioner of Internal Revenue to assess the penalties on amounts of stock bought and then reissued in the same year on option and purchase programs. It is for that reason that I am asking the Commissioner to assess penalties on the amounts of the net buy backs rather than the total buy backs.

Finally, Mr. Speaker, I would like to address the question of how much money is involved here, how much corporate tax revenues could be raised if the Internal Revenue Commissioner assesses the penalties that I believe she should. I cannot estimate the amount with any kind of real accuracy, but I am absolutely certain that the amount is huge. It is enormous.

I want the Congressional Budget Office to take a look at this. I would like the Congressional Budget Office to give us a reading on exactly how much money is involved here. In fact the Progressive Caucus budget, the combination Black Caucus and Progressive Caucus budget will include this as one of the items in the budget. And we will, our alternative budget will ask for an assessment, a reading of the Congressional Budget Office on exactly what amounts will be generated.

Those who read the financial press and watch business programs on TV or surf the Internet are well aware of the amount of buy-back activity that is increasing all the time. We have asked the people in the Congressional Research Service to help us. So far we were not able to accumulate a tabulation, but there are people who are looking at this for commercial purposes. There is a buy-back letter that a California man puts out. There is all kinds of activity going on showing that this is a profitable activity.

Let me conclude by saying that I have given a rather lengthy treatise here on a subject that I am not an expert in. I serve on the Committee on Education and the Workforce. I do not serve on the Committee on Ways and Means. I am puzzled and baffled by the failure of members of the Committee on Ways and Means to see the obvious. I am baffled and puzzled by the failure of the CBO, the Office of Management and Budget to see the obvious. Why are we studying ways in which we can cut programs for the poor? Why are we looking at the CPI and hoping to cut

the cost-of-living increases for people on Social Security in order to help balance our budget when we have abuses of this magnitude? Why? Why is there a strain on the American character which allows leadership to always prey upon the poorest and the weakest? That strain was evidenced in the way we handled Native Americans, the people who owned this land when we got here. They were weak and we outmanned them and our weapons were superior and we took advantage of the weak.

□ 2245

We took advantage of slaves that we transported here from Africa. For 232 years we held them in bondage. Why is there a strain that goes after the weakest people in a merciless way?

In this sophisticated day, when we assume that we are more moral, that we have higher standards of morality and we assume that we are the indispensable Nation for the rest of the world and we set standards for the rest of the world and we talk about human rights, why are the people in our leadership focusing on ways to squeeze the poor while there are obvious ways to raise the necessary revenue?

Progressives, liberals, have not paid enough attention to the revenue side of the budget process. We have not paid enough attention to the fact that the Internal Revenue Code is where we have the largest amount of giveaways. Corporate welfare is the biggest welfare program in America. We must end corporate welfare as we know it. We must end corporate welfare.

We will begin our process tomorrow when the Progressive Caucus announces its war against corporate welfare. We welcome the gentleman from Ohio [Mr. KASICH], and all the other elements in this Capitol on the Senate side or the House side, wherever there are people who want justice; people who recognize that the place where there is the greatest amount of prosperity, where people are making money in great amounts right now is in the corporate world.

Our corporations are not suffering. If we need to balance the budget, the steps to balancing the budget should be taken in the effort to end corporate welfare. Corporate welfare should be our target. Those who have the most and who have had the greatest number of advantages are also guilty of the greatest abuses.

The corporate segment, the corporate proportion of the income tax burden fell to the present 11 percent. The total income tax burden. Only 11 percent of that is borne by corporations, while 44 percent now is borne by families and individuals. I have given one of the reasons that is true: these kinds of abuses, this kind of failure to enforce the law. We do not need hearings. We do not need legislation. All we need to do is tell the Internal Revenue Service to enforce the law.

April 15 is the date that we all go out and obey the law. Why not have the

law apply to all Americans at every level, including corporations that are treated as individuals for their own profit and economic sake?

THE POOR AND NEEDY WITHIN OUR SOCIETY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri [Mr. HULSHOF] is recognized for 60 minutes.

Mr. HULSHOF. Mr. Speaker, I hope in the moments that I have in this late hour to answer part of the debate and some of the questions that the distinguished gentleman from New York has asked, specifically regarding the poor and the needy within our society.

Mr. Speaker, many of us who have run for office, in fact our own elected President, has oft quoted the statement that the era of big Government is over. I believe that the last Congress, the 104th Congress, helped make that claim a reality when it began to wrest away control from the Federal bureaucracy and began to send power and control back to State governments and city councils and county commissions and local school boards.

One of the major accomplishments of the last Congress was the end to the Federal entitlement to welfare. And I recognize that there are many skeptics, many doomsayers who wail and lament and beat their chests and say that society, specifically those poor and needy in our communities, that they are doomed. Mr. Speaker, just as the era of big government is waning, volunteers and faith-based charities and community outreach are moving in to fill that void.

Of course, we recognize how tough it is. There are single parents. There are two-income families that are struggling to juggle family and jobs. There are businesses that are swimming mightily against the tide of regulation and bureaucracy which often dissuades them from getting involved in community outreach. But I believe we must begin to forge a new vision, and our vision in this new era must be to empower communities to address the needs and problems within those communities.

We have to reignite volunteerism among the young and among the young at heart. Yes, the Government will continue to provide a safety net, but individuals helping individuals is the kind of positive action that weaves a strong social fabric.

Mr. PAPPAS. Mr. Speaker, if the gentleman would yield.

Mr. HULSHOF. I would be happy to yield to my friend and colleague from New Jersey.

Mr. PAPPAS. I thank the gentleman, Mr. Speaker, for raising this issue and would like to just add my thoughts to what I think is an exciting time to be here in the Congress and talk a little bit about my service to my constituency, or a portion of my present con-

stituency, prior to the time I came to Congress.

I served as a local and county official and was exposed to many examples of how our Nation's communities have been able to find creative solutions to the issues facing those neediest citizens that we represent.

Back in New Jersey, a constituent of mine, Rev. Buster Soaries of Franklin Township, is blazing a trail of progress in Somerset County. Reverend Soaries has been able to mobilize thousands of members of his church as well as two communities, New Brunswick and Franklin Township, to work together to develop a project known as Renaissance 2000.

That vision for the program combines economic and community development, neighborhood revitalization, community and business partnering, housing rehabilitation, and a commitment of both youth and the adult members of these two communities to take what many consider to be a blighted and underutilized area and turn it into a thriving and successful new community center.

I have worked and watched Reverend Soaries take the kernel of a dream and begin to turn it into a model, a model that could very well be used in other parts of our Nation.

Additionally, prior to my election to Congress, I served as the chairman of my county, Somerset County Board of Social Services, which in New Jersey, the county boards of social services are the major organizations that oversee the majority of the welfare programs. In that capacity I was proud to have been involved in an initiative in which we successfully tapped our religious communities to work along with county government to reach out to families on welfare and provide that extra element of assistance.

Many churches, synagogues, and other religiously based organizations back home agreed to lend a hand in many ways, and they include an agreement or a desire to mentor families on welfare in an effort to keep them together and to help them find gainful employment.

In some instances there were churches that have been asked or have stepped forward to provide scholarships for doing. Many of these religious institutions, churches and some synagogues, operate and house day care facilities. And now many clients on welfare are being matched with one of these facilities, and these congregations are granting free scholarships, quote end quote, to these, in many instances, single parents, single women with one or more children on welfare, and allowing them to move off of welfare, have gainful employment, and have that assistance in the form of free day care which is so important.

Lastly, a coordination with some business owners from one particular congregation has stepped forward, and many of these individuals who are business owners are now wanting to make

themselves and their businesses available to teach a skill or a trade to an individual who is wanting to move off of welfare and on to work.

A fourth point I want to add is there is another church that sponsors three different sports camps during the summer, the Zarephath Community Chapel; a soccer camp, a baseball camp, and a basketball camp. And these three camps now, I think 10 or 12 scholarships for each of the three camps, have now been made available; free scholarships again being given to those that choose to take advantage of them.

Another program that addresses an issue so important, even in affluent counties, such as many of the communities that I represent, but the Interfaith Hospitality Network has teamed together with religious institutions, congregations, churches, and synagogues who have organized among themselves to accept and to house homeless families for the period of about a week. Many other congregations support by providing meals and other support services, and this action has literally saved the taxpayers thousands and thousands of dollars because sometimes costly emergency shelters have not had to be utilized.

I really have been impressed in the way in which people have stepped forward. And this is a program that is not unique to my county. We can find these all across our Nation.

Another program that has really been amazing and very impressive is another aspect of community renewal, an idea that was suggested by Rev. Steve Rozelle of Saint Mark's Episcopal Church in Basking Ridge, also in Somerset County. His idea, rather ingenious, was to utilize our county government's existing curbside pickup of recyclables, which takes place twice a week, and to provide one or more orange plastic bags, that are distributed the end of May or early June of each year, and 2 weeks later, at the next pickup. While the trucks picking up the recyclables go through neighborhoods, they pick up these orange bags, and contained in the bags are canned goods that people are donating. These canned goods are then distributed to one or two of the food banks that service the residents of our county. It has been a huge success and the response and the support by the community has been overwhelming.

Many times the food banks find that at that time of year things are pretty sparse. Christmastime and Thanksgiving there is a lot of activity and people are focused on that, but not in summer.

This has, obviously, benefited those food banks that run short on funds and run short on donations. The cooperation that the County Board of Freeholders has shown, our public works department, nonprofit agencies, many volunteers, young people as well as senior citizens, focusing on a common goal, has been very gratifying and encouraging to these food banks who

are really overworked in many instances, and do a great deal with very little.

Reverend Rozelle has taken this idea to our State Association of Counties and is trying to see it replicated elsewhere and, maybe through this and other efforts, maybe his dream to see this nationwide will become a reality.

All of these projects and programs that I have just mentioned, I would say to my colleague, are capitalized on resources from the communities, and that is what brought them to fruition. Government was a partner, not the entire insurer that these programs would become realities.

I daresay that there are probably many localities across the Nation that can point to initiatives that they have taken upon themselves to begin to contribute to the renewal of their own communities. I believe we in Congress and the Federal Government can learn a great deal from community initiatives such as this, such as those that I have mentioned.

I certainly applaud some of our colleagues who this week will be focusing upon community renewal, and certainly would like to continue to work with them and volunteers such as those that I have mentioned from my district back in central New Jersey, to ensure that all communities, whatever their level of need, can be renewed and improved upon.

Mr. HULSHOF. Mr. Speaker, the gentleman mentioned some very creative and innovative ways that individuals who have these creative ideas have worked as a partner rather than as a parent, especially the Reverend in his district whose mission is to help those who are hungry.

It is, of course, noteworthy that when hunger strikes, it does not ask for party affiliation. Hunger does not care if one is a liberal or a conservative or a Democrat or a Republican. In fact, when the pangs of hunger are most sharply felt, it is often by those 13 million who are not even old enough to vote. But the good news, I suppose, is that hunger is a curable disease.

Hunger relief is in transition, but I think as the Federal Government, Mr. Speaker, steps out of the equation, then the solution does shift to the faith-based and community-based charities to reach out to those in need. And I think this transition actually strengthens the resolve of those creative people, those ministers, lay ministers, and others within the communities, to reach out to those in need.

□ 2300

I have begun as my friend from New Jersey has to examine those scattered throughout the Ninth Congressional District of Missouri and have begun to actually witness the commitment that those individuals have to reaching out as individuals within their own communities, to reach out to those in need.

One of those hunger relief agencies of particular note that I would like to

mention, Mr. Speaker, that is making a true difference is the Central Missouri Food Bank. The Central Missouri Food Bank is probably considered a medium-sized organization but yet distributes about 3.5 million pounds of food each year. There is a network of over 120 agencies, its service area is about 29 counties in central and northeast Missouri, and much of that area is overlapped by my congressional district, about 17,000 square miles, with a total population of about half a million. The demographics of that particular region are largely rural and much agricultural-based. Central Missouri Food Bank has actually a paid staff of nine full-time employees and one part-time with an operating budget of less than a half million dollars, about \$490,000, and not one penny comes from the Federal Government. The director of the Central Missouri Food Bank is a very fiery sparkplug named Peggy Kirkpatrick. I think it is interesting to note that she has been the director of the Central Missouri Food Bank for about 5 years and has shared with many of us in our district how she first got involved in hunger relief. As she worked and walked daily to her job, she would walk past various dumpsters that were surrounding the University of Missouri campus and how she was touched by witnessing and watching those homeless and hungry who were foraging in the dumpsters for food. She decided to try to make a difference, one individual, with a lot of energy and a lot of great ideas, and became director of the Central Missouri Food Bank. That is something that I think each of us has encountered at least once in our lives, especially here in this city, where we may have panhandlers that walk up to us asking for some spare change, or we pull into a convenience store and we see the contingent of so-called societal misfits who appear like a patchwork quilt outside the convenience stores. Yet if we actually take the time to notice, we either have one or two reactions. We may struggle within ourselves, do we try to provide some help in our small way, do we dig into our pockets for loose change or do we shrug deeper into our coats and think that, well, the Federal Government is there to help and the Federal Government will help those individuals. But that misses the point, Mr. Speaker.

These men and women live as individuals within our communities. And as members of our communities, I believe then we have that individual responsibility to reach out to those in need. The Central Missouri Food Bank recently had its report card, an annual awards banquet. Here are some of the things that the Central Missouri Food Bank has been able to accomplish. There were enough supplies to supply soup kitchens and shelters and pantries, day care centers, and senior programs to provide 200,000 meals to over 60,000 people. The estimated wholesale value of the food was about \$5.6 million. The Central Missouri Food Bank

initiated two Warehouse on Wheels which actually transported food to the far reaches of its area to help distribute those foodstuffs in a more timely and efficient fashion. In fact, they even acquired a semitrailer to help accomplish that goal. They started the green team, which is a pilot gardening project along with our local Boone County sheriff's department that utilizes prisoners who raise fresh produce for the hungry; recruited seven new food pantries in high need areas; worked with the media and others to stimulate and reach out to the community. In fact, one of the innovative ways that they reached out to local businesses was the Score Against Hunger Campaign. It is interesting that the Central Missouri Food Bank, unlike many other food banks, in fact, the Central Missouri Food Bank is one of only two second harvest food banks in the entire Nation that does not participate in the shared maintenance program. What that means is that the foodstuffs they collect, they do not charge food pantries and shelters for. They give it away for free. Their decision to do that was at a crisis time. It was back in 1993, and in the Midwest I am sure my friend from New Jersey watched accounts of how the flood of 1993 really had a devastating impact upon a lot of us. Against that backdrop, the Central Missouri Food Bank took the bold step and decided at that time they would no longer charge for the food they collected as they distributed it. As a result, they had an enormous outpouring, the business community was more than ready and willing to give additional moneys, and the Score Against Hunger Campaign was one innovative way in which the Central Missouri Food Bank teamed up with our local university at the University of Missouri in Columbia, now has actually extended the program to other colleges in the Ninth Congressional District, in conjunction with the football season. And if the home team scores a certain number of points, then there is a corresponding amount of donations that comes in that have been pledged by individuals. Even when the USDA cut the commodities that were going to these food pantries, they continued to innovate and utilize these efforts to reach out to those thousands and thousands of hungry people that they serve.

But many of the challenges and probably one of the most frustrating things in visiting with the Central Missouri Food Bank, those who continue to see their mission to feed the hungry without Federal Government involvement, some of the obstacles even come from within. In fact, a couple of weeks ago a hunger relief agency issued a national press release as this hunger relief agency was coming to Washington, DC, to try to create and promote a legislative agenda. In the context, the very text of the press release, this was what this hunger relief agency said:

The charitable response to hunger is no substitute for good social policy and the ap-

propriate allocation of public resources. It is the responsibility of the Federal and State governments to cure hunger.

This is an agency whose mission it is to help the hungry across the country. I suppose, Mr. Speaker, that even as we try to do the best we can, occasionally we lose sight of our mission, and sometimes our vision gets blurred.

I think the gentleman mentioned tomorrow, there are some new visionaries, and I think in a true bipartisan spirit Representatives JIM TALENT from the Second District of Missouri, whose district adjoins mine, as well as J. C. WATTS from Oklahoma and also Mr. FLOYD FLAKE, a good Congressman from New York, a Democrat, are going to launch the American Community Renewal Act.

Has the gentleman heard much about their efforts in that regard?

Mr. PAPPAS. If the gentleman will yield, I certainly have been hearing amongst our colleagues and have heard and am very much encouraged that there is such an effort that is ongoing and that is bipartisan. I have always been a strong believer that there should not be a Republican or Democrat approach to renewing our communities, be they urban areas or rural areas that have economic difficulties or even some suburban areas where there has been changes in the economic structure and many large corporations downsizing, there are different needs in various communities. I am very encouraged.

One of the things I would hope that as we move forward in reviewing the package that they are presenting to the House for consideration, that they would do something that we have done in our county back home, is that when we have asked some of these religious institutions to step forward, be it to provide those scholarships for day care or for the sports camps that I have mentioned, that our county board made a decision that we were not going to ask these religious institutions, these congregations, to step forward and to fill what we believe to be a very critical need for these families and these individuals that are on welfare and wanting to move off of it, but that many of their programs are steeped in their own religious traditions, and that we were not going to ask them to stop that; that we were going to make it clear to the welfare recipient that if they would want to consider their child or themselves being involved in this particular program that was purely voluntary on both parts, both the congregation as well as the welfare recipient, that they may be invited to participate or that they may be exposed to a prayer or some religious instruction, and that again it was voluntary, that the congregation was stepping forward to sponsor this and that we were not going to ask them to stop doing what they have been doing.

The response has been very, very positive. Again people realize it is voluntary, and I certainly hope that in the

community renewal initiative that the gentleman has spoken about and we are speaking about this evening that we would follow suit.

Mr. HULSHOF. There are so many ideas, innovative ideas that are sprouting up like seeds all across this country. I think it is incumbent upon us as a body, a legislative body, Mr. Speaker, and again certainly the Government has a role, but I think that role should be a limited role and that government should get out of the way, as the gentleman mentioned, and allow some of these projects to take place and to allow them to grow.

A couple of weeks ago, Mr. Speaker, I recall that Ralph Reed of the Christian Coalition announced his group's new Samaritan Project which was dubbed as a very bold and compassionate plan to combat poverty and to restore hope, and that project, the Samaritan Project, actually took aim at the economic and moral deficits that pervade a lot of the black and Hispanic inner city neighborhoods. As the gentleman from New Jersey mentioned, the impetus from those programs would also come from the church which is one of the few institutions in some of these communities that is willing and able to undertake such a task. I recall watching the press conference of that unveiling, Mr. Speaker, and along with Ralph Reed of the Christian Coalition, also standing next to him was the Rev. Earl Jackson. Rev. Earl Jackson was a Harvard Law graduate who also attended Harvard Divinity School. The Rev. Earl Jackson had this to say as he teamed up with Ralph Reed:

"I'm a black pastor who has worked in the black community for 20 years before heading up this project, and the ministers supporting this program are leaders in their communities in their own right." The quote again from Rev. Earl Jackson.

I believe, Mr. Speaker, that these ministers and activists are, of course, intelligent, I believe they are rational individuals, I believe they are quite knowledgeable, and they care deeply about the troubles afflicting their communities. This is an example of the new type of visionary that I believe will be filling the void as big Government moves out.

I look forward, Mr. Speaker, tomorrow as our colleagues, both Republicans and Democrats, introduce the community renewal project which builds upon efforts in the last Congress.

In summary, Mr. Speaker, I think it would be a terrible thing if the efforts of these visionaries across this country, as they rethink our approach to government and poverty and inner city and rural problems were simply dismissed as some new gloss on an old agenda, because, Mr. Speaker, I happen to believe fervently that the era of big Government is over, but that the era of big citizenship is dawning.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. ARMEY) for today on account of Judiciary Committee business.

Ms. MILLENDER-McDONALD (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. STABENOW) to revise and extend their remarks and include extraneous material):

Mr. BLUMENAUER, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. PEASE) to revise and extend their remarks and include extraneous material):

Mr. CHRISTENSEN, for 5 minutes, on March 12.

Mr. SOUDER, for 5 minutes each day, today and on March 12.

Mr. GOSS, for 5 minutes, on March 13.

Mr. MICA, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, on March 12.

Mr. MANZULLO, for 5 minutes each day, on March 12 and 13.

Mr. SMITH of Michigan, for 5 minutes each day, on March 12 and 13.

Mr. KINGSTON, for 5 minutes, today.

Mr. ROHRBACHER, 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 Ms. STABENOW) to revise and extend their remarks and include extraneous material):

Mr. HALL of Texas.

Ms. CARSON.

Mr. BENTSEN.

Mr. NEAL of Massachusetts.

Mr. HOYER.

Ms. RIVERS.

Mr. KANJORSKI.

Mr. VISCLOSKY.

Mr. FROST.

Ms. ESHOO.

Ms. KAPTUR.

Mr. TRAFICANT.

Mr. UNDERWOOD.

Mr. POMEROY.

Mr. DELLUMS.

Mr. ANDREWS.

Ms. DELAURO.

Mr. KILDEE.

Mr. BARRETT of Wisconsin.

Mr. CLEMENT.

Mrs. MINK of Hawaii.

Ms. CHRISTIAN-GREEN.

(The following Members (at the request of Mr. PEASE) to revise and extend their remarks and include extraneous material):

Mr. YOUNG of Alaska.

Mr. QUINN.

Mrs. KELLY.

Mr. PACKARD.

Mr. WELDON of Pennsylvania.

Mr. HORN.

Mr. ENSIGN.

Mr. CAMPBELL.

Mr. GILMAN.

Mr. SOLOMON.

ADJOURNMENT

Mr. HULSHOF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 12, 1997, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2186. A letter from the Department of Defense, Under Secretary of Defense (Comptroller), transmitting a report of a violation of the Anti-Deficiency Act—Army violation, case number 94-01, which occurred when the Huntsville Division, U.S. Army Corps of Engineers [USACE], accepted and processed a reimbursable order from the Air Force citing fiscal year 1992 operation and maintenance, Defense-wide funds to acquire furnishings and equipment for future requirements at the Nellis Medical Facility, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2187. A letter from the Department of Labor, Assistant Secretary for Employment Standards, transmitting the Department's final rule—Migrant and Seasonal Agricultural Worker Protection Act (Employment Standards Administration) (RIN: 1215-AA93) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2188. A letter from the Pension Benefit Guaranty Corporation, Deputy Executive Director and Chief Operating Officer, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2189. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Galena and Baxter Springs, Kansas) [MM Docket No. 96-177] received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2190. A letter from the National Endowment for the Humanities, Chairman, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2191. A letter from the National Endowment of the Arts, Chairman, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2192. A letter from the National Railroad Passenger Corporation [AMTRAK], Vice President for Government Affairs, transmitting a report of activities under the Freedom

of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2193. A letter from the Office of Personnel Management, Director, transmitting the Office's final rule—Reduction in Force and Mandatory Exceptions (RIN: 3206-AH64) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2194. A letter from the Secretary of Veterans Affairs, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2195. A letter from the Thrift Depositor Protection Oversight Board, Acting Executive Director, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2196. A letter from the Department of the Interior, Acting Director, Fish and Wildlife Service, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Cactus Ferruginous Pygmy-Owl in Arizona (Fish and Wildlife Service) (RIN: 1018-AC85) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2197. A letter from the National Oceanic and Atmospheric Administration, Acting Assistant Administrator for Fisheries, transmitting the Administration's final rule—American Lobster Fishery; Technical Amendment [Docket No. 970219034-7034-01; I.D. 021097D] (RIN: 0648-xx81) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2198. A letter from the Department of Transportation, General Counsel, 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 March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2199. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Removal of Class D and E Airspace; South Weymouth, MA (Federal Aviation Administration) [Airspace Docket No. 96-ANE-44] (RIN: 2120-AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2200. A letter from the Department of Transportation, General Counsel, 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 March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2201. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace; Nashua, NH, Newport, RI, Mansfield, MA, Providence, RI, and Taunton, MA (Federal Aviation Administration) [Airspace Docket No. 97-ANE-11] (RIN: 2120-AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2203. A letter from the Department of Transportation, General Counsel transmitting the Department's final rule—Amendment to Class D and E2 Airspace; Orlando, FL (Federal Aviation Administration) [Airspace Docket No. 96-ASO-40] (RIN: 2120-AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2204. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace; Fort Stewart, GA (Federal Aviation Administration) [Airspace Docket No. 96-ASO-41] (RIN: 2120-AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2205. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class D, E2 and E4 Airspace; Gainesville, FL (Federal Aviation Administration) [Airspace Docket No. 96-ASO-39] (RIN: 2120-AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2206. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace, Fremont, NE (Federal Aviation Administration) [Airspace Docket No. 97-ACE-2] (RIN: 2120-AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2207. A letter from the Department of Transportation, General Counsel Transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28821; Amdt. No. 1786] (RIN: 2120-AA65) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2208. A letter from the Internal Revenue Service, Chief, Regulations Unit, transmitting the Service's final rule—Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability [Rev. Proc. 97-21] received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 649. A bill to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974 (Rept. 105-11). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 651. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes (Rept. 105-12). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 652. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes (Rept. 105-13). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 914. A bill to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures (Rept. 105-14). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 88. Resolution providing for the consideration of the bill (H.R. 852) to amend chapter 35 of title 44, United States Code,

popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies (Rept. 105-15). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. House Joint Resolution 32. Resolution to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920 (Rept. 105-16). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 709. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; with an amendment (Rept. 105-17). Referred to the Committee on the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 90. Resolution providing for consideration of the resolution (H. Res. 89) requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary contingencies (Rept. 105-18). Referred to the House Calendar.

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. HALL of Texas (for himself, Mr. BAKER, Mr. BARCIA of Michigan, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHNER, Mr. BONILLA, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CANADY of Florida, Mr. CHABOT, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. CLEMENT, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. CONDIT, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DELAY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DOYLE, Ms. DUNN of Washington, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. GANSKE, Mr. GOODLATTE, Mr. GRAHAM, Mr. GREEN, Mr. GUTKNECHT, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HERGER, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HOLDEN, Mr. HOSTETTLER, Mr. HUNTER, Mr. HYDE, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mrs. KELLY, Mr. KING of New York, Mr. KLINK, Mr. KNOLLENBERG, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIVINGSTON, Mr. MCHUGH, Mr. MANTON, Mr. MANZULLO, Mr. MASCARA, Mr. MICA, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. OBERSTAR, Mr. OXLEY, Mr. PACKARD, Mr. PAPPAS, Mr. PARKER, Mr. PAUL, Mr. PAXON, Mr. PETRI, Mr. POSHARD, Mr. QUINN, Mr. RAHALL, Mr. DAN SCHAEFER of Colorado, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SHIMKUS, Mr. SKAGGS, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SOUDER, Mr. STEARNS, Mr. STENHOLM, Mr. STUMP, Mr. TALENT, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TIAHRT, Mr.

WAMP, Mr. WATTS of Oklahoma, Mr.

WELDON of Florida, and Mr. WICKER): H.R. 1003. A bill to clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide; to the Committee on Commerce, and in addition, for a period ending not later than 30 calendar days after the Committee on Commerce reports to the House, to the Committees on Ways and Means, the Judiciary, Education and the Workforce, Government Reform and Oversight, Resources, and International Relations, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H.R. 1004. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus real property and surplus personal property to nonprofit organizations for housing use, and to authorize the transfer of surplus personal property for donation to nonprofit providers of necessities to impoverished families and individuals; to the Committee on Government Reform and Oversight.

By Mr. KING of New York (for himself, Mr. PETRI, Mr. CHRISTENSEN, Mr. ROHRBACHER, Mr. HILLEARY, Mr. LIPINSKI, Mrs. KELLY, Mr. ROYCE, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. NEY, Mr. BONO, Mr. BARRETT of Nebraska, Mr. LAHOOD, Mr. MANZULLO, Mr. WELDON of Florida, and Mrs. ROUKEMA):

H.R. 1005. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOX of Pennsylvania (for himself and Mr. MCHALE):

H.R. 1006. A bill to amend title 5, United States Code, to provide veterans' preference status to certain individuals who served on active duty in the Armed Forces in connection with Operation Desert Shield or Operation Desert Storm, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. FOX of Pennsylvania (for himself, Mr. NORWOOD, Mr. MCHALE, Mr. SAXTON, Mr. HOLDEN, Mr. WATTS of Oklahoma, Mrs. KELLY, Mr. HAYWORTH, Mr. MCHUGH, Mr. TIAHRT, Mr. BEREUTER, Mr. FATTAH, Mr. ENGLISH of Pennsylvania, Mr. WHITFIELD, Mr. DAVIS of Virginia, Mr. COBURN, Mr. PETERSON of Pennsylvania, Mr. FALEOMAVAEGA, Mr. CALVERT, Mr. PICKETT, Mr. FILNER, and Mr. DEAL of Georgia):

H.R. 1007. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to offer a loan guaranteed by an adjustable rate mortgage under chapter 37 of such title; to the Committee on Veterans' Affairs.

By Mr. FOX of Pennsylvania (for himself, Mr. STUMP, Mr. EVANS, Mr. QUINN, and Mr. FILNER):

H.R. 1008. A bill to amend title 38, United States Code, to authorize the provision of funds in order to provide financial assistance by grant or contract to legal assistance entities for representation of financially needy veterans in connection with proceedings before the U.S. Court of Veterans Appeals; to the Committee on Veterans' Affairs.

By Mrs. CHENOWETH (for herself, Mr. GOODE, Mr. YOUNG of Alaska, Mr. SKEEN, Mr. PAUL, Mr. COBURN, Mr.

HOSTETTLER, Mr. GIBBONS, Mr. HERGER, Mr. LEWIS of Kentucky, Mr. DOOLITTLE, and Mrs. CUBIN):

H.R. 1009. A bill to repeal section 658 of Public Law 104-208, commonly referred to as the Lautenberg amendment; to the Committee on the Judiciary.

By Mr. CONDIT (for himself, Mr. PORTMAN, Mr. SMITH of Michigan, Mr. HERGER, and Mr. WATTS of Oklahoma):

H.R. 1010. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes; to the Committee on Rules.

By Ms. DANNER:

H.R. 1011. A bill to direct the Secretary of Transportation to carry out a comprehensive program to assist States in adopting a nationwide emergency telephone number for cellular telephone users, and for other purposes; to the Committee on Commerce.

By Mr. DICKEY:

H.R. 1012. A bill to make emergency supplemental appropriations, for relief from the tornadoes that occurred in the State of Arkansas, for the fiscal year ending September 30, 1997; to the Committee on Appropriations.

By Ms. ESHOO (for herself, Mr.

GILLMOR, Mr. KLUG, Mr. PRICE of North Carolina, Mr. DICKS, Mr. HORN, Mr. EHLERS, Mr. BEREUTER, Mr. ENGLISH of Pennsylvania, Mr. MCCREY, Mr. KLINK, Mr. PETERSON of Minnesota, Mr. MANTON, Mr. BOUCHER, Mr. BLUMENAUER, Mr. STUPAK, Mr. DEAL of Georgia, Mr. McNULTY, Ms. RIVERS, Mr. DINGELL, Mr. DELLUMS, and Mr. BARRETT of Wisconsin):

H.R. 1013. A bill to amend the Communications Act of 1934 to facilitate utilization of volunteer resources on behalf of the amateur radio service; to the Committee on Commerce.

By Mr. FRANK of Massachusetts (for himself, Mr. KENNEDY of Massachusetts, Mr. GONZALEZ, Mr. JACKSON, Mr. GUTIERREZ, Mr. SCHUMER, Mr. STARK, Mr. McDERMOTT, Mr. KLECZKA, Mrs. CARSON, Mr. LAFALCE, Mr. KANJORSKI, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Mr. WATT of North Carolina, and Ms. NORTON):

H.R. 1014. A bill to amend the United States Housing Act of 1937 to authorize public housing agencies to establish rental payment amounts for assisted families that do not discourage members of such families from obtaining employment, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. GUTIERREZ (for himself, Mr. EVANS, Mr. FILNER, Mr. DELLUMS, Mr. ABERCROMBIE, Mr. SERRANO, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. STARK, Mr. TORRES, Mr. GONZALEZ, Mr. PASTOR, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Mr. HINOJOSA, Mr. ROMERO-BARCELÓ, Mr. GREEN, Mr. MEEHAN, Mr. WATT of North Carolina, Mr. VENTO, Mr. FORD, Ms. JACKSON-LEE, Ms. CHRISTIAN-GREEN, Mr. FROST, Mr. SABO, Mr. OBERSTAR, Mr. DAVIS of Illinois, and Mr. BROWN of California):

H.R. 1015. A bill to rescind restrictions on welfare and public benefits for legal immigrants enacted by title 4 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, to reduce corporate welfare, to strengthen tax provisions regarding persons who relinquish U.S. citizenship, and for other purposes; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 1016. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate \$1 of any overpay-

ment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts (for himself, Mr. MORAN of Virginia, Mr. FILNER, Mr. DELLUMS, Mr. GEJDE-ENSON, and Ms. JACKSON-LEE):

H.R. 1017. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to establish a toll-free telephone number and a computer network site for the collection of complaints concerning violence and other patently offensive material on broadcast and cable television, and for other purposes; to the Committee on Commerce.

By Mr. LAFALCE (for himself, Mr. GREENWOOD, Ms. VELÁZQUEZ, Mr. OLVER, Ms. RIVERS, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. ACKERMAN, Mr. SANDERS, Mr. GUTIERREZ, Mr. FROST, Ms. MALONEY of New York, Ms. LOFGREN, Mr. HINCHEY, Mr. EVANS, Mr. PASTOR, Ms. SLAUGHTER, Mr. SKEEN, Ms. ESHOO, Mr. DEFAZIO, Mr. FOGLIETTA, Mr. GEJDE-ENSON, and Mrs. JOHNSON of Connecticut):

H.R. 1018. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of certain beta interferons and other biologicals and drugs approved by the Food and Drug Administration for treatment of multiple sclerosis; 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. McINNIS:

H.R. 1019. A bill to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, CO, to correct the effects of earlier erroneous land surveys; to the Committee on Resources.

H.R. 1020. A bill to adjust the boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, CO, which are currently part of the Dillon Ranger District of the Arapaho National Forest; to the Committee on Resources.

H.R. 1021. A bill to provide for a land exchange involving certain National Forest System lands within the Routt National Forest in the State of Colorado; to the Committee on Resources.

By Mr. MILLER of Florida (for himself, Mr. FRANK of Massachusetts, Mr. COBLE, Mrs. FOWLER, Mr. FROST, Mr. TRAFICANT, Mr. BENTSEN, Mr. SHAYS, Mr. FLAKE, Mr. GILMAN, Mr. NETHERCUTT, Mr. BOEHLERT, Mr. DEFAZIO, Mr. QUINN, and Mr. SOLOMON):

H.R. 1022. A bill to authorize manufacturers and dealers of cars, trucks, buses, and multipurpose passenger vehicles and motor vehicle repair businesses to install switches to be used by drivers to deactivate air bags in cars, trucks, buses, and multipurpose passenger vehicles; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ARCHER, Mr. BAKER, Mr. BALDACCIO, Mr. BARCIA of Michigan, Mr. BARRETT of Nebraska, Mr. BENTSEN, Mr. BERMAN, Mr. BILBRAY, Mr. BILIRAKIS, Mr.

BLAGOJEVICH, Mr. BONIOR, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BUNNING of Kentucky, Mrs. CARSON, Mr. CASTLE, Mr. CLAY, Mr. COBLE, Mr. COBURN, Mr. CONDIT, Mr. CONYERS, Mr. COYNE, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DELLUMS, Mr. DEUTSCH, Mr. DIAZ-BALART, Ms. DUNN of Washington, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Ms. ESHOO, Mr. EVANS, Mr. FALOMAVAEGA, Mr. FARR of California, Mr. FATTAH, Mr. FAZIO of California, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORBES, Mr. FOX of Pennsylvania, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GALLEGLY, Mr. GEJDE-ENSON, Mr. GEKAS, Mr. GILCHREST, Mr. GINGRICH, Mr. GONZALEZ, Mr. GREEN, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HASTERT, Mr. HASTINGS of Florida, Mr. HAYWORTH, Mr. HEFNER, Mr. HINCHEY, Mr. HOLDEN, Mr. HORN, Ms. JACKSON-LEE, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mrs. KELLY, Mrs. KENNELLY of Connecticut, Mr. KILDEE, Mr. KING of New York, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAFALCE, Mr. LAHOOD, Mr. LANTOS, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Georgia, Mr. MALONEY of Connecticut, Mrs. MALONEY of New York, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MCHALE, Mr. MCHUGH, Mr. MCKEON, Ms. MCKINNEY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MILLER of California, Mr. MILLER of Florida, Mrs. MINK of Hawaii, Mr. MOAKLEY, Ms. MOLINARI, Mrs. MORELLA, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. NORWOOD, Mr. OLVER, Mr. OWENS, Mr. OXLEY, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Ms. PRYCE of Ohio, Mr. RAHALLO, Mr. ROMERO-BARCELO, Mr. RUSH, Mr. SABO, Mr. DAN SCHAEFER of Colorado, Mr. SCHUMER, Mr. SHAW, Mr. SHAYS, Mr. SHUSTER, Mr. SISISKY, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. STARK, Mr. STEARNS, Mr. STOKES, Mr. STUPAK, Mr. TALENT, Mr. TAYLOR of North Carolina, Mrs. THURMAN, Mr. TIERNEY, Mr. TORRES, Mr. TOWNS, Mr. VISCLOSKEY, Mr. WALSH, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Mr. WOLF, Mr. WYNN, Mr. YATES, Mr. WELLER, Mr. SCHIFF, Mr. BISHOP, Mr. BOEHLERT, Mr. BROWN of California, and Mr. SPRATT):

H.R. 1023. A bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 1024. A bill to establish requirements for the cancellation of automobile insurance policies; to the Committee on Commerce.

H.R. 1025. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of soft money to influence any campaign for election for Federal office; to the Committee on House Oversight.

By Mr. PACKARD (for himself, Mrs. KENNELLY of Connecticut, Mr. PAPPAS, Mr. FOLEY, Mr. BAKER, Mr. BARCIA of Michigan, Mr. FILNER, Mrs. KELLY, Mr. MCKEON, Mr. SENSENBRENNER, Mr. SHAYS, and Mr. WELDON of Pennsylvania):

H.R. 1026. A bill to amend the Internal Revenue Code of 1986 to allow a capital loss deduction with respect to the sale of a principal residence; to the Committee on Ways and Means.

By Mr. PAXON:

H.R. 1027. A bill to amend title 28, United States Code, to provide for a three-judge court to hear and determine any application for an injunction against the enforcement of a State or Federal law on the ground of unconstitutionality, and for other purposes; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 1028. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income of certain retirement benefits received by taxpayers who have attained age 65; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 1029. A bill to protect the personal privacy rights of insurance customers and claimants, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself,

Mr. HALL of Texas, Mr. SHADEGG, Mr. ANDREWS, Mr. TAYLOR of Mississippi, Mr. ADERHOLT, Mr. ARMEY, Mr. BAKER, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BILBRAY, Mr. BLILEY, Mr. BLUNT, Mr. BONILLA, Mr. BONO, Mr. BRADY, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CHABOT, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. COOK, Mr. COOKSEY, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. CRANE, Mr. DEAL of Georgia, Mr. DELAY, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FOX of Pennsylvania, Mr. FRELINGHUYSEN, Mr. GIBBONS, Mr. GINGRICH, Mr. GOODE, Mr. GOODLATTE, Mr. GOODLING, Mr. GRAHAM, Ms. GRANGER, Mr. GREENWOOD, Mr. HANSEN, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILLEARY, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mrs. KELLY, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mr. NORWOOD, Mr. OXLEY, Mr. PACKARD, Mr. PETERSON of Pennsylvania, Mr. RIGGS, Mr. ROGAN, Mr. ROHRBACHER, Mr. ROYCE, Mr. SALMON, Mr. SANFORD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SMITH of Michigan, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mrs. LINDA SMITH of Washington, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania,

Mr. WICKER, Mr. POMBO, Mr. HUNTER, Mrs. FOWLER, Mr. CANNON, and Mr. SOLOMON):

H.J. Res. 62. Joint resolution proposing an amendment to the Constitution of the United States with respect to tax limitations; to the Committee on the Judiciary.

By Mr. PAXON:

H.J. Res. 63. Joint resolution proposing an amendment to the Constitution of the United States to provide that Federal judges be reconfirmed by the Senate every 12 years; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself, Mr. LIPINSKI, Mr. TRAFICANT, and Mrs. MYRICK):

H. Con. Res. 42. Concurrent resolution regarding the waiver of diplomatic immunity in cases involving serious criminal offenses; to the Committee on International Relations.

By Mr. FRANKS of New Jersey (for himself, Mr. BORSKI, Mr. GILCHREST, Mr. LAHOOD, Mr. QUINN, Mr. NADLER, Mr. LOBIONDO, Mr. MCGOVERN, Mr. PASCRELL, Mr. SHAYS, Mr. FRELINGHUYSEN, Mrs. MORELLA, Mrs. KENNELLY of Connecticut, Mrs. KELLY, Mr. MARKEY, Mr. CARDIN, Mr. KENNEDY of Massachusetts, Mr. MCHUGH, Mr. CASTLE, Ms. DELAURO, Mr. MCHALE, Mr. KENNEDY of Rhode Island, Mr. CUMMINGS, Mr. HOLDEN, and Mr. ROTHMAN):

H. Con. Res. 43. Concurrent resolution expressing the sense of Congress that the Intermodal Surface Transportation Efficiency Act of 1991 should not be radically overhauled, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SANDERS (for himself, Mr. GILMAN, Ms. PELOSI, Mr. WOLF, and Mr. CAPPS):

H. Con. Res. 44. Concurrent resolution expressing the sense of the Congress with respect to United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China, and that the United States should sponsor and promote a resolution at the U.N. Commission on Human Rights regarding China and Tibet; to the Committee on International Relations.

By Mr. STUPAK:

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor Bishop Frederic Baraga; to the Committee on Government Reform and Oversight.

By Mr. SUNUNU (for himself, Ms. GRANGER, and Mr. PITTS):

H. Res. 89. Resolution requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary contingencies; to the Committee on the Budget.

By Mr. THOMAS:

H. Res. 91. Resolution providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress; to the Committee on House Oversight.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HOEKSTRA introduced a bill (H.R. 1030) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *W.G. Jackson*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. COOK.

H.R. 14: Mr. COBLE, Mr. SESSIONS, Mr. MCKEON, Mr. DEUTSCH, Mr. CLEMENT, Mr. BLILEY, Mr. GREENWOOD, Mr. KLUG, Mr. GOODLATTE, and Mr. GIBBONS.

H.R. 17: Mr. FROST and Mr. JEFFERSON.

H.R. 18: Ms. FURSE, Mr. SENSENBRENNER, Mr. DOYLE, Mr. HEFLEY, Mr. TOWNS, Mr. KUCINICH, Mr. WICKER, Mr. WYNN, and Mr. MCGOVERN.

H.R. 27: Mr. BLILEY, Mr. PAUL, Mr. JONES, and Mr. BURR of North Carolina.

H.R. 38: Mr. BORSKI and Mr. BARCIA of Michigan.

H.R. 45: Mr. PETERSON of Minnesota, Mr. SANDLIN, and Mr. KANJORSKI.

H.R. 65: Mr. BORSKI, Mr. BISHOP, and Mr. GREEN.

H.R. 71: Mr. WYNN and Mr. SENSENBRENNER.

H.R. 86: Mr. RIGGS and Mr. LATOURETTE.

H.R. 96: Mr. LEACH and Mr. INGLIS of South Carolina.

H.R. 98: Mr. BALDACCI, Mr. COOK, Ms. PELOSI, and Mr. BROWN of California.

H.R. 107: Mr. KING of New York, Mr. SAWYER, Mr. WYNN, Mr. EVANS, Mr. BISHOP, Mr. BONIOR, Ms. WOOLSEY, Mr. GREEN, and Mr. DIAZ-BALART.

H.R. 122: Mr. PAUL and Mr. HUNTER.

H.R. 135: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLECZKA, Mr. KUCINICH, Ms. MCKINNEY, Ms. STABENOW, Mr. WISE, and Mr. REYES.

H.R. 157: Mr. FOX of Pennsylvania.

H.R. 158: Mr. RIGGS and Mr. NEAL of Massachusetts.

H.R. 162: Mr. WATKINS.

H.R. 169: Mr. BAKER and Mr. HOBSON.

H.R. 173: Mr. HORN, Mr. SCHIFF, Mr. HYDE, Mr. BROWN of California, Mr. BLUMENAUER, Mr. HERGER, and Mr. PACKARD.

H.R. 218: Mrs. KELLY and Mr. WISE.

H.R. 292: Mr. SOUDER.

H.R. 297: Mr. FALEOMAVAEGA, Ms. LOFGREN, and Mr. EVANS.

H.R. 298: Mr. FROST and Mrs. MALONEY of New York.

H.R. 301: Mr. FALEOMAVAEGA, Ms. LOFGREN, and Mr. EVANS.

H.R. 303: Mr. BORSKI, Mr. BISHOP, and Mr. GREEN.

H.R. 328: Mr. HEFLEY.

H.R. 336: Mr. QUINN.

H.R. 366: Mrs. MINK of Hawaii.

H.R. 383: Mr. FOX of Pennsylvania, Mr. UNDERWOOD, Mr. TORRES, Mr. GREEN, and Mr. JEFFERSON.

H.R. 400: Mr. WEXLER, Mr. DELAHUNT, Mr. FARR of California, Mrs. MEEK of Florida, Mr. HOUGHTON, Mr. NADLER, and Ms. FURSE.

H.R. 406: Mr. WELDON of Pennsylvania, Mr. WALSH, and Mr. HINCHEY.

H.R. 417: Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. SANDERS, Mr. MCDERMOTT, Ms. KILPATRICK, Mr. QUINN, Mr. COYNE, Mr. FLAKE, and Mr. MCGOVERN.

H.R. 437: Mr. SERRANO, Mr. FLAKE, Mr. SHAW, Mr. SCARBOROUGH, Mr. SHAYS, and Mr. CARDIN.

H.R. 446: Mr. SKEEN.

H.R. 464: Mr. TOWNS.

H.R. 465: Mr. BENTSEN.

H.R. 478: Mr. RADANOVICH, Mr. ROHRBACHER, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. HOSTETTLER, Mr. YOUNG of Alaska, Mr. HULSHOF, Mr. NETHERCUTT, Mr. SMITH of Oregon, Mrs. EMERSON, Mrs. CHENOWETH, Mr. LARGENT, and Mr. MCINTOSH.

H.R. 521: Mr. DAVIS of Illinois, Mrs. CHENOWETH, Mr. BOUCHER, Mr. KILDEE, Mr. STEARNS, Mr. GOSS, Mr. JEFFERSON, Mr. CUNNINGHAM, Mr. KANJORSKI, Mr. WEXLER, and Mr. GORDON.

H.R. 525: Mr. HERGER, Mr. SAM JOHNSON, and Ms. DUNN of Washington.

H.R. 534: Mr. RANGEL, Mr. KLECZKA, Mr. NEAL of Massachusetts, Mr. CARDIN, and Mr. FLAKE.

H.R. 538: Ms. LOFGREN and Mr. ABERCROMBIE.

H.R. 553: Ms. DEGETTE, Mr. EVANS, Mr. FOGLIETTA, Ms. LOFGREN, Mr. UNDERWOOD, Mr. WEYGAND, Mr. KUCINICH, Ms. WOOLSEY, Mr. FALEOMAVAEGA, Mr. SANDLIN, and Mr. HEFLEY.

H.R. 577: Mrs. MEEK of Florida, Ms. JACKSON-LEE, Ms. RIVERS, Ms. NORTON, and Mr. BONIOR.

H.R. 586: Mr. DOYLE, Mr. DINGELL, Mr. JONES, Mr. KANJORSKI, Mr. KUCINICH, and Ms. ROYBAL-ALLARD.

H.R. 607: Mr. BROWN of California, Mr. ROYCE, Mr. KUCINICH, Ms. NORTON, and Mr. SESSIONS.

H.R. 617: Mr. QUINN, Mr. FOX of Pennsylvania, Mr. COSTELLO, Mr. MCGOVERN, and Mr. GREEN.

H.R. 622: Mr. SMITH of Oregon.

H.R. 628: Mr. MCCOLLUM, Mr. SHADEGG, and Mr. SANDLIN.

H.R. 680: Mr. EVANS, Mr. REYES, and Mr. HORN.

H.R. 687: Mr. LEWIS of Georgia, Mrs. CARSON, Mr. TIERNEY, Mr. WYNN, Mr. MOAKLEY, Mr. KUCINICH, and Mr. McDERMOTT.

H.R. 688: Mr. KLINK and Mr. FOX of Pennsylvania.

H.R. 715: Mr. SENSENBRENNER, Mr. TORRES, Ms. NORTON, and Mr. JEFFERSON.

H.R. 716: Mr. GOSS, Mr. MILLER of Florida, Mr. MCINTOSH, and Mr. BOB SCHAFFER.

H.R. 739: Mrs. CARSON.

H.R. 750: Mr. UNDERWOOD and Mr. SHADEGG.

H.R. 752: Mr. LUCAS of Oklahoma.

H.R. 755: Mr. KUCINICH, Mr. SOLOMON, and Mr. REYES.

H.R. 767: Mr. BURR of North Carolina.

H.R. 773: Mr. SANDLIN and Mr. LEACH.

H.R. 805: Mr. BILBRAY.

H.R. 811: Mr. BONIOR, Mr. McDADE, Mr. BALLENGER, Mr. CRAMER, Ms. DANNER, Mr. GIBBONS, Mr. LATOURETTE, Mr. MCINTOSH, Mr. POMBO, Mr. SCARBOROUGH, Mr. TALENT, and Mr. YOUNG of Alaska.

H.R. 815: Mr. EHLERS, Mr. BONIOR, Ms. WOOLSEY, Mr. TORRES, Mr. COBURN, Mr. WISE, Mr. CUMMINGS, Mr. SANDLIN, Mr. GORDON, and Mrs. MYRICK.

H.R. 820: Mr. SANDERS, Mr. KENNEDY of Massachusetts, Mr. BOUCHER, Mr. KENNEDY of Rhode Island, Mr. NADLER, Mr. BROWN of Ohio, Mr. GREEN, Mr. CONYERS, Ms. MCCARTHY of Missouri, Mr. TIERNEY, Mr. OLVER, Mr. FRANK of Massachusetts, Ms. PELOSI, and Mr. FLAKE.

H.R. 832: Mr. EVANS.

H.R. 840: Mr. BENTSEN.

H.R. 841: Mr. RANGEL.

H.R. 849: Mr. KINGSTON, Mr. HAYWORTH, and Mr. STUMP.

H.R. 852: Mr. WELLER and Mr. WEYGAND.

H.R. 871: Mrs. CARSON, Mr. EVANS, Ms. ROYBAL-ALLARD, Mr. KUCINICH, and Mr. FALEOMAVAEGA.

H.R. 883: Mr. BOUCHER.

H.R. 902: Mr. BARCIA of Michigan, Ms. DANNER, Mr. BOEHLERT, Mr. McDADE, Mr. CAMP, and Mr. WICKER.

H.R. 907: Mr. PARKER, Mr. NEUMANN, Mr. BACHUS, Mr. BRYANT, and Mr. BURTON of Indiana.

H.R. 918: Mr. UPTON.

H.R. 919: Mr. KUCINICH, Ms. CHRISTIAN-GREEN, and Mr. KILDEE.

H.R. 925: Mr. GANSKE and Mr. PARKER.

H.R. 928: Mrs. MYRICK, Mr. NETHERCUTT, Mr. ENGLISH of Pennsylvania, and Mr. MILLER of Florida.

H.R. 930: Mr. SANFORD and Mr. DAVIS of Virginia.

H.R. 949: Mr. PASCARELL.

H.R. 950: Mr. SCHUMER, Mr. SANDERS, Mr. MCGOVERN, Mrs. MINK of Hawaii, and Ms. MCKINNEY.

H.R. 954: Mr. KLUG.

H.R. 956: Mr. BARRETT of Wisconsin and Mr. WOLF.

H.R. 977: Mr. LAHOOD.

H.J. Res. 1: Mr. LIVINGSTON.

H.J. Res. 26: Mr. BEREUTER, Mr. PAUL, and Mr. BURR of North Carolina.

H.J. Res. 40: Mr. BURTON of Indiana.

H.J. Res. 45: Ms. PELOSI, Mr. MALONEY of Connecticut, and Mr. BISHOP.

H.J. Res. 54: Mr. BONILLA, Mrs. CHENOWETH, Mr. GINGRICH, Mr. LEWIS of Kentucky, Mr. LUTHER, Mr. RYUN, and Mr. SANFORD.

H. Con. Res. 13: Mr. SAWYER, Mr. CALLAHAN, Mr. BISHOP, Mr. CAMPBELL, Mr. GOODLATTE, Mr. KUCINICH, Mr. DINGELL, Mr. DELLUMS, Mr. LANTOS, Mr. WAMP, Ms. WOOLSEY, Ms. DANNER, Mr. BLUNT, Mr. ALLEN, Mr. FOGLIETTA, Mr. COLLINS, and Ms. LOFGREN.

H. Con. Res. 16: Mr. PAYNE.

H. Con. Res. 23: Mr. TORRES and Ms. DELAURO.

H. Con. Res. 32: Mr. SHAYS, Ms. ROYBAL-ALLARD, and Mr. KUCINICH.

H. Con. Res. 38: Mr. ENGEL, Mr. UNDERWOOD, and Mr. FALEOMAVAEGA.

H. Res. 15: Mr. ENGEL, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. SCHUMER, and Mr. MENENDEZ.

H. Res. 30: Mr. NETHERCUTT.

H. Res. 39: Mr. FOGLIETTA, Mr. LIPINSKI, Ms. PELOSI, Mr. LAFALCE, Mr. BERMAN, Mr. FRANK of Massachusetts, and Mr. STARK.