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# House of Representatives

The House met at 11 a.m.

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

In all the troubled moments in an unsteady world when we think of the promises of a better day tempered with the tensions between nations and peoples, we look to Your presence in our lives, O gracious God, and ask for Your blessing upon us. When we seek direction, we know where we can go; when we seek solace we know where to find comfort; when we seek encouragement, we know that You will inspire and support. May Your peace, O God, that passes all human understanding, be with us and remain with us now and evermore. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. HOYER led the Pledge of Allegiance as follows:

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

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain fifteen 1-minutes on each side.

## NUCLEAR WASTE TECHNICAL REVIEW BOARD MUST ADDRESS ENVIRONMENTAL AND SAFETY CONCERNS

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

Mr. GIBBONS. Mr. Speaker, almost 10 years ago the Nuclear Waste Technical Review Board was created by Congress to determine the most suitable site for storing nuclear waste. This board was made up of the most prominent members of the scientific community, not one of whom hails from Nevada.

What recommendation did this board make? Well, in their March 1996 report they concluded that there was absolutely no compelling technical or safety reason to remove spent fuel from its current location to a central facility. This expert, nonpartisan review board made this determination based on irrefutable, unbiased, scientific research.

What legitimate excuse, then, could justify the moving of nuclear waste from on-site storage, placing the health, welfare, and safety of many citizens in jeopardy? There are still many environmental and safety concerns that must be addressed before we move forward and mandate an unsafe permanent or interim nuclear waste storage facility at Yucca Mountain.

## WIC PROGRAM A GREAT FEDERAL GOVERNMENT SUCCESS STORY

(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, last week my Republican colleagues voted against the President's request for $76 million for the WIC Program. That is women, infants, and children. Our friends on the other side of the aisle will tell us that they voted to increase spending on women, infants, and children, but their so-called increase will force 180,000 women and children to be removed from the WIC Program.

WIC is one of the Government's greatest success stories, and every dollar that we invest in the program saves the Government $3.50 in other costs. If this bill passes without the additional $38 million that it needs, we will be hurting some of the most vulnerable members of our society: pregnant women and young children.

This is about values. This is about throwing 180,000 women and children off of a food program. It will deny youngsters food.

Last year my colleagues on the other side of the aisle tried to cut the school lunch program. Now they are going after WIC. It is wrong. This is the richest Nation in the world. We should not be taking food out of the mouths of children. I urge my Republican colleagues to rethink their actions.

## SUPPORT H.R. 659

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

Mr. BURR of North Carolina. Mr. Speaker, sometimes the Government makes a mistake and, yes, even agencies make mistakes. But the test of effective government is how quickly an institution can correct their errors.

In 1990, in a case of mistaken identity, the Environmental Protection Agency listed a chemical called ethylene glycol monobutyl ether, or EGBE, on its hazardous air pollutant list under the Clean Air Act amendments. This chemical is considered not harmful to the ozone and, according to scientific studies, does not harm the environment.

The listing of this nontoxic substance will trigger regulations costing each can manufacturer about $5 million to comply, and the EPA's hands



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are tied. Currently the agency lacks the statutory authority to fix this problem.

I introduced H.R. 659, which would delist the chemical and remedy this solution. We should never sacrifice jobs for regulations that are not backed by good science.

Now, some extremists say the 71 Members who are cosponsors of this measure want to weaken the Clean Air Act and the Community Right to Know Act by delisting this nontoxic chemical. Quite frankly, this is not an environmental issue, but an authority issue. I urge my colleagues to get the facts and prevent lobbyists from clouding the issue before us.

## FAMILY SERVICES IMPROVEMENT ACT

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

Mr. HOYER. Mr. Speaker, I rise today in strong support of the Family Services Improvement Act, H.R. 1480, which I reintroduced yesterday.

Mr. Speaker, I ask my colleagues to imagine, if they will, a single mom who is trying to get off welfare. Mom drops her 4-year-old off at Head Start, takes her 7-year-old to second grade and goes to her own graduate equivalency degree classes, all in the same school.

When the family needs immunizations or health screenings, they can go to the school-based clinic. The social services coordinator at the school can help the family find housing, food, and health care. There is also a job placement coordinator to help mom find a job when she finishes her classes.

Unfortunately, my colleagues, as you well know, this model of coordinated, one-stop programs to help children and families move off Government assistance is rare.

The Family Services Improvement Act will create incentives for establishing coordinated one-stop programs. It will make the programs we promote more effective and efficient and more available. I urge the support of my colleagues for this important legislation.

## WE MUST ACT NOW TO REFORM MEDICARE

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

Mr. LEWIS of Kentucky. Mr. Speaker, I realize that the administration is far too busy with all of their lawyers trying to figure out a way to handle all the campaign laws they overlooked to show some leadership on the Medicare issue. I know that would be asking too much. So while the administration is busy with all of their lawyers, this Congress must lead the way on Medicare.

The Medicare trustees released their annual report to the American people last week. The trust fund is going bankrupt, probably in only 4 years. The report confirms what Republicans have been saying about Medicare for the last 2 years. The trustees state that failure to fund Medicare will result in certain bankruptcy in the year 2001. None of this is new. Every single Member of Congress has known this for several years.

I call on those who are more interested in saving Medicare from bankruptcy than in playing politics with seniors to join in our effort to reform Medicare. We must act now.

## IRS HAS GONE HOG WILD

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

Mr. TRAFICANT. Mr. Speaker, in San Diego, Mindy, the potbellied pig, dialed 911. Authorities cannot figure out what caused this devious swine to perpetrate such a dirty deed. They asked, did Mindy accidentally fall out of bed? Was Mindy calling Pizza Hut, or was Mindy the potbellied pig simply love sick, calling for Mr. Good Pig?

Mr. Speaker, the truth is, Mindy dialed 911 to tell Congress to get the snouts of the IRS out of the assets of the American people.

Mr. Speaker, I agree with Mindy the potbellied pig, this is hog sense. The IRS has gone hog wild. Pass H.R. 367 and change the burden of proof in the Tax Code and treat taxpayers like every other citizen under the Constitution.

I yield back the balance of this hog sense business.

## AMERICANS DESERVE EARLIER TAX FREEDOM DAY

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

Mr. KNOLLENBERG. Mr. Speaker, today the tax burden on working Americans is as high as it has ever been. We are asking our families to pay up to nearly 40 percent of their income in taxes. Tax Freedom Day, that is the day when we start working for ourselves and our families, is later and later every year. This year it is May 9, 2 days later than last year, the latest ever.

Yet, many of my friends on the other side of the aisle do not feel our taxes are high enough. But if they would listen to the American people, they would find they are wrong. We can do something about it as well. We can provide a family with a $500 per child tax credit, cut capital gains, remove estate taxes.

The facts are clear. The American people are overtaxed and it is time to provide relief. Reaching an agreement for working families is not going to be easy, but we owe it; we owe it to the American people. Let us all do our part to make Tax Freedom Day occur earlier, urge the President to live up to his campaign promises, and join our efforts to help working Americans loosen the noose of the current tax burden.

## HARSH NEW WELFARE LAW

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

Mr. GUTIERREZ. Mr. Speaker, in 93 days a harsh new welfare law will wipe out assistance to legal immigrants. Yesterday I told my colleagues about one such immigrant from my district. Today let me tell my colleagues about another. Her name is Adela.

If my colleagues voted for welfare reform so they could teach people about the importance of hard work, they did not have to bother in Adela's case. After coming to the United States, Adela worked for 8 years in a factory on Chicago's northwest side. In fact, she worked well past the age at which most Americans would have called it quits and would have retired. But the company moved out of town, closed its doors down.

Adela, now 74 years old and in poor health, has been served notice that her years of hard working, playing by the rules and paying taxes is not enough. She got her pink slip. Now it is a computer printed form letter telling her that her only means of support, Social Security, is about to be taken away from her on August 22.

Do legal immigrants like Adela need to learn the value of hard work? No. Congress needs to learn the value of hard-working immigrants who have made America what it is today. I suggest to any Member that he look back to see what his grandparents look like or great grandparents looked like.

## COMMEMORATING REMEMBRANCE DAY

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

Mr. MANZULLO. Mr. Speaker, I am honored to be able to take this opportunity to commemorate the more than 8 million people, 6 million of whom were Jewish, who a little more than half a century ago were brutally, deliberately and systematically exterminated in a state-sponsored effort to annihilate their religious, cultural, and ethnic existence. All across the United States, Americans are commemorating Remembrance Day for those who were exterminated in the death camps of Nazi Germany.

I unite with those from around the country, including my constituents of the Jewish Federation of Greater Rockford, IL, to recognize those who risked their lives and those who died trying to intervene and save those who were targets of systematic extermination.

The Jewish Federation of Greater Rockford is commemorating Remembrance Day by paying tribute to the ''Righteous Gentiles,'' those non-Jews who risked death to help save the lives of Jews and others from Hitler's killing machine. These courageous people acted out of a conviction that they simply could not stand by and witness so great a crime perpetrated against fellow human beings. We are privileged to have one of those surviving Righteous Gentiles, Irene Opdyke, addressing the Jewish Federation of Greater Rockford, IL.

## COMMUNITY ENVIRONMENTAL HEALTH ACT

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

Ms. VELÁZQUEZ. Mr. Speaker, in our Nation's inner cities, minority communities are being victimized by toxic polluters, creating an environmental crisis, a health crisis, and a civil rights crisis in this country.

In my district in New York there are over 2000 industrial facilities, a radioactive storage yard and a huge sewage treatment plant. The effect of this pollution is discriminatory. The children in my district are dying of cancer, suffering from asthma, and have toxic levels of lead.

Study after study has shown that minority communities bear the brunt of toxic pollution in this country. Today I introduced the Community Environmental Equity Act, which will apply title VI of the Civil Rights Act to toxic polluters. I urge you all to cosponsor this important legislation. It is time to realize that we cannot have social justice until we first have environmental justice.

□ 1115

## A CALL FOR BIPARTISAN MEDICARE REFORM

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

Mr. NEUMANN. Mr. Speaker, the Medicare trustees released their report last week and issued a warning that the Medicare System will be bankrupt in 4 years. When I tell seniors back in my district of that and when I tell my own mom and dad of this, they ask me, how can this be? They say, my husband and I contributed into the system every year since 1965. How could the system be going bankrupt?

Perhaps the best response would be that you should ask those who created the system why they created a system that has brought us to this point. But that aside, the answer lies in the fact that Medicare is a pay-as-you-go system. Your contributions do not go into a fund for your use. The contributions you made during your working years go to support those who are ahead of you, those who have already retired. When you retire, money from the current workers, not money from your contributions, will pay your benefits.

So where do we go from here? We need to sit down and in a bipartisan manner decide how to reform the system and make it solvent. There is no other choice for our seniors in America today.

## AN 11TH COMMANDMENT FOR CONGRESS: WE SHALL START TO WORK NOW ON ISSUES THAT ACTUALLY MATTER TO THE AMERICAN PEOPLE

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

Mr. BLAGOJEVICH. Mr. Speaker, recently I voted in favor of a resolution supporting the Ten Commandments. I voted in favor of a resolution to study the economy of American Samoa. I voted for a resolution banning Federal funding for physician-assisted suicide, even though assisted suicide is not legal at all. In fact, let me firmly assert, I am against Federal funding for any activities that are not yet legal.

But is it not time, Mr. Speaker, that we started working on issues that are more important to people, things like making student loans more available and affordable, or providing health care for the 10 million American children without it? We should be working to make our streets safer. And what about our crumbling schools, many of which were built before World War II? When will we address the long-term health of Medicare and Social Security?

Why does this Congress not agree to an 11th Commandment: We shall start to work now on issues that actually matter to the American people.

## LET US WORK TOGETHER TO SAVE MEDICARE

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

Mr. ROGAN. Mr. Speaker, I was raised by my grandparents, and then by a great-aunt who lived on her Social Security. They relied upon Medicare for health care. Mr. Speaker, when I ran for Congress last year as a Republican, one of the things that was important to me in my campaign was to make sure that Medicare was preserved and protected for future generations, as well as for this generation of seniors. We Republicans campaigned to save Medicare, while our opponents accused us of trying to destroy Medicare instead of trying to save it.

Last week, the President's own Medicare Trustees came forward with a report that validated every single thing Republicans said last year about Medicare. There is one lesson I have learned, Mr. Speaker, during the campaign of last year: It does not take courage to scare seniors about Medicare. It does take courage to save it for this generation of seniors and for all of those who will rely upon it in the future.

I hope now we can put the partisan nonsense and scare tactics aside, and work together to save a worthy program.

## THE WIC PROGRAM IS MORE IMPORTANT THAN ESTATE TAXES

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

Mr. WYNN. Mr. Speaker, important new research has indicated that the first 3 years of a child's life are absolutely critical. They determine his future life successes, brain development, and the likelihood of becoming a productive citizen. That is why I find it strange that my Republican colleagues would eliminate 180,000 American women and children from the WIC Program.

The WIC Program is an important nutrition program to help poor people have adequate nutrition. We are not talking about estate taxes, and no, we are not talking about capital gains taxes, we are simply talking about healthy food, milk, vegetables, fruits, the things Members would like for their family.

We as Americans ought to practice true family values, and that means putting our funds behind a program that has proven to be successful. That is the WIC Program. The WIC Program can guarantee that every young child in America gets a healthy start. That is the first step in leading a productive life.

I cannot understand why they think estate taxes are so important but do not think a healthy meal is equally important.

## SUPPORT THE $500-PER-CHILD TAX RELIEF AND OPPOSE THE WOMEN AND CHILDREN FUND

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

Mr. TIAHRT. Mr. Speaker, we just heard that the Republicans were trying to eliminate people on women and children fund. We have opposed increasing the number. Let me tell the Members the reason why. In Kansas right now, a family of four making $28,000 a year is eligible to receive benefits from the women and children fund. This is 180,000 people who would receive about $300 per year if they did qualify for the WIC Program.

However, if Members would just give them a little relief in their tax structure, like a $500-per-child tax credit, they would actually get more money. Instead of getting $600 per year for those two children, they would actually get $1,000 per year. It would be money they could control.

The difference in philosophies here is that the other side of the aisle would like to control how people run their lives and what they have to do with their money, but the Republicans trust people. They want them to have more of their own money to meet the needs that their children have, because who best would understand what a child needs, other than its parents?

So I would support the $500 per child tax relief and oppose the women and children fund.

## CONGRESSIONAL BLACK CAUCUS OPPOSES A SUPPLEMENTAL APPROPRIATIONS BILL WHICH THROWS WOMEN AND CHILDREN OFF WIC

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

Ms. WATERS. Mr. Speaker, I rise today on behalf of the Congressional Black Caucus to voice the strongest possible opposition to the supplemental appropriations bill voted out of committee last week. If passed, this bill would throw 180,000 women and their children off the vital special supplemental food program for women, infants, and children known as WIC. The WIC program is widely regarded as the single most successful social program the Federal Government runs, allowing hundreds of thousands of women and children to avoid the disaster of hunger.

The administration requested $76 million just to maintain the current level of WIC participation for 360,000 women and children, but the Republicans cut this bare-bones minimum request in half, slashing the request to $38 million. This is a terrible and vicious attack by the Republican majority on nearly 200,000 caring mothers and their precious children.

This supplemental appropriations bill must provide the minimum $76 million needed to keep these families from hunger.

## DEMOCRATS CONFUSED ON WIC FUNDING PROPOSAL

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

Mr. KINGSTON. Mr. Speaker, it appears that the Democrats are confused again. There is nothing unusual there. But on the WIC program, I do not know if they have read the bill. Had they read the bill, they would know that WIC is fully funded at $3.7 billion, a historic all time high for WIC, funded by the Republican majority in Congress. I will send them a copy of the bill if they want it. Where their confusion lies is that they are using 1994 census records when they say that WIC is not fully funded.

At least in my part of the country, it is 1997. We do not have 1996 records but we do have 1995 records, and they confirm that WIC is fully funded. Democrats, there is no reason, even for political purposes, to use 1994 records.

Second, there is a $100 million carryover of unused WIC funds right now, $100 million in unused funds sitting in reserve for WIC.

Third, the President of the United States has said welfare is down 15 percent. If welfare is down, why do Democrats insist on an emergency basis on increasing welfare funding? Again, Mr. Speaker, the Democrats are confused. What else is new?

## HIGHER EDUCATION AND TRAINING MEAN HIGHER ACHIEVEMENT AND BETTER JOBS

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

Mr. FORD. Mr. Speaker, on April 24 the U.S. Department of Education released a study that has serious implications for the state of our economy and for the welfare of all Americans. The study found that education and training are strongly associated with higher productivity and higher paying jobs. College graduates, according to the study, earn 50 percent more than high school graduates, and twice more than that of high school dropouts.

Workers who improve their skills through job training have higher earnings, as do those who have a record of higher academic achievement. One of the more disturbing findings, Mr. Speaker, is that the leading productivity the United States has enjoyed for decades may be slipping because we are not doing a good enough job in educating our children, we are not equipping them with the tools they need to be viable job holders in the global marketplace.

Today it is more important than ever that we provide our people with the skills they need to keep America competitive going into the next century. When ''A Nation at Risk'' was released in 1983, it sent a wake-up call to the Nation. At every level of government, we renewed our commitment to education to conquer the rising tide of mediocrity and education that threatened our national and economic security.

Today, Mr. Speaker, we have a choice. We can turn our backs on our human capital or invest in our future and inspire our young people for the challenges they and all people will face in this next century.

## DISASTER AWAITING THE SPACE COAST

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

Mr. WELDON of Florida. Mr. Speaker, a medical colleague of mine, Dr. Vince Griffith, came up here with his daughter, Stacey, to testify before the Committee on Transportation and Infrastructure about a tragic accident on Florida's Highway U.S. 192 that robbed them of a wife and mother.

Dr. Griffith awoke the next day in the hospital with his daughter next to him. Stacey's intestine was ruptured and her spine was snapped. His wife had died of massive internal injuries. This brave father and daughter joined Robert Lay, who supervises Brevard County's Emergency Management Office, in telling the panel how important it was to widen U.S. 192.

Mr. Lay talked about the disaster awaiting the space coast if a major hurricane strikes and U.S. 192 is turned into a parking lot trapping tens of thousands of fleeing residents. I am grateful to all of these witnesses, but I am especially proud of Stacey Griffith, who is partially paralyzed and overcame her own fear to testify before Congress. I congratulate them and thank them for the hard work they are doing on behalf of the people of the space coast.

## REDUCTION OF TOP RATE ON CAPITAL GAINS TAX

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

Mr. DREIER. Mr. Speaker, as I listen to my colleagues on both sides of the aisle talk about very important programs designed to help those who are truly in need, I am going to mention something that actually could, I believe, do probably more than any of those things that have been talked about to help those who are truly in need; and, yes, it is a reduction of the top rate on the capital gains tax.

Now we had a study done not too long ago by the Institute on Policy Innovation, which found that if we could reduce that top rate, as H.R. 14 does, our bill that we introduced on the opening day, to 14 percent, we could, in fact, increase the average take-home pay for a family by $1,500 a year.

Now so often people have in the past talked about this capital gains tax rate reduction as being nothing but a tax cut for the rich. But people are finally realizing that if we could allow those literally millions of American families who own mutual funds or other appreciated assets to see a reduction on that top rate, it would, in fact, improve the standard of living for all Americans.

## ADOPTION PROMOTION ACT OF 1997

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 134 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 134

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the

Whole House on the state of the Union for consideration of the bill (H.R. 867) to promote the adoption of children in foster care. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI or section 303(a) or 308(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified as specified in the report of the Committee on Rules accompanying this resolution. Each section of the committee amendment in the nature of a substitute, as modified, shall be considered as read. Points of order against the committee amendment in the nature of a substitute, as modified, for failure to comply with clause 7 of rule XVI or section 303(a) or 306 of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1130

The SPEAKER pro tempore (Mr. HOBSON). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Dayton, OH [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, House Resolution 134 is an open rule providing for the consideration of H.R. 867, the Adoption Promotion Act of 1997. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule makes in order an amendment in the nature of a substitute from the Committee on Ways and Means as an original bill for the purpose of amendment, modified as specified in the report accompanying this rule. The modification simply amends the committee's bill so as to avoid including appropriations language in an authorizing bill. The rule also provides a limited but very necessary number of waivers to facilitate the orderly consideration of the bill.

Furthermore, the Chairman of the Committee of the Whole may accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration, and such amendments shall be considered as read.

Finally, the rule provides for one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, let me stress for our colleagues that this is more than just an open rule. In fact it is a wide-open rule. Any Member can be heard on any germane amendment to the bill at the appropriate time as long as it is consistent with the normal rules of the House.

The bipartisan support this bill enjoys is clear evidence that building stable families by promoting adoption is a goal that both political parties can and should agree upon.

Mr. Speaker, it should come as no surprise to my colleagues that the issue of adoption is very special to me. As an adoptive parent myself, I know firsthand that adopting a child can be one of life's most fulfilling experiences.

Every child in America deserves a family and a home filled with love and security, free from abuse or neglect or the threat of violence. The sad truth is that today many children do not enjoy that basic human right, and I am afraid it is these very children who are paying a very dear price, victimized by a foster care system that was enacted with the best of intentions but which is failing to look out for their best interests.

Why are a child's early years so important? New research tells us that the first years of life are critical to a child's development. We know that 90 percent of the brain's growth takes place during the first 3 years. So science is revealing what mothers have known always from the beginning of time, that early life experiences help determine the way a child thinks, learns and behaves for the rest of his or her life.

That is why it is so crucial for parents and care givers to raise children in a healthy, happy environment. The first years of life do indeed last forever.

So here we are today, Mr. Speaker, determined to change the rules of the game so that more children will have a better start. One way we can accomplish that aim is to speed up the adoption process, especially for foster children who have been abused or neglected.

While Government cannot legislate love and compassion, it can provide the leadership and the tools necessary to encourage the development of healthy, nurturing families. For example, last year Congress enacted legislation that created valuable new tax incentives designed to foster and facilitate adoptions.

In many respects, H.R. 867 addresses what might be referred to as the other side of the adoption coin. With last year's legislation we tried to ease the financial strain for hopeful parents. This bill addresses the frustrating problem of how to promote adoption of foster children who through no fault of their own are unable to return to their natural parents and who have languished for far too long in the foster care system. It is time to stop the revolving door of foster care that sends children from home to home to home with little or no hope that they will live with the same families from one month to another.

Mr. Speaker, the most important change we can make is to elevate the rights of children because too often a foster child's best interests are abandoned while courts and welfare agencies drag their feet. To correct this injustice, H.R. 867 places the safety and well-being of children above efforts by the State to reunite them with biological parents who have abused or neglected them.

As the legislation itself clearly spells out, a foster child's health and safety shall be of paramount concern in any effort by the State to preserve or reunify a child's family.

Under current law, there are no financial incentives to move children from foster care to adoption, so States continue to receive Federal subsidies as long as children stay in foster care. This is crazy, Mr. Speaker. We have created a system that in effect pays States to keep kids locked in foster care at the expense of adoption.

It is too bad that we have to use cash as an incentive. We would think the joy of giving a foster child a permanent home would be incentive enough. But this bill will establish a positive incentive to reduce the foster care case load.

Mr. Speaker, the facts support the need for this legislation. Of the nearly half million kids in foster care, only 17,000 entered permanent adoptive homes. What is more astonishing is that during each of past 10 years more children have entered the foster care system than have left it. This is simply not acceptable, and we need to take action today to change it.

The changes called for in H.R. 867 offer workable solutions to some of the most pressing concerns, and I applaud the work of my colleagues, the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY].

I also want to commend the many, many conscientious foster care parents who have opened their doors and their hearts to foster children. I am hopeful

that many of those responsible couples will have a chance to make their love permanent as a result of this legislation.

As I said before, Congress and the Federal Government cannot legislate compassion and love for all of the Nation's children, but we can take reasonable steps to promote family stability and give children, especially foster children, a fighting chance to see the loving homes that they deserve. Children simply deserve better than a here today, gone tomorrow life in multiple foster homes.

In the last Congress we reformed welfare so that low income mothers and their families would not be trapped in the never-ending cycle of dependency. We need to do the same thing with the foster care program that keeps thousands of innocent children trapped in a broken system that too often places their young lives in danger of repeated neglect and abuse.

Mr. Speaker, this legislation enjoys strong bipartisan support. Like the rule before us, it was reported without any amendment by voice vote. Since being reported, several worthwhile amendments have come up and this open rule will certainly allow the House to discuss any concerns or improvements that Members may wish to discuss.

I urge my colleagues to vote yes on the rule and yes on the underlying legislation.

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

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

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

Mr. HALL of Ohio. Mr. Speaker, I want to thank my colleague, the gentlewoman from Ohio [Ms. PRYCE] for yielding me the time.

This is an open rule. It is a fair rule. It will allow complete debate on H.R. 867.

The bill will continue a series of bills approved by Congress to encourage the adoption of children. This bill aims to speed up the adoption process of children in foster homes. In my own State of Ohio, there are 17,000 children in foster care. Of these, nearly 1,800 are awaiting adoption. This bill is intended to help these children and others like them all across the country find permanent homes more quickly.

The bill also gives States greater flexibility to separate children from their families when their parents are clearly abusive. And in my own community of Dayton, OH, we have witnessed tragic consequences of requiring family unification even when it obviously was not in the best interest of the child.

Under this rule, amendments will be allowed under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have their opportunity to offer amendments. The rule under consideration waives a number of points of order on the bill, including the 3-day availability of committee reports. It also waives points of order on the Committee on Ways and Means substitute.

The process for consideration of the bill has been completely open, and it has been bipartisan with strong support from both sides of the aisle. Therefore, the Committee on Rules recommended the waivers by unanimous vote so that the needed bill can move forward quickly.

Mr. Speaker, I urge adoption of this open rule and the bill.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER], my colleague on the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I do so to compliment my friend from Columbus, OH for the leadership role that she has shown on this issue of adoption which is very important.

This legislation, as has been said by both of my friends from Ohio, is designed to encourage adoption. There is a pressing need out there, and I believe that this legislation will go a long way toward creating the kind of incentive that is necessary.

I also believe that it is very good that we are doing this under the open amendment process, because I understand that there are proposals that some Members who do not sit on the Committee on Ways and Means have that they wish to offer. And it is our hope that they will be able to work those out, and we will be able to continue to move ahead with bipartisan passage of this legislation.

I would simply like to urge my colleagues to support the rule and to again congratulate the gentlewoman from Ohio [Ms. PRYCE] for the stellar leadership that she has shown on this and a wide range of other issues.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], and I say thank you to the gentlewoman and the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Ohio [Ms. PRYCE] for so much good work on an important piece of legislation.

Mrs. KENNELLY of Connecticut. Mr. Speaker this rule brings to the floor something that I think we all knew was important. We enjoyed working on this issue and its result—that good things can happen when both sides of the aisle work together to try to solve one of our Nation's problems. And I could not think of anything better happening than finding safe, and loving, and permanent homes for abused children.

The conflict between the rights of parents and the needs of children is perennial and will remain a central dilemma in the field of child protection. Realizing this, almost a year ago, the gentleman from Michigan [Mr. CAMP], and I began to talk about drafting legislation to protect children and promote adoption. We, and our staffs, worked on a bill together, and throughout the process we sought advice from a wide range of individuals from across the country, from individuals who had joined with groups with varying points of view, some absolutely adamant in protecting the rights of parents, some absolutely adamant in protecting the rights of children. We heard from all sides of the issue.

We also worked with the Clinton administration, which has been making child adoption an increasingly important situation and a top priority.

So I will speak later on the aspects of the bill, but I would like to say something regarding the rule.

Mr. Speaker, I urge Members to support this rule. But I also want them to realize that although this is an open rule, any Member, of course, can offer an amendment, this bill has been crafted to address the careful balance between parents' rights and children's safety.

Many Members interested and very knowledgeable in child welfare have agreed to hold amendments so that today's legislation could bring forth a basis for a continuing process concerning the rights of parents and the safety of children. I look forward to working with these Members, and working again with the gentleman from Michigan [Mr. CAMP] so that in fact this whole situation of further protections for children can grow.

But today the legislation we have before us and the rule brings to us is a careful balance between many, many, many hours of work. Of course, there will be amendments, but I do hope that amendments that break this balance will not come forward. We have so must to do. This is so important. We do not want to have this bill in jeopardy.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he might consume to the gentleman from Florida [Mr. SHAW], subcommittee chair of this important legislation.

□ 1145

Mr. SHAW. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, there is one technical change in the Camp-Kennelly bill that was reported by the committee, and I thought it my duty to come to the floor and briefly explain this under the rule.

This change simply removes language that was inadvertently included in the committee bill, that appropriated money for adoption incentive payments, and substitutes language that authorizes spending on the payments. Because the incentive payments are so important to increasing adoptions, and because this provision actually saves taxpayers' dollars, both the Committee on the Budget and the Committee on Appropriations graciously agreed to help us write language that

would, if appropriations are made in any year, adjust both the budget resolution and the statutory budget caps to accommodate the additional spending.

Thus, the amended bill does not appropriate money, but the new provision does make it easy for the appropriators to provide the money for the adoption incentive payments. Giving States the incentive payments of $4,000 for each additional adoption will save both State and Federal tax dollars.

I want to personally thank the chairman and the staffs of the Committee on the Budget and the Committee on Appropriations for their help with this important provision.

I would also like to tell the Members of the House, in responding to some of the comments made by our colleague, the gentlewoman from Connecticut [Mrs. KENNELLY] one of the authors of this bill, that we on this side, even though this is an open rule, recognize the bipartisan effort that went into building this bill and also recognize the tremendous importance and impact this bill is going to have upon some of the most fragile among us, and that is unadopted kids that are lingering in foster care.

Because of that, Mr. Speaker, we are trying to work out compromises on many of the amendments that are being offered or contemplated to be offered, to see if we might reach a bipartisan solution on acceptance of those amendments without putting the House to votes that could possibly tilt the scales away from the bipartisan bill that has been so carefully crafted by the gentleman from Michigan [Mr. CAMP], and the gentlewoman from Connecticut.

Because of that, I would anticipate that if there are any amendments in dispute, that the committee would, in all probability, object to those amendments. Even though we might see that they have merit that should require us to consider them, and even though we personally might think it might be a better bill, we feel the bipartisanship that has been brought to this bill to the floor today should survive the day and that we should report out a bill that should get the unanimous support of the entire House.

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

Mr. TRAFICANT. Mr. Speaker, I have a little Buy American amendment, and the gentleman from New York [Mr. RANGEL], he said we really do not need to buy American kids in this, but I want to explain it.

The Traficant amendment has been passed on to many things, and it says simply, it is a sense of Congress that when funds are expended pursuant to the passage of these acts and these laws, that when they expend that money, that the Congress notifies them, wherever possible, to try to buy American-made products. It does not tie their hands. And they should give us a report at the end of the year as to how much was foreign-made so we can get some computerization on what is our procurement around here.

I want to say this to the Congress. We are at this point, the delegation from Massachusetts, looking into the fact that our currency, the paper that our currency is printed on, will be made in Great Britain. And the Crane Co. of Massachusetts, who has produced the paper that our currency has been printed on, will come to us from overseas. We have military troops in Chinese boots.

We have gotten to the point where we have lost sight of our procurement. I once passed an amendment on a defense bill, I would say to the gentlewoman from Ohio, that if a foreign country does not allow American companies to bid, they should not be allowed to bid on our defense contracts. And both sides of the aisle fought it and then they finally passed it.

I think it is time to say that wherever possible when we are spending taxpayer dollars that we try to buy American-made goods. It does not tie their hands. Taxpayers pay the freight coming down the track, they have the jobs, they pay the taxes. It seems to work.

It is noncontroversial, but for those who have some doubts, it is germane and it deals with any funds made available pursuant to the passage of this act that would be used for procurement purchases.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in many ways foster care has become a black hole for America's most needy and vulnerable and precious children. They get sucked into it through no fault of their own and they end up spending years bouncing from one foster care family to another, with little or no hope of settling down to enjoy a stable, loving home environment. Today we can begin to offer these children a small ray of hope by agreeing to this open rule and by passing the Adoption Promotion Act.

Mr. Speaker, we just need to change the model. We do not need the latest poll or focus group to know that it takes a family to build a stronger America. By protecting the safety and well-being of children, we can ensure that the neediest and the most neglected and the most abused foster children are given a real chance, a fighting chance, to enjoy safe and permanent homes.

Mr. Speaker, on behalf of the thousands of foster kids living in America today, I urge my colleagues to support this fair, open rule and to vote for the Adoption Promotion Act.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to House Resolution 134 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 867.

□ 1152

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 867) to promote the adoption of children in foster care, with Mr. ROGAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. SHAW] and the gentleman from New York [Mr. RANGEL] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. SHAW. Mr. Chairman, the Camp-Kennelly bill that we bring to the floor today is of vital importance to many thousands of the Nation's most unfortunate children. These children are the abused, the neglected, the abandoned. To take these children out of harm's way, State government removes these children from their families and places them in foster care.

Five hundred thousand. That is right, one-half of 1 million. That is how many children are languishing in foster care as we debate this bill today. The major goal of Federal and State policy must remain what it has been since the passage of the vital Adoption Assistance and Child Welfare Act of 1980, and that is to move these children to permanent placements as quickly as possible.

But today there is a new consensus throughout the Nation: Too many children are in foster care because too few children are adopted. The bill we debate today will change that. I have no doubt that if we pass this bill, within 5 years the number of adoptions in the United States will increase substantially and the number of children languishing in foster care will at last decline.

This bill does three big things to promote adoption:

First, Federal statutes now put too much emphasis on providing all kinds of services to rehabilitate troubled families. Let me be clear about this. I firmly believe that services for troubled families are important. Nothing is more important to children than their families. Thus, if their family has problems, government could and should reach out a helping hand. But not ten hands.

If families will not or cannot change within a reasonable period of time, we must, in the interest of the children, be

willing to terminate parental rights and move expeditiously toward adoption. So the big thing this bill does is to push the pendulum of government concern back in the direction of the children.

We do this by allowing States to define what we call aggravated circumstances that allow them to dispense with services for the family and get on with the business of finding an adoptive home for the child. In the case of parents who have murdered another child or lost custody of other children, States are required to dispense with the services for the family and to move quickly to terminate parental rights and get the child adopted.

The second big thing this bill does is require States to move to terminate parental rights and find an adoptive family if children under 10 have been in foster care for 18 of the past 24 months. There is at present no national consensus on the maximum time children should spend in foster care. As a result, some States keep children in foster care for an average of 3 years. The average stay in foster care across all States is around 2 years.

Think of that: 2 years, 24 months, 104 weeks, 730 days. For a 4-year-old child, that is half of his or her life. This must stop. Camp-Kennelly will take us a giant step toward creating a national understanding that if families cannot be rehabilitated within 18 months, the State must move to adoption.

These first two provisions of this bill place administrative requirements on the States, but the third big provision of this bill takes a different approach. Camp-Kennelly will reward States for increasing adoptions.

If we want more of something, we simply subsidize it. So let us pay States to do the right thing. Instead of just subsidizing foster care, as we do now, Camp-Kennelly will pay the States $4,000 for every child adopted above the prior year's levels.

Will this approach work? Both the Congressional Budget Office and the Office of Management and Budget say it will. Not only will the provision increase the number of adoptions, but it will actually save money. Members of Congress will seldom have the opportunity to vote for a bill that both does the right thing for children and saves taxpayers dollars at the same time.

I am quite proud of this bill, and I am proud of my subcommittee and the sponsors who have put this bill together. It will help children. It will increase adoption. It will improve the reputation of government for effectiveness and efficiency, and it will save the taxpayers money.

I would like to share with the Congress part of the testimony that was given before my subcommittee. A woman caseworker who had been involved in many, many adoptions told us of the first words that a child had after meeting her new parents, and this is a child who was less than 3 years old, a 2-year-old child. The first words she said in meeting her new adoptive parents were ''Where have you been?''

''Where have you been?'' Can any of us imagine those words coming out of a 2-year-old child thirsting for a family? I say to the Congress, ''Where have you been?'' It is time for us to pass this bill, and I urge all the Members to vote ''yes'' on this vital piece of legislation.

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

Mr. RANGEL. Mr. Chairman, let me join with my colleague from Florida in complimenting the legislators on the committee that worked on this very sensitive piece of legislation.

It is so difficult for us in the Congress to attempt to regulate or legislate things that concern love and emotion and separation of mother and child, and that is why it is so important that those people, who mean well but want to fine-tune this, might do well to believe that the Congress cannot, as they have said so often, make one size fit all according to Federal standards.

I think all of us agree that when it comes to a child that is living in a dangerous or an abandoned situation, that we all want to do what is in the best interest of the child.

□ 1200

We do not have all of the answers here in Washington, even though we Democrats are accused of trying to provide all of them. But one thing is clear, that the facts and circumstances surrounding the condition and the welfare of that child is closer to the State than it is Washington, DC. So I do hope that those who have particular problems or have seen it back in their home State might concentrate on trying to change those provisions at home and kind of leave the work that the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] have put together in a very well balanced way.

It just seems to me that they have taken in consideration the very, very difficult decisions that have to be made even by social workers. When is the time that a child should be adopted? When is the mother's rights terminated? Is there an area of rehabilitation? All we know is that this bill would at least allow the resources for these very sensitive questions to be addressed in the proper way. All we can do is hope the best that we can that we have facilitated in taking children out of harm's way into loving homes and thereby making a stronger and more productive country as these youngsters grow up to be productive.

Mr. Chairman, the gentleman from Florida [Mr. SHAW] has every reason to be proud, and those that have really not spent that much time discussing this, I hope that they might allow this legislation to go through as it is drafted and to make certain that their considerations are brought to the local communities in which they serve, because situations that we have in New York may not prevail in Los Angeles or in other parts of the United States, and I really want to protect the work that has gone into this legislation.

Mr. Chairman, I ask unanimous consent that the time remaining be turned over to the gentlewoman from Connecticut [Mrs. KENNELLY], the drafter of the bill, on our side at least, the codrafter, and that she be given the opportunity to yield the remainder of the time that we have on this side.

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

There was no objection.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CAMP], whose name appears first on this bill.

Mr. CAMP. Mr. Chairman, I want to thank the chairman of the subcommittee for yielding me this time and also for his leadership on this issue.

Today the Congress has an historic opportunity to improve our child welfare system with respect to adoption. Under the fine leadership of the gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. SHAW], past Congresses have already made two important changes, providing a $5,000 tax credit for adoption expenses and eliminating racial preferences for adoption. We now have the chance to build on this outstanding record.

The legislation before us today will help reduce the amount of time that children spend in foster care and increase the time they spend in permanent loving homes. I want to thank the gentleman from Texas [Mr. ARCHER], the chairman of the full committee, the gentleman from Florida [Mr. SHAW], the chairman of the subcommittee, the gentleman from New York [Mr. RANGEL], ranking member of the full committee, and the gentleman from Michigan [Mr. LEVIN], ranking member of the subcommittee, for their support.

Nearly 500,000 children currently reside in foster care and thousands more join them each year. These children can spend up to 3 years in foster care, and since 1982 the number of children in foster care has increased by 89 percent. For a young child, that is, far, far too long. For too many children foster care has become a permanent solution to their problems instead of a temporary answer. These children wait for permanent loving homes while many parents wait to adopt children.

The names and stories are too familiar: Children returned to homes only to face continued abuse, and child advocates torn between their desire to reunite the family and their duty to ensure the child's health and safety. Children deserve a compassionate but effective system that works on their behalf, not one that subjects them to continued abuse.

The legislation before us today strikes the appropriate balance between parental rights and child safety.

The bill calls upon States to continue efforts to reunite the family, but also realizes that in some cases reunification is not in the child's best interest. In these cases, States are encouraged to follow concurrent planning in order to ensure the child spends as little time in foster care as possible.

The bipartisan legislation before us today was drafted, debated and adopted with the full participation and support of my colleagues on the other side of the aisle. It was approved by the Committee on Ways and Means by voice vote and enjoyed strong bipartisan support. In addition, we have held hearings, received much public comment and received broad-based support for these reforms.

Mr. Chairman, the children of this Nation deserve a fighting chance. This legislation puts the system in their corner and makes sure that our children grow up in a permanent loving home. I also want to thank the gentlewoman from Connecticut [Mrs. KENNELLY], the co-sponsor of this bill, for her leadership, her strong support and her advocacy for this issue.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I too would like to thank the gentleman from Florida [Mr. SHAW] and the gentleman from Texas [Mr. ARCHER], the gentleman from Michigan [Mr. LEVIN], ranking member on the subcommittee, and I also want to say what a delight it has been to work with the gentleman from Michigan [Mr. CAMP].

Mr. Chairman, every day in America 3 children, 3 innocent, precious children, die from abuse or neglect, and every day in America 500,000 children wait in foster care for a permanent home. These statistics say to us we certainly are not doing the best that we can do by our children.

Today I do not suggest that the legislation before us will eliminate child abuse for every child, though I wish I could say that, or guarantee a permanent home for every child in foster care. It will not. But I do believe this legislation represents a significant step forward in providing protection and permanency for our Nation's abused and all too often forgotten children.

I also believe the bill represents what bipartisan cooperation can accomplish. The tension between the rights of parents and the needs of children will be a perennial debate when we talk about child welfare. Realizing this, the gentleman from Michigan [Mr. CAMP] and I began almost a year ago, reaching out, listening, talking, meeting. Our staffs spent hundreds of hours trying to look at this question and see where we could jump start it so we could address some of the concerns that we have at this very time, thinking there has been some misunderstanding between the Federal Government and the State governments in making sure that everything was done to protect children. And so we ended up with this piece of legislation before us today.

The bill has two basic goals: Preventing children from being returned to unsafe homes, and finding safe and loving and permanent homes for children who cannot be reunified with their families. To accomplish this goal, our legislation revises the current Federal requirement that States make reasonable efforts to reunify abused children with their families. Early on in the 1980's we wrote legislation in this body and in the other body saying every reasonable effort should be made to return a child to the family. And in the States, those who were working very hard to bring this about did not know where to end that. It was not clear. In short, we are clarifying that reunifying a family is not reasonable when it presents a clear and undeniable danger to a child.

The legislation provides States with examples of situations where reasonable efforts are unreasonable efforts, such as when a child has been abandoned, when a child has been tortured, where a sibling of that child has been murdered, where there has been chronic physical abuse, where there has been sexual abuse.

Let me say that in the best of all worlds, we all agree that the best place for a child is with his or her parents. But we must also recognize there are times when a child's safety is threatened by living at home. Every one of us in this body can turn to and refer to headlines in their papers, the terrible, heartbreaking case with little Emily in Michigan, other cases across these United States, headlines telling us the very worst can happen. This legislation is not only a reaction to these kinds of situations; this legislation is on the floor today so these situations will not make headlines, that that quiet child locked in that terrible situation will not be forced to stay there or will not be returned to that situation.

But it is not enough to really prevent children from returning to dangerous homes. We must also do more to find permanent homes for children who cannot return to their birth families. Our foster care system, and I want to make it very clear, Mr. Chairman, is an extremely valuable safety net, but it should not be in any way a way of life for children.

Unfortunately, not only have the number of children in foster care homes almost doubled in the last 12 years; what we are seeing is younger and younger children going into that system. However, let me say today that foster care has provided that safety net for those children and in 1995 half the children adopted were adopted by their loving foster care parents.

In this legislation we propose four solutions to this problem. First, we call on States to pursue reasonable efforts to place children for adoption when reunifying families is not possible. Second, we propose expediting the review of foster children by requiring a permanency hearing after 12 months, not waiting for 18 months. Third, for younger children who have spent the last 18 months in foster care, we require the States to consider terminating parental rights so a child can be freed for adoption. But, of course, the courts would still have the final word on whether termination is the best solution. And finally, we advocate giving States financial incentives if they increase the number of children leaving foster care for adoption.

Our legislation would provide $4,000 for every additional child that is adopted, and $6,000 for every hard-to-care-for child in the foster care system.

Mr. Chairman, some may say this bill does not go far enough in one direction. Others say we certainly have not put enough financial assets into it. I fully acknowledge that the child welfare system could use more resources. However, I think we will find a wide consensus from the left, from the right and all of us in between that the legislation before us will help protect children and promote adoption.

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

Mr. SHAW. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I rise today in support of the Adoption Promotion Act, H.R. 867, and I ask that all Members do the same.

Quite simply, this measure represents Congress' commitment to children. According to the Children's Defense Fund, in 1995, 3.1 million children were reported abused or neglected and 818 children died as a result of abuse and neglect. Furthermore, that same year over 1.8 million youths were arrested for various crimes, over 100,000 of which were violent crimes.

At issue here is America's future. We are failing our children if we do not provide them with positive role models. While foster care and those who assist in that care are doing a world of good, it will go to waste without some sense of stability for the child. We should be embracing and assisting those families that are willing to care for this country's most precious resource, our children. That is what this bill is all about. I urge my colleagues to support H.R. 867.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan [Mr. LEVIN], the ranking member of the subcommittee that brought forth this bill.

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

Mr. LEVIN. Mr. Chairman, I very much support this bill and am glad to rise in support of it. It is a common sense proposal that hopefully will bring to fruition the goal of a permanent home for kids in foster care.

This is a balanced, activist approach. Right now there is stagnation. Kids stagnate or sometimes just move from place to place while they are stagnating. Family reunification is the primary goal, but a recognition that in

some circumstances this is not workable and beneficial for the child. In some circumstances, such as abandonment, chronic abuse or sexual abuse, efforts to keep the family together, those efforts do not serve the interest of the child.

So there is a redefinition of the requirement of reasonable effort to make sure that the child's interest is primary.

□ 1215

The bill also requires more frequent status reviews for children in foster care, and it gives foster parents the opportunity to be heard at the hearings.

I want to thank, if I might, and express on behalf of so many the appreciation to the gentleman from Michigan [Mr. CAMP] and to the gentlewoman from Connecticut [Mrs. KENNELLY] for their work and the efforts of the chairman, the gentleman from Florida [Mr. SHAW]. I hope we will keep our eye on the ball here and not go overboard one way or the other, but keep a balanced position here. That is what will keep in mind the key goal, the interest of the child. Making termination of the parental interest occur too soon will not help the child. On the other hand, going the other way is not going to help the kid.

Also we have to remember the importance of the services that are necessary to help these children and the parents; to delete the provisions in this bill that relate to those services would also be a mistake. This has been carefully crafted, and I hope we will maintain it.

Mr. SHAW. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, last year I was very pleased to have played a part in making sure that the adoption credit was passed. This credit helped make adoption more affordable for numerous parents who could not afford adoption costs.

However, it is evident that costs are not the only problem of adopting. In fact, it is the very system that was created to help children either be reunited with their families or be adopted that has turned out to be the problem.

In the last decade child welfare has grown into an enormous bureaucratic system that is biased toward preserving the family at any cost. Consequently, foster care has become a way of life for thousands of children while agencies continue to try and, quote, fix the problem.

Mr. Chairman, I would like to commend my dear colleagues, the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] for all their hard work on the Adoption Promotion Act of 1997.

For years, foster care has been a black hole for thousands of America's children. The current system has failed to help the very children it was intended to help. Today it is estimated that over 500,000 children are in foster care while 50 to 80,000 are legally free to be adopted. The average child is in foster care for 3 years, while 1 in 10 children remain in State care for longer than 7½ years.

The time is right to make some fundamental changes to the child welfare system because too many children are simply wasting away. This is a responsible bill that seeks to speed up the adoption process, in particular for those children that have been abused or neglected.

This bill represents an important philosophical shift from the Federal policy that makes every effort to reunite children with their biological families to one that defines when reasonable efforts shall not be made and determines when those children shall be placed in permanent, loving, adoptive homes. I strongly believe that this legislation moves in the right direction by defining reasonable efforts, placing timelines on permanency decisions and filing for parental termination and providing incentives to States to hasten adoption. However, I believe that there are ways that we can strengthen and improve the bill so that it thinks of what is best for the children and for their well-being.

Mr. Chairman, we finally have the opportunity to help thousands of children, and we should ensure it is an effective bill. Originally the gentleman from Kansas [Mr. TIAHRT] and myself were hoping to introduce two separate amendments; however, instead Mr. TIAHRT and I will be speaking about one separate amendment. Before that amendment is debated, I would like to discuss one of the amendments we are not dropping that I believe deserves thorough discussion and consideration in the future. This amendment, once it is determined that a child shall not be returned to his home and parental rights are to be terminated, the State shall place the child with a family who is qualified and willing to adopt. If the State has failed to find an adoptive home within 90 days, then the State must contract out with a private agency to find a family within 90 days. After that child is with the preadoptive family for 4 months, the family would have the right to petition for an expedited hearing to terminate parental rights and adopt the child.

Mr. Chairman, I believe that this arrangement would greatly expedite the movement of children that are free to be adopted into permanent homes. Currently States often take months to find parents in spite of thousands of parents waiting to adopt. Groups such as Adopt a Special Kid, the Dave Thomas Foundation, Institute for Justice, Adopt a Network, and Children with AIDS say they have hundreds of parents waiting to adopt a child.

Private agencies have proven to do a much better job because they have the experience and are not bogged down by numerous other demands and the financial disincentives to adopt a child and they have one mission, to get the child into a loving adoptive home. For example, Michigan has a successful program with the private sector, is involved in placement of the child into a permanent home, and adoptions in the State have doubled, and adoptions of African-American children are up 121 percent.

Kansas, which has contracted out most of its services to private agencies, has all children, regardless of age, in permanent placement at the end of 1 year. According to Patrick Fagan of the Heritage Foundation, private adoption services are more efficient and more effective than State agencies where adoption is concerned, as illustrated by the track record of Detroit's home for African-American children.

Mr. Chairman, there is a desperate need to get kids into permanent and loving homes. Children are waiting too long for a permanent home. According to a report by Dr. Carol Beevan, children wait an average of 2½ years for courts to terminate parental rights. Each month, each day that a child spends in care, is extremely detrimental to his or her mental and physical development and also has great cost to our society in the forms of welfare numbers, out-of-wedlock children, and problems with the criminal justice system.

Mr. Chairman, I appreciate the opportunity to discuss this proposal with my colleagues. While it will not be voted on by the House today, I would hope that we can work with the Committee on Ways and Means, the gentleman from Michigan [Mr. CAMP], the gentlewoman from Connecticut [Mrs. KENNELLY] and other interested parties to see if it can be discussed at the conference or in future hearings.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I want to salute the gentlewoman from Connecticut [Mrs. KENNELLY], the gentleman from Michigan [Mr. CAMP], and the gentleman from Florida [Mr. SHAW] for their hard work on this very important bill that I am an original cosponsor of. So often with legislation around this body, we scratch the surface of trying to solve problems. This bill goes to the heart and soul and potentially will save thousands of lives of our Nation's children.

Right now, Mr. Chairman, we have two major problems in our foster care system. Because of the 1980 law, oftentimes, and this has been documented over and over and over and over in a compelling series by the Chicago Tribune on children, that we would reunite our children with their families only to find catastrophe to happen later on that week or that month when that child was abused again or hung in a bathroom and killed, and because of that 1980 law, reunification became something that was done in too many terrible instances resulting in catastrophic consequences for that child. This bill helps address that problem.

The second problem is now we have too many children languishing in foster care situations. Five hundred thousand children in this Nation are in foster care. We need to develop a way to get them through a fairly judicious and compassionate yet efficient adoptive process. This bill helps do that.

Yesterday on the front page of the New York Times, and I would ask that this article be entered into the RECORD, we find that families are finding ways to make sure that they protect their children, when in this article, as it articulately details, that the caseworkers had to sit out in front of a house for 10 hours to make sure that those people were not the kind of people that should have that child back. Please read the article in the RECORD.

The article referred to is as follows:

PRIORITY ON SAFETY IS KEEPING MORE CHILDREN IN FOSTER CARE

(By Peter T. Kilborn)

RICHMOND.—Years after their drug-addicted mother walked out, a Juvenile Court judge in July 1996 decided to award custody of three children—ages 10, 6 and 4—to the grandmother of two of them.

The grandmother, whose son fathered two of the children, seemed to have everything going for her. She had a new house, a prominent lawyer and the power of her appeal to keep the family intact.

But city caseworkers were skeptical, and the decision was appealed. What they did next reflects a monumental change in the way cities are dealing with children from troubled homes.

''We hired a private investigator to watch her house,'' said Hunter Fisher, a lawyer who is manager of human services for the Richmond Department of Social Services. ''And in court, we introduced 10 hours of tape showing a hundred people entering and exiting each of two nights. Children were coming and going, too.''

Since most of the traffic occurred in the middle of the night, the city convinced an appellate court that the house was being used for illicit activities, including drug dealing, and the children remained in foster care.

Overturning the long-held premise that keeping families together is the best policy, child-welfare officials here and across the country have been doing everything possible to delay or avoid the return of neglectful families. The result is that more children are spending longer periods in foster care. And that, in turn, is contributing to what is already one of the biggest problems facing the child-welfare system: a ballooning foster care population.

Since 1985, this population has almost doubled—to 500,000 children from 276,000—as an epidemic of crack cocaine use and other drug and alcohol abuse has torn families apart. The children stay in foster homes for three years, on average, as overwhelmed caseworkers try to help the parents with the problems that made them abusive or neglectful.

PRIORITY ON SAFETY MEANS A SURGE IN FOSTER CARE

In fiscally tight times, the Federal cost of such support, which the states match, has leaped to $3.3 billion annually from $546 million, in large part because of the soaring cost of treating children born with a variety of ailments because of parental addictions.

Concern over costs, and the welfare of the children, has led to a push for more and faster adoptions—most often by foster parents themselves—and for permanent placements in foster homes when adoptions cannot be arranged.

This year, two bills racing through Congress with wide bipartisan support would urge juvenile courts to make children's safety, rather than family preservation, their paramount concern. The bills would offer states money for increasing the number of adoptions from foster care. That would mean being quicker to terminate parental rights and would free children for adoption when preserving the family would pose a greater risk to children's safety.

The shift in Federal policy began last year, when Congress approved a $5,000 tax credit for each child adopted by a family with an income below $115,000. It also removed most barriers to interracial adoptions, making it easier for black children to be adopted by white families.

A GROWING NEED FOR ADOPTIONS FOR FOSTER CHILDREN

Late in 1996, President Clinton ordered the Department of Health and Human Services to find ways to double the number of adoptions of foster children, now 27,000 a year, by 2002.

But some child-welfare experts say these changes—the move away from keeping families intact and the push for foster care and adoption—may go too far in the other direction.

''There has been a backlash against family preservation,'' said Susan J. Notkin, director of children's programs for the Edna McConnell Clark Foundation in New York. ''If you have a child at risk, you have an obligation to do something. But I believe many children are removed because we have not taken the time to determine what the parents need.''

Providing families with intensive services, including therapy and drug-abuse treatment, is also much cheaper than putting a child into foster care, Ms. Notkin said.

Adoption is not an easy answer, either. Children who have suffered abuse and neglect often need professional help, wherever they live, and many potential adoptive parents are reluctant to take them on.

All the hopes, scars and frustrations of children from abusive homes and the parents who take them in are on display in Vickie and Tim Ladd's five-bedroom brick ranch house, with a pool, a trampoline, a swing set and a basketball hoop in a tranquil development just south of Richmond.

As their three foster children recounted their earliest memories, it was easy to see why they no longer resided with their biological parents.

''There was a lot of drinking,'' said Dawn, 17. ''My stepfather would attack me so I'd run away.''

Her foster brother, Lonnie, 14, sweaty after jumping on the backyard trampoline, said that when he was 8 and 9, he would slip out into the night to look for his mother in bars.

In a heart-shaped frame in her room, Stephanie, 13, wiry and a little fidgety, has a picture of her mother, who went to jail briefly for beating her.

''She'd bring up her fist and hit me on the side of the head,'' she said, mimicking the whack. ''I have A.D.H.D.,'' she said. ''That's attention deficit hyperactivity disorder. I take medicine. It calms me down.''

Calm, direct and settled after three years here, Dawn has recaptured two lost years of school, is on the honor roll and starts community college in the fall.

''I draw,'' Lonnie said, ''I'm going to be a comic artist.''

Stephanie said no child of hers would need foster care. ''After I get married,'' she said, ''I want one kid. Just one. I want a girl, but whatever God gives me, I'll deal with it. I'm going to be strict but not too strict. She's going to have a curfew.''

The prospects are not so clear for two children the Ladds have adopted, Steven, 13, and Jason, 14.

When the Ladds took him in at age 4, Steven had been sexually molested in another foster home. ''He never forgot,'' Ms. Ladd said.

Jason came to them at 2, two years after the Ladds had married and were told that they could not have children of their own.

''He had been severely beaten,'' Ms. Ladd said. ''He had broken bones. He had mental retardation and fetal alcohol syndrome.

''He's a beautiful child,'' she said, picking up a framed photograph.

But in November, Jason had to be moved into a group home for children with behavioral problems. After 14 years of marriage, Ms. Ladd had become pregnant with Zachary, and Jason was beating her.

In communities like Richmond, with many abused and neglected children like these, the big issue for child-welfare officials is not so much adoption or family preservation, but the immense and rising costs of caring for the children. Officials say they are overworked, understaffed and underfinanced.

The Richmond Department of Social Services has 35 caseworkers dealing with 870 foster children, about twice the number it says it can readily serve. Staffing levels like this in many cities have led to a lack of oversight and failures to prevent abuse by foster parents themselves, critics of the foster care system say.

''The crunch of children backed up in foster care is more a statement of how damaged these children are than of the willingness of people to adopt,'' said Michael A. Evans, director of the department. ''There are people who are willing to adopt healthy children. But crack mothers don't have healthy children.''

Frederick Pond, the manager of Virginia's adoption and foster care services, said hopes in Washington for any increase in the number of adoptions of troubled and abused children were way too optimistic unless the Government took on some costs and responsibilities.

The State of Virginia, for instance, offers one of every three adoptive parents the same $262 to $388 per child it gives foster parents each month. And some parents get subsidies for their children's therapy.

Even then, Mr. Pond predicted, more and more adoptive parents will return their children to the state because of problems.

Life has been tough, but satisfying, for Denise and Beauregard Evans, the foster parents of Pamela, Lakisha and Kenneth. The children have been with them since soon after their births, and they hope to adopt them.

The Evanses are rearing 10 children, including 4 of their own, in a split-level house on a cul-de-sac with a driveway cluttered with children's plastic vehicles. Still in their 30's, they have sheltered 129 children for months or years.

All but their own four, who range in age from 1 to 17, have various disabilities, including retardation, speech impediments and hyperactivity. One was born to a girl who was 12. Another needed a blood transfusion at birth and weeks in a hospital to start purging the crack cocaine from her body.

After school, the Evanses' house is a warren of children doing homework and playing. Kenneth is in a tent in the living room with a floor full of plastic balls. He was born addicted to cocaine, Ms. Evans said. ''He's a little delayed for a child his age,'' she said. ''Lakisha too.''

After the custody battle in the courts, Ms. Evans said, the girls needed therapy. But

Pamela seems settled now. Shy and skinny, with straight, long black hair, she is in the fourth grade and said she liked spelling and math.

But she remembers her visits with relatives in the past.

''They were on drugs,'' she said. ''They'd act weird. I'd go and look at TV in the other room.''

Mr. Chairman, let me just conclude by saying this bill is revenue neutral, it is compassionate, it will move thousands of children through the foster care system to loving families, and instead of just having one option of going to another country to adopt, which is a great option, let us provide more Americans both options, to go to another country such as China, Korea, Argentina, but also to adopt through a more efficient yet compassionate system here at home.

Mr. SHAW. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. CAMP], the prime sponsor of the bill, and I ask unanimous consent that he be allowed to yield time.

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

There was no objection.

Mr. CAMP. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, first of all I would like to say that I think this is a tremendous step in the right direction, and I want to congratulate the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] for this great effort on moving us in the right direction in moving kids out of a situation where they are trapped in a system and wanting to get into the arms of loving parents who would provide for them, and also I would like to congratulate the gentleman from Florida [Mr. SHAW], subcommittee chairman, and the gentleman from Texas [Mr. ARCHER], chairman of the full committee, too, because this is long overdue.

There are very dire circumstances that occur once in a while in the State of Kansas. We had one young man who at the age of 14 had been in 130 foster care homes. He had been trapped in a system for 11 years because the State would not give up on trying to rehabilitate his parents, and they pursued one service after the other, one counseling session after the other, and it became a focus on the parents rather than a focus on the child.

I think that this legislation moves us to a positive situation where we are promoting the fact that we are going to focus on children now and that we are going to allow parents the opportunity to get their lives in order and become good parents because I truly do believe the best situation is when we have children in the loving home of their birth parents. But occasionally we are unable to do that. People get hung up on drugs, their lives are ruined by crime, and it is at times best for children to move into a situation where they are adopted. Adoptive homes have very positive records. Children have adjusted very well to new parents and live very successful lives and contribute greatly to our society, and I think that is the goal of this bill: trying to focus on the children and move them on.

Mr. Chairman, I do have a couple of exceptions that I will discuss fully, but I think that this bill is such a magnificent step in the right direction that regardless of what happens today that we are going to do a wonderful thing for the children in this country.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the gentlewoman for yielding this time to me, and I commend her and the gentleman from Michigan [Mr. CAMP] for their wonderful work in bringing this legislation together and to the floor today for our consideration. I believe this is extraordinarily important legislation and addresses in an overdue, albeit ultimately very important way, I think, the pendulum that the State, that we have to deal with, as we wrestle with dysfunctional families and the children of those families.

The 1980 Child Welfare Act clearly made the priority reunification of families. Obviously that is a critical goal and one that is appropriately sought out through our child welfare processes. But it certainly is not the only priority or necessarily the overriding priority. I think the overriding priority has to be the best interest of the child, what is in the best interests of the children of these families, and I think sometimes under the 1980 legislation that has been relegated to a secondary status. We can all agree that there ought to be no higher priority than the health and safety of children, the children of these families.

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So, as this act before us does, putting that as the clear priority, overriding the unification of families, if there is even an issue that the health or safety of the child might be threatened by reunification is a very important step to take.

A little more difficult, and I think one that the bill addresses in a balanced and thoughtful fashion, is how long do we give the process time to work before we give up on reunification and pursue full speed ahead on getting the child placed in a permanent family arrangement. The shorter timeframes which this bill would move forward, I also think, are terribly important. We have unacceptable circumstances of children languishing in foster homes, or maybe a series of foster homes, while social workers patiently try to work with parents who just have not been able to grow up and deal responsibly with their parental responsibilities.

There comes a time when the child is hurt from this attention to reunification, and that is not acceptable. The child's interests have to be paramount, and I believe the shorter timeframes will help us in this regard.

Let me tell my colleagues just a for-instance that happened to me. I was watching a lovely little boy, about 18 months, wander around a shop, and I was speaking with him, about the age of my son. I spoke with who I thought was the mother of this child. She indicated that she was in fact a foster mother. She had had this boy from the time he was 6 months old; she had had him 1 year.

There was no question from the interaction between the child and the mother that the child thought that this woman was his mother, and yet they were in this indeterminate foster care status while they waited for unification.

We cannot let these things languish. As I wrap up, I support this legislation, commend its sponsors. Let us put interests of the children first, as advanced by this legislation.

Mr. CAMP. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, I think on the floor today when we think about how much time we spend discussing building roads, building schools, building businesses, it is really wonderful to take a day and talk about building families.

Families with children are created in two ways. The children come by birth and they come by adoption. In our family, my husband and I have six children. Two of those children, our third child and our fifth child, are hard-to-place children that came to our family years ago. They have brought such wonderful gifts to this family. They have brought such diversity, diversity of talents, diversity of interests, and diversity of race.

It is a team of six children that are full of life, full of noise, full of interests. I wish those two children that have brought such a wonderful presence to our home could be with us here today and that I could introduce my colleagues to them.

Twenty-one years ago, when my husband and I adopted the first of those two children, we had a lot of love and energy. We had a ready-made family. We had no money. So it was quite a decision, quite a strain, to make the decision that we could, in fact, adopt that child.

The bill that is before us today will give to families across this country the opportunity to have the wonderful gifts that adopted children bring to families. In fact, it makes me very emotional to think of the special blessings that will come to so many families because of this bill.

There will be no building that we can do in this Chamber any time that will be more important than the building of families that are part of this bill.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the distinguished gentlewoman from Connecticut [Mrs. KENNELLY], and I thank the gentleman from Michigan [Mr. CAMP] as well on the Republican side. This is clearly a bipartisan, nonpartisan bill.

My colleagues before me have spoken on the priority, the premise, the focus that was articulated in 1980, and that was that we ought to unify families. My wife, who supervised early childhood education in Prince George's County, and I talked about this because of a case that was reported in the Washington Post of a young man named Dooney Waters. He was a young man who lived in a crack house. He was a young man who was not fed for days at a time. He was a young man whose bedroom was unavailable to him because it was being used to light up.

There is a recent story that my colleagues may have read, those of them who serve here, about a 5-year-old in Montgomery County, reunited with his father after his father had physically abused him. Judges with whom I have talked have been concerned about the premise of the Federal statute which said that we must reunite unless we can make an extraordinary finding to mitigate against that conclusion.

Previous speakers have said, the premise must be, and this bill adopts that premise and furthers that premise, the best interests of the child. There is no excuse for society to return or to allow a helpless, defenseless child to be subjected to abuse by those who society believes ought to be that child's major protector. This bill accelerates a process of placing the child in a safe and nurturing home.

I am very pleased to rise in support of this legislation for all the Dooney Waters of this country and for our future, which will be made better by making children safer.

Mr. Chairman, I rise today in support on H.R. 867, the Adoption Promotion Act.

Our child welfare system too often protects parents' rights rather than children's rights. Severe child abuse quadrupled between 1986 and 1993. Thirty-nine percent of the children who died of abuse or neglect between 1989 and 1991 were known to agencies before they died. Monday's Montgomery Journal reported that hundreds of children in Montgomery County will be reunited with parents who abused them. Putting a child back in their parent's home can be deadly.

You may remember a child named Dooney Waters. The Washington Post ran a series of stories on him in 1989. Dooney was raised in a crack house in Prince Georges County, MD. Dooney spent days at a time hiding behind his bed. All he ate were sandwiches his teachers sent. The bathrooms in Dooney's house did not work. Dooney was burned by boiling water and his hand was singed by a can used to heat crack cocaine. Dooney begged his teachers to take him home with them. Prince Georges County Social Services investigated Dooney's case, but did nothing. Eventually, Dooney's father removed him from the crack house.

H.R. 867 speeds up the adoption process for children who have been abused and neglected. The bill requires expedited terminated of parental rights in chronic cases of abuse or neglect, such as Dooney's.

Mr. Chairman, America must strengthen its commitment to the child victims of neglectful parents: both custodial and noncustodial. We made a number of improvements to child support enforcement in last year's welfare reform law. We can do even more. Soon I will introduce legislation to strengthen Federal criminal penalties for noncustodial parents who neglect their child support obligations. In the meantime, I urge my colleagues to remember Dooney Waters and support the Adoption Promotion Act today.

Mr. CAMP. Mr. Chairman, I reserve the balance of my time.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time.

With an abbreviated time frame, let me simply applaud the work of the committee and the leadership on this legislation, because this is pro-children. I would hope that, as we proceed with this general debate, we will have an opportunity at a later time when I will be discussing on the floor of the House a sense of Congress, to add discussion regarding protection for the children under this act, and that would include background checks for foster parents and adoptive parents.

It would also include the issue of dealing with early drug treatment for any parents who may have that problem who have our children in their care. Certainly I would argue that, though, no cultural difference should be a prohibition for adoption for foster care but a cultural sensitivity to those who are adopting the foster care of our children.

The most important thing that this legislation does is that it supports moving our children to a loving home. For that reason, I support this legislation.

Mr. Chairman, I would like to thank and commend my colleague, BARBARA KENNELLY, for the exemplary work that she has done in bringing this much needed legislation to the floor.

I know that Congresswoman KENNELLY shares my passion and commitment to our Nation's children and has worked diligently to bring this legislation before the full House for consideration.

In 1995, 494,000 of our Nation's children lived in the foster care system. According to the American Public Welfare Association [APWA], about 450,000 children live in foster care at any given moment, and as many as 600,000 children live in foster care during the course of any given year.

In my home State of Texas, the number of children under the age of 18 living in foster care in 1993 was 10,880. This represents an increase of 62.4 percent from 1990, and a 123 percent increase from 1983 and the number still continues to climb. Similarly, the number of children living in a group home in 1990 was 13,434. Approximately one half of these 13,434 children are minorities. Studies have shown that minority children wait longer to be adopted than do white children. According to the National Council for Adoption [NCFA], African-American children constitute about 40 percent of the children awaiting adoption in the foster care system.

These children need and deserve the comfort, love, and protection of a family, therefore it is right that this Congress should do all that is within its power to assist them in this need.

There are a few issues, however, that I would like to raise. In the Senate, Senators CHAFEE and ROCKEFELLER have offered S. 511, legislation very similar to that we have before us today. There are a number of provisions in that bill that I think are very important.

The Senate version of this legislation has requirements for criminal records checks for prospective foster and adoptive parents and group care staff. This provision will go a long way to ensure that adoptive parents are prepared and suitable parents for children.

Today we will case votes to influence the lives and fortunes of our Nation's most vulnerable citizens—our children.

They cannot vote and they do not have resources to influence this or any political process, but each of us have a special place in our lives for children. I would like to request on their behalf that we ensure that adoptive children are offered the extra protection of substance abuse treatment for their adoptive parents or caretaker parents.

During the screening process foster care or adoption parents and caretakers should be and must be carefully screened, but we should also provide resources should the problem of substance abuse become evident after a child has been placed.

This measure's inclusion in the final version of this legislation would ensure that the prospective adoptive parents were sensitive to the child's ethnic or racial background as a requirement for adoption.

An area that I believe is of utmost importance is the preparation of foster or adoptive parents for the reception of a child from a different race or culture.

The real differences that separate people in our society can be the building blocks for bringing them together. If we aid the adoptive parents to instill a foundation which is pro-sharing and pro-caring regarding the diversity of the new family unit then we can aid these families in developing a strong support system for their adopted child.

If a child is Italian, Native American, Greek, Polish, African-American, Asian, Indian, or Hispanic, or many of the other diverse cultures or peoples that make up our great Nation, their culture is rich with history and customs that the child should not be robbed of through adoption or foster care.

It is extremely important that adoptive parents are sensitive to the cultural backgrounds of the children they adopt.

In no way should the racial or ethnic identity of the parents prohibit adoption, but developing an understanding of the child's heritage will contribute toward the overall development and stability of the child in later life.

H.R. 867 is a major step in the right direction and I look forward to working with my colleagues on this issue in the furtherance of legislation that is pro-child and pro-family.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in support of the Adoption Promotion Act, and I want to commend my colleagues, the gentlewoman from Connecticut [Mrs. KENNELLY] and the gentleman from Michigan [Mr. CAMP], for their unyielding efforts to ensure that all of our children have a chance to settle into a loving, and into a permanent home.

Every child deserves the chance to grow up healthy and happy, ready to learn and to be able to succeed in life. Every day, children are growing, not only physically, but emotionally and intellectually. These years are too precious and too important to spend in abusive or unstable care.

But in today's foster care system, it can take years before a child is adopted and settled into a permanent and caring home.

This bill accelerates the process for adoption proceedings. It makes sure that foster children who come from a life of abuse can be removed from these situations into a loving and a caring environment. Finally, it helps States to help children and families by providing financial assistance to increase the number of adoptions.

The bill takes an important step toward balancing the rights of parents with the rights of children to loving and caring and stable homes. We need the bill now. Our children cannot wait. I urge my colleagues to vote for the Adoption Promotion Act.

Mr. CAMP. Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding me this time.

Michigan has been aggressively pursuing better rules and regulations and laws under the guidance of our Lt. Gov. Connie Binsfeld, to work in this area of making adoption laws more practical, more realistic, and more helpful for those children that need it. I would like to commend my colleague from Michigan, Mr. CAMP, for working and passing this exceptional legislation that is going to help not only the State of Michigan but all of our States and all of our children in this country.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I thank the gentlewoman [Mrs. KENNELLY] for yielding me this time.

I would just like to say over the years I have been here there has not been a more aggressive advocate for children than the gentlewoman from Connecticut [Mrs. KENNELLY], and I want to compliment her today on the achievement of bringing this bill to the floor. I want to compliment the gentleman from Michigan [Mr. CAMP] who has also done a fine job, and also the gentleman from Florida [Mr. SHAW] who has worked previously to try and help children all through our country.

Two things concern me. Many people back in our district back in the Youngstown area have gone overseas and spent $30 to $40,000 to adopt a child from Russia or other countries. I think that we must do everything possible to promote the adoption of our own children, American children.

Now, my amendment that I am offering to this bill today is pretty consistent with my focus here. And to make sure that everybody understands it, it is not a buy-American-child amendment. It just states, for any funds ultimately expended to procure products and goods pursuant to this act, that the Congress recommends, not mandates, that they buy American-made goods so our kids would have a home where the parent is getting a paycheck who could then pay taxes to keep this train coming down the track. That is simply what it is. It gives us a handle on the type of procurement we got. It does not mandate that we buy American kids.

Mr. Chairman, I would say this. We have had an awful lot of Americans going overseas expending thousands and thousands of dollars to adopt kids from foreign countries. All efforts must be made, and I commend the gentlewoman from Connecticut [Mrs. KENNELLY], the gentleman from Michigan [Mr. CAMP], the gentleman from Florida [Mr. SHAW], and the gentleman from New York [Mr. RANGEL], for making that possible here today.

Mr. CAMP. Mr. Chairman, I reserve the balance of my time.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I have no further speakers, but before I yield back the balance of my time, I would like to just quote from a few letters that the committee and the gentleman from Florida [Mr. SHAW] received in reference to this bill.

For example, Secretary of Health and Human Services Donna Shalala wrote, ''This legislation would further the President's effort to ensure the safety, permanency and well-being of children in the child welfare system and we strongly support the enactment.''

Further, the Children's Defense Fund has said, ''The bill takes some important steps to keep children safe and to provide them with permanent homes.''

Finally, the Heritage Foundation declares: ''This bipartisan legislation is a responsible attempt to speed up the adoption process for children who have been abused and have been neglected.''

I hope that this broad spectrum of support shows that we have made every effort to listen to those who have spent so much time in the child welfare area.

Ms. HARMAN. Mr. Chairman, I rise today in strong support of H.R. 867, the Adoption Promotion Act of 1997, and I commend my colleagues DAVE CAMP and BARBARA KENNELLY for their work in fashioning this important bipartisan legislation.

This bill is designed to fix some very troubling problems in our Nation's adoption and foster-care programs by striking a balance between the goals of keeping families intact where possible, and, when necessary, moving kids quickly into permanent, loving homes.

Under current law, States are required to make reasonable efforts both to keep maltreated children from being unnecessarily removed from their families, and, if children are removed, to reunify them with their families.

Keeping families intact when possible, is preferable. But in the absence of clear laws or regulations defining reasonable efforts, there has been considerable confusion about when to bypass or discontinue such efforts, and place a child up for adoption. In other words, the reasonable efforts provision has sometimes served to keep kids in foster homes, instead of in permanent adoptive homes, longer than necessary.

H.R. 867 represents a well-crafted refinement of current law. Under its provisions, States would no longer be required to attempt reunification of families in cases where aggravated circumstances such as chronic or sexual abuse exist. The bill also creates a clear timetable with binding time limits for the initiation of adoption proceedings once a child has been placed in foster care. In an important clarification, the bill provides foster parents the opportunity to be heard at child placement hearings. Finally, the bill creates a set of incentives for States to successfully place children in permanent adoptive homes.

Mr. Chairman, as the mother of four children, I feel very strongly that a stable, permanent, loving family is vital to a child's development. This bill will remove an obstacle between kids and adoptive parents, and help move kids into a long-term nurturing environment. I can think of few issues more important, and I urge my colleagues to support passage.

Mr. CARDIN. Mr. Chairman, I rise today in support of this legislation promotion adoption for the children of this Nation who most desperately require our care and protection.

The neglected or abused children whom we are seeking to assist today are tragic cases and our hearts go out to them. Reflecting the importance of this bill and the concern we all have for these innocent children, the cooperative, bipartisan procedures with which the Ways and Means Committee handled this bill could be a model for Congress. My colleagues, Representatives CAMP and KENNELLY who shaped this bill, Chairmen ARCHER and SHAW, and Mr. RANGEL are all to be congratulated.

This bill strikes a balance as the Government steps into these most difficult, tragic family situations to separate children permanently from abusive and/or neglectful parents. We all want to see these children moved through foster care into loving, adoptive families as quickly as possible.

At the same time, through the timely provision of social services—whether substance abuse treatment, counseling, or other means of support—many families may be reunified successfully. This bill provides a chance for States to investigate often complex family circumstances and attempt corrective actions through support services, but limits their time so that children do not spend their youths moving between foster homes.

There will be debate today as to whether we have found the correct balance between reunifying families, and providing permanent, loving homes to our most troubled children—but we all share the same goals.

I urge my colleagues to join me in support of this bill.

Mr. PACKARD. Mr. Chairman, it pains me to know that our children in foster care are being reunited with abusive families. Our current broken system places more importance on returning children to the natural parents, despite circumstances such as abandonment and chronic physical or sexual abuse, over placing these chldren in strong, loving families. This is not right. The Adoption Promotion Act will correct this inequity. It is the right thing to do for America's foster children.

Today, there are over 500,000 children in custody of various State foster-care programs. However, fewer than 50,000 children per year move from foster care into permanent homes. Less than 10 percent of our foster children are adopted each year, not for lack of adoptive families, but because Washington bureaucracy is preventing these families from making foster children a permanent part of thier life.

Mr. Chairman, the adoption process needs to be swift and efficient. The Adoption Promotion Act will amend current law to expedite the movement of children into permanent and loving homes. It will make the interests of the child the primary concern. We need to ensure that foster children are placed in loving homes and not with abusive families.

The strength of our Nation is based on strong families. This bipartisan legislation empowers those who know the best way to move children from foster care into loving, stable families. Returning these children to abusive families strips these children of the hopes and dreams they have for themselves. This bill will place more children in loving homes and give them the fighting chance that they so deserve.

Mr. Chairman, by streamlining the adoption process and cutting the Washington bureaucracy, we will take the first steps toward increasing the number of happy and healthy children with good families and promising futures. America's foster children deserve the very best and this legislation will help them to reach their goals. I am proud to support the Adoption Promotion Act.

Mrs. MINK of Hawaii. I rise in opposition to the enactment of H.R. 867 because I object to the removal of the safeguards which now protect the rights of parents whose children have been placed in foster care.

I agree that we all can recite a litany of cases of children who have been abused, and neglected by parents and for whom expedited adoption is fully justified.

Still since the enactment of the most punitive bill ever to pass Congress in the name of welfare reform, we all know that there will be parents who will lose their cash benefits and be unable to feed and house their small children. State child welfare agencies will move to take custody of these unfortunate children because the parents no longer have any funds to provide for them and are not able to find work. Because of the welfare law children will undoubtedly be found living in abandoned car bodies, and other unhealthful conditions without running water or heat or cooking facilities. Under these circumstances, as predictable, State child welfare agencies will be compelled to move these children from their parents and place them in foster homes.

Poverty, I do not believe is a justifiable reason for terminating parental rights over their children.

The temporary best interests of the child may be to move him or her into a foster home. But, I do not believe, that move justifies the national Government to establish adoption as a penalty due to poverty of the parents.

If conditions of adoption exist, it should be left to the States to make these determinations. A Congress that has repeatedly argued States rights should not abandon that principle and enact legislation whose title in section 3 provides: States required to initiate or join proceedings to terminate parental rights for certain children in foster care, entering foster care after October 1, 1997.

The committee report states, ''in the case of children under age of 10 who have been in foster care at least 18 of the past 24 months, the bill requires States to move toward terminating parental rights under most circumstances.''

Prior to the enactment of the welfare reform this bill might have been supportable.

But in combination with the welfare reform bill enacted last August 1996, I find that circumstances of poverty and lack of work, could not under H.R. 867 become the sole basis for the termination of parental rights. This offends my fundamental beliefs about the inherent rights of parents and the inalienable rights of children to the love and protection of their natural parents which should not be terminated except when there is serious debilitating circumstances such as drug abuse, physical brutality, torture, and sexual abuse.

Reading the bill and committee report provides no assurance that the rights of poor parents are protected.

It is easy enough to state that adoption will be in the best interests of the child, who will have a better home to live in and a higher quality material environment than the one from which they came. This however ignores that basic undifferentiable family value of the love of a parent.

I cannot vote for a bill that takes welfare reform one step closer to the final penalty of poverty: The loss of one's children by edict of the Government.

First you take their money away. Then you force them into desperate conditions of poverty. Then you deem them unfit to raise their children and you remove them from the home and place them in foster homes. Then after 18 months you put the children up for adoption.

Whose family values do we stand for?

Mr. KUCINICH. Mr. Chairman, I rise today to address the issue of international adoption. Though I will not be offering any amendments to the Adoption Promotion Act, I hope to work with the sponsors of this bill, Representatives DAVID CAMP and BARBARA KENNELLY, to address an issue brought to my attention by two of my constituents, David and Carolyn Steigman.

Mr. and Mrs. Steigman of Bay Village, Ohio, adopted their daughter, Rayna, from India. But the Internal Revenue Service has ruled that only Social Security numbers can be used for proof when taking tax credits for dependent children. This ruling is unfair to families that adopt children from outside of this country since children do not arrive here with a Social Security number.

Depending on the State of residence, the delay in obtaining a Social Security number can be anywhere from 2 to 3 years. Meanwhile, these families—which have gone to considerable length and expense to provide a home for a needy child—are unable to take advantage of the tax credits for adoption expenses that the President and Congress have enacted.

I hope to work with the sponsors of the Adoption Promotion Act, Representatives CAMP and KENNELLY, to address the issue of international adoption; specifically, to consider the idea raised by Mr. and Mrs. Steigman to allow adoption and guardianship papers to be used as adequate proof for the purposes of taking tax exemptions.

Mr. Chairman. I include my constituents' letter and a letter to the IRS for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington DC, April 30, 1997.*

MS. MARGARET MILNER RICHARDSON,
*Commissioner, Internal Revenue Service, Washington, DC.*

DEAR MS. RICHARDSON: An unintended consequence of a recent Internal Revenue Service ruling has come to my attention by two of my constituents, David and Carolyn Steigman.

The IRS has recently ruled that only a Social Security number can be used to take tax exemptions for children. This ruling has become an undue burden on families that want to adopt a child from a foreign country since children from a foreign country do not arrive here with a Social Security number. Depending upon the state, adoptive parents have to wait a period of time before they can file for a domestic adoption. Once the family has filed, they have to wait for a court date. Once the domestic adoption is approved, the family must apply to the Internal Revenue Service for their child's citizenship. All of this red tape could potentially add up to several years before a Social Security number is given.

As Mr. and Mrs. Steigman point out in their letter, it seems ironic that at the same time the President and Congress have passed tax credits for adoption expenses, the IRS is throwing up barriers to the tax credits that adoptive families are legally entitled to. And considering that adoption and guardianship papers are legal documents, it seems reasonable that this problem could be addressed by accepting this documentation as proof of a dependent child for the purposes of taking tax credits.

I appreciate your consideration in this matter.

Sincerely,

DENNIS J. KUCINICH,
*Member of Congress.*

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DAVID AND CAROLYN STEIGMAN,
*Bay Village, OH.*

CONGRESSMAN DENNIS J. KUCINICH,
*Cleveland, OH.*

DEAR CONGRESSMAN KUCINICH: We are writing to bring to your attention a situation which we believe is unfair and unlawful. It involves a serious financial hardship that the IRS has recently decided to impose on the families of children adopted from foreign countries.

Specifically, the IRS has now decided that it will disallow any exemption for a child without a social security number. No other proof regarding your dependent child is acceptable. If a child is from a foreign country they, of course, do not have a social security number. In many cases, such as children being adopted from India, obtaining one is not a quick or easy matter.

Adoptive parents have legal guardianship (and therefore, under federal law, are entitled to a tax exemption) when the child enters the home. Ohio law requires that the family wait at least six months before they can even file for a domestic adoption. After filing, the family must wait for an available court appointment. After the domestic adoption is approved by the court, the parents

must apply to INS for their child's citizenship. The naturalization process can take another four to six months. After citizenship is granted, they can apply for a social security number. If everything goes smoothly, the process takes about 18 months. If it doesn't, which is very possible, the wait can be much longer.

The IRS has stated that after the social security number has been obtained, the adopting family may file amended returns to get the exemptions. But in the case of a family adopting a sibling group of two, that means the IRS will be holding on to thousands of the family's dollars for two years or more.

Foreign adoptions are very expensive. We had to take out a second mortgage on our home to adopt our daughter, Rayna. This new policy hits adoptive families at the end of the process, when they can least afford it.

It seems ironic that at the same time the President and Congress have passed generous tax credits for adoption expenses, the IRS is trying to withhold or delay tax exemptions that adoptive parents are legally entitled to.

In February, when we filed our federal tax return, we did not yet have Rayna's social security number. We have enclosed a copy of the letter sent to us by the IRS, denying the exemption. We are fortunate—we have recently received her social security number, and are now filing an amended return. If all goes well, we will ''only'' be short $750 for three or four months, plus the cost of our tax preparer filing an amended return. Families just now adopting foreign children may lose much more, especially if they have adopted more than one child.

Anything you can do to get the IRS to change this illegal new policy that runs counter to the intent of both Congress and the Administration will be greatly appreciated by ourselves and adoptive families throughout the country.

Sincerely,

DAVID AND CAROLYN STEIGMAN.

Mr. PAUL. Mr. Chairman, unfortunately for this country, few Members of the 105th Congress have received word that the era of big government is over. While I rise today in opposition to passage of H.R. 867, The Adoption Promotion Act, I could be referring to any number of bills already passed by this Congress.

As a medical doctor, I share with other Members of Congress the strong distaste for the needless suffering of helpless, displaced, and orphaned children. As a U.S. Congressman, I remain committed to returning the Federal Government to its proper constitutional role. Fortuitously, these two convictions are not incongruous.

This country's founders recognized the genius of separating power amongst Federal, State, and local governments as a means to protect the rights of citizens, maximize individual liberty, and make government most responsive to those persons who might most responsibly influence it. This constitutionally mandated separation of powers strictly limited the role of the Federal Government and, at the same time, anticipated that matters of family law would be dealt with at the State or local level.

Legislating in direct opposition to these constitutional principles, H.R. 867 would impose additional and numerous Federal mandates upon the States; appropriate $138 million over the next 5 years to be paid to States that obediently follow Federal mandates; and further expand the duties of the Health and Human Services Department to include monitoring the performance of States in matters of family law.

Even as a practical matter, I remain convinced that the best interests of children are optimally served to redirecting tax dollars—which under this legislation would be sent to Washington in an attempt to nationalize child adoption procedures and standards—to private charities or State and local child advocacy organizations.

For each of these reasons, I oppose passage of H.R. 867, the Adoption Promotion Act.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield back the balance of my time.

Mr. CAMP. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill, modified as specified in House Report 105–82, shall be considered by sections as an original bill for the purpose of amendment. Pursuant to the rule, each section is considered as having been read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''Adoption Promotion Act of 1997''.*

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

*Sec. 1. Short title; table of contents.*
*Sec. 2. Clarification of the reasonable efforts requirement.*
*Sec. 3. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.*
*Sec. 4. Adoption incentive payments.*
*Sec. 5. Earlier status reviews and permanency hearings.*
*Sec. 6. Notice of reviews and hearings; opportunity to be heard.*
*Sec. 7. Documentation of reasonable efforts to adopt.*
*Sec. 8. Kinship care.*
*Sec. 9. Use of the Federal Parent Locator Service for child welfare services.*
*Sec. 10. Performance of States in protecting children.*
*Sec. 11. Authority to approve more child protection demonstration projects.*
*Sec. 12. Technical assistance.*
*Sec. 13. Coordination of substance abuse and child protection services.*
*Sec. 14. Clarification of eligible population for independent living services.*
*Sec. 15. Effective date.*

Mr. CAMP. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute, as modified by House Report 105–82, is as follows:

***SEC. 2. CLARIFICATION OF THE REASONABLE EFFORTS REQUIREMENT.***

*(a) IN GENERAL.—Section 471(a)(15) of the Social Security Act (42 U.S.C. 671(a)(15)) is amended to read as follows:*

*''(15)(A) provides that—*

*''(i) except as provided in clauses (ii) and (iii), reasonable efforts shall be made—*

*''(I) before a child is placed in foster care, to prevent or eliminate the need to remove the child from the child's home; and*

*''(II) to make it possible for the child to return home;*

*''(ii) if continuation of reasonable efforts of the type described in clause (i) is determined to be inconsistent with the permanency plan for the child, reasonable efforts of the type required by clause (iii)(II) shall be made;*

*''(iii) if a court of competent jurisdiction has determined that the child has been subjected to aggravated circumstances (as defined by State law, which definition may include abandonment, torture, chronic abuse, and sexual abuse) or parental conduct described in section 106(b)(2)(A)(xii) of the Child Abuse Prevention and Treatment Act, or that the parental rights of a parent with respect to a sibling of the child have been terminated involuntarily—*

*''(I) reasonable efforts of the type described in clause (i) shall not be required to be made with respect to any parent of the child who has been involved in subjecting the child to such circumstances or such conduct, or whose parental rights with respect to a sibling of the child have been terminated involuntarily; and*

*''(II) if reasonable efforts of the type described in clause (i) are not made or are discontinued, reasonable efforts shall be made to place the child for adoption, with a legal guardian, or (if adoption or legal guardianship is determined not to be appropriate for the child) in some other planned, permanent living arrangement; and*

*''(iv) reasonable efforts of the type described in clause (iii)(II) may be made concurrently with reasonable efforts of the type described in clause (i); and*

*''(B) in determining the reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety shall be of paramount concern;''.*

*(b) CONFORMING AMENDMENT.—Section 472(a)(1) of such Act (42 U.S.C. 672(a)(1)) is amended by inserting ''for a child'' before ''have been made''.*

***SEC. 3. STATES REQUIRED TO INITIATE OR JOIN PROCEEDINGS TO TERMINATE PARENTAL RIGHTS FOR CERTAIN CHILDREN IN FOSTER CARE.***

*(a) IN GENERAL.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)) is amended—*

*(1) by striking ''and'' at the end of subparagraph (C);*

*(2) by striking the period at the end of subparagraph (D) and inserting ''; and''; and*

*(3) by adding at the end the following:*

*''(E) in the case of a child who has not attained 10 years of age and has been in foster care under the responsibility of the State for 18 months of the most recent 24 months, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), unless—*

*''(i) at the option of the State, the child is being cared for by a relative;*

*''(ii) a State court or State agency has documented a compelling reason for determining that filing such a petition would not be in the best interests of the child; or*

*''(iii) the State has not provided to the family of the child such services as the State deems appropriate, if reasonable efforts of the type described in section 471(a)(15)(A)(i) are required to be made with respect to the child.''.*

*(b) LIMITATION ON APPLICABILITY.—The amendments made by subsection (a) shall apply only to children entering foster care on or after October 1, 1997.*

***SEC. 4. ADOPTION INCENTIVE PAYMENTS.***

*(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 473 the following:*

***''SEC. 473A. ADOPTION INCENTIVE PAYMENTS.***

*''(a) GRANT AUTHORITY.—Subject to the availability of such amounts as may be provided in appropriations Acts, the Secretary shall make a grant to each State that is an incentive-eligible State for a fiscal year in an amount equal to the adoption incentive payment payable to the State for the fiscal year under this section, which shall be payable in the immediately succeeding fiscal year.*

*''(b) INCENTIVE-ELIGIBLE STATE.—A State is an incentive-eligible State for a fiscal year if—*

*''(1) the State has a plan approved under this part for the fiscal year;*

*''(2) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;*

*''(3) the State is in compliance with subsection (c) for the fiscal year; and*

*''(4) the fiscal year is any of fiscal years 1998 through 2002.*

*''(c) DATA REQUIREMENTS.—*

*''(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2) for fiscal year 1997 (or, if later, the fiscal year that precedes the 1st fiscal year for which the State seeks a grant under this section) and for each succeeding fiscal year.*

*''(2) DETERMINATION OF NUMBERS OF ADOPTIONS.—*

*''(A) DETERMINATIONS BASED ON AFCARS DATA.—Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1997 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State in May of the fiscal year and in November of the succeeding fiscal year, and approved by the Secretary by April 1 of the succeeding fiscal year.*

*''(B) ALTERNATIVE DATA SOURCES PERMITTED FOR FISCAL YEAR 1997.—For purposes of the determination described in subparagraph (A) for fiscal year 1997, the Secretary may use data from a source or sources other than that specified in subparagraph (A) that the Secretary finds to be of equivalent completeness and reliability, as reported by a State by November 30, 1997, and approved by the Secretary by March 1, 1998.*

*''(3) NO WAIVER OF AFCARS REQUIREMENTS.—This section shall not be construed to alter or affect any requirement of section 479 or any regulation prescribed under such section with respect to reporting of data by States, or to waive any penalty for failure to comply with the requirements.*

*''(d) ADOPTION INCENTIVE PAYMENT.—*

*''(1) IN GENERAL.—Except as provided in paragraph (2), the adoption incentive payment payable to a State for a fiscal year under this section shall be equal to the sum of—*

*''(A) $4,000, multiplied by amount (if any) by which the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; and*

*''(B) $2,000, multiplied by the amount (if any) by which the number of special needs adoptions in the State during the fiscal year exceeds the base number of special needs adoptions for the State for the fiscal year.*

*''(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds $15,000,000, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be—*

*''(A) the amount of the adoption incentive payment that would otherwise be payable to the State under this section for the fiscal year; multiplied by*

*''(B) the percentage represented by $15,000,000, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.*

*''(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the succeeding fiscal year.*

*''(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under section 474.*

*''(g) DEFINITIONS.—As used in this section:*

*''(1) FOSTER CHILD ADOPTION.—The term 'foster child adoption' means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.*

*''(2) SPECIAL NEEDS ADOPTION.—The term 'special needs adoption' means the final adoption of a child for whom an adoption assistance agreement is in effect under section 473.*

*''(3) BASE NUMBER OF FOSTER CHILD ADOPTIONS.—The term 'base number of foster child adoptions for a State' means, with respect to a fiscal year, the largest number of foster child adoptions in the State in fiscal year 1997 (or, if later, the 1st fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.*

*''(4) BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.—The term 'base number of special needs adoptions for a State' means, with respect to a fiscal year, the largest number of special needs adoptions in the State in fiscal year 1997 (or, if later, the 1st fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.*

*''(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—*

*''(1) IN GENERAL.—For grants under this section, there are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 1999 through 2003.*

*''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended, but not after fiscal year 2003.''.*

*(b) DISCRETIONARY CAP ADJUSTMENT FOR ADOPTION INCENTIVE PAYMENTS.—*

*(1) SECTION 251 AMENDMENT.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subparagraph:*

*''(I) ADOPTION INCENTIVE PAYMENTS.—Whenever a bill or joint resolution making appropriations for fiscal year 1999, 2000, 2001, or 2002 is enacted that specifies an amount for adoption incentive payments for the Department of Health and Human Services—*

*''(i) the adjustments for new budget authority shall be the amounts of new budget authority provided in that measure for adoption incentive payments, but not to exceed $15,000,000; and*

*''(ii) the adjustment for outlays shall be the additional outlays flowing from such amount.''.*

*(2) SECTION 606 AMENDMENT.—Section 606 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:*

*''(f) ADOPTION INCENTIVE PAYMENTS ADJUSTMENT.—*

*''(1) IN GENERAL.—(A)(i) When the Committee on Appropriations reports an appropriation measure for fiscal year 1999, 2000, 2001, 2002, or 2003 that specifies an amount for adoption incentive payments for the Department of Health and Human Services, or when a conference committee submits a conference report thereon, the chairman of the Committee on the Budget of the Senate or House of Representatives (whichever is appropriate) shall—*

*''(I) make adjustments for the amounts of new budget authority provided by that appropriation measure for such payments, which shall be the amount of new budget authority provided in that measure for adoption incentive payments, but not to exceed $15,000,000; and*

*''(II) make adjustment for outlays, which shall be in an amount equal to the additional outlays flowing from such amount.*

*''(ii) If the adjustments referred to in the preceding sentence are made for an appropriations measure that is not enacted into law, then the chairman of the Committee on the Budget of the House of Representatives shall, as soon as practicable, reverse those adjustments.*

*''(iii) The chairman of the Committee on the Budget of the House of Representatives shall submit any adjustments made under this subparagraph to the House of Representatives and have such adjustments published in the Congressional Record.*

*''(B) The adjustments referred to in this paragraph consist of adjustments to—*

*''(i) the discretionary spending limits for that fiscal year as set forth in the most recently adopted concurrent resolution on the budget;*

*''(ii) the allocations to the Committees on Appropriations of the Senate and the House of Representatives for that fiscal year under sections 302(a) and 602(a); and*

*''(iii) the appropriate budgetary aggregates for that fiscal year in the most recently adopted concurrent resolution on the budget.*

*''(C) The adjusted discretionary spending limits, allocations, and aggregates under this paragraph shall be considered the appropriate limits, allocations, and aggregates for purposes of congressional enforcement of this Act and concurrent budget resolutions under this Act.*

*''(2) REPORTING REVISED SUBALLOCATIONS.—Following the adjustments made under paragraph (1), the Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to sections 302(b) and 602(b) of this Act to carry out this subsection.*

*''(3) DEFINITION.—As used in this section, the term 'adoption incentive payments' shall have the same meaning as provided in section 251(b)(2)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.*

***SEC. 5. EARLIER STATUS REVIEWS AND PERMANENCY HEARINGS.***

*Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—*

*(1) by striking ''eighteen months after'' and inserting ''12 months after'';*

*(2) by striking ''dispositional'' and inserting ''permanency''; and*

*(3) by striking ''future status of'' and all that follows through ''long-term basis)'' and inserting ''permanency plan for the child (including whether (and, if applicable, when) the child will be returned to the parent, the child will be placed for adoption and the State will file a petition to terminate the parental rights of the parent, a legal guardian will be appointed for the child, or the child will be placed in some other planned, permanent living arrangement, including in the custody of another fit and willing relative)''.*

***SEC. 6. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY TO BE HEARD.***

*Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by section 3 of this Act, is amended—*

*(1) by striking ''and'' at the end of subparagraph (D);*

*(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and*

*(3) by adding at the end the following:*

*''(F) the foster parents (if any) of a child and any relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to make any foster parent a party to such a review or hearing.''.*

***SEC. 7. DOCUMENTATION OF REASONABLE EFFORTS TO ADOPT.***

*Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by sections 3 and 6 of this Act, is amended—*

*(1) by striking ''and'' at the end of subparagraph (E);*

*(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and*

*(3) by adding at the end the following:*

*''(G) in the case of a child with respect to whom the State's goal is adoption or placement in another permanent home, the steps taken by the State agency to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a legal guardian, or in another planned permanent living arrangement (including in the custody of another fit and willing relative), and to finalize the adoption or legal guardianship are documented, and such documentation shall include documentation of child specific recruitment efforts such as the use of State, regional, and national adoption information exchanges, including electronic information exchange systems.''.*

***SEC. 8. KINSHIP CARE.***

*(a) REPORT.—*

*(1) IN GENERAL.—The Secretary of Health and Human Services shall—*

*(A) not later than March 1, 1998, convene the advisory panel provided for in subsection (b)(1) and prepare and submit to the advisory panel an initial report on the extent to which children in foster care are placed in the care of a relative (in this section referred to as ''kinship care''); and*

*(B) not later than November 1, 1998, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—*

*(i) be based on the comments submitted by the advisory panel pursuant to subsection (b)(2) and other information and considerations; and*

*(ii) include the policy recommendations of the Secretary with respect to the matter.*

*(2) REQUIRED CONTENTS.—Each report required by paragraph (1) shall—*

*(A) include, to the extent available for each State, information on—*

*(i) the policy of the State regarding kinship care;*

*(ii) the characteristics of the kinship care providers (including age, income, ethnicity, and race);*

*(iii) the characteristics of the household of such providers (such as number of other persons in the household and family composition);*

*(iv) how much access to the child is afforded to the parent from whom the child has been removed;*

*(v) the cost of, and source of funds for, kinship care (including any subsidies such as medicaid and cash assistance);*

*(vi) the goal for a permanent living arrangement for the child and the actions being taken by the State to achieve the goal;*

*(vii) the services being provided to the parent from whom the child has been removed; and*

*(viii) the services being provided to the kinship care provider; and*

*(B) specifically note the circumstances or conditions under which children enter kinship care.*

*(b) ADVISORY PANEL.—*

*(1) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate, shall convene an advisory panel which shall include parents, foster parents, former foster children, State and local public officials responsible for administering child welfare programs, private persons involved in the delivery of child welfare services, representatives of tribal governments and tribal courts, judges, and academic experts.*

*(2) DUTIES.—The advisory panel convened pursuant to paragraph (1) shall review the report prepared pursuant to subsection (a), and, not later than July 1, 1998, submit to the Secretary comments on the report.*

***SEC. 9. USE OF THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE SERVICES.***

*Section 453 of the Social Security Act (42 U.S.C. 653) is amended—*

*(1) in subsection (a)—*

*(A) by striking ''or enforcing child custody or visitation orders'' and inserting ''or making or enforcing child custody or visitation orders''; and*

*(B) in paragraph (1)—*

*(i) by striking the comma at the end of subparagraph (C) and inserting ''; or''; and*

*(ii) by inserting after subparagraph (C) the following:*

*''(D) who has or may have parental rights with respect to a child,''; and*

*(2) in subsection (c)—*

*(A) by striking the period at the end of paragraph (3) and inserting ''; and''; and*

*(B) by adding at the end the following:*

*''(4) a State agency that is administering a program operated under a State plan under subpart 1 of part B, or a State plan approved under subpart 2 of part B or under part E.''.*

***SEC. 10. PERFORMANCE OF STATES IN PROTECTING CHILDREN.***

*The Secretary of Health and Human Services, in consultation with the American Public Welfare Association, the National Governors' Association, and persons or organizations devoted to child advocacy, shall—*

*(1) develop a set of outcome measures (including length of stay in foster care, number of foster care placements, and number of adoptions) that can be used to assess the performance of States in operating child protection and child welfare programs pursuant to parts B and E of title IV of the Social Security Act to ensure the safety of children;*

*(2) to the maximum extent possible, the outcome measures should be developed from data available from the Adoption and Foster Care Analysis and Reporting System;*

*(3) develop a system for rating the performance of States with respect to the outcome measures, and provide to the States an explanation of the rating system and how scores are determined under the rating system;*

*(4) prescribe such regulations as may be necessary to ensure that States provide to the Secretary the data necessary to determine State performance with respect to each outcome measure, as a condition of the State receiving funds under part E of title IV of the Social Security Act;*

*(5) on May 1, 1999, and annually thereafter, prepare and submit to the Congress a report on the performance of each State on each outcome measure, which shall examine the reasons for high performance and low performance and, where possible, make recommendations as to how State performance could be improved.*

***SEC. 11. AUTHORITY TO APPROVE MORE CHILD PROTECTION DEMONSTRATION PROJECTS.***

*Section 1130(a) of the Social Security Act (42 U.S.C. 1320a–9(a)) is amended by striking ''10'' and inserting ''15''.*

***SEC. 12. TECHNICAL ASSISTANCE.***

*(a) IN GENERAL.—The Secretary of Health and Human Services may, directly or through grants or contracts, provide technical assistance to assist States and local communities to reach their targets for increased numbers of adoptions and, to the extent that adoption is not possible, alternative permanent placements, for children in foster care.*

*(b) LIMITATIONS.—The technical assistance provided under subsection (a) shall support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and shall include the following:*

*(1) The development of best practice guidelines for expediting termination of parental rights.*

*(2) Models to encourage the use of concurrent planning.*

*(3) The development of specialized units and expertise in moving children toward adoption as a permanency goal.*

*(4) The development of risk assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.*

*(5) Models to encourage the fast tracking of children who have not attained 1 year of age into pre-adoptive placements.*

*(6) Development of programs that place children into pre-adoptive families without waiting for termination of parental rights.*

*(c) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary of Health and Human Services not to exceed $10,000,000 for each of fiscal years 1998 through 2000.*

***SEC. 13. COORDINATION OF SUBSTANCE ABUSE AND CHILD PROTECTION SERVICES.***

*Within 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families in the Department of Health of Human Services, shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report which describes the extent and scope of the problem of substance abuse in the child welfare population, the types of services provided to such population, and the outcomes resulting from the provision of such services to such population. The report shall include recommendations for any legislation that may be needed to improve coordination in providing such services to such population.*

***SEC. 14. CLARIFICATION OF ELIGIBLE POPULATION FOR INDEPENDENT LIVING SERVICES.***

*Section 477(a)(2)(A) of the Social Security Act (42 U.S.C. 677(a)(2)(A)) is amended by inserting ''(including children with respect to whom such payments are no longer being made because the child has accumulated assets, not to exceed $5,000, which are otherwise regarded as resources for purposes of determining eligibility for benefits under this part)'' before the comma.*

***SEC. 15. EFFECTIVE DATE.***

*(a) IN GENERAL.—The amendments made by this Act shall take effect on October 1, 1997.*

*(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.*

The CHAIRMAN. Are there any amendments?

AMENDMENT NO. 6 OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. TIAHRT:

Strike the matter proposed to be added by section 3(a)(3) of the bill and insert the following:

''(E) in the case of a child who has been in foster care under the responsibility of the State during 12 of the most recent 18 months, and a child in such foster care who has not attained 13 years of age (or such greater age as the State may establish) and with respect whom reasonable efforts of the type described in section 471(a)(15)(A)(i) are discontinued or not made, the State shall seek to terminate all parental rights with respect to the child, unless—

''(i) at the option of the State, the child is being cared for by a relative; or

''(ii) a State court or State agency has documented a compelling reason for determining that filing such a petition would not be in the best interests of the child.''.

□ 1245

Mr. TIAHRT. Mr. Chairman, I have an amendment that is what I would consider a positive addition to the bill that we have before us. I will explain briefly what the amendment does, and I would like others to have a chance to express their concerns with the bill. Then I will withdraw the amendment.

Mr. Chairman, the first thing that I would like to address that the bill does is that it reduces a timeframe for the State to seek to terminate parental rights from 18 to 12 months.

The reason that we had made this determination, as I said earlier in the debate, is that some children languish in foster care and the State is unable to come to that conclusion, whether they should stay with their birth parents or move into an adoptive home.

There are others who agree with this philosophy. In Patrick Fagan's article of July 27, 1995, published in the Heritage Foundation's report, he also recommends that a 12-month timeline for education of long-term parental status be included.

Justin Matlick also reminds us that 12 months should be the ceiling on final reunification decisions in his Pacific Research Institute study titled ''Fifteen Years of Failure: An Assessment of California's Child Welfare System.''

In Conna Craig's Policy Review article entitled ''What I Need Is A Mom,'' she recommends that biological parents receive no more than 12 months to prove their fitness to resume custody. Incidentally, she is president of the Institute for Children in Boston, MA.

Also, the Kellogg Foundation in their Families for Kids programs has stated at a hearing before the Subcommittee on Human Resources of the Committee on Ways and Means, on February 27 of this year, that benchmarks for progress is 1 year for permanent replacement.

One year to permanency has emerged as the driver of reform. That is why, Mr. Chairman, we had moved to try to get 12 months.

Mr. Chairman, I understand that there is some consideration given in the report language that the intent of the legislation, it says under the reason for change that the committee fully expects that final permanency decisions will be at 12 months. But yet the language says 18 months, which is an improvement. But the 12 months right now today, without any incentive, 70 percent of the children are moved into that decision that they will move to an adoptive home out of the biological parents' home.

Mr. Chairman, I think it is the design that both a man and a woman be the parents of children. I think it is easiest in that situation. After having a teenaged daughter, I think I really came to that conclusion, because it does take two to really balance out the raising of a child. However, in some situations it is impossible for that two-parent situation to exist, and in compelling reasons, they should be moved into adoption.

I think that decision should be made at 12 months, because it is not up to the State to determine whether this parent is going to rehabilitate themselves. That has to be something that is done by the individual.

The second part of this legislation or this amendment to the legislation removes an exception which would allow States to avoid seeking to terminate parental rights, because the way the language reads it says, ''* * * unless the State has not provided to the family of the child such services as the State deems appropriate.''

In an article written by Conna Craig in Policy Review in the summer of 1995, she said, ''Public agencies are paid for the number of children they prevent from being adopted.'' What I would like to see, Mr. Chairman, is what has occurred in Kansas. In Kansas they have removed the financial incentive for State agencies to keep kids locked into the system. They have gone to a flat fee for adoptive services, and contract out to private agencies. In the first 3 months of this year they have seen a 67-percent increase in the amount of adoptions that have occurred in Kansas. I think that is a dramatic improvement.

I have these two concerns, Mr. Chairman, that I have put into this amendment. I would like others to talk about these principles. This is what I consider a loophole that I hope States can close. It is a loophole big enough for a bus to drive through. I am concerned that that bus will be filled by children going back into foster care when they could be moving into an adoptive home.

Mr. CAMP. Mr. Chairman, I move to strike the last word.

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I agree with the author of the amendment that the current child welfare system sometimes errs on the side of the parent without significant regard for a child's safety. Obviously, that is one of the reasons why the gentleman from Michigan [Mr. CAMP] and I did introduce this bill. However, I feel that the legislation before us makes it clear that a child's safety has to be the paramount concern, and it requires States to move more quickly in finding permanent homes for children. But if the current system sometimes overemphasizes family reunification, the Tiahrt amendment would swing, I feel, the pendulum too far the other way by not giving States enough opportunity to restore families.

However, as we have talked today, I really look forward to working with the gentleman from Kansas [Mr. TIAHRT] and with the gentleman from Michigan [Mr. CAMP] to see if we can resolve this. I understand that he has these concerns, and I think it is very important that we look at them, but I do not think today is the time. I thank the gentleman from Kansas for his consideration.

Mr. CAMP. Mr. Chairman, I would state that I would like to work with the gentleman from Kansas to address his concerns.

Mr. Chairman, I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to acknowledge the interest of my colleagues, the gentleman from Kansas [Mr. TIAHRT], in this issue, the work that he has put in, and the concern that he holds. I am pleased that he has withdrawn his amendment.

Mr. Chairman, I think this Congress has to be very mindful, and I think the underlying bill is mindful of what it means to terminate a parent's right to their own child, what it means to the parent and what it means to the child, and what lifelong repercussions that decision has.

Having worked hard on permanency placement the many years that I was in the State Senate in Connecticut, and on foster care and adoption issues since that time, I agree with my colleague, the gentlewoman from Connecticut, and those who worked so hard on this bill, that we are leaving children in abusive situations far too long. We are not dealing honestly with the fact that parents are acting so remarkably irresponsibly toward their children that we have to have a law that can act more promptly and terminate rights more aggressively to protect children.

I do also urge, however, that we be mindful as we make a change, of the nature of termination decisions and of their ramifications for both adults and children over decades.

So I strongly support the underlying structure of the bill, which does force

States to make a permanent plan by 12 months, and to initiate termination proceedings at 18 months. I would urge States to move forward in those cases where they see rehabilitation is not going to be possible.

However, I think it is incumbent upon us both to recognize the complexity of pressures on families in America today, the need for appropriate services, and yet, the need for protection of the child and for abrogation of parental rights when adults do not take their responsibilities seriously and do not aggressively involve themselves in fixing the problems in their families that so deeply affect their children.

Mr. Chairman, I am glad the gentleman withdrew his amendment. I support the underlying structure of this bill. I think it is truly a very significant step forward, but it is a balanced, thoughtful step, and I support the bill strongly, and commend both the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] for their leadership in writing this legislation.

It took a lot of courage, frankly, to begin rethinking what reasonable means. It is true that reasonable has become unreasonable for the circumstances that many of our children face. The Members have rebalanced that and repositioned us to fight for our children and their lives, while also looking at families and their interests.

Mr. CAMP. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. RAMSTAD], a fellow member of the Committee on Ways and Means.

Mr. RAMSTAD. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to also thank my colleagues, the gentleman from Michigan, Mr. DAVE CAMP, and the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, FOR THEIR LEADERSHIP ON THIS BILL. NO CHILD SHOULD BE DENIED THE OPPORTUNITY TO GROW UP IN A LOVING ENVIRONMENT. THAT IS WHY I STRONGLY SUPPORT THEIR LEGISLATION.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CAMP] has expired.

(By unanimous consent, Mr. CAMP was allowed to proceed for 1 additional minute.)

Mr. RAMSTAD. Mr. Chairman, if the gentleman will continue to yield, my own family has been blessed through adoption. I am the proud uncle of three beautiful adoptive children. I cannot imagine my life without them or my four adopted cousins. There is nothing more important than for a child to grow up in a loving home. I know there are 500,000 children in foster care, many of them awaiting adoption by a loving family. So something must be done to reform the system.

Last year we gave States and localities more authority to run social programs than they have had in 50 years. That is why I was concerned about the amendment offered by my colleague, the gentleman from Kansas [Mr. TIAHRT] and my colleague, the gentleman from Indiana [Mr. BURTON], and I am very, very pleased that they withdrew the amendment.

I understand that the authors of this amendment were trying to help children get into loving, adoptive homes as soon as possible, but I wanted to point out that nothing in this legislation prohibits the State from freeing children for adoption before 18 months. State agencies and courts need flexibility to ensure the most appropriate response can be developed for each individual child.

This amendment would have established an absolute trigger that I believe is unrealistic. So we need to let those who know best, those who administer programs at the State and local levels, have the flexibility to do their job and the authority to do what is best for children.

I thank my colleagues for withdrawing this amendment.

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

Mr. Chairman, I understand that there is controversy over whether we go to 12 months or 18 months. When I was a boy, I was in a welfare agency home, a foster, and a setting of the type we are discussing today; and I can tell my colleagues I met a lot of young people that had been in that system for years and it had a very debilitating impact on their lives. I know some of them ended up in jail.

Those are things that we need to take into consideration. The longer a child is in the foster care system, the more likely he or she is going to be a burden on society. Some of the statistics the gentleman from Kansas [Mr. TIAHRT] did not mention in his statement, but he told me of a foster child who had been in over 100 foster homes. Now we can imagine what that does to the child's psyche. It has got to have a very devastating impact.

Each year 15,000 children graduate from foster care with no permanent home. Fifteen thousand. What does that do to those kids? The ACLU reports, and I do not quote them very often, but the ACLU reports that among these graduates, 40 percent, 40 percent become dependent on AFDC, 46 percent dropped out of school, 51 percent were unemployed, and 60 percent of the women had out-of-wedlock births within 2 years from graduating from foster care.

The Bureau of Justice reports that former foster children are nearly 30 times more likely to be incarcerated than individuals who never spent any time in foster care. So the problem is we want to get them out of there as quickly as possible.

I agree that severing parental rights is a very important thing to consider. I mean, we do not want to do it lightly. But within a year, it seems to me that that is time enough to make a case as to whether or not a child should stay in that home. If the child is not going to be going back into their home, to keep them in foster care beyond that time period causes some serious problems for the child.

So while I do not want to belabor the point, the gentleman from Kansas [Mr. TIAHRT] is obviously going to withdraw his amendment, I hope in conference my colleagues will give these arguments some serious consideration. I think we are all after the same thing. We want to do what is best for the child because it has an impact on society that is very, very great. It involves AFDC. It involves crime. It involves children born out of wedlock. So all of these things need to be taken into consideration and what is best for the child.

If the gentleman from Kansas [Mr. TIAHRT] wants me to yield, I am happy to yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Indiana for yielding. I know there is some concern, it is a very big decision to move children away from their birth parents into an adoptive situation. I do not think the States should take it lightly or we should take it lightly. But in some situations, as the gentleman from Indiana has pointed out so adeptly, we have some parents that just choose not to be good parents by their very actions. The way the system is, there is no incentive to move them unless the States take initiative, like Kansas has, to move them into a situation.

I am reminded of a young girl named Halie, who was 2 years old, who refused to eat her dinner and her parents tied her to an electric heater; and once she got caught into that system, they went through every different family service available, and she did not get out of foster care until she was 18 years old, 16 years caught into the system.

We must provide incentives to move these children out of this kind of situation into adoptive homes when the parents, by their very actions, choose not to be good parents.

□ 1300

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

Mr. Chairman, before the gentleman withdraws his amendment, I want to compliment the gentleman from Kansas for a most thoughtful amendment and really addressing the subject which is the heart of this bill. That is, how long are we going to allow the children to stay in foster care?

I would point out to the House that there is report language in the bill that I feel will pretty much accomplish what the gentleman from Kansas is after. As chairman of the subcommittee, we will be monitoring this whole matter very, very closely. We are going to see that the intent of this bill is met and that we are, indeed, getting these kids out of foster care and into an adoptive setting and into permanent homes.

Again, I compliment the gentleman for bringing this to the attention of the

House. I think it underscores what we are trying to do.

Mr. TIAHRT. Mr. Chairman, with the fine statements made by the subcommittee chairman, the gentleman from Florida [Mr. SHAW], I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following:

**SEC. . PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**

(a) IN GENERAL.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available under this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I have explained several times the amendment. The amendment basically states that any funds that are made available pursuant to the passage of this act, that in the expenditure of those funds, wherever practicable, they be expended to buy American-made goods and products and that the amendment basically states that a notice of the intent of Congress, wherever the expenditure of funds are made to buy American-made products wherever possible, shall be given when any of those funds in fact are released.

I would appreciate the support of the amendment.

Mr. Chairman, I yield to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY], coauthor of the amendment, and compliment her for her fine work.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I thank the gentleman for putting forth this amendment. I will support it.

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

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

Mr. CAMP. Mr. Chairman, I thank the gentleman for yielding to me. I would concur with the gentlewoman from Connecticut. We also do not object to the amendment.

Mr. TRAFICANT. Mr. Chairman, I would like to say again that I want to compliment the gentlewoman from Connecticut [Mrs. KENNELLY], who has steadfastly been a fighter on behalf of children over the years. I want to thank her on behalf of children in my district and thank the gentleman from Michigan [Mr. CAMP] for his efforts and to the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MORELLA:

At the end of the bill, add the following:

**SEC. . KINSHIP CARE DEMONSTRATION PROJECTS.**

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

**"SEC. 478. KINSHIP CARE DEMONSTRATION PROJECTS.**

''(a) PURPOSE.—The purpose of this section is to allow and encourage States to develop effective alternatives to foster care for children who might be eligible for foster care but who have adult relatives who can provide safe and appropriate care for the child.

''(b) DEMONSTRATION AUTHORITY.—The Secretary may authorize any State to conduct a demonstration project designed to determine whether it is feasible to establish kinship care as an alternative to foster care for a child who—

''(1) has been removed from home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child:

''(2) would otherwise be placed in foster care; and

''(3) has adult relatives willing to provide safe and appropriate care for the child.

''(c) KINSHIP CARE DEFINED.—As used in this section, the term 'kinship care' means safe and appropriate care (including long-term care) of a child by 1 or more adult relatives of the child who have legal custody of that child, or physical custody of the child pending transfer to the adult relative of legal custody of the child.

''(d) PROJECT REQUIREMENTS.—In my demonstration project authorized to be conducted under this section, the State—

''(1) should examine the provision of alternative financial and service supports to families providing kinship care; and

''(2) shall establish such procedures as may be necessary to assure the safety of children who are placed in kinship care.

''(e) WAIVER AUTHORITY.—The Secretary may waive compliance with any requirement of this part which (if applied) would prevent a State from carrying out a demonstration project under this section or prevent the State from effectively achieving the purpose of such a project, except that the Secretary may not waive—

''(1) any provision of section 422(b)(10), section 479, or this section; or

''(2) any provision of this part, to the extent that the waiver would impair the entitlement of any qualified child or family to benefits under a State plan approved under this part.

''(f) PAYMENTS TO STATES; COST NEUTRALITY.—In lieu of any payment under section 473 for expenses incurred by a State during a quarter with respect to a demonstration project authorized to be conducted under this section, the Secretary shall pay to the State an amount equal to the total amount that would be paid to the State for the quarter under this part, in the absence of the project, with respect to the children and families participating in the project.

''(g) USE OF FUNDS.—A State may use funds paid under this section for any purpose related to the provision of services and financial support for families participating in a demonstration project under this section.

''(h) DURATION OF PROJECT.—A demonstration project under this section may be conducted for not more than 5 years.

''(i) APPLICATION.—Any State seeking to conduct a demonstration project under this section shall submit to the Secretary an application, in such form as the Secretary may require, which includes—

''(1) a description of the proposed project, the geographic area in which the proposed project would be conducted, the children or families who would be served by the proposed project, the procedures to be used to assure the safety of such children, and the services which would be provided by the proposed project (which shall provide, where appropriate, for random assignment of children and families to groups served under the project and to control groups);

''(2) a statement of the period during which the proposed project would be conducted, and how, at the termination of the project; the safety and stability of the children and families who participated in the project will be protected;

''(3) a discussion of the benefits that are expected from the proposed project (compared to a continuation of activities under the State plan approved under this part);

''(4) an estimate of the savings to the State of the proposed project;

''(5) a statement of program requirements for which waivers would be needed to permit the proposed project to be conducted;

''(6) a description of the proposed evaluation design; and

''(7) such additional information as the Secretary may require.

''(j) STATE EVALUATIONS AND REPORTS.—Each State authorized to conduct a demonstration project under this section shall—

''(1) obtain an evaluation by an independent contractor of the effectiveness of the project, using an evaluation design approved by the Secretary which provides for—

''(A) comparison of outcomes for children and families (and groups of children and families) under the project, and such outcomes under the State plan approved under this part, for purposes of assessing the effectiveness of the project in achieving program goals; and

''(B) any other information that the Secretary may require;

''(2) obtain an evaluation by an independent contractor of the effectiveness of the State in assuring the safety of the children participating in the project; and

''(3) provide interim and final evaluation reports to the Secretary, at such times and in such manner as the Secretary may require.

''(k) REPORT TO THE CONGRESS.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit to the Congress a report that contains the recommendations of the Secretary for changes in law with respect to kinship care and placements.''.

(b) CONFORMING AMENDMENTS.—Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 422(b)—

(A) by striking the period at the end of the paragraph (9) (as added by section 544(3) of the Improving America's Schools Act of 1994 (Public Law 103–382; 108 Stat. 4057)) and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by redesignating paragraph (9), as added by section 202(a)(3) of the Social Security Act Amendments of 1994 (Public Law 103–432, 108 Stat. 4453), as paragraph (10);

(2) in sections 424(b), 425(a), and 472(d), by striking ''422(b)(9)'' each place it appears and inserting ''422(b)(10)''; and

(3) in section 471(a)—

(A) by striking ''and'' at the end of paragraph (17);

(B) by striking the period at the end of paragraph (18) (as added by section 1808(a) of the Small Business Job Protection Act of 1996 (Public Law 104–188; 110 Stat. 1903)) and inserting ''; and''; and

(C) by redesignating paragraph (18) (as added by section 505(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278)) as paragraph (19).

Mrs. MORELLA. Mr. Chairman, I offer an amendment to the Adoption Promotion Act of 1997.

This amendment would encourage kinship care families, which are families in which adult relatives are the preferred placement options for children separated from their parents.

My amendment would give all States the flexibility to create a new type of foster care, kinship care, as a demonstration project whereby they could examine and test how their child protection system could incorporate safe, cost-effective kinship care placements.

States would have increased flexibility to waive portions of the IV-E foster care program in order to provide services and payments to kinship care placements. Without these payments, many grandparents simply cannot afford to care for their grandchildren.

We clearly need this legislation. Increasingly grandparents are being called upon to raise grandchildren of all ages. Between 1986 and 1990, the number of foster care children under the care of relatives jumped from 18 percent to 31 percent. Between 1985 and 1990, the number of children in foster care increased by 47 percent while the number of foster families decreased by 27 percent. Furthermore, when a child must be removed from his or her parents, placing the child with a caring relative helps keep the family together and limits disruption to the child's life.

The overwhelming majority of grandparents raising children must do so on limited incomes. Ironically, relatives who want to care for the child often find themselves burdened with legal and bureaucratic paperwork and regulation, and they lack the support services available to regular foster care families.

Kinship care could be considered a long-term placement option for the States. In order to be considered an eligible family for kinship care placements under this bill, certain criteria must be met. The child must be removed from the home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child, the child would otherwise be placed in foster care and that there are adult relatives willing to provide safe and appropriate care for the child.

CBO examined this amendment and it is revenue neutral, because States would incorporate kinship care into their child welfare system. States would evaluate their kinship care system for outcomes for children and families, safety of the children, and cost savings.

At the end of 4 years the Secretary of Health and Human Services would evaluate the State kinship care demonstrations and recommend legislative changes based on their evaluations. My State of Maryland is one of the four States that already has a kinship care waiver and the reports have been quite positive.

I have heard from grandparents who desperately want to provide their grandchildren a loving, supportive and safe home, and I am sure that my colleagues have. Because of burdensome regulations, these children end up in the expensive foster care system. This amendment would allow any State, by going through the waiver process, to help families to rely on their own family members as resources when a child is legally separated from his or her parents.

Mr. CAMP. Mr. Chairman, I move to strike the last word.

I do not oppose the amendment but there are some additional considerations that should be taken into account. The committee has been very concerned about kinship care for several years. In many cases kinship care is an excellent response to a child's situation. But kinship care does come with great cost and there is reason to wonder if kinship care placements are always the best for children. We need more information about the reasons for kinship care, the characteristics of the kinship settings in which children are placed, and the impact those settings have on children's development.

To get more information, we ask for a study in this legislation. Demonstrations of the type the gentlewoman from Maryland [Mrs. MORELLA] is seeking also have the potential to provide valuable information. The committee bill authorizes 5 new waiver demonstration projects, and why do we not require that at least one of those be addressed to kinship care?

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I take this opportunity to compliment the gentlewoman from Maryland on her work in this area in this body and the work she has done in her own State of Maryland. I also would like to compliment her because she personally in her life has understood the importance of family in these types of situations, as she provided a loving home for her nieces and nephews. I want to compliment her for taking this work in her own life and her own family out into the United States of America.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman from Connecticut [Mrs. KENNELLY] for her very kind words and for the work that she has done on this committee, and the gentleman from Michigan [Mr. CAMP] for the wonderful work he has done.

I do want to announce that as of a week and a half ago I became a grandmother for the 15th time, so I can understand certainly grandparents who really want to have an involvement in bringing up and a need to bring up their children's children.

I want to, in light of what the gentleman from Michigan [Mr. CAMP] has said, I will ask unanimous consent to withdraw my amendment and to offer a new amendment that would add language to section 11 to require that at least one of the five new waiver demonstrations be addressed to kinship care.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mr. CAMP. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding to me.

I thank the gentlewoman from Maryland [Mrs. MORELLA] for withdrawing her amendment and bringing forward an amendment to dedicate one of the demonstration projects in the bill to kinship care. There are six States that have Federal waivers to demonstrate innovative approaches to providing child welfare services, including through kinship care. Indeed, there has been a lot of work on this matter and in many States and some creative programs developed which deserve the attention of the committee.

I also would like to call attention to another matter that is related to that brought up by this amendment. That is the option of independent living programs as a kind of placement for older children who have been in foster care for many years. My colleague, the gentleman from Indiana [Mr. BURTON], talked about the scarring that bouncing from foster care home to foster care home can leave on a young person, and indeed that scarring is deep and debilitating and can destroy their opportunity to pursue life in a way that would realize their abilities and their dreams.

Nonetheless there are many children in the system at this time. He pointed

to 15,000, but there are many children in the system at this time who have been in foster care for many years who have bounced from home to home. Some of these children are finding a new opportunity in what we call the independent living program that provides a stipend, guidance, education, and helps these young people at a high school age learn to live on their own and enjoy the support of one another as they make that transition from high school into the work force. We need to extend this program. We need to recognize it, I think, with the same validity that we recognize foster care placements or even adoptive placements and give it the kind of support and investment that it deserves.

In many instances as they look at kinship care and the opportunities that it provides within the foster care and adoption system, I would urge that they look also at the independent living program as another alternative to adoption and/or reunification because it is for many adolescents the best option and deserves our support. I yield back to the author of the bill.

Mr. CAMP. I thank the gentlewoman for her comments.

AMENDMENT OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MORELLA:

Section 11 is amended to read as follows:

**SEC. 11. AUTHORITY TO APPROVE MORE CHILD PROTECTION DEMONSTRATION PROJECTS.**

Section 1130(a) of the Social Security Act (12 U.S.C. 1820a–9(a)) is amended—

(1) by striking ''10'' and inserting ''15''; and

(2) by adding at the end the following: ''At least 1 of the demonstration projects approved on or after October 1, 1997, shall address kinship care.''.

Mrs. MORELLA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Chairman, my explanation is shorter than the language of reading the amendment. It is a new amendment that would simply add language to section 11 that would require that at least one of the 5 new waiver demonstrations be addressed to kinship care.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland [Mrs. MORELLA].

The amendment was agreed to.

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AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

At the end of section 12(b), add the following:

(7) Assistance in establishing outreach programs to help States better identify and recruit minority families to adopt children.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer this amendment, and I will pull it down at the end of the discussion, to add a section that allows the development of programs for outreach for informing special minority families about the opportunities to adopt. Very, very frequently this information is not known and many times they do not know where to get it to see about adoption.

When I was growing up, which was a long time ago, my parents brought in three extra children. We never got them adopted. I am a second child, and after me they did not have another child for 8 years, and after that another one after another 8 years. But in the meantime, between these births, we had at least three children in the home and never formally adopted them.

When I became an adult and had one child and could not have another child, I wanted to adopt but I did not have the information, was not quite sure what it meant, and so we went to an orphan home and brought a young child home each weekend. If I had had access to information that would inform and allay fears and say what some of the expectations are, adoptions could have taken place.

I think there are a number of minorities in that position, that really want to adopt but are a little fearful, not quite sure how to get started, and this just adds another development onto the six that simply allows the development of programs that would do outreach. It could be in the form of a brochure or an 800 number or any other type of outreach activity, such as radio announcements.

Mr. Chairman, I simply wanted to call that to Members' attention.

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I agree that we should do more to help minority families adopt children. I commend the gentlewoman for the amendment that she was going to put forth and for her willingness to withdraw the amendment.

It has been understood today that the bill we have before us will provide a statute, a basis on which we can continue to improve the foster care and permanent adoption situation in these United States, and I look forward to working with the gentlewoman from Texas on her amendment, which then can be part of a future bill that addresses this very important situation. And I thank the gentlewoman for her understanding today.

Mr. CAMP. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Michigan.

Mr. CAMP. Mr. Chairman, I would again echo the comments of my colleague from Connecticut and appreciate the gentlewoman's willingness to withdraw the amendment and look forward to working with her regarding her efforts in this matter.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman, and allow me to thank the author of this legislation and the gentlewoman from Connecticut [Mrs. KENNELLY] for bringing this piece of legislation forward.

It is the best piece of legislation I have seen that addresses adoptions. I appreciate it.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add at any appropriate place the following:

**SEC. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS AND GROUP CARE STAFF**

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (18), by striking ''and'' at the end;

(2) in paragraph (19), by striking the period and inserting ''; and ''; and

(3) by adding at the end the following:

''(20) at the option of the State, provides procedures for criminal records checks and checks of a State's child abuse registry for any prospective foster parent or adoptive parent, and any employee of a child-care institution before the foster care or adoptive parent, or the child-care institution may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

''(A) in any case in which a criminal record check reveals a criminal conviction for child abuse or neglect, or spousal abuse, a criminal conviction for crimes against children, or a criminal conviction for a crime involving violence, including rape, sexual or other assault, or homicide, approval shall not be granted; and

''(B) in any case in which a criminal record check reveals a criminal conviction for a felony or misdemeanor not involving violence, or a check of any State child abuse registry indicates that a substantiated report of abuse or neglect exists, final approval may be granted only after consideration of the nature of the offense or incident, the length of time that has elapsed since the commission of the offense or the occurrence of the incident, the individual's life experiences during the period since the commission of the offense or the occurrence of the incident, and any risk to the child.''.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all let me thank the gentleman from Michigan [Mr. CAMP] certainly for the persistence on legislation that is so extremely crucial to putting our children first.

Let me acknowledge also the ongoing and continuous leadership of the gentlewoman from Connecticut [Mrs. KENNELLY] on this issue that has been an abiding issue with her for many, many years.

I am very pleased and appreciate very much the staff of both Members working with me, as a member of the House Committee on the Judiciary, on an issue that we see in other forms, and that is to assist this process of protecting our children by providing for criminal record checks for prospective foster and adoptive parents and group care staff.

It is well known that adoption is only surpassed by the Government's recognition and sanction of marriage as a publicly recognized function of Government and the procreation of families in our society. In fact, in 1994, 442,218 of our Nation's children lived in the foster care system. In 1994, 3.1 million cases of abused and neglected children were reported in the United States, and an estimated 1 million cases were confirmed.

In 1993, the data indicated 49 percent of the children abused were neglected, 24 percent were physically abused, 14 percent were sexually abused, 5 percent suffered emotional mistreatment, and 2 percent suffered medical neglect. This legislation in and of itself will thwart some of these tragic occurrences. In 1993 an average of five children died each day, another 140,000 were seriously injured and many were disabled for life.

Having, however, chaired the Foster Parent Retention and Recruitment Committee for Harris County in Texas, I know the good people that are foster parents and the good people who seek to adopt. This is not an amendment that speaks to them, but it does speak to the safety of our children.

According to the American Public Welfare Association, 450,000 live in foster care at any given moment, and as many as 600,000 children live in foster care during the course of any given year. Certainly this major legislation today will help diminish that number. However, we want to make sure that these caretakers have the kinds of background checks that will ensure the safety of our children.

Let me conclude by saying in my home State of Texas the number of children under the age of 18 living in foster care in 1993 was 10,880. This represents an increase of 62.4 percent from 1990, and the number continues to climb.

This amendment, which is by State option and therefore does not incur any additional cost to this legislation, will allow States to have the option to check the backgrounds of the individuals who will be the caretakers for our most precious resources in the United States.

Mr. Chairman, I ask my colleagues to support this amendment, and I thank the ranking member, and I thank the chairlady of the particular subcommittee, I am giving her that title because that is what she is to me, the gentlewoman from Connecticut, but I thank the chairperson, the gentleman from Michigan [Mr. CAMP] for his kindness.

Mr. Chairman, I rise today to speak in favor of the institution of adoption.

Adoption is only surpassed by the Government's recognition and sanction of marriage as a publicly recognized function of Government and the procreation of families in our society.

The work that Congresswoman BARBARA KENNELLY has done in bringing H.R. 867 to the floor, only highlights the well established role that Government has in the facilitation of adoptions in this country.

In 1995, 494,000 of our Nation's children lived in the foster care system.

As we work to address the need to find and place these children with parents and families who will love and care for them, we must be sure to address the need to protect these children from unforseen dangers.

Requiring criminal records checks for prospective foster and adoptive parents and group care staff will go a long way to ensure that adoptive parents are prepared and suitable parents.

Adoption is not a right in our society, but an honor. The children in foster care or who are being placed for adoption, deserve the extra care that can be demonstrated by conducting criminal background checks on perspective parents.

In 1994, 3.1 million cases of abused and neglected children were reported in the United States, and an estimated 1 million cases were confirmed.

The 1993 data indicated that 49 percent of the children were neglected, 24 percent were physically abused, 14 percent were sexually abused, 5 percent suffered emotional mistreatment, and 2 percent suffered medical neglect.

In 1993 an average of 5 children died each day, and another 140,000 were seriously injured while many were disabled for life.

This amendment would ensure that prospective adoptive parents were suitable caregivers and safe adoptive parents for children.

According to the American Public Welfare Association [APWA], about 450,000 children live in foster care at any given moment, and as many as 600,000 children live in foster care during the course of any given year.

In my home State of Texas, the number of children under the age of 18 living in foster care in 1993 was 10,880. This represents an increase of 62.4 percent from 1990, and the number continues to climb. Similarly, the number of children living in a group home in 1990 was 13,434. Approximately one-half of these 13,434 children are minorities. Studies have shown that minority children wait longer to be adopted than do white children.

I hope that my colleagues can support this effort to strengthen a very strong measure to open the avenue of adoption and placement of children who are in need of families.

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. I agree with the gentlewoman from Texas, Mr. Chairman, and as she states, she wants to make sure that troubled children get into foster homes, and I would like to join with her. As I have said earlier today, we cannot emphasize enough the number of people who are involved in foster care and the very good jobs they are doing, but they more than anybody else want to make sure that every foster care home is a safe home.

I do want to thank the gentlewoman from Texas, and I also want to thank the Committee on the Judiciary, and I will take this opportunity to thank the gentleman from Massachusetts, Mr. [WILLIAM DELAHUNT], for his work on an amendment which also will be looked at in the future.

I appreciate the concern and the involvement of other Members of this body who wanted amendments but made it possible for us to keep this very, very important balance today, to have a new beginning in looking at foster care and the protection of children.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank all those that have worked with me on this amendment.

Mr. SHAW. Mr. Chairman, I rise in support of the amendment, but I want to address this question to the author of the amendment:

As I understand the printed amendment, the typed amendment has been modified to provide that this is at the option of the State; is that correct?

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Absolutely.

Mr. SHAW. Mr. Chairman, reclaiming my time, I bring that up only because the House now has rulings pertaining to unfunded mandates. And even though I think this is a very good amendment, and one that adds to the bill, I just wanted to be sure that we did not fall into that trap.

I compliment the gentlewoman for her amendment and urge its support.

Mr. CAMP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to comment on this amendment and the fact that it is critical that foster homes be safe for children. States already have the discretion to conduct background checks and licensing of foster parents, and many States do conduct background checks for people who work with children.

I want to point out for the RECORD that the amendment is permissive. It is at the option of the State. But if it were not, if it were mandatory, the cost to the State, according to the General Accounting Office, is about $20 for each check; and States could be, if this were mandatory, required to spend hundreds or thousands of dollars because of this amendment.

I know that activities are ongoing through Federal, State and local law enforcement agencies to improve the quality of the data they receive in these background checks, but I think the change that was made is a positive one and I would, for the RECORD, state that I support the amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

I rise to address a question to the gentleman from Michigan relating to elderly caregivers. I need to ask the question as to whether or not there is protection for older caregivers who have retired or who are disabled and taking care of minor children where they might need aid to dependent children.

What provision do we find anywhere in the law that protects them from having the 2-year limit on aid to dependent children?

Mr. CAMP. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Michigan.

Mr. CAMP. Mr. Chairman, I thank the gentlewoman for yielding.

States already, in the first year, would be able to exempt 75 percent of their case load from the work requirement and would be able to make the decision as to which individuals, if it is grandparents or elderly caregivers, would be able to be exempt from that work requirement.

When the work requirement is fully implemented, it will still be 50 percent of the case load that States will be able to make the decision to exempt. They have the authority to do that now. Even under the 5-year time limit, which is a separate part of the welfare bill, States would be able to exempt up to 20 percent of their case load from the time limit requirement. So it is going to be up to States to make that decision on which individuals.

I appreciate the gentlewoman's bringing this to the floor and expressing her concern to the House over this issue, but there are provisions in the bill giving quite a bit of discretion with the State government to make those decisions.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, reclaiming my time, I think that explanation really takes care of my concern that there will not be 50 or 75 percent. So I think that will be enough percentage to allow them to be protected.

I thank the gentleman for that response.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY of New York:

At the end of the bill, add the following (and conform the table of contents accordingly):

**SEC. 16. STANDBY GUARDIANSHIP.**

It is the sense of the Congress that the States should have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

(1) the death of the parent;

(2) the mental incapacity of the parent; or

(3) the physical debilitation and consent of the parent.

Mrs. MALONEY of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Chairman, this sense of Congress resolution addresses the needs of 85,000 to 125,000 children who will be left motherless by AIDS by the end of this decade. The tragedy is enormous, but even worse, many of these children will be forced into foster care homes at the most vulnerable moment of their lives simply because most State laws prevent parents from naming guardians for their children in advance of their death.

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As the Journal of the American Medical Association noted in December 1992, ''Every State should review its existing guardianship laws, many of which leave children in legal limbo at the time of a parent's death, even when a guardian has been named in the parent's will.''

Standby guardianship laws would require just such a review by closing legal gaps which have failed vulnerable children and their families and allowing parents to choose standby guardians without giving up their parental rights. Using a simple process, standby guardians can be pre-approved by the courts and take on the responsibility of caring for their charges immediately upon the death or incapacitation of the ill parent.

This sense of Congress, if enacted into law, could save States and the Federal Government money by reducing the amount of time children spend in the incredibly expensive and sometimes destructive foster care system. But very importantly it provides peace of mind to desperate parents by resolving custody issues while they can have their input into the future of their children and, most importantly, it will keep children out of foster care and move them into permanent homes with their parents' input.

AIDS is now the leading cause of death among women aged 15 to 44. By the end of this century, current studies estimate that as many as 125,000 children will be orphaned by AIDS. I think these numbers indicate clearly that the scope of this problem is nationwide and the need for standby guardianship laws is growing.

It is now time for this issue to be addressed at a national level. This sense of Congress resolution is a start.

The resolution would recommend that all States amend their custody laws to allow for standby guardianship designation. Custody issues remain the province of each individual State. Standby guardianship is a timely concept for a difficult time. Standby guardianship laws present a unique opportunity to act proactively against a growing problem in child welfare. That is why I am urging all of my colleagues to support this bipartisan sense of Congress. I hope that it will be supported.

I would like to compliment the gentlewoman from Connecticut [Mrs. KENNELLY] and the gentleman from Michigan [Mr. CAMP] for their very important work on this bill.

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. I thank the gentlewoman for yielding.

Mr. Chairman, I agree we need to remove legal barriers that might prevent children from going to a caring guardian when a parent dies. I therefore support the sense of Congress on urging States to adopt standby guardians and thank the gentlewoman from New York [Mrs. MALONEY] for her work.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I commend the gentlewoman from New York [Mrs. MALONEY]. This is a very important sense of Congress. It is imperative that States recognize the seriousness of the problem of AIDS, women and children, 125,000 children to be orphaned by AIDS. Indeed we need to know that, we need to deal with that and States need to modernize their laws to address this issue.

The 50 States at this time do deal with guardianship as well as custody issues in different fashions. Sometimes radically different mechanisms are used to govern these difficult situations. Therefore, it is hard at this time to write a Federal statute, even if it were desirable, to deal with such delicate and personal situations. But it is important to recognize the criticalness of these arrangements and the forethought that must be given where death of a parent is a real, tragic possibility.

I am sure that the gentleman from Michigan [Mr. CAMP] and his subcommittee will oversee the response of the States to this sense of Congress, because if they do not move forward with modernizing their guardianship statutes, then indeed we will have to look how do we do this from Washington, DC. These are very delicate arrangements, they are hard to develop,

they need forethought, they need a good structure of law to protect the interests of the children and other family members. I think it is better done from the State, but we must oversee that this does happen from Washington.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Again, Mr. Chairman, I would like to thank the gentlewoman from New York [Mrs. MALONEY] and the gentlewoman from Connecticut [Mrs. JOHNSON] and would like to join them in this sense-of-Congress resolution on this very important issue and again thank the gentlewoman from Connecticut [Mrs. Kennelly], the gentleman from Michigan [Mr. CAMP], and the gentleman from Florida [Mr. SHAW] for their leadership on the overall issue of the protection of our children.

I rise today in support of the sense-of-Congress resolution allowing parents to choose standby guardians for their children in advance of their death. This is an important and compassionate piece of legislation. If I might add a personal anecdote as a practicing lawyer in the family courts of Texas, this is a rising crisis that we face. It is a great tragedy in the life of a small child to lose a parent through illness. AIDS is certainly a nationwide epidemic and confronting young parents on a daily basis.

Often the child is too young to understand anything other than the fact that the person who has been the center of their world, their caretaker, is gone. It is at this time in their lives that children most need a caring and supportive environment. Unfortunately, this is too often a time when a young child is taken from his home and placed in a foster family. In many cases, this is because State law prevented the child's parents from naming a guardian for their child in advance of their death.

In speaking to the gentlewoman from New York [Mrs. MALONEY], it was evident that in many jurisdictions this happens far too frequently, and it certainly happens frequently in the crisis that occurs when loved ones are stricken with AIDS.

This legislation will provide a caring guardian for the child upon the death of that child's parents. In so doing, it will ease the child's trauma at their parent's death by allowing the child's guardian to establish a relationship before the parent's death and to be there while that child is grieving.

Standby guardianship will also allow the parent the comfort and knowledge of providing a safe future for their children. It must be terribly painful to experience for a parent to leave their young child behind. We can help to ease that pain by letting the parent be an active participant in resolving the custody of their children.

According to the Journal of the American Medical Association, noted in December 1992, many States ''leave children in legal limbo at the time of a parent's death, even when a guardian has been named in that parent's will.''

So we see that that is not a solution. I therefore encourage my colleagues to support this sense of Congress resolution.

As I close, Mr. Chairman, let me also state that I look forward to working with the gentlewoman from Connecticut [Mrs. KENNELLY], with the gentleman from Michigan [Mr. CAMP], and the gentleman from Florida [Mr. Shaw], along with the Congressional Children's Caucus, on issues to provide for treatment for those parents, foster parents, adoptive parents who tragically may have had a bout with drug abuse, and also then to as well ensure that we look favorably at making sure that diversity in this country is received in the adoptive process and that the child's cultural background be part of our sensitivity.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

The amendment was agreed to.

Mr. SHAW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, people who are observing this meeting today probably think they have the wrong parliamentary body when they see the great agreement that this House has risen to by unanimously supporting this and by working out the various amendments. This did not come by happenstance, I would like to say, however. It came from very close work from the Democrat and the Republican side of the aisle, with the gentleman from Michigan [Mr. CAMP] taking the reins for the Republican side and the gentlewoman from Connecticut [Mrs. KENNELLY] the Democrat side.

It shows, I think, when you find that there is a problem out there and you decide that we are not going to be running down the road on a partisan horse trying to press our will upon each other, what we can do. It also, I think, shows the tremendous amount of good staff work that we have had going into this bill.

I would like to compliment the staffs on both sides of the aisle. I would particularly like to point out Dr. Cassie Bevan for the tremendous work that she has done on this bill. She has a reputation of herself, a well-deserved reputation. She has done many writings and is recognized as an expert on this particular subject nationwide. We are very fortunate, I think, to have staff with particularly background information. We have seen this with other bills that have been passed, and I recognize other members of the staff on both sides of the aisle in being able to bring bills to the floor, being able to dig through the process and be sure that what we pass here is a good product, but this particularly with the Camp-Kennelly bill. We are going to be able to pass a bill today that is really going to help the most fragile among us, and those are the kids that are lingering in foster care, which is a national tragedy.

Again, we have 500,000 children across this country who are hungering for a home and a life-style and some structure in their life. This is a tremendous step forward, and I think that it is one of the finest hours of this Congress. I compliment all of the people who were involved in putting this bill together, and I urge its adoption.

The CHAIRMAN. Are there any further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mrs. MORELLA) having assumed the chair, Mr. ROGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 867) to promote the adoption of children in foster care, pursuant to House Resolution 134, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. CAMP. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 416, nays 5, not voting 12, as follows:

[Roll No. 96]

YEAS—416

| | | |
|---|---|---|
| Abercrombie | Barcia | Berman |
| Ackerman | Barr | Berry |
| Aderholt | Barrett (NE) | Bilbray |
| Andrews | Barrett (WI) | Bilirakis |
| Archer | Bartlett | Bishop |
| Armey | Barton | Blagojevich |
| Bachus | Bass | Bliley |
| Baesler | Bateman | Blumenauer |
| Baker | Becerra | Blunt |
| Baldacci | Bentsen | Boehlert |
| Ballenger | Bereuter | Boehner |

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

NAYS—5

Campbell
Manzullo
McIntosh
Mink
Paul

NOT VOTING—12

Allen
Bonior
Engel
English
Green
Herger
John
Lewis (GA)
Porter
Schiff
Stump
Wexler

□ 1404

Mr. JACKSON of Illinois and Mr. EVANS changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I was unavoidably detained during the rollcall vote on H.R. 867, the Adoption Promotion Act of 1997. If I had been present, it was my intention to vote ''aye'' because I strongly support the legislation.

I ask that my statement appear in the RECORD after the vote.

## PERSONAL EXPLANATION

Mr. GREEN. Mr. Speaker, I was unavoidably detained in my district both yesterday and this morning. On rollcall votes 92, 93, 94, 95, and 96, if I had been present, I would have voted ''aye'' on 92, ''aye'' on 93, ''aye'' on 94, ''aye'' on 95, and ''aye'' on 96.

I ask that my statement appear in the RECORD immediately following the recorded votes.

## GENERAL LEAVE

Mr. CAMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 867, the bill just passed.

The SPEAKER pro tempore (Mrs. MORELLA). Is there objection to the request of the gentleman from Michigan?

There was no objection.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 867, ADOPTION PROMOTION ACT OF 1997

Mr. CAMP. Madam Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 867, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

## HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 133 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 133

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state the Union for consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI of clause 7(b) or rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. Before consideration of any other amendment it shall be in order to consider the amendment printed in the Congressional Record of April 29, 1997, pursuant to clause 6 of rule XXIII, if offered by Representative Lazio of New York or his designee. That amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against that amendment are waived. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. During further consideration of

the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business: *Provided*, That the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. YOUNG of Florida). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous material in the RECORD.)

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from South Boston, MA [Mr. MOAKLEY], my very good friend and the ranking minority member. Pending that, I yield myself such time as I may consume. Let me say that all time that I will be yielding will be for debate purposes only.

Mr. Speaker, in the tradition of past housing rules, this rule provides an open rule for the consideration of H.R. 2, the Housing Opportunity and Responsibility Act of 1997. However, the rule does waive points of order against consideration of the bill for failure to comply with House rules regarding the 3-day availability of committee reports or CBO cost estimates.

The main committee report has been available for 3 days, but because it did not include a CBO cost estimate, a supplemental report containing that estimate was filed yesterday, thus requiring these waivers.

The rule makes in order an amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be read by title. It contains a minor waiver of points of order for appropriating in a legislative bill, but I understand that the Committee on Appropriations is not opposed to the waiver, Mr. Speaker.

The rule further makes in order an amendment by the gentleman from New York [Mr. LAZIO] before other amendments are considered, which will be considered as read, shall be debatable for 10 minutes, equally divided between the proponent and an opponent, and shall not be subject to a demand for the division of the question. All points of order against the Lazio amendment are waived.

If adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment, thus ensuring an open amendment process.

Finally, the rule strongly encourages preprinting of amendments in the RECORD, and allows the Chair to postpone votes and reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

The rule also provides for one motion to recommit, with or without instructions.

Mr. Speaker, this is a bona fide open rule. Over the years I have had the great honor of referring to the former chairman of the Committee on Banking and Financial Services [Mr. GONZALEZ], who is sitting right here on the floor now, as Mr. Open Rule because of his strong commitment to major housing bills and bringing them under an open amendment process.

It is a distinction that, after 2 years of experience, I am now transferring from Chairman GONZALEZ to the current chairman of the Subcommittee on Housing and Community Opportunity, the gentleman from New York [Mr. LAZIO], and I know that the gentleman from Texas [Mr. GONZALEZ] would strongly support me in that action. While an open rule on a bill of this nature will be time-consuming and contentious, it is essential that we proceed in this nature.

Housing policy must be seen in the context of broader welfare policy. Members have strong feelings about the impact of Federal housing programs on low-income families and how these programs should be reformed. An open rule will allow all issues to be debated and will strengthen public confidence in whatever program changes we collectively decide to move ahead with in the House.

Quite frankly, Mr. Speaker, the changes called for in the bill are long overdue. Our public housing programs are a failure, and those failures have been known to us now for nearly two decades. Yet, until now, Congress has failed to offer effective solutions to addressing the housing and economic needs of poverty-level families.

Instead, we have continued to spend hundreds of billions of dollars on costly and inefficient public housing programs that encourage waste, fraud and abuse, while destroying urban communities and relegating tenants to second class status in Third World living conditions.

□ 1415

Mr. Speaker, H.R. 2 will improve housing conditions and economic opportunity for tenants by substantially deregulating public housing and giving authorities the flexibility they need to operate efficiently and effectively.

While H.R. 2 does not fundamentally alter the Federal Government's intrusion into the housing market, nor does it reduce the size of the HUD's bureaucracy, it will go a long way toward reforming our failed public housing programs. For that I applaud the chairman, the gentleman from New York [Mr. LAZIO], for his successful efforts in bringing this bill forward.

I look forward to working with him to bring about similar reforms to the remainder of HUD's bureaucracy so we can enhance local control, reduce administrative overhead and cost burdens, maximize the direct flow of housing assistance, and promote our ultimate objective, which is the achievement of economic self-sufficiency for our low-income families.

Mr. Speaker, H.R. 2 is a good bill that deserves our support. A similar bill passed the House 1 week short of a year ago. More important, this rule provides for an open amendment process, as I have said, that will allow all of the policy issues that we will be considering to come forward with a free debate.

Mr. Speaker, I urge support of the rule, and I reserve the balance of my time.

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

Mr. Speaker, I am very pleased to see this open rule come to the floor. It is a welcome change, and I urge my colleagues to support the rule. This rule waives points of order against failure to allow Members 3 days to review the committee report. This is the fourth time, Mr. Speaker, in the last few weeks that the committee has waived this rule. I hope that this trend would stop very soon, because Members really need time to review the bills before they actually come to the floor.

This bill, Mr. Speaker, is another matter entirely. This bill takes public housing away from the poor and hands it over to the people who can afford better. It replaces our housing programs with block grants. It entices richer tenants into public housing and pushes poorer tenants into homelessness.

Mr. Speaker, that is not what public housing is all about. Public housing is about giving families a chance to live on their own, no matter how much money they make. It is about reducing the number of homeless children and helping low-income parents give their children the kinds of lives they deserve.

Mr. Speaker, a long time ago, when I was a young boy growing up in South Boston, I lived in the first public housing ever built in the country: the Old Harbor Village, which is today called the Mary Ellen McCormack. Back then my family's moving into the project was upward mobility for me. There was no stigma, there was no crime in public housing. The Old Harbor Village was part of the community in every sense of the word. In fact, up until then, it was probably the nicest place we ever lived.

Growing up in the projects, you had a strong sense of community, a strong sense of pride, and everybody looked after everybody else. You lived for the guy upstairs, downstairs, and over the back fence. We were all treated as citizens and not subjects, and when a person is respected, they respond accordingly.

Mr. Speaker, there is no doubt about it, public housing has slipped a long way since then. It has slipped a long way since I was a tenant. But that is no reason not to try to get it back where it was. That is no reason to change Federal housing from a program that is targeted to the poorest of the poor to a program for everyone else. That is what the bill will do, Mr. Speaker. This bill takes housing away from those in most need, and pushes them further towards the fringes of society. It will widen the already enormous gulf between the rich and poor in this country at a time when the American children need all the help we can give them, no matter how much money their parents make.

Mr. Speaker, there are some good ideas in this bill. There are some provisions for flexibility and for administrative reforms that we badly need, but the rest of the bill just goes too far. My Democratic colleagues will propose a bill to improve our housing program by implementing ideas that everybody agrees to. But the Democratic substitute eliminates that risky block grant program which takes funding away from housing and does absolutely nothing to ensure that the funding will be available to operate and maintain the current units. The Democratic bill keeps public housing on the side of poor people. The Democratic bill keeps public housing on the side of the children.

Mr. Speaker, I urge my colleagues to support this open rule and oppose the bill. Public housing should be a leg up for those who need it, and not for everyone else.

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

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from Columbus, OH [Ms. PRYCE], a valued member of the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the distinguished vice chairman of the committee, the gentleman from California [Mr. DREIER] for yielding me this time.

Mr. Speaker, I rise to express my support for both this open rule and the Housing Opportunity Responsibility Act. First, I want to commend the chairman, the gentleman from New York [Mr. LAZIO], and the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services for crafting legislation that follows our basic principles of, No. 1, making the American dream of affordable housing more attainable; No. 2, empowering individuals to improve their lives; No. 3, returning more decisionmaking authority to States and localities where it belongs.

Mr. Speaker, H.R. 2 does all of these things, fundamentally changing the public housing in section 8 rental assistance programs and allowing the Federal Government to support local communities in their decisions.

Under this bill, the emphasis is placed on providing the most service for the least cost, and tailoring Federal assistance to fit local needs, so the limited Federal resources are invested in ways that are likely to achieve the greatest return.

Fundamental to the bill is the belief that those who receive Federal assistance share a responsibility and an obligation to pursue self-sufficiency. H.R. 2 would remove disincentives to work, while linking continued Federal assistance to a modest amount of community service each month.

While I support this legislation, I am concerned that H.R. 2 falls short of fully addressing the issue of national occupancy standards. This year I cosponsored legislation introduced by the gentleman from Florida [Mr. MCCOLLUM] to give States the authority to set their own occupancy standards. In the absence of State law, it would allow of a standard of two persons per bedroom plus infants. As I understand it, the so-called McCollum language was originally included, but was later scaled back significantly during the markup.

In my view, the housing bill offers us the perfect and appropriate opportunity to give States the flexibility and authority to set their own standards and to implement a reasonable standard in their place when States fail to take action.

A major housing reform bill like H.R. 2 should take advantage of the experience and expertise of those who deal with these issues on a daily basis. I hope this might be addressed at some point in the process.

Mr. Speaker, promoting safe, clean, and healthy housing is central to the American dream, especially for low-income persons. I believe this legislation is critical to reducing the concentration of power at the Federal level that has stifled innovation and kept local housing authorities out of the decisionmaking process. I urge support of the bill and the rule.

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

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Surfside Beach, TX [Mr. PAUL].

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

Mr. PAUL. Mr. Speaker, I appreciate very much the gentleman's yielding time to me.

Mr. Speaker, I am very pleased to be able to support this rule coming to the floor, and pleased that it is an open rule. We will have a chance to debate housing. I think it is a very important debate. We have had this debate going on now for several weeks in the Subcommittee on Housing and Community Opportunity. Unfortunately, as far as I am concerned, the debate has not keyed in on the real important issue of whether or not public housing is a good idea.

This particular piece of legislation does very little more than juggle the bureaucrats in hopes that it will do some good. Public housing started in 1937 with the U.S. Housing Act, and we have been living with public housing ever since. In 1965 HUD was created, and since that time, we have spent literally hundreds of billions of dollars.

We have no evidence of any sort to show that public housing is a good idea. It causes a great deal of problems and actually takes housing away from many, many poor people. But it costs a lot of money and costs a lot of hardship to a lot of people. The principle of public housing is what needs to be debated. Hopefully, in the general debate and in the debate over the amendments, we will be able to direct a debate in that area.

One thing that I think our side, the side that I represent, that is the free market and the constitutional approach to housing, we have, I would grant you, done a very poor job in presenting the views on how poor people get houses in a free society. Since we have had 30 years of experience and there is proof now that it leads to corruption and drug-ridden public housing projects that do not last very long and it costs too much money, we ourselves who present the market view have not done a good job, emphasizing lower tax, less regulation and growth economy, sound monetary policy, low interest rates; this is what will eventually give housing to the poor people.

But I think it is very important that we not construe anybody who opposes this bill as being one that has endorsed the notion or rejects the idea.

Mr. Speaker, the one other point that I would like to make is one of the arguments in favor of this bill is that it is going to be saving some money in the bureaucratic process. But if this is the case, one must look very closely at the CBO figures, because last year the HUD budget took $25-plus billion. This year, with this wonderful new program, we will be asking, according to CBO, $30.4 billion, an increase of about $5 billion. And this is not the end, it is just the beginning. So this is an expansion of the spending on public housing.

By the year 2002, it goes up to $36 billion. So the best I can tell is we were working on the fringes, we are not dealing with the real issues, we are not dealing with the principle of whether or not public housing is a good program.

I, for one, think we can do a lot more for the poor people. There are more homeless now, after spending nearly $600 billion over these last 20 years, than we had before. So I am on record for saying we must do more but we can do more by looking more carefully at the market.

Mr. DREIER. Mr. Speaker, we have a couple Members who are very enthusiastic in expressing their desire to speak, but I am having a challenging time to educate them right now; and I do not know if my friend, the gentleman from South Boston, MA [Mr. MOAKLEY] has anyone.

Mr. MOAKLEY. Mr. Speaker, if it makes the gentleman from California [Mr. DREIER] feel any better, after we pass the rule, I would be glad to listen to their conversation seated here in the Chamber.

Mr. DREIER. Mr. Speaker, I urge an ''aye'' vote on the rule.

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

Mr. DREIER. Mr. Speaker, I urge strong support of this rule, which will allow for a free and fair debate under an open amendment process.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2.

The Chair designates the gentleman from Virginia [Mr. GOODLATTE] as Chairman of the Committee of the Whole, and requests the gentleman from Illinois [Mr. LAHOOD] to assume the chair temporarily.

□ 1430

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program, and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Iowa [Mr. LEACH] and the gentleman from Texas [Mr. GONZALEZ] each will control 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 2, the Housing Opportunity and Responsibility Act of 1997. I want to thank the gentleman from New York [Mr. LAZIO] for his extraordinary leadership on this bill as well as the constructive commentary of the gentleman from Massachusetts [Mr. KENNEDY], who is the ranking member on the subcommittee, as well as the distinguished ranking member of the full committee, the gentleman from Texas [Mr. GONZALEZ].

H.R. 2 is the product of numerous hearings that were held by the Committee on Banking and Financial Services as well as 4 days of markup which included more than 70 amendments, with some 20 amendments from the minority side adopted.

H.R. 2 was reported by the committee by a vote of 28 to 19. In the last Congress, a similar bill, H.R. 2406, was reported out of the committee and passed the full House by a bipartisan vote of 315 to 107.

Reforming our Nation's public housing programs, regardless of one's philosophical beliefs, is a priority both for the Congress and the administration. The committee was encouraged when Secretary Cuomo appeared before the Subcommittee on Housing and Community Opportunity on March 6 and stated that he will work night and day to enact historic public housing reform legislation. Likewise, the committee has been committed to working with Secretary Cuomo to reform rather than eviscerate HUD and the programs under its jurisdiction. Members may recall that 2½ years ago many in the administration and some in this body favored elimination of HUD. The Committee on Banking and Financial Services prefers to maintain a credible public housing commitment, recognizing that moneys are short and that disappointments in some areas may be significant.

Nevertheless, we believe that reform and rehabilitation are preferable to stultification and decay.

Virtually all interested parties agree that the current public housing system does not serve the tenants of public housing well, nor does it efficiently or effectively utilize taxpayer dollars that are appropriated for public housing programs.

Quite simply, H.R. 2 is as much about improving the lives of low-income families and individuals as it is about fiscal responsibility and Government accountability.

H.R. 2 replaces outdated laws and programs with a new empowering approach for communities designed to be relevant to the 21st century. Along with welfare reform efforts, this bill is a critical step on the path to revitalizing empowerment programs that were crafted decades ago in a different social, legal, and economic environment.

Without question, there are a number of important issues where the majority and minority part ways on philosophical grounds. These issues were debated and considered in an open forum at the Committee on Banking and Financial Services, and I am pleased that the rule for this bill provides for the same opportunity in the full House.

While I do not wish to review all the issues where there are disagreements at this time, I would like to briefly touch upon one issue where there appears to be an inconsistency within the ranks on the congressional minority and the Democratic administration. H.R. 2 provides that each adult member of a family residing in a public or assisted housing project contribute not less than 8 hours per month in community service activities. Individuals who would be exempt from this requirement include the disabled, the elderly, persons who are employed and others who are otherwise physically impaired from performing such services.

Also, the provision is structured so as not to duplicate community work requirements under local welfare reform efforts.

This provision is generally based upon the long held American precept that those who receive assistance from a community should give back to that community in some way. Some of our Democratic colleagues argue that this provision is punitive and demeaning. Yet it is worth noting that the administration's public housing bill that was provided by Secretary Cuomo and introduced by the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] by request included the same provision to require 8 hours of community service. Also, the public housing bill that passed the House in the last Congress by a resounding 315 to 107 vote, which was submitted by former HUD Secretary Henry Cisneros, included the same community service requirements to which our colleagues on the other side are now raising objections.

It is true there could be a slight administrative cost increase in this work component, but it would be our hope that this cost could in part be borne by those asked to fulfill a work commitment. In the larger picture, the bill is deregulation oriented with the CBO estimating administrative savings of $100 million over 5 years.

As for funding, this bill matches the administration request for fiscal year 1998 and is consistent with the fiscal year 1997 enacted levels. In other words, our approach represents a freeze on spending with greater administrative discretion allowed at the housing authority level.

Given efforts to balance the budget, this bill represents an administration congressional consensus. The minority is correct that the bill moves to more mixed income housing with housing authorities, at their strong request, allowed to provide housing to the near poor as well as the poor. While all poor currently in housing are legislatively protected, it must be understood that there are many aspects of current public housing programs which have been judged by experts as well as the public as a failure. To concentrate the very poor alone in public housing, particularly high-rise housing, is to condemn them in many instances to poverty segregation.

Single dimension, lowest income housing simply has not worked. For the sake of decent standards of housing for the poor, more local discretion is needed.

Mr. Chairman, I urge consideration of this reform approach as common sense.

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

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

Mr. Chairman, I first want to begin my remarks by complimenting the gentleman from Massachusetts for his superb leadership that he has demonstrated in housing issues. He knows the subject matter, which is complex, very well. Equally important, though, he does deeply and sincerely care about the people who depend on public housing. He seeks to create a positive reform and works tirelessly on behalf of people who have few advocates and really no political resources.

He is a model of decency and compassion. I salute his courage, his energy, his imaginative efforts, all of which reflects great credit to him, the people that he represents and serves, and this House.

The bill before us, H.R. 2, can best be described as a series of good slogans but unworkable or undesirable policies. The bill before us is no more likely to be enacted than last year's failed effort, which it very closely resembles, incidentally. We will offer a substitute that makes, I believe, far more sense and which deserves the support of our Members.

I will predict that in the final analysis, any bill that is enacted will look very much like the substitute that we will offer.

H.R. 2 creates strong incentives for local housing authorities to stop renting available units to those who are in the greatest need of them. Under the bill, housing authorities will henceforth rent units only to people who can afford to pay more. The reason for this is simple: The Congress has cut operating subsidies far below what the housing authorities need, so the only way to keep public housing units from falling into ruin is to rent fewer units to the poorest class of applicants.

To be perfectly frank, this bill abandons those who are in the greatest need and for whom this whole thing was intended in the beginning.

I sincerely believe, as I have all along, that it is possible to maintain sound housing authorities without taking the radical and callous steps provided in H.R. 2. The substitute that we will offer will target housing assistance in what I believe is a sensible and humane way.

H.R. 2 imposes huge new bureaucratic burdens on local housing agencies but provides no money for these schemes. The authors of H.R. 2 apparently believe that residents of public housing are defective or derelict and in need of social engineering. Therefore, they require that tenants sign and adhere to a personal improvement contract. If these agreements are to have any meaning or effect, they will need to be individually and expertly designed. The tenants would have to be carefully monitored, and there would have to be resources available to carry out the various components of the self-improvement plan.

But there is no money provided in this bill for any of this, nor is it clear how the housing authorities are supposed to do a better job for free than schools and social welfare agencies can do with actual money.

Likewise, the bill requires public housing residents to do at least 2 hours a week of community service. No doubt this is a well-intended thing, but, again, the bill provides no money to carry out this mandatory public service. Somebody will have to provide and create and keep the records to be sure that the residents do the required work. Somebody will have to check to be sure the work is being done, and somebody will have to be sure that the work is actually beneficial to the community.

Without some kind of administrative support, this mandatory work scheme will collapse in a welter of confusion and fakery.

These prescriptions on H.R. 2 make fine slogans but they are unworkable. There is no money for them. They are not in any way integrated with any other program or policy. They ignore the complex reality of life at the bottom of the heap. The sad reality is that H.R. 2 represents a further and a much faster retreat from efforts to provide decent and affordable housing to the millions who desperately need help. Those most in need of help will be turned away. And those who get help will pay more for it.

I have highlighted only a few of this bill's defects. There are, of course, many more. I urge my colleagues to study the Democratic substitute. They will find that it is sensible and workable. The Democratic substitute is a realistic, good-faith effort to reproduce a bill that both parties can and should be able to agree on. I urge support of the substitute.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Massachusetts [Mr. KENNEDY], ranking member of the Subcommittee on Housing and Community Development, and I ask unanimous consent that he be allowed to control the time.

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

There was no objection.

Mr. LEACH. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. LAZIO], and I ask unanimous consent that he be allowed to control the time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over the next several days we will be discussing two different visions for the American community. One vision will be a portrait of the failed past. Imagine in this portrait mile after mile of 20-story projects stained by age, crumbling from neglect, isolated from jobs and business. The entry doors to the buildings are wide open, security locks punched out. Inside only the red light of an exit sign illuminates the hallway revealing an accumulation of debris. Outside after dark, the court yard is silent, and moms and dads trapped in their apartments instruct their children to stay away from windows for fear of stray bullets. Such a portrait is an all too familiar picture of life in public housing. It exists even here in our Nation's Capital.

There is another vision of the American community. This vision is one filled with neighbors working together to create an environment where children can grow up safely, surrounded by working role models and with the hope that one day, one day they can climb their own economic ladder to success.

□ 1445

Mr. Chairman, during the next several days, some here will talk of efforts to deprive our most vulnerable populations of affordable housing opportunities. Some will express outrage at involvement in community while ignoring the reciprocal relationships that exist throughout the rest of society. Mr. Chairman, it is fair to ask where these defenders were when communities and neighborhoods were falling into disrepair and neglect in their very own backyards.

With this bill, Mr. Chairman, we end the practice of looking the other way in the name of compassion when we see failure. To condemn another generation to a life without hope, a life without any sense of community, a life without the rewards of individual achievement or success, to defend this status quo mocks compassion and it is unacceptable.

Mr. Chairman, we are at a critical point in the debate over how we define the relationship of the Federal Government with local communities and neighborhoods. We begin today to end the cruel process of rewarding failure and punishing success. We cannot and we will not force children to grow up in an environment of violent crime where they are isolated from the economic and social opportunities of mainstream America.

And let me be clear. This legislation, this debate, is not about money. Our efforts over the next several days, no matter what we do, cannot alter the fiscal realities of the world. Money has not solved the problems of Chicago, of New Orleans, of San Francisco. It is the system itself that is broken.

Let us commit today on the floor to refuse to accept as legitimate the thinking that money is the answer to everything. But within those parameters let me strongly suggest that with the implementation of these reforms,

we will begin to be able to serve an even greater number of low-income Americans than we do today.

And so we begin. H.R. 2, the Housing Opportunity and Responsibility Act is, I believe, the embodiment of three central themes.

First, it removes Federal rules that punish working families in public housing. It removes rent requirements that discourage work and encourage the breakup of families. Families with the opportunity to earn more income are able to enjoy the full rewards of their efforts, and vulnerable residents are protected from harmful increases in rent.

This bill permanently eliminates regulations that have concentrated the poorest families in the very worst housing, and this is the second theme. Decades of warehousing poor families in high-rise projects have destroyed neighborhoods and condemned generations to live in a world much different than that which many Americans enjoy.

Our legislation allows for the creation of mixed-income environments where working people who serve as role models live alongside unemployed families. Instead of stark isolation from the economics of society, families become engaged in the activities of their neighborhoods, afforded a sense of accountability and responsibility for their own lives. And we are able to accomplish this without, and I repeat, without shutting out the poorest of American families from affordable housing opportunities.

Third, this legislation is about demanding accountability and performance from the thousands of housing authorities across the country. For those housing authorities that have chronically failed in their mission to provide affordable housing to low-income families, we contract out the management of the agency, take over the authority, or petition for a court-appointed receiver.

For too many years we have preserved and defended environments where drugs, rape, and murder proliferate throughout our neighborhoods. Today we say no more. We ask this: Should we allow this way of life to continue for our Nation's poor, or should low-income families expect no less than any one of us here expects in terms of the basic values of life: an opportunity to improve our own lives, a home where our children are safe and grow up learning the rewards of success.

Last year, Mr. Chairman, this House moved dramatically into the future by adopting, by an overwhelming majority, a housing overhaul that captured many of the reforms that are in the bill before us today. Last year's bill was supported by almost 100 Democratic Members and virtually all Republicans who saw the desperate need to break with the status quo and embrace positive reform.

Mr. Chairman, this legislation is less about shelter than it is about the creation of an environment where we can begin to successfully address poverty. Instead of a world of broken doors, broken windows, broken promises and broken dreams, we say to families in public housing, ''We respect you, and we will provide you with the opportunities and incentives to succeed.'' And in return, we expect responsibility and a contribution to the binding fabric of society. This is a fair deal.

Our goal is plain. We work to build a Nation of communities where every neighbor and every neighborhood can rise above the expectations of mediocrity and isolation to success. We promote civic responsibility that emphasizes we rather than me, an affirmation of rights, and the assumption of responsibility. Our efforts in this Chamber will seek inspiration for honesty and hard work and reflect the timeless values of discipline and respect.

I would like to thank the chairman of the Committee on Banking and Financial Services, the distinguished gentleman from Iowa [Mr. LEACH], for his guidance, for his help and for his support, as well as thank all the members of the committee who have participated in the consideration of this bill.

I would also like to thank the majority leader who scheduled this time and allowed this bill to come to the floor in an expeditious manner, and I wanted to thank my good friend whom I greatly appreciate, the gentleman from Massachusetts [Mr. KENNEDY], the ranking Democratic member of the Subcommittee on Housing and Community Opportunity, for his constructive additions to this bill.

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me return the compliment to my good friend from New York, Mr. LAZIO, who has worked very hard on trying to fashion the bill. I believe very strongly that it is time for the Congress of the United States to get a bill passed. The question is which bill we get passed.

We heard a lot of talk and rhetoric about the fact that one view on how we ought to deal with public housing is to continue the policies of the past, and another view, which is a new vision of the future. I do not believe that that is, in fact, an accurate representation of the Democratic view as a continuation of the policies of the past.

Everyone is very clear that we need real reforms of public housing, of assisted housing in this country, and that we need to give HUD and local housing authorities a great deal of additional flexibility. Those are contained in the Democratic view on how we should handle housing issues.

Before we get into the guts of the bill, I would like to personally acknowledge and thank the former chairman of this committee, who was chairman of the Housing Committee in the Congress of the United States for perhaps longer than any other Member in the history of this country, someone who has dedicated his life to assisting the poorest people in our country and helping them attain decent and affordable shelter, who knows perhaps more than any other Member ever has about the issues pertaining to housing policy in this country. I would like to acknowledge the contributions of our great former chairman, the gentleman from Texas, HENRY B. GONZALEZ.

I also want to thank the gentleman from Ohio [Mr. LEACH], for the leadership that he has shown in trying to make certain that this bill has had the open and honest debate that I think did occur, although perhaps the votes ultimately fell short by one or two on a number of very important issues at the full committee level.

Let me take a brief moment to also thank the wonderful contributions of the staff of this committee in Nancy Libson, Armando Falcon, Angie Garcia, Rick Maurano, Eric Olsen, and, of course, Kelsay Meek, who has guided us through so many of these fights in the past. I want to thank them very much for the efforts they have made, as well.

Mr. Chairman, when we look at the housing policies of this country, there is no question that we need change. We have not had a new housing bill in this Congress in over 6 years. It is time we get a housing bill and it is time we get a fair housing bill. It is time we get a housing bill that recognizes that we need to do an awful lot to change the way housing works in this country.

There are 3,400 public housing authorities in the United States of America. Over 100 of those 3,400 are in trouble, and we ought to take action and give the Secretary the authority to move in and take over those badly run housing authorities and do so immediately. In addition, within well-run housing authorities, we ought to give the Secretary the flexibility of moving in and taking control of badly run housing projects within well-run housing authorities.

What we ought not to do is condemn the entire public housing of our country simply because it has become fashionable for politicians to identify some God-awful monstrosity where we have warehoused the poorest of the poor, never provided the necessary subsidies to, in fact, take care of those poor people, then walk in front of these awful buildings and say, ''Gosh, this is a terrible condemnation of the Lyndon Johnson Democratic commitment to the poor and it obviously does not work.''

So what is the basic solution that we have come to in the Congress of the United States to deal with this problem? Our solution is very simple. Our solution says what we ought to do is we ought to cut funding. So we have cut the funding that goes to public housing in this country and that goes to HUD from about $28 billion to about $19 or

$20 billion, a 25-percent cut across the board in housing spending.

Now, if that is supposed to solve our housing problems, it is going to be news to a lot of the poor people that live in that housing. It will be news to a lot of the housing authorities that have to take care of those poor people.

So what does the housing authority do? The housing authority, in order to stay solvent itself, says our only solution, obviously, is to throw out the very poor people that we are taking care of and to try to jack up the rents that we are going to receive that will stick to our back pocket by taking in wealthier individuals, by raising rents on those people that are currently paying and thereby allowing the housing authority to stay solvent.

Well, that is not accomplishment and, by God, we might end up with nicer public housing, but the price of that nicer public housing will have been very simply to throw more and more poor people out on the street. Now, we never hear from them. They do not vote. They do not participate in American society in too great a number. But it is unconscionable, it is unconscionable that the Congress of the United States, in view of its solutions or attempts to find solutions to our Nation's housing policy, is to simply throw more poor people out on the street and say that they do not count, we do not care, but as long as we can stand up before the American people and say, ''Gosh, we have gotten rid of all this bad public housing,'' we have a victory.

It is a hollow victory. It is a victory that is defined by ignoring the victim. At a certain point we have to reach inside ourselves, within our own consciences, and say to ourselves that we believe that our Nation's commitment to housing the poor is fundamental. It is fundamental to the basic principles that are laid out in our Constitution and in our Bill of Rights. It is what makes us the envy of the rest of the world. It is our commitment to compassion and to caring for others.

That is what I believe is really at work in this housing bill. It is an abandonment of that commitment.

Now, we have seen additional approaches. We have seen where, obviously, we have cut the funding in the budget by 25 percent. We are now saying that in terms of the number of poor people that are going to be targeted to live in public and assisted housing, where 75 percent of those individuals today live with incomes below 30 percent of the median income, we are going to raise that to 80 percent of the median income.

Eighty percent of the median income in many of the cities of this country are incomes of $40,000 a year or more. Now what will we do? Will we solve the housing problem by taking in people that are earning $40,000 a year into public and assisted housing, and that will solve the housing problems of the very poor?

It will not solve the housing problems of the very poor. It will make us look good as legislators because we are going to eliminate the very awful public housing dinosaurs that ought to be eliminated in both the Republican as well as in the Democratic bills.

We have this ridiculous mandatory work requirement. All I say is, listen, if we are going to establish a new policy in this country that anybody that gets a Federal benefit ought to contribute and volunteer in terms of America's future, I say that is great. Let us start with the oil and gas industry. Let us ask those boys, when they get a big tax write-off on their oil and gas leases, let us ask them to do a little volunteering.

Let us start with the people that invest in project-based section 8's. Let us say to every investor that makes money off of the HUD programs, let us see them volunteer as well.

Why do we just pick on the poor? Why do we just target these instances of saying we are going to wag our finger at the very poor and say they are the problem in America. They are not the problem in America. We spend less money helping poor people than any other account of the Government.

I would just say to my fellow Members of Congress that whether it is the personal improvement program or the accreditation boards or even the block grant process, these are not real reforms to getting at changing the public housing policies of this country. These are window dressing that enable us to stand up and make fancy dancy speeches to make us look like we have changed policy, when we have done nothing but get at the very poor by saying to them that we are no longer going to make them eligible for these programs. We will throw them out on the street and leave them to rot so we can look good before the American people.

That is the truth of what is behind the Republican bill, and that is why I offer the Democratic substitute and look forward to gaining support for that over the next few days.

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

□ 1500

Mr. LAZIO of New York. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, I would just like to make 3 quick points to clarify the Record. One, no one for reasons of poverty alone will be eliminated from public housing, only for violations of terms of the lease, such as criminal behavior.

Second, the money in this bill is precisely the same as the administration requested. Third, we have to be very careful about this, but experience has shown, verified by experts as well as public consensus, that to concentrate the very poor alone in public housing is to condemn them to a kind of poverty segregation. Single dimension, lowest income housing simply has not worked anywhere in America, particularly high-rise housing.

Finally, I would say that to object to reform is to endorse the status quo. This of all Federal programs is one in which there is virtual consensus that the failure rate has been very high.

Mr. KENNEDY of Massachusetts. I yield myself 30 seconds to respond, Mr. Chairman.

First and foremost, when we raise the eligibility standards and we create an incentive by the public housing authorities to go out and take wealthier people in because more money sticks to the local housing authority, we do in fact displace poor people. That is the net result of the policies that my colleagues are pursuing.

Second, it is nice to say that we ought to have mixed income communities. It was my amendment at the full committee level that allowed us to do that under this legislation. It was opposed by the chairman of the committee. We end up in a negotiation achieving an accommodation on that issue, but I am glad to see that the chairman now supports that.

I would just say to the gentleman that in no way am I suggesting that we continue the status quo. I suggested in my opening remarks that we need to change dramatically those that live in public housing, but we cannot do it by simply turning our back on the poor, and you are right in pointing out the administration's funding levels are far too low for this bill as well.

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself 30 seconds.

We are going to hear in this Chamber the same litany of things, that we are throwing the poor out. There are no poor people who are going to be thrown out because of this bill. The half of the Democratic Caucus that opposed this bill the last time may oppose it again this time, but they are doing exactly what the gentleman from Iowa said they were going to do, which is to defend the status quo, the super concentrations of poverty that destroy jobs, destroy hope, and destroy opportunity. Why anybody would stand for that and align themselves and associate themselves with that level of failure is beyond this Member. That is exactly what we are fighting against.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER ADDITIONAL TIME FOR GENERAL DEBATE ON H.R. 2, HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that there be an additional 20 minutes of general debate on H.R. 2, equally divided between myself and the gentleman from Massachusetts [Mr. KENNEDY], at the request of the minority.

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

There was no objection.

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

□ 1505

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, 30½ minutes remained in general debate.

Pursuant to the order of the House of today, each side will control an additional 10 minutes. Therefore, the gentleman from New York [Mr. LAZIO] has 26 minutes remaining, and the gentleman from Massachusetts [Mr. KENNEDY] has 24½ minutes remaining.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Chairman, I rise in opposition to H.R. 2. I know that the bill is extremely well intentioned. I have the highest professional respect and personal regard for its principal author, but I do think that this legislation will in fact undermine both our Nation's 60-year commitment to assisting the very poor and also the effective administration of our public housing programs.

The issue before us today has been miscast. It is not whether you are for reform or the status quo. That is a false dichotomy that the majority has attempted to perpetrate. We are all for reforming this present situation. We all believe that reforms are necessary. In fact, reform of every program must in fact be a constant. But what kind of reform? Reform is just another word for change. We can have good changes or bad changes. We happen to think that the changes you have proposed are very, very bad.

We are proposing a substitute to the status quo, significant reform, significant change. And so the battle is not as you have tried to cast it between your bill and the status quo. The battle is between the substitute that we offer and your main bill.

I believe the substitute we offer will make the changes in a manner consistent with the core values and purposes of public housing. I believe that the changes you propose will divert public housing resources to serve a broader political agenda.

I have serious concerns about many, many aspects of H.R. 2. First, the fact that it summarily repeals the 1937 Housing Act, on which Federal housing programs have been based for 60 years with little, if any, attention to the disruption this may cause for current housing assistance and the litigation that may well ensue because of it. I further see no reason, as H.R. 2 proposes to burden public housing authorities and staff and residents with new work, immigration and welfare reform responsibilities, all of which are unfunded, all of which are unenforceable, all of which are in my judgment discriminatory.

The gentleman from Massachusetts [Mr. KENNEDY] makes a good point. If we are going to have these work requirements, why not for the investors in oil shelters? Why not for the investors in section 8? Why not for those who receive public subsidies through the Tax Code? No, we discriminate.

I also strongly oppose the abrupt change in public housing admission and income targeting requirements.

They will permit diversion of the best public housing facilities for mixed income housing and the warehousing of very poor families into the worst public projects.

In addition, I must strongly oppose those provisions that could further politicize public housing administration. These include providing huge unfettered block grants of most remaining housing assistance to local mayors rather than independent housing authorities, withdrawing needed CDBG funding from cities that have troubled housing authorities, and allowing Governors to allocate capital improvement funding among smaller public housing authorities within their States. Each of these proposals offers the potential for the diversion of scarce housing funds for political objectives rather than the needs of our poorest families.

I would hope that we can proceed in a bipartisan manner. That is not what happened in the reporting of the bill. Most amendments were adopted or rejected on partisan grounds. I think it is only possible to achieve a housing bill, and we have not seen a housing bill passed in over 6 years now, if we proceed in a bipartisan fashion. Hopefully at some point in time we will come to that realization.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

I just found it curious, Mr. Chairman, that there is a discussion about alternatives now when this bill is on the floor and ready for action, the son of status quo that is now being discussed or the status quo substitute that is being discussed that even negates the reforms that the Clinton administration would put forward. It appears that there are some Members in this body that are clinging on desperately to the failure that exists in certain areas. I think again that mocks compassion. What we need to do is create environments where people can make it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. NEY], the distinguished vice chairman of the Subcommittee on Housing and Community Opportunity.

Mr. NEY. I thank the gentleman from New York [Mr. LAZIO] for yielding me this time.

Mr. Chairman, I guess we have heard it all today. The people I assume we are saying are investors make money. The people who are building projects, the people who are building housing should in fact, I guess, volunteer some time also? So I am assuming that the union working people that work for those companies should also volunteer time because they are working on the projects? Is that what we are saying? Is this some type of great philosophy we have today? We are talking about the residents.

I have got plenty of residents in my district who would like to put in a little time, 2 hours a week, to feel productive, to do something toward the housing that in fact the Government is cooperating with them to provide some living situations for their family. That is all we are talking about. To stretch this out to who builds it and maybe the workers for that company should in fact put in some volunteer time, that is not what this is about. This debate is occurring today because let me tell you what the U.S. Government did from 1937 forward, when the poor of this country, the people that needed some housing, needed some assistance, came to their Government and said, ''Help me. I need some help for my family.''

The Government looked at those individuals and said, ''OK, we're going to put you all in one category, we're going to consider you all the same, we'll build something called a project, then we'll create a bureaucracy to oversee that project. We won't try to help you out in neighborhoods. We'll just take you to a high-rise. We'll warehouse you. We'll make it effectively easy for drug dealers and thieves to have a captive audience to get at your families.''

That was the philosophy. I think we should have had the attitude in 1937 to put people in neighborhoods, just like we were raised, in neighborhoods with rich and with poor, and with middle-class working Americans.

We will probably, Mr. Chairman, see some pictures shown on this floor today of some nice housing community projects, and there are some in the country. Let us look at the realities. In October 1994 in Chicago, IL, a 5-year-old boy was tossed to his death from a 14th floor window at the Ida B. Wells public housing project by two other young boys.

Mr. Chairman, there are other nightmare stories, and there are some good housing units and projects in this country but it is time for a change. It is a big difference of how we are going to approach helping people that need help from their Government. The way we are going to do it is to give more flexibility to be able to tell drug dealers that they are not going to come into these projects, to be able to defend families that are living there, to have a voucher system to try to eventually have people go into neighborhoods and for the Government to cooperate with them, for the Government to help them, for the Government to help them up the economic ladder. But there are nightmare stories. All is not good in paradise across the United States in these projects. We need to help the people of this country.

□ 1515

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. KILPATRICK], a good friend and a new member of the committee and a wonderful contributor.

Ms. KILPATRICK. Mr. Chairman, first let me say that we are in change and want change on both sides of the aisle in public housing. We all agree that something needs to happen and that there needs to be changes made.

I have to point out that prior to 1992 there was very little investment on the Federal side in public housing around our country, and that is why much of the decay that we see today exists. H.R. 2 in its present form does not address those needs. There is not a single line in this legislation that provides more funding for the building of more housing, affordable housing, for poor people. There is not a single line in this legislation that provides the demolition of unsafe and unsanitary housing. There is no requirement to serve the poor in public housing or beyond. This legislation, Mr. Chairman, is not in the interests of our country, and it is certainly not in the interests of poor people. As has been mentioned, the homeless population will grow. Currently there exists a grievance procedure, for those who are in public housing for minor infractions, to go before a committee of their peers to address those concerns as has been eliminated in H.R. 2, and now these people must go right to court with little resources, with the public defenders office overburdened.

H.R. 2 in its present form will not create what we want in America. It will not allow for the poorest of the poor to have decent housing, for those children of those poor people to have adequate housing and a decent education. It should not be called and is called the Housing Opportunities and Responsibility Act. If it were that in fact, we would be addressing some of the evils, some of the concerns of this American society that we live in.

Unfortunately, H.R. 2 does not do that. We have got to go to the drawing board. We offered several amendments in full committee to try to address some of these needs to make a way so these poor people could have safe and decent housing. We, too, want complexes, and this is a picture that has now been moved. Decent housing complexes all over America, all of them are not infested. Some of them are, and we need to weed them out. This legislation in its current form does not address much of that.

We want good public housing, we want to take care of the people in America who are the poor and the poorest and have the least effect, but this legislation does not do it.

Mr. Chairman, I ask my colleagues to vote down H.R. 2 in its present form.

Mr. LAZIO of New York. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Louisiana [Mr. BAKER], an active member of the Committee on Banking and Financial Services.

Mr. BAKER. Mr. Chairman, this really goes back to the debate of 1937 when under the leadership of President Roosevelt, the Housing Act was adopted. But even beyond that vision that the President had, there was the Civilian Conservation Corps which was enacted during a very difficult and economic period of our country. The act set up a $30-a-month stipend for young men. Interestingly enough, no women could go to work for the CCC. And if they had a family, of the $30, $25 automatically went back to the family, while $5 stayed with the worker who lived in tents while they labored in national forests to preserve our great heritage. No one viewed that program as degradation or that it created shame or that it demeaned the esteem of man, and yet we look back with great pride at the days of CCC as an innovative and bold program.

Today we find our current housing circumstance in much the same as our Nation in 1937. We indeed face a crisis, not as a result of a cataclysmic event, but erosion-like, slow process of erosion where our building inventory has gradually deteriorated. Unfortunately it has ruined a great deal more than just structures. It has taken the character and spirit of our people.

How so? Through the best of intentions we set out to help people, to give them food and shelter and what was necessary to survive. But children grow up. Where there is no dad, mom cannot read, she does not go to school, there is no job for dad if he were there, and the only free enterprise in the neighborhood one can see is the drug dealer trying to protect his market share. Some might call that slavery today, because when one goes in they simply do not come out.

But today we hear the same voices, the voices fighting to preserve this system, the dehumanizing system that manufactures kids who know nothing of the world's opportunities and even have disdain for everything that would make them successful. These same voices defend the warehousing of people like used tires and care little about their avenue to escape. Maybe I do not understand, but as a father I know placing in the hands of my own children the things that they need is the most satisfying thing in life. There is much to achieve in life, but no goal is more worthy than caring for one's own.

So what is our plan to cure the problems of our fellow man? Simply not to build a retirement community where the Government assures one has a place to stay for life, but to build an opportunity. Few Americans resent helping one another, but we do expect those individuals who receive that bounty to do something for themselves.

The Welfare Reform Act, which a majority of my friends on the other side of the aisle voted for last year, requires 20 hours of work a week. This act simply proposes to require 2 hours of work per week. This proposal exempts those who are disabled and those who are elderly, those who happen to be subject to the Welfare Reform Act, and interestingly enough those who have a job. But it then is only 2 hours per week.

Why is this important? Because this is a process to enable a person to gather the skills they need to go out and work in the workplace with the strange idea that money is the cure to poverty.

We are not going to guarantee the world will change if this is passed, but let me read the words of President Roosevelt. The country needs, and unless I mistake its temper, the country demands bold persistent experimentation. It is common sense to take a method and try. If it fails, admit it frankly and try another, but above all try something.

No doubt Roosevelt had a grand vision when the 1937 act was passed, but if he stood here today, he would no doubt be deeply troubled by what he sees. He would not stand for despair, degradation and poverty, and he would not stand for it today, and neither will I.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Ohio [Mr. NEY] and that he may be able to yield such blocks of time as he may deem necessary.

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

There was no objection.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I want to congratulate the gentleman from

Massachusetts [Mr. KENNEDY] for his leadership in this area.

Let me just make a few brief points. No. 1, at a time when this U.S. Congress provides $125 billion a year in corporate welfare tax breaks and subsidies to large multinational corporations who do not need them, at a time when we are spending billions on B–2 bombers that we do not need, at a time in which we are giving huge tax breaks to the richest people in America who do not need them, I am not impressed by a policy which over the last 4 years has cut back on public housing by 25 percent. We seem to always have funds available to help the wealthy and corporate America, but when it comes to the need of working people and low-income people, suddenly it is on their backs that we are asked to balance the budget.

The economic facts are very clear. Just the other day we read in the papers that the CEO's of major corporations now make 207 times what their workers make, while the new jobs that are being created are low-wage jobs keeping people in poverty after 40 hours of work. In my State of Vermont and throughout the country there are millions of people who are working 40 hours a week, and then they are being asked to pay 40, 50, 60 percent of their limited incomes for housing. There is a housing crisis in this country, and the way to solve the housing crisis is not to cut back on funding and not build more affordable housing.

Now my friends here say on the Republican side we do not want to warehouse people. OK, do not warehouse them. Then why do they cut back on section 8 funding so that we can spread people out throughout the community? There are many types of models for affordable housing other than public housing projects, but they do not support those. So those are just words; that is not reality.

Now in terms of public housing we hear these horror stories, and I really think that that is not a nice thing to say. Sure there are problems, some serious problems within the projects, but to give grotesque examples of what one family does is to cast aspersions on all of the people who live in public housing.

So let me tell my colleagues I was mayor of the city of Burlington. We have public housing, and it serves its purpose well. It provides safe, affordable, clean housing for hundreds and hundreds of people, and it helps people. It allows them to get a footing in their lives.

I resent the fact that we talk about horror stories from public housing. Do my colleagues know what? Rich people kill their kids, too. It is not just poor people. Furthermore, in terms of this work requirement, one of the points that was made during the discussion in committee was that we have a home interest mortgage deduction which allows multi-multimillionaires to deduct the interest up to a million dollars on the mansions, on the fancy houses that they are living in. So we have a public policy which provides a tax break for multimillionaires who own mansions.

Now that is an interesting housing policy when at exactly the same time we are cutting back on housing for working people and poor people, and I think the suggestion was made that if we got to have a work requirement for poor people who get a subsidy, what about the millionaires who get a subsidy?

Mr. NEY. Mr. Chairman, I would like to inquire how much time is left for the debate.

The CHAIRMAN. The gentleman from Ohio [Mr. NEY] has 19 minutes remaining, and the gentleman from Massachusetts [Mr. KENNEDY] has 15 minutes remaining.

Mr. NEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I would like to begin by commending the gentleman from New York [Mr. LAZIO] and the gentleman from Iowa [Mr. LEACH] and their staffs for hard work on this legislation and for their commitment to improving the future of the residents of public housing. In particular I would also like to thank Chairman LAZIO for addressing my recommendations to improving H.R. 2, especially my concern that the performance of well-run housing authorities be taken into consideration in determining the formula allocation.

Mr. Chairman, if housing authorities are going to be able to best serve the interests of their residents, they will need flexibility in managing Federal funds. Most important, we need community-based solutions.

On the one hand, public housing officials must aim to rid residents in overcoming poverty and unemployment. At the same time they must work to preserve the interests of the elderly and disabled who rely on safe and well-managed housing. H.R. 2, the Housing Opportunity and Responsibility Act, is a big step in the right direction in empowering housing authorities to meet these diverse needs.

H.R. 2 would empower local authorities by deregulating Federal public and assisted housing programs and substantially increasing local control over those programs and decisions about who benefits from them. This bill will allow well-run housing authorities, such as the ones we have in the State of Delaware, the authority to develop creative ownership programs that allow for more flexible solutions for residents and communities. The bill deregulates and decontrols housing authorities to create environments that are fiscally sound and physically safe, and eliminates the disincentive to work.

This bill also addresses the financial crisis plaguing the Nation's most distressed authorities by providing the new management structures and effective Federal and State partnerships. The long term success of public housing will depend upon the housing authorities' ability to work with local governments and community organizations to better allocate the Federal resources available for community and economic development.

I support this legislation and look forward to the continuing debate on the floor. I hope we can come closer to a meeting of the minds with respect to it because I happen to think it is as important as anything that we can in Congress this year do other than balancing the budget, and I thank the sponsor again for the yielding of the time.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise today in fierce opposition to H.R. 2, the so-called Housing Opportunity and Responsibility Act of 1997. Let me just say that the only thing accurate about that title is the date.

Although reform is necessary to meet today's public housing needs, H.R. 2 is not the answer. Sixty years ago the Housing Act of 1937 began our commitment to provide safe, clean, affordable housing for our Nation's poorest families. This bill abolishes that law and abandons that commitment.

H.R. 2's provisions read like a litany of injustice. One of its harshest proposals chips away at the cornerstone of public housing, targeting on their income, targeting on this bill. It will take years before public housing authorities will have to accept families earning less than $10,000 a year. These are the very families public housing was created to serve.

Mr. Chairman, there are over 5 million families that do not have access to decent and affordable housing, yet H.R. 2 pours salt on the wounds of the poor by setting minimum rents between $25 and $50. That may not sound like much, but it will force many poor families to choose between food and shelter for their children.

As if the targeting and minimum rent provisions were not heartless enough, H.R. 2 also imposes a time limit on how long tenants may remain in public housing. Once this limit is reached, families will be evicted even if they still are living in poverty.

□ 1530

Coupled with the welfare reform laws passed last year, families will be forced out into the street. It is hard to believe, but the list continues.

Instead of providing opportunities for job creation, this legislation will also force the poor into unpaid community service. How can we expect people to make the transition from welfare to work if we force them into unpaid labor? We should be creating real jobs with living wages, not threatening families with eviction.

Mr. Chairman, we must reform public housing, but we must do so in a fair

and reasonable way. We must make safe, affordable housing available to those in need, and we must provide real economic opportunities so that public housing can help families become self-sufficient.

Last year, the Republicans called our Nation's public housing system the last bastion of socialism. If H.R. 2 becomes law, we may recall our new system the first bastion of heartlessness.

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. SNOWBARGER].

Mr. SNOWBARGER. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of H.R. 2, the Housing Opportunity and Responsibility Act. H.R. 2 provides comprehensive overhaul of the currently troubled public housing system. It eliminates the disincentives to work, increases accountability of public housing accountability authorities and balances the privileges and responsibilities of residents. In particular, I am supportive of the community work and self-sufficiency requirements that are central components to the bill.

H.R. 2 requires that public housing residents spend 8 hours each month volunteering in their community. Their assistance is an invaluable resource in ensuring that public housing communities are safe, clean, and healthy places to live. Furthermore, residents must set a target date for obtaining self-sufficiency and moving out of public housing.

Mr. Chairman, several weeks ago I visited the Olathe Salvation Army Family Lodge in my district. The lodge currently provides housing for 11 families who in exchange for their housing participate in a self-sufficiency program. The lodge has an 82 percent success rate in residents finding permanent private sector housing. This high success rate is attributed to the work requirements built into the program. I believe this type of success is a model for public housing authorities across America.

I urge my colleagues to support H.R. 2 and the community work requirements.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from Chicago, IL [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me first begin by congratulating the gentleman from Iowa [Mr. LEACH], the gentleman from Texas [Mr. GONZALEZ] and the gentleman from New York [Mr. LAZIO] for working together on this bill.

Mr. Chairman, I rise today in opposition to H.R. 2, a bill which I fear will add to the millions of Americans who are currently homeless, at risk of being homeless, or suffering under severe housing conditions.

If H.R. 2 is passed in the form it was reported out of the Committee on Banking and Financial Services, it will, in essence, destroy the last remnant of the social safety net constructed to protect our Nation's most vulnerable citizens. While we all agree that comprehensive reform of our public and assisted housing system is of paramount importance, this bill, unfortunately, is not the vehicle to meet the needs of our Nation's housing needs. In fact, H.R. 2 will make worse an already bad condition.

H.R. 2 will fundamentally repeal the underlying premise and principle of the Housing Act of 1937, legislation which encompassed President Franklin Delano Roosevelt's righteous position that safe, sanitary, and adequate housing is a human right and not a privilege. The abandonment of this 60-year commitment is a travesty for this technologically advanced industrial country, which is considered to be an economic superpower among nations.

Mr. Chairman, I intend to offer amendments to this bill which will enable us to protect against one of its more onerous and demeaning consequences: the community work provisions of section 105, which I might add are uniformly opposed by virtually every housing authority in the Nation because in the first year alone it will cost $65 million and create the contradictory requirement of mandated volunteerism, an oxymoron. By requiring public housing residents to perform 8 hours of community work on top of the rent that they already pay or risk eviction from public housing, we are imposing a burden on low-income recipients of housing assistance that we do not likewise impose on middle and upper class recipients of housing subsidies like the millions of Americans who receive the benefit of a homeowner deduction each year. My amendments will ensure that H.R. 2 does not force tenants from their homes if they fail to meet this requirement.

Mr. Chairman, if we mandate volunteerism in exchange for government assistance in the form of public housing, why not require the same for those who receive any form of Federal assistance, foreign subsidies, corporate welfare, Social Security, Medicare, Medicaid, WIC, food stamps, mortgage deductions or mining rights.

Mr. Chairman, H.R. 2 vilifies public housing residents solely because they are poor. In the final analysis, we measure ourselves as a society by how we treat the least of these and the most vulnerable.

Mr. Chairman, I rise in opposition to H.R. 2, a bill which I fear will add to the millions of Americans who are currently homeless, at risk of being homeless, or suffering under severe housing conditions. If H.R. 2 is passed in the form it was reported out of the Banking Committee, it will, in essence, destroy the last remnant of the social safety net constructed to protect our Nation's most vulnerable citizens.

While we all agree that comprehensive reform of our public and assisted housing system is of paramount importance to this nation, this bill unfortunately is not the vehicle to meet the magnitude of our housing needs. In fact, H.R. 2 will only make worse an already bad situation.

H.R. 2 will fundamentally repeal the underlying premise and principle of the Housing Act of 1937—legislation which encompassed FDR's righteous position that safe, santiary, and adequate housing is a human right and not a privilege. The abandonment of this 60-year commitment is a travesty for this technologically advanced industrial country which is considered to be an economic superpower among nations.

Without a firm commitment to this principle, we will never attain our stated objective of adequately housing our citizens, as is demonstrated by our history. In the late 1960's a White House conference on housing and urban issues called for 26 million new housing starts over the next 10 years in order to meet the housing needs of our Nation. That goal translated into 2.6 million housing starts each year, with 600,000 of those starts to be federally subsidized each year. The Nation has never even approximated that goal, and currently, the figure is only slightly over 1.5 million new housing starts annually.

We know that we face an affordable housing crisis in this Nation—5.3 million Americans live under worst case housing needs scenarios—that is they are forced to pay more than 50 percent of their income in rent and/or live under deplorable conditions. H.R. 2 will exacerbate this crisis through making public housing available to higher income residents who can pay higher rents at the expense of thousands of low income families.

When we talk about our priorities of enabling mixed income communities—which I believe is a laudable goal under ideal circumstances—we must be sure not to pull the housing safety net out from underneath the poorest and most vulnerable Americans. Over the course of this debate, we will speak at length about the dangerous targeting provisions in this bill which set aside only 35 percent of public housing units for those earning below 30 percent of area median income, leaving the remainder of units to house people who earn up to 80 percent of the area median income. In Chicago, that means 65 percent of all public housing units could be set aside for people earning $44,650. Should we be displacing full-time minimum wage workers to make room for professionals who can better afford to find housing in the private market? Even at this point, this is a false debate.

Let me be clear. When we target low-income tenants as those with incomes under 30 percent of the median income, in a large metropolitan area like Chicago we are talking about those who earn $16,312. This is $5,000 more than a full-time minimum wage worker earns in a year, and nearly $10,000 more than a welfare recipient. People who will necessarily be displaced by the proposed income-mix equation, will include vast numbers of the working poor. As a result, low wage workers and Americans who we are ostensibly encouraging to successfully make the transition from welfare to work will either be forced into homelessness or to forgo basic human necessities like health care, groceries, and clothing in order to find alternative shelter.

We must be vigilant in our efforts to ensure that just at the time that we are requiring the most from the most vulnerable among us, we do not remove the stability and security of

adequate housing—an essential resource as people attempt to move from welfare to work. When we considered this legislation in the last Congress, welfare reform had not yet been enacted; 70 percent of the residents of the Chicago Housing Authority receive public assistance and half of all residents are children. If there are not enough jobs to meet the welfare-to-work requirements, the potentially devastating implications of this bill are magnified.

Mr. Speaker, I intend to offer amendments to this bill which will enable us to protect against one of its more onerous and demeaning consequences. The community work provisions of section 105—which, I might add, are uniformly opposed by virtually every public housing authority in the Nation because in the first year alone, it will cost them $65 in the first year alone—create the contradictory requirement of ''mandated volunteerism.'' By requiring public housing residents to perform 8 hours of community work on top of the rent they pay or risk eviction from public housing, we are imposing a burden on low-income recipients of housing assistance that we do not likewise impose upon middle and upper class recipients of housing subsidies, like the millions of Americans who receive the benefit of homeownership deductions each year. My amendments will leave the section intact, yet will ensure that H.R. 2 does not force tenants from their homes if they fail to meet this requirement.

In light of the Colin Powell summit elevating a sound concept, ''volunteerism,'' why refer to such a ''mandated condition'' as ''voluntary.'' Why give volunteerism a bad name? Why not call it what it is, a mandatory condition for living in public housing? The second concern is practical. While section 105 of H.R. 2 is technically legal, where will the poor go if they are evicted from public housing? Will they join the ranks of a growing homeless community on the streets of America? Will they move in with friends or relatives, adding to those already living in overcrowded and unsafe circumstances? What are the real alternatives of the poor if they are evicted from public housing?

If we mandate volunteerism in exchange for Government assistance in the form of public housing, why not require the same from those who receive any form of federal assistance, farm subsidies, corporate welfare, Social Security, Medicare, Medicaid, WIC, Food Stamps, mortgage deductions, or mining rights? Why do we require this only from the poor living in public housing? Are public housing residents being denied equal protection under the law?

Mr. Chairman, H.R. 2 vilifies public housing residents because they find themselves in the unfortunate predicament of being poor. In the final analysis, we are measured as a society by the way that we treat our most vulnerable. Let us not require the most from those who are in the most in need. I urge a ''no'' vote on this mean-spirited and dangerous bill.

Mr. NEY. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from New York [Mr. LAZIO] and that he may be able to yield blocks of time.

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

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I just want to make sure that we clarify a point. This bill, according to the Congressional Budget Office, saves $100 million in administrative expenses. It is a net saver. That includes the community service requirement. So any statement to the contrary is not accurate and does not reflect the Congressional Budget Office figures.

Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from Utah [Mr. COOK].

Mr. COOK. Mr. Chairman, I thank the gentleman for giving me a minute to rise in strong support of H.R. 2. Salt Lake City, Utah's capital and the largest city in my district, has a public commitment to mixing middle-income and low-income housing. Last year the city set aside $300,000 of its own money to provide developers with incentives to mix housing. City officials have been flooded with phone calls from interested developers. Soon, the city will select a middle-class development that will designate 20 percent of its projects for low-income families. I believe mixed income housing is the only way to avoid inner-city blight.

But my district can only select one or two developments for this approach because we could not find any Federal program that supported this creative approach. I say to my colleagues, this housing bill helps adopt such a creative approach. This housing bill can help preserve the dignity of their impoverished residents, the integrity of their neighborhoods, and perhaps most important of all, provide opportunities to poor young people who have for too long been isolated from the opportunities that middle-income children enjoy, opportunities that could at last break the cycle of poverty that threatens to cripple this country.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 30 seconds for clarification purposes.

I would just like to say that the chairman of the Committee on Banking and Financial Services asked me to file a report yesterday that suggests that the cost of this work requirement would be $65 million the first year, would be $35 million each additional year. The 100 million dollars' worth of savings that is accounted for by the chairman of the Subcommittee on Housing and Community Opportunity, the 100 million dollars' worth of savings is accounted for by virtue of the fact that we are raising the income levels on the poor people in these housing projects, thereby collecting additional rents, thereby confirming the contention of the Democratic position that this bill is fundamentally flawed because we take richer people instead of poorer people into public housing.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in opposition to this bill. I am appalled at some of the representations of my colleagues from the other side of the aisle accusing us of wanting to protect the status quo. We do not like homelessness. We do not like poverty. We do not like substandard housing. We are trying to change the plight of poor people in this Nation.

Yes, we need to do something about troubled housing, but this is not the answer. Let us talk about how troubled housing became troubled housing. Not because of the attacks on the poor that were made here today but, rather, because we have had public housing with poor people concentrated in locations with no services, we have had poor people piled on top of each other in some of these city locations. There are no clinics in many of these, no child care, no job training, and guess what? Many of the local police departments do not even want to provide police services.

We are trying to correct this situation. We have had public housing with no investment for rehabilitation, no money to fix up those places. Yet we have those who stand on the floor, attack the poor, people who have two and three houses, people who live not only in Washington, DC, but houses spread perhaps all over the Nation, people who come here and talk about forcing people to do some kind of community service work, people who are getting a large paycheck. Nowhere in the contract with the people are we forced to even have to come to work, and many do not. How we can stand here and talk about forcing people to work and disrespecting the poorest of the poor, and talking about having them somehow give their time, it is not volunteering, it is forced servitude.

This bill is not worth the paper it is written on. This is a bill that does nothing for the poor. This is a bill that follows the direction of the Republicans of this House cutting HUD by over 25 percent, cutting housing by some 20 percent. We cannot support this bill. We tried to make it better with amendments. We were beaten back in committee with many of the amendments we attempted to make in order to make it a better bill.

What we have at this particular time is targeting in ways that will cause the poorest of the poor to be driven from the only housing they can afford. With welfare reform, with people with less income to purchase housing for their children, for their families, they will join the homeless on the streets of America, one of America's greatest shames.

We have Republicans on the other side of the aisle who say they care about children. Where do they think children live? Where do they think poor children live? Where do they think they are going to go when they are driven out of this housing, the only housing that they can afford?

I ask my colleagues to reject this legislation. Again, it is worse than the bill that we had last year.

Mr. LAZIO of New York. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from the great

State of Maryland [Mr. EHRLICH], a member of the Committee on Banking and Financial Services.

Mr. EHRLICH. Mr. Chairman, I rise in support of H.R. 2, and I commend the gentleman from New York [Mr. LAZIO], the chairman, for his great work again this year as he did before in the 104th Congress.

Mr. Chairman, this bill represents a bold step forward with respect to our housing policy at the Federal level. But that is not why I am getting up this afternoon. I am getting up because of some of the things I hear from the other side of the aisle.

This is not about good or bad, Mr. Chairman. It is not about who cares about the poor and who does not care about the poor; it is not about class welfare and who is middle class and what parents you came from or if you have a trust fund or not. It is about a profound philosophical difference between the parties in this town.

I see my friend from Baltimore sitting over there, he is going to speak in a minute. We served in the Maryland legislature together and we did not agree on much. We are friends. We both have a common motivation, which is to help people. We have a philosophical difference on how we get there, and that is what this debate is all about. No one is good or bad, regardless of how they come down on the philosophical side of this issue. It is about self-sufficiency and self-help, and opportunity and responsibility and accountability. It is about accountability and responsibility and how we get there.

On this side of the aisle, we think a work requirement is good for people. Some folks disagree. We all come to this in good faith.

H.R. 2 removes disincentives to work, it creates pride where pride should be, it creates healthy environments to live it, and it is consistent with the Republican philosophy that local communities should be able to propose and implement local solutions.

I understand there are folks in this town, folks over there, friends of mine, who do not share that philosophical orientation. I think they have had a lot of time to be in power. We think on this side of the aisle their solutions have not worked. We all bring good faith, Mr. Chairman.

□ 1545

Mr. Chairman, I will be glad to talk to my friend, the gentleman from Baltimore, and my friend on the third floor of the Cannon House Office Building later on this as well.

I want to commend the subcommittee, I want to commend the full committee, and I want to commend the opposition. This is a good debate. It certainly shows the different beliefs that we, each of us respectively, bring to this very important issue for the American people.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to my good friend, the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in opposition to H.R. 2, the Housing Opportunity and Responsibility Act. Simply stated, the bill fails to help those whom public and assisted housing was created to serve. I urge my colleagues to oppose the bill and support the Kennedy substitute to ensure that local housing authorities serve Americans with the greatest housing needs.

Mr. Chairman, there is bipartisan consensus that public housing needs to improve. We all agree that public housing must be safer and work better. We all agree that HUD must be streamlined and refocused. But true reform, true reform, would not abandon our Nation's most vulnerable citizens, and that is what this bill does.

Not only does this bill fail in its most basic mission, helping the poorest of the poor, but it also creates new obstacles to finding shelter. The bill institutes mandated voluntarism for residents of public housing. This bill requires forced labor in exchange for subsidized shelter, a requirement that does not exist for any other Federal assistance.

The only acceptable use of forced labor is as a punishment for a crime, and it is not a crime to be poor. We do not require the CEO's of the major lumber companies to volunteer in exchange for subsidizing their logging on public lands. We do not require tobacco farmers to volunteer in exchange for Federal crop insurance. We do not force flood victims to volunteer when we help them to rebuild their communities. Public and assisted housing residents are not criminals. They hold jobs. They raise families. Many participate in residential and community activities.

H.R. 2 is bad policy. My colleague earlier talked about who is bad and who is good. The individuals are not bad or good, but there is good policy and there is bad policy. This is bad policy. It provides assistance to families with the means already available to them to find housing. It takes shelter away from the poorest of the poor. It adds mandates on local housing authorities. Be assured, this bill would keep children and elderly individuals out of public and assisted housing. Please oppose H.R. 2 and support the Kennedy substitute.

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it was mentioned earlier that we have two visions about the housing program. Unfortunately, I see so little difference between these two visions. One, I see that the bureaucracy is centralized, spending a lot of money and not doing a very good job. The other vision is that if we decentralized bureaucracy and spent even more money, that somehow or another we will improve the public housing of America.

However, I do want to challenge the statements here that all of a sudden something is being cut, because the way I read the figures, actually we are increasing the amount of money. That should satisfy some opposition, but it would not satisfy me if we are spending more money. We are supposed to be spending less money. But according to the CBO figures, we spent $25 billion last year on HUD funds, most of it going into public housing, and this year the proposal is that there will be $30 billion. As we look at these figures on out, by the time we get to the year 2002 we are up to $36 billion.

So there are no cuts. There is a 20-percent increase this year. So I do not see how these funds are being slashed. I would like to see the funds cut and spent a different way. I think private enterprise is a much better way to build houses. There is no proof that this 30-year experimentation of $600 billion has been worth anything. We have spent $5 trillion on the war on poverty, and rightfully so. There are a lot of people complaining there is still a lot of poverty, still a lot of homeless, still a lot of people not getting medical care. I think that is true, but I think it represents the total failure of the welfare state.

It is coming to an end. Unfortunately, no matter how well intended, and the gentleman from New York [Mr. LAZIO] has done tremendous work, and has worked very hard to improve this situation, I wish I could share his optimism. There is no reason, Mr. Chairman, to be optimistic about this bill, if it is passed or not passed. We have to address the subject of how we deal with this problem.

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington [Mr. METCALF], who also heads the housing caucus in the House of Representatives.

Mr. METCALF. Mr. Chairman, I rise in support of H.R. 2. H.R. 2 will fundamentally change public housing throughout this Nation. For too long Washington, DC, has regulated public housing authorities, tying the hands of local housing authorities with Federal preferences and excessive regulations. Today we are taking steps to deregulate, to decentralize public housing, to give local housing agencies greater flexibility and control, and reduce the concentration of the poorest families in the worst housing projects.

H.R. 2 will reward well-run public housing authorities, but will not tolerate chronically bad public housing authorities that have used taxpayers' dollars irresponsibly. This is not just a quick fix or an extreme solution, it is a real solution that will end public housing as we know it, and begin a new era of greater personal responsibility for residents and local responsibility for communities.

Without these changes now, our public housing stock will continue to deteriorate. I want to thank the chairman, the gentleman from Iowa [Mr. LEACH], and the subcommittee chairman, the

gentleman from New York [Mr. LAZIO] for their work on passing a public housing bill that works.

Transforming public housing evokes strong emotions from both sides of the aisle. Throughout this debate Members will hear about the need for compassion. Our problem is that we have measured compassion by how much money we have thrown at the problem. That does not do it. We need to fix the problem at the core, and begin helping those people in public housing move up the economic ladder.

I am fortunate to live in a district with good public housing agencies that will continue to serve those who need affordable housing. Whether it is the Everett Housing Authority or the Island County Housing Authority, they express the same message: Give us greater flexibility and less Federal interference. That is what we intend to do with this bill.

Mr. Chairman, I ask my colleagues to support commonsense legislation.

Mr. LAZIO of New York. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I rise in support of the legislation that is at issue here today. Almost any bill, even if we did not read it, did not analyze it, or did not look at the provisions, but recognized that the committee that worked on it was attempting to improve the current situation in housing, would be acceptable if it is placed against the last 40 years of non-success.

Every single legislative congressional district in our country has a public housing unit. Almost every single one is failing to meet the stated purpose of the housing needs of the people that it is intended to serve. There are excellent public housing authorities that have done their job and have provided the needed help for housing inhabitants in every single one of the districts, but the housing authorities themselves have constantly badgered us Members of the Congress to bring about improvements, some of which are included in this bill. We must help the housing authorities help the poor in the housing arena.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I was wondering if the gentleman from New York [Mr. LAZIO] has extra time, would he yield to a question from the gentleman from Pennsylvania [Mr. GEKAS]?

Mr. LAZIO of New York. Mr. Chairman, I would say to the gentleman, if he would yield, that we started out with the same amount of time. I tried to accommodate by giving the gentleman an extra 10 minutes. We have several Members who are on their way and will need the time when they get in the Chamber. So if we have extra time at the end, I would be happy to try to yield to the gentleman.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from the great State of Maryland [Mr. CUMMINGS], a fellow who I think represents my older sister.

Mr. CUMMINGS. Mr. Chairman, for as long as I have been an elected official, my guiding principle has been to empower people to serve as a link that brings the resources of government to the people. It is because of these principles that I voted against last year's version of this bill.

This year's bill, H.R. 2, is not much better. It would repeal the United States Housing Act of 1937, which has provided the underpinning for the Department of Housing and Urban Development's basic purpose for more than 60 years.

Rather than improving upon the 1937 Housing Act, this year's bill abandons the basic tenets of the original bill to provide every American with safe, sanitary, and affordable housing. Abandoning these basic goals would be a disservice to every American who is struggling to provide adequately for his or her family.

Housing is essential if families are to be safe and if those responsible for food and shelter are to seek and find permanent employment. The Housing Opportunity and Responsibility Act lacks compassion. I believe that, in its current form, this bill will force thousands of needy persons onto the streets and leave many more teetering on the brink of homelessness. This measure will force our poorest citizens to pay increased rents to live in public housing units, while it allows individuals with higher incomes to receive increased governmental benefits.

The bill's income targeting provisions also are tilted too far in favor of higher-income families. This will exacerbate the shortage of affordable housing for every low-income family. Our Nation is already experiencing a shortage of affordable housing for low-income families.

More than 5.6 million low-income families currently pay more than 50 percent of their income for rent. We have lost 43 percent of this Nation's affordable housing supply over the last two decades. This bill in its current form will only make the problem worse by reducing the main source of housing affordable to very poor, namely public and assisted housing.

Additional resources must be provided to increase the number of housing units available to the poor. Otherwise, local housing authorities will charge higher rents to attract higher-income tenants. This will result in lower-income tenants being pushed into homelessness.

Mr. LAZIO of New York. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. PAXON] a member of the Committee on Commerce.

Mr. PAXON. Mr. Chairman, I rise today in strong support of H.R. 2, the Housing Opportunity and Responsibility Act, which I believe addresses the last bastion of our failed experiment with the welfare state by ending our tragically broken Federal public housing system.

The public housing system created by decades of Federal micromanagement has actually harmed those it was meant to help by penalizing work and family unity and championing never-ending bureaucracy. H.R. 2 will encourage self-sufficiency, ending the rent provisions which have illogically and disasterously penalized public housing tenants for working and at the same time encouraging community involvement and responsibility by requiring 8 hours a month of community service for unemployed individuals receiving housing assistance.

I believe this legislation will create a healthier environment in public housing by admitting more working families into housing and stop the Federal Government from artificially sustaining communities mired in hopelessness and devoid of opportunity. I encourage all my colleagues to support H.R. 2, and I commend the gentleman from New York [Mr. LAZIO] for his leadership in this legislative initiative.

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would ask if the gentleman from New York [Mr. LAZIO] has any more speakers?

Mr. LAZIO of New York. Mr. Chairman, I would say we have additional speakers out of the Chamber but on the way.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman be willing to yield to me an extra 30 seconds to respond to some of the points that have been made by the gentleman from New York [Mr. LAZIO]?

Mr. LAZIO of New York. Mr. Chairman, I would say to the gentleman, again, we started out with equal time. We could debate this out, but we have x amount of time. I think we are going to be needing that time for our Members who are not yet in the Chamber.

Mr. KENNEDY of Massachusetts. Mr. Chairman, as long as the Chairman of the committee would understand that this particular amount of time is coming out of the time of the gentleman from New York [Mr. LAZIO], I would be happy.

The CHAIRMAN. The Chair does not understand that. The gentleman has not yielded the time.

□ 1600

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the ranking member of the Subcommittee on Housing and Community Opportunity for yielding me the time.

I want to make it clear what this debate tomorrow will not be about, because it really has surprised me what the general debate has tried to posture as an issue.

We worked very hard in the Committee on Banking and Financial Services to try to make this a better bill. And what this debate will not be about is a choice between whether we are in favor of reform or the status quo. The bill itself can be improved. And to posture this bill as the only version of reform that anybody can support and the alternative is that we are supporting the status quo is just a very, very, very bad thing to do, and I hope my colleagues on the other side will not do it.

Second, this debate is not about flexibility because, while all of us support more flexibility for local housing authorities, time after time after time in this bill we are taking away flexibility from local housing authorities by mandating that they do a number of different things, not the least of which is to require occupants in public housing to volunteer. Now, how we require somebody to volunteer and call it volunteerism, I simply do not understand.

What this debate is about is how the Republicans would like to posture the poorest people in this country against those who are also working poor or the near poor, as I will call them, because that is the dilemma that this bill will put all of us in.

What they want to do is to put more and more working poor in public housing, and that will be at the expense of the most poor people in this country and will deprive them of housing. And we are providing no funds for any additional housing under this bill.

This is a paternalistic, inflexible, so-called reform bill. I ask my colleagues to oppose it if it is not amended in this process.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I will say, once again, the same voices in defense of what we have now, the status quo, are opposing this bill. We had 100 Democrats who stood up last year for change and reform to recognize the failure of the system. What we have here again is defense of what exists, the failure that exists in many of our communities, the poverty, the superconcentration of poverty in the very backyards of some of the Members who are speaking out against this bill. I will tell my colleagues it is an outrage in this Chamber to talk about community service as something that is to be mocked or denigrated.

I ask, where were the voices in this Chamber when we asked for people who got medical scholarships to give their service to low income areas? Where were the voices in this Chamber to oppose the President's AmeriCorps program because the only way somebody could get education is to expect them to give back to community service.

I would say to this Chamber, where is the compassion for people who are just as poor who cannot get into public housing but have got to work 40 or 50 or 60 hours just to make ends meet?

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. JONES], a distinguished member of the Committee on Banking and Financial Services.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. JONES. Mr. Chairman, no, I will not yield to the gentleman from North Carolina.

Mr. JONES. Mr. Chairman, for 60 years this country has essentially run its public housing program the same way year after year. For 60 years public housing has gotten worse and worse. People living in public housing should have a right to live in clean and safe conditions, and taxpayers should have a right to know that their money is being well invested. For that to happen, we must make changes. This bill will eliminate the 60-year-old law which has given us rundown and unsafe public housing projects. It will give more local control, and it will require more responsibility from public housing residents.

Mr. Chairman, for too long we have concentrated the poorest families in the worst housing. For too long we have punished public housing residents who work. We have had generations of children who have grown up in public housing complexes and never seen a parent or anyone else get up and go to work.

They have only lived in projects that are covered with graffiti, overgrown with weeds and littered with empty wine bottles. The only business people they have ever known are drug dealers, prostitutes and food stamp hustlers.

Mr. Chairman, that is wrong. With this bill we will begin to change the reality of life for poor children across America. For the first time in many of their lives, they will live in communities with people who work and who take responsibility for their behavior. They will live in public housing complexes that are held accountable.

Mr. Chairman, this bill may not be perfect, but it makes the right changes in the right direction, and changing the way we conduct our public housing policy is the first step to getting positive results. I urge my colleagues to vote in favor of the bill.

Mr. LAZIO of New York. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

Mr. LAZIO of New York. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from New York [Mr. LAZIO] has 2½ minutes remaining.

Mr. LAZIO of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. Mr. Chairman, I will not yield.

I say, at the outset, again, that both sides have equal amounts of time. Both sides need to manage it correctly.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield on that issue?

Mr. LAZIO of New York. Mr. Chairman, I will not yield to the gentleman. I gave the gentleman an extra 20 minutes to try and work out his time problems.

I would say to the Chamber this is about whether we are going to embrace and accept and keep and look the other way when we see failure. It is about whether we are going to continue to punish people who are working. It is about whether we are going to side with the drug dealers, with the criminals, with the abusers of the system or whether we are going to side with the decent families, with the people that want to live in peaceful enjoyment in public housing. It is about whether we are screening, and let me say something, Mr. Chairman. We are going to hear about the so-called substitute, the phantom substitute. This has been a group, the Members that are going to vote for the substitute are the same Members who have been fighting change and reform for 30 years. They are the same Members who have fought against the administration in an effort to try and take down buildings because it was a Republican Congress that gave the administration the authority for the first time to demolish vacant hulks of despair in our Nation's cities.

This is an opportunity for us to stand up with the working people, the working poor in urban areas to say, we are not going to cower, we are not going to be intimidated, we are going to stand firm for what we believe in, for the principles of work and responsibility and decency. We believe in those things. We are going to reward and incentivize people to live by the rules.

As for the people who do not live by the rules, for the people who continue to be disruptive, for the system that continues to fail, for the housing authorities that continue to waste money and to force their families to live in despair, we are going to say, that era is now over. We stand for excellence, for success. We expect no less. We expect to get value for our dollar.

I do not know where it was written, Mr. Chairman, just because we were using public dollars, that somehow we should tolerate waste, that we should look the other way when there was failure, that we should not expect the same level of competence of excellence, value that we expect when we use our own private dollars. Yet there are Members in this Chamber that say that the only thing we need now is more public dollars. Baloney. Because in Chicago, in New Orleans, in the worst housing authorities in the country, they have been taken over with money left in the bank. That money has not even been spent, tens of millions of dollars unspent while people live with broken windows, broken doors, crime infested complexes. That is the outrage. That is what lacks compassion.

Mrs. MALONEY of New York. Mr. Chairman, the purpose of my comments is to clarify the purpose of section 622 of H.R. 2, the Housing Opportunity and Responsibility Act of

1997. I think it is important that the record on this legislation reflect the considerable thought and sensitivity to the needs and concerns of residents, owners, and managers alike that accompanied the decision to include this provision in the bill. This is the third Congress in which I have worked to secure for residents of public housing the opportunity to own pets; last year, by a vote of almost 8 to 1, the House adopted an amendment based on a bill that my colleague from New York, Ms. MOLINARI, and I had introduced. I wish to thank Mr. LAZIO, my colleague from New York and the chairman of the Housing Subcommittee, for his efforts to include an expanded version of that amendment in the housing reform legislation.

For many years, residents of federally assisted housing designated for senior citizens and disabled persons have been allowed to own common household pets, such as dogs, cats, and birds. This has worked extremely well; even the Department of Housing and Urban Development has had to admit that the problems it forecast have never come to pass. Building on that success, section 622 will extend that privilege to residents of most other forms of federally assisted rental housing. It is not intended that this provision will in any way subject elderly or disabled persons who now own pets under current law to additional fees or requirements, nor will it change the terms of or otherwise jeopardize the continued ownership of those pets.

One of the purposes of H.R. 2 is to renew American neighborhoods, or, as one hearing witness put it, to create caring, cohesive communities. Pet ownership adds much to the quality of life of both families and communities. Those persons who can demonstrate that they can be responsible pet-owning tenants should not be denied that opportunity simply because their incomes limit their housing options.

At the same time, those of us who have argued for pet ownership privileges for residents of federally assisted rental housing recognize that owners and managers of that housing have an enormous responsibility to provide safe, clean, and healthy homes for their tenants and are thus rightly concerned that they have the authority to regulate the conditions of pet ownership. H.R. 2 provides that authority. Housing owners may establish pet policies appropriate to their properties. For instance, tenants wishing to keep pets may be charged a nominal fee and pet deposit. Without making the cumulative financial burden prohibitive, such a mechanism would help to defray the added expense of administering a pet policy and to cover any property damage their pets may cause.

Furthermore, it is reasonable to ask pet owners to demonstrate that they can comply with the pet ownership requirements of their housing complex and also to limit the number of animals any one resident may own or keep. Integral components of responsible pet ownership policies in federally assisted rental housing include the spaying or neutering of dogs and cats and providing pets with proper nutrition and appropriate veterinary care. It is important to emphasize, however, that residents should not be required to subject their pets to an inhumane procedure, such as debarking or declawing, as a condition for ownership.

In keeping with another of H.R. 2's goals; that is, to increase community control within the public housing program, owners and managers of federally assisted rental housing should find ways to delegate to the residents themselves the maximum possible amount of responsibility for implementing the pet policy in a given housing complex. H.R. 2 recognizes the importance of tenant participation; much like the resident councils provided for in section 234, pet committees would enable residents to take an active role in implementing a responsible pet ownership program and ensure fair consideration and a careful balancing of the needs of everyone in the complex: The housing manager, maintenance staff, and pet owners, and nonpet owners alike. Housing owners and managers would do well to emulate the components of the highly successful program in Massachusetts, developed to ease the introduction of pet ownership into State-assisted public housing. In addition to pet committees, these elements include reasonable tenant and management obligations.

Experience offers ample evidence that no-pets-allowed policies fail to keep animals out of housing complexes; they also fail to offer any constructive avenues for addressing the problems that arise. Instead, by welcoming responsible pet owners under a system based on the Massachusetts model, the owners, managers, and tenants of federally assisted rental housing complexes will be able to implement section 622 successfully.

Mr. VENTO. Mr. Chairman, I rise in opposition to H.R. 2. Although pragmatically I would like to support a public and assisted housing reauthorization bill, this bill takes the positive ideas of reform and distorts them beyond recognition. H.R. 2 starts by repealing the pivotal underpinning of all Federal housing law—the 1937 Housing Act—for the symbolism and the sake of looking like reform. This key law is referred to in approximately 650 laws. It is a foundation that should not be casually tossed aside.

But that, Mr. Chairman, is from the dry pages of statute. In the real world, H.R. 2 will toss aside the underhoused in this country in much the same way.

The basis for these reforms has been in the works in Congress since 1993. That's right. Democrats put forth a bipartisan bill in 1994 that providef for mixed income developments, restructured rents, and more flexibility for Public Housing Authorities [PHA's]. Democrats support reforming and restructuring public and assisted housing. But not at the expense of the very people it was designed to serve.

The Republican majority, however, has chosen to solve the problems of public and assisted housing not by addressing need and the population that most needs housing, but by redefining who will be served. As if it were not bad enough that the 104th Congress—the last Congress—HUD's funding, cutting HUD's baseline by some 25 percent, this bill will now renege on who we are going to serve with the ever shrinking HUD budget. More mixing of income in public housing is great. However, given the extent of the housing crisis that exists in this country, we must be judicious in our policies so that we serve those with the greatest needs. H.R. 2 retreats from the problem, wrapped in the rhetoric of reform and local control.

Mr. Chairman, this Congress may be illuminated with photos and stories of some bad public housing developments once again during this debate. Despite the rhetoric, Democrats do not support keeping bad public housing bad. This is ludicrous. It is misleading and dishonest.

I, for one, am proud of the work and results of the public housing agency in St. Paul and the others in my district. Much of it is being renewed from a 40-year contract. The majority of public housing is good, even excellent, anchoring neighborhoods and providing affordable housing opportunities for low-income people. In fact, in my area, it is the private multifamily units that represent the greatest problem and challenge. Much of public housing is housing like those shown in the photo and illustrations being presented. It is good, safe, decent and clean housing.

Most PHA's are effectively managing their units with decreasing funds. Most continue to be innovative and creative with the resources they have and the partnerships they build. For their sake and the sake of current and future tenants, we must preserve and protect the taxpayers' $90 billion public investment in public housing stock. Indeed, I would argue that because of the extraordinary need for permanent housing, we should be talking about increasing this affordable housing resource.

Currently, 1.4 million units of public housing serve only 25 percent of the people eligible for assistance. Yet analysis shows that more than 5.3 million American families are paying 50 percent or more of their income for rental housing. Over 3,300 public housing agencies in community after community in this Nation are serving those with great housing needs and serving them well.

Unfortunately, the 75 troubled public housing authorities are the highest profile and tend to be employed by some to shape a negative public perception of public housing. No one, Mr. Chairman, no one wants to permit these units to persist, nor the hardship visited upon the families who reside in such projects to continue. Under then-Secretary Cisneros, the situation in many of these cities suffering with poor housing management had begun to change dramatically. Now, Secretary Cuomo is following through with a ''can do'' HUD. However, Congress should not legislate as if all 3,400 PHA's share the same problems. While 75 PHA's are troubled and require vigilant financial and management oversight, 3,325 PHA's should not be subjected to punitive cumbersome rules and policy.

Over the past few years, policymakers have struggled with the budget deficit. HUD has not shared the political clout enjoyed by other agencies like DOD or NASA. Democratic members of the Banking Committee have strongly fought for additional funding, yet, we have had to face the budget realities. That has forced us to try to balance the goal of providing quality housing for low-income tenants with less funding, to fix deteriorating housing stock; to provide new opportunities such as home ownership; and to provide services to make the housing successful.

Public housing needs to continue its mission to provide decent, safe, and sanitary housing that is affordable to very-low and low-income tenants. However, as policymakers, we have recognized the wisdom of mixing tenant incomes and encouraging working families to live in public housing to provide role models and stable communities. We must also improve management and allow more local control of the resources while maintaining our Federal interest.

However, H.R. 2 twists the mission of public housing, creates new bureaucracies, provides for new and onerous micromanagement of PHA's and residents, adds punitive CDBG sanctions that will, in the end, further harm low-income communities, and symbolically throws out the fundamental housing law of 1937. In the name of reform, H.R. 2 goes on to basically assure that public housing will not continue to assist those with less. The measure before us insures public housing's success by abandoning the challenge and the mission of serving even a portion of the poorest of the poor.

Mr. Chairman, I have several amendments that I will offer throughout the course of the floor debate. I hope to reduce some of the duplicative bureaucracy that this bill creates by offering an amendment to strike the new accreditation board but keeping the study of ways to make public housing authorities more effective, better managers. I also have an amendment to assure that we link the homeless assistance provider community with the plans being developed by the PHA's. The answer to much of homelessness is permanent housing. And, finally, Mr. Chairman, I have refined amendments that I offered in committee to assure that legal immigrants negatively affected by the welfare reform law will not face a double whammy the first of every month, when they would be required to pay minimum rents of up to $50.

Mr. Chairman, I urge my colleagues to vote for the Kennedy substitute that preserves our promise to provide decent, safe, and sanitary housing options to our Nation's poor and should that amendment not prevail, to vote against H.R. 2 on final passage.

Mrs. KELLY. Mr. Chairman, today I rise to call for all of my colleagues from both sides of the aisle to join me in strong support for H.R. 2, the Housing Opportunity and Responsibility Act of 1997. I would like to thank Chairman LAZIO and all of the members of the House Committee on Banking for their hard work on H.R. 2 which we passed with a bipartisan vote last week.

H.R. 2 is a piece of well thought out, comprehensive legislation that will make a real difference in public housing in America. We have based this legislation upon simple goals that will move our public housing programs in a strong new direction to empower the residents.

These goals are:

First, personal responsibility that extends to a mutual obligation between the provider and the recipient. One of the ways we accomplish this is through 8 hours a month work requirements for residents, exempting the elderly, the disabled, the employed, those who are in school or are receiving training, and those who are already involved in a welfare reform program.

Second, retention of protections for the residents. One way this is accomplished is through the exclusion of income for the first few months of a new job and the income of minors from the determination of a resident's income level.

Third, removal of disincentives to work and empowerment of the individual and family tenant through choices that I believe will lead them to economic independence. One of the ways we do this is by giving residents a choice between a flat rent or a percentage of their income.

I would like to emphasize that everyone has the same, shared objective: clean, safe, affordable housing that empowers the have-nots in our society to become people who can realize their own American dream. We all want to realize this goal, but we just have different ideas on how to get us there. So, if we all keep this vitally important objective in mind, we will be able to move forward in a unified effort to make sure that the benefits of this legislation become a reality.

Mr. RILEY. Mr. Chairman, I rise today in strong support of H.R. 2, the Housing Opportunity and Responsibility Act of 1997. As a member of the Banking Committee, I would like to take this opportunity to commend the gentleman from New York for his leadership and his successful efforts in bringing this important legislation to the floor.

Families in this country have found themselves caught in a housing system designed as a short-term solution that, instead, has become a long-term problem. The Depression-era United States Housing Act of 1937 has evolved into creating a centralized housing program that is both very complex and ineffective in serving the needs of the distinct communities across the United States. It was never the intent of the Federal Government to have 57 percent of the residents of public housing to stay there for at least 5 years.

The cookie-cutter housing policy created by bureaucrats in Washington does not always successfully serve rural communities like the ones I represent in the Third District of Alabama. H.R. 2 will return the housing policy decisionmaking to the local level through the deregulation of the well-run public housing authorities.

Under this legislation, local communities and their PHA's will have the flexibility to create mixed-income environment by admitting low-income families, as opposed to only very-low-income families. Mr. Speaker, we are talking about helping working families who simply cannot afford housing without some temporary assistance.

Not only will the Federal Government help these working families by allowing income mixing, it will create an environment where a working resident may be looked upon as a role model and inspire another neighbor to seek employment. This will allow us to break the cycle of dependency on the Federal Government which has trapped so many of the residents of public housing.

I urge my colleagues to support the Housing Opportunity and Responsibility Act of 1997 so that we can, once and for all, turn the Federal housing program into a temporary assistance program instead of a permanent solution.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of H.R. 2. As a member of the House Banking Committee and its Subcommittee on Housing and Community Development, this Member has actively participated in the drafting and consideration of this legislation. The gentleman from New York, RICK LAZIO should be complemented for the hard work and perseverance he has shown over the past 3 years as chairman of the Housing Subcommittee. His leadership has allowed this bill to come to the floor today and he should be commended.

For too long, the Nation's public housing programs have been run by a centralized bureaucracy with little to no input by local officials. H.R. 2 provides a new paradigm for the provision of Federal public housing programs. Rather than centralizing decisionmaking in Washington, the bill provides greater flexibility for local elected officials to work with public housing agencies to determine the housing needs of the community and decide the best way to meet these needs. Further, many of the Federal mandates which have been added over the years are eliminated. This again is in the spirit of moving control out of Washington. Additionally, the bill makes positive changes in the current policy of warehousing the poorest of the poor in inadequate housing by promoting mixed-income communities.

Finally, Mr. Chairman, this Member would like to read from the declaration of policy contained in H.R. 2, which clearly states the goals the bill sets, specifically:

''(1) the Federal government has a responsibility to promote the general welfare of the nation by using Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy and, in particular, assisting responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control; by working to ensure a thriving national economy and a strong private housing market; and by developing effective partnerships amount the Federal Government, State and local governments, and private entities that allow government to accept responsibility for fostering the development of a healthy marketplace and allow families to prosper without government involvement in their day-to-day activities. (2) The Federal Government cannot through its direct action alone provide for the housing of every American citizen, or even a majority of its citizens, but it is the responsibility of the Government to promote and protect the independent and collective actions of private citizens to develop housing and strengthen their own neighborhoods. (3) The Federal Government should act where there is a serious need that private citizens or groups cannot or are not addressing responsibly. (4) Housing is a fundamental and necessary component of bringing true opportunity to people and communities in need, but providing physical structures to house low-income families will not by itself pull generations up from poverty. (5) It is a goal of our Nation that all citizens have decent and affordable housing and our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State and local governments, and by the independent and collective actions of private citizens, organizations, and the private sector.''

Again, this Member rises in support of H.R. 2 and urges his colleagues to join him in supporting this important legislation.

Mr. GILMAN. Mr. Chairman, I rise today in support of H.R. 2, the Housing and Responsibility Act of 1997 and commend its sponsor, the distinguished gentleman from New York [Mr. LAZIO] for all of his diligent work in bringing this important legislation to the floor. This bill will allow for greater community control and involvement over various housing programs. Ultimately, programs run by local officials who understand the needs of their communities, will be directed toward those individuals who need assistance the most.

In addition, I thank the committee for including language to correct the improper median income calculation for Westchester and Rockland Counties. Currently, the median incomes of Westchester and Rockland Counties are

calculated by the Department of Housing and Urban Development as a part of the primary metropolitan statistical area which includes the income data from New York City. For this reason, HUD is listing the median income of these two counties as being far less than they truly are.

Since HUD's income levels are used in calculating eligibility for almost all State and Federal housing programs, these inaccurate statistics have drastically reduced the access of both Rockland and Westchester County residents to many needed programs. A myriad of programs have artificially low income caps, thus residents, financial institutions, realtors, and builders from these two counties are at a severe disadvantage in relation to their counterparts in neighboring counties.

Mr. Chairman, I thank the committee and Chairman LAZIO for their great work in reforming the U.S. Housing Act of 1937 and attending to this extremely important local need. Accordingly, I urge my colleagues to support H.R. 2.

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

Mr. LAZIO of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. (BOB SCHAFFER of Colorado) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to repeal the U.S. Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 129, COMMITTEE FUNDING RESOLUTION

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–84) on the resolution (H. Res. 136) providing for consideration of the resolution (H. Res. 129) providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Fifth Congress, which was referred to the House Calendar and ordered to be printed.

## ELECTION OF MEMBER TO COMMITTEE ON HOUSE OVERSIGHT

Mr. BARRETT of Nebraska. Mr. Speaker, by direction of the Republican conference, I offer a privileged resolution (H. Res. 137) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 137

*Resolved*, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives: Committee on House Oversight: Mr. Mica.

The resolution was agreed to. A motion to reconsider was laid on the table.

□ 1615

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

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

[Mr. GUTKNECHT addressed the House. His remarks wil appear hereafter in the Extensions of Remarks.]

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

[Mr. WEYGAND 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 Wisconsin [Mr. NEUMANN] is recognized for 5 minutes.

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

## INTRODUCTION OF ''APPREHENSION OF TAINTED MONEY'' BILL

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

Mr. GEKAS. Mr. Speaker, today I have introduced a special piece of legislation that goes to the heart of campaign finance reform about which we hear so much.

How many will recall that during the election and immediately following there were revelations of moneys being contributed to the Democratic National Committee, and then a decision made by the Democratic National Committee to return the funds to X, Y, and Z because the Democratic National Committee determined that they were illegally contributed?

Now, the question arises, does this money go back to the people who may have violated the law in making the contribution to the Democratic National Committee?

We have a situation, for instance, of a drug dealer who took thousands of dollars from profits made in the drug business and used that money to make a $20,000 contribution to the Democratic National Committee. Now we hear announcement by the Democratic National Committee that it will return that money.

Well, is that not wonderful. That money will be returned to a drug dealer to be reused, perhaps, in the drug business or to make some other kind of contribution. Who knows what.

I have introduced a bill here today which we call the ATM bill, believe it or not. Apprehension of Tainted Money. ATM. What does it do? It says that if, indeed, a national committee, the Republican committee or the Democrat committee, should receive contributions and they are questionable donations, questionable contributions, where the committee believes it may come from a tainted source, a criminal source, some illegal contributor, then instead of returning it back for further possible illegal spending, my bill would call for this money to go to the Federal Elections Commission in an escrow account, and the Federal Elections Commission then would investigate the source of this contribution.

If it is determined that indeed this is drug money or illegal money or some other tainted source of money, then the Federal Government, our Government, can latch onto this money and use it for fines and penalties against those people who violated the law in that instance. In this way we would be preventing the possibility of impacting on our election system by foreign sources and illegal sources.

At the same time, if indeed those contributions have been illegal, we could use that money to help defray the expense of the investigation and the prosecution and the restitution that must be made by the wrongdoers.

We believe that it fills a large gap in the election process and in the question of who can contribute what to what entity. We have strong laws on the books right at this moment, as we speak, but we fail in many instances to enforce the law. We fail to bring wrongdoers to justice in the hundreds of different ways that they can violate the election laws and the criminal laws of our Nation.

We believe that this could be a gigantic step towards signaling to the American people that we will not countenance violation of the criminal laws or violation of the election laws.

Every day the news brings us more revelations—and more lurid details—about the lengths to which some people went during the 1996 election to gain victory for their candidates. Unfortunately, the lengths to which many parties went were beyond the bounds of the law.

Though the investigations into campaign finance law violations have only barely begun, and, to be sure, only scratched the surface, we know very well about some egregious violations of the law involving very large amounts

of money. Many more cases are rife with impropriety and unethical behavior, even if illegality has not yet been proven.

Let me address just a few: Mr. Johnny Chung, described as a ''hustler'' by a member of the National Security Council, made donations to the Democratic Party numerous times. Among these was a $50,000 check handed over to Margaret Williams on the White House grounds during one of his 51 visits. The Democratic National Committee has announced it will return contributions totaling $366,000 from Johnny Chung because it cannot verify the source of this money.

Mr. Charles Yah Lin Trie raised and contributed more than $½ million to the Democratic National Committee. This money has been linked to funds transferred to him from the Bank of China, which is operated by the Chinese Government. The Democratic National Committee has returned $187,000 that Mr. Trie contributed and plans to return another $458,000 that he helped raise from others.

In November, 1995, Mr. Jorge Cabrera wrote a check for $20,000 to the Democratic National Committee from an account that included proceeds from smuggling cocaine into the United States. Within 2 weeks, he met with Vice President GORE. He also attended a White House Christmas reception hosted by the First Lady. The Democratic National Committee returned his contribution almost a year later and he is now serving time in a Miami prison.

Mr. Speaker, these are just three examples, but they serve to illustrate a situation that is intolerable. The Democratic National Committee has given, and plans to give, huge sums of money back to the drug dealers, international hustlers, and foreign agents who broke the law in giving that money in the first place.

The penalty being suffered by Mr. Johnny Chung, Mr. Charlie Trie, and Mr. Jorge Cabrera is to have mountains of tainted money given back to them to use as they wish.

Mr. Speaker, these people are criminals. The American people, and particularly the people I represent, will not stand for it when the law allows them to be rewarded with hundreds of thousands of dollars in cash.

Mr. Speaker, I am introducing a bill today to remedy this extraordinary situation. The Apprehension of Tainted Money Act would require political committees that intend to return certain contributions to transfer those contributions to the Federal Election Commission.

The Commission would establish an interest-bearing escrow account, deposit returned contributions in it, and notify the Attorney General. The Commission and the Attorney General would be able to apply this money toward any fine or penalty imposed against the contributor under Federal election or criminal law. In addition, if a fine or penalty is imposed, the Commission or Attorney General could use deposited funds to cover the costs incurred in investigating the contribution. If the contributor were cleared, if the Commission and Attorney General failed to act, or if some portion of the money was used, the remaining contribution would be returned.

Mr. Speaker, my bill would prevent the Johnny Chungs, the Charlie Tries, and the Jorge Cabreras from getting their dirty money back and spending it—or making it disappear—before Federal officials have a chance to investigate them and apply appropriate fines and penalties.

Let me make one other point that I think is very important: We are seeing that, in many instances, the tainted money is being returned after an election has intervened. This means that money from an unknown, possible illegal source has been used by a campaign to influence an election. Anyone with a healthy skepticism and sense of watchfulness about our Government could not help but want to investigate whether there has been collusion between questionable campaign contributors and the individuals and parties to whom they gave. This makes the apprehension of tainted money bill all the more important.

I urge my colleagues in the House to join me in passing this legislation and getting it before the President for signature. There can be no time lost, because each returned contribution gives undue benefit to some of our Nation's most pernicious lawbreakers.

Let me briefly describe the bill in some more detail: The Apprehension of Tainted Money Act adds a new section to the Federal Election Campaign Act. the new section provides the following:

When a political committee intends to return a contribution of more than $500, it must transfer the contribution to the Federal Election Commission [Commission] and ask the Commission to return it. This requirement does not apply to contributions returned within the times set by Commission rules for return or reattribution of contributions, but it does apply to contributions that a political committee discovers to be illegal after the Commission's deadline for return of illegal and nonreattributable contributions.

The Commission must establish an interest-bearing escrow account, deposit returned contributions in it, and notify the Attorney General when it receives such contributions. Interest from the funds placed in the escrow account shall be used to cover administrative costs of the account, all excess going to the U.S. Treasury.

The Commission must consider the return of the contribution in determining whether it has reason to believe that election laws have been violated.

The Commission or the Attorney General may apply returned contributions toward any fine or penalty imposed against the contributor under Federal election or criminal law. If a fine or penalty is imposed, the Commission or Attorney General may use deposited funds to cover the costs incurred in investigating the contribution.

The Commission must return the contribution if: First, the Commission and Attorney General certify that the contribution is not the subject of an investigation; second, the contribution will not be applied to any fine, penalty, or charge for cost of investigation, or the portion to be used has been subtracted from the returnable amount; or third, for any 120-day period, neither the Commission nor the Attorney General have pursued an investigation of the contribution.

The act applies from the date it is enacted, whether or not the Commission or Attorney General have issued regulations. Notwithstanding the Administrative Procedures Act, the Commission and Attorney General must issue final regulations within 30 days of the enactment of the act.

## RIGHT WELFARE REFORM'S WRONGS BEFORE IT IS TOO LATE

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

Mr. FILNER. Mr. Speaker, I want to tell all my colleagues a brief story that we here in Congress have helped write with the passage of what we called the Welfare Reform bill last year. Members of this body have written a story with a tragic ending, but it is not too late to change it.

This is the story of Marta Molina and her 24 classmates at the San Diego Center for the Blind. All are long-time legal residents of this Nation whose supplemental security income will end in a few months unless there is legislative relief or they are naturalized as citizens.

Marta, who is 44 years old, is the mother of two grown children she raised by herself following a divorce 10 years ago. She and others in her English and life skills class began studying for the citizenship test well before welfare reform was enacted. After evaluating Marta's degenerative blindness, cataracts and cataract surgery, her physician asked the INS to give Marta extra study time. Because of the rigid mandates of welfare reform, she has no more time.

Marta's situation is serious, but the predicament of some of her other classmates is even worse. They are on dialysis and they can possibly die if their Medicare ends. The INS, which should not be in the position of correcting welfare reform's cruel and arbitrary cutoff of legal immigrants' benefits, including the blind, frail, and elderly, was asked to ease the naturalization process for some of these immigrants, but the INS's new rules will not help these blind students.

The rules, which do exempt disabled immigrants from the English and civics test, provide no relief for the blind, according to the INS authorities, because their vision impairment does not prevent them from studying and taking a test. These inflexible rules do not take into account that a disability like blindness makes it very difficult to master English and civics under a strict time limit.

These students of the San Diego Center for the Blind say they are terrified, living in fear of these inflexible policies that even do not comply with the Americans with Disabilities Act. They say people are called at INS offices by a number flashing on a screen which they cannot see, and that test preparation material is not available in Braille or on tape. This situation demands our immediate intervention.

When this body passed welfare reform last year, I am sure those who voted for it did not intend to jeopardize the lives and peace of mind of thousands of long-time legal residents with disabilities. But now that the law's unintended consequences have been brought to our attention in story after story,

we must correct these wrongs. We must act to exempt the blind, frail, and elderly legal residents from the unintended effects of welfare reform, and we must give these residents the amount of time necessary to take the naturalization test.

It goes without saying that our own INS office employees should be sensitive to and comply with the dictates of the Americans with Disabilities Act.

Mr. Speaker, it is up to us to act now. We must write a new ending, one that averts senseless and most certainly lethal suffering.

## THE NATIONAL PRAYER BREAKFAST

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

Mr. BARRETT of Nebraska. Mr. Speaker, earlier this year I had the distinct pleasure and the great honor of chairing the 45th annual National Prayer Breakfast here in Washington.

Now, this is an annual event that is hosted by the Senate prayer group and the House prayer group, and it represents an effort by many thousands of people to come together once a year here in our Nation's Capital in prayerful reflection. The breakfast was initially founded as an opportunity for Members of Congress to express spiritual support for the President, for the leaders of our Nation and, of course, for each other.

This year more than 4,000 people came to the breakfast from all 50 States and from over 140 countries. The personal contacts we all had from across the Nation, from around the world, were something that were impressions that will last a lifetime.

Mr. Speaker, on behalf of my colleagues on the congressional committee that planned this most recent breakfast, I provide a copy of the transcript of that breakfast to be inserted in the RECORD so that everyone might read the uplifting and inspirational messages we heard that day.

THE NATIONAL PRAYER BREAKFAST, THE WASHINGTON HILTON, THURSDAY, FEBRUARY 6, 1997

Representative BILL BARRETT: It's a special privilege for me to be able to welcome each and ever one of you here this morning to the 45th annual National Prayer Breakfast, especially our friends from around the world, as well as those of you who are attending the prayer breakfast for the first time. God created us at different times and in different places, and with the flesh of a hundred different hues, but he did set us forth with a very common purpose; to love the Lord, our God, and to love our neighbor as ourself.

We're gathered here today from six continents. I don't believe the Antarctica delegation has arrived yet. Ladies and gentlemen, there are nearly 170 countries represented here today—all 50 states are represented here today—here in this ballroom and in auxiliary rooms in which people who could not get into the ballroom are seated, viewing this on television.

We have nearly 4,000 people gathered for the 45th annual prayer breakfast. There are literally hundreds and hundreds of Republicans and Democrats, liberals and conservatives, people from all professions, all fields of service. We have laborers, we have prison parolees here, we have street people here. We have people of considerable wealth; we have people with little material wealth. There are people from all levels of society, all backgrounds, religiously and politically. There is represented here today truly a cross-section or our world.

Who we are is not the important point. The point is that we all come together to let each other know that we care. We come here to humbly beseech guidance; to further the building of humankind, recognizing and acknowledging the reliance that each of us has on Divine Providence. What a happy time it is that so many have chosen to join us this morning in the spirit of Jesus of Nazareth and to share this time together.

From the reports that we hear, read and observe, it's probably difficult to believe that members of Congress can ever agree with one another or find it possible to be perfectly united in mind and thought, as St. Paul admonished us to do. But it's my pleasant duty to bring to you greetings from the House of Representatives' Prayer Breakfast.

One of the most meaningful experiences for me since I've been a member of Congress has been to attend that prayer breakfast, in which we gather every Thursday morning in the Capitol at 8:00, in a time of fellowship and prayer with our colleagues. On these mornings, 40 to 50 Democrats and Republicans, without guests, with the exception of an occasional parliamentarian from another nation who is a member of a prayer group in that nation, or perhaps a parliamentarian who wants to come and observe our prayer breakfast, with the thought in mind of going back to his or her country and establishing a similar prayer breakfast. We meet simply to find fellowship in the spirit of Christ and to share burdens with each other.

We leave our differences outside the door. Labels remain outside the door. We get to know each other on a basis of something that transcends the labels that often divide us during the rest of the week. As a result, many special and many unlikely friendships have been born and even nurtured during that time together.

Our speaker each week—one week a Republican, one week a Democrat—is always a member of Congress, but no necessarily a member of our prayer group. We hear from that person, in which they share with us something that they want to talk about—perhaps some of the trauma in their life, some of the problems, some of the joys, some of the satisfactions, some of the triumphs. We've had some wonderful messages and, with each one, inspiration, better understanding and, of course, close friendships. And because of the seeds that were planted by the House and the Senate fellowship groups 45 years ago the National Prayer Breakfast, this prayer breakfast, has grown to include people from so many countries that we have to wonder today if we should perhaps rename the National Prayer Breakfast to "the International Prayer Breakfast."

So on behalf of both the Senate and the House prayer groups, who are hosting this breakfast, we thank you for sharing with us. We also acknowledge the hundreds of groups that are meeting simultaneously around the world as we meet here together at this particular moment—meeting around the world to praise the Lord.

Many of you know that Billy Graham has been a steadfast member of this national prayer group—I believe he has missed only three National Prayer Breakfasts in 45 years. Dr. Graham had hoped to be with us today, but his health prevents it. And I'd like to share with you a message that I received from Dr. Graham.

"I hear constantly the impact that the Prayer Breakfast is having throughout the world. Since this is one of the few times I have every missed being at a breakfast since its beginning, I will certainly be in prayer that God will make this gathering one of the most significant prayer breakfasts we've ever had. Give my warmest greetings and affection to all of those in attendance, especially the president, Mrs. Clinton, the vice president, and Mrs. Gore.

"With warmest affection in Christ, I am cordially yours, Billy Graham."

The gentleman from Missouri, the minority leader of the House of Representatives, the Honorable Richard Gephardt, will now read from the Old Testament.

Representative GEPHARDT: Our Old Testament reading this morning is from Psalms. "Make a joyful shout to the Lord, all your lands. Serve the Lord with gladness. Come before His presence with singing. Know that the Lord He is God. It is He who has made us, and not we ourselves. We are His people, and the sheep of His pasture. Enter into His gates with thanksgiving, and into His courts with praise. Be thankful to Him, and bless His name for the Lord is good. His mercy is everlasting, and His truth endures to all generations."

Representative BARRETT: Thank you, Mr. Minority Leader.

It's a tradition of the National Prayer Breakfast that a person of very special talent is chosen to present a solo at our breakfast. This morning we are thrilled to be able to present a young opera star of unparalleled prospect, a mezzo-soprano who has made a number of important debuts both here and in Europe. Please welcome Ms. Denyce Graves.

(Ms. Graves sings "Swing Low, Sweet Chariot" and "Every Time I Feel the Spirit")

Representative BARRETT: What a thrill, right? Thank you, Ms. Graves.

The Scripture from the New Testament will be brought to us by the speaker of the House of Representatives, the gentleman from Georgia, the Honorable Newt Gingrich.

Speaker NEWT GINGRICH (R–GA): Let me just say that I think all of our hearts, I hope, were touched by Ms. Graves just now. It was truly a wonderful moment.

I'm going to read from John 3, verses 12 to 21.

"If I have told you earthly things, and ye believe not, how shall ye believe if I tell you of heavenly things? And no man has ascended up to heaven but He that came down from heaven, even the Son of Man, which is in heaven. And as Moses lifted up the serpent in the wilderness, even so must the Son of Man be lifted up; that whosoever believeth in Him should not perish, but have eternal life. For God so loved the world that He gave His only begotten Son, that whosoever believeth in Him should not perish, but have everlasting life. For God sent not His Son into the world to condemn the world, but that the world through Him might be saved. He that believeth on Him is not condemned, but he that believeth not is condemned already, because he hath not believed in the name of the only begotten Son of God. And this is the condemnation: that light is come unto the world, and men loved darkness rather than light, because their deeds were evil. For everyone that doeth evil hateth the light, neither cometh to the light, lest his deeds should be reproved. But he that doeth truth cometh in the light, that his deeds made be made manifest, that they wrought in God."

Representive BARRETT: Thank you, Mr. Speaker, for that reading from the New Testament.

Vice President Al Gore was a very faithful member of the House prayer group when he was a member of the House. And when he entered the Senate, he became a very faithful member of the prayer group as well. And as a result, the Senate prayer group has asked him to represent them in delivering remarks of the Senate. And it's encouraging to know, Mr. Vice President, that one of our own can occasionally succeed.

It is with great pleasure that I present to you the vice president of the United States, Mr. Albert Gore Jr.

Vice President GORE: Thank you. Thank you very much, Bill.

Mr. President and Mrs. Clinton and Mr. Speaker; leader Gephardt, other distinguished guests at the head table; and senators, congressmen; heads of state from other countries; thank you very much for your attendance; distinguished guests, ladies and gentlemen, including those in the overflow room, we're so proud that you are here. And among those at the head table, allow me just a brief personal word.

Dr. Ben Carson—I had nothing to do with the invitation to Dr. Carson to be the main speaker this year. But after Tipper and I found out that he was going to be our speaker, we recalled that when one of our children was seriously injured and in Johns Hopkins Hospital, he was part of the medical team that consulted with us. We are among the thousands of families who are grateful to you and the others healers among us, Dr. Carson. It was a pleasure to meet your sons, Murray, Den, and Royce, in the other room.

Bill said that I was invited to bring greetings from the Senate prayer breakfast group because I was a faithful member of it. The truth is that with my travels on behalf of the president and the White House schedule, they invited me to give greetings on their behalf so that I will definitely become a faithful member of the Senate prayer breakfast. I know what they're doing. And it's true that my schedule has taken me away from it. But your ploy is going to work.

May I also refer to the many thousands of prayer groups around the United States that are represented by many of you here, and around the world. I want to acknowledge a group represented here—the Religious Partnership for the Environment. I am proud to have had a chance to meet frequently with them.

Since we met here last year, something has happened that I wanted to briefly comment upon: Churches were burned, synagogues and other houses of worship were burned, and a great outpouring of national concern took place.

Many wondered, ''How could we respond to this?'' I know the president gathered spiritual leaders from various denominations to talk about this issue. The House and the Senate took action. There was no dissent. I forget the vote in the House, but it was 100 to nothing in the Senate. It's rare that you get a vote of that kind. And the country began to come together to respond to this challenge.

Churches were rebuilt. Some of them that had been burned to the ground left the congregations just devastated. I remember visiting one, looking at the ashes covering the timbers, and the congregation expressed its determination to come back together and rebuild.

On August 19th, the president and the first lady, Tipper, and I went to a church that had been burned in Tennessee and joined in rebuilding the church. When we got there, we learned that there had been two churches burned—one with a white congregation, one with a black congregation. When the church with a white congregation burned, the first donation to rebuild it came from the black congregation just two miles away. About a year later, when the church with the black congregation burned, the first donation to rebuild it came from the church with the white congregation. On that day when we gathered with hammers and nails and paint brushes to rebuild it, all of the community leaders came. The African American pastor of this congregation made note of the fact that some of the county leaders who were present were individuals he had never met before, and the members of the white congregation who came had never met their counterparts, in many cases, before. He cited a verse from Genesis 50: ''Man intended it for evil, but God intended it for good.'' The president spoke and said, ''You can burn the building, but you cannot burn out the faith.''

I was reminded of the examples in the Bible of fires that burned but do not consume. In Exodus Chapter 3, Moses is confronted with a burning bush. ''Though the bush was on fire, it did not burn up.'' Moses thought, '''I will go over and see this strange sight, why the bush does not burn up.' God called to him from within the bush: 'Moses!' And Moses said, 'Here I am.'''

In the book of Daniel, Chapter 3, verse 19, Nebuchadnezzar orders his furnace heated up seven times hotter than usual, and commanded some of the strongest soldiers in his army to tie up Shadrach, Meshach, and Abednego, and throw them into the blazing furnace. They had refused, of course, to bow down to graven images and idols. And when they were thrown into the furnace—you know the story well—the soldiers were burned. But Nebuchadnezzar looks into the flames, and in amazement asked his advisers, ''Weren't there three men that we tied up and threw into the fire?'' They replied ''Certainly, o king.'' He said ''Look, I see four men walking around in the fire, unbound and unharmed. And the fourth looks like a son of the gods.''

The three were taken out, and they saw that the fire had not harmed their bodies, nor was a hair of their head singed. Their robes were not scorched, and there was no smell of fire on them.

In response to such challenges, we are called to be present with those who are persecuted.

Finally, when we saw the rebuilt church brought—the image of it brought in the photograph when this minister revisited the White House earlier this year, I was reminded of the famous chapter in Ezekiel 37, when Ezekiel is placed in the valley.

''And I saw a great many bones on the floor of the valley, bones that were very dry. And the Lord asked me, 'Son of man, can these bones live?' And then he said to me, 'Prophesy to these bones, and say to them, ''Dry bones, hear the word of the Lord,''' So I prophesied as I was commanded. And as I was prophesying, there was a noise, a rattling sound, and the bones came together, bone to bone. Tendons and flesh appeared on them, and skin covered them. But there was no breath in them. And then he said to me: 'Prophesy to the breath. Prophesy, son of Man. And say to it, ''This is what the sovereign Lord says, 'Come from the four winds, oh breath, and breathe into these slain that they may live.''' So I prophesied as he commanded me, and breath entered them. They came to life and stood up on their feet a vast army.''

These houses of worship have been lifted back up, and the breath of the Spirit has been breathed into them. May the same thing happen to our hurting nation.

Representative BARRETT: Thank you, Mr. Vice President.

To deliver our prayer for the national and international leaders, I would like to recognize the senator from Indiana Senator Dan Coats, who is a very faithful member of the Senate prayer breakfast. It's my pleasure to introduce the senator for the most basic purpose of this breakfast, to let our leaders know that we are praying for them.

Senator DAN COATS (R-IN): Please bow your heads with me in prayer and join your hearts with me in prayer.

Our Lord and our God, we have set aside this day of prayer to acknowledge you and you alone, as the God of men and nations; to thank you for your loving kindness toward each of us, and to humbly ask for wisdom and discernment as we seek to serve the people of our land. We ask for your mercy and divine forgiveness for our sins, for we often rely on our ways and not on yours.

We are divided by barriers of anger and suspicion. We are shamed by the commonplace violence in our nation. We have failed to protect the innocence of our children, and we have left them to moral confusion and early despair. We have misunderstood both the cause and the cure of our troubles. We see social and political problems; You see our failures of love and duty and commitment. We talk of politics and laws; You weigh the desires of our hearts. We propose solutions for others; You ask us to examine ourselves.

Lord, each of us in some way has set out to change our society. But now, today, we humbly ask you to change each of us. We are thankful, Lord, that Your mercy does not depend on our merit. We are grateful that the Gospel is a story of failure forgiven.

Lord, we pray for the leaders You have brought to this room. Preserve us from the pride of power. Guard us from self-interest and selfish ambition. May we build careers of honorable service, obeying Your command to do justice, to seek mercy, and to walk humbly with You.

We pray above all for inward surrender to Your guidance, hearts transformed by an encounter with the living God, and lives marked with Your meaning. We pray these things in the confidence and comfort given by Jesus Christ. Amen.

Representative BARRETT: Thank you so much, Senator Coats, for those words.

It's now my pleasure to present to you our featured speaker at this prayer breakfast, Dr. Benjamin Carson, who is director of pediatric neurosurgery at Johns Hopkins University. Dr. Carson is well renowned in his field—most notably, perhaps, the 1987 separation of the Binder twins in Germany, which of course were attached at the head.

Dr. Carson has led a life of struggle as well as triumph, and I know that you're going to find his remarks both interesting and very inspiring. He brings us his love for children. He's a living example of caring and compassion. Please welcome Dr. Ben Carson.

Dr. BENJAMIN CARSON: Thank you very much. It's a real pleasure and an honor to be here before so many distinguished people. I don't feel that I really belong here under these circumstances. But the nice thing is, when it comes to love that is inspired by Jesus Christ, we're all equal. And it makes you feel good. You begin to realize that He's the one who empowers us to do whatever we do and to go wherever we go.

I want to give you some little vignettes from my own life and how my relationship with God developed. Let me set my stopwatch here because I understand that if I go overtime, the Secret Service will take me away.

I always wanted to be a missionary doctor. I used to listen to the mission stories in church, and they frequently featured missionary doctors—people who, at great personal expense, would go to foreign lands and bring not only physical but mental and spiritual healing to people. It seemed like the

most noble thing a person could do. I harbored that dream from the time I was 8 years old until I was 13, at which time, having grown up in dire poverty, I decided I'd rather be rich. So at that point, missionary doctor was out and I decided I wanted to be a psychiatrist. Now I didn't know any psychiatrists, but on television, they seemed like very rich people. They lived in these big fancy mansions and drove Jaguars and had these big plush offices, and all they had to do is talk to crazy people all day. It seemed like I was doing that anyway, so I said, ''This should work out quite well,'' and started reading Psychology Today. I was the local shrink. I majored in psychology in college, did advanced psych when I went to medical school.

But that's when I started meeting a bunch of psychiatrists. Now, some of my best friends are psychiatrists. Actually, on a serious note, some of the smartest people I know really are psychiatrists and I'm a little bit miffed, as a medical professional, as to why the insurance companies and HMOs are giving psychiatrists such a hard time. I hope we'll do something about that.

I discovered that I wasn't going to be a psychiatrist and I had to stop and ask myself ''What are you really good at?'' I discovered I had a lot of eye-hand coordination, the ability to think in three dimensions. I was a very careful person, never knocked things over and said ''oops!'' and I enjoyed the brain. So I put all that together and that's how I came up with neurosurgery.

If you had seen me as a youngster, and someone had told you that I was going to grow up to be a neurosurgeon, much less chief of pediatric neurosurgery at Johns Hopkins, you would have laughed until you died, because there was unanimous agreement amongst my classmates, my teachers, and myself that I was the dumbest person in the world. I was always the first one to sit down in a spelling bee, got big goose eggs on everything that dealt with academics.

I remember one time we were taking this math quiz, and I had a major philosophical disagreement with my math teacher who seemed to think it was important to know your time tables. As far as I was concerned, why waste my time learning those when I could look them up on the back of the notebook? So you can imagine what kind of grades I got in math. But that particular day I'd been having a discussion with some of my classmates about lack of intellectual agility, one might say. In fact, they were saying I was the dumbest person in the world, and I was disputing that. We had a math quiz that day. I had about thirty questions. And in those days you would pass your test to the person behind you, and they would correct it as the teacher called out the answers, give it back to you. The teacher would call your name out loud and you would report your score out loud.

Well, I had gotten my usual zero. But, on this particular day, having had those discussions, I was looking for a way to hide that fact from my classmates, so I schemed and I said, ''When the teacher calls my name, I'm going to mumble. And maybe she will misinterpret what I said.''

So when she called my name, I said, ''Nnngn.'' And she said: ''Nine?'' Benjamin, you got nine right? Oh, this is wonderful. This is the greatest day of my life. I told you you could do it if you just applied yourself.'' She ranted and raved for about five minutes. Finally, the girl behind me couldn't take it any longer. She stood up and said, ''He said none.'' Of course the kids roared with laughter, and the teacher sat down quite embarrassed. If I could have disappeared into thin air, never to be heard from again in the history of the world, I would gladly have done so, but I couldn't.

The thing that really hurt was when I got my report card at mid-term, and my poor mother saw it, and she was just distraught. There I was failing almost every subject, and there she was, working two or three jobs at a time as a single parent, trying to raise her young sons in inner-city Detroit, realizing what a difficult time she had because of her lack of education, having had only a third-grade education herself. Then there I was going down the same path; my brother also doing quite poorly.

She did not know what to do, and she prayed and asked God to give her wisdom. What could she do to get her young sons to understand the importance of intellectual development so that they could have control of their own lives? And you know something? God gave her the wisdom, at least in her opinion. My brother and I didn't think it was all that wise because it was to turn off the TV set and let us watch only two or three TV programs during the week. With all that spare time, we read two books apiece from the Detroit Public Library and submit to her written book reports which she couldn't read, but we didn't know that. So she had pulled a fast one on us.

I was in no way enthusiastic about this program. All my friends were outside having a good time, and there I was, inside, reading. A lot of times parents come to me today, and they say: ''How was your mother able to get you and your brother to turn off the TV and read? I can't get my children to do that.'' I have to chuckle and I say, ''Back in those days, the parents were in charge of the house. They didn't have to get permission from the kids how to run it.''

Interestingly enough, because of the reading—always reading, I learned how to spell, so I wasn't the first one to sit down in a spelling bee. I learned grammar and syntax because I had to put those words together. I learned to use my imagination because I had to take those sentences and make them into concepts. Within the space of a year and a half, I went from the bottom of the class to the top of the class, much to the consternation of all those people who called me ''dummy.'' The same ones were coming to me now and saying, ''Hey, Benny, how do you work this math problem?'' I would say, ''Sit at my feet, youngster, while I instruct you.'' I was perhaps a little obnoxious but it sure did feel good to do that.

The fact of the matter is, what am I talking about? I'm talking about a person's image and self-concept. When I was in the fifth grade, I thought I was dumb, and I acted like a dumb person, and I achieved like a dumb person. When I was in the seventh grade, I thought I was smart, and I acted and achieved accordingly. Does that say a lot about the human brain, about the potential that our Creator has given us?

Think about it. There is no computer on Earth that comes close to the capacity of the normal human brain. How many people here remember your home telephone number? Okay, that's pretty good for a bunch of people in Washington. What did your brain have to do for you to react to that question? First of all, the sound waves had to leave my lips, travel through the air into your external auditory meatus, travel down to your tympanic membrane, set up a vibratory force, which traveled across the ossicles of your middle ear to the oval and round windows, setting up a vibratory force in the endolymph, which mechanically distorted the microcilia, converting mechanical energy to electrical energy, which traveled across the cochlear nerve to the cochlear nucleus at the ponto-medullary junction, from there to the superior olivary nucleus—wait a minute, we've got a ways to go—ascending bilaterally up the brain stem to the lateral lemniscus, to the inferior colliculus and the media janicular nuclei, across the thalamic radiations to the posterior temporal lobes to begin the auditory process; from there to the frontal lobes, coming down the tract of Vicq d' Azyr, retrieving the memory from the medial hippocampal structures of the mammary bodies, back to the frontal lobes to start the motor response at the Betz cell level, coming down the corticospinal tract, across the internal capsule into the cerebral peduncle, descending down to the cervicomedullary decussation into the spinal cord gray matter, synapsing, going out to the neuro-muscular junction, stimulating the nerve in the muscle so you could raise your hand. Due to our limited time, I didn't want to get into the complexities. But the fact of that matter is, you could do that, and you barely had to think about it. Can you imagine what the human brain is capable of if people actually put some time and thought into things?

This is the thing that is so disturbing to me. When I see surveys about how our young people are doing in school vis-a-vis other industrialized nations—notwithstanding the outstanding individuals that the president pointed out the other day in the State of the Union address. That's the exception and not the rule. We have to change that as we enter the information age. We have to change the tremendous emphasis on sports and entertainment, and life-styles of the rich and famous. Because there are other great nations that went that pathway: Egypt, Greece, Rome. They were all at the pinnacle, just like the U.S.A., and then they forgot about the things that made them great, and they became enamored of the things that weren't so important. Where are they today? Some people think that that can't happen here, but it can. We have a real obligation to do something to change that.

You would think that having realized that, life was going to be wonderful for me. But it wasn't. You see, I had this problem with my temper. I was one of those people who thought I had a lot of rights. Have you ever met anybody like that? It's like when you're driving in your car and somebody gets in your lane—the one you own and paid for and you begin to dictate to them how they should be driving? Well, this was me. I thought I had a lot of rights.

I remember one time a kid hit me with a pebble. It didn't hurt. I was so incensed, I grabbed a big rock and I threw it at him and broke his glasses, almost put his eye out. Another time, a kid was trying to close my locker at school. I didn't want it closed, and I hit him in the head. Unfortunately, I had my lock in my hand and put a three-inch gash in his forehead. Another time, my mother was trying to get me to wear something. I didn't want to wear it. I picked up a hammer and tried to hit her in the head with it. Other than that, I was a pretty good kid.

But it all sort of culminated one day when another kid did something I didn't like. I had a large camping knife and I tried to stab him in the abdomen. Fortunately, under his clothing, he had a large metal belt buckle and the blade struck it with such force that it broke, and he fled in terror and I ran to the bathroom and started thinking about my life.

A few years ago, I was in San Quentin—as a speaker—and I was looking out over those hardened faces, and realizing that, except for the grace of God and our Lord and Savior, I could easily have ended up in a place like that myself. Sometimes it does us good to think about that when we believe how high and mighty we are, that except for certain circumstances, things might have been quite different for us.

We need to learn how to be compassionate and how to put ourselves in other people's

places. As I was in that bathroom, thinking about my life, having turned things around academically, I realized that with that temper there was no possibility of me ever achieving my dream of becoming a physician. I fell on my knees and I began to pray. I said: ''Lord, I cannot control this temper.'' I said: ''It's up to you. I am giving it over to you.''

I picked up my Bible. I started reading from the Book of Proverbs. There were so many verses in there about anger, the trouble that people get into: ''If you deliver an angry man, you're going to have to keep doing it''; Proverbs, 19:19. ''Like a city that is broken down and without walls is the man who cannot control his temper''; Proverbs, 25:28. Also verses about how God admired people who could control their temper; Proverbs, 16:32: ''Mightier is the man who can control his temper than the man who can conquer a city.'' It seemed like, verse after verse, chapter after chapter, they were all written for me. After three hours in that bathroom, I came out of there, and the temper was gone. I've never had another problem with it since that day.

I knew that it was our Lord and Savior, Jesus Christ, who did that for me. I began to understand that we have not only a heavenly Father, but I adopted God as my earthly Father; somebody that I could go to, somebody who was a nice guy; somebody who didn't force himself upon you but someone who, if you allowed him to be in your life and to control your life, would make it something special, something wonderful, would give you perspective and understanding; the ability to look at things from other people's points of view, rather than castigating people who disagree with you putting them in a corner and throwing stones at them, like so many people are prone to do. I think the more highly civilized a society is, the less likely they are to do that; the more likely they are to be able to engage in intelligent conversation, discussing their differences and arriving at common solutions.

There is a segment of our society that I am particularly concerned about; who seem to be affected by the things that I've talked about; the temper, the outrage, the lack of intellectual development. It's the young black males in our society in America. We've all heard the young black male in this society is an endangered species. Why do people say that? Because there are more young black males in jail than there are in college.

And you know the interesting thing? My good friend Wintley Phipps told me that 90 to 95 percent of those people in prison grew up in homes without fathers. Does that tell us something? Something about what we need to be doing as a society in terms of reaching out and providing appropriate role models for individuals?

Why do we have this dismal situation occurring? Some people say: ''I am not a black male, so it doesn't affect me. It's not my problem.'' I beg to differ with you because all of our ancestors came to this country in different boats. But we're all in the same boat now. And if part of the boat sinks, eventually the rest of it goes down, too. We have to understand that.

The interesting thing is that young black males never had to become that way. Those of you who are in education know that young black males in the kindergarten, first grade, second grade, are as good a students as anybody else. Then something happens along the way. What happens? They start reading in American history about this great nation of ours and they discover that there's nobody in there who looks like them who did anything of significance. They say, ''Well, maybe next year, when I take world history.'' Then they discover there's nobody who looks like them who did anything of significance. then they come home and they turn their TV on, and they say, ''Oh! There I am. Playing football and basketball and baseball, and rapping in these baggy pants that look like you could fly in them, and acting a fool on some sitcomedy.''

You begin to develop certain self-images, certain concepts: ''That's how I'm going to make it. I'm going to become the next Michael Jordan.'' The media doesn't tell them that only seven in one million will make it as a starter in the NBA; that only one in ten thousand make it in any lasting way in sports and entertainment.

We need to emphasize the right things. I wish we had a program that came on television every day, called ''Lifestyles of the Formerly Rich and Famous,'' so that they could find out what happens to many of these people, because it's not as glamorous as we make it out to be. We need to emphasize the intellect.

But, they don't have that emphasis. And then they find out later on that they're not going to be a sports star or in entertainment. What's left? Up drives this big black BMW with tinted glass, out steps this tall gentleman, jewels and furs and women, and he says ''Wouldn't you like to have some of what I have? That society sold you a bill of goods. Let me show you how you get it.'' Hence, we have people who do some things that none of us can imagine that a human being would do, because they feel betrayed by society.

That's part of it, part of the sociology. That's not all of it, but it's part of it. It's something that should give us pause, but it never had to happen. Any of us could have taken that young man at age 6, and walked down the streets of Washington, D.C., and given him a lesson that would have thrilled his heart, a black history lesson that could have started by pointing to his shoes and saying ''It was Jan Matzlinger, a black man, who invented the automatic shoe-lasting machine which revolutionized the shoe industry throughout the world.'' Step on that clean street, they can tell him about Charles Brooks, who invented the automatic street-sweeper. Down that clean street comes one of those big refrigerated trucks and you can tell him about Frederick Jones, who invented the refrigeration system for trucks, later adopted for airplanes and trains and boats. It stops at the red light, and you can tell him about Garrett Morgan, a black man who invented the stop sign, the stop signal, and also invented the gas mask, saved lots of lives during the war.

You can tell him about Henrietta Bradbury, a black woman who invented the underwater cannon, made it possible to launch torpedoes from submarines. And a black woman is walking down the street—a black man did not invent her—but you can take that opportunity to talk about Madame C.J. Walker, a black woman who invented cosmetic products for women of dark complexion, was the first woman of any nationality in this nation to become a millionairess on her own efforts.

You walk past the hospital, and you can talk about Charles Drew and his contributions to blood banking, blood plasma, and Daniel Hale Williams, the first successful open heart surgeon. You look up at the surgical light, Thomas Edison—you didn't know he was black, did you? He wasn't, but his right-hand man, Lewis Lattimer, was. Lewis Lattimer came up with the filament that made the light bulb work, pioneered research in fluorescent lighting, diagrammed the telephone for Alexander Graham Bell. People don't even know who Lewis Lattimer was.

You walk by the railroad tracks: Andrew Beard, automatic railroad car coupler, helped spur on the industrial revolution. Elijah McCoy had so many great inventions, like the automatic lubricating machine for engines, that people were saying when something big in the industrial era came up, ''Is that a McCoy? Is that the real McCoy?'' You got racist people like David Duke running around talking about ''the real McCoy,'' don't even know who they're paying homage to.

And I'm just scratching the surface. I'm barely scratching the surface.

Here's what's interesting: I can take that same walk down the street for any group, any ethnic group in this nation, and point out tremendous contributions, because the fact of the matter is we have all made enormous contributions to this nation. That's how this nation got to be number one faster than any other nation in the history of the world, because we have people here from every place, from all corners of the earth. This is not a problem, this is a good thing.

Think about it. How many people here would want to go to the National Zoo and pay money to get in there if every animal was a Thompson's Gazelle? It wouldn't be that interesting would it? How many people would go downtown Baltimore to the National Aquarium, pay to get in there, if every fish were a goldfish? How many people want a bouquet of flowers if every one was identical? And how many people would want to get up in the morning, if everybody looked exactly like you? Think about it. In some cases, it would be a disaster.

I think we should praise our Heavenly Father for giving us diversity, and please, let's not let those people with small minds make that into a problem. We don't have to do that.

Let me close quickly by saying I really feel that we have to get this into our young people, this idea about our diversity being our strength, this ideal about developing ourselves intellectually. What if everybody in this room, with all your influence, wrote a letter to Kellogg's and General Mills, when you went home, and said, put on your cereal boxes Nobel Prize winners and people of intellect instead of just people who use sports and entertainment, and our young people could read about them when they were eating their cereal in the morning.

Just those kinds of things will make a big difference. It helped me to have a very rapid rise in my career, and it came up with my philosophy for success in life: Think big.

The ''T'' is for talent, which God gave to everybody—not just the ability to sing and dance and throw a ball. Don't get me wrong; I love sports and entertainment. I love sports stars and entertainers, but it's not the most important thing. Intellect—we need to develop that. We need to emphasize it.

Honesty—lead a clean and honest life. You won't have to worry about skeletons in the closet coming back to haunt you just when you don't want to see them. If you always tell the truth, you don't have to try to remember what you said three months ago. What a difference that makes.

The ''I'' is for insight, which comes from listening to people who have already gone where you're trying to go. Solomon, the wisest man who ever lived, said, ''Wise is the person who can learn from someone else's triumphs and mistakes.'' He said, ''The person who cannot is a fool.''

The ''N'' is for nice. Be nice to people, because once they get over their suspicion of why you're being nice, they'll be nice to you. If you're not nice, try it for just one week. Try for one week not saying something bad about anybody and being nice to everybody. You'll see it makes a big difference, and you won't go back.

The ''K'' is for knowledge, which is the thing that makes you into a more valuable person.

You ask—do I have a big house? Yes. Do I have many cars? Yes. I grew up in Detroit. I like cars. Do I have a lot of things that ''Lifestyles of the Rich and Famous'' thinks are important? Yes, I do, but they're not important. Guess what: If somebody comes and takes all those things away from me today, it's no big deal. Why? Because I can get them all right back with what's up here—at least I could before managed care. That's what Solomon was talking about when he said gold is nice, silver is nice, rubies are nice, but to be cherished far above those: knowledge, wisdom, and understanding, because he knew with knowledge, wisdom, and understanding, you could get all the gold and silver and rubies you wanted. More importantly, he knew, with knowledge, wisdom, and understanding, you would come to understand that they—gold and silver and rubies—aren't important, that the important thing is developing your God-given talents to the point where you become valuable to the people around you.

The ''B'' is for books. I've already talked about the importance of reading.

I want you to know that my mother did eventually teach herself how to read. She finished high school. She went on to college. And in 1994 she got an honorary doctorate degree. It's never too late. It's never too late.

The second ''I'' is for in-depth learning, learning for the sake of knowledge and understanding, as opposed to superficial learners who cram, cram, cram before an exam, sometimes do okay, and three weeks later know nothing. I am sure no one here knows anyone like that.

The ''G,'' the most important letter for for God. Don't ever get too big for God, and don't be ashamed of a relationship with God. We live in a country where some people say that you're not supposed to talk about God in public; that somehow, that's a violation of the separation of Church and State; what a bunch of hogwash! Do they know that Thomas Jefferson had 190 religious volumes in his library? Do they know that the preamble to our Constitution talks about certain inalienable rights that our Creator endowed us with? Have they ever said the Pledge of Allegiance to that flag, which says we are one nation under God? In every courtroom in our land, on the wall, it says, ''In God, we trust''; every coin in our pocket, every bill in our wallet says, ''In God, we trust.''

So tell me something, if it's in our Constitution, it's in our pledge, it's in our courts, and it's on our money, but we're not supposed to talk about it, what is that? That's schizophrenia. does that not explain some of the things going on in our society today?

We've got to get it across to our young people that it's okay to be nice to people, to care about your fellow man, to develop your God-given talents to their utmost; to have values and principles in their lives. If we do that, I believe we in this country can lead the world to the type of civilization that this world should know. We should not be castigating each other; we should be loving each other. We should follow the example of our Lord, Jesus Christ. We should make sure that in all things we honor him. The way we honor him is by honoring each other.

Thank you, and good luck.

Representative BARRETT: Thanks. Dr. Carson, thank you so much for those words, for that inspirational message. We're grateful to you.

Ladies and gentlemen, it is now my great privilege and high honor to introduce to you William Jefferson Clinton, the president of the United States.

President CLINTON: Thank you very much.

Congressman Barrett, I want to thank you for making it possible for me to follow Dr. Carson. That business about worrying about whether the Secret Service would take you away if you talked too long—if that were true, I wouldn't be here today; I'd be long gone.

That biochemical description—I've got a real problem; I can't remember my home phone number anymore.

Senator Akaka, Mr. Speaker, Congressman Gephardt, to all the members of Congress and the governors who are here, and our leaders and visitors from other lands, and ministers and citizens from the United States, I've had a wonderful day today.

I would like not to pour cold water on the day, but just as you go through the day, I would like to ask all of you to remember the heartbreaking loss that our friends in Israel have sustained in the last couple of days, with 73 of their finest young soldiers dying in that horrible accident in the air.

I would like to also say that, like all of you, I was very elevated by this experience, as I always am. I thought Dr. Carson was wonderful. I thought the Scriptures were well-chosen. I appreciate all the people who work on the prayer breakfast so much.

I would like to just say a couple of things very briefly.

In my Inaugural Address and again in my State of the Union, I've quoted Isaiah 58:12, which Reverend Robert Schuller sent to me a few days before I started my second term, to remind us that we should all be repairers of the breach. It's a very moving thing. Basically, the political press here read it in the proper way. They said that Clinton wants the Republicans and Democrats to make nice to each other and do constructive things. But then I got to thinking about who is it that's in the breach. Who has fallen between the cracks? If we repaired the breach, who would we be lifting out of the hole? Very briefly, I'd like to just mention three things, and to ask you not only to pray for these three groups of people but also to do something about it.

I don't know about you, but whenever I hear somebody like Dr. Carson speak, I can clap better than anybody in the audience; then the next day when I get up and try to live by what he said I was supposed to do, it turns out to be harder than it was to clap. So I would like to ask you to think about who is in the breach if we're supposed to be repairers of the breach.

The first group of people that are in the breach are the poor in America. They're different than they used to be. When I was a boy, most poor people were old. In 1995, we learned last year, we had the lowest rate of poverty among older Americans in the history of the country. We have succeeded in taking them out of poverty, virtually, all of them. We should be proud of that, and grateful. Today almost all the poor are young. Very young people without much education. A lot of mothers like Dr. Carson's mother, struggling, doing the best they can to raise their kids.

We just passed this welfare reform bill, which I signed and voted for because I believed it, and we did it because we believed that the welfare system had gone from being a system that helped the poor to help themselves to move off welfare to a system that trapped people because the family unit has changed and there are so many single parents out there having children, and there isn't the stigma on it there used to be. A lot of people now seem to be stuck on that system from generation to generation. So we changed it.

We didn't change it; we tore it down; we threw it away. We said there's no longer a national guarantee that you can always get a check from the government just because you're poor and you've got little babies in your home. Now, the kids can have health care and we'll give them food, but you don't get an income check every month. You've got to go to work if you're able to.

So the people that are in the breach are the people that we say have to go to work, who want to go to work, who can go to work. You have to help us repair the breach. Two and a quarter million people moved off of welfare rolls in the last four years. A million of them, more or less, were adults who went to work; the others were their children, a million out of 11 million new jobs created. In the next four years, there's more or less 10 million more people left on welfare; about 3½ million adults, maybe 4 (million), most of them able-bodied. All of them are supposed to lose their benefits, if they're able-bodied, after two years unless they go to work. Where are they going to get the jobs? You're going to have to give them; private employers and churches, community nonprofits.

I see the governor of Michigan, the governor of North Dakota here. They can actually take the welfare check and give it to you now as an employment or a training subsidy or to help you deal with transportation or child care or whatever. But you better hire them. If you don't, this whole thing will be a fraud, and we will not have repaired the breach. All that we dreamed of doing, which is to create more Dr. Carsons out of those children of welfare recipients, will go down the drain because we come to places like this and clap for people like him, and then we get up tomorrow morning, and we don't repair the breach and do what we're supposed to do. I need you to help us.

The second people who have fallen between the cracks are people around the world who are in trouble that we could help without troubling ourselves very much. I am proud of what our country has done in Bosnia and the Balkans—you should be too—in the Middle East and Haiti; to help our neighbors in Mexico. The impulses of the American people are generous. I want to thank the speaker for supporting me when only 15 percent of the American people thought we were right when we tried to help our friends in Mexico. Thank goodness they proved us right, Mr. Speaker; otherwise, we might be out on the south 40 somewhere today.

But still our county has this idea that somehow it demeans us to pay our dues to the United Nations or to participate in the World Bank, or there's lots of things more important than that; or just to give Secretary Albright this year the basic tools of diplomacy. this is an interdependent world. We can get a long way with having the finest defense in the world, but we also have to help people become what they can be. So I ask you to think about that.

We're not talking about spending a lot of money here. It's only 1 percent of our budget. But we can't walk away from our obligations to the rest of the world. We can be a model for the rest of the world, but we also know that we have to model the behavior we advocate, which is to give a helping hand when we can.

The third people who are in the breach and in a deep hole and need to be lifted up are the politicians. We need your help. Some members of the press, they're in that breach with us, too. They need your help. This is funny, but I'm serious now. I want you to laugh today and wake up and be serious tomorrow.

This town is ripped with people who are self-righteous, sanctimonious, and hypocritical. All of us are that way sometime. I plead guilty from time to time. We also tend to get—we spend an enormous amount of time here in Washington trying to get even. It doesn't matter who started it.

I remember when I came here one time, I got so mad at our friends in the Congress and

the Republican Party because they were real mean to me over something. I went back to the White House and I asked somebody who'd been there a while in Washington, I said, ''Now, why in the world did they do that?'' They said, ''It's payback time.'' I said, ''What do you mean?'' They said, ''Well, they think the Democrats in Congress did this to the Republican Presidents.'' I said, ''I didn't even live here then. Why are they paying me back?'' They said, ''Oh, you don't understand. You just got to pay back.'' So then pretty soon I was behaving that way. I'd wake up in the morning, my heart was getting a little hard. I thought ''Now, who can I get even with?''

You think—this happens to you, doesn't it? Who can I get even with? Sometimes you can't get even with the people that really did it to you, so you just go find somebody else because you got to get even with somebody. Pretty soon everybody's involved in this great act.

You know how cynical the press is about the politicians. They think we're all—whatever they think. What you should know is that the politicians have now become just as cynical about the press, because cynicism breeds cynicism. We are in a world of hurt. We need help. We are in the breach. We are in the hole here.

This country has the most astonishing opportunity we have ever had. We happen to be faced with this time of great change and challenge. We're going into this enormous new world. Instead of going into it hobbled with economic distress or foreign pressures, we are free of any threat to our existence and our economy is booming. It's like somebody said, ''Here's this brave new world, and I'm going to let you prepare for it and walk into it in the best shape you've ever been in.'' Instead of doing that, half of us want to sit down and the other half of us want to get into a fight with each other. We are in the breach. We need you to help us get out of it.

The United States is better than that; we owe more than that to our people, to our future, and to the world. We owe more than that to our heritage, to everybody from George Washington on that made us what we are today. Cynicism and all this negative stuff—it's just sort of a cheap excuse for not doing your best with your life. It's not a very pleasant way to live, frankly—not even any fun.

I try to tell everybody around the White House all the time, I have concluded a few things in my life, and one of them is that you don't ever get even. The harder you try, the more frustrated you're going to be, because nobody ever gets even. And when you do, you're not really happy. You don't feel fulfilled.

So I ask you to pray for us.

I went to church last Sunday where Hillary and I always go, at the Foundry Methodist Church. The pastor gave a sermon on Romans 12:16–21, and a few other verses. But I'm going to quote the relevant chapters: ''Do not be wise in your own estimation.'' It's hard to find anybody here that can fit that. ''Never pay back evil for evil to anyone. If possible, so far as it depends upon you, be at peace with all men. Never take your own vengeance. If your enemy is hungry, feed him. If he is thirsty, give him a drink. Do not be overcome by evil, but overcome evil with good.''

Pray for the people in public office, that we can rid ourselves of this toxic atmosphere of cynicism and embrace with joy and gratitude this phenomenal opportunity and responsibility before us.

Do not forget people in the rest of the world who depend upon the United States for more than exhortation. And most of all, remember that in every scripture of every faith, there are hundreds and hundreds and hundreds of admonitions not to forget those among us who are poor. They are no longer entitled to a handout, but they surely deserve—and we are ordered to give them—a hand up.

Thank you, and God bless you all.

Representative BARRETT: Thank you, Mr. President, for those words. And thank you for, again, scheduling the prayer breakfast. We're grateful to you for taking the time to be with us, as I believe all of your predecessors for 45 years have spent time at this National Prayer Breakfast. Thank you so much.

Senator Daniel Akaka from Hawaii has been a dedicated member of the Senate prayer-breakfast group and the House prayer-breakfast group, as well. He's renowned on Capitol Hill as a man of kindness and a man of great faith. He'll also serve, incidentally, as the chairman of next year's prayer breakfast. Please recognize Senator Dan Akaka to lead us in our closing hymn.

Senator DANIEL AKAKA (D–HI): Thank you very much, Bill. May I ask all of us to stand, please; open our hearts, and raise our voices to the Lord.

(Senator Akaka leads in singing of ''Amazing Grace.'')

Representative BARRETT: Thank you so much, Senator.

I would like to, at this time—to deliver our closing prayer—to recognize a man who has distinguished himself both in public and private life, the governor of the state of North Dakota, the Honorable Edward Shafer.

Governor EDWARD T. SHAFER (R–ND): As we gather here this morning in Washington, DC, I am reminded of greatness. This is a great city, and we are here as great leaders. We are leaders of great governments and nations, leaders in great business and industry. We are here as leaders of our faith.

But we gather here not in greatness, but in humbleness, and to give thanks. To remember that it is only through the grace of our Almighty God that we serve our fellow man.

On this occasion, I hear again the words of Abraham Lincoln. He said ''I have been driven many times to my knees by the overpowering conviction that I had nowhere else to go. My own wisdom and that about me seemed insufficient for the day.''

Mr. President, First Lady Hillary, Congressman Barrett, Mr. Vice President, Mr. Speaker, all distinguished guests, let us open our hearts and minds and bow our heads in prayer.

God Almighty, Lord of all mercy, we your servants from around the world thank you for your goodness and loving kindness. As our lives burst with meaningful events, large and small, help us remember patience and compassion. We cannot live by scoring who wins or who loses, or by getting even or paying back. Let us live as neighbors looking out for one another, as friends caring for each other, and as family loving one and all.

Encourage us to respect, honor and serve each other. Help us remember it is not the words from our mouths but the actions we take that will command your final judgment.

As we depart from this special occasion, we pray that you will give each of us your directions for the decisions that lie before us, that we might govern wisely and lead well those who are in our care. May we have insight and wisdom in our search for justice, mercy and peace.

I pray these things in Jesus' name. Amen.

Representative BARRETT: Thank you, governor. This will draw to a close the 45th Annual National Prayer Breakfast. We again thank you for your presence, and we ask that you go wherever with God's love.

## IT IS TIME TO BRING OUR TROOPS HOME FROM BOSNIA

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

Mr. METCALF. Mr. Speaker, I was not in favor of sending troops to Bosnia and I will admit that. I was fearful of getting bogged down. It is an awful lot easier to get into a situation like that than it is to extricate oneself after getting there. I think it is time to bring our troops home from Bosnia just as soon as we can.

When President Clinton first sent troops to that country, he promised the Congress they would be brought home by December 20, 1996. Today is April 29, 1997, more than 4 months past the deadline. Our troops are still there. The President now says that the troops will be pulled out by June 1998. The big question is why. Why do they need to stay there another 1½ years?

Does anyone remember the original mission? I admit it is kind of hard to remember, because the President never really spelled it out, but it is generally agreed that the mission was to keep the warring factions separate and to maintain peace in the region. These goals have been accomplished, thanks to the dedication and professionalism of the men and women of our Armed Forces.

As I mentioned, the President has now promised that the troops will be pulled out by June 1998. He cannot blame us for being a little skeptical even about that. His record of breaking promises does not inspire a lot of confidence.

The estimated cost of the Bosnia excursion has ballooned from just under $2 billion to over $6 billion. And, remember, this is off budget. This is money that gets spent anyway and it is off budget.

I am an original cosponsor of a new bill, H.R. 1172, the U.S. Armed Forces in Bosnia Protection Act of 1997. The bill commits the United States to leave Bosnia by September of this year, September 30, allowing for a 90-day extension beyond that if the President requests it and the Congress approves it. That would mean that the troops would be out by December 31, 1997, 1 year later than the original deadline.

This is eminently doable, at a huge cost savings, and in the best interest of America and in the best interest of the American troops now in Bosnia. At the very least, we must make the President stick to his June 1998 deadline. But by passing this bill, we can get them out 6 months ahead of that and just be a year later than the original promise.

Unless Congress takes action, I think that troops will just stay in Bosnia and stay and stay and stay. I think we must pass H.R. 1172 to end what could become a never-ending mission. It is time to be responsible to the people we sent there. Remember, these are the best combat troops in the world and we

send them there on guard duty, on police duty, and that sort of thing. That is not what they are about.

We need to be loyal to them and pass this legislation and bring the troops home from Bosnia at least by the end of this year, by December of this year.

## CHILD CARE FUNDS DROPPED FROM WELFARE REFORM ACT

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under a previous order of the House, the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN] is recognized for 5 minutes.

Ms. CHRISTIAN-GREEN. Mr. Speaker, yesterday the House passed H.R. 1048, to make technical corrections to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, otherwise known as the Welfare Reform Act. While I support H.R. 1048, I rise today to express my strong disappointment about the fact that a Clinton administration proposal to set aside one-half of 1 percent of mandatory child care funds for allotment among the territories was dropped from the bill during the markup in the Committee on Ways and Means because the Congressional Budget Office scored the provision as having a cost to the Federal Treasury.

I am disappointed, Mr. Speaker, because when the Welfare Reform Act was enacted, no mandatory child care funds were provided for over 4 million U.S. citizens residing in the United States non-State areas, even though residents of my district and the other territories have been operating child care programs under section 402(g) of the Social Security Act.

Mr. Speaker, welfare reform is intended to promote self-sufficiency through work. As a result, securing adequate child care funding will be one of our more pressing needs if we are to be successful in our goal of moving former welfare mothers from dependency into our work force.

During the markup of H.R. 1048, the gentleman from Florida [Mr. SHAW], chairman of the Subcommittee on Human Resources of the Committee on Ways and Means, stated that there were several provisions that would be dropped from the bill because they were scored as having a cost and not purely technical in nature. The chairman went further to state that his subcommittee will go back and take a look at those issues that were left out of the bill as it came out of the subcommittee markup.

It is my intention, Mr. Speaker, to work with the gentleman from Florida [Mr. SHAW], the chairman, and the gentleman from Michigan [Mr. LEVIN], the ranking member, to ensure that low-income parents in the U.S. territories receive adequate child care to enable them to be able to go to work to support their families.

## PATHWAY FOR OUR CHILDREN'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, today more than ever our children need us to stand up for them. As a parent and as a grandparent, I simply want to pave a path to the future for our young people. Unfortunately, there are those who want to keep them trapped in the past. There could be no more urgent time than this moment in history to make a difference for our children.

Consider this. Every 5 hours, a child dies from abuse or neglect. There is a connection with the fact that every 32 seconds a baby is born into poverty. From the dawn of life to the dusk of life, from birth to early death, far too many of our children are behind when born, live wretched lives and die before they truly have a chance to live.

We can stop this vicious, downward spiral. We can move our children from under the dark cloud of planning their funerals to the bright sunshine of planning their futures.

That is why I am here, Mr. Speaker, to stand up for WIC, to stand up for the nutritional needs of our country's poorest women and children. This is a time when so many of our children are at their lowest and worst point, and we need to call upon our highest and best effort as a nation.

During this Congress, there are those of us who have carried the commitment to children and we have been able to do so because we have fought for it. We carried our fight on a foundation of faith and belief that our fight for children was a fight for our Nation's future, and through this we have made some gains. The fight goes on.

More than 2,600 babies will be born into poverty this day and each day. We want to make a pathway for our children's future. There are those who would want to keep them trapped in the past. We will win the fight because we dare to fight. That is why we are here, Mr. Speaker, to fight the majority that want to cut the heart of our WIC program, a program that nourished over 7.4 million women and children in the year 1996; to fight the majority, as they have cut $38 billion out of the WIC supplemental, necessary funding for the one government program regarded by experts to be the single most successful social program run by the Federal Government.

Over 180,000 hungry women and children will be dropped from the WIC program, which has proven to be a successful weapon against low birth weight, infant mortality, and childhood anemia. GAO stated in 1992, for each $1 invested in the prenatal portion of WIC, the Federal Government saves at least $3.50 in Medicaid, SSI, and other relevant Federal programs.

I implore the Speaker to fully fund the WIC program at the administration requested level of $78 million and to give 180,000 American women, infants, and children the nutritional help that they need. We need to move people out of poverty, not into poverty. The President has said we need a lean but not a mean Government. It should not mean cutting nutrition programs which are essential to the well-being of millions of our citizens, people who in many instances cannot fend for themselves and need assistance for their basic existence. They are not asking for much, just a little substance to help them through the day, WIC and other nutritional programs, which in many cases provide the only food that many of our Nation's poor receive daily.

We are all aware that poor nutrition breeds poor development in children. I come from a rural area, a very poor district. Making cuts in this nutritional program will certainly be adverse to my district and to many of my constituents. Let us stop picking on children. Let us stop picking on the poor. Let us make some cuts, surely, but let us make them to the people who can afford them, not to taking food out of the mouths of pregnant and nursing women, infants, and children.

## DEMOCRATIC EDUCATION AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I want to talk about the Democrats' education agenda. Before I get into some of the details, however, I wanted to briefly touch on the evolution of our plan to expand and improve the Nation's education system. I think it is particularly important to keep the history behind our plan in mind as negotiations over the budget continue the next few days or the next few weeks.

The Democratic Party has historically been the champion and defender of education in this country. The 104th Congress, in fact, illustrated this observation in very stark terms. Upon taking the majority for the first time in some 40 years, Republican leaders immediately set out to dismantle Federal education programs. Led by Speaker GINGRICH and primarily the freshman Republicans who were elected for the first time in the 104th Congress, the GOP proposed the largest education cuts in history.

A look at the record shows that on August 4, 1995, the Gingrich Congress christened its attack on education when 213 House Republicans voted for the largest education cuts in history, voting to slash education programs by 15 percent, or $3.6 billion. These cuts across the full spectrum of education were particularly heavy on student loan programs. But the proposed cuts left no stone unturned. They targeted Title I, Safe and Drug-Free Schools, Goals 2000, Head Start, vocational and adult education, as well as student

loans. Two times the GOP shut down the Federal Government because the President and congressional Democrats refused to allow the extremist Republican agenda to move forward. As we all know now in the face of mounting pressure from the American public, Republicans eventually relented and restored most of the billions of dollars that they were trying to cut in education programs.

Democrats on the other hand did not just fight to prevent Republicans from gutting education programs, we developed positive plans to improve and expand Federal education. That is basically where we are today, trying to convince the Republican majority to incorporate our education agenda in their budget plans.

One of the most important aspects of the Democrats' education program which I would like to dwell on for a few minutes is higher education, and particularly expanding access to college by making it more affordable for middle-class and lower income Americans to attend college. We are essentially trying to accomplish this goal through a combination of scholarships, grants and tax breaks. The President in his State of the Union Address talked about the HOPE scholarship program which has probably received the most attention in terms of higher education programs. This is based on a plan in Georgia and basically what the HOPE scholarship program offers is refundable tax credits of up to $1,500 to students in their first 2 years of college who maintain B averages and stay off drugs. Our agenda also includes a $10,000 tax deduction for families with college expenses for every year that they have such expenses. All told, taking the tax credits and the tax deductions for postsecondary tuition and the fees, it would provide $36 billion of tax relief for working families and students over the next 5 years.

Another component of this higher education agenda that is extremely important is the proposed increase in the Pell grant program. Mr. Speaker, I have to say that the Pell grant program is really the cornerstone, or has been the cornerstone, for a number of years of the Federal student aid program. It provides a means for students who would otherwise be unable to pay for college to get a college education. The plan that the President proposed in his State of the Union address and that he is now pushing in his budget is in fact the largest increase ever in the Pell grant program which would provide $40 billion of assistance to needy students over the next 5 years.

I just wanted to stress the importance of Pell grants and just bring it back to my home State of New Jersey if I could for a minute. At Rutgers University, which is in my home district and is the largest State university in New Jersey, approximately 20,000 students at Rutgers received Federal assistance in the 1996–97 academic year. Of that 20,000 students, 8,498 received Pell grants. In other words, close to half of all students who receive Federal aid at Rutgers to help pay their tuition costs are getting it through the Pell grant program.

As we can see, Mr. Speaker, tax breaks and increases in the current programs are the foundations of our higher education agenda, but I want to stress that they are not the only elements. We are also proposing cuts in student loan origination fees that would save $2.6 billion over the next 5 years. We would continue our programming of injecting competition by expanding the direct lending program. In other words, rather than have the student loan industry, the banks and financial institutions, provide the loans, or as an alternative through competition, we would let the colleges and universities provide the loans directly. Our plan also includes a proposal to provide tax incentives to employers who provide tuition assistance to their employees, to expand those opportunities for higher education as well.

I have to stress that most of these higher education proposals were developed by Democrats in the spring and summer of last year. The American public, I think, has essentially sent a very unequivocal message about education and even about these proposals. They have indicated that we need assistance in meeting the runaway costs of a college education, and I think people in general are eager to see these Democratic proposals become law. I know that in my own district when I talk to my constituents about what they would like to see us do on the Federal level, education and particularly higher education is one of the major priorities. It is my hope that the Republican leadership learns from its mistakes during last year's budget battle and includes some of these Democratic proposals in this year's plan.

Working families, students and average Americans, I think, are counting on Congress to help. We are simply waiting for the Republicans to agree to help us make life a little easier and a little better for the average American.

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

Mr. PALLONE. I yield to the gentleman from North Carolina.

Mr. ETHERIDGE. Mr. Speaker, I want to thank the gentleman from New Jersey [Mr. PALLONE] for organizing this special order on education. I believe it is one of the most important issues that we will cover in this session of the 105th Congress. Having spent a number of years at the State level as a legislator and the last 8 as superintendent of schools for the State of North Carolina, I know a lot about what we should do and a number of the things we should not do.

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I happen to, as I said to some of my colleagues the other day, being the first member of my family to have had the opportunity to graduate from college, I happen to believe that everyone should have that opportunity, and today we see that college is becoming more and more difficult for more and more people as the cost of higher education continues to rise and the opportunity tends to be farther and farther away for those young people who have the greatest needs.

I guess I might say that one of the reasons I got into politics and really into education, and I think both of them have some of the same things, was an opportunity to help people and really to help young people. I have had the opportunity to work, in the few short months I have been a Member of this Congress, with some outstanding members of the Democratic caucus, working on education, talking about those things that I think are important, and I think it is an issue that people on both sides of the aisle this year can come together on.

Secretary Riley will be speaking with us and has spoken with us on a number of occasions, and I think the President deserves a great deal of credit for putting education at the top of his agenda in 1997. It is one of those issues that everyone can rally behind.

Mr. Speaker, it is the issue that businesses are talking about, parents are talking about, everyone in the State and national level is beginning to focus on. We are talking about raising and having higher standards, that students do need to work harder and be responsible.

Earlier this year my home State of North Carolina earned the distinction which I am quite proud of, and I have called it to the attention of my colleagues before, and I want to do it again today because the National Assessment of Education Progress released the data, and it is called NAEP and it is probably one of the more reliable standards in which students are measured across the country. And our fourth graders in mathematics gained three times the national average of growth in their mathematics scores, and our eighth graders doubled it, and North Carolina was ranked as one of only three States in the Nation to receive exemplary status by the Secretary of Education.

Mr. Speaker, these are the kinds of things we are going to have to do for all children all across this country, set high standards, work with them, provide the resources, help our teachers, help our parents so that they can reach those standards.

As we look to the new century technology is changing the way we work, we learn and the way we live. Here in this body we vote electronically. In our offices we have TVs and electronic machinery and computers. Every modern business office has a computer on their desk, and many are hooked into the Internet, and as we approach the 21st century it is a shame that we have classrooms that have no computers, let alone access to the Internet, and too few schools even have telephones that are accessible by the teachers.

I have said many times as we talk about high technology there are many teachers who just like to have a telephone where they call a parent when they need them, when they have a problem in the classroom, and they have to go down to the office or stand in line for another phone. That is not acceptable in a nation that has the resources that we have, and we are asking our children to meet those standards. We can do better, and I trust that this Congress will do it.

My district has high-technology firms because of the Research Triangle, an area that we are proud of in North Carolina, and it reaches all the way out to the heartland of our State, where we literally have high-technology firms in a field right next to tobacco. Now, that is a tremendous contrast in the Nation and in the State, but we must win in both those areas. We must win with our agricultural interests, and we certainly must win with our high-technology interests.

High technology in North Carolina is now the second leading industry in our State. It is bigger than furniture, it is bigger than agriculture in terms of the number of people directly employed, with over 100,000 people, and in 1995 the average wage base for people working in technology in North Carolina was $42,166. Those are the best jobs around, the best paying jobs, and people must have the skills to fill those jobs, and just because a new industry moves in and provides that technology and those job opportunities, you do not automatically gain those skills. Those skills are required over a time, and they are acquired with education, and it starts long before a child shows up at the public schoolhouse door.

We have to start earlier providing opportunities for enrichment for our children so that when they come to school they are ready to learn. We must invest in our children, get them ready to learn. According to a recent Rutgers University study, every dollar, every single dollar that we invest in early childhood education returns us $7, $7. What a tremendous return. That is a great investment, and yet we hear people talking about the expense of this and the expense of that. That is an investment with tremendous dividends for all of us.

And then we have the standards of excellence, as I talked about a few moments ago, in math and reading, the basic foundations that we build everything else on, in my opinion, in public education. We have to have those standards of excellence so parents can know that their children are learning. They know after we adopt those rigorous standards, as we have done in North Carolina, we also need to do the same thing at the national level for every single child in this country so that we know the standards are there and the children are meeting them.

But, more importantly, we no longer deal in an economy that is within the borders of the United States. We do not compete even with just the people at our borders to the north and south. We have an international economy, and money moves, and so do jobs, and we must have an educated citizenry if we are going to have access to the jobs of the 21st century. And as we do that, my colleagues, we must rebuild the crumbling infrastructure of our schools.

Mr. Speaker, it is appalling to me that we will build prisons nicer than the schools we send our children to every day. I have seen multimillion-dollar prisons next door to crummy, crumbling, decaying public schools, and then we have the gall to tell our children that education is important. They can see the difference in where we put our money. Certainly, we need places to put people who need to be incarcerated. I am all for that.

Last year in North Carolina I used that speech so many times, Mr. Speaker, that we put a $1.8 billion bond issue on the ballot in our State, the largest bond issue in the history of our State, and to the credit of the business community in our State, the parents, and everyone else, it was on the ballot from November of last year, and it passed by the largest margin that any bond issue has ever passed in our State. The people said enough is enough. We had roughly almost 6,000 trailers where children were going to every day, and even with those trailers they were working toward excellence in academics. So we have to get our infrastructure in order not only in our State but across this country. And I commend the President for proposing resources in this budget to help provide for the process of beginning to deal with that crumbling infrastructure. Certainly it is not enough money, but at least the $5 billion investment, if we turn it into bonds, will provide about $20 billion in this country to help with it.

Let me turn to one other issue that, as we talk about education, we cannot talk about it just in education without talking in other areas, and it is an area in a number of States we need to look at. It certainly may be right outside some of our purview, but I read an article recently that there are 63,000 geriatric inmates in our Nation's prisons. Those are inmates that are there because they committed a heinous crime, but they are so old we do not have them anywhere else, and they cost on average; according to the National Criminal Justice Commission, these elderly prisoners cost on average $69,000 per inmate to incarcerate: $69,000. We need to find a better way to deal with those elderly inmates than to spend $69,000 a year when our children have tremendous needs. We are spending it in the wrong place. We need to spend it in preschool, and we need to spend it in our educational system.

Some reports estimate it costs taxpayers seven times as much to incarcerate as it does to educate. Now granted we have got people we need to lock up and keep there, but we need to look at where we are putting our priorities.

Let me touch on one other issue, if I may, in this whole area of education because all of it is important, and when we talk about investment I happen to believe education is an investment. It is an investment in our future, it is an investment in this country's future, and it is really not an expenditure because it pays rich dividends. We do need to spend money on technology, but we need to make sure as we spend those dollars, and this is true in every State, and this becomes as much a State responsibility, I guess, Mr. Speaker, as anything else. Our teachers need to understand technology and be able to use it because, if we put it in the classrooms without them understanding it, it will not be used the way it should be used.

I have said that time and time again. I recommended in our State several years ago that we give every teacher a laptop and let her take it home—him or her—and they learn to use it. Now some have done it, and it works because then it becomes integrated with their lessons and it gets used. No question that young people can adapt to technology much quicker than some of us 35 years of age. We have a little bit of a difficult time dealing with it. We do not want folks to see that we really do not understand it that well. But it is important and imperative, I think, that we provide Internet to our schools. It would be great if it were in every classroom, but certainly will not have that access in schools so that that information is readily available to the children who live in some of the poorest areas of this country, as well as those who live in the more affluent areas, because we are all part of one Nation, the United States of America, as we are of our individual States, and any child deprived of that opportunity, in my opinion all of us lose when that happens.

And we need to help families who are struggling to pay for college. Today we have so many young people who are bright, who want to go to school, and if they borrow the money that is required for them to get through college, they come out with such a debt, and we are working on something, we have introduced a bill. As a matter of fact, the gentleman from North Carolina [Mr. PRICE] and I introduced House bill 553 called the Education Affordability Act which will provide for some student—allows the interest on the student loans to be deducted just like we do on the home loans. It seems to me that if we can allow the deductibility on a second home at the beach, at a minimum we can allow for that investment in a young person and their family makes in their children's education; and I want to again commend the President for his proposal to help those struggling families who are really reaching out and trying to help their children get an education because they realize, and there are many young people today who will be the first in their families to graduate from college, and there are

many who may be the second generation that because of the level of income of their families are going to have a difficult time. The President has proposed the HOPE scholarship for those who work hard and do well academically. They ought to have that opportunity and a $1,500 tax credit expansion of the Pell grants.

I talked today, Mr. Speaker, with a college president of a university where he said if there is one thing I could do for these young people and others we are recruiting, give us Pell grant moneys, raise that level because the cost has gone up and we have not kept up with inflation over the years.

□ 1700

Also, we ought to allow parents who have saved and been frugal to reach into their IRA's without penalty and apply those dollars to their children's educational opportunities. They saved that money for an investment. What better investment can you make than an investment in your child's future, in their education that will allow them to provide for their families in the years to come?

We have to remember, and I remember growing up, people talked about education as if it were a destination: ''I received a high school diploma,'' or ''I graduated from X college with a degree,'' or ''I have a Masters or a Ph.D.'' Today, we cannot talk in terms of education as a destination. It is a journey that lasts all of our lives. It is lifelong learning, and it starts when a child is born and it is never-ending until we cease to draw our last breath.

If we are going to be involved in the economy of the 21st century, and it really does not matter whether we work for a high-tech firm in Silicon Valley or the Research Triangle Park in North Carolina, or if we work in the tobacco fields of eastern North Carolina or the wheat fields in the Midwest, the technology of the jobs that we do, whether it be in textiles or wherever, requires education, education, education, and business firms in this country understand it. They have been investing for a long time.

We all need to get together and make it an effort where we do not just talk about it. Preschool education, K through 12 education, university education, education on the job, it is an education of lifelong learning, and we need to work together so that we can make it happen. It is a journey, it is not a destination.

I thank the gentleman for these moments, and let me thank the gentleman for organizing this time.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from North Carolina [Mr. ETHERIDGE] for participating in this special order.

The gentleman mentioned a number of things that I thought were really important. I just want to reiterate, if I could, two things that the gentleman mentioned, because I think they are so true.

One is the juxtaposition, if you will, of the amount of money that we spend on prisons versus education. Of course, we all know we have to have prisons and the Federal Government, of course, has been providing funding to build more prisons. But the bottom line is that I think that our whole reason why we think education is such a priority is because it builds a foundation for the future and is essentially preventive.

People that are well educated, it is less likely that they are going to have to be committing crime or going to prison. If we leverage the amount of money that we would spend, for example, on school construction and compare that to what would have to be spent on prison construction down the road, clearly there is no comparison. That is why it makes sense to spend Federal dollars on school construction and renovation.

I yield to the gentleman again.

Mr. ETHERIDGE. Mr. Speaker, I think the point the gentleman is making, talking about an expenditure versus an investment, is a good one. Any good businessman wants to invest, any person does. Certainly when we invest in our children, the point the gentleman made about as young people get an education, we break a lot of cycles when the educational opportunity is there, because what we have done is enriched the next generation, allowing them to earn more money, obviously. They are better able to look after their children and the members of their family. They are less likely to follow a life of crime, and they are able to move up in society into the middle class.

As we move people into the middle class, all of us benefit. So the gentleman is absolutely right. As we enrich and broaden that base, that is how we become a richer and a fuller Nation. We have done that over generations as a result of education.

Mr. PALLONE. Mr. Speaker, the other thing the gentleman mentions is the emphasis on early childhood education. I guess in the last couple of weeks we have heard a lot about that in the media. I think the President, and Mrs. Clinton in particular, have been going around the country talking about the need for early childhood education. The First Lady was actually at Princeton University in my State, I believe just a couple of days ago.

Reading some of this material that has been coming out over the last few weeks, it is just amazing to me. I have two small children, one is 2 and the other is 3½, and I have listened to what some of the educators are saying and I can just see how true it is, that we need to spend more time. A lot of it of course is just the family, that the family spends time reading to their children or spending time with their kids, but also in terms of resources as well, on very early childhood education, because so much happens in those formative years.

That is why I think programs like Head Start, which really do not even start that early, but start fairly early, and that has been a very successful program. One of the things that we have been talking about as part of the Democratic agenda is expanding Head Start and early childhood education, because it is so crucial.

I yield to the gentleman.

Mr. ETHERIDGE. The gentleman's point is well made. They are now talking about that more has been learned in the development of the brain in the last 5 years than in the last 30, 35 years, and we are beginning to realize that zero to age 3 is such an important period for our children. But even with that, if we look at Head Start and the young people who need to be there, we are still serving less than half of the young people that need to be served in that area.

I was in Durham just 2 weeks ago, and they served somewhere in the neighborhood of over 700 children in an old abandoned school that they moved out of several years ago, but they have moved into it and done a lot of work. Certainly they need new facilities. But if one meets with those children and sees what is happening in their lives, and I visited twice in the last 10 days and met with the children, the bright eyes and the flow of enthusiasm.

I have often said to folks, if you really want to see where we are headed in this country, go into a classroom of little folks, 5-, 6-, 7-year-olds, and ask them if they can dance and ask them to raise their hand, they will all raise their hands. If you ask them if they can sing, they will all raise their hands. Ask them anything, they will agree, they can do it.

Then wait as they get older, into high school, and ask that same question, and they have qualifiers. I only slow dance, I can only sing this, et cetera.

What I am saying is that we have the opportunity I think in 1997 in this Congress to link up all of these folks who are reaching out there, the business community and others, with the President's leadership, and make a difference as we move to the 21st century like we have never made in this country before, and provide a springboard for democracy to be here for our grandchildren and our great-grandchildren, if we do the right things in providing educational opportunities for our children.

Mr. PALLONE. Mr. Speaker, I would like to yield now to the gentlewoman from Texas [Ms. JACKSON-LEE], who I know has been involved again with these education issues and promoting the need for the Federal Government to do more on education.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey [Mr. PALLONE] for his leadership and raising the importance of this issue; and I thank the gentleman from North Carolina [Mr. ETHERIDGE], my colleague and friend, who made some very valid points.

It was interesting to hear him speak about his visits to his respective

schools in his district. I too can attest to the fact that if you want to see America's promise, as has been discussed over these last couple of days, then you need to be in your schools throughout this Nation.

How sad, in contrast to my visits. This past week I visited Turner Elementary, Cullin Middle School, and Pole Middle School, and will be visiting some others in my return to the district in the next couple of days. But there certainly was an excitement and a brightness in those children's eyes.

We happen to have been visiting them and presenting them trees to plant. This month, of course, is the month that we celebrate Earth Day. It is a time to emphasize our environment. It happens to be beautiful outside today, at least in Washington, DC, and it is important to instill in children the reality of education, the real necessity of a tree and how you plant a tree. So I was very delighted to be able to go and meet with my students in my district and present to them in fact seedlings from Martin Luther King trees in Selma, AL.

But I say that to point out that that joyous occasion was in sharp contrast to our Nation's Capital and the announcement of the closing of some 5 to 10 schools in Washington, DC.

This is not to say or to have someone who might hear my voice, ''Well, that is Washington, DC.'' No, that is a statement on education, that here we have in America in 1997 schools being closed because there are not sufficient enough dollars for their upkeep and the teachers and the educational programs.

If I might just diverge for a moment, because I think all of this is intertwined, and the gentleman has been a leader on the issues dealing with Medicare and Medicaid. Many times we think that these are not issues that sort of impact on each other, and in particular, the women and infant children program that we have just discovered Republicans voted to eliminate some 130,000 women and children. That is a nutrition program. That is the early beginning of giving children the support basis that they need to begin the learning process.

On the WIC program, as related to us by Robert Greenstein, executive director of the Center for Budget and Policy Priorities, the WIC program is currently regarded by researchers as the single most successful social program the Federal Government runs, with an impressive array of medical evidence showing the program reduces low birth rate, infant mortality, and child anemia, all leading to the kind of healthy child we would like to have, taking them toward the educational system. I just wanted to add that because then that mounts, if you will, that creates additional problems.

If we are to be serious about education, we must begin at the early stages. So I think it is extremely important that we look at WIC, because WIC ultimately impacts Head Start. We must, as the President enunciated in his State of the Union, we must come up to the bar, if you will, ante up and recognize that in fact Head Start, a healthy child coming into Head Start really sets the tone for the kind of vehicle, what that child will be, what you can put into that child, giving that child the kind of educational start that he needs. I hope that we will not overlook the value of Head Start.

So I wanted to sort of take education from the very stage of birth, bring it to Head Start and then begin a very brief discussion on some crises that I see, and how it is important for this to be bipartisan and for Republicans to join us in emphasizing that this not be an education President or education Congress, but an education Nation that reinforces our commitment.

We talk about tax cuts. I think I heard someone discuss the other day on the floor of the House, it was a Republican colleague, the percentage of increase in college tuition is unbelievable, unbelievable for the working family in terms of that cost that we have seen occur in our college increases, and not just our private institutions at the top level of rating but across the board.

Therefore, bringing it to our attention that the HOPE scholarship is an important part of what we should be looking at to allow people to get their first step in the door, the first 2 years of college, help those working families counter some of these increases in college tuition. Pell Grants, that have been over the years a mainstay for many of our young people who are today now leaders in the Nation's Capital, leaders in industry, they should be on the front of our burner in terms of continuing.

As I went to our different schools, I do not think there is one of us that cannot find an aging school in our district. Now we have talked and talked about school repair and school construction. I tell my colleagues, we have a problem. Schools are crumbling across the Nation. It is extremely important that we get down to the business of addressing school infrastructure.

The President announced a program in his State of the Union. I am sorry that we are still, now April going into May, have not really attacked this problem head on. Would it not be shameful for our children and teachers to return in the fall to crumbling schools? This is something that we need to address almost immediately.

I have heard the gentleman from New Jersey [Mr. PALLONE] raise this question and this issue about school infrastructure. I am told that over 60 percent of U.S. public elementary and secondary school facilities need major repairs. The gentleman from North Carolina [Mr. ETHERIDGE] started citing different regions. That means in Alaska, in the Silicon Valley, that means in Houston, TX; in parts of New Jersey, it means in parts of Pennsylvania; it means down in the deep South, Alabama, Mississippi, and Georgia; it means in the Midwest. Wherever we go, there is not a you problem, your problem, not my problem; it is an us problem.

□ 1715

The average school nationwide needs $1.7 million to repair and upgrade its facilities to an acceptable overall condition. Last fall I had one of my schools collapse, so the children had to be dispersed. One of the ceilings collapsed. They had to be dispersed through other schools.

Do we understand what it means to have a neighborhood school, and the feeling of community; even in times when our children have been bussed there is a sense of community and familiarity with the school you go to. How distracting to have you dispersed throughout other schools when your school is not functioning.

I think we need to put at the top of our responsibility educational infrastructure. Then we need to be assured that our teachers have the right kind of training, that our reading teachers have the right kind of training for them, so we need to provide dollars for programs that would enhance the Opportunity to Learn Program, to enhance those standards.

I think it is likewise important, coming from the community that I have, to not taint bilingual education in a negative fashion. We have been successful with bilingual education. What that simply means is to allow those students who come in speaking only their language to be able to be taught while they are learning the English language.

Can we simply understand what bilingual education is? It has worked in Texas, and I think it is extremely important that we not abandon that because of misconstruing and characterizing bilingual education in the context of English only. That is a tragedy and a shame and a sham on what it actually is.

Let me also say that we have seen such progress with our work with individuals with disabilities, from President Bush signing, and the Democratic Congress then, the Americans with Disabilities Act, and the work that has transpired with helping those with disabilities reach their full promise. Let us not, in this educational effort, abandon those individuals and not provide them with the resources that they need to in fact become independent, to transition from dependence into independence.

We have a crisis in education. There are a myriad of things that we need to confront. I believe that we will get nowhere by holding hostage the budget, by refusing to recognize that there will have to be some major sacrifices. The defense spending has to be closely looked at, because we will not have a Nation, in essence, to defend. We will not have the kind of qualified men and women rising up to join the Armed Forces, with their intellect, without

providing the basic necessities of education.

Then I would like to say that out of education comes training for dislocated workers, and most of all our young people. How do we get young people to see the advantage of staying in school? We fully fund the summer youth program, the jobs program that I have heard some of my Republican colleagues call a babysitting job. It is not. It translates academics, education, to our young high school students to understanding what work is all about, going on these summer jobs and being able to get the gratification of translating book knowledge into work knowledge.

The summer jobs program has been an eye-opener. It has been a divine intervention, if you will, for those individuals that want to give up, that come from neighborhoods that might not encourage perseverance. The summer jobs program has changed lives.

I tell this story frequently, when I was in local government participating in the summer youth program, hiring one of those students and having them call me to say that they did not have the proper clothing to wear downtown to an office building; and telling that youngster, regardless of what you wear, come down to this office, let us work with you; and seeing that youngster go on to greater and bigger things because they were able to be exposed in an office setting and develop the confidence and the appreciation for work.

I would simply say to the gentleman who has organized this very vital special order that hopefully that will be the lightning rod to get us moving on supporting education for our Nation, and in fact in restoring the WIC funding to not deprive 180,000 women and children from that first start, and then of course making it so very, very crucial and such a very, very strong commitment to educating our youngsters.

I might inquire of the gentleman from New Jersey, we make a good pair, because he is on the East Coast, far to the east of me, and I am here in Texas, and it would be certainly presumptuous to suggest that all my problems are the gentleman's problems. I tend to think they are the Nation's problems.

Must we not confront this infrastructure crisis in our country that so many preceding the gentleman, and I remember the gentleman from Illinois, Mr. DICK DURBIN, I remember Senator CAROL MOSELEY-BRAUN on the other side has been a leader on this issue, Cleo Fields, who used to be in this body, so many have spoken about this issue.

When will we address this question of infrastructure, for our children to be in safe and secure places of learning? Is that a problem in New Jersey, or is that a problem that is a national problem?

Mr. PALLONE. Mr. Speaker, I would say to the gentlewoman, there is no question that it is a national problem. I know in my district in New Jersey we have a variety of schools, inner-city older schools, growing communities that are operating with portable classrooms because they cannot find the funding to build new schools. In the last few years in many of the communities in New Jersey there has been an expansion, a huge expansion in school enrollment. I guess there is sort of a new baby boom that is coming along now. The school districts simply cannot afford to spend the money on renovations or new construction.

I do not know that we actually brought it out tonight, but the gentlewoman and I are certainly aware, as well as the gentleman from Massachusetts, that the President has called for this $5 billion to be spent over the next 4 years to help pay for up to half the interest that local school districts incur on school construction bonds, or for other forms of assistance that will spur new State and local infrastructure investment. Basically this financing assistance, this $5 billion, can help to spur $20 billion in new resources for school modernization, a 25 percent increase above current levels over the next 4 years.

What we are saying basically is that we want the Federal Government to get involved with the school infrastructure, which they have really not been in a significant way, and even though $5 billion may not sound like a lot over 5 years, it can really be leveraged with what the State and local governments can do to make a difference to address some of these needs. But it is clearly national, it is not just in New Jersey or Texas, it is all over, and there is plenty of information from the General Accounting Office to verify that.

Mr. Speaker, I notice the gentleman came on the floor, and I would like to yield some time to the gentleman from Massachusetts.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would be happy to. That would certainly be a sparkplug for getting the infrastructure built. I think the President is certainly on track on these leadership issues. I am delighted to see the gentleman from Massachusetts has joined us on this issue.

Mr. PALLONE. I want to thank the gentlewoman for being here.

I yield to the gentleman from Massachusetts [Mr. MCGOVERN].

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Massachusetts for organizing this special order on education. As the gentleman knows, no other issue before this country, in my opinion, is as important as the education of our children.

Like a number of my colleagues, a couple of weeks ago I attended the conference at the White House on early childhood development. As the gentleman knows, this conference focused on new scientific research that confirms what many parents have suspected for a long time, that those very first few years of a child's life are critical to that child's social and intellectual and emotional development. I think the President and the First Lady deserve enormous credit for taking a lead on this issue, and raising awareness on this issue.

I have taken to this well many times to speak of my support for improving the scope and quality of American education. But we must never forget, as I said, that a child starts learning long before they enter the first classroom. If one believes, as I do, that education is truly the key to this Nation's economic future, we must begin early.

I would just like to highlight the fact that I have joined with the gentlewoman from Connecticut, Ms. ROSA DELAURO, and the gentleman from Maryland, Mr. STENY HOYER, in introducing a bill that kind of addresses some of the concerns that were raised at that White House Conference on Early Childhood Development. The bill specifically would increase funding for Head Start and the Early Start Programs. It would also expand the Family and Medical Leave Act, and it would provide competitive State grants for child care and family support services.

I think it is vital and it is crucial that this Congress address this issue of early childhood development. Again, anybody who attended that conference at the White House could not help but be moved by the testimony from scientists and academics and parents who talk specifically about how important some of these programs are.

Earlier today I joined with a number of my colleagues at a gathering that was entitled a ''Head Start Day Hearing'' in the U.S. Congress. I sat down and had lunch with a bunch of Head Start kids. I am convinced more than ever that this is a very important program and deserves the support of this institution. But supporting those kinds of programs I think is vital if we truly are serious about education.

Mr. Speaker, I might add one more issue that I think is very important for this Congress to address. That is the issue of expanding the amount that we grant currently for Pell grants and the eligibility. The cost of higher education continues to go up, and yet State and Federal grants continue to go down. The way people right now tend to finance their education is almost exclusively on loans. The idea of providing more money for Pell grants, I think this is the time to do it. I think parents would appreciate that kind of movement. Certainly college presidents and those associated with various universities and colleges would appreciate it.

I get concerned when it appears that many people who would like to go to college do not go to college simply because they cannot afford to go to college. I think anybody in this country who wants a college education should be able to get one, regardless of where they are in terms of economic status.

If we are truly serious about building that bridge into the 21st century that the President talks so eloquently

about, if we truly want this Nation to continue to be the economic superpower in the next century, then education is the key. Education really is the key to almost everything: Economic stability, economic development, as well as dealing with so many of the social and economic problems that we talk about often on this floor.

I want to commend the gentleman from New Jersey for organizing this special order, and I will certainly join with him and the President in the initiatives that he has outlined here today.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments. I just wanted to mention, if I could, and develop a couple of things the gentleman has mentioned. When he talked about the Pell grants, one of the things we need to stress, and the gentleman did so, is that the Democratic education initiative does put a lot of emphasis on the need to expand the Pell grants, as does the President's.

I think a lot of the media focus or attention has been on the HOPE scholarships and the tuition tax credits, but I think we all understand that if we do not expand Pell grants then the neediest, if you will, of students that really depend on Pell grants in order to finance their college education will not be able to continue.

Throughout this debate about whether to provide tax credits versus scholarships or Pell grants, we just need to continue to focus on the fact that if we do not expand these Pell grant programs, then the needier students will not be able to go to college, because I know that the cost of tuitions and fees has gone up so much, and that Pell grants basically have not kept up with it, even though the Democrats have continued to stress the need to expand those Pell grant programs.

Mr. MCGOVERN. Mr. Speaker, I appreciate the gentleman's comments. I would just point out that the bill that I have introduced would actually increase the maximum Pell grant award to $5,000 from a current level of $2,700, bringing the award to the level at which it was created, adjusted for inflation. I think this is the kind of bold measure the American people would appreciate.

I applaud the President for adding or increasing the amount of Pell grants in his proposal. I think we could even do better, quite frankly. I think Pell grants, from when I talk to parents, when I travel throughout my district, grant money is something they would very much appreciate. I would also say it is a wise investment of our Federal resources.

After World War II we had something called the G.I. bill of rights, which educated a whole generation of veterans coming back from World War II. I do not think anybody today would argue that that program was misguided or not a proper use of Federal resources. One of the reasons why this country is as powerful as it is today, and continues to be an economic superpower, is because of the fact that we made a commitment to education. We need to make a similar commitment now to education for this new generation, and I think Pell grants is one way to do that.

Mr. PALLONE. I agree, and I thank the gentleman for his comments and for the legislation he has introduced.

Mr. Speaker, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS. I, too, want to commend the gentleman for this special order on education, Mr. Speaker. I have been listening and heard us cover a lot of territory, as is the case with the President's comprehensive program, this little booklet that came out, ''A Call to Action for American Education,'' which ranges all the way from early childhood education to higher education and lifelong learning.

That is as it should be. I have served on the Committee on Education, and the name has changed lately, but it has been the education committee, basically, for the 15 years that I have been here.

□ 1730

This is a time for great rejoicing among people who care about education, and that includes the overwhelming majority of Americans. Most Americans care about education. Most Americans, every adult American, thinks he or she is an expert on education, too. That is part of the problem and also part of the strength of trying to bring about improvement in our schools. Everybody cares, and I think we ought to hunker down and understand that we have a President that is ready to take a comprehensive approach, he is ready to cover the whole spectrum, and that in covering that spectrum, he has made a quite a number of commitments.

I think when we add up the commitments over the next 5 years, we are talking about $50 billion at a time when everybody is afraid of being accused of being a tax-and-spend liberal. The commitment is there for education because it is absolutely necessary.

I commend the President and I commend everybody involved. I am very optimistic about the bipartisan spirit that is available to help push this education agenda. I think it is real. I think that both Republicans and Democrats want to see education improved in some significant way as we go into the 21st century.

I just want to take this opportunity to talk about one piece of this comprehensive approach. It is a piece that is bound to generate a considerable amount of controversy. It is a large amount of money. It involves expenditure for public works. And already I fear that we have some divisiveness setting in, even among Democrats, and disagreement on the construction part of the package.

Construction a lot of people feel should be left up to the States and the local areas and the Federal Government should not even get involved. But I am here to tell you, we have a real emergency. In our big cities, we have a great emergency with respect to the basics of providing a safe place, a conducive place for young people to study, a safe and conducive environment for study. That ought to be the first and most basic thing that we are concerned with, just to have them have a place to sit with decent lighting, with enough comfort to be able to concentrate on their studies, with no fear of asbestos contamination, no fear of lead poisoning.

It is amazing how old some of our schools are in the big cities. This is a plea for the construction component. It is a plea for us to be very broad-minded and understand that a proposal for $5 billion at the Federal level, with the hope that it will stimulate additional money at the State and the local level, is not an extreme proposal at all.

Let me just give an example of New York City, which many people will say, well, New York City should take care of its own needs. But that has not been the case. And why penalize children. We had a bond initiative that passed, I am happy to report, on the environment. And in that initiative it talked about providing money to rehabilitate some schools' boilers in New York, boilers that were still using coal, were still burning coal in a city that has one of the highest asthma rates in the country.

The asthma rate, number of children with asthma, is a scandal. Coal burning in schools is not the only contributor. There are other factors. But that is one we should eliminate. Now I am a public official in New York, and I thought, great, this bond issue talks about putting gas burning boilers in 39 schools to eliminate the coal burning boilers; and I thought, well, that is wonderful and that solved the problem.

In a little more digging, I found we do not have 39 schools that have coal burners, we have 200 and some schools, almost 300 schools that still have coal burners. I know when we start throwing statistics, people outside of New York get dizzy. We have approximately 1,000 schools. One-third of those schools are still burning coal, one-third.

That is a shock to me. So I am sure it is hard to understand when you get outside of New York that New York City has one-third of its schools still burning coal. We have schools that have asbestos problems to the point where we cannot wire the schools. If you start boring holes, the costs go up astronomically because when asbestos is present, you have to have a certified contractor, you have to have a place for that contractor to store the asbestos, and it is very costly to transport it and store it and we run into all kinds of problems with our net day because of the physical condition of the schools.

We need a massive program to renovate churches and schools to make

them safe. We need a program just to build new schools because some are so old that you cannot do anything with them. It is more efficient to just tear the schools down and build new schools.

Now this is the big city of New York that has this problem. I am here to talk about it. I assure you it does not take much imagination to know that Chicago, St. Louis, Los Angeles, the problem exists in most of our big city districts. Large numbers of young people, we have a million students in New York City, and as of last September, 91,000 of those students did not have a place to sit.

So I thank the gentleman and I just wanted to highlight, we are moving into the process now where we are going to talk in detail about this comprehensive agenda of the President. Construction is on the agenda. I understand certain proposals have been made that a certain percentage of the money go to inner city districts. Some people are worried about too much going into inner city districts. It cannot be too much. The problem is grave. The problem is an emergency.

If we are going to do anything about young children, the first thing we should do is think about safe places that are conducive to learning. Physical facilities are basic, and I hope they get a lot of support from the President's construction program in his comprehensive education program.

Mr. PALLONE. I want to thank the gentleman from New York [Mr. OWENS], and I again assure him that what he is talking about in New York City is throughout the country. We had some statistics about the General Accounting Office that says one-third of the Nation's schools needs major repair, outright replacement, 60 percent need work on major building features, sagging roof, cracked foundation, 46 percent lack even the basic electrical wiring to support computers, modems and modern communication technology.

My colleague talked about the magnitude in New York, but it is true throughout the country. I think that is why the school construction program the President is talking about has so much appeal because it really affects every district, every congressional district in this country, as do so many of these proposals the Democrats have put forward on education.

So I am just hopeful that our colleagues on the other side, the Republican leaders, who are in the majority, take heed of this because I think there is no question that education is a priority and that there is a lot more that can be done on the Federal level, and we as Democrats have put forward those proposals and we would like to have our Republican colleagues join us in passing those in this Congress before we adjourn. So thank you again, I appreciate the gentleman's comments.

## THE AFRICAN GROWTH AND OPPORTUNITY ACT

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under a previous order of the House, the gentleman from Louisiana [Mr. JEFFERSON] is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I rise today in support of H.R. 1432, the African Growth and Opportunity Act, on which the Trade Subcommittee of Ways and Means Committee conducted hearings yesterday. I am a proud coauthor and original cosponsor of this important and historic legislation which will start the process of bringing African and United States economic interests together in the global marketplace.

The African Growth and Opportunity Act has been coauthored and received in an enthusiastic bipartisan spirit, led by our distinguished chairman of the Subcommittee on Trade, PHIL CRANE, as well as Congressmen RANGEL, MCDERMOTT, HOUGHTON, MATSUI and many others.

Yesterday we heard declarations of support from the Clinton administration, Speaker GINGRICH, former House Secretary Jack Kemp, former Mayor Dinkins and a host of other trade, investment, development, and diplomatic officials for this landmark legislation. It was, Mr. Speaker, an exciting day and exhibited the great inspiring unity the Congress is capable of when it puts aside party and strife and employs the talents of all of us to deal with national and international issues.

Mr. Speaker, the African Growth and Opportunity Act would establish as U.S. policy the path from developmental assistance to economic self-reliance through trade and investment for African countries committed to economic reform, market incentives, and private sector growth.

In addition, H.R. 1432 will establish several new initiatives to promote trade and investment in Africa, a few of which I will briefly outline. First, H.R. 1432 would direct the President to develop a plan for trade agreements to establish a United States/sub-Saharan Africa free trade area by the year 2020.

Second, H.R. 1432 would establish a United States/Africa economic forum to facilitate annual high-level discussions of bilateral and multilateral trade and investment policies modeled on the highly successful APEC forum that has worked so well to spur U.S. trade and investment in Asia.

Third, it directs OPIC to create a $150 equity fund and $500 million infrastructure fund for Africa, which will help lay the groundwork for private sector development. And fourth, H.R. 1432 proposes a market access initiative which would redirect an enhanced generalized system of preferences program to qualifying African countries, assisting the least competitive countries in Africa to access United States markets.

Mr. Speaker, I believe this legislation is important for four principal reasons. First, the development of a trade policy with sub-Saharan Africa is important because the United States does not currently have a trade policy with this part of the world. So while many Asian and Latin American economies have flourished as a result of the influx of private investment and international trade, Africa has been almost exclusively relegated to developmental assistance.

Thirty years ago, the standards of living of Korea and Ghana were nearly equal. Today, Korea is a vibrant, industrial powerhouse, while Ghana is still a nation very much in economic transition. While there are numerous reasons to explain this difference, the critical distinction between Asia's and Africa's development has been Western investment and trade.

H.R. 1432 places our Government's imprimatur on trade and investment in Africa, a crucial catalyst for attracting further private sector investment in the region and on the continent.

Second, this bill lays the groundwork for enhanced private sector and infrastructure development in Africa, which will improve standards of living for the people of sub-Saharan Africa. Mr. Speaker, this is in the interest of our country, the United States.

Africa represents 10 percent of the world's population and possesses enormous untapped natural and human resources. Amid a dizzying array of mining, petroleum, and agricultural resources are an industrious and entrepreneurial people who yearn to compete in the global marketplace and represent an important future market for U.S. exports and thus for the creation of U.S. jobs.

But right now, many people in sub-Saharan Africa lack the basics: telephone and electricity service; clean running water; and essential medical technologies. Fortunately, we can help, and H.R. 1432 takes a giant step, through infrastructure development, free trade agreements, and market access initiatives, toward improving the standard of living for millions in sub-Saharan Africa.

It would promote foreign, direct investment in Africa through the two funds that I mentioned earlier. These funds are vital to Africa's development because of the 1,160 privately financed infrastructure projects around the world, only 6 percent occurred in Africa. And between 1984 and 1994, only 2 percent of the world's foreign investment was made in Africa.

Mr. Speaker, I urge all of my colleagues, Democrat and Republican, to support the African Growth and Opportunity Act, a bill that is good for America, good for Africa, and good for the cause of international economic development.

## GENERAL LEAVE

Mr. HOEKSTRA. 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 H.R. 2.

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

There was no objection.

## EDUCATION EXCELLENCE

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

Mr. HOEKSTRA. Mr. Speaker, tonight I am joined by a number of my colleagues to talk about what my other colleagues were talking about in the previous hour, and that is education. And rather than going through a long introduction, I want to start right off with a quote that the President of the United States made on March 27, 1996. This was in a response to the Governors Summit on Education: Education Excellence. And the President said, and I cannot agree with him more, ''We cannot ask the American people to spend more on education until we do a better job with the money we have got now.''

This is the President of the United States about a year ago. That remark, along with some of the debate in Congress in 1996, led the committee that I chair, the Subcommittee on Oversight and Investigations, to begin a project, which we call education at a crossroads, to ask and to find out what are we accomplishing and achieving with the money that we are spending today.

We started with a very basic question. We said, how many education programs are there?

□ 1745

Went to the Education Department because, of course, in Washington we coordinate all of the education programs through one department. Wrong. We found out that they go through 39 different agencies. We have over 760 different programs, and we are spending over or in the neighborhood of $100 billion per year on education today.

That is a very appropriate question to ask. It is the question that we must answer before we expand the 760. Actually, I think as we have worked on this, it is now over 780 programs, we now have to take a look at the 780 programs, the $100 billion that we are spending, the 39 different agencies that this money is flowing through, because the focus here should not be on an education bureaucracy. Our focus needs to be on the kids. Before we have 10 new programs with $50 billion of more spending, we need to take a look at whether and where this money is going and whether we are having an impact with it or not. We do not want to pour $50 billion through a broken system.

Mr. Speaker, I have got some of my colleagues with me tonight to talk about this very issue. I would like to have one of my colleagues from Pennsylvania just briefly explain to us, we will have a dialogue, more of a dialogue tonight so that we can build off each other's comments about what is going on in education because we all have our own perspectives and our own learning about what is going on and we have got six of us here tonight. We will be able to share perspectives and learn from each other.

Tomorrow my colleague from Pennsylvania is going to be introducing or announcing a resolution that I think gets at the very issue about doing some important work to find out the kind of impact that we are having with the dollars today.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. PITTS].

Mr. PITTS. Mr. Speaker, I would like to speak really on behalf of millions of students, teachers, administrators and many Members of Congress to discuss one of the most important components of our American society, and that is our education system. I would like to talk about what can and should become an American initiative, sending more dollars to our Nation's classrooms.

Every citizen of this Nation agrees that children deserve an opportunity to excel. But this opportunity is inhibited when teachers and administrators are hampered by paperwork, time constraints and financial hindrances just to apply for Federal education grants. Tomorrow, as my colleague said, I will introduce a resolution entitled the dollars to the classroom resolution, calling for the Department of Education to provide more elementary and secondary dollars to the classrooms of our Nation's children.

My resolution calls for a change in the way we spend our Federal education dollars. For too long, Americans' hard-earned tax dollars have gone to bureaucracy and have churned through the Washington labyrinth instead of rightfully being placed into the classrooms, into the hands of someone who knows the name of your child.

Of the $15.4 billion which goes to elementary and secondary programs, in the Federal Department of Education, the classroom may be lucky to see 65 percent. That means about $5.4 billion is lost in the abyss of department studies, publications and grant administration.

To apply for a Department of Education grant, it takes nearly 216 steps, an average of 21 weeks. That is over 5 months of work for someone on the local level just to apply for a Federal grant.

Mr. HOEKSTRA. Mr. Speaker, is that 21 weeks before they may ever get an answer from the Education Department as to whether they are going to receive a grant?

Mr. PITTS. Mr. Speaker, that is correct.

Mr. HOEKSTRA. Mr. Speaker, it is my understanding that the Education Department very recently highlighted this as a significant accomplishment, getting it down to 21 weeks and 216 steps. I think until the Vice President became involved in this process, it took 26 weeks and over 400 steps. But this is what the Education Department calls significant progress and moving towards education excellence by shortening the process of finding out whether a school district is actually going to have a grant accepted after they go through 216 steps and after 21 weeks.

Mr. PITTS. That is correct.

Mr. HOEKSTRA. Mr. Speaker, that is improvement. It may be improvement, but it is still not very good.

Mr. PITTS. As a former classroom teacher myself, I know that it would not be very encouraging to me to have to spend hours upon hours to apply for something that I had no guarantee of receiving.

But I think Americans would rather see their tax dollars at work providing more teachers, teacher aides, purchasing materials, supplies, updated software, calculators, textbooks, and even seeing the American classroom connected to the Internet brought into the new information age. The classroom is where the action is. The classroom is where knowledge grows and learning takes place.

This dollars to the classroom initiative would call upon the Federal Department of Education and State and local agencies to see that 95 cents of every Federal dollar would get to the local school district. And of those Federal dollars that get to the local school district, 95 cents of every Federal dollar would get into the classroom, into the hands of someone that knows your child's name. If this actually happened, roughly $1,800 more could be available in each classroom across the United States.

We heard the quote from President Clinton that we cannot ask Americans to spend more on education until we do a better job with the money that we have got now. And for $10 to purchase flash cards, a student could practice her timetables with a friend. For $50 for a globe or a set of maps, children improve their geography, their knowledge of nations across the seas. For $1,500, we can buy a computer with enough desk top space and Internet access to allow every student access to a vast amount of information available at their fingertips.

So this really is about kids, about practical ways to see that they benefit from Federal education tax dollars. I think for the sake of our Nation's kids, we should all put our children first.

Mr. HOEKSTRA. Mr. Speaker, the gentleman has taken kind of a revolutionary approach. He is focusing getting dollars to the classroom, getting them to the kids, getting them to the teachers, to the local administration where they can actually make an impact.

The other visual that we use frequently here, this is a picture of Washington, DC. I know my colleague is a freshman but I know that he is very well aware that when we walk across this street over here and we walk to the Capitol to vote, we call it Independence Avenue. That is what the

street is called. But along this road are what, all of the bureaucracies that now are controlling so much of what goes on in our local neighborhoods. We think we ought to rename the street Dependence Avenue until we change that culture.

What would the gentleman's legislation, what kind of impact would it have on the people that work here on Dependence Avenue?

Mr. PITTS. Mr. Speaker, it would limit the amount of money they could take of our Federal education dollars that we put in the budget and consume on the bureaucracy. As we know, most funding for our local schools comes from the State and local levels, only about 7 percent comes from the Federal Government. But we need to be more efficient as to how we utilize those Federal dollars. This would in effect drive those dollars through the bureaucracy, Federal, State bureaucracy into the classroom. It would deny them access to that.

Mr. HOEKSTRA. I think what many of us have seen as we have met with school administrators and around in our districts, we constantly hear that these buildings and these people here in Washington, all with good intentions but who control about 7 percent of the flow of the dollars to our local classrooms, generate 50 percent of the paperwork. For every dollar that we give them, they keep somewhere in the neighborhood of 30 to 40 cents and they send 60 to 70 cents to our kids.

What we are saying is we agree with the President. We ought to take a look at where the dollars are going, and before we pour another dollar into this building and only get 60 cents out, we ought to see exactly the bang that we are getting. If we can get that up to 90 cents, we do not have to increase taxes, the tax burden; we will just be helping our kids.

I know that my colleague from Kentucky would like to participate, and I yield to the gentlewoman from Kentucky [Mrs. Northup].

Mrs. NORTHUP. Mr. Speaker, I would. I have been very interested in education myself as a mother of six children, as a member of the Kentucky State legislature, on the education and the Committee on Appropriations. I have had a long-standing involvement with the education. Kentucky had the courage and worked very hard in 1990, enacted in fact one of the largest taxes in their history in order to fund their schools. It is often pointed to as the example of school reform that we ought to look to on the Federal level.

Mr. HOEKSTRA. Mr. Speaker, the gentlewoman actually believes school reform can happen at the local and the State level better than at the Federal level.

Mrs. NORTHUP. Actually the whole key to Kentucky's education reform act is that children learn one child at a time, one classroom at a time, one school at a time, and one district at a time. The closer the effective education occurs and the decisions are made to that child and that teacher and that classroom, the more effective schools will be and the more effective the learning decisions that are made will be.

Mr. Speaker, I particularly was interested in the President's America Reads program. First of all, one of the first weeks of the Committee on Appropriations on education, we had before us the National Institutes of Health. This is the research arm that the Federal Government spends so many billions of dollars on. They have done a great deal of research in the last couple of years on how children read and what the problems are with reading. They have come to the conclusion that children who have trouble learning to read, there are some children that will learn in any system, but children who have trouble need intensive phonics instruction. And yet this America Reads, one of the problems is we have so many teachers who have not come through a phonics-based system. So retraining them is a big issue.

This America Reads program is almost as though the people that originated this idea did not read our own government's research. It is out of context of any phonics. It is out of context of understanding that very structured phonics is the way these children can best learn.

They, in particular, found that if you mix it with whole language or not stylized instruction that it confuses the child so we are not only wasting money we are chancing that we are going to undo the very thing that our research shows is the most effective way of teaching children to read.

Mr. HOEKSTRA. Mr. Speaker, we have also had the opportunity to go around the country and have hearings. One of the first hearings we had was in California, where we had a number of the chief administrators from a lot of the colleges in California come and testify.

What they told us is, do not cut remedial education. You are sitting there and you are thinking, this is higher ed, what are we teaching remedial education at higher ed for?

And so we asked and we said, what are you teaching? They said, well, 25 percent of the students that we get coming into our universities, 25 percent, one out of four, cannot read or write at an eighth grade level.

It is kind of like, the President is proposing America Reads, which is the tutors and all of that, and the, you take, you peal away a little bit in California and what you found is they left phonics, they went to whole language. Did not work. Got a generation of kids now that are scoring some of the lowest scores in the country. Nobody is taking a look at what is going on in the classroom where the kids are spending 6 to 8 hours per day, and we should be focusing on them.

The message of the college administrators was, get back into the classroom. Do not ask for more remedial education money. Your job is to get back into the classroom and find out why those teachers that you have trained are giving such disappointing results with the kids that they are teaching all day. It is kind of like, get to the basics, get dollars in the classroom and local control.

Mrs. NORTHUP. I think it goes back to the theme, Mr. Speaker, that the gentleman talked about, about why spend more of our tax dollars if we cannot make effective the tax dollars we already spend on education.

Mr. Speaker, I believe that Americans are committed to education, and I believe that they care deeply about children learning, particularly learning to read. So let us look at the proven ways. Let us leave education where it can be changed, according to the research, and that is with local control and local efforts.

Let us not add a program that is unproven, untested, where the research shows there essentially would be no effect on kids learning.

Mr. HOEKSTRA. Let us listen to the President and understand what works and what does not before we add any new programs and ask the American taxpayer to spend more money.

Mr. Speaker, I yield to the gentleman from Georgia [Mr. NORWOOD] who may have a comment.

Mr. NORWOOD. Mr. Speaker, I thank the gentleman.

We are in the process of a lot of things going on at once and there are a couple of things that I felt would be important for me to say to the gentleman.

Number one, I am very pleased with the gentleman's Crossroads at Education program, because I know that the gentleman is trying to find out and we are as a committee trying to find out what works and what does not.

Secondly, I would like to thank the gentleman for providing us the opportunity to have a hearing on this just last week in Milledgeville, GA. I know that the gentleman could not be there because of a death in his family, but I wanted to come, on behalf of the people of Georgia, and my colleague, the gentleman from Georgia [Mr. DEAL], who was also there, and say that people I talked to in Georgia said thanks.

□ 1800

This is the first time in their memory or their knowledge that Congress has ever had an education hearing in Georgia. It is the first time they know of, that anybody from Congress ever came and asked them what they think.

We were talking to some people who are very, very involved in education in Georgia, and I wanted to come and tell the gentleman a few things they have said during the hearing so that the gentleman is able to respond to them.

Our superintendent, our State superintendent of schools, for example, said, and I quote, ''The most frequent message I have heard is that no one can

make better decisions about local education than parents, teachers, and students in the local communities.'' Now this is our State school superintendent.

She goes on to say, and I quote, ''Administrators in Washington will never meet the needs of individual children. I cast my vote for returning as many dollars directly to the local schools as we are able to do.''

Now, I think what we are doing is trying to have an adult conversation about improving education. Everybody in the 10th District of Georgia believes in that. We all believe that that is the future for the 21st century, but we all do not necessarily agree on how to get there.

Mr. HOEKSTRA. If the gentleman will yield, I think the gentleman clearly points out that we all do care about education.

We have developed a kind of a monthly brochure or briefer here which we call A Tale of Two Visions, because there are at least two very different beliefs on how to move education forward in our country. I think we believe that moving decision-making and dollars back to the children, back to the parents, and back to the teachers is the way to go.

There is another whole group of people here in Washington that believe in moving more power, authority, money into the buildings here in Washington, so that they can issue rules and regulations on ''how to'' to the local levels, and saying that parents and teachers and principals can be good teachers and good principals and good parents by reading manuals and saying this is what Washington wants you to do.

That is not the vision that we have in mind, and I do not think that is the vision the gentleman heard in Georgia.

Mr. NORWOOD. No, I did not. But we are in the discovery process. We are trying to hear from all sides and everybody to determine what kind of recommendations we might make to Congress.

In the 104th Congress, or certainly in 1996, we basically did not reform education. We are still number 13 on the planet in math. We will not win in the 21st century if we continue to do that. We still have at least 50 percent of the children who are graduating with a high school degree that are illiterate or cannot read their diploma. We will not win with China if we continue to do that.

It does not help, in this time when we are trying to discover what to do and hear all sides, when groups of people stand up and politicize and demagogue the issue. That is why nothing happened in the last Congress.

Let me just point out that during our hearing, the very time we were having a hearing trying to discover what works and what does not, we had a gentleman from Texas sending news releases down into our district saying, ''Oh, we cannot do any of that because they want to simply shut down the Department of Education.'' That does not lead to an intelligent dialogue that will lead to solutions where we can reform education and improve our lot in this country.

Mr. HOEKSTRA. I thank the gentleman for his comments. He points out some statistics that tell us we need a meaningful dialogue on education because our kids are not getting the kind of results that we would like them to be achieving and the kind of results that we need for them to be able to be successful in a world economy.

I think my colleague from Colorado had a few statistics of his own, and we will get to our colleague from North Carolina, because I know what he wants to talk about and we will get there. But I think my colleague from Colorado had some statistics, again, that talk about the less than satisfactory results we are getting out of our educational system today.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I thank the gentleman. The gentleman from Georgia mentioned where we rank nationally with respect to mathematics. Actually, that number has been upgraded, or renewed. I should not say upgraded, because it was not like that at all.

The Third International Mathematics and Science Study came out recently. This is a comparison of how our students here in the United States compare with 41 other industrialized countries. This is the same report our President, right up here at the top podium during the State of the Union address, referred to and spoke of our great need to improve by it.

I want to tell my colleagues what this says because it is quite disturbing, and I do not think many Americans have any idea where we are headed as a country.

In this international comparison, again this is the third time this has been done, 41 industrialized countries, out of those 41 countries in mathematics we rank 28th. In science we do a little better. In science the United States ranks 17th.

Now, let me just read some of the names of the countries that outperform us in math and science. First, there is Denmark, Norway; there is Sweden, Israel, Thailand, Belgium, Australia, Russia, Hungary. Hungary is at No. 14. Remember, we are at No. 28. Bulgaria, Austria, Slovenia outperform us in math. Slovakia. The Czech Republic is No. 6 in math. Again, we are at 28 out of 41 countries. Belgium, Hong Kong, Japan, South Korea. The No. one country performing in mathematics for their elementary aged students is Singapore.

In science, again I mentioned we are a little bit better. Slovakia is still better than us. Belgium is better than us. Hungary, Austria, Slovenia, Bulgaria, South Korea, Japan, Czech Republic. And again number one in science is Singapore. Of course, this is the land of caning, which I do not know if there is any correlation between one and the other, but it seems with respect to academic performance caning may work.

I do want to, in all seriousness, though, talk about what Secretary Riley, the Secretary of Education, had said when he observed this report. Very similar to what our President had mentioned as well. He says the content of U.S. 8th grade mathematics classes is not as challenging as that of other countries and topic coverage is not as focused.

He also observed one explanation for our poor performance internationally may be that most U.S. mathematics teachers report familiarity with reform recommendations, although only a few apply the key points in their classrooms.

And the final point the Secretary mentioned, and again I quote from his observations on this report, evidence suggests that the United States teachers do not receive as much practical training and daily support as their colleagues in Japan and Germany and other countries as well.

I tend to agree, frankly, with the gentlewoman from Kentucky in her observation that if we want to be serious about improving these numbers, the last place we want to look is to Washington, DC and to our Government here in Washington to try to do something about these numbers.

We should do something in support of our States, and that is focus on the freedom to teach and the liberty to learn. I have to tell my colleagues that when my State board of education members came to visit me just a few weeks ago and came to my office, their No. 1 plea to me as a Member of Congress was for the Federal Government to leave Colorado alone, to let Colorado educate their children on their own terms, to let Colorado begin to design programs that try to turn these numbers around.

We have this picture up here that the gentleman showed earlier. If one wants to see what happens when the Federal Government takes over an educational system, look right there. Because in only one spot in this country does the Federal Government have direct and constitutional authority to manage the education system in a community, and it is Washington, DC, which I would submit and challenge anyone to defy the real result that this is one of the worst places in the country when it comes to educating children.

Children are trapped in this city, Washington, DC, in an educational system that treats every child as though they are identically the same. This is the city that many of us, if we read the newspapers just a couple weeks ago, we saw the headline stories of the teacher who put nine 4th grade children in a room off to the side of a classroom where these children, unobserved and uncontrolled by the teacher, forgotten there for all intents and purposes for over a half-hour, began playing some kind of game where they disrobed and began to have sex. These are 4th grade children.

I would again suggest that if we want to see this activity taking place

throughout the country, just put the Federal Government in control of school districts. But the advice I get from the people who really care about children, who really know what works, they say that the Federal Government needs to play less and less of a role in how we manage our local schools. We need to focus on the freedom to teach and the liberty to learn, and treating teachers like professionals and parents like customers, and that is how we will turn these appalling numbers around and improve these statistics internationally.

Mr. NORWOOD. Mr. Chairman, if the gentleman will show the other poster, please. We know we have about 760 educational programs spread over 39 agencies in Washington that spend over $100 billion a year on education. Yet the gentleman has just read out some statistics in math and science and reading that frankly scare me to death.

Now, does my colleague agree with the President that we cannot ask the American people to spend more money on education?

Mr. BOB SCHAFFER of Colorado. I am sorry, Mr. Chairman, can the gentleman repeat his question?

Mr. NORWOOD. The question is, does the gentleman agree with the President when he says since we do spend $120 billion a year over 760 programs, over 39 different agencies of Government, does the gentleman agree with the President that we cannot ask the American people to spend more money on education, in view of the numbers and statistics that the gentleman just read a few minutes ago?

Mr. BOB SCHAFFER of Colorado. I would agree wholeheartedly. In fact, the other portion of that report has another graph showing that the amount of money we spend in the United States has no bearing whatsoever on our ability to teach better; that, in fact, the more and more we spend, the worse we seem to do when compared to national standards.

Here is the quote from the report. We spend, on average, about $6,500 per pupil. That is nationally. Only one country spends more than we do, and that is Switzerland. Yet these countries that outperform us, Hungary, the Czech Republic, South Korea, Japan, England, France, Denmark, Germany, and so on, all spend fewer dollars per pupil than we do here in the United States, yet we rank so poorly in comparison with those countries.

Mr. NORWOOD. Well, how should we rank before we start saying that the American people should spend more money on education? Should we come in second in math before we do the rest of what the President says?

We are not going to ask the American people to spend more money on education until we do better with the money we are spending now. So should we be second in math or third in math around the globe? Where should the cutoff point be?

Mr. HOEKSTRA. If the gentleman will yield, I do not think anybody in this Chamber will be satisfied until we score No. 1. The evidence our colleague from Colorado has pointed out shows the issue is not money. We are spending more than most people around the globe and we are getting mediocre, unacceptable results.

So the answer is not to pour more money into the system, but it is taking a look at where the money is going and taking a look at the system and how we make the system more effective.

I want to yield to my other colleague from Georgia, and I appreciate his being here. This is wonderful tonight.

Mr. DEAL of Georgia. First of all I want to join with my colleague from Georgia, Mr. NORWOOD, in his compliments to the gentleman from Michigan, Mr. HOEKSTRA, for holding the hearing in Georgia. We do regret the gentleman was unable to be there with us, but we appreciate his scheduling this Special Order.

I want to share with my colleagues some of the comments, as my colleague from Georgia began doing a few minutes ago, as we listen to people at every level of the delivery system in our State.

Even though we have a lot of progress to be made in Georgia, there are many things we are indeed proud of. One is we have a HOPE scholarship program. And unlike the fact that the President is borrowing and adopting the name of it for his proposal, the uniqueness of ours is that we have a funding source that is separate and distinct from the taxpayers' normal revenue stream. The lottery proceeds from our State fund it and it is a very successful program. Would it not be nice if there could be an alternative funding source to fund the President's proposal?

I want to say to the gentleman that both my parents were public school teachers. They were classroom teachers. My wife is presently a 6th grade middle school teacher in our home county. So I have a genetic as well as a spousal bias toward where I think education dollars should flow, and that is to the classroom.

There are three things that stood out in my mind as to what we heard last week. The first is that our schools are faced with greater social problems than they have ever been faced with before, and in order to overcome those social problems we need greater parental support as well as parental participation.

The second thing was that discipline is a major problem in our school system, and all of us want to do what will help rather than what will hurt. As the gentleman knows, we are considering in the reauthorization of the IDEA program the issue of removing some of the Federal impediments to discipline that have put mandates and restraints that interfere with teachers and administrators in terms of discipline.

Third is the flexibility in the use of Federal funds, the ability to design programs that meet local needs rather than having to meet a Federal mandate.

□ 1815

Let me share just a few quotes with the gentleman of people who have made some observations about it. One was from Dr. Craig Dowling, a principal of an elementary school down in Valdosta, GA, when he said, ''Federal programs come with guidelines and strings that choke school improvement. Guidelines for a program such as Title I may help a school in Atlanta or Washington, DC, and totally disturb a school in south Georgia or the central plains.''

In terms of flexibility, I think the chairman of our State school board said it best, Mr. Johnny Isakson. He said this: ''There are far too many dollars scattered in far too many programs managed by far too many agencies.''

Mr. HOEKSTRA. Does the gentleman mean 39 agencies dealing with education is too many in Washington?

Mr. DEAL of Georgia. I am afraid so. Mr. Isakson is a businessman and he looks at it from that point of view. He said, if the dollars spent could be concentrated, there would be less disturbance and that more of the money would actually flow into education and out of administration.

Let me give a classic example that we heard from, from a lady who was a director of an adult literacy services center in Dublin, GA. She said this, speaking of the grant process. In other words, when applying for a Federal grant for education, this is what she observed: ''The process is cumbersome and labor intensive. Writing the 1997 proposal consumed nearly two months of the literacy director's time. Measuring accountability in terms of performance rather than volume of paperwork is the best solution to the problem.''

We heard some very common sense, practical observations from people who have hands-on daily experience in delivering education to children in the classroom.

Once again, I thank the gentleman for affording us this opportunity, and I thank the gentleman for allowing me to share these comments today.

Mr. HOEKSTRA. I thank my colleague from Georgia. I do express my regrets that I was unable to be at the hearing. I think the gentleman has got some wonderful testimony. I find it interesting. It has been one of the most exciting projects I have worked on because we have been able to go around the country. We have been in California, we have been in Arizona, we were in Georgia, we are going to New York, we have done some things in Michigan, Milwaukee, Chicago, and we are learning about what is working on education. From what my colleague has told me, I did not catch the full impact, there are some that are blasting or taking some pot shots at a discovery process, finding out what is working when we obviously know that what we are doing today is not working, but there are some that are taking a real critical look at that.

Mr. NORWOOD. If the gentleman will yield, if we do not stop doing that, if we do not stop politicizing this issue, we are never going to get to the point where we can resolve the problem. I would point out that the gentleman from Georgia [Mr. DEAL] mentioned a constituent of mine in Dublin, GA. She is from my district and I was very proud of her for her commentary, but I also want to remind the gentleman that Dr. Dowling from Valdosta, GA, yes, he is a principal of a school but he is also a father of five or six children, and one of his quotes that has stuck with me since the day we were down there is that he said, and I quote, ''I firmly believe that school improvement can only be achieved in the classroom.''

I think many of us come to this discovery process with that bias. It is true. I believe that we ought to send back the responsibility for education, not just the classroom but the parents and the teachers. I will conclude to go to another meeting, Mr. Speaker, but one of the very fine things that was said in our hearing was said by Mr. Kelly McCutchen, executive director of the Georgia Public Policy Foundation. I think he almost sums the whole thing up in this quote: ''Education in America is the constitutional responsibility of the States, the social responsibility of communities, and the moral responsibility of families and except when the civil rights of individuals are menaced, the Federal Government should never impede the capacity of families, communities and States to decide how best to provide education for their children.''

I do not know of a better statement that sums up exactly how I feel about it.

QUOTATIONS FOR SPECIAL ORDERS, APRIL 30 FROM GEORGIA CROSSROADS HEARING

QUOTATIONS

Dr. Linda Shrenko, State Superintendent: ''The most frequent message I have heard is that no one can make better decisions about local education than the parents, teachers, and students in those local communities.''

Dr. Linda Shrenko, State Superintendent: ''Administrators from Washington will never meet the needs of individual children * * * I cast my vote for returning as many dollars directly to local schools as we are able. * * *''

Mr. Kelly McCutchen, Executive Director, Georgia Public Policy Foundation: (quoting Chester Finn) ''Education in America is the 'constitutional responsibility of the states, the social responsibility of communities, and the moral responsibility of families' and 'except when the civil rights of individuals are menaced * * * [the federal government should] never impede the capacity of families, communities and states to decide how best to provide education to their children.' ''

Dr. Craig Dowling, Principal, West Gordon Elementary School, Valdosta, GA: ''I firmly believe that school improvement can only be achieved in the classroom.''

Dr. Craig Dowling, Principal, West Gordon Elementary School, Valdosta, GA: ''[Federal programs] come with guidelines and strings that choke school improvement * * * Guidelines for a program such as Title I may help a school in Atlanta or Washington, D.C., and totally disturb a school in south Georgia or the central plains.''

Dr. Craig Dowling, Principal, West Gordon Elementary School, Valdosta, GA: ''Welfare sets up a downward spiral of hopelessness and despair where children rarely see an adult working * * * social issues can not be resolved through our schools.''

Dr. Laura Frederick, Assistant Professor, Georgia State University: ''What's wasted in schools is time, money, and a great deal of student potential when we adopt unproven instructional programs because they should good, because the publisher is offering free supplementary materials with the purchase of the programs, or because the sales representatives are wining and dining the textbook selection committee.''

Mr. Johnny Isakson, Chairman, State Board of Education: ''There are far too many dollars scattered in far too many programs managed by far too many agencies. If the dollars spent could be concentrated, the management less disbursed, then more of the money would actually flow into education and out of administration.''

Mr. Johnny Isakson, Chairman of the State Board of Education: (speaking about Mr. Clinton's suggestion of increased federal funding of school construction) ''While this is a laudable recommendation, it really should be the responsibility of local boards of education and their taxpayers to fund and pay for the school facilities improvements they want . . . On March 17th, 63 Georgia public school systems ratified local option sales taxes which, over the next five years, will raise $3.5 billion for school construction.''

Ms. Dahlia Wren, Director, Adult Literacy Services, Heart of Georgia Technical Institute, Dublin, GA: (speaking of the federal grant process) ''The process is cumbersome and labor intensive. . . Writing the [1997] proposal consumed nearly two months of the literacy director's time . . . measuring accountability in terms of performance rather than volume of paperwork is the best solution to the problem.''

ANECDOTES

Dr. Linda Schrenko, Georgia State Superintendent of Schools: Dr. Shrenko reported that Georgia taxpayers send 35 billion dollars to Washington. They receive back 454 million dollars for education. This is less than a 1.3% return on their tax dollar for education.

Mr. John Roddy, Director of Federal Programs for Georgia: Mr. Roddy reported a conversation he had with a researcher who had done a study evaluating the effectiveness of the Safe and Drug-Free Schools federal program. According to Mr. Roddy, the researcher reported that children who had not received the Safe and Drug-Free Schools training actually had a lower incidence of drug use than the children who did receive the training.

Dr. Elizabeth Lyons, Principal, C.W. Hill Elementary School, Atlanta, GA: Dr. Lyons described a reading program, ''Readaerobics,'' that she and her staff developed in response to their students' poor achievements in reading. The program is conducted on Saturday mornings to teach basic phonics skills in a fun way. Parents are required to donate one Saturday morning each month in order for their children to participate, so parental involvement is mandatory. J.C. Penney's has taken note of the program and is offering its financial support to the Readaerobics program.

Mr. Buster Evans, Superintendent, Bleckley County School District, Cochran, GA: Mr. Evans told of a school system that turned around its students' poor reading achievements with the implementation of two complimentary reading programs.

Mr. HOEKSTRA. I thank the vice chairman of the subcommittee for participating and sharing those comments with me and chairing the hearing in Georgia last week.

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

Mr. HOEKSTRA. I yield to the gentleman from South Dakota.

Mr. THUNE. I thank my friend from Michigan for addressing what in my view is a critical subject to many of us in this body. One of our Founding Fathers, James Madison, once said that knowledge shall forever govern ignorance. I do not think there are many of us who are more concerned or there is any subject that is more of a priority for many of the Members of this body than coming up with a system that provides the absolute highest quality education at the least possible cost. I commend my friend for the great work that he has done in drawing attention to this important issue all over our country.

Mr. HOEKSTRA. I am not sure that we are even talking about the lowest possible cost. I think everybody here is willing to take a look. If we were getting exemplary results, we would not go through a cost reduction effort, and that is not the focus here, is saving a penny. The problem that we are facing today is the results that our kids are getting is not good enough and that is the number one priority.

Mr. THUNE. The gentleman is exactly right. I think that is the thing that sometimes gets lost in all this discussion because it becomes a discussion about dollars and cents. Ultimately I think what we are talking about here is quality. Are we getting results? Are we getting the best possible bang for the dollars that we are investing?

I would submit that in my State of South Dakota, and I grew up in a small town, went to a small school, and am the product of the investment, the energies that a lot of people, teachers and administrators poured into me that were very dedicated and very committed, and I would look to our State and my two little girls, who are 10 and 7, who were attending a public school system in South Dakota as well. We are getting a wonderful education there. We now have them in a public school system out here.

I have a very personal concern in this issue and where we are going with it. I would say that if we look at the statistics around the country and the dollars that are put into per pupil cost in different States and the performance that we get, and my State of South Dakota I think is a good example because we rank 45th in the amount of per pupil spending and yet on SAT performance we rank seventh in the country. There are a number of other states, Utah again is a good case in point, the numbers that I have in front of me, which is 50th in terms of total cost and yet ranks second in SAT performance. I think when we talk about this issue, we cannot talk about it in terms of

necessarily an equation between more money and better quality. That clearly is the case.

What I would suggest is that I have observed the education of my two little girls, that there is no better laboratory I think to instill knowledge and to instill values in our kids today, but one of the things, missing ingredients is that we have along the way, I think, tried to become so conscious of the governmental involvement that the parents have stepped out of the equation in many cases, and we do need in my judgement to put more controls in the hands of parents, school boards, administrators and teachers, and we will get a better quality product if we are willing to do that.

As I was growing up in a small school system, I on occasion, my third grade teacher daily used to read to us Laura Ingalls Wilder books, I do not know whether the gentleman is familiar with her or not but she is someone who grew up on the prairies of the Midwest and spent much of her growing-up years in South Dakota. My 9-year-old, 10-year-old now, is currently reading those same books. One evening as she was reading it I mentioned to her, ''Brittany, did you know that Laura Ingalls Wilder spent a great deal of her growing up time right in the State of South Dakota, in your home State?''

She said, ''I know, Dad, she was a conservative, committed to smaller government and a better future.''

I thought, they are also very impressionable. It is clear to me she had listened to some of the speeches I had made along the way. The point being that when Laurel Ingalls Wilder was growing up, it was a time at which we had a pioneer spirit, we were an independent self-sufficient people and we did not look to big government for solutions to a lot of our problems.

I think at the heart of this debate and this issue is the fact that we need to focus that attention back on what we can do to put that power, that control, that authority, that decision-making in the hands of people at the local level. If in fact we will shift that model in that direction, we will get the kind of results and the quality and the performance that I think the gentleman has talked about and have drawn attention to throughout this country.

I thank the gentleman for his good work and look forward to being a part of this dialogue in what we can do to make ours the model and really the example around the world of the highest quality education that we can possibly have.

Mr. HOEKSTRA. I thank the gentleman for his comments. We really are going through a process where we are identifying what is working. We actually have developed what we call lessons in education. Some of the lessons we have learned as we have had hearings around the country are: Parents care the most about their children's education. They actually know the name of the teacher like the student does versus the bureaucrat that may be here in Washington.

Good intentions do not equal good policy. We have seen that in Washington. Every time there appears to be a problem, we create a new program. The end result is 760 programs, 39 agencies.

More does not always equal better. More money through the same failed system is not going to improve results.

Education must be child-centered.

Lesson number 5. When we spend more, we create more tax burden. Somebody has to come up with the dollars. It is our responsibility to make sure that we are getting the kind of results that we need.

Mr. Speaker, I am going to move to my colleague from North Carolina. I cannot imagine what he wants to talk about, but he has been sitting there so patiently. I believe he may want to talk about one of the President's proposals.

Mr. BALLENGER. The gentleman and I attended a hearing in Oklahoma. What I wanted to bring up, and we have discussed it here in one way or another, but the idea of spending money wisely. I am here to express a concern which our Democrat friends mentioned earlier on the condition of the public schools today.

A recent ''Prime Time Live'' segment by Diane Sawyer documented the deteriorating buildings and inadequate structures used to house our children. To combat this appalling situation, President Clinton has proposed a $5 billion mandatory appropriation to guarantee the interest payments for the construction and renovation of elementary and secondary schools.

That sounds like motherhood, apple pie, and the greatest thing since sliced bread. But one of the problems that the gentleman and I both know is that once the first dollar of Federal money is accepted, then there is a little thing called the Davis-Bacon law that goes into effect. What is the Davis-Bacon law? What it does is it mandates that you pay higher wages for construction.

Mr. HOEKSTRA. My colleague from Kentucky may want to jump in. The gentleman may want to just explain the hearing that we went to in Oklahoma.

Mr. BALLENGER. Strangely enough, we had heard that there were strange things going on in Oklahoma. Luckily for us, the Secretary of Labor out there had investigated the actual operation of the Davis-Bacon law as far as Oklahoma was concerned.

Mr. HOEKSTRA. What does Davis-Bacon do? Maybe our colleague from Kentucky can explain exactly what Davis-Bacon does because it is important that people understand this concept. Then we can go back into what we found about paving machines doing concrete and all of these kinds of things.

Mrs. NORTHUP. It is important, and it is important because I think the American people would be interested in how their tax dollars are spent.

What the Federal Government says is that any school that is built with a dollar of Federal money, that certain provisions in the bidding process have to take place. One of those provisions is that extraordinarily high wages have to be paid, higher wages than most of the taxpayers will ever earn. What this does is push up the cost of construction 11 to 20 percent.

This makes no sense. We are talking about the desperate need to build more schools. What you do is you give the schools the opportunity to help offset some of their interest payments, but by doing that, they incur 11 to 20 percent higher costs in building every single school.

Mr. HOEKSTRA. My colleague from North Carolina can explain exactly how this happens. The process is we try here in Washington, some people, the gentleman and I have been to the building, I am not sure I can find it on here, but I think it is somewhere in this neighborhood over here. There is a person in a building over here, and a group of about 60, 80 people that are trying to determine pay rates for 40, 50 job categories in every county in America.

What did we find in Oklahoma?

Mr. BALLENGER. For instance, a wage survey submitted to the Department of Labor, this is in Oklahoma, showed a $20 million renovation occurred at the University of Oklahoma football stadium involving 28 workers. In reality no work was done on the football stadium. Twenty million dollars sent in in the report to say they had done this work and it never happened.

Mr. HOEKSTRA. The report was sent in, so on the report they outlined the wage scales that are paid or were paid to these workers on this project and for any Federal project or any project that had Federal dollars on it, these were going to be the wages that were going to be paid.

So this was bogus information coming into Washington from the State of Oklahoma, and for any project now being constructed in Oklahoma that is the wage rate that was going to have to be paid. They tried to do the same thing in Kentucky.

Mr. BALLENGER. Let me give another one. The case showed that 7 asphalt machines, extremely large machines, as big as trucks, were used to pave a parking lot for an Internal Revenue Service building in Oklahoma. Workers supposedly were paid $15 an hour. In reality, the parking lot had only room for 30 cars and it was made of concrete. There was no way that you could use asphalt paving on it. The Department of Labor said that the wages instead of being $15 an hour should have been $8 an hour if it had occurred. But it did not happen.

□ 1830

Mr. HOEKSTRA. So with the process the gentleman from North Carolina has outlined, fraudulent data coming in is

what can lead to excessive costs for further Federal projects.

Mrs. NORTHUP. Actually there are two problems here. One is the fraudulent data. When you have a building in Washington, DC that is trying to determine construction projects and costs in Oklahoma, what you are doing is removing the two so far apart that you make fraud a very easy, very easily an occurrence. But furthermore, even if you have no fraud, what you have are extraordinarily high wage rates in places like Kentucky, places where if you were an individual, if you were a taxpayer, if you were going to construct something, you would never pay those construction wages. You would never pay those same level of construction wages.

I might say that in Kentucky, when I looked over those wage scales, there were $28 an hour, $26 an hour. We are a poor State. You know, we have people that are working for minimum wage, that are working as hairdressers, that are working in gas stations, that are driving school buses, that are working on the assembly line at Ford Motor Co. None of those people make $28 an hour. And for them to pay their taxes and have their taxes pay people to build schools for their children at extraordinarily high wage rates is an absolute abuse of their tax dollars.

Mr. HOEKSTRA. The gentleman from North Carolina will explain why that will happen with the school construction now.

I thought we were helping the schools to get more bang for their buck.

Mr. BALLENGER. Well, the truth of the matter is you know as well as I do that if you add this additional labor cost—I mean suppose the President is going to guarantee your interest rate on your bonds that you have. North Carolina sold a billion, $200 million worth of bonds. My own county sold $50 million worth of bonds. Thank goodness I think they are in such financial shape that they will not be desiring of using this thing, but if they were, and those bonds cost 6 percent, and the labor costs were 10 percent higher, you have lost 4 percent because you use Federal assistance.

It is unbelievable.

Mrs. NORTHUP. I want to just remind you though that even though North Carolina may not incur the higher school costs and may not borrow out of this $5 billion, this $5 billion represents the tax dollars they have paid to Washington, and they are just going to lose it for some State that does not have the foresight to be able to afford this.

Mr. BALLENGER. If I might, I would like to quote from the Wall Street Journal one statement here. An inspector general's report has blown this whistle on the Davis-Bacon Act, and that 1931 law by which the Labor Department drives up the cost of federally subsidized construction by requiring what are in effect union wages. A Federal audit of 800 wage survey forms used to calculate the local prevailing or union wage found that nearly two out of three forms contained significant errors and that deliberate misreporting activity may exist.

It is an ideal situation for fraud and abuse, and there is an indictment out in Oklahoma for one of the fellows that our hearing brought to the light of the law enforcement.

Mr. HOEKSTRA. If any of my colleagues could maybe answer the question. I mean if Washington does not set the wages for these projects, how would we actually find out the wages?

Mrs. NORTHUP. The best way to build a school for our children is for each school district to do it as they do it right now. They say, what do we need? We need this many classrooms, we need these certain specifications, and they put it out for an open bid process, and then all the companies that build can bid on those bid processes, and the taxpayers know they get the best price for the school they are going to build. That is what they deserve for the sacrifice they pay in their taxes, and that is the best way, close to home, to make sure that each school is built in accordance to specifications and at the cheapest price.

Mr. HOEKSTRA. It is kind of interesting what the woman has outlined. It is that would make the people in this building feel very uncomfortable because they do not believe that competitive bidding actually works in the construction industry. Even though we build huge buildings, construction projects, and we use it every day, for some reason the Federal Government does not believe that competitive bidding would work for us.

Mrs. NORTHUP. Mr. Speaker, I would just like to challenge the Department of Education and the President to rethink their proposal. Since they believe that schools construction is so important, since they believe the need is so great that we cannot afford it, I am going to ask them to resubmit their proposal and take out the Davis-Bacon provision, say that they will be excepted from this so that those projects that they say we need so badly will be built, there will be an opportunity for more schools for our children, and they can prove how dedicated they are to our kids by removing this very costly provision.

Mr. HOEKSTRA. If we put in the prevailing wage provision without the people here in Washington determining the wages, we will lose, I say to the gentleman from North Carolina [Mr. BALLENGER], anywhere from 10 to 20 percent, maybe more of the purchasing power. So this $5 billion, and it is going—I mean we will lose more than that because this is just a partial contribution to these projects, but the whole project will then be subject to Davis or to the prevailing wage law.

My colleague from Colorado.

Mr. BOB SCHAFFER of Colorado. That is the perfect point that I think the American people need to understand in this particular proposal because what the $5 billion that the Clinton administration wants us to believe is going to go toward school construction is only a fraction of the total cost of the project.

What I mean by that is that $5 billion is targeted toward buying down the interest that a school district would incur in financing a construction project. But even though a tiny fraction of the dollars that would be available to those school districts seems small, the fact that it is Federal funds and has a Davis-Bacon Act attached to them, when those funds are commingled with the State or local dollars that are involved in a project, it really spoils the buying power of all of the dollars that should be going toward bricks and mortar to build viable schools and schools that promote learning for our children.

But instead what the Clinton administration design is, is to have a greater portion, the 11, 20, 30 percent I have heard in many cases depending on what area of the country; to have that percentage of the dollars go away from construction, away from children, and toward some other purpose.

Now that other purpose may be useful to some people, but it is not useful to children. It is not useful to our goals to try to educate children, and this is the real conflict and vision, I think, between our Republican vision for schooling and the Democrat vision of schooling where we really want to get those dollars to kids. We really want to put them toward learning, not toward some union satisfaction that is a payback on a political promise.

Mr. BALLENGER. The saddest thing of all is the only people that will have to use this are the poorest school districts in the country. In other words, they do not have the taxing power to back up the bond issues they could sell, so they are going to have to use this 5 percent underwriting of their interest to sell the bonds which means the poorest people in the country will get the worst deal on building schools.

Mr. HOEKSTRA. The poorest districts in the country will end up paying a premium for all of their construction costs and will actually end up, may end up, getting less bang for their dollar than if they had never gotten involved with the Federal Government in the first place. But sometimes the stuff looks just so enticing, and it makes great rhetoric.

I think the gentleman from Colorado is absolutely right. We are not talking about the quality of education. We are talking about designing the best system of getting the financial resources to the child and to the classroom and the school construction program, and as with many of the other programs, one of our colleagues pointed out earlier, some of these programs take 21 weeks, not some, most of them on the average take 21 weeks, 216 steps, and even then you get an inflated price.

Mrs. NORTHUP. Mr. Speaker, I think it is important to realize that there will be a lot of rhetoric about this. I know that I have heard the debate that what you get is more efficiency when you use higher-price labor, but the true effect is if you got more efficiency, those companies that used the $28-an-hour workers would be able to bid on the job and get it without prevailing wage. If you actually save money by using higher price labor, then you could come in with lower bids, you would win the bid contract. So I think that you are going to hear some misinformation.

The other question is that if you do not set those wages high, that you are going to take advantage of people who are very poor. The truth is the people who are very poor, the people who have modest incomes, middle-income America, are going to subsidize with their tax dollars extraordinarily high pay rates for those people that work on the schools. It is not the workers who are talking advantage of on the schools, but all the other workers in our States and across this country that are going to pay higher taxes in order to get school projects they could get at a cheaper price.

Mr. BALLENGER. Suppose all the money they could save went into buying computers. This is capital outlay, the same deal. In other words, the money that they have to spend on higher construction costs could go into computers, all kinds of equipment that would make the school a better place.

Mr. HOEKSTRA. This is all about using the taxpayers' dollars more effectively.

Mr. BALLENGER. Right.

Mr. HOEKSTRA. My colleague from Colorado.

Mr. BOB SCHAFFER of Colorado. I wanted to just give you one more example on this Davis-Bacon Act and what the impact is on public projects and construction projects.

I returned from a couple weeks in, over the Easter break, doing town meetings throughout eastern Colorado; I went to a town called Trinidad which is in the southern part of Colorado, and the mayor, a Democrat I might add, came to me, and he talked about the Davis-Bacon Act as the No. 1 problem they are facing in Trinidad, CO. And they want to repair their library there, repair the library, not replace it, just repair it. In the process of repairing their town library they accepted $17,500 of Federal funds that they received in a rural redevelopment and construction grant, which was a small portion of the overall costs of this repair project. They concluded that by the time they calculated the cost of accepting $17,000 of Federal funds, costs attributable directly to the Davis-Bacon Act, that they would have been better off to replace the entire building than to make the small repairs that they had in mind.

Now I ask you to think about that when President Clinton and the Democrats come here and talk about this $5 billion as though it somehow is going to help our children and help our schools, and I assure you it will not. Before we came here tonight, one of our friends on the other side of the aisle, Democrat side of the aisle, said would it not be trying to paint a bleak picture for our children, said would it not be a shame if the children and the teachers returned this fall to crumbling schools.

Let me ask a more direct question: Would it not be a shame if those children and teachers returned in the fall to crumbling schools that are still crumbling, even after spending $5 billion of Federal funds? Our States, as a matter of fact, are better off unencumbered by Federal intrusion in the efforts of trying to repair schools and taking care of children. That is where our confidence ought to be placed, not here in Washington.

Mr. BALLENGER. We thank the kind gentleman. I would like to congratulate you on first of all your hearings throughout the country, but second of all, bringing this to, I hope, our TV audience to let them better understand what this is all about.

Mr. HOEKSTRA. I thank my colleagues for participating tonight. We are going to continue this dialogue on education. It is a very important one. We are going to continue hearings. This President in many cases has the same vision of quality education for our children, the best educated kids in the world. We share that vision. I think where we separate and go down different paths is he believes the answer perhaps too often lies here in Washington where we believe the answer lies with parents, with teachers and a local classroom.

I thank my colleagues for being here tonight.

## BIPARTISAN COOPERATION IN THE AREA OF EDUCATION

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, first I would like to applaud the fact that we have been discussing education now for more than 2 hours and that both parties have chosen to talk about education tonight. It is an indication of the kind of priority that we have set here in Washington on education, both parties.

As I said earlier this afternoon, we are in a situation now where something wonderful is going to happen in the 105th Congress as a result of the bipartisan cooperation, which I think is very sincere and very real. We have a problem, however, that there are people holding on to the past, the recent past, the past of the 104th Congress. They really understand that there is a new environment for the discussion of education issues as a new political environment, and they discovered that political environment last year during the 104th Congress.

The Contract With America made an onslaught on Federal participation in education. The Contract With America came forward and proposed to eliminate, eradicate, the Department of Education. They proposed to cut school lunches, they proposed to cut Head Start, they proposed to cut Title I.

I do not want to dwell too much on that unfortunate, very uncomfortable situation of the 104th Congress, but it is important to set all discussion within the context of the great triumph accomplished by the common sense of the American people. The common sense of the voters triumphed over all of the proposals of the Republican majority for education, the proposals that would have rolled us backwards. They even proposed a total of cuts that would have amounted to about $4 billion at the beginning of the 104th Congress. The Republican majority made those proposals and moved that way; it shut down the government. Let us not forget that the government was shut down because the President and the White House refused to go along with drastic extreme proposals for cuts in areas like education.

□ 1845

Let me just conclude this recapitulation of the 104th Congress by saying that I want to pay tribute to and give credit to those leaders in the Republican majority who decided to turn it all around. They did a 360 degree turn. They listened to the common sense being expressed by the American people. They listened to the voters. They listened.

They watched the polls which showed that the American voters ranked education as a high priority, and they have consistently been doing so for some time. They listened and at the last minute, faced with the possibility that their negative positions on education might very much impact on their reelection possibilities, they did a 360 degree turnaround. I applaud the fact that they were not so ideologically entrenched, so philosophically dogmatic that they could not make the turn. Given the necessity of getting reelected, they decided to make the turn.

I applaud the fact that the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Education and the Workforce, who is a former school principal, teacher, school superintendent, been around a long time, been on the Committee on Education and the Workforce for a long time, he was there with his insight, his experience, his wisdom. So when the turnaround took place, the chairman can tell them where to intelligently make the changes.

The turnaround, which was a 360 degree turnaround, instead of cutting education by $4 billion, they increased

education by $4 billion, and the gentleman from Pennsylvania [Mr. GOODLING] helped to guide them in making those increases in Head Start, in title I, in Pell grants. You name it, the positive increases in education were made, and I applaud the majority for responding to the common sense of the American people.

Given the fact that the common sense of the American people has been discovered as a reality politically, we can expect no one in any leadership position in either party, certainly not in the Republican Party which saw the folly of their ways, to openly be against improvements in public education. They would not openly attack the effort to improve education.

What we can expect, though, and have to be prepared for, and it may very much slow down the effort, confuse the effort, is guerrilla warfare, ambushes, Trojan horses, people who pretend that they care about education coming into the walls, into the compound and sabotaging. People who say they care about education, but they think, or they propose that the Federal Government not get involved. Federal Government involvement is minuscule even at the height of involvement, even if we follow the President's proposals, and the President has made a extensive approach here. The President does propose that we not play around with education.

Mr. Speaker, this is a call for action for American education of the 21st century. It covers education from early childhood to lifelong learning, right through graduate school, Pell grants, and undergraduate school. It is comprehensive. It talks about construction, it talks about standards in the classroom, telecommunications. It is a comprehensive approach. Certainly President Clinton has earned the title of education President merely for making proposals.

It is for us, the Members of the legislature, the Members of Congress, the House and the Senate, to follow through on these proposals and not to sabotage them, not to confuse the situation with misinformation or disinformation such as some of which we have heard in the previous hour. There are people who say that we should not go forward with Federal involvement because the Federal Government has too many programs, seven hundred programs.

Well, Mr. Speaker, I am in favor of streamlining and improving Federal involvement in education, but I will not take the irrational position that the number of programs is somehow a barometer of whether the programs are effective or efficient. If we did that, we would shut down half of the Defense Department.

The Defense Department has far more than 700 programs or 700 weapons systems. If we look at the defense budget and really go through it, there is probably nothing in the world that in some manner is not in the defense budget, where they do not approach some problem of human concern in the defense budget. They approach reading and counseling, a whole lot of other things other than weapons systems. And then they have numerous weapons systems, which if we were into the fallacy of measuring effectiveness and efficiency by numbers, we would say shut down some of these weapons systems, because automatically to have too many is to have an ineffective defense.

Mr. Speaker, that is an irrational approach. If we are going to streamline the way the Federal Government approaches education, let us not begin by making irrational proposals about the number is too great and therefore we should wage war on the numbers.

What has happened with that irrational approach is that small has become evil and big has been too big to contain. So a lot of small programs that were very meaningful and very efficient and effective were cut out, and big programs were left, just because the size was so great that the people who wanted to wage war on a number of programs did not bother to touch them.

Some small programs related to libraries, related to foreign language, literature and libraries, made a lot of sense. They had networks that cut across all the libraries of the country, and for a very tiny amount of money we were building up the inventory of books in foreign languages, which was significant. That was cut out, so small that it was deemed one of those programs, automatically, if they are that small and we have too many programs and numbers mean so much in view of education, then automatically let the small programs go. That is not a rational approach.

I hope as we go forward in the spirit of bipartisan cooperation we will cease using these kinds of irrational barometers and measurements and that we be honest about, let us evaluate each program, let us evaluate each approach on the basis of what works. The previous speakers talked about what works, what really works. Let us take that criteria and talk about what really works.

Mr. Speaker, we are going to have a hearing I understand next week in New York City, and the discussion is about what works. That committee will have a discussion of a program proposed by the mayor of New York City. Mayor Giuliani has gone out to get parochial and private schools to accept children from public schools as a result of the overcrowding in public schools that took place, that was highlighted. It has been there for some time, but it was highlighted last fall when we had 91,000 children in New York City who did not have a place to sit in school on opening day. To what degree that exists right now, I cannot tell you. We have been trying to find out. And there is a wall of obscurity that has been deliberately promulgated which prevents us from really knowing, have they solved the problem of overcrowding? Did they move children around to empty schools or schools that have less than capacity? How did they solve the problem of 91,000 children in school on opening day not having a place to sit? How did they solve the problem? We still do not know.

What we do know is the mayor took the initiative and said, I will find places for 1,000 children in parochial and private schools; I will raise the money from private sources.

So every day in the paper we have new articles about the 1,000 children, the fact that the corporations and the private sector have come forward and provided the tuition money, the fact that they have a lottery, the number of children that the parents have applied to put their children in the program, and the last count was close to 20,000. They have 1,000 slots. Close to 20,000 have applied, so they are going to have a computerized lottery system to select. All of this is very exciting, and I congratulate the mayor for doing something concrete about a problem.

Mr. Speaker, we are going to help place 1,000 youngsters. The only question that we have to ask is, what happens to the other 90,000? There are 90,000 youngsters that we still have not placed. The 1,000, we hope that they will find secure places in the parochial and private schools. And we want to express our thanks to the private entrepreneurs and various people who put up the money to pay the tuition. We want to congratulate the parents who were lucky in the lottery; 1,000 out of 20,000, and the number may still be drawn. I do not know when the cutoff point was. In that lottery, though, we will have 19,000 losers. But we congratulate and bless and wish the best of luck to those 1,000 who do go forward.

This is a good idea. Private industry, let us do more, let us place more children. Mr. Speaker, there are a few questions that we can ask to show that this is not the answer to the problem. New York City has 1 million students; 91,000 had no place to sit as of last September. How do we solve the problem? Do they have the capacity in the parochial schools to take all 90,000? I do not think so. Are we going to be able to raise the tuition for all 91,000? Is the private sector that generous? Are we going to get the money for 91,000? I do not think so.

I do not think that is the solution to the problem. The solution to the problem lies in a plan to rebuild and renovate and build new schools in New York City, the kind of plan that was proposed by the previous chancellor of the New York City school system. We do not have a superintendent; because we are so big, we have a chancellor. The chancellor presides over 32 community school districts in New York City.

The chancellor of the last system proposed a plan over, I think, 5 or 7 years to renovate, rebuild, build new schools. The present mayor ran him

out of town, ridiculed him and made all kinds of roadblocks. So, the man with the plan to take care of the problem was run out of town.

The solution now becomes, instead, placing children in private and parochial schools, and we are way behind if all we can do is place 1,000 of the 91,000.

So we have to be careful. In the present atmosphere, everybody wants to jump on the bandwagon. The voters have spoken. Education is a priority issue. The voters have awakened and they want to say: Well, Mr. Speaker, we spent the money necessary for defense, we spent the money to contain the evil empire, billions and billions. We went from a horse and buggy Defense Department after World War I to a multibillion-dollar Defense Department before the end of the Cold War.

We were spending money on a scale which is impossible almost for most voters to comprehend. Mr. Speaker, $3.5 billion for an aircraft is beyond the comprehension of most people; $2 billion for a submarine, beyond the comprehension. We take the cost of one submarine, and we can solve the problem of New York City for the next 20 years of buildings.

We can do a great deal with $2 billion in terms of construction, renovation, taking care of asbestos problems in some schools, lead poisoning problems in some other schools, boilers that still burn coal. We have one-third of the city schools almost that still burn coal, polluting the environment and contributing to the high asthma rate in New York City. A large number of young people have asthma, larger than most big cities.

So be careful, beware. The Trojan horses are within the walls. They say that they are in favor of improving education; they say that they want to support the effort to revitalize and guarantee that every young person in America has a decent school, but the old attitudes that existed in the 104th Congress are still underneath the surface. There is an underground movement. There are guerrilla actions, there are ambushes that are going to take place, and we have to beware.

Let me just pause for a moment to talk about what it means to have a Nation committed to go forward in every way possible to improve our education system from the cradle to the grave.

□ 1900

We are creating a learning society. Before these were kind of loose terms thrown around, but we are really creating a learning society. President Clinton talks about a learning society, a lifelong learning society, where you learn from the time you are a baby all the way to the time you die.

This comprehensive approach dealing with adult literacy and adult education, the Call for Action for American Education, understands that that is the kind of society we want to create. As we go into the 21st century we ought to be able to spend less for defense and less for weapons systems, and spend more to guarantee that there is a maximum opportunity for every person in America to be all that they can be. That is a sentimental, hokey slogan, you say, from the Armed Forces' public relations campaign, but it is pretty good. I will accept it.

Mr. Speaker, let us try to guarantee that the opportunity for every American will be there to be all that they can be, to strive for excellence in every way, starting with the kid who was in preschool, preschool age, through kindergarten, Head Start, right up to high school, college. Let us dedicate ourselves to the proposition that in this great country of ours, we are going to give every person an opportunity to be all they can be.

One part of this process ought to be to let us glamourize education and excellence more. Let us give more credits and more incentives to our students to be champions in the arena of education, in the arena of academics. We have a few national contests, the Westinghouse Science Contest and a few other well-known contests that reach out and embrace a small group of youngsters. We need more. We need to have academics elevated to the level of sports, so young people fulfill themselves and attain some kind of recognition among their peers and among adults by participating in activities which improve their minds.

A healthy body, of course, is a premium. We want to encourage healthy bodies. We still have a problem in America with people who do not exercise enough. We have a problem of obesity. Exhibition No. 1 is standing here. We do not want to denigrate sports, we do not want to denigrate physical activity, but we do want to exalt academic activity, intellectual activity.

I am here to pay tribute to a project, one of these 700-some projects in Federal education that was talked about before. I want to pay tribute to that for exalting the academic achievements of students. It is called ''We the People * * * The Citizen and the Constitution.'' ''We the People * * * The Citizen and the Constitution'' is a national competition that is organized to encourage young people to learn more about our Constitution and our Government and how it works.

This was initiated, by the way, during the celebration of the centennial; not the centennial, the 20th anniversary of the bicentennial—the 200th anniversary of the Constitution. It was one of the activities initiated. Now it is continued by the Center for Civic Education.

The Center for Civic Education is part of the operation of one of our education centers funded by the Federal Government. I want to applaud them and congratulate them for this. They were not always involved. This started out as an ad hoc sort of thing just for the celebration of the Bicentennial. Now it has been institutionalized. I want to congratulate the Center for Civic Education for carrying it forward.

They have now been doing this for quite a long time. I do not remember whether it is 10 years or more. Each year in each State, or first in each locality—I will use New York City as an example, New York City has a competition among the schools. Other areas of the State have competitions. The winners of those competitions go to some central place in the State and they compete for the State championship. This happens all over the country, in all 50 States. The State champions then are invited to Washington in the spring, and they compete among themselves for the national championship.

The competition is all about who knows the Constitution, the Government, and its operations the best. What they do here, let me just read some background. The top high schools or the winners in the country come here and they participate in national finals on the Constitution and the Bill of Rights, and more than 1,250 outstanding high school students from 50 States came this spring. There were 50 States and the District of Columbia to participate.

This has been going on for some time now. I think we have had the participation of something like 24 million students totally, at the local level as well as at the national level; in every locality, every State, they get a lot of participation.

This year, of course, they came on April 25 and 26, and after 2 days of intense examination of their knowledge of the Constitution the field was reduced from 51 teams to 10 teams, the top 10 teams. The first two rounds of competitive hearings were held April 26 and 27, at the J.W. Marriott Hotel here in Washington, and the combined scores of each team determined the 10 teams to compete Monday in the championship round on Capitol Hill. They were right here a few days ago, Monday, in this Capitol, in the Rayburn Building, competing for the final championship, 10 different teams.

In the competitions, students demonstrate their knowledge of the Constitution and Bill of Rights before simulated congressional committees composed of constitutional scholars, lawyers, journalists, and government leaders. Students compete as classes after completing a comprehensive course of study on the Constitution to qualify for the competition. The national finalists had won congressional district and State competitions in order to advance to this point. Then after the day's competition here on Capitol Hill they announced the winners last Monday night.

I want to pay tribute to the winners of the contest. First I will pay tribute to the top 10 schools. This is the kind of activity that you will not get on television. The championship games are broadcast for college and at the local levels you have championship games broadcast for high schools and sports.

Students who are good in sports always get attention. They get trophies, and there is a trophy case in every high school. We would like to replicate that and have academic and intellectual activities given the same status.

So I take my hat off, and I want to congratulate the top 10 schools in America. Lincoln High School in Portland, OR was one of those top 10; East Kent High School from Kentwood, MI; Clara Barton High School from Brooklyn, NY, in my own district; East High School, from Denver, CO; Castle High School from Newburgh, IN; Maine South High School from Park Ridge, IL; East Brunswick High School from East Brunswick, NJ; Tahoma High School from Kent, WA; Arcadia High School from Arcadia, CA; and Our Lady of Lourdes Academy from Miami, FL. These are the top 10 schools in the competition on ''We the People * * * The Citizen and the Constitution,'' a competition designed to test the students' knowledge of both the Constitution and the Bill of Rights.

So I salute all of the top 10, and I would like to pay additional tribute to the top four. The top winner was Our Lady of Lourdes Academy, Miami, FL. They came in first this year, first place. The second winner was Arcadia High School from Arcadia, CA. Congratulations, Arcadia. Congratulations, Our Lady of Lourdes.

Then No. 3 was Tahoma High School of Kent, WA. Congratulations to Tahoma High School. No. 4 was Clara Barton High School of Brooklyn, NY, from the 11th Congressional District. I want to congratulate the members of the team from Clara Barton High School in my district in Brooklyn. My hat goes off to them. This is the second time they came in fourth in the contest. This is, I think, the sixth time that they have made it to the national finals as State champions, so something great is going on at Clara Barton High School.

I want to congratulate the students who participated. This was one of the largest classes. The rules require that the participants in this contest be a whole class, and that the class be under the instructor, the coach, for the whole year. So it is a class in social studies or history or some related matter that comes as a class.

What happened at Clara Barton High School this year is that because of their past reputation, because they had come and won fourth place before, because they had consistently won the State championships, the teacher, the coach who heads the class, was inundated with requests to get into his class. So we are talking about 40 students, one of the largest classes. It was the largest class to come to the contest, all 40 students.

New York City has an overcrowded situation, but high school teachers do not have to take 40 students. Mr. Casey, Leo Casey, was the teacher, Dr. Leo Casey. He agreed to take 40 students because of the overwhelming demand to get into his class.

These students have not been celebrated as sports heroes. They are not entertainment celebrities. But the tradition that has been established at Clara Barton High School is such that the winning tradition in the intellectual academic arena has led to students clamoring to get in. So Dr. Casey accepted 40 students, and those 40 students, that was the largest team here in Washington.

I want to read the names of the students. I am going to take the time to do it because I think this is part of the process of creating an environment in America where education is exalted, where academic and intellectual activities are raised to a new level, our students are inspired and given incentives to strive for excellence. These are students who strive for excellence in the area of understanding the Bill of Rights and the Constitution.

They are: Nicole Aljoe, Munira Basir, Letricia Bennett, Michelle Bennett, Katherine Bernard, Slahudin Bholai, Dafina Westbrook-Broady, Keusha Carrington, Shakira Chang, Calvin Coleman, Dean Douglas, Nirva Dube, Iesha Etheridge, Jonathan Ewars, Migdalia Feliberty, Sean FORDe, Sharkara Godet, Oslen Grant, Moshesh Harris, Rochelin Herold, Christopher Hubbard, Sonia Hurble, Tiffany Jefferson, Generva John, Anthony Marin, Anisah Miley, Travis Moorer, Calistia Nanton, Franchelica Nunez, Damian O'Connor, Ayo Ogun, Emmanuel Onasile, Tamara Osbourne, Charlene Palmerm, Carolina Perez, Natalie Pierre, Raquel Rivera, Tanisha Simpson, Camille Sinclair, Vysaisha Singh, Vijay Sookedo, Sharon St. Hill, Karrien Stone, Naquida Taylor, and Andrea Telford.

These are all students, and I think the Members might have surmised from reading the names that they come from very diverse backgrounds. It was the most diverse team to appear at the national contest.

I might point out that in the 11th Congressional District, my congressional district, when the census was taken in 1990, 150,000 people listed themselves as being noncitizens, 150,000 out of a total 582,000. So I have one of the highest noncitizen populations of all the congressional districts. The 150,000 came forward and indicated they were not citizens, so they were legal immigrants. I assure the Members, the illegal immigrants did not come forward. So we have 150,000 of the 1990 legal immigrants.

The diversity of my district is reflected in the names of these children. My district has Cambodians, there are Chinese, there are Pakistani, there are a whole array of people from all of the islands of the Caribbean; we have Haitians. It is a wonderful mixture, a rainbow mixture of America in my district.

Generally, Mr. Speaker, there is an income level that is lower than average. Not all of these children are poor, but the great majority come from low-income homes who go to Clara Barton High School. I want to congratulate them on their magnificent achievement.

I want to congratulate Mrs. Florence Smith, a former high school teacher, who served as the volunteer coordinator for my office. The 11th Congressional District coordinator is Florence Smith. By the way, she resigned, retired from school one year, and the next year she became the coordinator for my 11th Congressional District, and she has been there since then; about 8 years with Florence Smith, who does not receive a penny for her services.

If Members want to talk about volunteer services in harmony with the great conference that was held in Philadelphia this past weekend, here is an example of the kind of volunteers that we have in America. People who retire and who, in some cases, spend more time in activities after retirement than they did when they were working.

Congratulations to all the people who made it happen. In my congressional district, the Clara Barton High School team is sponsored not only by my office but by the Central Brooklyn Martin Luther King Commission. In fact, the money that was raised to first send this team to the capital at Albany was gathered by the Central Brooklyn Martin Luther King Commission. Money that has been raised in the past years before the funding level went up nationally to get them to Washington, the great sponsor and mentors of the Clara Barton High School team have been the members of the Central Brooklyn Martin Luther King commission.

□ 1915

We have some other organizations that have also become sponsors. Children's Times is a publication on education. Thomas Jones and his wife, Mr. and Mrs. Jones, have been very instrumental in encouraging the young people at Clara Barton High School and in raising money to make certain that they were able to go to Albany and come to Washington.

So it is a kind of growing group activity. They still have difficulties raising funds to get to Washington. I want to call on the bar associations of Brooklyn, the bar associations of Manhattan and New York, and all the lawyers who know what the Constitution is all about, judges' organizations, I would like to call on you.

Some judges come to practice with the youngsters. They come to my office on a Saturday morning about twice a year just before the contest and judges come and sit with them, go through the process and coach them in terms of how they handle tricky questions in the legal system related to the Constitution and the Bill of Rights. So it is a group enterprise of great magnitude. I congratulate the winners, the champions from Clara Barton High School in Brooklyn.

It is one of those activities that we should see more of. The old-fashioned

spelling bees and the science fairs and a number of incentives to have children participate more in academic activities which develop their minds is an absolute necessity and must go forward.

Again, this is one of those 700-some Federal programs that have been ridiculed by the previous discussion. The Center for Civic Education does a great job. And I would not want it to arbitrarily be denied funding because it happens to be one of many programs. That is an irrational approach. That is an approach taken by people who really have not quite come around 100 percent to the understanding of the need for education to become America's No. 1 priority.

Our national security is all tied up with what we do with education. Our national security, certainly defense and our defense posture and our military services still have a great deal to do with national security. I am not denigrating that, but in a world which is more and more an economically competitive world, in a world where there is great competition for ideas, our No. 1 resource are our people and the education of those people must be our No. 1 agenda.

I congratulate the American voters. The American people understand that. They understood it long before the Members of Congress were willing to admit it, but now the Members of Congress have been forced by the insistence of the electorate to admit that education must be our No. 1 priority.

Political necessity has dictated it. What we have to worry about now is a people who are not sincere who, because of political necessity, they give lip service to their support for education. We have to worry about the Potemkin village effect. Does anybody know what a Potemkin village is?

There was a general named Potemkin in Russia who took Catherine the Great, who was his empress, on a tour to show her how magnificent a village that he was in charge of was; and in that village they had fronts. The houses were beautiful, but they had nothing behind them. They were all linked together. So Catherine the Great could not see behind them. And Potemkin's village was a beautiful village, but it was nothing but facades.

The danger is that there are some people that would want us to go to the American people with a Potemkin village in terms of educational improvement. They are satisfied to just get the headlines, make it appear that we have gone forward, but really not do the job.

It is a big job that we face. It is a big undertaking. And unless you are willing to follow the leadership of the President and take a comprehensive approach, comprehensive, a call for action for American education, this is a comprehensive approach. It starts with preschool education. It goes to Head Start.

Preschool education and Head Start have been given a great intellectual and philosophical boost by the recent conference that was held at the White House on early childhood education and learning. Several magazines have run some articles on the brain of young children, how the brain develops.

It seems now that there are no detractors. And nobody opposes, nobody questions the theory now that the brain of a young child is the most valuable thing on Earth. It has potential that has seldom been tapped. They can learn so much more than we teach them. They can be developed in so many more constructive ways than we know. We should focus maximum attention on what happens to young children.

The brain is affected by how often they are squeezed, by how often they are cuddled. The brain is affected. The brain is affected by whether they are yelled at or whispered to. The brain is affected by the number of times their cries do not get a response. The brain is affected by the way you hold their hands and encourage them to grip the hand. It is affected by the way you move to help their eyesight develop. These are things that all the scientists agree on that great things happen to the brain just by the proper nurturing.

Recently we had scientists that affirm that this is happening positively. Recently we had several studies that show what happens if it is negative, if you do not take care of children when they are very young, what the results are.

The Romanian children that came from the Romanian orphanages have been cited several times in several studies from some of the Soviet and other Middle Eastern orphans. People saw these beautiful little children who had no mothers and fathers. They were being kept in pens and being thrown into big rooms where the adults only came around to feed them. And they were physically beautiful children and needing some help and attention in the hearts of many American parents who did not have children, and some who had children, who wanted to help so they added some of these children. They have gone and adopted children.

We had a heart-breaking example on television, I think, last night a news story about a family that adopted two Russian youngsters, fraternal twins, and what that family went through as a result of the damage that those young people had already suffered. You could not reverse it. Their brains had been affected in ways that could not be changed. So they are very anti-social. They have been ignored so long until they can form no attachments to human beings. They really are very suspicious, very hostile. They have things that they do that are incomprehensible.

The mother and the father tried for a long time. The father then died from pancreatic cancer, and now the mother just is overwhelmed. She cannot get help anywhere. She tried to place them in a residential school and found that the school saw them as being too difficult, they could not keep them.

It is not that she is not trying as hard as possible. It is an almost impossible task to raise such children in a normal situation, because the scientists have confirmed that your brain actually atrophies, it gets smaller, it dries up as a result of in childhood not being treated a certain way.

They have a study where they took some of these children from Romania, mainly Romanian, there is a thorough study done on the Romanian children, they took them through CAT scans and these various devices that can actually look at the brain and they showed the diagrams on television where the brain had shrunk and where it was irreversible. Certain parts of the brain shrinks, they cannot respond normally. They are damaged children.

On the other hand, there is a percentage that, no matter what happened to them, they survive, a small percentage. You might say the old argument that people often make, well, I went through poverty, I went through despair, but I came out all right. A certain percentage of the human race can be classified as almost super people; and no matter what group you are looking at, a certain percentage is going to overcome whatever conditions you put in front of them, a small percentage.

The overwhelming number of people respond to stimuli, and the brain is affected. So that nation which understands the importance of handling its young people with the maximum amount of nurturing and care; that is, the nation which first commits the most resources to young people, will certainly be in a position to not only save a lot of money later on in terms of the social dislocations that people who are damaged perpetuate, but in terms of the benefits of alive minds capable of learning, alive minds that have been expanded and they can absorb new information and new changes in technology very rapidly.

If you treat the minds of the young people a certain way, they have those kinds of minds and they have the mental and emotional attitudes, which are also constructive. Because people have always responded to them in a positive way, they respond to other people in a positive way. Their ability to work on teams, their ability to work and relate to their peers, all of this is affected.

We have concrete, scientific evidence which documents this. More important than genetic, the old debate of inheritance versus conditioning, environment versus the inheritance, that old debate can be put to rest. The inheritance does count. The genes you get do set up possibilities.

The greatest problem is in the way those genes are handled in the early years of life. You can take some weak genes and improve on them, actually, if children are nurtured a certain way and treated in a certain way. You can take some beautiful genes, strongest genes, and you can destroy them. They will atrophy, they will shrink, dry up

in terms of the brain, and you will have a set of behaviors that has nothing to do with the genetics that they inherit, the condition is there.

So what we put into Head Start, the dollars we spent for Head Start are the dollars we could get the greatest benefit from. If Head Start programs are going to degenerate and if we are going to put them on tight funding and say, yes, we subscribe to the principle that early childhood education ought to be supported, but we will not appropriate money so you can really have teachers who know, child-care specialists who know how to handle children and you just put them out there and you get welfare recipients, as has been proposed in some cities, you take people who are on welfare and you force them to go to work in child-care centers. Nothing could be worse than to have a person taking care of children who does not want to take care of them. Nothing could be worse than to have a person taking care of children who will be hostile to them because they feel they are being forced to do something they do not want to do.

So do not put people who are on welfare to work in child-care centers unless they want to go and receive training as to how to raise children, unless they are mothers already that have gone through the process already and understand how to nurture the children. And do not do it in a happenstance way so that maybe they know it, maybe they do not.

It pays to screen the people who are taking care of children in day-care offices and Head Start, anywhere else. Let us not try to solve our welfare jobs problem by using children as unfortunate guinea pigs. That is one lesson we ought to learn. Education funding for early childhood, education for Head Start should be adequate funding.

What is adequate funding? You can determine whether or not the ingredients are there by looking at the situation and setting up a set of rules that either the place is safe or it is not safe. The day-care center or the Head Start center, either the place is conducive to learning, with enough light, enough air, or it is not. There are standards that can determine what is adequate.

When it comes to personnel, you can determine whether the person has experience, training and they are able to deal with the job that they are assigned to do with respect to children. The dietician in the kitchen, they can determine whether they really know what they are doing, are they going to put too much salt in the food. All these things are doable. We can do them, but we have to have adequate funding to guarantee that they get done.

What I am saying is that the Potemkin village approach to say we are for education, we are for early childhood education, but say what is too much money, Head Start should not spend too much money, what is so much money? Let us determine what is adequate.

Which brings me to my final discussion for today. If you have bipartisan cooperation here in the House and they really want to go forward to improve education in America, then there is a set of standards which must be reexamined. I invite the voters, the citizens who are listening, to apply their common sense.

I spoke to a group in Cleveland called PS–21, a group of people who are dedicated to the proposition they want to have the most improved schools in University Heights, Cleveland Heights, they want to have the best possible schools. One of the ways that they are trying to accomplish this is to make sure that local citizens, leaders, teachers, people concerned about education and parents have a maximum discussion of what it takes to make good schools.

□ 1930

A series of forums that they have had last year and this year, they are going to go all the way to the year 2000 because they are getting ready, they are remolding their schools to be the best possible schools as they go into the 21 century. So that is why they call it PS 21.

We had a good discussion, and I talked to them about the micro level, at the citizens level, out there in the schools, the PTA's, people on the firing line, teachers. We have to have this kind of dialoguing to make certain we get the maximum benefits from what is happening at the macro level. The macro level is what President Clinton is proposing. The macro level are Federal programs. Macro level is what Congress will do when it acts on President Clinton's proposal.

The macro level involves such things as the vote that is going to be taken next week on the discount to schools for telecommunications services. The Federal Communications Commission acting on a mandate given to them by Congress will vote on a proposal to provide telecommunications services to schools and libraries across the country at a discount rate of between 20 percent and 90 percent. The poorest schools will get up to 90 percent discount on telecommunications services, and any school in the merit system will get at least a 20 percent discount on telecommunications services.

And by telecommunication services, I mean a whole range of things, including telephones. Most of our schools in New York do not have but a few telephones because they are charged the business rate for telephones. If telephones are put into this universal fund for telecommunications that is now going to be voted on by the FCC, then we will at least have more telephones in schools. But online services for computers, computer hardware, the wiring of the school, all of these things can be paid for at this discount rate that the telecommunications industries will have to pay for.

They have a fund called a universal fund that the money goes into, and at this point it is a $2.5 billion fund per year, $2.5 billion per year indefinitely. It is not a short-term proposition. So this is a macro activity we ought to all understand, to relate to this macro activity. At the local level you have to have schools that can be wired.

If a school has an asbestos problem in New York, you cannot even get to the first step and take advantage of the universal fund that is going to be established by the Federal Communications Commission. We had Net Day across the country, various States, localities. We have Net Day. We had another Net Day episode in New York last week, and on Net Day volunteers go to help wire schools. For Net Day, the standard is that you should wire five classrooms and the school library, and you have completed a Net Day responsibility.

Well, Net Day in New York has been a gross failure. You have 1,000 schools and only a handful have been wired because the asbestos problem is there. You cannot bore holes and confront the fact that there is asbestos that must be taken care of. So at the micro level, unless we find a way to solve the problem of asbestos, we will not be able to take advantage of the macro programs. We will not be able to get part of that universal fund.

The President has proposed and we have in effect the literacy challenge fund. We have the technology learning grant program. These are already under way. We cannot take advantage of those in the schools that do not have the iniative to deal with the local problems that allow them to link up with these problems. That is why it becomes so important to deal with construction before you deal with anything else.

They cannot go into the 21st century and take advantage of the educational technology that is being developed. Computerized learning, videos, all kinds of things are being developed to supplement the teacher in the classroom. There is no substitute for the teacher in the classroom, by the way. Recent studies have shown that no matter what you do, the quality of the teacher in the classroom determines whether or not children will get an adequate education or superior education.

So the quality of the teacher we have to take as one of the constants. But around that they can have their performance enhanced. Teachers can do so much better no matter what kind of teacher they are if they have enhancement and can use the Internet, the videos, the educational television, computerized learning. All that is available and we should make a maximum opportunity to use it.

Mr. Speaker, we need what we call opportunity-to-learn standards in our great discussion of how to improve education in America. We need to focus on opportunity-to-learn standards. We know about the standards for curriculums. The President has pushed that and I agree with curriculum standards.

We know about testing standards where we are going to have tests that are similar enough from one State to another to be able to compare the performance of States, schools within States and performance of States with each other, and have some idea of what is happening in America overall with respect to adequate and excellent education. What the set of standards that we have not agreed on, we did agree on, and it was reversed. And the great horror story of the 104th Congress, they turned around everything except one, in one area they went backwards at a rapid rate.

We had opportunity-to-learn standards written into the legislation. The Goals 2000 Educate America Act had three sets of standards. They are the curriculum standards. They had the testing standards. And through a long debate, we members of the Education Committee had gotten the opportunity-to-learn standards.

Opportunity-to-learn standards are exactly what they say. If you are going to have a curriculum that is a great curriculum, if you are going to have testing, you are testing the children to see if they measure up and can learn that curriculum, one thing else has to happen. You have to have a guarantee that the students have an opportunity to learn by seeing to it that they have the right books so that they can measure up to the standards, pass tests, guarantee that they have a safe place to study, a safe place to learn.

That is part of the opportunity to learn. Guarantee that they have qualified teachers, people who know what they are doing. At one point we had a survey in New York City and found that two-thirds of the teachers who were teaching math and science in public schools in New York City had not majored in math and science in college. In junior high school, if you have teachers teaching math and science who did not major in science in college, you have a problem. Opportunity-to-learn standards would say that the standard is that no State, no locality should permit a situation where children do not have an opportunity to learn because the teachers are not qualified.

Opportunity to learn means that, if you are going to teach science, the school ought to have a science laboratory. It means that the science laboratory ought to have adequate supplies. Opportunity to learn means that you have books in the library which enhance the textbooks which are not 30 years old.

We have a problem with history books, social studies books being 30 years old in some of the libraries in New York City. So opportunity to learn and the agreement to accept opportunity-to-learn standards is one of those barometers by which we can measure whether people are sincere about improving education in America. One of those barometers to flesh out the Trojan horses and the underground operatives and the people trying to ambush the effort is to ask them, how do you feel about opportunity to learn?

One of the first tests of opportunity-to-learn standards is, will you support the President's construction initiatives because at least every child should be in a building that is safe, in a building that is warm. In a building that does not burn coal and put pollutants in the air for children to breathe to get contaminated with all kinds of harmful substances. A building that is safe, a building that has decent lighting, a building that has decent ventilation, a building that is adequate so that you do not have what is happening in New York City. Again, schools will tell you because the board of education and the bureaucrats have told them that they do not have an overcrowding problem. We had a little test, the Central Brooklyn Martin Luther King Commission, which is my advisory committee on education, they sent people to school to see if they have solved their overcrowding problem.

Principals said, we have no problem, slightly over capacity. They were lying. The next question I told them to ask was, how many lunch periods do you have? How many lunch periods do you have? That is a telltale sign of an overcrowded school. We have numerous schools that have three lunch periods. Children start eating at 10:30. They do not stop until 2:30.

We have discovered one school that has five lunch periods. I said, if you have five lunch periods, when does the first group eat lunch? At 9:45. Is it not child abuse to make a child eat lunch at 9:45? Is there not something wrong nutritionally, physiologically with making a child eat lunch at 9:45 in the morning?

The principal who told me this has been living with it so long she was not embarrassed. She said, we let them have a snack later on if they get hungry. The last group that eats, we let them have a snack in the morning because they get hungry before we finally get to them. Five lunch periods, from 9:45 up to nearly 2, they are eating in relay teams. It is overcrowded. The capacity has been exceeded.

You should not do that to children. No matter what they do to lie about the statistics and tell us, once we asked the question, how many lunch periods do you have, we have a telltale sign it is overcrowded.

We can go around and see with our own eyes that children have classes in storerooms, sometimes in the hallway, two or three classes are in the auditorium. We can see that the overcrowding is there, even when the bureaucrats do not admit it.

We still have the problem, 91,000 children did not have a seat in New York City when school started last fall, and large numbers still do not have seats and nobody is willing to admit it. So opportunity to learn means that the construction initiative of President Clinton should go forward because at schools like the schools in New York and the schools in numerous other cities that are overcrowded, that do have unsafe environments, lead poisoning, asbestos, all kinds of problems which affect the health of children. Those schools are transformed into the best schools that America can make.

The President is only proposing a small program that will set off the process, stimulate the State to put in money, stimulate the localities to spend money. And we must understand that. The great emergency for opportunity to learn is the construction of school buildings in our inner cities.

The $5 billion fund that the President is proposing should be given. The first proportion that they are proposing, up to 50 percent, I understand there were a lot of objections from Members of Congress. Members of Congress, I plead to them to open their eyes and look at the evidence.

The greatest problem is now in the inner-city communities. Children do not have an opportunity to learn because they are denied the basics of a decent place to sit, a safe place to sit, and a place free of toxic substances and a place which is ventilated properly and lighted properly. It is that basic.

Opportunity to learn means much more. But let us at least start with the President's construction initiative. We will follow through. The President is proposing training for teachers, suppliers. The President is proposing a number of items that become very important.

The incentive of having young people in elementary, secondary schools know that they can go to college, if they apply themselves to their studies in elementary and secondary school, that is also important. It is a continuum from early childhood, from the cradle and how you handle a baby when you pick them up and nuture them all the way to lifelong learning of retired people who can still contribute to the society by volunteering, by helping to mentor, by trying to improve our society in a number of ways.

In the process, we should also make certain that we build into our popular culture, build into our popular culture incentives that glamorize academic activities, that glamorize intellectual activities.

I will close by saluting the Clara Barton High School championship team from my district for their performance in the contest to show their knowledge of the Constitution and the Bill of Rights. I congratulate all the schools and all the youngsters across America who are champions in the area of intellectual and academic activities.

## ISSUES FACING THE 105TH CONGRESS

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, it is a great pleasure to be with you tonight and discuss the many issues that are facing the 105th Congress.

One of the things that we will be voting on very soon is the supplemental appropriations bill. That is a fancy word for a bill designed to send aid to the folks who have been victims of flooding in the Midwest. It also funds the continuation of troops in Bosnia.

There are a lot of us who want to get our troops home from Bosnia. But at this point we still need to fund the ones that are there, and we need to have the debate about getting them home also. But the two purposes of this funding bill are emergency for the flood victims and emergency for Bosnia.

Politics is politics, and we cannot pass a bill around here without something totally unrelated being attached to it. That is always going to be the case, and that is the case with this bill that we are considering. One of the nonemergency items which many people in this House have supported is increased funding for WIC, which is the Women, Infants and Children Program. It is a milk formula program, and the program does a lot of good.

□ 1945

We have identified in our society that if we make sure that a pregnant woman has a proper diet, that the chances of the baby being born without medical complications is much greater; and, similarly, in the first couple of years of the life of the child, if the child is getting proper nutrition and proper diet, then the child experiences far fewer health care problems, which in terms of budget are more expensive. So it is an ounce of prevention.

Now, the Democrats and some of the liberals in the media, the New York Times, the L.A. Times, are actually accusing us of cutting WIC. Now, I am on the Committee on Appropriations, Mr. Speaker, and I am thinking, what is going on? No one has even brought WIC up.

Here is what the Democrats are saying. They, in this flood bill, want to increase WIC funding $78 million. In the spirit of compromise, the Republicans on the committee said, listen, we are not certain that this needs to be increased, but $38 million is a compromise, it cuts it in half. The Democrats still said we are cutting it.

Now, again, how do we cut what we are increasing? It is the same mentality, Mr. Speaker, that we heard last year from the President and many, many of the liberal members of the Democratic Party in Washington, that when we increased Medicare funding from $190 to $270 billion, that was a cut. When we increased student loans from $26 to $41 billion, that was a cut. And when we increased the school lunch program 4.5 percent, that was a cut according to liberal mathematics.

It is not the case in elementary school math classes all over the country, but somehow a lot of people got to Congress without ever taking math courses.

Now, what the Democrats are obviously confused over, and I think very purposely in some cases playing games on, is that three points on WIC. I want to make sure Members realize, A, No. 1, there is a $100 million carryover from WIC. It is somewhat of an escrow account because we cannot estimate how many children and mothers will be participating in the program.

But right now we are sitting on a $100 million escrow account. It is sitting there. It has not been depleted. It is unused. That is very, very important when we are talking about we have to do something in an emergency flood bill. That is A.

B, welfare rolls have gone down 15 percent. Now, if we have 15 percent of the national population getting off public assistance, why is it that the President wants to increase a welfare program on an emergency flood bill? It does not make sense. We cannot brag about how well welfare reform is working on the one hand and then on the other hand increase welfare benefits.

No. 3. The Democrat liberals who are pushing to increase WIC funding at this time are using 1994 census data. Now, 1994 was 2½ years ago, and here we have a situation where those are the numbers they are using. But, Mr. Speaker, if we look at 1995 census data, we see that it is being fully funded. Conveniently, the liberals who are pushing for this WIC increase are forgetting the fact that there is new census data available from 1995 which shows full participation.

Mr. Speaker, I really wish in the U.S. Congress, and in the political arena, people would start talking truth and cut out the politics. What is happening here is the same old crowd who were scaring our grandmothers last year, scaring students, and scaring the school kids regarding their lunch programs, they are trying to work them up into a frenzy again, saying that Republicans are picking on little children and mammas, which is hardly the case.

But just to remind my colleagues, Mr. Speaker, listen to some of the charges made by Members of Congress in the past. The gentleman from Michigan [Mr. LEVIN], CONGRESSIONAL RECORD of March 23, 1995: ''You are abusive in getting at abuse. You are harsh. You use a meat axe against handicapped children and their parents.'' I cannot believe that kind of extreme language.

Here is another one: ''They want to make sure that our children, who need preventive health care, do not have, and they are looking to close the nursing homes.'' That was the gentlewoman from Texas, [Ms. JACKSON-LEE], CONGRESSIONAL RECORD, May 9, 1996.

Here is a quote from the President of the United States, Washington Times, February 25, 1995: ''What they'', meaning Republicans, ''what they want to do is make war on the kids of this country.''

Now, Mr. Speaker, this is ridiculous extremist talk designed to incite, maliciously to deceive. Here are some more.

Leon Panetta, White House Budget Director, USA Today, February 23, 1995: ''What they are trying to do is literally take meals away from kids. The Republicans are trying to run over our kids.''

Here is another quote. There are so many of them, Mr. Speaker, I do not know which ones to pull out. ''It is the most callous, cold-hearted and mean-spirited attack on this country's children I have ever seen in my life.'' Representative COLLINS, CONGRESSIONAL RECORD March 21, 1995.

Here is a good one. The Vice President of the United States. I guess this is—well, I think the Vice President has his own problems at this point, but here is what the Vice President suggested: ''Republicans are genetically defective.'' This is a pretty serious thing. Frankly, it is a little sick and I hesitate to bring it up.

This is a quote. Vice President AL GORE, October 30, 1994: ''Ollie North is banking on the fact that he can raise enough money from the extreme right wing, the extra chromosome right wing, to defeat Senator ROBB.'' Oh man, what dignity coming from the Vice President of the United States.

Here is another one, March 23, 1995. Representative GREEN, CONGRESSIONAL RECORD: ''We are talking about stopping children from having a hot lunch.''

Here is another one. The gentlewoman from Connecticut [Ms. DELAURO], May 9, 1996: ''And they are sincere in wanting to do harm to working men and women in this country.''

Here is a great one. Mr. MILLER, CONGRESSIONAL RECORD, August 3, 1995: ''It is a glorious day if you are a fascist. It is a glorious day.''

Here is another one, the gentleman from Illinois, Mr. RUSH, CONGRESSIONAL RECORD, October 3, 1995: ''The bloodsuckers in this Congress are lead by Count Dracula.''

One more. Senator LEAHY, CONGRESSIONAL RECORD, February 24, 1995: ''This assault on America's children will be stopped.''

Mr. Speaker, this is the kind of extreme garbage we have to hear on the floor of the House. And it is one thing for the Speaker and myself, as a Member of the Congress, to have to listen to such charges, because, after all, it is somewhat what our job is about, but to go out to school kids, to go out to the elderly, to go out to the moms and dads and say this kind of thing, I cannot imagine. I could not do that, Mr. Speaker.

Certainly there are times when I get furious with the other side. I know the Speaker feels the same way. But I do not remember ever saying that a Member of the other side was going to use a meat cleaver on kids or wanting to put harm on American working men and women. What kind of low level has public debate in America sunk to when

people are allowed to use such extreme rhetoric and get away with it?

Mr. Speaker, this is not a matter of winning a debate, this is a matter of public decency. We are the leaders in this country. We should act at a higher standard than mud wrestlers at the local bar. And yet this is what some of the Members of Congress seem to think is the right tactic.

Well, Mr. Speaker, we are not cutting WIC. And if my colleagues listen to the cries about cuts in the past, we can see it is the same old game.

Here is what has happened. When we passed welfare reform, and in doing so we scaled back a number of programs, we also increased the funding in other programs such as child care, such as parent support, tracking down deadbeat dads. And now, because these programs have been reformed, many people are getting off welfare.

But many of the poverty brokers in government circles are doing everything they can to try to get around these reforms. They are saying, ''Oh, well, now we have a politically target rich environment for going after new programs and trying to raise the government involvement in folks' lives.'' Right about when they are about to get independent, the government poverty broker bureaucrats are rushing back in there and saying, ''Wait a minute, I found some gray area in this law. You do not have to get independent, even if you are a 25-year-old able-bodied male.''

I am sick and tired of single women in my district with two kids, working a job, raising children and paying taxes and having to come home after a 60-hour week and supporting some 25-year-old male who is too lazy to work. It is time that we say to folks that they have got to get to work. Some of them just got to get out of the wagon and help pull it. I think it is very, very important.

Mr. Speaker, we went a long way in the last Congress to change a lot of things. Welfare reform was only part of it. But, in addition, we passed the line item veto so that the President of the United States could zap fat out of the budget. We passed security reform litigation. We passed a tough gift ban. We passed lobbyist registration, the first time in 50 years. We passed products liability reform.

We ended farm subsidies and gave farmers the freedom to farm so that they would have more flexibility in deciding which crops to plant and when to plant them.

We passed the Paperwork Reduction Act so that businesses that do commerce with the Federal Government would not have to fight so much red-tape.

We stopped the practice of unfunded mandates, and this is the practice of the Federal Government saying to the local county commissions that they have to provide certain services, that they have to increase the taxes in their county to pay for it because the Federal Government is not going to help them. In other words, we were micromanaging counties all over the United States right here out of Washington, DC.

We cut congressional staff by one-third. We reduced our own operating budget by $67 million. And for the first time in history, we passed the Shays Act, which put the U.S. Congress under the same workplace laws as the private sector.

These were all very, very important reforms. And, in addition, the debate now, Mr. Speaker, is not whether we should balance the budget but how to balance the budget. We have been working on balancing the budget and making some progress, but we are doing that without cutting important programs such as Medicare.

I have with me the gentleman from Connecticut [Mr. SHAYS], who has been a leader in protecting and preserving Medicare, and I would now yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding. It is amazing to be here in May and to think that we may be close to an agreement with the White House on a 5-year effort to get our financial house in order and balance the Federal budget. But it is very distressing when we still hear the rhetoric that when spending goes up we are still having a cut.

I just think something I would like at least to do would be to revisit what did not happen last year, because I do not want people to think it is going to happen this year.

What did not happen last year is we did not cut Medicare, we slowed its growth. We did not cut Medicaid, which is health care for the poor and nursing care for the elderly poor.

Mr. KINGSTON. In fact, if the gentleman would yield, as I recall the numbers, we went from $89 billion to over $140 billion for health care for the poor, or Medicaid.

Mr. SHAYS. Medicaid. That is correct. And we did not cut the School Lunch Program, we slowed its growth slightly, but allowed for more discretion in how it is spent.

And I want to get back to each of those. We did not cut the Student Loan Program. It went up quite significantly.

I would just go backward from the issues I mentioned. The Student Loan Program, when we passed our plan and sent it, the President was spending $24 billion. And in the 7th year of the plan, under our plan, it would have spent $36 billion. Only in Washington when we spend 50 percent more do people call it a cut, but it was called a cut.

Now, it is true that it would have gone to $40 billion in terms of tax money. There was $4 billion that we did not spend. But the $4 billion we did not spend was actually money that we said that the banks would pay instead of the taxpayers. The banks would cover more of the bad debt and the banks would cover more of the administrative costs.

So the irony is when our plan was defeated, the taxpayers now have to pay $4 billion more and we saved the banks, who would still have made a good income from participating in the Student Loan Program.

□ 2000

That was one example, going from $24 billion to $36 billion.

Mr. KINGSTON. Is it not true that run by the Government the student loan program lost $1 billion, but run by the private sector it did not lose any of the money?

Mr. SHAYS. We have a certain part we call the direct student loan, which is in essence run by the government. The government was saying that this program was cheaper than to have the banks do it. But what they forgot to do was to compute in the cost of the government administering the program. So it did look cheaper until the GAO and the Inspector General said, wait a second, you better take a look at this, because this program is going to cost you more.

Also I need to say that when you had the institutions deciding who would get the loans, particularly with the proprietary schools, they were giving out loans under the direct student loan, actually giving out the government loans to students who would participate but some of them not pay it back because frankly in some of the proprietary school programs they were in, they were not going to have employment when they were done.

This is just to establish the fact that under the student loan program, which some of my constituents thought was being cut, it went from $24 billion to $36 billion and we saved the taxpayers $4 billion, and the banks would have had to pay more. It is funny that sometimes the Republicans are associated with wanting to protect the industry, the banks, and the banks were the ones that were going to have to step up to the plate and make up that difference.

I think I was most outraged when I first heard it of the school lunch program, because the thought that we would, we Republicans, would cut the school lunch program, I thought was probably one of the dumbest things I could imagine. When I heard, saw the President come before the students and have them be set up as the prop for the national media and they seemed quite concerned, probably mostly because there was so much attention and here was the President of the United States, it is a pretty big deal, but to think he would have used the students as a prop to tell people something that frankly was not accurate. What was not accurate is we were not cutting the student lunch program, we were not destroying it as he described, we were not eliminating the program. We were saying instead of it growing 5.2 percent more a year, it would grow at 4.5 percent a year, that we would grow in spending from $5.1 billion in the seventh year to $6.9 billion in the seventh year. Only in

Washington again when you go from $5.1 billion to $6.9 billion would people call it a cut. But they did.

But what we did do, which was very important, is, I do not know if everyone in the country knows, I did not know as a Member of Congress, I had been here 8 years at the time, that every student in the country, rich or poor, is subsidized 30 cents. My daughter is subsidized 30 cents. I make a decent income, a very good income as a Member of Congress. My wife is a teacher. Yet my daughter was subsidized 30 cents in a suburban school that is quite wealthy. What we were saying under our plan, we were allowing local governments and State governments to design the plan better so that they could reallocate the money from the wealthy kids in the wealthy communities and spend more in the urban areas. So when the President suggested that maybe my students in Bridgeport or Norwalk or Stamford might have less, they actually in my judgment would have had a lot more, the kids that needed it.

The gentleman gave the numbers on Medicaid, health care for the poor. But the one that clearly I felt most enthusiastic about was our plan on Medicare, health care for the elderly.

Mr. KINGSTON. If the gentleman will pause a minute to go back to why touch Medicare. It is the political equivalent of messing with dynamite with a lit fuse. Politically, you always take the path of least resistance. If you can avoid a controversial issue, you do. Why would we touch this lit dynamite on Medicare?

Mr. SHAYS. We wanted very candidly to preserve the program and to save it from bankruptcy.

Mr. KINGSTON. Who said it was going bankrupt? I want to make sure. Let us go back to April 3, 1995, the Medicare trustees report.

Mr. SHAYS. The board of trustees of the Hospital Insurance Trust Fund, they are the group that oversees the Medicare Trust Fund. People in this country pay Medicare in two ways, health care for the elderly. One is they put money aside in the trust fund. That is the trust fund I allude to. If they are hired by an employer, they pay 1.45 percent of their income into this trust fund. If they are self-employed, they pay double, 2.9 percent. This money goes in the trust fund to be there when they are older and it pays all Medicare Part A, which is the hospital costs of a senior. Then you have Medicare Part B, which is paid in part by the individual in a premium, but most of it is paid for by the government in direct taxes coming out of the tax income each year.

But the trust fund, we were told, was going bankrupt, and not by an organization separate from the administration; the administration was telling us. President Clinton's appointees, 5 of the 7 people who sit on this board were his appointees, they said it was going to go bankrupt by the year 2002. They said that 2 years ago. Last year they said it would go bankrupt by the year 2001. After he vetoed the bill they pointed that out. So it was now going to go bankrupt a year earlier. And last week they just reaffirmed that the trust fund will run out of money by the year 2001. So you could say, well, we are playing with dynamite. I do not consider it a game, and the gentleman does not either. What we were doing is to make sure we step up to the plate and save this program.

Mr. KINGSTON. This is what we are paid and elected to do and that is to act in a responsible manner and as the report indicated the other day, I believe, Medicare today is losing $36 million each and every day.

Mr. SHAYS. It is really incredible to think that right now the trust fund has in the balance $112 billion. That will go down in 1998, the next year, to $92 billion. When you figure that loss on a daily basis, each day that passes the trust fund is losing $35 million. That is in the year we are in now. Next year it is going to lose $55 million each day. And the next year after that, in 1999, it is going to lose $78 million each and every day.

This is according to the President's trustees of this fund, the people who have the fiduciary responsibility to protect it as we do. They have shared this information with us. They have told us the problem. It is up to us to come up with a solution. Then they have said in the year 2000, it will lose about $103 million a day, and it will be bankrupt in 2001, because it will be losing $134 million each and every day.

We came up with a plan 2 years ago that we will continue to advocate and promote that did not increase the copayments for seniors, did not increase the deductible for seniors, it did not increase the premium for seniors. What it did do was allow seniors for the first time to choose to have a private medical plan. In having the private medical plan, they could get into this plan and the only way they would be interested in doing it is if they got more than they get under the traditional Medicare fee-for-service plan that we have now.

By getting into a managed care plan, the managed care plans would have had to offer them more than they get now, because what they get now is pretty nice. But they still have to pay the MediGap under existing, they still have a premium to pay. But some of the managed care programs were going to give eye care, dental care, a rebate on the copayment of the deductible, and in some cases pay the premium and the MediGap.

If a senior did not like the managed care plan, we allowed them under the bill that the President vetoed to get out of the plan each and every month for the next 24 months. In other words, if they were in it for 3 months and did not like it, they could leave. If they were in it for a month and did not like it, they could leave.

Mr. KINGSTON. The first election to get into it was up to them because automatically they would be reenrolled in traditional Medicare.

Mr. SHAYS. Right. They were not required to take this. The only way they would have gotten into it, it is not like some of the telephone plans where you all of a sudden found yourself under a new long distance carrier. You stayed under the plan you were. But what would have happened in my judgment is some of their neighbors would have gotten into the managed care plan, they would have pointed out how they were getting eye care, dental care, prescription drug assistance that they were not getting under the traditional Medicare plan and people would have said, well, I want that too, and they would have joined.

The reason why the managed care plans could save money is there is so much waste and fraud and abuse in government oversight of health care that the managed care plans could oversee it better and they would still have made money, they would have saved money, through all the waste that exists. Yet they would have been able to give more than the senior would have now. We also allowed for medical savings accounts. We did not require people to participate. But if someone wanted to put money, the government would have actually given a senior a certain payment, $2,000 or $3,000 a year, we would have given the senior that money, they could have put it in the account. If they spent less than $3,000, they would have actually saved money. If they spent more, they would have had to pay for it on their own. The only requirement is that they would have had to get a $10,000 catastrophic plan, so that if they really had serious health problems, there would be an insurance program for them.

Mr. KINGSTON. But what would happen is for seniors who were in good health and decided they could take whatever smaller bills that were manageable, they would pay that out of that escrow account, keeping half of whatever they saved.

Mr. SHAYS. And it was tax-free.

Mr. KINGSTON. Tax-free. Yet they would be covered for the million-dollar claim.

Mr. SHAYS. That is why when the gentleman says, the traditional view is that we are playing with dynamite, I was proud to go to my constituents and tell them. This is a plan I had worked on with the gentleman and others for literally years. We now in the majority had a chance to finally begin to implement it.

Mr. KINGSTON. The only thing about Medicare that is dynamite is when it is misconstrued intentionally for political gain. I have never seen people who just maliciously go out there and lie to the American seniors. I think it is an insult to the generation who fought for freedom and liberty in World War II and my dad and your dad and moms. I just think it is totally sick for people to go out and lie to grandparents, but that is what happened, and Medicare, being Medicare,

politics being politics, that is probably going to happen again.

Mr. SHAYS. I think that more and more people began to understand what was happening, but it required a lot of work to make sure people did understand.

One last point we should make on the Medicare plan that I thought was really ingenious and I thought would save a lot of money. We were providing in our legislation language that allowed a senior if they found a mistake in their bill to get a percent of what they found. For instance, I have had some seniors who have talked about bills that they saw. First off the bills sometimes are not sent to the senior. Under our legislation we would have required the seniors to have a copy of their bill. We would have required the bills to be put in simple language that an individual could understand. If you had a chest x-ray, you say that. If you had a visit from the doctor, you make clear the visit from the doctor and how long it was and what it was for. Then a senior could say, ''I never had that visit with the doctor, and the $300 charge is not a valid one.'' We would have given a senior, we had not written the regulation, that would have been up to the administration, but they could have determined that, say, 10 or 20 percent of the savings would have gone to the senior. Some seniors would have found that they would have made money. But in the process, they would have saved us literally hundreds of millions of dollars.

Mr. KINGSTON. That is exactly right. I do not think it is always fraud. I think a lot of it is just sloppiness and negligence. There is a story, I am sorry I cannot cite the person but she received a bill for an autopsy, went to a doctor and said, ''I never had an autopsy,'' and they said, ''Yes, you did. Here is the bill.'' She said, ''No, I did not have an autopsy. It's me, I'm alive.''

They said, ''Okay. Well, you had an MRI.'' She said, ''No, I did not have an MRI.''

They said, ''Well, you had a mastectomy.'' ''No, I've never had a mastectomy, either. I know with certainty that none of the above were received.''

Mr. SHAYS. I had a senior who in one meeting, she gave me a stack of envelopes that must have been about 3 inches tall, many, many envelopes. They were all bills that she received. She received them all the same week. She simply said, why could they not have been put in one envelope? Some of them were duplicative. It was a pretty extraordinary thing.

I will say to the gentleman that another person stood up at this meeting and said, ''You understand I am a man.'' I said, ''Sure, you look like a man. You look like a senior.''

He said, ''Well, I was charged for giving birth.'' He said, ''That is not possible but I was charged that.''

I notice, and the gentleman is in charge of this floor, but if I could have the honor of introducing my colleague the gentlewoman from Connecticut [Mrs. JOHNSON].

Mr. KINGSTON. If the gentleman will wait one second before he does that. What we need to do is we need to have a contest for the most ridiculous and absurd Medicare story, and let us all go out there and find those crazy stories. I just think it is so ridiculous, that this system is so broken that live people are being billed for autopsies, men are being billed for women-only type procedures. We need to change it and we need to protect and preserve it. I am going give the gentleman the pleasure of introducing his colleague from Connecticut, the leader on the Committee on Ways and Means.

Mr. SHAYS. I might say to the gentleman before I introduce her that one of the reasons we have these abuses is the way that Medicare pays the bill is the bills are submitted and paid for and then after the fact, they are reviewed, basically 1 percent of the billings and 4 percent of the total billing costs. The money has already been paid out. Then they are asking the money to be returned. It is a crazy system.

I am going to introduce the gentlewoman from Connecticut [Mrs. JOHNSON]. We are talking about the fact that our trustees have pointed out that Medicare is losing $35 million a day and that next year it is going to lose $55 million and the year after $78 million and the year after that, each day, $103 million, the year after that, in the fifth year of our plan, what we want to prevent from happening, in losing $134 million. Yet under our plan last year which the gentlewoman played the central role in, she made sure that we spent 60 percent more on Medicare under the life of the plan, and on a per-person basis, 50 percent more.

□ 2015

You know the gentleman from Georgia [Mr. KINGSTON] and I were just marveling at the fact that only in Washington when you spend 50 percent more per beneficiary would someone call it a cut. I just welcome you. You are the leader in the health care field in the Committee on Ways and Means, you are my colleague in Connecticut, and it is just really great to have you join us.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman. I am proud to be with you tonight, and I appreciate your gathering for this special order. It is such an important program, Medicare is. It is critical to our seniors, but it is just as important to their children and grandchildren. It is one of the pillars of retirement security. If we cannot guarantee our seniors some level of financial security and health security, then we are not the great and free Nation that I believe we are.

I just want to say a couple of things, picking up on what you were talking about. First of all, I wish we were here tonight talking about how we had slowed the deficit that is developing in Medicare, that this year we were not going to see as big a debt in Medicare as we had last year, and we could have done that. We had a good plan if we could have passed it. If we could have had people listen deliberately to discussion about the problems and the solutions, we would be here tonight cheering the turnaround in Medicare and the preservation of Medicare for our seniors and our children.

Mr. SHAYS. The fact was we passed the legislation if it could have been signed into law by the President.

Mrs. JOHNSON of Connecticut. That is true, and one of the provisions in that legislation goes to the heart of what you were saying. It allowed seniors to report things they had been charged for wrongly and share in the savings. Remember they would have gotten half the cost of that delivery that the gentleman was billed for in savings, and the government would have gotten the other half of the savings. So it would have created, in a sense, an enforcement police the size of the entire senior population in America, and frankly that would have been a great thing.

Mr. KINGSTON. It certainly would have paid for some of the medical expenses out of pocket.

Mrs. JOHNSON of Connecticut. You bet, you bet. It would have been good for the seniors, good for the program, good for the government because it would have created the right partnership between the government, the seniors of America and the providers of health care in our country who are without doubt the best.

But I also want to point to a couple of other things that were in our bill last year because some of them actually the Congress passed and the public did not have a chance to understand that, one of the provisions in the medicare formula.

Mr. SHAYS. When you say we passed, we passed it the first time. You mean the one that was signed into law by the President.

Mrs. JOHNSON of Connecticut. That is right. There were a few other provisions that we were able to get into other bills a second time, and the President did sign, and one of those was an aggressive attack on Medicare fraud.

Now I am the chairman of the Ways and Means subcommittee that does oversight, so we oversee all of the programs that are under the jurisdiction of the Committee on Ways and Means, but one of them is Medicare, and we had our high-risk program hearing; that is, the highest risk of fraud programs under our jurisdiction, and one of them was Medicare. Medicare is one of the programs in our Nation that has an extraordinarily high risk of fraud and a high volume of fraud. The inspector general said $20 billion of our expenditures in Medicare every year are fraudulent, paying for health care you did not get or did not need.

So it is a very big problem, and I am proud to say that last year we did get

passed a new antifraud program that will put regional people out in every regional office looking at nothing but Medicare fraud.

Mr. KINGSTON. Now if the gentlewoman would yield for 10 seconds, $26 billion in fraud in Medicare and Medicaid together. That is twice the annual budget of the entire State of Georgia. I am not sure what your budget is in Connecticut, but you can run the State of Georgia tax-free for 2 years just on what the Medicare and Medicaid fraud is.

Mrs. JOHNSON of Connecticut. That is truly stunning, that is truly stunning, and people ought to try to imagine in their minds what $26 billion would buy if it were spent right.

You know Medicare is an outmoded benefit package. It does not cover prevention. It only helps you after you get sick. If we had $26 billion that is spent on fraud to use for preventive benefits, would it not be a wonderful thing for the seniors of America?

Well, I am proud to say that we passed a bill that put $800 million into fraud inspectors in the regions, and those people are now, most of them are hired. That program will be completely in place in the next few months, and next year when we stand here at least I hope we will have better numbers and we will be able to demonstrate that the Republicans put in place a very strong antifraud effort in Medicare.

But I do regret that the President vetoed the bill that would have let every senior in America be part of making Medicare honest.

Mr. SHAYS. I think that we could point out that there are times that we have big disagreements with the administration, but this dealing with the fraud area, that was one area where we had some cooperation and we wanted to build on the cooperation we had with the White House. In that bill that passed on health care reform which dealt with the whole issue of portability, in that bill that you make reference to, section 2 which dealt with fraud, we also made health care fraud a Federal offense for public and private sector, and the reason why we did that was that we found that those that wanted to cheat the system were sometimes going from one State to another, and if the public sector was being more aggressive, it went into the private sector. So we put it all in one package so they could not escape and we could follow them, and in some instances we are talking about some organizations cheating the system not $10 million but literally hundreds of millions of dollars.

So we are proud of the fact that that is something we did and grateful that the President agreed that it was something that he could sign.

Mrs. JOHNSON of Connecticut. I am also pleased that the President is working with us this year on another very important part of the Medicare reform bill that will be good for seniors but also good for all Americans of every age. In the Medicare reform bill we had written a provision that allowed hospitals and doctors to develop their own networks so they could compete with insurance companies. That would give us competition in the managed care market between insurance company plans where there are stockholders involved and you have to have a return on your investment and provider sponsored networks where the physicians and the hospitals actually are the means of delivering care, and therefore, hopefully, the decision about quality of care would be kept very close to the provider, to the doctor and the patient, to the hospital and the patient, to the provider and the senior citizen. And we know this will not only be good for seniors to have these provider-sponsored organizations, but they will be good for people of every age to have managed care systems in which the ownership and the responsibility is right anchored with the people who know the most about health care and the quality.

Mr. SHAYS. It is kind of amazing to think that existing law does not allow hospitals and doctors to compete with the insurance industry in this very, you know, important effort of providing the best health care, and one thing I want to express some gratitude for:

The President did veto our Medicare reform legislation. It was the election year, and it got caught up in that, sadly. But the bill that he submitted in terms of how it is what he wanted to budget on Medicare, a lot of the parts to the legislation were really taken out of our bill that he vetoed. Just in making reference to the very example you are talking now, allowing the private sector to compete with the insurance industry.

Mrs. JOHNSON of Connecticut. That is right, and our goal was to ensure that seniors would have the choice of health care plans that offered, for instance, prescription drug coverage, that offered better preventive benefits, that better covered the deductibles and copayments in Medicare, and because we wanted seniors to have those choices we wrote provisions in the Medicare reform law that allowed the development of hospital and physician networks, and you know, as one who represents an area of the country that has a lot of small towns and small hospitals, I can tell you that allowing the development of these provider-sponsored networks is key to the survival of these smaller hospitals and the medical community around them.

So I am pleased that this year the administration is back before the Subcommittee on Health of the Committee on Ways and Means on which I serve. They are saying that we need to do this, they are going to work with us this year, and I believe we are going to improve the health care system and the choices not just for senior citizens but for all Americans, and that is in everybody's interest.

So I am pleased that this year we will improve the benefits under Medicare. We will also slow the growth in costs through the kind of progressive change that is possible through good governments and good choices.

Mr. KINGSTON. We will protect Medicare not just for the next election but for the next generation, and so that not only will your mom and dad and grandparents be able to use it, but you and I will be able to use it, and our children and their children. I think that is very important.

I think this is all part of commonsense government. We need common sense in public policy, we need common sense in spending, and we need common sense in health care policy, and one of the issues that we have thought—we hope we are on the eve of a breakthrough in the budget.

The gentleman from Connecticut [Mr. SHAYS] had mentioned earlier tonight, as a distinguished member of the Committee on the Budget, that negotiations have been going on since January on the budget to try to craft a bipartisan agreement so that we can save the fiscal character of our Government for the generations to come, long after the three of us have left Congress.

Let me yield to [Mr. SHAYS] as a member.

Mr. SHAYS. You know, I just would want to say that as we talk, people like the gentleman from Ohio, Mr. KASICH, budget chairman in the House, and PETE DOMENICI in the Senate are meeting with representatives from the minority in this Congress as well as the White House, and one thing that is quite clear in this Congress is that it is still a Republican controlled Congress, be it only by a margin of 10 votes, and the White House is a Democrat White House, but we all have to be Americans first and Republicans and Democrats second, and I just hope and pray that the talks that have taken place with the White House are yielding fruit. I think they are.

I know what our ultimate objective is. We want to balance the Federal budget and get our country's financial house in order. We want to save our trust funds, particularly Medicare, not just for future generations, but for the generations that exist now, and we want to transform this caretaking social and corporate and agricultural welfare state into what some call caring opportunity society. I think that we are not just trying to transform social welfare in which the gentlewoman from Connecticut was so active, but we are looking to end welfare for corporations and we are looking to end welfare in the farming industry.

And the gentleman from Georgia [Mr. KINGSTON] was so on target in pointing out that with the freedom to farm bill we are allowing the energies of the farmers to not be encumbered by lots of Government intervention and welfare payments.

Mrs. JOHNSON of Connecticut. You know I am very proud of this Congress and the way we are working together. I know the press has reported primarily

controversy around campaign practices of the White House and the last election and some other things, but underneath that we are doing the people's business, and the negotiations around the budget that have gone on have been frank, serious talks about how do we through common sense reach the goal of a balanced budget and return fiscal sanity to this Nation.

Just today on the House floor, I guess it was yesterday on the House floor, we passed an adoption and foster care reform bill so that children will not get caught in abusive homes and they will not get lost in our foster care system, and we did that bipartisanly, both parties working together, both parties here on the floor talking about the ways in which this bill would help children in America, some of our concerns about that bill as well, and today had a long debate about housing, public housing policy, and we will bring forward in the next few days a bill by bipartisan vote.

Mr. SHAYS. It is interesting, if the gentlewoman would yield, probably not many people know what we did with foster care and adoption because there was not this rancorous battle between Republicans and Democrats.

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So it does not always get the attention of the media, but it was excellent legislation that will do a lot of good.

Mrs. JOHNSON of Connecticut. Mr. Speaker, that is why I wanted to bring that up, because we do a lot of real thoughtful work here about the problems in our lives and certainly abused children is a very big problem in the communities that we represent, and we took a giant step toward protecting children just yesterday. It will move to the Senate now, and then to a conference committee, and in several months it will move to the President's desk and children and families will do better in America because of a thoughtful, bipartisan and common sense Congress.

Mr. KINGSTON. Mr. Speaker, that is why I think it is so important that we look, always look at the big picture. Mr. Speaker, there is an expression I heard. I wish I could attribute it, I cannot; a second time tonight that I cannot attribute a good quote, but it was that idealism is ignorance easy.

So often people come to us and they have one side of an issue and they have the solution and it fits just perfectly on the bumper sticker. But our job as legislators is to sit there and listen to both sides of the issue. We realize we may be elected by 51 percent of the people, but we represent 100 percent of the people. In fact, we are represented from Connecticut, but not just to represent Connecticut. We all have to look out for the United States of America, and in doing so, in that framework, sometimes it is very difficult.

But, Mr. Speaker, if we can balance that budget, interest rates, according to Federal Reserve Chairman Alan Greenspan, we can reduce interest rates. A 2-percent reduction of interest rates on a $75,000 home mortgage over a 30-year period of time saves American families $37,000. On a $15,000 car loan, it saves American families $900. On a student loan over a 10-year period of time of $11,000, it could save as much as $2,100.

Balancing the budget is real. It is not an academic exercise. Balancing the budget is about people, it is not about numbers. I know that the gentlewoman from Connecticut [Mrs. JOHNSON] has been on the Committee on Ways and Means, and the gentleman from Connecticut [Mr. SHAYS] being on the Committee on the Budget, we spend hours and hours crunching numbers and talking in strange jargon about CBO and OMB and most of these things that most of us do not understand and do not know that we want to. But we do know the old expression that when your intake exceeds your upkeep, then your input is going to be your downfall.

Mr. SHAYS. Mr. Speaker, I am not going to ask the gentleman from Georgia [Mr. KINGSTON] to repeat that.

Mr. KINGSTON. I am not sure I got it right anyhow, but the fact is, it gets down to this: If you bring in a dollar, you should never, ever spend more than a dollar. And we have since World War II been spending $1.59 on every dollar that we bring in.

Now, that has not been the case in the last 3 years, but the fact is, you cannot go on forever defying gravity. The children in America need to live in a world where the budget is balanced and where Congress is not spending more money than we bring in.

Mr. SHAYS. Mr. Speaker, the gentleman mentioned the children of the world, and I would love the indulgence of my colleagues just to thank the participants of the summit that was in Philadelphia. I had the opportunity to go to the summit, and I have to tell my colleagues that it was very moving to see Mrs. Reagan there on behalf of her husband, President Reagan, to see Jerry Ford and Jimmy Carter and George Bush and our President, Bill Clinton, all focused in a common effort to direct the public's attention on the need to really respond to our children.

I know that there is some controversy in terms of say AmeriCorps, which some on my side of the aisle might disagree with. I certainly am a strong supporter; others raise questions. But as a former Peace Corps volunteer, I just found it extraordinary that we had Republican and Democrat Presidents all saying that this matters so much to them that they were willing to devote a sizable amount of their time. More importantly, to have Colin Powell basically take this on as really a lifetime effort.

This is in my judgment, I would want to say on the floor of the House for the record, I am absolutely convinced that people will look back and say that something very wonderful happened in this country about drawing the public's attention to our kids.

Mr. Speaker, we have been told by some who say that politicians are elected by adults to represent the kids, and I really believe that. Here we had four Presidents and a First Lady; we had Colin Powell, a distinguished citizen, who basically said that he is going to devote his life to making sure that Americans realize the need of helping our kids. He is doing it by example, our Presidents are doing it by example, and this is something that he is asking all Americans to focus on and think about.

In my city of Bridgeport that I represent, I would contrast it to the city say right next door, the community of Fairfield. I was in a parade, in a Fourth of July parade, and near the beginning of the parade in Fairfield and you march along and there are just literally tens of thousands of people along the march, and you get to the reviewing stand. And an hour and 20 minutes later I said, ''When is this going to end?'' And he looked at me and said, ''It is going to go on for a while.''

And what was it? This was a wonderful parade of Boy Scouts and Girl Scouts and Indian Guides and Indian Princes and soccer teams and volleyball teams and bands. I thought, the challenge for some children in our country is deciding what they do not do, they have so many options.

Then I thought, right next door in the city of Bridgeport I know the children do not have that same option. After school there is really nothing for them to do. We are really asking in this summit for Americans to adopt a child, to be a mentor, and to help them. Not Government.

I will just say one thing. One of the absurdities that took place in the summit was a group that marched in opposition to the summit because they said it was wrong for us to think that volunteers should be doing these things, that it was government's responsibility. I wanted them to think of what was the very basis of our strength as a country, the active participation of citizens.

President Clinton I think pointed out something that I found was very stirring. We were at the site of the founding of our country, and I remember as he gave his speech as the other Presidents had given theirs, he said that when Jefferson left after the conclusion of the Constitution, a woman asked Jefferson whether this was going to be a monarchy or a republic. And Mr. Jefferson said to her, ''It is a republic if you can keep it.''

Then the President talked about a more perfect union. He said even in that Constitution we had slaves. In that Constitution, the gentlewoman from Connecticut [Mrs. JOHNSON] could not vote. I would just point out that we are making this a more perfect Union. I think the task for us now is to really alert the American public for the need to not depend on government. The era of big government is over, but the era of big problems still remains.

I was stirred by this, and I hope other Americans were, that this is going to be a citizen Government helping our kids, giving them activity, giving them a framework, giving them discipline, helping them see mentors that are somebody other than someone selling drugs and leading a bleak future.

So I appreciate the indulgence of my colleagues, but it was stirring, and I really believe that if we can use that summit and the bipartisanship that existed there and throw these politics out the window a bit, we will be a more perfect Union.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I certainly am proud of my hometown of New Britain, CT. Last Saturday we had Christmas in April and I and many, many other people from the town turned out.

Mr. SHAYS. Mr. Speaker, the gentlewoman might want to explain Christmas in April. People of all walks of life, some brought their children, and we painted and repaired inside and out.

Mrs. JOHNSON of Connecticut. Christmas in April, it is a way the community gives the gift of Christmas to families who need help.

I had the privilege of working at the home of an elderly couple who for decades have helped lead and care for veterans of this Nation's wars. They have done so much for others, and it was so nice to be a part of a team of 19 or 20 that painted rooms inside and painted things outside, that cleaned up the yard, that replaced a ceiling. I mean it was just wonderful. It was a gift to people who have given all of their lives and who now in their elder years need some help with that kind of work.

And in New Britain, Connecticut, volunteers painted, repaired and upgraded the homes of 40 families. Some of them elderly, some of them single parents with young children, some of them just people who for one reason or another needed help with those kinds of chores, and some brought their children, just so their children could see that working together we are a powerful force, we Americans, and Government can never replace that energy, that faith, that love, that hope.

I am proud to be a part of a Government that understands that people are the power and is working to assure that Government partners those powerful people and shares with them their vision of hope, opportunity, and justice for all. That is I think what we are talking about and why we have been so concerned with Medicare, preserving Medicare, strengthening Medicare, protecting Medicare for our seniors, but also fixing it so it better serves not only our seniors but their kids as they retire and our grandchildren when they retire.

It is very nice to be with you gentlemen tonight. I am sorry that I have to excuse myself because I have some calls that I have to make.

Mr. KINGSTON. We thank the gentlewoman for joining us, and we thank the gentlewoman on behalf of all Americans, particularly seniors, for all that you are doing to help protect and preserve Medicare.

Mr. SHAYS, if the gentleman is going to stay, I wanted to touch base a little bit on some of these tax issues.

Mr. SHAYS. I would love that.

Mr. KINGSTON. Let me ask you this: We have been talking about balancing the budget. Is it consistent or inconsistent to talk about cutting taxes and balancing the budget?

Mr. SHAYS. Oh, it is definitely consistent.

Mr. KINGSTON. Consistent with a ''C''.

Mr. SHAYS. And important, for a variety of reasons. First off, we need to recognize that when you increase some taxes you actually get less revenue because in a dynamic model people respond. They say taxes are higher and they find ways to avoid paying them by doing other things. If you have a luxury tax on boats, they simply decide not to buy boats, as we found in our 1990 budget agreement when we increased the tax on boats and people stopped buying them.

So you have a dynamic model. Sometimes with lower taxes you get more revenue. We would find that to be true specifically with the capital gains exemption.

Imagine a farmer out West whose neighbor wants to sell land and they want to buy the land, but the neighbor does not sell, and why does the neighbor not sell? Because they would realize such a large capital gain, they do not want to pay 28 percent of that gain to the Government. It might be what is their retirement, it might be what pays for their child's college tuition, and so they simply do not sell.

What you have is, you do not have a transaction taking place, whereas if we lowered the capital gains you would find, in fact, that there would be greater transactions and more revenue. So one of the things that we hope happens is that there is, in fact, a capital gains exemption.

We also hope that there would be a reduction in the tax that people pay on inheritance so that they do not have to sell the farm or sell the business.

So we believe that it is consistent, and I would also say to the gentleman that we would pay for our tax cuts. So if you want a smaller Government, as I do and as the gentleman does, you make the Government smaller and you return the money back to the people to spend as they want and create economic activity which also brings in more revenue.

Mr. KINGSTON. Mr. Speaker, I think the gentleman has answered that very eloquently. The bottom line is, we American people can spend our money better than bureaucrats in Washington can. Let American people keep more of their own savings. They will create jobs, more people go to work, less people are on public assistance. When less people are on public assistance, again, more people working and paying in, revenues do go up. I think Presidents Kennedy and Reagan have both proven that and I think we need to prove that again in this session of Congress.

Mr. SHAYS. And I think we will.

Mr. KINGSTON. I thank the gentleman for being with us tonight and for all of his hard work for the folks in Connecticut and all over the country.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PORTER (at the request of Mr. ARMEY) for today, on account of medical reasons.

Mr. PASCRELL (at the request of Mr. GEPHARDT) for Thursday, May 1, on account of the death of a friend.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GREEN) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Ms. CHRISTIAN-GREEN, for 5 minutes, today.

Mr. WEYGAND, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. BARRETT of Nebraska) to revise and extend their remarks and include extraneous material:)

Mr. NEUMANN, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. BARRETT of Nebraska, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GREEN) and to include extraneous matter:)

Mrs. MALONEY of New York.

Mr. MCGOVERN.

Mr. PAYNE.

Mr. LAFALCE.

Mr. HAMILTON.

Mr. MILLER of California.

Mr. FRANK of Massachusetts.

Mr. PASCRELL.

Mr. SCOTT.

Mr. KUCINICH.

Mr. BORSKI.

Mr. CAPPS.

Mr. BENTSEN.

Mr. BERRY.

Mr. SHERMAN.

Mr. BARRETT of Wisconsin.

(The following Members (at the request of Mr. BARRETT of Nebraska) and to include extraneous matter:)

Mr. SOLOMON.

Mr. FOX of Pennsylvania.

Mr. RAMSTAD.

Mr. WELLER.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mrs. MORELLA in two instances.
Ms. KAPTUR.
Mr. STARK.
Mr. CAPPS.
Mr. FILNER.
Mr. MCCOLLUM.
Mr. TOWNS.
Ms. WOOLSEY.
Mr. PORTMAN.
Mr. HASTINGS.
Mr. THOMPSON.
Mr. PORTER.

## ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, May 1, 1997, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3040. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision of New Source Performance Standards for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities [FRL–5811–1] (RIN: 2060–AH16) received April 29, 1997, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

3041. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan for North Dakota; Revisions to the Air Pollution Control Rules [ND8–1–7233a & ND–001–0001a; FRL–5812–3] received April 29, 1997, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

3042. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Number Under the Paperwork Reduction Act; Regulation of Fuels and Fuel Additives; Gasoline Deposit Control Additive Regulation [FRL–5811–6] received April 29, 1997, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

3043. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule—Privately Offered Investment Companies, Rule 2a51–1 [Release No. IC–22597, International Release No. 1071, File No. S7–30–95] (RIN: 3235–AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3044. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule—Privately Offered Investment Companies, Rule 2a51–2 [Release No. IC–22597, International Series Release No. 1071, File No. S7–30–96] (RIN: 3235–AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3045. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Privately Offered Investment Companies, Rule 2a51–3 [Release No. IC–22597, International Release No. 1071, File No. S7–30–95] (RIN: 3235–AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3046. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule—Privately Offered Investment Companies, Rule 3c–1 [Release No. IC–22597, International Release No. 1071, File No. S7–30–95] (RIN: 3235–AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3047. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule—Privately Offered Investment Companies, Rule 3c–5 [Release No. IC–22597, International Release No. 1071, File No. S7–30–95] (RIN: 3235–AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3048. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule—Privately Offered Investment Companies, Rule 3c–6 [Release No. IC–22597, International Release No. 1071, File No. S7–30–95] (RIN: 3235–AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3049. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–44–97), pursuant to 22 U.S.C. 2276(c); to the Committee on International Relations.

3050. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on international terrorism entitled ''Patterns of Global Terrorism: 1996,'' pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

3051. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Chesapeake Bay Stock Assessments to Encourage Research Projects for Improvement in the Stock Conditions of the Chesapeake Bay Fisheries [Docket No. 9703221061–7061–01; I.D. 042297B] (RIN: 0648–ZA28) received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3052. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Compensation for Certain Undiagnosed Illnesses [38 CFR Part 3] (RIN: 2900–AI77) received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

## REPORT 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. LINDER: Committee on Rules. House Resolution 136. Resolution providing for consideration of the resolution (H. Res. 129) providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress (Rept. 105–84). 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. CAMPBELL (for himself, Mr. FAWELL, Mr. FARR of California, Ms. WOOLSEY, Mr. STARK, Mr. LEWIS of Georgia, and Mr. PETERSON of Minnesota):

H.R. 1487. A bill to provide off-budget treatment for one-half of the receipts and disbursements of the land and water conservation fund, and to provide that the amount appropriated from the fund for a fiscal year for Federal purposes may not exceed the amount appropriated for that fiscal year for financial assistance to the States for State purposes; to the Committee on the Budget, and in addition to the Committee on Resources, 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. CASTLE (for himself, Mr. FLAKE, Mr. LEACH, and Mr. GONZALEZ) (all by request):

H.R. 1488. A bill to authorize U.S. participation in various international financial institutions; to the Committee on Banking and Financial Services.

By Mr. CONDIT (for himself, Mr. FAZIO of California, and Mr. HERGER):

H.R. 1489. A bill to establish permanent authority for the provision of assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by damaging weather and related conditions and to appropriate funds to provide such assistance; to the Committee on Agriculture.

By Mr. COOKSEY:

H.R. 1490. A bill to amend the Internal Revenue Code of 1986 to reduce the capital gains tax on individuals and to index the basis of assets of individuals for purposes of determining gains and losses; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mrs. ROUKEMA, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. BERRY, Ms. DEGETTE, Ms. FURSE, Mr. GREEN, Mr. LAFALCE, Mr. MATSUI, Mr. PALLONE, Mr. PASCRELL, Mr. STRICKLAND, Mr. STUPAK, and Mr. TOWNS):

H.R. 1491. A bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs; to the Committee on Commerce.

By Mr. GALLEGLY (for himself, Mr. BEREUTER, Mr. BUNNING of Kentucky, Mr. CONDIT, Mr. DAVIS of Virginia, Mr. EHRLICH, Mr. FOLEY, Mr. GIBBONS, Mr. HAYWORTH, Mr. HORN, Ms. MOLINARI, Mr. PACKARD, Mr. ROYCE, Mr. SCARBOROUGH, Mr. SOLOMON, Mr. STEARNS, and Mr. TRAFICANT):

H.R. 1492. A bill to amend rule 11 of the Federal Rules of Civil Procedure regarding representations made to courts by or on behalf of, and court sanctions applicable with respect to, prisoners; to the Committee on the Judiciary.

By Mr. GALLEGLY (for himself, Mr. ROYCE, Mr. PACKARD, Mr. COX of California, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. RIGGS, Mr. CALVERT, Mr. KIM, and Mr. BILBRAY):

H.R. 1493. A bill to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and for other

purposes; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 1494. A bill to amend the Federal Election Campaign Act of 1971 to require the Federal Election Commission to establish and administer an escrow account for certain campaign contributions that a political committee intends to return to the contributor, and for other purposes; to the Committee on House Oversight, 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. LAFALCE (for himself, Mr. SISISKY, Mr. FLAKE, Mr. POSHARD, Ms. VELAZQUEZ, Mr. BALDACCI, Mr. JACKSON, Ms. MILLENDER-MCDONALD, Mr. WEYGAND, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, and Mr. PASCRELL):

H.R. 1495. A bill to amend section 29 of the Small Business Act, and for other purposes; to the Committee on Small Business.

By Mr. MCCOLLUM (for himself, Ms. DUNN, Mrs. JOHNSON of Connecticut, Mr. BOEHNER, Mr. KNOLLENBERG, Mr. FROST, Mr. BACHUS, Mr. EWING, Mrs. KELLY, Mr. WALSH, Mr. SNOWBARGER, Mr. COOKSEY, Mrs. NORTHUP, Mr. GREEN, Ms. GRANGER, Mr. RYUN, Mr. WELDON of Florida, and Mr. WHITE):

H.R. 1496. A bill to amend the Internal Revenue Code of 1986 to provide greater equity in savings opportunities for families with children, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. YATES, Mr. SHAYS, Mr. FARR of California, Ms. CHRISTIAN-GREEN, Mr. FROST, Mr. DEFAZIO, Mrs. MALONEY of New York, Mr. COYNE, Mr. UNDERWOOD, Mr. DELLUMS, Ms. SLAUGHTER, Mr. CALVERT, Mr. FLAKE, Mr. TORRES, Mr. PETRI, Mr. FILNER, Ms. RIVERS, Mr. CLAY, Mr. BARRETT of Wisconsin, Mrs. CLAYTON, Ms. WOOLSEY, and Mr. LEWIS of Georgia):

H. R. 1497. A bill to extend the authority of the National Peace Garden to establish a commemorative work on Federal lands; to the Committee on Resources.

By Mrs. MINK of Hawaii (for herself, Mr. ABERCROMBIE, Mr. BROWN of California, Mr. CLAY, Mrs. CLAYTON, Ms. DEGETTE, Mr. DELLUMS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FOGLIETTA, Mr. HILLIARD, Ms. KILPATRICK, Mr. OWENS, Ms. PELOSI, Mr. RUSH, Mr. SANDERS, Ms. WATERS, Ms. WOOLSEY, and Mr. TORRES):

H.R. 1498. A bill to amend the Internal Revenue Code of 1986 to treat a portion of welfare benefits which are contingent on employment as earned income for purposes of the earned income credit, and for other purposes; to the Committee on Ways and Means.

By Ms. MOLINARI:

H.R. 1499. A bill to make certain administrative reforms relating to the Federal Railroad Administration and to make further improvements to the laws governing railroad safety; to the Committee on Transportation and Infrastructure.

By Mr. HINCHEY (for himself, Mr. ACKERMAN, Mr. ANDREWS, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. BONIOR, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CAMPBELL, Mr. CAPPS, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. COYNE, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DELLUMS, Mr. DEUTSCH, Mr. DICKS, Mr. DIXON, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Mr. FAWELL, Mr. FAZIO of California, Mr. FILNER, Mr. FLAKE, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. JACKSON, Ms. JACKSON-LEE, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. KLECZKA, Mr. KLUG, Mr. LAFALCE, Mr. LAMPSON, Mr. LANTOS, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHALE, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Mr. PORTER, Mr. RANGEL, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mr. SCHUMER, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SKAGGS, Ms. SLAUGHTER, Mr. SPRATT, Mr. STARK, Mr. STOKES, Mrs. TAUSCHER, Mr. THOMPSON, Mr. TIERNEY, Mr. TORRES, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. VENTO, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, and Mr. YATES):

H.R. 1500. A bill to designate certain Federal lands in the State of Utah as wilderness, and for other purposes; to the Committee on Resources.

By Ms. MOLINARI:

H.R. 1501. A bill to strengthen Federal law with respect to the prohibitions against and penalties for acts which sabotage or otherwise threaten the safety of rail transportation and mass transit; to the Committee on Transportation and Infrastructure, 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. POSHARD:

H.R. 1502. A bill to designate the U.S. courthouse located at 301 West Main Street in Benton, IL, as the ''James L. Foreman United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. SOUDER (for himself, Mrs. EMERSON, and Mr. PACKARD):

H.R. 1503. A bill to provide uniform standards for the awarding of compensatory and punitive damages in a civil action against a volunteer or volunteer service organization, and for other purposes; to the Committee on the Judiciary.

By Mr. SPRATT (for himself, Mr. COBLE, Mr. BAESLER, Mr. BALLENGER, Mr. BISHOP, Mr. BONIOR, Mr. BOUCHER, Mr. BURR of North Carolina, Mr. CARDIN, Mr. CHAMBLISS, Mrs. CLAYTON, Mr. CLYBURN, Mr. COMBEST, Mr. CRAMER, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. EVANS, Mr. EVERETT, Mr. FILNER, Mr. GOODE, Mr. GRAHAM, Mr. HEFNER, Mr. HILLEARY, Mr. HOLDEN, Mr. HOUGHTON, Mr. INGLIS of South Carolina, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JONES, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. MANTON, Mr. MCHALE, Mr. MCINTYRE, Mrs. MYRICK, Mr. NORWOOD, Mr. OLVER, Mr. PICKERING, Mr. RILEY, Ms. SLAUGHTER, Mr. SOLOMON, Mr. SPENCE, Mr. TAYLOR of North Carolina, Mrs. THURMAN, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, and Mr. WELLER:

H.R. 1504. A bill to ensure the competitiveness of the U.S. textile and apparel industry; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. SERRANO, Mr. DELLUMS, Mr. KLECZKA, Mr. UNDERWOOD, Mr. FRANK of Massachusetts, Ms. CHRISTIAN-GREEN, Ms. PELOSI, Mr. HALL of Ohio, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. WAXMAN, Mr. CRAMER, Mr. EHRLICH, Mrs. CLAYTON, Mr. RANGEL, Mr. GONZALEZ, Mr. MOAKLEY, Mr. FROST, Mr. ACKERMAN, and Mr. SPENCE):

H.R. 1505. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. CLAY, Mr. RANGEL, Mr. GONZALEZ, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. PELOSI, Mr. MANTON, Mr. HINCHEY, Mrs. MINK of Hawaii, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. FLAKE, Ms. MCKINNEY, Mr. TOWNS, Mr. DELLUMS, Mr. THOMPSON, Mrs. CLAYTON, Mr. SERRANO, Mr. GUTIERREZ, Mr. FILNER, Mr. CLYBURN, Mrs. MALONEY of New York, Mr. PAYNE, Ms. FURSE, Ms. WATERS, Mr. CUMMINGS, Mr. PALLONE, Mr. PASTOR, Mr. OWENS, Mr. DAVIS of Illinois, Mr. ENGEL, Mr. HILLIARD, Mr. RUSH, Mr. MEEHAN, Mr. DIXON, Mr. BARRETT of Wisconsin, Mr. KENNEDY of Massachusetts, Mr. STARK, Mr. JACKSON, Mr. BONIOR, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, and Mr. JEFFERSON):

H.R. 1506. A bill to amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances; to the Committee on Commerce.

By Mr. WALSH (for himself, Mrs. ROUKEMA, Mr. HALL of Ohio, Mrs. CLAYTON, Mrs. MORELLA, Mr. WOLF, Mr. OBERSTAR, Mr. QUINN, Mr. LEACH, Ms. NORTON, Mrs. THURMAN, and Ms. WATERS):

H.R. 1507. A bill to amend the Food Stamp Act of 1977 to modify certain eligibility disqualifications, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Mr. STUMP (for himself, Mr. ABERCROMBIE, Mr. ARMEY, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BATEMAN, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHLERT, Mr. BROWN of California, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CHABOT, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. COBLE, Mr. COLLINS, Mr. COOK, Mr. COOKSEY, Mr. COX of California, Mr. CRAMER, Mr. CRANE, Mr. CRAPO, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DELAY, Mr. DICKEY, Mr. DINGELL, Mr. DOOLITTLE, Mr. DREIER, Ms. DUNN, Mr. EDWARDS, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EVANS, Mr. EVERETT, Mr. EWING, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. GIBBONS, Mr. GILMAN, Mr. GINGRICH, Mr. GOODLING, Mr. GOSS, Mr. HALL of Texas, Mr. HANSEN, Mr.

HASTERT, Mr. HAYWORTH, Mr. HEFLEY, Mr. HEFNER, Mr. HILLEARY, Mr. HORN, Mr. HOUGHTON, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. JONES, Ms. KAPTUR, Mr. KASICH, Mr. KENNEDY of Massachusetts, Mr. KIM, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAHOOD, Mr. LARGENT, Mr. LAZIO of New York, Mr. LEWIS of Kentucky, Mr. LIVINGSTON, Mr. MCHUGH, Mr. MCINNIS, Mr. MCKEON, Mr. MCNULTY, Mr. METCALF, Mr. MICA, Mr. MOAKLEY, Mr. MORAN of Kansas, Mr. MURTHA, Mr. NEY, Mr. PACKARD, Mr. PAPPAS, Mr. PAUL, Mr. POMBO, Ms. PRYCE of Ohio, Mr. QUINN, Mr. REGULA, Mr. RIGGS, Mr. ROGERS, Mr. ROHRABACHER, Mr. SALMON, Mr. DAN SCHAEFER of Colorado, Mr. SHADEGG, Mr. SHAYS, Mr. SHIMKUS, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of Michigan, Mr. SNYDER, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. STENHOLM, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. THOMAS, Mrs. THURMAN, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELLER, Mr. WICKER, Mr. WOLF, and Mr. YOUNG of Florida):

H.J. Res. 75. Joint resolution to confer status as an honorary veteran of the U.S. Armed Forces on Leslie Townes (Bob) Hope; to the Committee on Veterans' Affairs.

By Mr. DUNCAN (for himself, Mr. BRYANT, Mr. WAMP, Mr. HILLEARY, and Mr. TANNER):

H. Con. Res. 69. Concurrent resolution expressing the sense of the Congress with respect to the establishment of waivers in State medical licensing laws regarding the provision of health care to indigent individuals; to the Committee on Commerce.

By Mr. BARRETT of Nebraska:

H. Res. 137. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mrs. MALONEY of New York (for herself, Mr. HORN, Mr. CUMMINGS, Ms. FURSE, Mr. DELLUMS, Mr. LANTOS, Mr. FROST, Ms. DELAURO, Mr. TOWNS, Mr. GUTIERREZ, Mr. MANTON, Mr. LEWIS of Georgia, Mr. FILNER, Mr. HASTINGS of Florida, Mr. OWENS, Ms. CARSON, Mr. HOYER, Mr. CLAY, and Mr. PORTMAN):

H. Res. 138. Resolution expressing the resolve of Congress to take an active role in eliminating racism; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Mr. WATTS of Oklahoma, Mr. DOYLE, Mr. HEFLEY, Mr. BARCIA, Mr. CALVERT, Mr. NORWOOD, Mr. STUPAK, Mr. GREEN, Mr. MASCARA, Mr. PETERSON of Minnesota, Mr. MCINTYRE, and Mr. GOODE.

H.R. 108: Mr. ENGEL, Mr. BARRETT of Wisconsin, and Mr. TAYLOR of Mississippi.

H.R. 135: Mr. BISHOP, Ms. HARMAN, Mr. BALDACCI, Mr. BROWN of California, Mr. DEUTSCH, Mr. ETHERIDGE, Mr. FLAKE, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HOYER, Mr. JOHNSON of Wisconsin, Mr. ROEMER, Mr. SAWYER, Mr. SHERMAN, Mr. STRICKLAND, Mr. WYNN, and Mr. JEFFERSON.

H.R. 143: Mr. BARCIA, Mr. RIGGS, Mr. HORN, Mr. MEEHAN, and Mr. EHLERS.

H.R. 145: Mr. MALONEY of Connecticut, Mr. LAMPSON, Mr. CLYBURN, Ms. WOOLSEY, Mr. BISHOP, Mr. COLLINS, Mr. KLINK, Mr. MCHALE, and Mr. TORRES.

H.R. 165: Mr. GOODE.

H.R. 198: Mr. OWENS and Mr. STUMP.

H.R. 235: Mr. WATTS of Oklahoma, Mr. EVANS, Mr. MCGOVERN, Mrs. KELLY, Mrs. MEEK of Florida, and Mr. CAPPS.

H.R. 306: Mrs. JOHNSON of Connecticut.

H.R. 347: Mr. HEFLEY.

H.R. 409: Mrs. MCCARTHY of New York, Mr. DEAL of Georgia, Mr. HULSHOF, Mr. CANADY of Florida, Mr. ROTHMAN, Mr. GOODLATTE, Mr. MICA, Mr. SMITH of New Jersey, and Mr. BARRETT of Wisconsin.

H.R. 420: Mr. FATTAH, Mr. PRICE of North Carolina, and Mr. KUCINICH.

H.R. 443: Mr. GONZALEZ.

H.R. 475: Mr. GOODE and Mr. RAHALL.

H.R. 536: Mr. KUCINICH.

H.R. 551: Mr. DELLUMS.

H.R. 574: Mr. FILNER.

H.R. 586: Mr. BASS, Mr. BISHOP, and Mr. ROMERO-BARCELÓ.

H.R. 622: Mr. WELDON of Florida.

H.R. 659: Mr. BOUCHER, Mr. BONILLA, and Ms. KAPTUR.

H.R. 687: Mr. BROWN of Ohio, Ms. CHRISTIAN-GREEN, and Mr. MARKEY.

H.R. 689: Mr. MARTINEZ and Mr. FALEOMAVAEGA.

H.R. 710: Mr. FARR of California and Mr. MARTINEZ.

H.R. 716: Mr. BLILEY.

H.R. 722: Mr. LATHAM, Mr. SMITH of New Jersey, Mr. BEREUTER, Mr. HOBSON, Mr. NEY, Mr. WOLF, and Mr. STUMP.

H.R. 731: Mr. BOUCHER.

H.R. 744: Mr. LEWIS of Georgia, Mr. GUTIERREZ, Mr. FAZIO of California, Mr. MOAKLEY, and Mr. BLAGOJEVICH.

H.R. 755: Mr. MCINTYRE, Mr. RUSH, and Ms. DELAURO.

H.R. 794: Mr. MEEHAN and Mr. DELLUMS.

H.R. 816: Mr. POSHARD.

H.R. 855: Ms. JACKSON-LEE.

H.R. 896: Mr. KUCINICH.

H.R. 899: Mr. LEWIS of Georgia, Mr. RUSH, Mr. WEYGAND, and Mr. HINCHEY.

H.R. 922: Mr. CANADY of Florida.

H.R. 953: Mr. GUTKNECHT.

H.R. 956: Mr. FAZIO of California.

H.R. 965: Mr. PETERSON of Pennsylvania.

H.R. 971: Mr. MANTON.

H.R. 981: Mr. PORTER.

H.R. 983: Ms. DELAURO.

H.R. 991: Mr. ENGLISH of Pennsylvania.

H.R. 1038: Mr. FROST and Ms. LOFGREN.

H.R. 1049: Mr. MILLER of California.

H.R. 1104: Mr. FILNER, Mr. BECERRA, Mr. BOSWELL, Mr. RANGEL, Mr. NADLER, and Mr. MENENDEZ.

H.R. 1146: Mr. BARR of Georgia.

H.R. 1161: Mr. GIBBONS and Mr. RUSH.

H.R. 1166: Ms. DELAURO, Mr. NEAL of Massachusetts, Mr. WAXMAN, Ms. FURSE, Ms. STABENOW, Mr. MANTON, Ms. NORTON, Mr. MEEHAN, Mr. ACKERMAN, Mr. PICKETT, Mr. CRAMER, Mr. METCALF, Mr. CLEMENT, Mr. TORRES, Mr. ALLEN, Mr. WALSH, and Mr. PASTOR.

H.R. 1172: Mr. ADERHOLT, Mr. ARCHER, Mr. BACHUS, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BILBRAY, Mr. BONILLA, Mr. BONO, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. CALVERT, Mr. CAMPBELL, Mr. CANADY of Florida, Mr. CANNON, Mr. CHABOT, Mrs. CHENOWETH, Mr. COBLE, Mr. COOK, Mr. COOKSEY, Mr. CRANE, Mrs. CUBIN, Ms. DANNER, Mr. DELAY, Mr. DICKEY, Ms. DUNN, Mrs. EMERSON, Mr. EVERETT, Mr. EWING, Mr. FOLEY, Mr. GALLEGLY, Mr. GIBBONS, Mr. HALL of Texas, Mr. HAYWORTH, Mr. HOSTETTLER, Mr. HULSHOF, Mr. HUNTER, Mr. ISTOOK, Mr. SAM JOHNSON, Mrs. KELLY, Mr. KIM, Mr. KNOLLENBERG, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. MCKEON, Mr. MANZULLO, Mr. MICA, Mr. NEY, Mr. NORWOOD, Mr. PACKARD, Mr. PAPPAS, Mr. PAUL, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. POMBO, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. ROYCE, Mr. RYUN, Mr. SALMON, Mr. SANFORD, Mr. SHADEGG, Mr. SHIMKUS, Mr. SKEEN, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr. SOUDER, Mr. STUMP, Mr. TAYLOR of Mississippi, Mr. THOMAS, Mr. TIERNEY, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITFIELD, and Mr. YOUNG of Alaska.

H.R. 1174: Mr. OBERSTAR, Mr. CUNNINGHAM, Mr. COSTELLO, Mr. BLUMENAUER, and Mr. MCGOVERN.

H.R. 1189: Mr. BOYD, Mr. HINOJOSA, and Mr. LAHOOD.

H.R. 1193: Mr. PACKARD, Mr. WICKER, and Mr. SMITH of Michigan.

H.R. 1215: Mr. OLVER, Mr. FRANK of Massachusetts, and Mr. REYES.

H.R. 1231: Mr. GOODE.

H.R. 1245: Mr. FALEOMAVAEGA and Ms. KILPATRICK.

H.R. 1246: Mr. FALEOMAVAEGA.

H.R. 1306: Ms. HOOLEY of Oregon, Mr. PASTOR, Mr. RILEY, Mr. LATOURETTE, Mr. LAZIO of New York, Mrs. EMERSON, Mr. BEREUTER, Mrs. MORELLA, and Mr. SCHUMER.

H.R. 1321: Mr. DAVIS of Florida.

H.R. 1327: Mr. TALENT, Mr. LATHAM, Mr. SOLOMON, Ms. MOLINARI, and Mr. HULSHOF.

H.R. 1335: Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BOEHLERT, Mr. BONIOR, Ms. BROWN of Florida, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DEFAZIO, Mr. DELLUMS, Mr. DEUTSCH, Mr. ENGEL, Mr. FILNER, Mr. FORBES, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HALL of Ohio, Mr. HASTINGS of Florida, Mr. HAYWORTH, Mr. HILLIARD, Mr. HINCHEY, Ms. JACKSON-LEE, Mr. KING of New York, Mrs. LOWEY, Mr. MCGOVERN, Mr. MANTON, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. PAYNE, Mr. QUINN, Mr. RUSH, Mr. SABO, Mr. ADAM SMITH of Washington, Mr. SOUDER, Mr. WALSH, Mr. WATTS of Oklahoma, and Mr. WYNN.

H.R. 1346: Mr. UPTON, Mr. EHLERS, and Mr. NEY.

H.R. 1355: Mr. MCCOLLUM and Mr. RUSH.

H.R. 1360: Mr. LIVINGSTON.

H.R. 1366: Mr. BARRETT of Wisconsin.

H.R. 1367: Ms. FURSE.

H.R. 1407: Mr. GIBBONS.

H.R. 1415: Mr. GREEN, Mr. WATTS of Oklahoma, Mr. KLECZKA, Mr. MCINTOSH, Mr. JONES, and Mr. STARK.

H.R. 1437: Mr. MANTON, Mr. RUSH, Mr. KENNEDY of Rhode Island, Ms. SLAUGHTER, Mr. SANDERS, and Mr. BORSKI.

H.R. 1438: Mr. MARKEY, Mr. LAMPSON, and Ms. PELOSI.

H.R. 1450: Mr. TIERNEY.

H.R. 1451: Mr. HASTINGS of Florida, Mr. DAVIS of Virginia, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HILLIARD, and Mr. FILNER.

H.R. 1475: Mr. NEUMANN.

H.J. Res. 54: Mr. ETHERIDGE.

H.J. Res. 65: Ms. KILPATRICK, Mr. MCGOVERN, and Mr. RUSH.

H. Con. Res. 13: Mr. CLYBURN, Mr. BAKER, Mr. ENSIGN, Mr. DICKEY, and Mr. WISE.

H. Con. Res. 60: Mr. GONZALEZ, Mr. ROTHMAN, Mr. DOOLITTLE, Mr. HASTINGS of Washington, Mr. MANZULLO, Mr. SAWYER, Mr. TURNER, Mr. WELDON of Florida, Mr. BAKER, Mr. SHERMAN, Mr. BOYD, Mr. BISHOP, Mrs. MORELLA, Mr. NORWOOD, Mr. RYUN, Mrs. LINDA SMITH of Washington, Mr. SMITH of Michigan, Mr. UPTON, Mr. SCARBOROUGH, Mr. FLAKE, Mr. SHAW, Mr. ENSIGN, Mrs. MYRICK, Mr. SHIMKUS, Ms. NORTON, Mr. FAZIO of California, Ms. DEGETTE, Mr. BORSKI, Mr. BILBRAY, Mrs. FOWLER, Mr. ADAM SMITH of

Washington, Mr. SCHIFF, Mr. TAUZIN, Mr. BALLENGER, Mr. COSTELLO, Ms. LOFGREN, and Mr. MASCARA.

H. Res. 37: Ms. STABENOW and Ms. BROWN of Florida.

H. Res. 61: Ms. RIVERS, Mr. HASTINGS of Washington, Mr. KOLBE, and Mr. CAPPS.

H. Res. 83: Mr. FILNER, Mr. KUCINICH, Mr. HILLIARD, and Mr. FROST.

H. Res. 103: Mr. FALEOMAVAEGA.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 28: Page 333, after line 2, insert the following new section:

**SEC. 708. TREATMENT OF PHA REPAYMENT AGREEMENT.**

(a) LIMITATION ON SECRETARY.—During the 2-year period beginning on the date of the enactment of this Act, if the Housing Authority of the City of Las Vegas, Nevada, is otherwise in compliance with the Repayment Lien Agreement and Repayment Plan approved by the Secretary on February 12, 1997, the Secretary of Housing and Urban Development shall not take any action that has the effect of reducing the inventory of senior citizen housing owned by such housing authority that does not receive assistance from the Department of Housing and Urban Development.

(b) ALTERNATIVE REPAYMENT OPTIONS.—During the period referred to in subsection (a), the Secretary shall assist the housing authority referred to in such subsection to identify alternative repayment options to the plan referred to in such subsection and to execute an amended repayment plan that will not adversely affect the housing referred to in such subsection.

(c) RULE OF CONSTRUCTION.—This section may not be construed to alter—

(1) any lien held by the Secretary pursuant to the agreement referred to in subsection (a); or

(2) the obligation of the housing authority referred to in subsection (a) to close all remaining items contained in the Inspector General audits numbered 89 SF 1004 (issued January 20, 1989), 93 SF 1801 (issued October 30, 1993), and 96 SF 1002 (issued February 23, 1996).

H.R. 2

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 29: Page 25, strike line 21 and all that follows through page 31, line 18, and insert the following:

**SEC. 105. ECONOMIC SELF-SUFFICIENCY ACTIVITIES.**

(a) COOPERATION AGREEMENTS.—

(1) REQUIREMENT.—A public housing

Page 32, line 1, strike ''facilitate'' and all that follows through ''may'' on line 5.

Page 32, strike line 8 and insert the following:

(2) CONTENTS.—A public housing agency

Page 32, line 10, strike ''paragraph'' and insert ''section''.

Page 32, strike line 22 and insert the following:

(3) CONFIDENTIALITY.—This section

Page 33, strike line 3 and all that follows through ''(f)'' on page 35, line 3, and insert ''(b)''.

Page 35, strike lines 15 through 23.

H.R. 2

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 30: Page 99, strike line 12 and all that follows through line 25 on page 99, and insert the following:

**SEC. 223. PREFERENCES FOR OCCUPANCY.**

(a) IN GENERAL.—Except for projects or portions of projects designated for occupancy pursuant to section 227 with respect to which the Secretary has determined that application of this section would result in excessive delays in meeting the housing needs of such families, each public housing agency shall establish a system for making dwelling units in public housing available for occupancy that—

(1) for not less than 50 percent of the units that are made available for occupancy in a given fiscal year, gives preference to families that occupy substandard housing (including families that are homeless or living in a shelter for homeless families), are paying more than 50 percent of family income for rent, or are involuntarily displaced (including displacement because of disposition of a multifamily housing project under section 203 of the Housing and Community Development Amendments of 1978) at the same time they are seeking assistance under this Act; and

(2) for any remaining units to be made available for occupancy, gives preference in accordance with a system of preferences established by the public housing agency in writing and after public hearing to respond to local housing needs and priorities, which may include—

(A) assisting very low-income families who either reside in transitional housing assisted under title IV of the Stewart B. McKinney Homeless Assistance Act, or participate in a program designed to provide public assistance recipients with greater access to employment and educational opportunities;

(B) assisting families identified by local public agencies involved in providing for the welfare of children as having a lack of adequate housing that is a primary factor in the imminent placement of a child in foster care, or in preventing the discharge of a child from foster care and reunification with his or her family;

(C) assisting youth, upon discharge from foster care, in cases in which return to the family or extended family or adoption is not available;

(D) assisting families that include one or more adult members who are employed; and

(E) achieving other objectives of national housing policy as affirmed by the Congress.

Page 100, line (1) strike ''(c)'' and insert ''(b)''.

Page 100, line 4, after ''preferences'' insert ''under subsection (a)(2)''.

H.R. 2

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 31: Page 120, line 2, strike ''and''.

Page 120, line 23, strike the period and insert a semicolon.

Page 120, after line 23, insert the following:

(3) in subsections (c)(1)(A) and (d)(1)(A), by striking ''make their best efforts,'' each place it appears and inserting ''to the maximum extent that is possible and'';

(4) in subsection (c)(1)(A), by striking ''to give'' and inserting ''give''; and

(5) in subsection (d)(1)(A), by striking ''to award'' and inserting ''award''.

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 32: Page 188, strike line 13 and all that follows through line 3 on page 189, and insert the following:

(d) PREFERENCES FOR ASSISTANCE.—

(1) IN GENERAL.—Each public housing agency that receives amounts under this title shall establish a system for making housing assistance available on behalf of eligible families that—

(A) for not less than 90 percent of such families, gives preference to families that occupy substandard housing (including families that are homeless or living in a shelter for homeless families), are paying more than 50 percent of family income for rent, or are involuntarily displaced (including displacement because of disposition of a multifamily housing project under section 203 of the Housing and Community Development Amendments of 1978) at the time they are seeking assistance under this title; except that any family otherwise eligible for assistance under this title may not be denied preference for assistance (or delayed or otherwise adversely affected in the provision of such assistance) solely because the family resides in public housing; and

(B) for any remaining assistance in any 1-year period, gives preference to families who qualify under a system of local preferences established by the public housing agency in writing and after public hearing to respond to local housing needs and priorities, which may include—

(i) assisting very low-income families who either reside in transitional housing assisted under title IV of the Stewart B. McKinney Homeless Assistance Act, or participate in a program designed to provide public assistance recipients with greater access to employment and educational opportunities;

(ii) assisting families identified by local public agencies involved in providing for the welfare of children as having a lack of adequate housing that is a primary factor in the imminent placement of a child in foster care, or in preventing the discharge of a child from foster care and reunification with his or her family;

(iii) assisting youth, upon discharge from foster care, in cases in which return to the family or extended family or adoption is not available;

(iv) assisting families that include one or more adult members who are employed; and

(v) achieving other objectives of national housing policy as affirmed by the Congress.

Page 189, line 4, strike ''(3)'' and insert ''(2)''.

Page 189, line 8, after ''preferences'' insert ''under paragraph (1)(B)''.

H.R. 2

OFFERED BY: MRS. JOHNSON OF CONNECTICUT

AMENDMENT NO. 33: Page 316, after line 19, insert the following new subsection:

(c) INELIGIBILITY OF SEXUALLY VIOLENT PREDATORS FOR ADMISSION TO PUBLIC HOUSING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency shall prohibit admission to public housing for any household that includes any individual who is a sexually violent predator.

(2) SEXUALLY VIOLENT PREDATOR.—For purposes of this subsection, the term ''sexually violent predator'' means an individual who—

(A) is a sexually violent predator (as such term is defined in section 170101(a)(3) of such Act); and

(B) is subject to a registration requirement under section 170101(a)(1)(B) or 170102(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(1)(B), 14072(c)), as provided under section 170101(b)(6)(B) or 170102(d)(2), respectively, of such Act.

Page 316, line 20, strike ''(c)'' and insert ''(d)''.

Page 316, lines 21 and 22, strike ''and (b)'' and insert '', (b), and (c)''.

Page 317, line 22, strike ''(d)'' and insert ''(e)''.

Page 318, line 13, strike ''(e)'' and insert ''(f)''.

Page 321, line 9, after ''CHILDREN'' insert ''AND SEXUALLY VIOLENT PREDATORS''.

Page 321, line 11, after the comma insert ''the Federal Bureau of Investigation,''.

Page 321, line 15, insert a comma before ''and''.

Page 321, line 18, after ''under'' insert the following: ''the national database established pursuant to section 170102 of such Act or''.

Page 321, line 19, after ''program'' insert '', as applicable,''.

Page 323, line 12, after ''criminal record'' insert ''(including on the basis that an individual is a sexually violent predator, pursuant to section 641(c))''.

Page 323, line 21, strike ''641(d)'' and insert ''641(e)''.

H.R. 2

OFFERED BY: MR. KNOLLENBERG

AMENDMENT NO. 34: Page 25, after line 20, insert the following new subsection:

(e) AVAILABILITY OF INCOME MATCHING INFORMATION.—

(1) DISCLOSURE TO PHA.—A public housing agency shall require any family described in paragraph (2) who receives information regarding income, earnings, wages, or unemployment compensation from the Department of Housing and Urban Development pursuant to income verification procedures of the Department of disclose such information, upon receipt of the information, to the public housing agency that owns or operates the public housing dwelling unit in which such family resides or that provides the housing assistance on behalf of such family, as applicable.

(2) APPLICABILITY TO FAMILIES RECEIVING PUBLIC HOUSING OR CHOICE-BASED HOUSING ASSISTANCE.—A family described in this paragraph is a family that resides in a dwelling unit—

(A) that is a public housing dwelling unit; or

(B) for which housing assistance is provided under title III (or under the program for tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act)).

(3) PROTECTION OF APPLICANTS AND PARTICIPANTS.—Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''and'' at the end;

(iii) in paragraph (3), by striking the period at the end and inserting ''; and ''; and

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

''(4) only in the case of an applicant or participant that is a member of a family described in section 104(e)(2) of the Housing Opportunity and Responsibility Act of 1997, sign an agreement under which the applicant or participant agrees to provide to the appropriate public housing agency the information required under such section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 for the sole purpose of the public housing agency verifying income information pertinent to the applicant's or participant's eligibility or level of benefits, and comply with such agreement.''; and

(B) in subsection (c)—

(i) in paragraph (2)(A), in the matter preceding clause (I)—

(I) by inserting before ''or'' the first place it appears the following: '', pursuant to section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 from the applicant or participant,''; and

(II) by inserting ''or 104(e)(1)'' after ''such section 303(i)''; and (ii) in paragraph (3)—

(I) in subparagraph (A), by inserting '', section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997,'' after ''Social Security Act''; and

(II) in subparagraph (A), by inserting ''or agreement, as applicable,'' after ''consent''; (III) in subparagraph (B), by inserting ''section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997,'' after ''Social Security Act,''; and

(IV) in subparagraph (B), by inserting ''such section 104(e)(1),'' after ''such section 303(i),'' each place it appears.

H.R. 2

OFFERED BY: MR. KNOLLENBERG

AMENDMENT NO. 35. At the end of the bill, add the following new title:

TITLE VIII—ACCESS TO AND DISCLOSURE OF INFORMATION

**SEC. 801. REINSTITUTION OF REQUIREMENTS REGARDING HUD ACCESS TO CERTAIN INFORMATION OF STATE AGENCIES.**

(a) IN GENERAL.—Subsection (i) of section 303 of the Social Security Act (42 U.S.C. 503(i)) is amended by striking paragraph (5).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests for information made after the date of the enactment of this Act.

**SEC. 802. DISCLOSURE OF INFORMATION BY HUD TO PUBLIC HOUSING AGENCIES.**

(a) IN GENERAL.—Paragraph (7) of section 6103(l) of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information) is amended by adding at the end the following new subparagraph:

''(E) RETURN INFORMATION FROM DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—

''(i) IN GENERAL.—The Secretary of Housing and Urban Development may, upon written request by any public housing agency administering a program described in subparagraph (D)(ix), disclose return information from returns which have been disclosed to the Department of Housing and Urban Development under this paragraph to such public housing agency.

''(ii) RESTRICTION ON DISCLOSURE.—The Secretary of Housing and Urban Development shall disclose return information under this subparagraph only for purposes of, and to the extent necessary in, determining eligibility for, or the correct amount of, benefits under a program referred to in subparagraph (D)(ix).

''(iii) PUBLIC HOUSING AGENCY.—For purposes of this paragraph, the term 'public housing agency' has the meaning given such term by section 3(b) of the United States Housing Act of 1937.''

(b) REPEAL OF TERMINATION REGARDING HOUSING ASSISTANCE PROGRAMS.—Subparagraph (D) of section 6103(l)(7) of such Code is amended by striking the last sentence.

(c) CONFORMING AMENDMENT.—Clause (ix) of section 6103(l)(7)(D) of such Code is amended—

(1) by inserting ''(or, for purposes of subparagraph (E), by a public housing agency)'' after ''Secretary of Housing and Urban Development'', and

(2) by inserting ''or a public housing agency'' after ''Department of Housing and Urban Development'' the second place that it appears.

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

**SEC. 803. CONSENT TO DISCLOSE INFORMATION AND PROTECTIONS AGAINST IMPROPER USE OF INFORMATION**

Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended—

(1) in subsection (b)(3)—

(A) by inserting after ''participant'' the following: '', and authorizing the Secretary to release information pursuant to section 6103(l)(7)(E) of such Act with respect to such applicant or participant,''; and

(B) by inserting ''or public housing agency (as applicable)'' before ''verifying''; and

(2) in subsection (c)—

(A) in paragraph (2)(A), in the matter preceding clause (i)—

(i) by striking ''section 6103(l)(7)(D)(ix)'' and inserting ''subparagraph (D)(ix) or (E) of section 6103(l)(7)'';

(ii) by striking ''or the Secretary of the Treasury'' and inserting '', the Secretary of the Treasury, or the Secretary of Housing and Urban Development''; and

(iii) by inserting ''or section 6103(l)(7)(E)'' after ''such section 303(i)''; and

(B) in paragraph (3), by striking ''section 6103(l)(7)(D)(ix)'' each place it appears and inserting ''subparagraph (D)(ix) or (E) of section 6103(l)(7)''.

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 36: Page 99, after line 11, insert the following new subsection:

(e) OPTIONAL TIME LIMITATION ON OCCUPANCY BY FAMILIES RECEIVING WELFARE ASSISTANCE FOR PHA'S WITH WAITING LISTS OF 1 YEAR OR LONGER.—

(1) 5-YEAR LIMITATION.—A public housing agency described in paragraph (2) may, at the option of the agency and on an agency-wide basis, limit the duration of occupancy in a public housing dwelling unit of each family that includes an individual who, as an adult, receives assistance under any welfare program (or programs) for 60 consecutive months occurring after the effective date of this Act, to such 60 consecutive months.

(2) APPLICABILITY ONLY TO PHA'S WITH WAITING LISTS OF 1 YEAR OR LONGER.—A public housing agency described in this paragraph is an agency that, upon the conclusion of the 60-month period referred to in paragraph (1) for any family, has a waiting list for occupancy in public housing dwelling units that contains a sufficient number of families such that the last family on such lists who will be provided a public housing dwelling unit will be provided the unit 1 year or more from such date (based on the turnover rate for public housing dwelling units of the agency).

(3) TREATMENT OF TEMPORARY STOPPAGE OF ASSISTANCE.—For purposes of paragraph (1), nonconsecutive months in which an individual receives assistance under a welfare program shall be treated as being consecutive if such months are separated by a period of 6 months or less during which the individual does not receive such assistance.

(4) EXCEPTIONS FOR WORKING, ELDERLY, AND DISABLED FAMILIES.—The provisions of paragraph (1) shall not apply to—

(A) any family that contains an adult member who, during the 60-month period referred to in such paragraph, obtains employment; except that, if at any time during the 12-month period beginning upon the commencement of such employment, the family does not contain an adult member who has employment, the provisions of paragraph (1) shall apply and the nonconsecutive months during which the family did not contain an employed member shall be treated for purposes of such paragraph as being consecutive;

(B) any elderly family; or

(C) any disabled family.

(5) PREFERENCES FOR FAMILIES MOVING TO FIND EMPLOYMENT.—A public housing agency may, in establishing preferences under section 321(d), provide a preference for any family that—

(A) occupied a public housing dwelling unit owned or operated by a different public housing agency, but was limited in the duration of such occupancy by reason of paragraph (1) of this subsection; and

(B) is determined by the agency to have moved to the jurisdiction of the agency to obtain employment.

(6) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) WELFARE PROGRAM.—The term ''welfare program'' means a program for aid or assistance under a State program funded under part A of title IV of the Social Security Act (as in effect before or after the effective date of the amendments made by section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

(B) EMPLOYMENT.—The term ''employment'' means employment in a position that—

(i) is not a job training or work program required under a welfare program; and

(ii) involves an average of 20 or more hours of work per week.

H.R. 2

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 37: Page 16, line 2, strike ''counseling'' and all that follows through ''(F)'' on line 9, and insert the following:

other programs and services as determined by the public housing agency, and (D)

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 38: Page 43, line 19 strike ''of any'' and all that follows through line 19, and insert the following:

of—

(A) any homeownership programs of the agency under subtitle D of title II or section 329 for the agency;

(B) the requirements and assistance available under the programs described pursuant to subparagraph (A); and

(C) the annual goals of the agency for additional availability of homeownership units.

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 39: Page 56, strike lines 14 through 18, and insert the following:

Pet ownership policy shall be established by the public housing agency. When establishing such policy, the public housing agency shall consider the positive effects of pet ownership.

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 40: Page 294, strike line 5 and all that follows through page 297, line 4.

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 41: Page 294, strike line 6 and all that follows through page 297, line 4, and insert the following:

Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701*r*—1) is hereby repealed.

H.R. 2

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 42: Page 331, strike lines 11 through 15 and insert the following:

**SEC. 705. ASSISTANCE UNDER HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974.**

The Housing and Community Development Act of 1974 is amended—

(1) in section 108(q)(4) (42 U.S.C. 5308(q)(4))—

(A) by striking ''and'' after the semicolon in subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) when applicable as determined by the Secretary, the extent of regional cooperation demonstrated by the proposed plan; and''; and

(2) in section 105 (42 U.S.C. 5305), by adding at the end the following new subsection:

H.R. 2

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 43: Page 104, lines 12 and 13, strike ''not less than $25 nor more than $50'' and insert ''not more than $25''.

Page 105, line 6, before the period insert ''or the Secretary''.

H.R. 2

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 44: Page 193, strike lines 4 and 5 and insert the following:

(B) shall be not more than $25; and

Page 194, line 3, before the period insert ''or the Secretary''.

H.R. 867

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT NO. 7: At the end of section 12(b), add the following:

(7) Assistance in establishing outreach programs to help States better identify and recruit minority families to adopt children.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, WEDNESDAY, APRIL 30, 1997 No. 54

# Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, thank You for enabling us to be creative thinkers. We know that beyond our education and experience there are solutions to problems we will not think of without Your special gift of knowledge. We remember times when we have received this supernatural gift. You revealed answers to problems that we could not have achieved with our own analysis. We prayed faithfully and waited patiently and then the startling ''ah-ha!'' dawned on us. You gave us insights we could never have grasped by ourselves. By divine inspiration, You helped us know what was happening beneath the surface of perplexities. You allowed us to see what You see. We gave You the credit and the glory.

Now, as we begin this day, once again we confess how much we need this gift of knowledge. Unresolved problems have a way of piling up. Please use us to discover and communicate Your answers. Thank You for transforming our imaginations so they can be holy riverbeds through which You can pour Your creative ideas. Help us picture reality from Your perspective and then claim what You want. We look forward to an inspired day. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act. By previous order, at 11:15 a.m. the Senate will vote on the second cloture motion to proceed to this bill, S. 543. As a reminder to all Senators, if that cloture vote fails, two additional cloture motions were filed last night and would be voted on, on Thursday. It is still my hope that the Senate will be allowed to move forward and begin consideration of this important legislation. In addition, the Senate could also be asked to turn to any other Legislative or Executive Calendar items that may be cleared.

VOLUNTEER PROTECTION ACT

Mr. LOTT. Mr. President, on this legislation, again, I want to emphasize to the American people that we are being prevented from even debating the real merits of this very important legislation, which would give some degree of protection to volunteers from being sued when they are not even remotely involved in what may have caused a lawsuit. If they are involved in some excessive action or some misconduct, they would still be subject to lawsuits, but this would give some degree of protection to volunteers.

I cannot help but again point out the fact that, at a time when there is this great conference in Philadelphia, the City of Brotherly Love, talking about voluntarism in America, how important it is to be involved with Little League, to be involved with reading, to be involved with the Boys and Girls Club, the Red Cross, the Salvation Army—be involved. Here, when we say, ''Yes, but one of the problems is that you run the risk of being sued; if your good will causes you to be involved as a volunteer you could wind up having legal action against you and we want to provide some protection against that''—the Democrats are filibustering the motion to proceed to the bill.

That is very curious. They say maybe it is related to other issues that have not been brought up. But the fact of the matter is, this is very clear. It is a very clear choice. Is the Senate going to go on record of supporting volunteers and giving them some reasonable protection against frivolous lawsuits, or are we going to side with the plaintiffs' lawyers who want to be able to sue everybody, anytime, anywhere they want to, even volunteers? We are going to have to choose.

So I want to serve notice to the Senate we are going to vote on this issue over and over and over, and we will not go to other legislation until this Volunteer Protection Act is passed.

You know, if there is going to be a lot of whining about we cannot do other things—this is important, fundamental legislation that tells an awful lot about whether we are honest about wanting to encourage volunteers and be helpful to volunteers in America.

I would like to address some questions to the distinguished Senator from Georgia, who has done such outstanding work on this legislation. I commend him for being prepared to come to the floor of the Senate and point out what is actually in the bill. I put down some of the ridiculous allegations that I have heard against the bill yesterday, about who might be covered by this. You have stood here and you have answered the questions. You have told the truth about what is in the bill. You have been prepared to work out problems that might exist, although it does not look to me like anybody is really very serious about addressing concerns they may or may not have. So, I thank you on behalf of the volunteers of America for volunteering to stand here in the Senate and do battle for them. You have done a great job. I have heard a lot of other good speeches from our colleagues out here in the Senate, Senator ASHCROFT—I encourage others to come over and engage in this debate.

But would you answer for me this question? First of all, is this going to

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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protect volunteers who are involved in misconduct in any way from legitimate lawsuits?

Mr. COVERDELL. First of all, I thank the leader for focusing on this important measure this morning. I think you have pointed out what to me has been a startling irony, that the administration is calling on thousands of Americans to step forward and then sends a team down here to trip them if they do.

The answer to the question is absolutely not. First of all, it is only 12 pages long and it is very precise. If you are involved with misconduct, reckless conduct, gross negligence, driving under the influence, a hate crime, a sex crime, a civil rights crime—this legislation offers you no protection. What it does is it deals with the volunteer who steps forward and makes a simple mistake or omission in the act of being that volunteer. It would grant protections, limited protections to a volunteer in that circumstance.

It was suggested yesterday that organizations who promote hate would somehow find a shield in this measure. That was disappointing. I did not think that had a real place in the debate. Nevertheless, it was brought up and it is absolutely incorrect. No organization—they specifically alluded to the Ku Klux Klan—given the definition of an organization here, there is not a jury or a judge in America that would find that definition to include the Ku Klux Klan.

Mr. LOTT. If the Senator from Georgia will yield, it is pretty clear and narrowly defined, as I read it. It would be applicable to volunteers or any category of volunteers in the performance of services for a nonprofit organization or governmental entity; and (2) nonprofit organizations or governmental entities. That is pretty narrow in its applicability.

But let me ask you, are you telling me that there are examples in America where individuals who get involved with the Salvation Army or get involved with Little League Baseball literally are being sued?

Mr. COVERDELL. Absolutely. It is not so much a case of the judgments. It is a case of the threat of the suit and what it can do to you. The best example is listed here where a man who is part of a rescue team rescued an individual who had fallen off a ledge and was paralyzed. The person who was rescued by that rescue team sued the rescuers for $12 million.

It was ultimately thrown out of court. But it has had a chilling effect on people. You come forward, you want to volunteer, but you don't want to put your family's business or assets at risk for doing that.

Mr. LOTT. Who is opposed to this legislation? What is the reason for opposing it? I cannot understand it.

Mr. COVERDELL. Let us look at the lineup here. I read a letter yesterday I have from Little League Baseball. You have the United Way, the Red Cross, the Navy League, the Air Force Association, the American Society of Association Executives. Who is on the other side here? What is the cast? It is those among the trial attorneys who simply cannot abide that there be any reform at all, including volunteers, from the protection of these kind of suits. That is never mentioned. But that is where the opposition is.

We had a case from Senator SANTORUM who, in the last Congress, finally got the Emerson bill passed, which protected people who were giving food to homeless and starving people. It took the entire session and it was finally passed by unanimous consent in the waning hours of the last Congress—the same opponents.

So here we are, trying to make it possible for Americans to respond to four Presidents: Clinton, Bush, Carter, and Ford; and here they are trying to block it.

Mr. LOTT. I thank you again for your effort. I am hoping we will begin to see a break in the stonewall against the motion to proceed to the bill today and that we will have some Democrats join in getting cloture so we can go on and finish our discussion of the bill and get to a final vote. I think that will happen because I think all of us really want to encourage voluntarism and I think this legislation will help that all across America.

Then we can go on, either later on this week or next week, to take up some nominations that are pending on the Executive Calendar and be prepared on Monday to go to the supplemental appropriations bill. It is our intent to move forward with that legislation. There is a lot of complaining now that there may be some amendments in committee or amendments offered on the floor. What's new? This is the U.S. Senate. Any Senator, he or she, can offer an amendment. We can debate it. And there are those who say, ''If you offer certain amendments or if there are certain things in the bill, we are going to filibuster those items and hold up the bill,'' and then they say we are holding up the bill.

I am saying now the Appropriations Committee will do its job today or tomorrow and report out the supplemental appropriations bill, hopefully in a way that will pay for the cost of the bill, for the most part. And then we will be prepared to begin on Monday and I will be prepared to have the final vote Tuesday or Wednesday. If we have to, we will file cloture to try to cut off a filibuster on items that may or may not be in the bill. And we hope to be able to complete it Wednesday or Thursday of next week.

With that, I yield the floor.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order the leadership time is reserved.

## VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 543, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. The time between 10 a.m. and 11:15 a.m. shall be divided equally between the Senator from Georgia [Mr. COVERDELL] or his designee, and the Senator from Vermont [Mr. LEAHY] or his designee. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, I did not expect the majority leader to invest the time, which I very much appreciate his having done, to frame the nature of the situation we have here. But, just to restate it for those who may be listening, in response to the summit on voluntarism, we have brought to the Senate floor a very specific proposal, legislation, to make it easier for Americans to volunteer. We have moved to bring it before the Senate and the other side is filibustering that motion in order to prevent our taking action on this Volunteer Protection Act.

As I said in response to the leader, this is legislation that has been before the Congress in one form or another for almost 12 years, and has been consistently rebutted by the hierarchy of the Trial Lawyers Association. It is 12 pages long and it gives modest protection to volunteers who step forward in the 600,000 organizations across our land who try to promote the interests of those in need, whether they are children, the elderly, the illiterate, the wounded, or those who have been affected by the very flood we are talking about in the Midwest.

We have appeal after appeal from organization after organization requesting the legislation. They are having volunteer members of their boards of directors resign, because while they want to help, they do not envision taking all their family business and all their family assets and putting them in a lottery, so they resign.

When the organization asks for a mother or father to step forward and coach Little League Baseball, they hesitate, because they have read about these illogical but, nevertheless, real lawsuits against volunteers. Often, the organization has no assets at all, but one of the volunteers does. And so the suit goes straight to the individual who has accumulated, for whatever reason, some resources, some wealth. They are at particular risk because they have what is called deep pockets. They are chilled from coming forward. Often these people are very talented, high capacity, but they are chilled away; they are cautioned away.

I told the story several times on the floor of Terry Orr of the Washington Redskins. When he came to play for the ball club, senior team members brought him immediately in to help with the inner-city problems, with the children, which he did. Then he matured, and he took on the responsibility and went to the rookies. What did he hear? ''Well, wait a minute.'' First question, ''What is the liability? How much at risk am I?'' He found himself talking to attorneys, and he could not bring the same energy and resource that he had seen when he first came to the team.

This is a rather new phenomenon. This has not been a part of American life until recently; in fact, until the 1980's. Lawsuits directed at volunteers, you could not count them on a hand, but in the eighties, several celebrated cases suddenly made the volunteer a new target. Throughout the eighties, we saw the number of Americans who were willing to volunteer shrink. We have seen the financial resources that have to be invested in protecting the volunteers grow, at the expense of the programs for which they were designed. For example, the Washington, DC, Girl Scouts have to sell 87,000 boxes of cookies to pay the premium for the protection of the volunteers—not to help the Girl Scouts, but to pay the premium to protect the volunteers. And we have seen volunteers leave the scene, resignation after resignation.

This legislation, this very narrow and targeted piece of legislation, protects those volunteers, makes it easier for them to answer the call of the Presidents at the summit and will reduce the overall expenditure of the organizations trying to do good service and good work in our Nation.

I might add that voluntarism, as I said yesterday, is uniquely American. It is a quality that has been noted by every nation about the American people. It really is near the heart and soul of who we are. It does not happen this way in most countries in the world. As the President knows, I was Director of the U.S. Peace Corps, and I had a chance to see it right up close. It is an American miracle, and it ought to be protected and cherished and nourished in every way that it can. I find it the irony of ironies that after that summit, we introduce this legislation and we are caught in a filibuster from the other side to keep this from being acted on.

Mr. President, I see that I have been joined by my colleague from Wyoming, and I know that he has wanted to speak on this. I yield such time as he might need to speak on this proposal.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, thank you. I thank the Senator from Georgia for this important piece of legislation. I rise to join my colleagues and friends in supporting the Volunteer Protection Act of 1997. This bill aims to protect one of the bulwarks of our democratic Government, and that is America's volunteers. That is the foundation of the United States. That is a principle that we have been working on for a long time. We seem to be losing a little of the momentum that our forefathers had in the area of voluntarism, and part of that has to come out of fear.

Earlier this week, I had the opportunity to preside over the Senate for several hours. During that time, I was amazed at the direction of this particular debate. While my Republican colleagues have been working to achieve meaningful legal protection for volunteers, one Democrat after another has paraded on to the Senate floor to discuss matters absolutely unrelated to protecting volunteers from frivolous litigation. I have heard speeches on the budget, on flood relief, on Medicare and on Alexis Herman, just to name a few. But I have not heard any meaningful discussion by my colleagues across the aisle on protecting America's volunteers.

It is time that we get serious about helping our Nation's volunteers, and this is not going to happen by wandering into these other various and sundry tangents.

I heard the debate on the budget. The budget is not this debate. The budget is still being negotiated, and I understand that is going well, but it is not possible for us to debate the budget on the floor right now. It is not being held up by this piece of legislation, which should only take a little while to debate and pass.

I heard them talk about the supplemental budget, and a portion of that, of course, is emergency relief, and it is important. It is important in my State as well as for the people who have debated this. But that is not before this body either. That is in committee, and the issues that have been raised on that are not ones that are being affected by this debate.

I have heard discussions on Medicare and Alexis Herman. Alexis Herman may be more at the center of this delay than anything else that has been brought up.

Right now, there is a hearing taking place on a bill that will solve the Executive order. Hopefully, that bill will get a quick hearing—it appears to be—and it will be brought over here and will undo any misconceptions that there might be on the Alexis Herman situation, which appears to be a basis of a major Presidential change since the hearings were held in committee.

Those hearings were held, but the President has changed the momentum of his policy with labor since the time of those hearings, but that is not a part of this debate either. We have not had any debate from the other side of the aisle about protecting our volunteers. Instead, we have had a filibuster on a motion to proceed. This is not even the bill itself, this is just the motion to proceed. I assume we will have another filibuster when we get to the bill itself.

This is a country of the people, by the people, and for the people. We are a volunteer country, or we used to be. We are becoming a country of mercenaries. We are beginning to pay people to volunteer. Can they truly be called a volunteer if they are paid to do that? And if we begin to pay and pay constantly, will we ever have true volunteers?

We talk about the momentum of volunteers, and that has been a long and proud tradition in the United States. Volunteer organizations represent a distinctly American manner of living, living out the golden rule by strengthening our neighborhoods, our schools, and our churches.

When I was mayor of Gillette, we had tremendous growth, more than doubled in size, and we needed everything basic that a community could possibly have. That included mostly water and sewer and streets. We did not have money for parks that the people moving there wanted. We got an intern from the University of Wyoming to sit down with any group that wanted a park, and he would design a park for them. The catch was they had to build it, and they did. We built seven parks in one summer with volunteers. These were young people who were moving into a boom community. If they had known about liability, I do not know that they would have participated.

I spent 10 years as a soccer coach. I am not sure today I would be a soccer coach. I don't think I could take the liability. I have worked with Boy Scouts. It has become such a litigious society that the Boy Scouts now have requirements that any time there is a boy working on a project, there have to be two adults around, and that is to prevent lawsuits. The Boy Scouts used to have annual Christmas tree sales in Gillette. When I went to serve with my son selling Christmas trees, I had to have another adult along, because of our litigious society. That definitely discourages volunteers.

Volunteer organizations have strengthened and nourished the lives of our citizens and influenced every facet of our culture. A brief reflection on the myriad of volunteers and volunteer organizations that serve our fellow citizens should remind us of their tremendous value. The volunteers of the Salvation Army help feed and clothe the less fortunate and provide Christmas gifts for thousands of children every year. Meals on Wheels has for years provided more meals and conversation to many of our Nation's homebound. Habitat for Humanity has helped revitalize our inner cities by providing privately owned houses for the Nation's poor. Mother Theresa's Missionaries of Charity cares for thousands of dying AIDS patients and unwed mothers in the poorest neighborhoods across the country.

I could go on and on with the Jaycees, Lions Clubs, the Kiwanis, the Rotary and the Optimists. The Boy Scouts and the Girl Scouts help instill in children the virtues of responsibility and enterprise, while Little League and youth soccer leagues teach children the

values of team cooperation and hard work.

Volunteers in these organizations, and countless others, have given generously of themselves in order to help their neighbors and better their communities. Unfortunately, even these volunteers have fallen prey to our suit-happy legal system. Lawsuits, in recent years, have resulted in enormous verdicts against volunteers and nonprofit organizations. Too often these suits are for what most of us would consider frivolous claims that penalize volunteers who are simply doing their jobs.

The threat of costly litigation and large verdicts have frightened many good citizens away from giving their time and energy to volunteer organizations. It is time to curb that trend. The Volunteer Protection Act would relieve a volunteer from liability if the volunteer is acting within the scope and responsibility and if the volunteer is properly licensed, certified and authorized by the State in which the harm occurred, if such authorization is required.

It also limits punitive damages that may be awarded against volunteers and nonprofit organizations for the actions of the volunteers. This bill does not protect volunteers from liability for actions which are willful or criminal or which involve gross negligence. As such, this bill strikes a healthy balance. It provides broad protection for volunteers who are performing their duties, while still allowing people to recover against volunteers who cause harm from acts that are willful, criminal or grossly negligent.

Mr. President, it is time to restore some sanity to our tort system. Let's begin by protecting our Nation's volunteers from the slings and arrows of outrageous litigation. I urge my colleagues to join me in supporting the Volunteer Act.

As we were growing up, we were taught to do what is right, to do our best, to treat others as we wanted to be treated, to take the common courtesy of asking others what they need to have done, and in America, we not only ask what they need to have done, but people follow up on that, not to the degree that we could, not to the degree that we used to.

My mother always taught me that service is the price that you pay for the space that you take up on this Earth. The service concept in this Nation is a foundation that we have to continue to promote, and our system of litigation has taken that away from us. Let us restore service and voluntarism in this country and give some protection.

I yield the remainder of my time.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. How much time remains on the Democratic side?

The PRESIDING OFFICER. Thirty-one minutes.

Mr. BINGAMAN. I yield myself such time as I will consume out of that 31 minutes.

Mr. President, when I hear the debate here on the floor, it strikes me that anyone who is watching or listening to this debate must think that we are talking past each other. It must appear that we do not seem to be able to engage on any one subject. One Senator comes to the floor and talks about voluntarism, the need to protect volunteers from liability; another Senator talks about Alexis Herman, the President's nominee for Secretary of Labor and the need to get that nomination confirmed. People cannot understand why we are not talking about the same thing.

Let me just give my perspective of where we are.

On the Democratic side, the position that many of us are taking is that we should not be going ahead with business as usual in the Senate on the last day of April unless we can get the majority to agree to allow a vote on the President's Cabinet nominee. We are getting fairly far into this year.

The President, several months ago, nominated Alexis Herman to be the Secretary of Labor. In the Labor and Human Resources Committee we voted unanimously to recommend to the full Senate that she be confirmed for that position. Just in the last couple of weeks we have been told that vote will not be taken on the Senate floor, we will not have a chance to vote for her confirmation because some on the Republican side disagree with the President's Executive order on another issue related to project labor agreements. He issued an Executive order on that subject which they did not agree with.

Mr. President, I strongly support the nomination of Alexis Herman to be our Secretary of Labor. Our committee, the Labor Committee, did report that nomination to the full Senate for consideration. We did so unanimously. This was not a Democratic vote and Republicans opposed. It was a unanimous vote. Unfortunately, we have not been able to go ahead and take that vote on the Senate floor.

When I tried to put this in some perspective—I have served here in the Senate with three different Presidents in the White House. President Reagan, when he was in the White House—of course, much of the time that he was there the Republicans controlled the Senate, so an issue like this never arose. But there were 2 years during which he was President when the Democrats controlled the Senate. I am not aware of any occasion where we refused to allow a vote on one of his nominations because we disagreed with one of the policies that President Reagan was pursuing. We certainly disagreed with many of his policies, but I cannot recall any occasion where we refused to go ahead and permit a vote on one of his nominees in order to gain leverage and force him to change a policy.

The same thing with President Bush. When President Bush was in office, of course the Democrats controlled the Senate during that time, and he nominated his Cabinet members. I do not recall any effort on the Democratic side to refuse to allow a vote on those Cabinet Members. I think everyone agreed that the election was over, the President had the right to choose his own Cabinet, and that we in the Senate could object to some of those Cabinet individuals and we could vote no on their nomination, but we certainly would not deny the President the right to a vote on those Cabinet members.

So I see what is happening here with Alexis Herman's nomination as sort of unprecedented, clearly unprecedented in the time that I have been here in the Senate in the last 14 years.

I understand that some of my colleagues are opposed to the administration's plans to issue an Executive order on project labor agreements. I know that many of my colleagues may have fundamental disagreements about the appropriateness of that Executive order. This is, in my view, simply not adequate grounds for refusing to go ahead and have a vote on his Cabinet nominee.

I personally support the administration's proposal on project labor agreements for a variety of reasons. And we can have that debate when the issue comes up. As my friend from Wyoming, my colleague from Wyoming, indicates, there is a bill being considered. Fine. Let us get a piece of legislation out here. Let us have a vote on it. Let us do whatever and send it to the President, and perhaps we can persuade him to sign something if we can get agreement on something that seems reasonable.

But the Executive order on project labor agreements has nothing to do with whether or not the President should be able to appoint his own Cabinet. We should allow him to do that. We should certainly allow a vote on the Senate floor on those Cabinet nominees. If the majority wants to turn down a nomination in order to make some point, clearly that is a course they can pursue. But to deny a vote on the Senate floor in order to try to register a complaint about the President's policy, I think, is improper.

Ms. Herman presented herself extremely well to the Labor Committee. She honestly and fully answered all questions put to her. I think she won over several Senators who might have thought, going into that hearing, that they might not support her. She will be a strong advocate for working families. She will work hard, I am persuaded, to help our country prepare for the next century. Her record of public service, her record of caring about people on issues that come before the Department of Labor, which is unquestioned, her commitment to serving her country are the reasons why all of us, as I said on the Democratic and Republican side, in the committee joined to send her nomination to the floor.

I know that if we get a vote on the Senate floor, it will be an overwhelming vote of support for this nominee because all of the Senators I have talked to believe she would be a good Secretary of Labor.

The working families of this country deserve to have someone in that position which is a very important position at this time in our history. It is getting late in the legislative year. We need to go ahead and allow the President to put his own nominee in there so that he can proceed with his agenda.

I say there will be many opportunities over the course of this year and next year throughout the 105th Congress where we will debate issues such as project labor agreements here on the Senate floor. I think that is entirely as it should be. But I do not think it is appropriate for us to proceed with business as usual on the Senate floor while refusing to allow a vote on the President's nominee for Secretary of Labor.

So that is the basis for my objection to proceeding on this bill that is pending before the Senate today. I think it is a credible piece of legislation which should be debated and should be seriously considered by the Senate. But it should be seriously considered by the Senate in a circumstance where we are allowing the Executive branch and allowing the President to go ahead and name his Cabinet. It is too late in the year for us to be playing the kind of cynical game that is going on here in denying a vote for this Secretary of Labor.

So I urge my colleagues to join on a bipartisan basis to bring that nomination to the floor and have that vote and then proceed to consideration of this other legislation and then proceed to the consideration of a great deal of other legislation that we should be getting on with.

I think it is clear that the Senate is rudderless at this point. We have very little on the Senate agenda. We look ahead to the next 2 or 3 weeks, and I do not see a great deal of constructive activity going forward here unless there is much more in the planning than I am aware of. But I do think the least we can do is to go ahead and get one important nomination up and vote on it at the soonest date possible.

Mr. President, I yield the floor and reserve the remainder of our time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. How much time remains on both sides?

The PRESIDING OFFICER. There are 14 minutes on the Republican side and 21 minutes on the Democratic side.

## NATIONAL ERASE THE HATE AND ELIMINATE RACISM DAY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 78 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 78) to designate April 30, 1997, as ''National Erase the Hate and Eliminate Racism Day.''

There being no objection, the Senate proceeded to consider the resolution.

Ms. MIKULSKI. Mr. President, I rise today in support of Senate Resolution 78, which would designate April 30, 1997 as ''National Erase the Hate and Eliminate Racism Day.'' I am proud to be a cosponsor and am pleased we have acted today to pass this resolution.

While I believe it is important to set aside a day for special focus on fighting hatred and bigotry, this cannot be a 1 day event. That is why this resolution calls on every American to practice tolerance and to take a strong stand against hate crimes and violence in their communities each and every day.

I commend my colleagues, Senators BAUCUS and BURNS, for introducing this important legislation. This legislation will bring awareness to what is an unsettling trend in this country—the increasing incidents of hate crimes and the growing occurrences of discrimination.

I am greatly disturbed that hate crimes are on the rise. We saw evidence of that rise in the burning of African-American churches around the country, which apparently was motivated by racism. We saw it in the bombing of the Federal building in Oklahoma City, which was reportedly motivated by anti-government hatred.

We've read and seen reports in the media about hate crimes. We've witnessed the violent attacks against individuals because of their race, gender, sexual orientation or their beliefs. It's evident in the increasing number of individuals in this country who have joined fringe groups like militias and other hate groups. We've also seen it in the growing anti-immigrant sentiment in our country. As the granddaughter of immigrants, I find this particularly repugnant.

I recently met with a group of Asian-Pacific-American community leaders from my State of Maryland. They shared with me very compelling stories about discrimination that is faced each and every day by Asian-Pacific-Americans. Unfortunately, I hear this all too often when I meet with minority groups.

Asian-Pacific-Americans in Maryland are concerned about their right to participate in the democratic process. They shared with me their fears that their right to engage in campaign electoral activities is being questioned, simply because of a few cases of alleged campaign fundraising abuses purportedly committed by members of the Asian-Pacific-American community.

I have seen reports that indicate hate-motivated attacks on Asian-Pacific-Americans have grown more than 38 percent since 1993. I find that appalling. Violence against Asian-Pacific-Americans, as with other minority groups, is bred by stereotypes, discrimination, and tensions in communities.

I am concerned about what is happening in our country. It's inconceivable that more than 30 years after the passage of the Civil Rights Act of 1964, we are still grappling with racism in this country.

This plague of hatred has spread and reached our youth. A young African-American boy in Chicago was brutally attacked recently by a group of white teenagers. What happened in Chicago is one of the most brutal acts we have witnessed in recent years. It is even more appalling that the perpetrators were young teenagers.

We need to educate our youth on tolerance. We need to teach them not to hate and not to discriminate. We need to start this process early.

My State of Maryland is becoming more ethnically diverse. I meet with minority groups in my State often and they share the same concerns. They are concerned about the climate of hate in our society. They fear discrimination in schools and in the work force. And most importantly, they are concerned about their children and their children's future. If this plague of hate continues in our country, what kind of future are we ensuring for our most precious resource—our children?

We have to change the negative attitudes and perceptions in this country about minorities. We have to eliminate the persistence of violent hate crimes against racial, ethnic, and religious groups.

To succeed in making our society free of hate, racism, and discrimination, we have to take a stand that we will not tolerate random acts of hate, subtle and overt racism, and widespread discrimination. I am committed to doing my part. This is a commitment that has to be made by everyone.

I believe that this resolution will send the message that we will no longer tolerate hate and discrimination in this country. I urge my colleagues to support this resolution.

Mr. ABRAHAM. Mr. President, I rise today to offer my support as a cosponsor to Senate Resolution 78. This resolution designates April 30, 1997, as National Erase the Hate Day.'' I support this resolution because it not only designates a day to focus on solutions to hate crimes, but also calls upon all nations, States, neighborhoods, and communities to take a stand against these hate crimes.

As I have stated many times, ours is a nation of immigrants consisting of people from various racial, ethnic, and religious ancestries. People came here from around the world to become part of a nation of independence, opportunity and freedom. There should be no tolerance or acceptance of any crimes—especially those crimes which target their victims simply because of

their race, ethnicity, or religious background.

The Leadership Conference on Civil Rights has published the first comprehensive summary of hate crimes in America. Their publication, Cause for Concern, Hate Crimes in America, provides a number of examples of hate crimes that have resulted in injury or even death to innocent people solely on account of their racial and other makeup.

For example, on June 11, 1995, arsonists burned down the home of a Latino family in the Antelope Valley, CA, city of Palmdale. They spray painted ''white power'' and ''your family dies'' on the walls.

In August of 1992, a 19 year old Vietnamese American pre-med student in Coral Springs, FL, was beaten to death by a mob of white youths who called him ''chink'' and ''Vietcong.''

And, in Oklahoma City, following the bombing of the Federal office building, an Iraqi refugee in her mid-twenties miscarried her near-term baby after an April 20 attack on her home. Unknown assailants pounded on the door of her home, broke windows, and screamed anti-Islamic epithets.

Mr. President, there is no room in our country for these kinds of crimes. We must not allow them to continue. We currently have Federal laws against hate crimes. Further, the Leadership Conference on Civil Rights reports that 47 States and the District of Columbia have passed their own hate crime laws. Among other things, these laws ban vandalism against religious institutions such as churches, synagogues, and mosques.

It is my sincere hope that this resolution will inspire more people to stand up against all hate crimes in all their forms.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 78) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 78

Whereas the term ''hate crime'' means an offense in which one or more individuals, commits an offense (such as an assault or battery (simple or aggravated), theft, criminal trespass, damage to property, mob action, disorderly conduct, or telephone harassment) by reason of the race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals;

Whereas there are almost 8,000 hate crimes reported to the Department of Justice each year, and the number of hate crimes reported increases each year;

Whereas hate crimes have no place in a civilized society that is dedicated to freedom and independence, as is the United States;

Whereas the people of the United States must lead and set the example for the world in protecting the rights of all people;

Whereas the people of the United States should take personal responsibility for and action against hatred and hate crimes;

Whereas the Members of Congress, as representatives of the people of the United States, must take personal responsibility for and action against hatred and hate crimes;

Whereas the laws against hate crimes, which have been passed by Congress and signed by the President, must be supported and implemented by the people of the United States and by Federal, State, and local law enforcement officials and other public servants: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 30, 1997, as ''National Erase the Hate and Eliminate Racism Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States and throughout the world to recognize the importance of using each day as an opportunity to take a stand against hate crimes and violence in their nations, states, neighborhoods, and communities.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the bill.

Mr. COVERDELL. Mr. President, I yield up to 5 minutes to my good colleague from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in support of this legislation. There is—and the public knows this better than we do—a lot of legislation we debate on the floor of this body that might make sense in Washington, but does not make sense outside of Washington. We spend a lot of time debating legislation that does not make a difference in people's lives. This bill, S. 543, not only expresses American common sense—at least from my part of the country, Midwestern common sense—but it also says no to Washington nonsense.

This bill gives me an opportunity, at the same time, to compliment the Senator from Georgia for the outstanding work that he is doing in this area.

Debate of legislation that solidly promotes voluntarism is an example of Congress spending some of its time to get something done where there is a real reward. It is an example of the taxpayers' money well spent, to pay us to write legislation that will encourage Americans to do what we have a tradition of doing in this country—volunteering.

I am sure Alexis de Tocqueville has been quoted on the floor of the Senate often during the debate of this bill. One observation that the French nobleman made when he came to this country in the 1830's to study our new system of government, was the American tradition of voluntarism that he saw in our churches and in our volunteer societies—or as he termed them ''societies of cooperation.'' He believed that one of the wonderful and unique aspects of our society was that neighbor helps neighbor. Yet, now our society has impediments to this tradition of voluntarism, to this neighbor helping neighbor.

Our good friend from Georgia has a solution that restores the voluntarism that de Tocqueville observed. This very important legislation will remove one impediment to voluntarism in America. This bill will lessen the threat of a lawsuit for volunteers and their organizations. So here we are today discussing some legislation that is common sense. We are wisely spending our time and energy debating legislation that would provide to the taxpayer, in volunteer hours, more return on the taxpayers' dollars than anything we do.

I come here to support the Volunteer Protection Act of 1997 and to compliment Senator COVERDELL. This legislation has two important benefits. First, it promotes voluntarism. It promotes voluntarism at the time of the big volunteer crusade in Philadelphia. Praise the Lord for the people that were involved in that because that was a very worthwhile project and it was bipartisan. The Congress can do something through this legislation that will help that effort as well. So this legislation promotes voluntarism, and it also enacts much needed tort reform.

Volunteers are vital to the health and welfare of our communities, States, and our Nation. We all rely on the kindness of friends and strangers. Volunteers are often these people, whether we see them or not, who bring meals to the homebound; who clean up trash along our highways; who respond to natural disasters. I will point out just a few recent examples.

The United Way of Central Iowa rallied 2,500 volunteers—nearly twice as many as in 1995—to complete 97 projects. Among these volunteers was a troop of Brownies who baked brownies for the children and families at the local Ronald McDonald House.

At the American Red Cross homeless shelter in Rockford, VT, 47 volunteers, including 15 shelter residents, painted and cleaned the shelter, dug a new pathway in its yard, and picked up litter in the neighborhood.

The George Washington High School swim team in Danville, VA, gave an hour of free swimming lessons to 60 nonswimmers in grades 2 through 4.

In Detroit, MI, kids from University CAMP and Detroit Country Day School painted, cleaned, and removed graffiti and boarded up vacant homes.

The Men's Club of Oakland Methodist Church in Maryville, TN, installed carpeting and built a wheelchair ramp for a needy family whose 8-year-old daughter is in a wheelchair.

These are only a few of the volunteers whose efforts have come to my attention. This is just a sampling of what volunteers give to our communities. We have an obligation to these volunteers and to their organizations beyond the casual ''thank you.'' If they are going to make these efforts, we must do everything in our power to enable and encourage them. We owe it to them to make their burden lighter and their jobs easier. We owe it to the organizations to make it as easy as possible for them to recruit volunteers. We must lower the risk incurred by volunteers and their organizations.

This bill lowers the risk. It limits potential liability for volunteers and their organizations. It is only fitting that we pass this legislation for all of the volunteers and their organizations who put forth the sweat and the labor to accomplish so many good deeds. It is simply fair and equitable. That is what this legislation is all about.

I am a senior member of the Senate Judiciary Committee and chairman of the subcommittee with jurisdiction over this issue. I can tell you from my experience in this position that this is badly needed reform. The purpose of our civil court system is to establish liability and to compensate the injured. It does not always accomplish this now. I believe that our court system needs reform, including punitive damage reform. Punitive damages are an unpredictable risk for companies and volunteer organizations. They are sometimes a windfall to those less injured, while the truly injured do not receive the same financial amount. Our court system should not be a lottery but, instead, should award all who are similarly injured with similar compensation. Likewise, those punished should be punished equally for similar transgressions.

This bill does not accomplish all of the needed reforms for the system. However, it is a solid first step. It will give the volunteer community some certainty of the risks that it faces. It does not relieve anyone of liability for conduct that is criminal, grossly negligent or reckless. It continues to hold those who intentionally commit wrongdoing liable for such acts. It is a good, fair bill that will boost the volunteer community and volunteers.

So I strongly urge all my colleagues on both sides of the aisle to think of the volunteers that they know, the people represented by the President and ex-Presidents and by Colin Powell in Philadelphia, the people they have met along the way, as well, and perhaps even volunteers who personally helped them. That is what this bill is all about. It is about volunteers and not about trial lawyers.

As everyone on this floor knows, the highly paid trial lawyers have set out to stop this bill. Of course, too many in this body, particularly a large majority on the other side of the aisle, are doing the trial lawyers' bidding, as you can see from the opposition to this bill. The trial lawyers want to stop this bill because it will cost them money. It will reduce their legal fees in most cases when they are suing a volunteer or volunteer organization. But this bill is not and should not be about trial lawyers and not about trial lawyers' compensation. This is a bill about what America is about, about volunteering and about volunteers. It is about the people who do things that they do not even want to be thanked for; it is about selfless people who give of their time and give it freely to those in need.

It is to these people that we owe something. That is what the Philadelphia conference was all about. We owe it to the volunteers to make their jobs easier. That is what this bill does. I ask my colleagues to put volunteers ahead of trial lawyers and to support this bill.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank my colleague from Iowa for his long work in this area of legal reform and for his comments here today. They were particularly thoughtful.

How much time remains?

The PRESIDING OFFICER. One minute, twenty seconds.

Mr. COVERDELL. Mr. President, a very brief rebuttal to the argument we just heard from the Senator from New Mexico. He said the holding of this Cabinet nominee was unprecedented. I cannot speak to that one way or another. I have only been here 4 years, but I can say that the actions of his President, our President, are also unprecedented. An Executive order that totally rewrites labor law and obviates the Constitution is unprecedented and has no standing, in my judgment, in this debate—none.

I think the Senator from Iowa said it eloquently. This is one we do for the volunteers.

Mr. LEAHY. Mr. President, as I said yesterday, I believe that the goal of encouraging voluntarism is a laudable one. I stand ready to work with others on a bipartisan or nonpartisan approach to doing so. This bill, S. 543, is not the answer and appears not even to ask the right question. It is flawed and would benefit from attention through the normal legislative process of hearing, public comment, review, committee consideration, amendment and report, and Senate action. Instead, the majority is trying to force this bill through the Senate to catch the train of press coverage on the Presidents' summit on America's future.

The contrast between what has taken place in Philadelphia and here in Washington could not be more stark. In Philadelphia, thousands of volunteers and activists are joining with leaders who have served as Presidents from both major political parties, First Ladies, involved celebrities, and corporate sponsors. The summit may well spark a renewed dedication among the millions of Americans to get involved to make a difference.

Ours is a tradition rich in neighbor helping neighbor and citizen service. The honest involvement of so many and the commitment to improve the lives and futures of 15 million children is extraordinary.

By contrast, this week the Republican controlled Senate simply cannot abide the nonpartisan events in Philadelphia. I do not know whether it is the involvement of Gen. Colin Powell, Nancy Reagan, George and Barbara Bush, or President Clinton and Mrs. Clinton that is driving the Republican leadership bonkers, but something has. Is it not possible that something happening outside of Washington can have meaning to millions of Americans without congressional Republicans having to insert themselves for partisan gain. I asked yesterday why we are being forced to take up the ill-considered S. 543. The answer is because the Republican leadership says so. Otherwise, they might miss out on claiming credit in connection with this week's activities in Philadelphia. I guess in their minds nothing happens that does not involve their political agenda. Voluntarism should not be about politics. The summit was not partisan and about politics. Unfortunately, this heavyhanded effort is purely partisan.

I suggest that the 130 cosponsors of all political persuasion who have joined in the approach outlined by H.R. 911 may have a better idea. It is much less of the Federal Government knows best approach that is embodied in S. 543. Indeed, I suspect that sometime soon the Republican majority will try to snuff out this alternative approach to the excesses of S. 543. The House bill is too acceptable an alternative, too widely supported to be tolerated in these partisan times. Only a bill with a pure Republican pedigree will be tolerated in this 105th Congress. How quickly the Republican leadership has forgotten the lessons of legislating through bipartisan cooperation for the good of the country.

Why is the Federal incursion into State law and local volunteer activity needed? Why is this bill the top priority for Congress? Why has the majority leader threatened to shut down the Senate until this particular bill is passed and devoted an entire week to it? Well, the bill purports to protect volunteers from ''liability abuses.'' Voluntarism is at an all-time high according to the Wall Street Journal—and that was before the summit in Philadelphia. This morning the principal sponsor of the bill and the majority leader clarified that it is not so much that judgments are being awarded against volunteers or volunteer organizations but that there is a threat of suit. If that is so then why are we being forced to adopt broad-based Federal standards, which by the way will

not prevent the filing of lawsuits but only provide a series of Federal law defenses based on factual proof after hearings?

Why not, instead, encourage the States in their efforts to allow or require indemnification of volunteers for the costs of suit? That is what Georgia and Vermont and many other States have already done.

Where are the outrageous jury awards against charitable organizations that threaten voluntarism in America? This morning the proponents of this legislation admit that they do not exist. Nonetheless, purportedly in the interests of the beneficiaries of their services, we are being asked to adopt a Federal standard other than the exercise of due care that such activities otherwise might be held to under 200 years of State law development even though the behaviors we are discussing will affect the most vulnerable among us.

I ask unanimous consent to have printed in the RECORD the statement of administration policy received from the administration.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, April 29, 1997.*

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

S. 543—Volunteer Protection Act of 1997—(Coverdell (R) Georgia and 10 cosponsors)

Although the Administration strongly supports national and community service and volunteerism, it opposes S. 543.

The President has a deep commitment to volunteer and service activities and supports efforts to encourage Americans to engage in these activities. The Administration will work with Congress on proposals that, while respecting state law, help provide reasonable liability protection to volunteers involved in the delivery of needed services.

S. 543 is not such a bill. Without any hearings demonstrating the inadequacy of state law in this area, S. 543 effects a sweeping preemption of state law in cases involving ''non-profit organizations'' and ''volunteers.'' The over-broad definitions in the bill—which might apply to hate groups, street gangs, or violent militia—make this takeover of state law potentially troubling.

As with broader tort reform measures, the Administration is also troubled by the legislation's one-way preemption—state laws would be preempted if they favor plaintiffs, but not if they favor defendants—and by Section 5 of the Bill, which would totally abolish joint-and-several liability for noneconomic damages (e.g., pain and suffering). This provision would unfairly discriminate against the most vulnerable members of our society—the elderly, the poor, children, and nonworking women—whose injuries often involve mostly noneconomic losses. Noneconomic damages are as important to victims as economic damages and must not be relegated to second-class status.

Mr. LEAHY. Mr. President, the statement notes the President's deep commitment to volunteer and service activities, indeed his AmeriCorps initiation and participation at the summit are both noteworthy examples of his commitment. The statement notes as I have the overbroad definitions in the bill and its unnecessary takeover of State law, among other serious problems.

The principal sponsor came to the floor this morning to say that the Ku Klux Klan is not included within the bill's definition of nonprofit organizations that would be covered by its provisions. Unfortunately, he did not say why. Wishing does not change the words of the bill.

To my colleagues who believe S. 543 could not immunize the Ku Klux Klan from liability, let me refer you to a letter to me from Morris Dees of the Southern Poverty Law Center. As many of us know, this organization has been on the front lines in the battle against hate groups like the KKK. The Southern Poverty Law Center is acutely aware, probably more so that most of my colleagues, of the hateful acts perpetrated by groups like the KKK. Yet the Senate is considering a bill that would potentially bestow liability immunity upon the KKK.

I know that every one of my colleagues violently opposes the KKK and would not support liability protection for them, but because we have not been given adequate time to consider this bill, flawed provisions like this overbroad definition remain.

The definition of nonprofit organizations includes the Government and not-for-profit organizations. Not-for-profit organizations appear to be self-defined to include any organization ''conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.''

Who decides which groups qualify for limited liability under this definition and what happens when groups like the KKK declare themselves a noncommercial, nonprofit volunteer organization?

The Southern Poverty Law Center realizes this and opposes S. 543 because they know the Senate bill before us would make it more difficult to prosecute hate groups like the KKK. To quote Morris Dees, the highly respected director of the Southern Poverty Law Center:

> We strongly urge you to withdraw this legislation and vote against any law that limits the ability of our civil justice system to punish those people and organizations that inflict unspeakable injuries on our friends, neighbors, family members and communities. Please, do not help protect white supremacists, neo-Nazi organizations, violence-prone militia groups and others who commit hate crimes.

Mr. President, I don't know about my colleagues, but when Morris Dees speaks, I think we should pause and listen. I ask unanimous consent that Mr. Dees' letter be printed in the RECORD.

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

THE SOUTHERN POVERTY LAW CENTER,
*Montgomery, AL, April 29, 1997.*

Sen. PATRICK J. LEAHY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEAHY: The Southern Poverty Law Center opposes Senate Bill 543, legislation that would make it more difficult to sue non-profit organizations. Because the bill broadly covers all non-profit organizations, it would protect white supremacists, neo-Nazi and violent militia groups. These are the types of organizations the Southern Poverty Law Center has crippled over the past ten years through the use of both federal and state tort laws.

Senate Bill 543 raises the standard of care and the standard of proof in punitive damages cases, making it harder for the victims of hate activity and racial attacks to punish wrongdoers. For example, it would allow punitive damages against non-profit organizations or its volunteers if their misconduct constituted ''willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.'' However, misconduct that constitutes ''gross neligence'' or ''recklessness'' would be exempt from such damages. In other words, if a cross burning were legally held on Ku Klux Klan property and a larger fire ensued, spreading to a neighbor's home and killing the neighbor, the KKK would be immune from punitive damages if its conduct constituted ''recklessness'' or ''gross negligence.''

The bill does contain a number of narrow exceptions for volunteers, including misconduct that constitutes a crime of violence, hate crime, sexual offense or civil rights violation. However, these kinds of misconduct are only exempt from the bill's restrictions if the defendant was first convicted in a criminal court. Our cases against Klan and White Aryan Resistance leaders would not have fallen under Senate Bill 543's exemptions, since these individuals had no prior criminal convictions. Moreover, the $12.5 million judgment we obtained against the White Aryan Resistance, which put this group out of business, consisted mostly of punitive damages which may have been subject to Senate Bill 543's limitations.

Important questions relating to a non-profit organization's responsibility and conduct are liability issues judges and juries should decide, not Congress. We strongly support your opposition to this legislation that would limit the ability of our civil justice system to punish those people and organizations that inflict unspeakable injuries on our friends, neighbors, family members and communities. Thank you for not helping to protect white supremacists, neo-Nazi organizations, violence-prone militia groups and others who commit hate crimes.

Sincerely,

MORRIS DEES.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DASCHLE. Mr. President, I wanted to come to the floor prior to the vote to respond briefly to the distinguished majority leader. We have had the good fortune to work together

on a number of issues, and I am disappointed that at least to date on this matter we have not been able to find common agreement.

I am disappointed with his announcement that we would not be taking up additional legislation, which I assume he meant even the emergency supplemental disaster assistance legislation until we dispose of this bill. I have expressed my concerns already about the need to expedite consideration of disaster help to 23 States who are waiting for us to respond quickly.

The situation all through the country, but especially in the upper Midwest, is very severe. There are thousands of people who are homeless today as a result of the floods and natural disasters that they have had to face, thousands of people without businesses, thousands of people without homes, and thousands of people without schools. These thousands of people, hopefully, will be able to get through in spite of these difficulties and who still have hope that we can respond as quickly as possible.

I do not know who the anonymous donor was, but apparently an anonymous donor has agreed to provide $2,000 to every person living in Grand Forks and East Grand Forks to help them get through these difficulties. We estimate that is at least a $10 million contribution. Well, if somebody, anonymously, can do that, it seems to me that this Congress can also respond—obviously, without anonymity—but as quickly and as effectively as this donor has.

So I hope that we can move this. I hope we are not going to subject this to extraneous legislation and I hope that, regardless of whether we agree or disagree on this particular bill, we recognize the urgency with which we have to deal with this issue and come to grips with it and respond, as we have in other emergency situations.

We ought to recognize that it is not Democrats or Republicans who are going to suffer the consequences of delay; it is farmers, businesses, children, hospitals, and so many people who await our decision—not by the week or the day, but by the hour. So we don't have much opportunity. South Dakota was hit, Mississippi was hit, North Dakota was hit—23 States. So we all know the dramatic repercussions that natural disasters can have, and we know how critical it is that we respond as quickly as possible.

On this particular piece of legislation, I have a great respect for the distinguished Senator from Georgia. I differ with him on this particular bill, in part, because I, frankly, think there is a better way to do it. Congressman PORTER, Senator LEAHY, and others have worked on legislation that would allow us to deal with the legitimate circumstances presented by the distinguished Senator from Georgia, but in a way that also protects individuals who may be physically abused or sexually abused, or who may be victims of circumstance and have no recourse if this legislation were to pass. We want to be sure that we can provide a meaningful way with which to provide the balance, I guess, between the need of victims to address problems and the need for volunteer organizations to be protected from lawsuits that, in many cases, are frivolous. So we are seeking balance here. I think we can provide better balance in the Porter-Leahy legislation.

The majority leader came to the floor this morning and put a new urgency on this bill that I had not heard before. If there was such urgency, it is somewhat surprising to me that our Republican colleagues did not see fit to move it through the legislative process with the same degree of urgency. Why didn't we hold hearings immediately upon the introduction of the bill? Why didn't we have a markup in the committee if it was so urgent? Why hasn't there been more discussion? And why wasn't the Democratic leader consulted about the urgency and the nature of this legislation weeks ago, to say this week we are going to take this up because it is urgent? No one said anything to me about urgency. I first heard about urgency today. I am puzzled by the urgency that we have now attributed to this legislation, given the record.

So I hope, Mr. President, that we can figure out a way to compromise on this legislation in a way that would allow us to expeditiously move this process along. Regardless of circumstance, I hope that we will not hold hostage the emergency disaster legislation in an effort to leverage passage of this bill. We can do better than that. There ought to be ways with which to work this out, as we have found the ability to work out so many other somewhat controversial and, at times, complicated pieces of legislation. Two weeks ago, we got a unanimous consent agreement that was four pages long. If we can pass a unanimous consent agreement that is that complex, taking us four pages, on a treaty as controversial as chemical weapons was just last week, it seems to me that we ought to take something for which there ought to be broad-based interest and support and find a way to compromise this in a way that allows us to move it along.

Quite clearly, there is another matter involved here. The papers addressed it this morning. We are equally troubled by the fact that Ms. Herman has been subjected to an amazing array of practices that I hope will cease. She has had her hearing. She has been investigated, reinvestigated, and subjected to an array of questions. She has been brought in for special meetings and special explanations. She has been the subject of a great deal of rumor, innuendo, and media outlets across the country. She has presented herself in a way that I think is as professional as any I have ever seen. The President deserves the right to have his advisers, to have his Cabinet working with him. Once we have decided that she is qualified—and I guess that based upon the unanimity with which she was approved in the committee, there is a bipartisan recognition of her qualifications—that should be it. She has dispelled all the questions. She has responded as affirmatively as she knows how to do. The President has made public his choice. What is there left that must be done to advance her nomination?

We have tried to negotiate. We have tried in as many ways as possible to work through this. We are left with no recourse but to oppose cloture so long as we can't get some understanding of what there is left to do in the case of the nomination of Alexis Herman to be Secretary of Labor. So we want to move that, too. We want to find a way to resolve that impediment as well. It is not our desire to hold things up. But when we bypass the committees and then don't take up legislation or nominations that certainly warrant consideration on the Senate floor in an expeditious manner, whether it is the emergency supplemental or the nomination of a Labor Secretary who has been confirmed now for some time by the committee itself, then the question comes, what options do we have left?

At least the volunteer bill gets a cloture vote. Maybe we ought to subject Ms. Herman to a vote, and if there is a certain degree of opposition to that, we can have a cloture vote on her nomination. But we don't even get that. So this isn't the way I hoped we could achieve more meaningful bipartisanship on a whole array of issues. I hope we can do that on all of the bills I mentioned and all of the nominations still pending on the Executive Calendar.

I might say, Mr. President—on the number of nominations—the other day when I looked, there were four pages of them on the Senate Calendar. I see now on page 11, ''Nominations Placed on the Secretary's Desk,'' are now such that we have virtually 11 pages of them, of people that await confirmation, await a decision by the Senate, people whose lives are affected by delay, just as my disaster victims are affected by delay.

The question is, how much longer will they wait? What is it they must wait for? Is it a concern about their qualifications? Is it a concern about something in their background? Is it simply an unwillingness on the part of the majority to deal with the business that we have available to us, which we must address? Every President has the right to make nominations and to make decisions with regard to the personnel in his or her administration. That is the least we can afford this administration, but more importantly, the least we ought to be able to afford those people whose names are on these 11 pages.

So let's get on with the business and let's move ahead. Let's find a compromise on this bill. Let's confirm Ms. Herman. And above and beyond everything else, let's make absolutely certain that we pass the disaster bill as quickly as possible.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 11:15 a.m. having arrived, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Senators Trent Lott, Paul Coverdell, Connie Mack, Slade Gorton, Don Nickles, Spencer Abraham, Larry E. Craig, Michael Enzi, Craig Thomas, Phil Gramm, Dan Coats, Rick Santorum, Mitch McConnell, Orrin Hatch, R.F. Bennett, and Mike DeWine.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 543, the Volunteer Protection Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—55

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| Abraham | Frist | McCain |
| Allard | Gorton | McConnell |
| Ashcroft | Gramm | Murkowski |
| Bennett | Grams | Nickles |
| Bond | Grassley | Roberts |
| Brownback | Gregg | Roth |
| Burns | Hagel | Santorum |
| Campbell | Hatch | Sessions |
| Chafee | Helms | Smith, Bob |
| Coats | Hutchinson | Smith, Gordon H. |
| Cochran | Hutchison | Snowe |
| Collins | Inhofe | Specter |
| Coverdell | Jeffords | Stevens |
| Craig | Kempthorne | Thomas |
| D'Amato | Kyl | Thompson |
| DeWine | Lieberman | Thurmond |
| Domenici | Lott | Warner |
| Enzi | Lugar | |
| Faircloth | Mack | |

NAYS—44

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| Akaka | Bingaman | Bryan |
| Baucus | Boxer | Bumpers |
| Biden | Breaux | Byrd |
| Cleland | Hollings | Moynihan |
| Conrad | Johnson | Murray |
| Daschle | Kennedy | Reed |
| Dodd | Kerrey | Reid |
| Dorgan | Kerry | Robb |
| Durbin | Kohl | Rockefeller |
| Feingold | Landrieu | Sarbanes |
| Feinstein | Lautenberg | Shelby |
| Ford | Leahy | Torricelli |
| Glenn | Levin | Wellstone |
| Graham | Mikulski | Wyden |
| Harkin | Moseley-Braun | |

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAMS. Mr. President, I also ask that I may be allowed to speak in morning business for up to 5 minutes.

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

## MEMBERS OF THE MINNESOTA NATIONAL GUARD DESERVE OUR THANKS

Mr. GRAMS. Mr. President, as we discuss the topic of voluntarism, I rise today to acknowledge a group of individuals who are making a very big difference, a tremendous difference as the people of Minnesota are fighting the floodwaters that have paralyzed so much of our State.

The men and women of the Minnesota National Guard have stepped up these last several weeks and served with distinction under what have been very deplorable conditions. Battling a rising river is back-breaking work in itself. It is nearly impossible when combined with the ice and the extreme cold produced by a blizzard. Yet those are the conditions that the Guard endured as they worked side by side with the residents of Minnesota's flood devastated communities.

Well over 2,000 National Guard troops have been called up to assist in both preventing flood damage and cleaning up when the waters finally begin to recede. These are men and women who have full-time jobs and lives outside the Guard and take time away from their other responsibilities to fulfill an obligation they feel to Minnesota and its communities. Many of the mayors and elected officials within the declared disaster area told me that the Guard has been such an integral part of their flood response efforts that they cannot imagine being without their assistance. The National Guard have always been instrumental in so many ways, in so many communities, that it is nearly impossible to list every activity in which they have been involved.

Now, as the flood waters began to rise, they helped with the sandbagging that saved so many homes and buildings. They went door to door, urging residents to leave before the waters forced them to go. They put their engineering expertise to work, finding ways to ward off the flooding. And when it came time to evacuate, the National Guard played a key role moving Minnesotans to safety, whether by helicopter or truck, and helped evacuate nursing homes and hospitals. When all the residents were gone, they were there to guard the deserted towns and kept away sightseers and potential looters. The Guard's water purification units and electrical generators have been invaluable during the flooding.

The members of the Minnesota National Guard have served with little sleep and under the worst of conditions, but they have continually exceeded our expectations and they deserve a great deal of the credit for leading us through this time of crisis. Without the Guard, I think it is safe to say that a great many more lives would have been lost and a great deal more property would have been damaged. They have earned the respect and the deep gratitude of all Minnesotans and I salute them for standing with us and I thank them for their service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

## VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Mr. President, just before the vote, the minority leader was speaking. Of course he addressed many matters not related to the legislation before us, but he did allude to it. I appreciate the kind remarks that he made and that perhaps there could be work done to arrive at an agreement which both sides—at least he could agree with. But he specifically alluded to the situation where you would not want to have a volunteer involved with a sexual harassment or sexual crime.

I really do hope—this is not a long piece of legislation. It is 12 pages. I wish the staffs and Members would read it. I want to read this brief section, to respond to his comment:

EXCEPTIONS TO LIMITATIONS ON LIABILITY.—The limitations on the liability of a volunteer, nonprofit organization, or governmental entity under this section shall not apply [Note. No protection. There is no protection to the volunteer] to any misconduct that—

(1) constitutes a crime of violence . . . (2) constitutes a hate crime . . . (3) involves a sexual offense. . . .

So the very point to which the minority leader felt that he could not

agree is not a difference between us. There may be others, but this is not, because a volunteer, involved in that type of activity, is not protected.

Mr. President, I might point out, too, the announcement that this legislation would be before the Senate was published in the calendar issued by the majority leader to everybody, including the minority leader, some time back. It specifically said that on Monday, April 28, this is the legislation that would be before us. We are now up to 55 votes to break this filibuster. I guess I could be somewhat relieved. At the rate we are going we will only need five more cloture votes and we will actually be able to proceed to the congressional response to the President's summit on voluntarism. We have heard a lot about gridlock, about not being able to do anything, and this is a very visible example right here on the Senate floor of the obstacle and hurdle, the gridlock that is preventing us from proceeding to a very good piece of legislation. It has broad support all across the country. It would help volunteers step forward and participate and respond to the President's request. But we are being blocked by a Democrat filibuster to prevent our proceeding to S. 543, the Volunteer Protection Act.

I would like to take a moment or two, here, to talk about the responses to the limited debate from the other side about the bill. Most of the debate has been about other subjects.

Mr. DORGAN. Mr. President, I wonder if the Senator will yield?

Mr. COVERDELL. I will be glad to yield.

Mr. DORGAN. I appreciate the courtesy of the Senator for yielding. One of the reasons for the discussion about the other subjects is especially the gravity of the disaster that has occurred in the States of Minnesota, South Dakota, and North Dakota. A number of us wanted to address the issue. We face a markup this afternoon, and hope very much that can occur without extraneous amendments and we wanted to discuss that a bit. I appreciate very much the courtesy.

I wonder if the Senator might indicate to me when we might be able to get some time?

Mr. COVERDELL. Of course we are on S. 543, as you know.

Mr. DORGAN. I understand.

Mr. COVERDELL. I would say I would need maybe another 10 or 15 minutes on this matter before yielding to the other side.

Let me also say, in deference, having experienced this sort of natural disaster in my own State, I can appreciate the deep concern of the Senator about it. It is my understanding that the supplemental is being marked up this afternoon. To have listened to the debate yesterday, you would have thought it was already out of committee, though. That is a proposal that is still in committee. This is a matter that is before the Senate.

We have heard that voluntarism is healthier than ever, we have millions of volunteers, and we do not need a bill to encourage voluntarism. That is simply not the case, clearly not the case. According to the Independent Sector report, the percentage of Americans volunteering dropped from 54 percent in 1989 to 51 percent in 1991 and 48 percent in 1993. So, from 1989, the number of Americans willing to volunteer has dropped 54, to 51, to 48. There may be any number of factors involved. I commend the President and ex-Presidents for trying to step forward and call on Americans to reverse the trend.

If they want to reverse the trend, they are going to have to deal with this subject. They are going to have to make it not a threat to be a volunteer. They are going to have to create a condition that the volunteer, in addition to being asked to come forward and provide the public service, is not at the same time saying, ''And I am going to take my family's home and bank account and put them on a Russian roulette lottery wheel to see if they are going to be at risk.''

The Gallup organization studied voluntarism and found, in a study titled, ''Liability Crisis and the Use of Volunteers of Nonprofit Associations,'' that approximately 1 in 10 nonprofit organizations has experienced the resignation of a volunteer due to liability concerns. The only way we are going to turn that around is to pass S. 543, and to do it quickly. All the work of General Powell and the Presidents and the 30 Governors and 100 mayors in Philadelphia—that is a beautiful visual, and inspirational, but, unless we do something pragmatic like protecting these volunteers, you are not going to get the response that you are looking for.

The Gallup organization also found that one in six volunteers reported withholding services due to a fear of exposure to liability suits. That is the point I made about, you step forward to volunteer but you are also putting at risk your home, your assets, your savings accounts. That is a little bit more to ask of a volunteer than I think they will find to be acceptable.

One in seven nonprofit agencies have eliminated one or more of their valuable programs because of exposure to lawsuits. So, there are a number of conditions at play here. Not only do the organizations have to invest more of their dollars into insurance costs to try to protect the volunteers—and of course when it goes to insurance it is not buying swimming lessons, it is not feeding the hungry, it does not pay for medicine or assistance that goes to an elderly person. It goes to an insurance company to protect the volunteer, as best they can, from a lawyer in a lawsuit.

So, it is diverting resources away from the purposes of the charity. It says, ''We have heard that there is no evidence of a national crisis involving a flood of lawsuits and huge damage awards against volunteers of nonprofit organizations.''

First, volunteers and organizations sued are not interested in publicizing the fact. They would just as soon it not be heard. So you really don't have a true sense of the magnitude of these lawsuits. Second, many cases are settled out of court. So there is no judgment entered. Again, insurance companies are not interested in publicizing or providing data on their settlements.

Mr. President, I am told we have several Senators who are seeking time on various matters. I am going to ask unanimous consent, see if I can get this right, that we would next turn to Senator DORGAN for 10 minutes, go to Senator MCCAIN for 10 minutes, Senator CONRAD for 10 minutes and Senator HUTCHISON for 10 minutes.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

The Senator from North Dakota.

## THE DISASTER SUPPLEMENTAL APPROPRIATIONS BILL

Mr. DORGAN. Mr. President, I know there is discussion this morning, again, about a meeting of the Senate Appropriations Committee this afternoon, now scheduled for 2 o'clock, to deal with the disaster supplemental appropriations bill. I come to the floor only to urge, as I did yesterday, that the committee consider the disaster appropriations bill and the issues in that bill without adding additional extraneous amendments or matters that are unrelated to the bill.

I do not want to or intend to debate other issues. There are people who have amendments, I am sure, that they feel strongly about—amendments on various bills. But I encourage them very strongly to find other places to offer amendments if they feel they need to offer amendments.

We have several amendments that I understand have been noticed that have nothing at all to do with the disaster supplemental bill. They are extraneous, unrelated issues that people want to put on this piece of legislation because, I suppose, they believe this kind of legislation will ultimately be signed by the President. But, to add extraneous or unrelated matters to this supplemental appropriations bill that is to be passed to respond to a disaster, only will increase the amount of time it takes to enact this bill. It will jeopardize the passage, I suspect, if they are very controversial amendments. And, in my judgment, that is not what we should do on this disaster bill.

So, I encourage my colleagues today, as we go to a markup, to join all of us in working to pass a bill that is free of extraneous or unrelated amendments that would cause problems for the bill.

I want, as I did yesterday, to commend Senator STEVENS and Senator BYRD and all of the others on the committee who, in a bipartisan way, have worked very hard with us to respond to a disaster that occurred in our part of the country.

In many ways, facing the kind of disaster that was faced in North and

South Dakota and Minnesota brings out the best in people. It was really heartwarming to have seen during this disaster the thousands and thousands of people, many of them young people—high school and college students—and folks in their senior years, show up at sandbag lines to stack sandbags to build dikes to fight the river.

It is an extraordinary thing to see what people have done, the acts of heroism that have occurred so frequently, especially up in the Red River Valley, in this flood fight and the fight against the fire and the fight to overcome the effects of the massive blizzards.

The victims of all of this are the tens of thousands of people who were displaced. The city of Grand Forks is a city of nearly 50,000 people with no one living there, streets inundated with water. The only traffic in Grand Forks was by three or four Coast Guard boats taking people up and down and some law enforcement people on the outside of the city trying to make certain that there was order. But other than that, this was a city inundated and a city evacuated.

Of all the wonderful things people have done—and there are so many—I noticed last evening that an unidentified woman from California decided that she wanted to make a personal donation of $2,000 per household in Grand Forks, ND, to those men and women who have suffered damages to their homes. What a wonderful thing for someone to do. That will cost millions of dollars. An anonymous donor says, ''I want to step up here and help.'' What a wonderful thing to do.

Part of what is needed to be done, as well, is the Federal Government to understand that that region cannot recover by itself. It needs a helping hand by the Government to say to our region, ''You're not alone. The rest of the people in this country want to help,'' as we have done so often in other parts of the country in floods, fires, tornadoes, and earthquakes.

In order for the Federal Government to provide that assistance, we must pass a disaster supplemental appropriations bill. We should, in my judgment, do that without any extraneous amendments that are unrelated to the bill. I encourage all those who are inclined to want to add amendments to try to find a way to bring those issues to the floor at a different time. I am not here to suggest that the ideas that will be offered have no merit, that they are inappropriate ideas to be discussing or debating. I am not suggesting that at all. I just ask that we stick with what we should be doing; that is, understanding the people who have had such a heavy burden placed on them, in many cases losing everything they have, being evacuated from their homes, the people who I saw in shelters with tears in their eyes, worried about tomorrow, about whether there will be hope, whether there will be opportunity again, whether there will be help for them and their families, their children, and their parents. I just hope we can pass a piece of legislation that is without extraneous amendments that offers that kind of help.

The Senator from Arizona is on the floor. I want to say to him that I don't judge ideas that others are attempting to offer anywhere. They may have merit. I just urge everyone to take a look at the importance of this bill and see if we can't find other places to debate these ideas. I think the men and women of the Senate are men and women of enormous good will. We always try to do the right thing.

I said yesterday and want to say again, Senator STEVENS, Senator BYRD, and others have done a remarkable job in working with us to try to develop a package of assistance to that region that will be enormously helpful and enormously beneficial. I hope at the end of the day, at the end of this week, we will have moved something through this committee to the floor of the Senate to be scheduled early next week that can then be accepted by the House and be signed by the President and will extend the helping hand of the Federal Government to a lot of folks who have been hit very, very hard.

I do not intend to have a debate with anybody about the merits of this or that issue. I only come to say that this is very important, vitally important, to our region of the country, and I urge in the strongest possible terms that the Congress be allowed to pass this supplemental disaster appropriations bill without extraneous amendments attached to it.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, like all of us here today, I want to extend my sympathies to the communities and families of the upper Midwest who have experienced the terrible flooding over the past several weeks.

It brings back vivid memories of the flooding that hit western Maryland last year and I know all Marylanders join me in extending our thoughts and prayers to everyone in the Midwest.

Like many of my colleagues, I was hoping for quick consideration of this important legislation so we could speed relief to disaster victims. They are counting on us to help them get back on their feet—to help them rebuild their homes and businesses.

I am so disappointed that what should have been a speedy, nonpartisan targeted relief bill has turned into another nasty partisan battle.

I am greatly concerned about the many extraneous provisions that have been wedged into this bill. The provisions are designed to inflame and divide us and to provoke a veto from the President.

They make it so much more difficult to get assistance to the people in flood ravaged communities who are counting on us. I am particularly alarmed by the inclusion in this package of what is artfully called the Shutdown Prevention Act.

Nobody knows the pain of a Government shutdown better than me and the Marylanders I represent. When the last shutdown occurred, I visited Government agencies that had to remain open.

I saw the frustration on the faces of the workers and the financial hardship it caused for all Federal employees.

I do not want another shutdown and will do everything I can to prevent it. But, the revised bill now provides for a permanent continuing resolution which is nothing more than a partisan trick.

It is designed to lock in deep cuts to important programs under the cover of preventing a Government shutdown. I am opposed to this provision and urge my colleagues to oppose it.

In addition, I am disturbed by the way in which we have chosen to pay for this bill. This bill takes $3.6 billion in unobligated funds from HUD's section 8 public housing program to pay for FEMA's disaster relief fund.

I do not believe we should be robbing Peter to pay Paul.

Eventually, Peter will be broke.

The projected budget problems with regard to the section 8 program are well known.

In fiscal year 1998, section 8 renewals will cost $10.2 billion. That is a $7 billion increase over the fiscal year 1997 funding level.

We will need the unobligated funds to pay for the section 8 renewals in fiscal year 1998. We should not be raiding the program to pay for disaster funding.

I am pleased that of the $5.8 billion in unobligated section 8 funds, $2.2 billion will be saved to cover fiscal year 1998 section 8 renewal costs. However, as the budget estimates show, we will need every dollar we can find to cover the huge increase in section 8 costs next year.

The VA/HUD Subcommittee cannot serve as the ATM machine for the rest of the committee. If we are going to pay for emergency disasters, one subcommittee should not bear a disproportionate share of the burden.

We must find a new way to pay for emergency supplemental appropriations bills. These disasters are not going to end.

We could be facing even more expensive disasters in the near future. Are we going to continually robe the VA/HUD account to pay for these bills?

I believe we need a new system or a new arrangement to deal with these type of disasters—a new system that is off-budget.

I wanted to support this bill because it is so important to the families and communities who need help. However, the changes that were added at the last minute make it impossible for me to do so. I hope in the future we can avoid partisan fights over disaster relief bills and find a more equitable way to pay for them.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I, of course, like all Americans, extend my deep and profound sympathy and

pledge of assistance to those who have been ravaged by these natural disasters which are unprecedented in some parts of the country. But I am, frankly, very surprised that the Senator from North Dakota, and others, would not want to also prevent a man-made disaster that took place 2 years ago.

I ask the Senator from North Dakota if he realizes, if the Government were to shut down again, whether those people would be able to get that assistance? The answer is no, I say to the Senator from North Dakota, and it is foolishness—it is foolishness—not to understand that when there are manmade disasters, it affects people just as badly as natural disasters do.

I say to the Senator from North Dakota, I am sorry he is not concerned about the people of Arizona, the hundreds of families who were put out of work and lost their livelihood the last time the Government was shut down, the thousands of families who didn't work for the Federal Government, who were never repaid—never ever repaid—when the Secretary of the Interior, my fellow Arizonan, in his wisdom decided to shut down the Grand Canyon for the first time in 76 years.

Mr. President, I am astounded at the arguments that are made against this amendment that Senator HUTCHISON and I and those of us on this side of the aisle are supportive of to prevent the effects of a manmade disaster which happened 2 years ago, which every American decried, which every American thought was terrible, the hundreds of millions of dollars that were lost, the people who were trying to apply for Medicare benefits, the people who were trying to apply for Social Security, the other aspects of Government services that they lost, like getting a passport so they could get back from school in Europe or take a vacation—all of the Government services that we were deprived of. Yet my colleagues on the other side of the aisle have the unmitigated gall to call this an extraneous provision.

I don't know where the Senator from North Dakota was—and I am sorry he left the floor—3 years ago when the California emergency earthquake supplemental contained language inserted by then Majority Leader Mitchell that dealt with the investigation of potato diseases.

I didn't see the Senator from North Dakota on the floor when Senator BYRD put language in the bill that funded employees at the fingerprint lab in West Virginia. You know, it is a long way from West Virginia to California, Mr. President, and that language required $20 million to be expended to hire 500 employees to remain available, to be expended without regard to any other law—without regard to any other law. That was put in the California emergency earthquake supplemental.

Where were my colleagues on the other side of the aisle when all of these extraneous provisions were put in, which is a habit around here which I have decried and taken the floor in opposition to time after time after time.

Mr. President, this is crazy, this is just crazy, and do you know why they are doing it? Because they want to be able to threaten the shutdown of the Government so they can achieve one of two things: one, an enormous political advantage like they gained 2 years ago when, over Christmas, we saw pictures of Federal workers sitting around empty Christmas trees; or what they were able to do last year, and that is to basically blackmail the Congress into spending around $9 billion more than had been budgeted for. That is the kind of leverage they want to maintain.

Do you know what, Mr. President? I understand political leverage, I think I understand it fairly well after a few years around here, but I am not prepared to do it at the expense of the lives and welfare of the American people, and clearly those on the other side are willing to do that. I view that as gross and crass and cynical and the worst aspect of this kind of process that we are engaged in here.

We are trying to prevent the shutdown of the Federal Government, which affects the lives of millions of Americans, perhaps 250 million, and for the Senator from North Dakota, who I am glad came back to the floor, to say that this is an extraneous amendment when it has been a habit in the Congress to put extraneous information—where was the Senator from North Dakota when Senator BYRD put on the amendment that required $20 million in the hiring of 500 employees in West Virginia on the California earthquake disaster bill? Where was the Senator from North Dakota when then Majority Leader Mitchell put in the California emergency earthquake supplemental an investigation of potato diseases?

I hope the American people know better than to accept these bogus arguments when we are trying to prevent a manmade disaster.

I repeat, again, to the Senator from North Dakota, I am concerned about the people of North Dakota. I want to get them money as quickly as possible, but I am deeply disturbed he doesn't care about the people who live around the Grand Canyon who, if the Government shut down, would be out of work and not get the money back. It happened in my State. I don't know what happened in North Dakota when we shut down the Government. I know what happened in Arizona. I know what happened in Texas. I know what happened all over the country. I was flooded with calls and letters and messages: ''What are you idiots doing in Washington shutting down the Government?''

I do not want it to happen again. It cannot happen again. This is a big issue; this is an important issue. I am going to object and come to this floor every time someone from the other side of the aisle says this is extraneous and the President is going to veto it. If the President wants to veto it, fine. The President of the United States then will be responsible the next time the Government shuts down—don't blame us—and my colleagues on the other side of the aisle, too, who don't support preventing the Government from being shut down. That is where the responsibility will lie.

The President may veto it. It may come back. We may cave. We have done that before. If we do, the record will be clear, I say to my colleague from North Dakota. I really appreciate, again, his concern about extraneous amendments. I hope he joins me the next time a supplemental bill comes to the floor and we will propose amendments together to take out those extraneous amendments, because he wasn't there on the other times that I have been on the floor when there have been extraneous amendments on a supplemental appropriations bill.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, thank you. I commend my colleague, the Senator from Arizona, for his commitment to trying to do what is right. We are supposed to learn from our mistakes, and I think everyone believes that it was a mistake that we had a Government shutdown. It is not anything anyone intended, but to say that we would allow ourselves to go forward into a disaster like that again would be saying you cannot learn a lesson of history.

We are learning the lesson of history. We know what it was like when veterans were not sure they would get their benefits because this administration refused to say that veterans benefits were essential payments, and they really lived in fear that those benefits that they earned would not be there. Not to mention all of the other Federal employees who wanted to come to work but could not by law do it and were not sure if the money to pay their mortgages would be there.

Mr. President, let's talk about the timing. This is the first bill out of the Appropriations Committee. It is a supplemental bill asked for by the President to cover some of the unforeseen expenses. But there are other things in the bill as well, Mr. President. I don't think the Senator from North Dakota can just pick and choose which things are essential. We have to look at good government, and we have to look at our responsibility. Part of our responsibility is seeing that the victims in North Dakota, who have suffered greatly—and we all understand that. I grew up on the gulf coast and have lived through hurricanes and have seen people not have homes. I, of all people, understand disaster. We are going to do the right thing, and part of doing the right thing is we are going to take up raises for the District of Columbia police officers. We are going to take up

U.N. dues. That is part of this bill, in addition to disaster relief and taking care of our soldiers and their requirements in Bosnia.

So this is the time that we are able to address how we will appropriate this year. What we are saying is, we are not going to shut down Government. This may work to the benefit of the President; it may work to the benefit of Congress. We do not really know. But what we are saying is, we are not going to shut down Government. We are going to allow the negotiations that occur on September 30, that are still occurring to continue to occur based on the merits without any artificial hammers over anyone's head, not the President, not Congress.

That is the only responsible way we know how to deal with these disagreements. So we are saying, come September 30, we will fund at present levels minus 2-percent because in fact that 2-percent going into the next fiscal year is appropriating money that we have not yet decided how to appropriate. We did not say 75 percent. We are not looking at Draconian cuts here. We are looking at staying with the budget resolution that we passed out of this Congress and sticking to it.

The budget resolution says that we would have $541 billion for the next year in the budget plan that marches toward the year 2002 in a responsible approach to cutting the rate of growth of spending.

The President's request for the 1998 budget that we are discussing was actually somewhat under that. So how someone can say we are actually cutting the President's budget is really hard to understand because we are actually over what the President said he wanted for the 1998 year; we are over that by $3 billion.

So what has happened here is the President has come in and asked for $25 billion more; and we are being accused of cutting the $25 billion-add that he has put on to his own budget submitted last year.

So, Mr. President, this is a lot of rigmarole to say that we are not trying to do the responsible thing. We are doing it in the first bill that comes out of the Appropriations Committee to set the process for this next year. And the process is going to be that if we do not have agreements by September 30, which we hope we do, but if we do not, that we are going to continue at present levels minus 2 percent. If any agency of State or Federal Government cannot operate on a 2 percent cut, ask them to call any small business, ask them to call any family that has had trouble making ends meet to see if they would be able to budget a 2 percent cut. If 2 percent is a Draconian cut, it is time these people came into the real world, the real world of taxpayers trying to make ends meet.

So we are saying, everyone will be on notice that if we do not have an agreement for a particular appropriations bill, we will continue funding, there will not be a shutdown, and if you cannot cut 2 percent out of your budget with 6 months' notice then you really do not deserve to be running the Federal Government.

Second, Mr. President, I think it is very important when we are addressing the issue of responsible governing that we say we are going to cover disaster victims and we are going to do it in a timely way.

If the President says that a 2-percent cut in present spending is something that would make him veto the bill, then the President should answer to the victims of North Dakota, the President should answer to the soldiers in Bosnia. Because 2 percent from what we are spending today, if we do not have an agreement, I think is quite responsible.

We are not talking Draconian cuts. We are talking responsible Government. In fact, you know we had hoped to have total bipartisan support for this. We thought from all the things that were said when the Government was shut down that we would have a huge Democrat-Republican alliance to say, let us address it now. Let us give everyone notice so that everyone can plan.

In fact, I will quote from Senator DASCHLE, December 30, 1995, talking about the Government shutdown:

> The Government remains shut because some Members . . . want it shut. It is Government by gimmick, and it is wrong.

Mrs. BOXER. Would the Senator yield?

Mrs. HUTCHISON. We are addressing the concerns raised by Senator DASCHLE. And those concerns are addressed so that we will not have Government by gimmick, so that we will have responsible Government, so that everyone will know what the rules are, and so that we will be able to negotiate in good faith on appropriations that have not been finished by September 30.

Mrs. BOXER. Will the Senator yield for a brief question on the shutdown issue?

Mrs. HUTCHISON. Yes.

Mrs. BOXER. Does the Senator know how many times in the 200-year history of America the U.S. Government has shut down for an extended period of time?

Mrs. HUTCHISON. I would appreciate hearing from the Senator from California on that.

Mrs. BOXER. It only happened one time when this Congress was put in the hands of her party. And I would just like to say to my friend, who is my friend—and we do work on other things together; I am very happy about that—that on this matter it is tragic—tragic. And I wish you would go to North Dakota or maybe come to California where 120,000 people had to be evacuated from their homes. That we are putting a budget fight on an emergency supplemental—emergency—we do not have a budget.

Mrs. HUTCHISON. We are not having a budget fight. We are talking about responsible Government.

Mrs. BOXER. If we can meet on the——

The PRESIDING OFFICER. The Senator from Texas has the time.

Mrs. BOXER. I would just say, if we did this work we would not have this problem.

The PRESIDING OFFICER. The Senator from Texas has her time.

Mrs. HUTCHISON. I have seen victims of floods. And I am glad the Senator from California suggested it because I have seen the victims of flood. I live on the gulf coast. I have lived through hurricanes. I have seen my own home flooded. I have seen neighbors who have not had homes to live in, who stayed in our home because of the water. I know what it is like to see a tornado tear up an entire city in Dallas County.

But you know something? This is trying to do the responsible thing. If the President decides to veto a bill because we are trying to stop the Government by gimmick that Senator DASCHLE accused us of doing—and the Senator from California points out that we have only had a shutdown for an extended period of time one time. And I am saying, we have learned from history.

The President vetoed the bills back in 1995, but he blamed it on Congress. So Congress is saying, let us do the responsible thing. Let us make sure that we do not have a Government shutdown. If it is our fault, then we are trying to correct it, we are trying to do the right thing. And it is not a budget fight. It is the first bill out of the Appropriations Committee. And we are trying to set a process that would allow us to meet the needs of the victims of North Dakota, the soldiers in Bosnia, pay U.N. dues, raise the salaries of D.C. police, and make sure that everyone is on notice that we are not going to have Government by gimmick, we are going to have Government by responsible people, and we are going to set the parameters right now which it is in our prerogative to do.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you.

I will be very brief.

Mr. President, I served in the House of Representatives for 10 years, and I served on the Budget Committee for 6 years during that time. I now serve on the Budget Committee and happen to be on the Appropriations Committee as well. And since the Senator from Texas wants to learn from history, let me share some history with her.

In all those years on the Budget Committee—it is actually 11 in all; 6 in the House, 5 in the Senate—I have never seen the majority party, whether it was Republican or Democrat, not put forward a budget. I have never seen such a dereliction of duty. I miss my Budget Committee chairman. I want to

send him a card: ''Looking forward to seeing you.''

I like working with Chairman PETE DOMENICI. We do not even meet anymore, Mr. President. We are not doing our work. And now on an emergency supplemental bill, where the people who have been suffering are counting on us, we move a piece of legislation on to that bill that has nothing to do with a natural disaster, that has to do with a budgetary fight which is an admission of surrender by the people who are offering it that they cannot play by the rules of the game, by the laws of this Congress which say you must have a budget on the floor by April 15.

And then to come to the floor and criticize the Senator from North Dakota, who has been working, as I have, with our Republican friends, with our Democratic friends, to craft an emergency bill that is fiscally responsible, that meets the needs of people, to have my friend from North Dakota attacked as not being empathetic to the needs of this country, to me, is beyond repair.

We have two jobs to do today. We have to pass an emergency supplemental appropriations to help the people of California, to help the people of North Dakota, indeed, to help the people of 22 States who have suffered, who have lost their homes, their businesses, who were evacuated—we have to do that—and we have to do it fast. We have to help our farmers, our small businesspeople.

I do not think I will ever forget the vision of that city in North Dakota that is a ghost town. It just looked like something out of a picture out of World War II—burning buildings sitting in water. And we are putting our budget battle on to this emergency bill. And I just have to say, I am so surprised that this has occurred. It did not happen on the House side.

Our chairman, Chairman STEVENS, called off the hearing—the markup—after telling us that he was prepared to go forward with a clean bill but others wanted this added. In respect to his colleagues, of course, he did the right thing, called off the markup.

So I hope we can come together as Democrats and Republicans. That is what the people want us to do. And let us do our job. Let us get these people the help they need.

There are other amendments now on there, environmental amendments that totally eviscerate environmental laws that should not be part of this bill.

There is a labor fight going on about how much you pay workers at construction projects. That has now gotten on to this emergency bill.

We have procedures here. We have processes here to deal with these other matters. So I am hoping we do two things today: We pass a clean bill in the committee, and we are going to go to that markup at 2 o'clock; and, second, we ask our colleagues on the Budget Committee, ''Put your budget on the table before you try to resort to across-the-board cuts.''

And I want to correct the record on this point. My friend from Texas made a point that in actuality this continuing resolution is going to be a level of spending higher than the President suggested. Now, this may be true for the overall number, but I can assure my friend, he has an initiative in education, he has an initiative in children's health, he has an initiative to clean up Superfund sites, he has an initiative on crime. This President has initiatives in his budget. So if you just go ahead and say, well, we have decided to forget about our free markup budget, and throw in the towel, and put this solution down on the table——

Mrs. HUTCHISON. Will the Senator yield?

Mrs. BOXER. Put this 2-percent solution on the table and indicate to the President that there will not be severe cuts in education, the environment, in crime, in health research, that is simply not true.

As a matter of fact, our analysis that we have done thus far—and we are still working on it—shows in some cases a 7-, 8-, 9-percent reduction that will result in young people not having Pell grants, kids not getting into Head Start, Superfund sites being delayed, veterans benefits being delayed, if that 2-percent solution goes forward. I hope we can have that debate another day.

I am happy to yield for a question.

Mrs. HUTCHISON. I think the Senator is saying I was correct, then, that we are increasing over the President's own budget that he put forward last year.

The Senator is making the point that there are new expenditures that you would like to make. I ask the Senator from California if she does not think it would be more responsible if the President would keep his word, keep to the $539 million that he asked for last year for this year, and set the priorities.

Mrs. BOXER. Let me answer your first question. If you want a second question, I will answer your second question. Let me answer your first question.

Mrs. HUTCHISON. You let me ask the question.

Mrs. BOXER. You asked me a question.

The PRESIDING OFFICER. The Senator from California has the time.

Mrs. HUTCHISON. It will be delayed if there is a Government shutdown, but not with a 2-percent cut.

Mrs. BOXER. I am delighted to yield as long as you want, but I do not want to forget your first question.

You asked me, did I not think it would be more responsible for the President to stick to last year's budget? No, absolutely not. Maybe the Senator has forgotten, we had an election, and this President won. Do you know what the election was about? It was about how much you ought to cut Medicare, how much you ought to spend on the environment, how much you ought to spend on education, how many more cops we should put on the beat. We had the election and the American people chose this President.

I am answering your question.

Mrs. HUTCHISON. Will the Senator yield?

Mrs. BOXER. I need to finish my answer, Mr. President, and then I will be happy to yield again.

Mrs. HUTCHISON. The President——

The PRESIDING OFFICER. If we could have some order. The California Senator has the floor.

Mrs. BOXER. Let me finish. The Senator is asking what is responsible.

It would be irresponsible for this President to back down on what he said he would do for the American people. I know there are some of my colleagues who do not agree with this President, who do not want to spend more on education, who do not want to spend more cleaning up the environment, who want to cut more out of Medicare, who would like to give tax breaks to the very wealthiest.

That is a fair debate, I say to my friend. This is a debate about budget priorities.

What I think would be responsible for this President is to stick with the promises he made in his campaign to the American people.

The second thing I think would be responsible for us is to keep this emergency supplemental appropriation clean of this budget battle. I think the American people can see in the debate between the Senator from Texas and myself, in the remarks that were made by the Senator from Arizona, that the budget battle is a very heartfelt battle. As a matter of fact, it differentiates the parties. So what is responsible for this President, it seems to me, is to get this emergency supplemental to the people, clean of these other amendments, and what is responsible for this U.S. Senate is to produce a budget and do our work.

Mr. President, I am thoroughly convinced if we do that, we do not need a 2-percent gimmick. We can have a real budget debate and a real balanced budget for the people of this country.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield to myself the 10 minutes allocated previously.

Mr. President, the only thing that matters to me at the end of the day is, has the Congress proceeded to enact the disaster supplemental bill? And will the disaster supplemental, as enacted, be free of provisions that would otherwise engender a Presidential veto? Will the Congress get its work done on the disaster supplemental bill? That is all I came to talk about and all I intend to talk about.

There was a demonstration here on the floor by those who say, well, if you do not support our amendment, whatever our amendment is, you do not care about Government shutdowns. What a load of nonsense. I will not respond to

all of this, but just to say this: I did not come to the floor to criticize anybody and I will not respond as I am tempted to do. I came here asking only one thing: That when the Senate Committee marks up its bill at 2 o'clock, that we mark up a supplemental disaster appropriations bill without attaching amendments that are unrelated to the bill.

One Member came and took great offense to that and ranted about the fact that I or others do not support efforts to stop Government shutdowns, and so on. I have no idea how people learn these techniques—the technique of misstating your opponent's position and going on and debating them. That is an old debating technique that some memorize. It does not serve a particular interest to me.

I am very happy to work with all Members of the Senate in finding ways to avoid any Government shutdown, at any time. I have never supported a Government shutdown. I am happy to work with anybody at any time to avoid a Government shutdown. I do not want someone coming to the floor to ascribe motives I do not have. My motive was for one purpose today, and that is to encourage all Members of the Senate to understand this disaster supplemental has the word ''disaster'' attached to it because some parts of the country are suffering a disaster. We want, at the end of the day, to pass a bill that extends a helping hand to those folks.

Now, I understand everybody else has 800 objections to it, and they have different agendas. We have in our caucus, people who have agendas, they want to bring things to attach to this bill. They are saying, ''This is the first appropriations bill. We want to attach something to it.'' My position to them was exactly the same. It does not matter what party you are in. I have told members of our caucus, ''I do not want you to attach things to this bill.'' I will tell them that today if somebody says they want to do it.

Leave this bill alone. This bill affects 22 States. It affects people who have been driven from their homes who need help. We do not need people to come to the floor pointing and shouting about who supports Government shutdowns in September or October. Who is willing to help pass a disaster bill in April and May? That is the question.

I get sorely tempted some days to come and respond in kind to some of the things I hear. But my Scandinavian heritage overcomes that urge from time to time, and it will again today. My response would be in a more personal way to those with whom I take offense when they suggest somehow that those of us who want to see a disaster bill passed without interference have an agenda that does not care about the rest of the country and Government shutdowns. People know better than that. We should have reasonable and thoughtful debates here in the Senate. We should not do that sort of thing.

The agenda of the Senate, it seems to me, in the Appropriations Committee this afternoon, is how does this country respond to a series of disasters. That is what I care about. There are other issues that others care about. That is fine. We should talk about the issues. But I would feel the same way, I guess, if it was your disaster. I would want your people to get the help they deserve. And I have done that on earthquakes, fires, floods, and tornadoes all around the country in all the years I have been here.

My hope is, without ascribing ill motives to anyone in the Senate, that we can just decide to work together. I have said three times, and let me say again, Senator STEVENS is a wonderful chairman of that committee and he has been enormously helpful, I think doing a terrific job, as are other members of that Appropriations Committee, Senator BYRD and others, in difficult circumstances, putting together a disaster relief bill that extends a helping hand to people who desperately need help in this time.

Mr. President, my hope is that when we convene at 2 o'clock, we will proceed through this bill and probably be able to talk some people out of offering amendments that might load this bill down and not allow it to get passed on an expeditious basis. My hope is perhaps at the end of next week all of us, Republicans and Democrats alike who care about this, can join the President in a bill-signing ceremony that says we did what we were supposed to do. We did what was necessary. This Government extended a helping hand to people who were down and out, flat on their back, who needed help, and that there were not intramural political games being played here, there and everywhere that would delay and do the things that people so often and too often now expect of the Congress.

I understand sometimes why the American people look at this process and become profoundly disappointed—profoundly disappointed—because almost everything that happens is someone thumping their chest saying, ''I am the one that will save the Republic.'' The fact is, what saves the Republic is the good will of men and women working together on common problems in this country in a sensible, thoughtful way. I hope that we will begin doing that and continue to do that not just on this bill but on bills that affect all of America and all of Americans. That is my hope.

I yield the floor.

## VOLUNTEER PROTECTION ACT OF 1977—MOTION TO PROCEED

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The pending question is the motion to proceed to S. 543.

The Senator from Idaho.

Mr. CRAIG. I came to the floor to speak to that piece of legislation, but also to speak to the supplemental and the current situation the Senate finds itself in at this moment.

Senator DORGAN has spoken passionately, as he should, about a concern for the citizens of his State and that their needs are responded to because of the devastating floods that are ongoing in his State. For that, this Senate will respond.

I now have the privilege of serving on the Appropriations Committee, and I must tell you that it is my intent to support a supplemental appropriation that has disaster relief in it—for the citizens of North Dakota, yes, but also for the citizens of Midvale, ID, my hometown.

In early January of this year, the national television cameras did not sweep across the 4 feet of water that surged through my hometown, that displaced 40 residents, destroyed homes, took the one small general store and put it out of business. I flew over it a few days later in a helicopter to see utter devastation like I had never seen before and like my friends and neighbors had never witnessed. I remembered looking at the files of the local newspaper and the flood of 1950 when I was a small child in that community. This, of course, was even worse. This was, without doubt, the 100-year flood.

Now, what I found out at that time—and I have great praise for FEMA and the Army Corps of Engineers and others—is that they did respond and they responded immediately. The citizens of Midvale were cared for within the limitations of the law and prescriptive to their needs. I am pleased about that and played a small role in helping them.

What I also find out is that the citizens of North Dakota are being cared for at this moment. There is adequate money at this moment to deal with the immediate needs. They are being cared for. Will there be necessary moneys for the future needs of rebuilding and repair? No. That is what the supplemental is all about. There is adequate time for a responsible and reasoned debate on what we do about the expenditures of our Government.

I am going to support a continuing resolution tied to the supplemental appropriation. Why? Because I do not like the budget process gamed. I do not like a President, who owns a bully pulpit, to veto and then stand on that pulpit, when it was his pen that brought the Government to a halt, turning and saying, ''Look at those folks up on the Hill. They did not give me what I wanted, so I am shutting the Government down.'' He says, ''They did not give me what I wanted, so they are shutting the Government down,'' and he got away with it. The American people said, ''Oh my goodness, isn't that terrible. Congress should not have done that.''

Congress did not intend to do that. Congress will not do that again. That is why we have considered amongst

ourselves the importance of putting together a supplemental with a continuing resolution that has a level of expenditure of 98 percent of the 1997 fiscal year level. That is right and it is responsible.

Now, I am on the Appropriations Committee. Yes, I am a freshman. I understand that. Does it take away my power and my leverage on the committee? I really do not think so. All appropriators want to produce and pass the 13 appropriations bills that will constitute the new budget for fiscal year 1998. Why? Because it is good policy. The President has some new programs, and he will get them. We have some new programs that we want and some spending reduction levels that we want and a tax package that we want that we think are important for the American people, and we will get there and the budget will be balanced.

But what the CR gives us is the room to operate and to say to our Government employees, you will not be put at risk and we will not allow you to be gamed. I have a sense there is a little gaming going on now about the need and the urgency.

Let me make myself clear. It is my understanding, based on an immediate review of the budgets of FEMA and the Army Corps of Engineers and other areas, that they have money to deal with the immediate situation, and it has been dealt with. Every citizen in this country that turned on the national news saw Federal employees and Federal people on the ground in North Dakota helping, and they are there today and will be there tomorrow. What is important is that we deal with this issue and deal with it in a responsible and timely way. Will there be add-ons to the supplemental? Yes, there will be.

Mr. COVERDELL. Will the Senator yield?

Mr. CRAIG. I am happy to yield.

Mr. COVERDELL. I am not on the Appropriations Committee. Let me say this just for clarification here. The supplemental is a vehicle by which we can help the flood; it is not a disaster supplemental.

Mr. CRAIG. That is correct.

Mr. COVERDELL. In other words, this has been in the process since before the emergency, so it is going to probably deal with Bosnia. I am just guessing, as I am not on the committee. Do you not have something dealing with our troops overseas in this matter?

Mr. CRAIG. The President, as the Commander in Chief, has the latitude within the law to spend beyond the limits of the budget when we have troops in foreign lands. The Food and Foraging Act allows for the President to do that. That case has occurred in Bosnia. What the supplemental offers is some reprogramming of dollars within the defense budget to pay for expenditures that have already been let in the area of Defense. So it is not just flood money. It is clearly reprogramming money for the Department of Defense and for our troops stationed in Bosnia.

Mr. COVERDELL. My point is this. When we have a disaster, we typically use whatever vehicle is moving to deal with it. For example, in the great 500-year flood that we experienced several years ago in Georgia as a result of Alberto—and I believe we all understand the sense of urgency that comes from any Member of the body who represents that kind of a condition—for the long-term relief, I, along with my colleague at the time, Senator Nunn, were addressing it on a series of appropriations bills. So this disaster is being addressed on this appropriation vehicle, but it is not a bill for the disaster. It is the process in which we are engaged that we are using to help the disaster.

Now, this is my last question, and then I will let the Senator proceed with his remarks. The Senator very astutely made the point that the emergency brings out our emergency resources. In our case, FEMA was there immediately. A coordinated center was set up for relief, water was flown in, and the National Guard was dispatched throughout the southwestern quadrant of the State. What we were dealing with in appropriations was the long-term build-back, which takes a long time.

I just find it ironic, the one thing that you have to have to protect the long-term build-back is that the system does not shut down. So, for me, the idea of putting a disaster protection in the supplemental that assures that the long-term relief will not come to a stop suddenly because of politics is a pretty good idea. Would the Senator agree with that?

Mr. CRAIG. Well, I agree with that, of course. As you know, our budgets operate on a fiscal year basis. My guess is that, come October 1, 1997, when the 1998 budget begins, there will be Federal agencies on the ground in North Dakota negotiating contracts with private contractors to rebuild or restore facilities in those devastated areas. They will be, at that moment, negotiating. If the Government shuts down for any given time, all negotiations have to stop, all transactions have to stop. That is reality. The Government isn't functioning.

As we found out in the last shutdown, it is a very clear shutdown—cease and desist, turn out the lights, go home—except for only essential employees who, by definition of their employment, might stay on location for the security of the buildings and operations of the facilities. That is reality.

So I think the point the Senator from Georgia makes is a very clear and important point. Now, with these disasters ongoing and impending, the reality of continuation is very, very important. I have money in this supplemental for Idaho. It could be called disaster money. It goes to my hometown of Midvale and Washington County and Payette County and Jerome County. I have 13 counties in Idaho that have been declared disasters. We have flooding going on in my State as we speak.

Senator DORGAN mentioned he didn't want any add-ons. Let me tell you of an amendment I am going to try to put on. It deals directly with disaster, and it is an add-on. When a disaster strikes and there is an immediate event and an emergency situation and there needs to be build-back of dikes to protect private property and private life, we have a problem. The problem is that the Endangered Species Act can step in, and external agencies like the U.S. Fish and Wildlife Services and National Marine Fisheries can oftentimes come in like they have in California during the incidents in January of this year. There was a special area designated by the Assistant Secretary to allow the waivers to take place because it had to be an Executive waiver. In St. Marys in north Idaho, a flood event that occurred in 1996 was in the midst of being repaired. At that time, there were over 400 homes in that community under water. As I flew over in a helicopter, just the rooftops were sticking out. The dikes had blown. Now they are repairing them. The U.S. Fish and Wildlife Service stepped in and said, ''We don't think you are following the Endangered Species Act. Stop.'' That order went out about a month and a half ago. There is no more dike building going on in St. Marys in Benewah County in north Idaho. The water is rising as we speak and the dike is not complete. This is all about habitat for osprey eagles and has nothing to do with human life and property.

My little amendment says that during the time of a declared emergency—in this instance, I am simply saying 1996 and 1997—the Endangered Species Act doesn't pertain during the time of emergency and emergency repairs to follow. I am sure that that will be the case along the Red River in North Dakota and other areas that we will have to deal with. That is an add-on, and I am sure the Senator from North Dakota would want that. There can be others that can be argued to be direct and specific as it relates to the supplemental.

Mr. President, I came to the floor to suggest that this Senate deserves to debate and to vote upon S. 543. I find it amazing that, in this system of Government by laws that we all support and believe in, we have found ourselves so encumbered by laws that we can no longer volunteer, or you can't give freely of your time without liability or without risk of liability, or to work in a voluntary organization, and that organization has to take out insurance to protect themselves so that they are exempt from lawsuit. We used to deal with that as a free and open society. We had a doctrine of charitable immunity. In other words, we said, if you are giving to charity and you are giving in a voluntary and charitable way, you are immune from litigation. Well, that

no longer exists. Most States abrogated charitable immunity by imposing full liability for damages without adequate consideration of whether unique characteristics of charitable organizations and volunteers warranted some other arrangement.

I find it amazing that we are being blocked by the party of the President, who has just done a very admirable thing in Philadelphia about voluntarism, to launch a national voluntarism program across this country, which I suspect 100 percent of the Senate believes in, along with the huge majority of the American people. We are now at a standstill on legislation to protect those who would come out in response to our President and to General Powell and to past Presidents and to a nation which really does believe that the way to save our cities of America is not just a Federal program, but to incorporate the cause and caring of citizens of our country that give of their time in a voluntary way.

I hope that we can pass this legislation. It is literally being filibustered at this moment. Are there extenuating circumstances? Yes, there are. We all know that. It is too bad we can't move on with this legislation and deal with it. But I will tell the Senator this. I mentioned it to him several times on the floor in, I think, appropriate and just ways. We will convene the Appropriations Committee this afternoon, we will mark up a supplemental, and it will have some emergency dollars in it and some defense reprogramming. It will have a CR in it, I believe, and it will probably have other issues in it that Senators, bipartisan Senators, Democrats and Republicans, will find necessary to put in the supplemental.

I yield to the Senator.

Mr. DORGAN. Mr. President, let me say that the amendment you described a few moments ago—I understand that there is some controversy about it, but it is perfectly appropriate. Your amendment deals with the disaster. I read it last evening at home, and I certainly would not intend to be critical of somebody who is offering amendments that deal with the bill. I want you to understand that. My concern is amendments that really don't have any relationship to this bill but which people want to get passed. I heard you describe it and use my name. I have no problem with that amendment being offered because it relates to this bill.

Mr. CRAIG. I thank the Senator for saying so. I said it in the context that it is an add-on. You are right. I think it is appropriate and I think it will have bipartisan support. We are all for the Endangered Species Act, and we want to make sure our Government agencies function and operate in a way that their activities do not damage or threaten endangered species. But in a time of a flood incident or emergency, to invoke a bureaucracy and withhold the ability to immediately get out there and solve that problem and protect private property and human life is really beyond me. Yet, we find ourselves in that circumstance. My amendment will deal with that.

With those comments, I hope we can move in a timely fashion to deal with S. 543. I hope that, with the work of the Appropriations Committee this afternoon, we can have a supplemental come to the floor that deals with disaster relief, that deals with reprogramming of defense dollars. It is going to deal with a lot of other issues. It is not the disaster bill. It should not be said that it is. It is an appropriation bill dealing with supplemental needs, most of them requested by the President and sent to the Congress. We are responding to the administration, in most instances, by dealing with those things that the President feels are necessary and that the majority of the Congress would agree with.

I yield the floor.

Mr. COVERDELL. Mr. President, about an hour ago, to facilitate remarks on the subject we have been hearing about for the last hour, I stepped aside from the explanation of what is really before the Senate, which is S. 543. I see the Senator from Illinois here. I do have some rather extended comments to make about S. 543. So I might ask what would be required by the Senator who has come to the Senate floor? I have been trying to accord the various interests here.

Mr. DURBIN. I thank the Senator. I wanted to address my remarks to the issue concerning the disaster assistance and the continuing resolution.

Mr. COVERDELL. How much time would the Senator need?

Mr. DURBIN. Since I am new to this Chamber, it will be brief.

Mr. COVERDELL. I will yield the floor so that you might make your remarks.

The PRESIDING OFFICER. The pending business is S. 543.

Mr. DURBIN. Mr. President, it may be of interest to note why we are here and what we are talking about. Nominally, we are here to consider Senate bill 543, an important piece of legislation and one which I cosponsored in a slightly different form as a Member of the House of Representatives. I commend the Senator for offering this. I think it is an important piece of legislation. I hope that we can have real debate on it and consider some amendments and enact legislation to certainly achieve the goals. They are worthy goals. People who volunteer to help organizations should not risk or fear liability for their acts, unless, of course, they are guilty of something which is wanton or criminal in nature. I think the Senator offers a good piece of legislation. I would like to see some changes, and I hope we reach that point.

The reason why we are not considering it, the reason why the Democrats have voted on two successive days to continue this debate has nothing to do with the bill directly. It relates to the appointment of a person to serve as Secretary of Labor. We feel this has been delayed for the wrong reasons. We hope the Republican majority will move on Ms. Herman's nomination very quickly. Unfortunately, your bill has become a captive in this negotiation.

The other measure that came up here today is one I would like to address for a moment, one that I feel an affinity to, the question of disaster assistance. In 1993, in my congressional district, in downstate Illinois, we were literally inundated by the Illinois and Mississippi Rivers, and it was awful. I feel very badly for families that are victimized by disasters. But I will tell you. Some disasters come and go very, very quickly. In the dead of night a tornado rips through a town, and by the next morning people are picking up the pieces, clearing the rubble, and planning for rebuilding. A fire rips through an area and people the next day are talking about demolition and reconstruction. But a flood lingers and lingers. Mr. President, 125,000 Americans are now homeless in North Dakota and Minnesota because of this flood. The pictures that I have seen make my experience in downstate Illinois almost pale in comparison. That is something I thought I would never see because the flood that we experienced was devastating.

It is really sad, though, as we consider the response of this Nation through our Government to this disaster, that we have seen other issues extraneous to the issue at hand really take center stage. I hope that the Appropriations Committee will think about the families that have been hurt, businesses destroyed, and the farms inundated when they markup this afternoon. Give us a clean disaster bill that will help these families. There are important issues to debate. But save those for another day. Let's really come to the rescue of the families of this Nation. Let's show compassion for these families.

I daresay there isn't a Senator in this body who could go up to North Dakota to one of shelters where these homeless people are now waiting and say, ''You have to understand. We can't help you out until we have a momentous debate on another issue.'' That would be a hard sell. I wouldn't want to have to do it. I hope that Members who have been spared in their own States and districts from this kind of disaster will try to commiserate with those of us who have been through it. It is time to think about those families, and this issue that is tying us up as to whether or not we will endure another Government shutdown. I pray that we will not. The decision about 2 years ago by the Republican majority to send a bill that they knew would be vetoed leading to the shutdown of the Government is a sad experience. I think all involved in that understand that today, and they want to avoid that in the future. That is a goal that I share.

I don't agree with the approach that is being used because the continuing

resolution bill is a complete abdication of responsibility by the Members of the Senate. It was only a few weeks ago that Members came to this floor, and in very convincing and pious tones talked about amending the Constitution of the United States to require the Senate and the House to meet their obligation and their responsibility to balance the budget. We were about to amend the Constitution of the United States because we take that issue so seriously. It failed by one vote.

Despite all of the fervor and all of the commitment, where are we today? The Republican majority in the House and Senate has failed to meet its statutory obligation to produce a budget resolution which is a blueprint on how you will reach a balanced budget. That was supposed to have been done by April 15. Yet here we are weeks later without a budget resolution. Negotiations continue.

So now the proposal is that we will amend or add to the disaster bill this blueprint for balancing the budget. Excuse me. The people in North Dakota whose homes have been flooded, whose kids who are out of school sitting in homeless shelters, people who are drinking water out of cans because you can't use the water system—they are gone—folks that do not know what has happened to articles in their lives that have meant so much to them—it is a little hard to explain to them that we have a more important thing to worry about than the roof over their heads or the food that they are going to eat. We have, instead, to worry about this continuous debate about balancing the budget.

If the goal is to avoid shutting down the Government, I am about to offer a solution. It is one that I guarantee you will make certain that the Federal Government never shuts down again. It has two parts to it. The first part is this: No budget, no pay. If Members of House of Representatives fail to enact a budget, if Members of the Senate fail to enact a budget, they don't get paid. That will focus the attention of this Chamber and the House on getting its business done in a hurry.

There is a second part. I call this ''no dessert until you clean your plate.'' Have you ever heard of that one? You did while you were growing up. Mom and dad used to tell you that one all the time.

It is very simple. It merely says that the last appropriations bill to be enacted, the last spending bill to be enacted, would be the spending bill that covers this Chamber and the House of Representatives. So, if we fail to appropriate the money for the Department of Justice, or the Department of State, we know that the House and the Senate will not continue in business. ''No dessert until you clean your plate.'' Pass the spending bills for all the agencies of Government, and make ours the last one. And until all the others are enacted we cannot enact our own.

I will guarantee you all of the volumes of debate that we will hear about balancing the budget may lead to a good conclusion and a good ending—that we will finally see Members who have their paychecks on line, and who will realize that the operations of the House and Senate are on the line, decide, ''Yes, we had better pass the appropriations bill. Yes, we had better enact a balanced budget instead of a constitutional amendment, and get down to the business of passing bills.''

It is sad that this Appropriations Committee in the Senate will come back this afternoon and amend this disaster bill, and embroil these poor people—125,000 homeless people who have lost their homes because of this flood—in the middle of this political debate. They really deserve better. America deserves better.

We are a caring people. And the people in this Chamber—men and women alike, Democrats and Republicans—are caring people as well. Let us not sacrifice what is good about America, and what we are so proud of in the name of a political debate. Let us get down to the business of helping the flood victims, and then let us get down to the business of balancing the budget.

I thank my colleague for yielding this time. I am sure we will return to this bill in earnest very soon, and his patience will be rewarded.

I yield back my time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I appreciate the brevity of my colleague from Illinois. I will make a couple of comments about his remarks, and then return to S. 543.

First, as he properly stated regarding S. 543, I was pleased to hear that he felt good about the legislation, that it has gotten caught up in the debate about the supplemental budget and about the nomination of Alexis Herman. But I would point out to the Senator from Illinois that we have been on S. 543 since Monday and have been blocked from action on it. And the supplemental legislation—which deals with Bosnia, which deals with the disaster, which deals with the multitude of issues—is not out of committee. And there is no reason whatsoever for it to be used as some political obstacle to block legislation that would help American volunteers respond to the President's request to step forward.

I point out that S. 543 has been on the floor since Monday afternoon, and that we have been blocked from going to the legislation by a filibuster. And they have evoked the fact something about the supplemental and whether we are in a debate over a continuing resolution or not. It is not even out of committee. So, obviously, it cannot be used as any leverage against S. 543.

With regard to the President's nomination of Alexis Herman to be Secretary of Labor, and the fact that that matter has not been brought to the floor, I don't believe that issue—which I will talk about in a second—should be used to deal with this very targeted, narrow legislation in response to the summit in Philadelphia.

What you have there is an individual who went through the committee process, and purportedly handled her business there very well, but as the future spokesperson for the administration on labor failed to mention that the administration was contemplating a massive change in labor law; and that they were contemplating doing it not by bringing legislation to the House and the Senate but by making the change occur by decree—an Executive order issued by the President—that would exclude about 80 percent of the American work force from eligibility on a labor contract. That didn't come up in the hearing. That is not an insignificant policy. It is even in the minds of many a constitutional confrontation.

We don't govern by decree in America—nor edict. The President cannot write the law. He can veto it, but he cannot write it. That is a huge issue. And the majority said, ''Wait a minute. We want to talk more about that.'' And we are going to. It is likely to be extensive. That is what that nomination is entrapped about—the idea that the President would rewrite law that has been in place for 60 years, and bypass the Congress.

That disagreement, purportedly, according to the other side, is the reason that we should take no further action on S. 543, a 12-page bill, double-spaced bill, whose simple goal is to protect American volunteers from being undue legal targets.

Prior to 1980, this was not a problem in our country. You can count on two fingers the number of lawsuits that have been targeted at volunteers. But in the 1980's there were several celebrated cases. And, all a sudden, there was a rush. ''Well, here is a new resource that we can sue.'' Often the volunteer organization has very limited resources. But maybe one of the volunteers owns a home, or maybe it is worth a quarter of a million dollars. ''We will go after that.'' This legislation says no. You can't do that. It has to be proportionate.

There was a case discussed yesterday where a volunteer was sitting at the reception desk at a gym. A child in the gym dropped a weight and broke his or her leg. The volunteer agency that organized this recreation didn't have anything. But guess what? The volunteer answering the phone did. Who did they sue? Right—the volunteer answering the phone who had nothing to do with anything other than being a good-spirited American. When that news gets around town, how many people are going to go answer the phone? Not many.

That is what we are trying to protect here in this legislation—that the volunteer could only be held liable for that which she was responsible, which was zero. A 12-page bill, double-spaced with a very narrow focus to that, tries to help fulfill the call of Presidents Clinton, Bush, Carter, and Ford: America, step up, renew our volunteer spirit,

renew what is so unique about it, and reinvigorate your desire to come forward.

If they do not protect those families and their assets, their homes, their checking accounts, that is asking more than they are going to get. Volunteers are willing to step forward, but it is another thing to say step forward and place everything you have in place to manage your family, you put that in a legal lottery, which is why there have been 48,000 resignations in the last several years, which is why voluntarism has dropped from 54 percent to 48 percent and going down, which is why charitable organizations do not have as much in resources to spend on their work because they are spending it on insurance, and which is why there is this chilling cloud. As more and more Americans realize they are not just volunteering to help someone in need, they are placing all their own property at risk, as everyone learns that, their first priority is to protect their own family.

S. 543 comes to this problem in a very balanced and appropriate manner. Now, I have discovered that even though this is only 12 pages long, double spaced—and I know we always talk about how much of the actual legislation is read. It is pretty obvious this has not been read by a number of the Members because of the comments they have made. Yesterday we heard that it would protect the Ku Klux Klan, of all things. I suggested that it be read. I will read the provision that deals with that. It is the definition of a nonprofit organization, what is one. It is this. It is ''any organization described in section 501(c)(3)''—that has to be an educational effort—''of the Internal Revenue Code of 1986 and is exempt from tax under section 501(a).''

That means the Internal Revenue Service has to certify that it is an appropriate organization. I have been through that myself. It takes a long time. They ask a lot of questions. It would be ''any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes,'' period.

That is the kind of organization this legislation provides some protection for. Why do I say some? Because it does not protect the organization or the volunteer for willful misconduct.

In other words, let us say the volunteer was driving, carrying children and was inebriated—drunk. No protection. Let us say the volunteer was involved in a hate crime or a sexual offense or a civil rights matter. No protection. This is designed to deal with the volunteer at the Little League who is just carrying out his or her job as a volunteer and somebody trips or slips or falls. We all know what that means. It would give them some protection from liability.

So this legislation, as narrow as it is, would cut a wide swath and open the door for a large number of Americans to do what they naturally want to do anyway; it is a part of who we are, and that is to step forward and volunteer and answer the call of four Presidents and General Powell. It is being filibustered and has been since Monday at about 2 o'clock—with the exception of the managing Member on the other side, virtually none of the other side's debate has had anything to do with this at all but extraneous matters—for which we have now had two cloture votes, and the majority leader has said we are going to have two more because we are going to do something about voluntarism in America.

It does not have anything to do with the supplemental, and it does not have anything to do with our argument over labor law. Those are both very, very powerful issues and ought to be dealt with in the appropriate venue. It is a little bit like taking a sledgehammer to deal with an ant. This is a good Samaritan act, and the fact that we are now sitting here at 1:20 on Wednesday for these 12 pages, double spaced, is a rather remarkable comment on goodwill—or the lack of it.

Now, Mr. President, I would like to cover questions that have been raised, not so much by the other side but by others, about what we need to do on voluntarism. Some people have suggested that we do not need to do much, if anything, that voluntarism is healthier than ever.

That is simply not true. I am going to repeat this. According to the Independent Sector report, the percentage of Americans volunteering dropped from 54 percent in 1989 to 51 percent in 1991, and then 48 percent in 1993—a clear pattern. Fear of litigation alone does not explain the decline, but it is one factor we can address.

I was glad to see the Presidents and General Powell calling on America to reinvigorate itself. I was once the Director of the U.S. Peace Corps, and I feel I have some personal knowledge. I had a chance to be right up close to the American spirit. It is unique and it is a treasured value, a treasured piece of the American spirit. Anything that interrupts it or gets in the way, anything that chills it, discourages it, we ought to be attentive to. Historically and contemporarily, voluntarism as it occurs in the United States is fairly unique around the world even. It has been written about, and it is true. It began with our very beginning. As Americans moved all across the country to the West, over and over again was that coming together and that volunteer spirit to help one another build this great Nation. It would be like being concerned about protecting our national monuments, protecting our national treasures, our parks.

Voluntarism is an American national treasure of immense proportions. I used to try, with my mental calculator, to figure out the value that the Peace Corps volunteers had contributed to the world and to the United States, and it is in the billions—billions. I assume there are people who have tried to do that here domestically, but it would be very difficult to calculate because there is so much of it we do not even know about—the person who walks across the street to take a warm meal to an invalid, or that special hand that is held out to a child lost in a train station. If you stop and think about it and become a little more observant, you will not be able to get through a single day in America when you will not see some manifestation of this treasure, and it requires and deserves our attention. I frankly think it deserves a lot more attention than it has received in the last 72 hours here.

The Gallop organization studied voluntarism and found, in a study titled ''Liability Crisis and the Use of Volunteers of Nonprofit Associations,'' that 1 in 10 nonprofit organizations has experienced the resignation of a volunteer from a board or some function in the organization. They have stepped aside. That is even worse. That just shows you the degree of fear we have here. It is not that they did not step forward or there was something in their mind that said, ''I do not know whether I should do it because I could get sued.'' This is a person who already agreed to do it and became so intimidated that they quit. They resigned from the board. They left. I would venture to say there is not a Member of this body who has not experienced and thought about this very thing, if they would all think back. Because they are in public life, they are more visible, and so they have thought, do I really want to do this? Does this put me at more risk, or my family? I bet every Member of this Congress of the United States has had their thinking modified because of fear of a legal challenge.

One in seven nonprofit agencies has eliminated one or more of their valuable programs because of exposure to lawsuits. So here we have the organization that is eliminating its services—we are not going to do that anymore; we are not going to teach people how to swim. That is a dangerous environment. We are not going to do the same kind of camping programs because you are in the outdoors and it is harder to control. Or the story we heard from my colleague from Wyoming where the Boy Scouts cannot have a volunteer with a child now. They have to have two. They cannot have one adult and a child alone for fear there will be an allegation and a lawsuit.

This is a very worrisome development—fairly new, mid-1980's, last 10 years, this chilling cloud that is growing and growing.

Look at these statistics. One in five volunteers are more concerned about serving in volunteer organizations due to the increased liability threat. One in five. That is 20 percent, and it is going to grow unless we do something like S. 543. And 18 percent of those surveyed had withheld their leadership services due to fear of liability.

That is the point I was making about the Members of Congress. It would be interesting if we could document it, if everybody would think back and say, well, was there a board I left? I can think of one. Was there a board on which I refused to serve? I guarantee you that the vast majority, if not all, have changed or made a different decision about assistance because of the fear of liability.

And 49 percent reported seeing fewer people willing to serve on nonprofit organizations. That is like the story I told about Washington Redskin Terry Orr when he took over trying to recruit team members to help in the inner city here in Washington. They had to fight to get him, because he was concerned about liability.

Mr. President, ''72 percent reported volunteers becoming cautious in what they say or do, relating to their volunteer work.'' That is a point that has not been talked about much here. But, clearly, people make different decisions when they are fearful of liability and they begin, even if they are a volunteer, not being as effective a volunteer. The kind of duty they will accept, the kind of thing they might or might not do, begins to be less effective. One of the reasons I have always argued against programs that say they are volunteer, but for which there is a large sum of money paid, which is actually a payment relationship, is that the unique chemistry that creates the American volunteer is altered; the free spirit of it, the nature of it is not the same if the volunteer is forced to be there.

Some have suggested that we ought to mandate voluntary service. The minute you mandate it you cannot use the word ''volunteer'' anymore. That is drafted, and that person interacts with the children or elderly people they are serving in a completely different way than when it is self-sought.

I was with a man the other day in middle Georgia. He volunteers a great deal of his time teaching youngsters how to fly and be involved in the Civil Air Patrol. He has spent several thousands of his own dollars to help these young men and women. He was driving me to my destination and, as we approached, he said: But it's all worth it when I see their faces, when I see the excitement in their faces. That is voluntarism and that is a special chemistry. The point I am making here is, when you introduce this fear, this chilling fear about what you can and cannot do and how liable you are, you change the entire chemistry of this volunteer that I have called an American treasure.

Another thing I have heard from time to time is, ''There is no evidence of a national crisis involving a flood of lawsuits.'' It is not the number of judgments we are worried about here. We do not know all of them because many of them are settled. Institutions do not like to talk about this. It only invites more. So you really cannot get a total picture of what is happening in this arena. But you only have to have one of these celebrated cases to change the behavior of millions of Americans. So it is not a question of how much has happened. The fact is that it has happened and therefore the insurance companies have modified their premiums manyfold.

There is one example of a Little League whose premium for protection in this arena was $75. It went to $775. You multiply that all across the land. It is the fact that it is a phenomenon that is occurring more readily, volunteers are a target, premiums are up, and volunteers step back.

We have heard some on the floor say persons injured by volunteer negligence will not be protected. In other words, there is not a redress for the first person who was injured, the young fellow who broke his leg when he dropped the weight. Under this legislation, anyone injured by this simple negligence, that is conduct that is not reckless, wanton, intentional, or criminal, of a volunteer, can still seek recovery from the organization. In other words, the organization would still have a liability, but not the volunteer who is just there as a good Samaritan. It would be the organization. The volunteer who came there as a good Samaritan, who just happened to have resources more than maybe the organization, is not set aside as a target. Which is appropriate.

Of course, as I have said repeatedly on the floor, and I hope some on the other side would listen to this, that when the volunteer's conduct is reckless, wanton, intentional, or criminal, then nothing in this legislation changes the terms of recovering the damages. In other words, there is no shield, there is no protection for a volunteer who was engaged in reckless, wanton, intentional, or criminal activity.

A question has been raised, why should a volunteer who causes harm to a child through negligence be immune from suit?

It is not the intention of the bill to cause volunteers to act carelessly with children, or any that they are helping, or those that are entrusted to their care. The truth is that simple, honest mistakes and accidents happen in life. They just do. The organization still remains potentially liable for the actions of its volunteers, and will still encourage due care by its volunteers. In fact, the legislation specifically says that if it is the practice to certify licensure, train the volunteer, the volunteer organization, the charitable institution, is still responsible for carrying that activity out. Otherwise they do, indeed, increase their liability.

We believe, in fact, that the organization will often be in a better position to pay than the volunteers would be anyway. Volunteers themselves can be people of limited means or not, just as those who are served by charitable volunteers are often people of limited resources. We have heard that no independent study suggests federally imposed tort immunity, legal immunity, will increase the number, frequency, or quality of volunteers. As I have said over and over here, every one of us has met someone like this. If it was ourselves, we looked at ourselves in the mirror. Who has not expressed fear of liability in volunteering?

This is not rocket science. It is pretty straightforward. We have a situation where the current system is chilling the impact of volunteers—reducing their ability to come forward, causing them to leave, causing them to alter the way in which they carry out their work.

I hesitate to bring this up again, but I guess I have to because the other side has alluded to it, particularly yesterday, where it was suggested that organizations such as the Ku Klux Klan might gain lawsuit immunity from S. 543. As I have read here, now, at least three times and probably, given the circumstance, will do so three more, the bill specifically excludes from its protection suits based on misconduct that includes violent crime, hate crimes, sex crimes, or civil rights violations. It also does not apply where the defendant was under the influence of drugs or alcohol. The bill only provides limited immunity for the simple negligence of volunteers in carrying out their volunteer duties for a nonprofit organization, organized for public benefit, and primarily carrying out charitable, civic, educational, religious, welfare, or health purposes. And, as I have said, it includes volunteers for 501(c)(3) organizations, which are educational organizations that must be certified and approved by the Internal Revenue Service.

Some have said, if this bill is passed it will not reduce the liability insurance rates of nonprofit organizations at all. In fact, insurance rates for nonprofit organizations could go up. The primary objective of the bill is to encourage more volunteers. Insurance ramifications are secondary. The primary purpose, I repeat, of this legislation, S. 543, is to encourage more Americans—in your State, Mr. President, and in mine, and in every State of the Union—to come forward and reinforce the meaning of voluntarism in our country. While we can look at nonprofits' insurance rates as a measure of the problem, reducing the insurance rates of nonprofit organizations is not the bill's main goal. I personally believe that you will see a reduction in the rates because it stands to reason that, if the liability is circumscribed, made smaller, that the rates will ultimately reflect that. And that those sums of money, instead of being used for insurance premiums, can be used to buy meals, give rides, teach, provide meals, and otherwise give aid and assistance to Americans in need.

We have heard this objection, and this has been mentioned on the floor: ''We do not need a Federal law. We

should leave it to each State to decide how to protect volunteers.'' It was, I think, very well stated yesterday when Senator MCCONNELL, from Kentucky, pointed out the national nature of voluntarism. Many of the Nation's most preeminent volunteer organizations are national in scope. We do not have to spend much time thinking about it—the American Red Cross, the United Way, Little League International—and the list goes on. These are national organizations and their activities interact with all the States and volunteers. Their activities cross State lines. We have a classic example. We have been talking about it today. There is no telling how many volunteers are in the Midwest and how many of them come from somewhere else in the country. Many of them do.

I experienced a flood of these proportions in our State several years ago and people came from everywhere and volunteered and pitched in. They made sandbags, they helped clean out the mess, the mud. And, as has been characterized, a flood takes a long time to get straight. In fact, I think I could sadly say that many of the communities that have been confronted with this flooding in the Midwest will never be the same. Their character will be altered forever. It takes a while to appreciate the scope of what massive flooding can do. The point here is that the volunteers move across State lines a lot, and the organizations that recruit them are national organizations.

The decline of voluntarism is of national concern, else why would we have three former Presidents and the President all gathered together with 30 Governors and 100 mayors? They were not in Philadelphia to encourage voluntarism just in Philadelphia. They recognize that this is a national problem, and as I mentioned a little earlier, it is also a national treasure. Voluntarism, and what it means to America, is a piece of our national mystique, just as our national parks and our national monuments, and it needs national attention.

Having said that, the legislation does acknowledge the State role. First, if the State takes greater safeguards in the national bill, the national bill does not preempt those safeguards that go beyond the scope of the national bill.

If everybody involved in the legal action is a citizen of the same State, the State, by legislative action, may opt out from under S. 543 and only State law would apply, where all the defendants and plaintiffs were of that State. But, as I said, if it is a case that involves volunteers or activities among States, the Federal law would prevail.

I have said the national groups can cross State lines, but even local groups operate across State lines. How often is the camping trip to the next State, the neighbor State, or to the beach or to the mountains, to a lake—somewhere else? A lot of volunteer activity occurs across multiple State lines.

A Boy Scout troop in Georgia may go to an outing in Tennessee or North Carolina, Alabama, or Florida. This would be the case in every State. I remember when I was an Explorer Scout. A lot of the activities occurred somewhere else, outside the home State.

In emergency situations and disasters, which I have alluded to, such as hurricanes and floods in the upper Midwest States, volunteers come from many States, and under pretty difficult situations, too, which has not been talked about. Volunteers are often confronted with situations and circumstances that are abnormal, such as working in a disaster, where accidents are more prone. If you think back, most of the accidents that you have had in your own home were usually during inclement weather, you were doing something that was a little out of the norm. You were more prone to a mistake or accident. Volunteers are often embroiled in that very kind of situation where you are more likely to have a mistake made, which would be another argument for S. 543.

There is so much volunteer activity that is directed at a circumstance or phenomenon that is out of the norm—a fire, a calamity of some sort in the community, and people make more mistakes in that environment because they are in places with which they are not familiar and they are confronting circumstances they do not deal with on a daily basis, which is yet another argument, frankly, that has not been chronicled. But it just occurred to me as another reason why S. 543 would be so pertinent.

State laws are a hodgepodge of Good Samaritan laws and, in some cases, provide little protection at all. On that point, I want to read from the ''ABA Section of Business Law,'' a recent article that deals with this subject pretty well. It talks about the fact that in the eighties, this began to become a major problem. Prior to that, it was not. Then it talks about the States all trying to deal with this. It goes on to say:

> The blame falls largely on the patchwork nature of volunteer protection laws, which vary tremendously throughout the United States. To facilitate analysis and comparison, the Nonprofit Risk Management Center compiled them in a publication, State Liability Laws for Charitable Organizations and Volunteers. This article—

The one I am quoting—

> draws on that analysis.
>
> Each of the laws grants volunteers partial immunity. The extent of that immunity, and the conditions required for it to apply, vary not only across the states, but even within some states depending on the type of volunteer and the nature of the organization the volunteer serves. The common feature of the statutes is that unless volunteers' conduct fails to satisfy whatever standard the law specifies, they cannot be held personally liable.

Which is, of course, the goal we are after in S. 543.

> The variations result from differences in circumstances that impelled legislatures to act, effectiveness of the volunteer-protection proponents, and the sensitivity of legislatures to the prospect of injured parties being denied recovery.

The point here is that this article chronicles in a very thoughtful way that the current situation is unmanageable, when you have national organizations, volunteers crossing State borders, activity in the various States and none of the two States being the same. Therefore, this has accomplished very little in terms of the chilling impact on volunteers. They do not know what risks they face and, therefore, they are stepping back from volunteering.

Charities, especially small charities, do not have the resources to determine the difference in State laws affecting them. Amen. There is absolutely no way. Of course, as you know, Mr. President, with the outburst of lawmaking here and across the States, it is almost impossible for any citizen to understand the complexities of the law today. Just talk to them about the IRS, that one alone. But here the charities do not have the resources to understand what they are confronted with in all the different States, and if the charity does not, the volunteer certainly does not. The volunteer is really the hapless wanderer as that volunteer travels from this State to that State, and their liability threat is changing each time they go to a new location. There is absolutely no way for them to unravel it.

Therefore, concluding on this point, the national interest requires some uniformity. It does not prohibit the State from exceeding it, and it does not prohibit the State—in fact, it gives them an option to come out from under it, if all the parties of the case are from that State.

Some say this bill preempts State law, violating principles of federalism. This is the activity we have just been talking about. The bill respects federalism concerns by allowing States to opt out of its provisions for those cases in which all parties are citizens of the State. It leaves in place State laws that are not inconsistent with its provisions and allows States to pass stronger volunteer protections if they wish.

The bill also leaves in place existing State laws on vicarious liability requiring a financially secure source of recovery, requiring risk management procedures and other State requirements.

Mr. President, I am going to conclude my remarks in just a few minutes. It is my understanding that Senator D'AMATO is going to be in the Chamber at 2 o'clock for a matter that he will choose to discuss. I want to reiterate, S. 543 is a 12-page, double-spaced, clean-cut bill that helps Americans respond to the President's call to volunteer. It has nothing to do with the significant labor dispute on policy between the Congress trying to protect its rights of the third branch, and the President trying to change labor law by Executive order. It has nothing to do with that whatsoever. Nor does it

have anything to do with the controversy or debate over the supplemental on Bosnia, disaster, and other matters. That legislation is still in committee and not before the Senate. What is before the Senate is S. 543. Its sole purpose is to make it easier for an American to volunteer and protect the unique treasure that voluntarism represents for the United States.

We have, I believe, two cloture votes set for tomorrow. So given the circumstances, I suspect we will come back to this legislation. I suggest the absence of a quorum pending the arrival of the Senator from New York.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each, with the exception of Senator D'AMATO for up to 60 minutes.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## SWISS SUPPORT FOR REQUEST TO PUBLISH ACCOUNT NAMES

Mr. D'AMATO. Mr. President, yesterday I received a very important and a very encouraging letter from Ambassador Thomas Borer. Ambassador Borer is the special representative that the Swiss have appointed to handle the very perplexing and very troublesome question as it relates to the assets of Holocaust victims during and after World War II, particularly those as they related to the accounts that were opened in Swiss banks.

Let me read this letter. It is a short one, but a very important one. It is from the Embassy of Switzerland, addressed to Senator D'AMATO as chairman of the Banking Committee, Washington, DC:

DEAR MR. CHAIRMAN: I am referring to your letter of March 20, 1997 and my reply of March 27, 1997 regarding the question of publishing the names of dormant account holders from the Holocaust era.

Please find enclosed [a] copy of the letter of the Chairman of the Swiss Bankers Association to the Chairman of the Swiss Federal Banking Commission dated April 28, 1997. In this letter the SBA expresses its unequivocal support for this idea.

I am going to place this letter in the RECORD.

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

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

EMBASSY OF SWITZERLAND,
*Washington, DC, April 28.*

Hon. ALFONSE D'AMATO,
*Chairman of the Senate Banking Committee, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am referring to your letter of March 20, 1997 and my reply of March 27, 1997 regarding the question of publishing the names of dormant account holders from the Holocaust era.

Please find enclosed copy of the letter of the Chairman of the Swiss Bankers Association to the Chairman of the Swiss Federal Banking Commission dated April 28, 1997. In this letter the SBA expresses its unequivocal support for this idea.

Sincerely yours,

THOMAS G. BORER,
*Ambassador.*

Mr. D'AMATO. Mr. President, let me tell you what this is about. I did write to Ambassador Borer. I spoke to him on March 20. And I indicated to the Ambassador that I thought that it was awfully important that the Swiss Bankers Association, that the Swiss Government do something to demonstrate tangibly an effort of good faith, that would be very important, that there are many accounts—we do not know exactly how many; but certainly they go into the hundreds, and they may go into more—that have been dormant since 1945, that it made little sense to wait years until the Swiss completed their investigation for the release of these names, that even if it took legislation—and I explained to him that it had been advised to me that there was a good possibility that it might not even take legislation—that the names of these accounts—those are dormant accounts that were opened prior to 1945 and that have been dormant since that point in time—that the need for secrecy certainly no longer existed, but that there was a need to connect the families and the heirs today who might have claim to those accounts, to their heirs, to their families.

It is not just a question of money. It is a question of doing what is right, because unfortunately for 50-plus years people have been denied, heirs have been denied. They have had to go through a tortuous process, that in many cases it is just impossible to ascertain what moneys may or may not have been left to them, and that by the publication of the names in some registry, in some total form—something that is being done in many countries, in many States in our country where there is a dormant account, the names of the people are actually published so that people who may have claims can come forth.

I wrote to him, and I will just quote you part.

I am writing to you to impress upon you the need for the passage of legislation which would allow for the publication of names of dormant accounts presently held in Swiss banks. I feel that this change would go a long way towards solving this enormously difficult and complicated problem and would equally be seen as a productive step which I am sure would be warmly received.

I am pleased to tell you that the Ambassador reported to me yesterday, yesterday morning, that the Swiss Bankers Association unequivocally supports the concept of public disclosure of the names of the account holders in this very special and limited situation of the dormant accounts now being investigated as it relates to the Holocaust and those dormant assets.

I believe, Mr. President, that this is important.

Mr. President, I ask unanimous consent that the letter from me to Ambassador Borer and a letter from the Swiss Bankers Association be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, March 20, 1997.*

Ambassador THOMAS G. BORER,
*Federal Department of Foreign Affairs, Bern, Switzerland.*

DEAR AMBASSADOR BORER: I am writing to you in connection with the on-going inquiry by the Senate Banking Committee into the fate of assets held by Swiss banks belonging to victims of the Holocaust. As you are aware, among the issues which the Committee has focused its attention on has been the status of dormant accounts which may still exist in Swiss banks. My concern is that the present status of Swiss law inhibits any effective way to ensure the return of these assets to their rightful owners.

Presently, both the Volcker Commission and the New York State Banking Department are conducting inquiries designed to locate and identify dormant accounts. This of course is in addition to the 1996 survey undertaken by the Swiss Bankers Association and any internal reviews being conducted by the banks themselves. The problem lies in the bank secrecy provisions of the Swiss Federal Banking Law which preclude any effective way to contact the rightful owners of any dormant accounts uncovered through these efforts. For example, if a dormant account belonging to a Holocaust victim is located and that account holder did not name a beneficiary when the account was opened, there is no mechanism in place by which the heirs of that Holocaust victim could receive that which is rightfully theirs. The only way he would be in a position to make a claim to those assets would be if he knew of the existence of the account and the name of the bank in which it is located. Obviously, if the rightful heirs possessed such information, the account would have been claimed long ago. In cases where the account holder did name a beneficiary, it appears that less than diligent steps were taken to locate these beneficiaries. This was made abundantly clear in the case of the 53 accounts turned over to the Polish Government pursuant to the Swiss-Polish Agreement of 1949. Notwithstanding the fact that the Swiss government classified these assets as heirless and turned them over to the Polish government, the recent publication of the names this year led

to the location of several heirs within days of the publication.

Although much reliance has been placed upon the role Mr. Hanspeter Hani, the Ombudsman, the fact is that little faith is placed in his office given the results of his searches thus far, as well as the enormous restrictions on what he can do. Although he accepts a fee of one hundred francs, he merely screens the claims and circulates a portion of these names to the banks. Clearly this is not the most effective way to connect dormant accounts with their rightful owners and indeed, the numbers speak for themselves. Despite the fact that well over one thousand claims have been filed with his office, less than one percent have resulted in the return of assets to a claimant. The very justification given by the Swiss Bankers Association for charging the one hundred franc fee was to discourage false claims, this leads to the inescapable conclusion that the claims received by his office are indeed legitimate, but nevertheless, virtually all claims have been rejected. The failure of Mr. Hani's office is but one indicator of the barriers set up by Swiss law which prevent an effective notification system to the owners or heirs of dormant accounts.

I am writing to you to impress upon you the need for the passage of legislation which would allow for the publication of names of dormant accounts presently held in Swiss banks. I feel that this change would go a long way towards solving this enormously difficult and complicated problem and would equally be seen as a productive step which I am sure would be warmly received.

Although I am cognizant of the precedent setting concerns of lifting the bank secrecy laws, I'm sure we all agree, the fate of assets placed in Switzerland during the Second World War is a unique situation calling for a unique response. The fact is, these accounts were opened over fifty years ago, so it is hard to imagine that present or potential customers of Swiss banks would be concerned about the publication of this limited group of names. What happened during the Second World War was unparalleled in the history of modern civilization and accordingly exceptional measures are called for.

The Volcker Commission will soon begin its review and additional dormant accounts will almost certainly be found. Is it really necessary to wait between two and five years for the Commission to complete its work before a decision can be made on how to handle these accounts? Clearly a more effective solution would be to allow for the publication of the account names as they are found so that efforts to locate the rightful owners can begin immediately. New York State presently has such a mechanism in place whereby banks publish the names of dormant accounts which are present on their books. This publication is done through major newspapers and if any owners or potential heirs believe that they are entitled to the contents of a published account, a claim is filed with the bank, which then reviews the claimant's documentation to ensure that it is legitimate. If nobody comes to claim the money, it is turned over to the Office of the Comptroller of the State of New York which handles any future claims and relieves the bank of further liability. It is a fairly simple system which has been in existence for over fifty years and frankly I am not aware of any criticism or problems with it.

I think we all agree that the manner by which dormant accounts existing in Swiss Banks are to be handled is an issue which will have to be addressed. There is simply no justification for maintaining the veil of secrecy over these accounts. I firmly believe that the only effective way to ensure that the assets are returned to their rightful owners is to publish the names of the dormant accounts holders and that it be done as they are uncovered rather than years from now.

If you would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,

ALFONSE M. D'AMATO,
*U.S. Senator.*

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SWISS BANKERS ASSOCIATION,
*April 28, 1997.*

Dr. KURT HAURI,
*Chairman, Swiss Federal Banking Commission, Bern.*

Re: Publication of names of Holocaust-related dormant account-holders

DEAR DR. HAURI: In recent weeks, it has been proposed that the names of the holders of accounts opened before 1945 that have been identified as dormant, be disclosed publicly for the purpose of advancing the efforts of the Swiss banks, the Swiss Government, Jewish organizations and others to assist Holocaust victims and their heirs locate their assets. You expressed support for such a proposal on April 22, 1997. As you know, the recent initiative by the Swiss Bankers Association (''SBA'') resulted in the identification of dormant accounts that include accounts that may have belonged to victims of the Holocaust. The Independent Committee of Eminent Persons (the ''Volcker Committee'') is currently in the process of identifying all dormant assets held by Swiss banks that could have belonged to Holocaust victims.

I am writing to express the SBA's unequivocal support for the concept of public disclosure of the names of account holders in the very special and limited circumstances presented by Holocaust-related dormant assets. It is our hope that, working with the Federal Banking Commission, the Swiss Government and other interested parties, including the Volcker Commission, a mechanism will be implemented soon that will permit such disclosure consistent with Swiss law and sound banking practices.

When such mechanism is put in place, the names of account holders can be disseminated throughout the world. Public disclosure of the names of account holders Holocaust-related dormant assets is a position that is fully supported by the three largest members of the SBA, Credit Suisse, Swiss Bank Corporation and Union Bank of Switzerland. Each of these institutions have committed to sharing in the costs required to globally publicize a list of account holders names.

We look forward to discussing this matter with you in the very near future.

Yours sincerely,

DR. GEORG F. KRAYER,
*Chairman.*
J.P. CHAPUIS,
*Delegate.*

Mr. D'AMATO. Mr. President, the chairman of the Swiss Bankers Association in his letter stated:

I am writing to express the SBA's unequivocal support for the concept of public disclosure of the names of account holders in the very special and limited circumstances presented by Holocaust-related dormant assets.

This announcement is a major breakthrough because, for the first time, the Swiss bankers will be providing account names on a timely basis. We will not have to wait for the completion of the Volcker Commission and its report. That investigation may take a period of years to be completed. Why should the heirs and those people be deprived of a much more expeditious manner to come forward and to establish the right to those accounts?

It is about time this has taken place because this question is one that has existed for over 50 years. I am pleased that we are making progress. I look forward to continuing in the efforts of attempting to see that justice is done, not only as it relates to the dormant accounts, but also on the question of the disposition of other assets and also in terms of the accountability of assets, of huge amounts of gold and other matters that were, I believe, surreptitiously and illegally transferred by the Nazis with the aid and assistance of some who claimed neutrality.

But the point of the matter is that this is a significant breakthrough. I want to thank Ambassador Borer. I think he is to be commended because this is a significant departure and one that is long overdue from the past policies that said, ''Oh, no; these are secret accounts. They have been opened up that way,'' and then requiring people to go through incredibly difficult, if not impossible, proofs, requiring them to come up with sums of money that in many cases people just do not have. The question of having people, in the past, turned back because they did not have a death certificate of a family member who died in the death camps—that kind of thing has taken place repeatedly over the years.

It certainly did not bode well for the fiduciary responsibility that the banks held up. They were the beacon and the repository of people's money, that they could rest at ease that their families would be protected and the assets protected. Indeed, the veil of silence worked to enrich others at the expense of the legitimate heirs.

So, for the ambassador to be able to bring about this sea change—this is a sea change, this is a significant breakthrough. I look forward to continuing to work in this area to see to it that the publication of these names takes place as quickly as possible so that there can be this feeling of closure that many are looking for. It is not just the money. It is a question of justice that people are seeking.

Mr. President, I am heartened today by this very significant action that the Swiss Bankers Association have pledged. I look forward to working with the ambassador and the other representatives of the Swiss Government in seeing to it that this matter is dealt with sooner, rather than later. This is the commitment that they have made. This is a very prestigious, very important group. I hope this can be carried out, again, within a matter of days or weeks. Mr. President, 52 years is too long to have waited for this to take place. But better now than never. It still is, hopefully, the harbinger of better things to come in terms of clearing up and getting down to the roots of what has taken place.

I commend the ambassador for this and say that I am very heartened because I think this is a tangible success.

I also say to the World Jewish Congress and Edgar Bronfman and Israel Singer, they are to be commended for never losing faith in continuing their effort. Without their persistence, we never would have reached the point where we now have a proposal to put $4.7 billion forward in a humanitarian fund to be administered by a number of organizations in countries that will play a part in determining those people who are most in need. That fund would be administered over a period of some 15 years. Without the World Jewish Congress and its leadership, its perseverance, we never would have achieved the results I am speaking to today. That is, the publication of the names of those people who had dormant accounts, going back to 1945, nor would we have achieved the setting up of this humanitarian fund to aid those who are elderly and most in need.

I thank the Chair and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as if in morning business for 20 minutes.

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

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. Res. 80 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 29, 1997, the Federal debt stood at $5,348,144,848,321.78. (Five trillion, three hundred forty-eight billion, one hundred forty-four million, eight hundred forty-eight thousand, three hundred twenty-one dollars and seventy-eight cents)

Five years ago, April 29, 1992, the Federal debt stood at $3,887,187,000,000. (Three trillion, eight hundred eighty-seven billion, one hundred eighty-seven million)

Ten years ago, April 29, 1987, the Federal debt stood at $2,266,610,000,000. (Two trillion, two hundred sixty-six billion, six hundred ten million)

Fifteen years ago, April 29, 1972, the Federal debt stood at $1,063,005,000,000. (One trillion, sixty-three billion, five million) which reflects a debt increase of more than $4 trillion—$4,285,139,848,321.78 (Four trillion, two hundred eighty-five billion, one hundred thirty-nine million, eight hundred forty-eight thousand, three hundred twenty-one dollars and seventy-eight cents) during the past 15 years.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, if I might inquire as to the matter of business before the Senate?

The PRESIDING OFFICER. The Senate is in a period for the transaction of morning business at this time.

Mr. COVERDELL. Madam President, I ask unanimous consent that we dispense with the period of morning business and return to S. 543.

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

## VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Madam President, I guess only those who have just tuned in would be aware of the fact that we have been discussing an attempt since Monday afternoon, from Monday afternoon until Wednesday at 3 p.m., to allow the Senate to proceed to S. 543. The other side has decided to filibuster this legislation and has now twice blocked our attempts to end debate and move on to the bill. Although we are getting closer, we might say, well, maybe if there are five more votes like the one today, we will finally end the debate; the bill being a very narrow, specific proposal that tries to respond to the call of the President and three former Presidents to encourage voluntarism in America.

To revisit for a moment what was going on in Philadelphia, it was Gen. Colin Powell who said that ''the multiple crises confronting children in America have the potential to explode our society.'' I am going to reread the quote of General Powell.

> ''The multiple crises confronting children have the potential to explode our society,'' as General Powell called on his fellow Americans to make an extraordinary personal commitment to serve as mentors to at-risk youth.

Earlier today I pointed out that volunteers being called on today are often called on to participate in situations that are less than normal environments; that the potential for volatility and miscommunication and misunderstanding is very high.

S. 543 has perhaps more importance today than it did over a decade ago when it was first envisioned in this Congress because it gives the volunteer a shield, a modest shield I might add, from certain kinds of liability. It does not protect the volunteer from willful or wanton misconduct. For example, if a volunteer were driving an automobile and inebriated, there would be no protection whatsoever. But for the everyday routine activity, it would protect the volunteers.

Here we have General Powell saying to his fellow Americans, make an extraordinary personal commitment to serve as mentors to at-risk youth. And here we are having spent 3 days trying to pass one modest proposal to help those volunteers step forward and we are systematically choked and throttled. What a great response to General Powell and to the Nation, calling on Americans to come forward and then we have a boot on their neck right here in the Nation's Capitol in this Chamber.

It goes on to say:

> Together with President Clinton, former Presidents Bush, Carter, Ford, 30 Governors and 100 mayors participating in a conference on volunteering—

Conference on volunteering—

> Powell said that as many as 15 million young Americans need mentors to help them overcome the adversities they face.

Well, by logical conclusion, that means we have to have many millions of Americans to come forward to take care of just this audience—15 million young Americans need mentoring. That does not include the senior citizens who need mentoring, who need Meals on Wheels, who need somebody to come by and visit in the evening. That does not include the young people who are involved in youthful sports like Little League baseball or Pop Warner football. That does not include the Americans that would travel to the Midwest to assist in filling sandbags, who would help clean out the muck and debris that will follow this flood.

In other words, it requires millions upon millions of Americans to step forward. And yet a cursory review of the data demonstrates conclusively that because of legal threats, the number of volunteers is dropping. It is going in the wrong direction in terms of what General Powell and Presidents Clinton and Bush are asking. There are not more Americans stepping forward; there are less. And a principal reason there are less is that they do not mind volunteering, but they do mind putting their entire family's assets—their checking accounts, their home, their business—in a legal lottery.

I told the story this morning of the situation where a charity, a nonprofit, had a gym for youth to use after school and a youngster broke his arm when he dropped the weights. The organization did not have any resources to speak of, but the volunteer receptionist did. Guess who got sued. Right, the volunteer receptionist. Those kinds of things get around, and before long you have more and more Americans saying, ''I want to volunteer, but I don't want to jeopardize my family.''

> General Powell said these children are at risk of growing up physically or psychologically abused. They are at risk of growing up addicted to the pathologies and the poisons of the street. They are at risk of bringing children into the world before they themselves have grown up. They are at risk of never growing up at all.

Madam President, I have been joined by two of my most esteemed colleagues, Senator ASHCROFT of Missouri and Senator THOMAS of Wyoming. I am going to call on Senator ASHCROFT to make a few remarks, but I would just

like to remind the Senator and close on this point, that not only are we asking American volunteers in the summit to step forward in greater numbers but—and this is a key point we have not talked enough about—we are asking them to be volunteers in very difficult environments—in poisonous streets, dangerous streets, where communications are difficult. In other words, where the threat of being liable for an error or mistake is probably many more times multiplied. This is not just asking volunteers to go on a fishing trip. We are asking volunteers to go into some very tough situations which only complicates and calls further on this Senate, this Congress to do something to give them some relief from the threat of everything they own being up for grabs.

With that, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I am deeply grateful for this opportunity to respond to the final point of the Senator from Georgia, who has pointed out that we need volunteers among the most needy and among the most deprived individuals in our culture, and those most needy and deprived individuals are the riskiest people to help.

I cite this article which I hold in my hand on civil justice: ''A Thousand Points of Fright?''—f-r-i-g-h-t, not l-i-g-h-t. It is a scholarly work by David Webber. He writes that ''lawsuit fears are dampening the enthusiasm of volunteers.'' And he says, ''And the White House is beginning to take notice,'' which is constructive. I commend the White House. I commend the President for mobilizing the Presidents, to have the Presidents' summit on voluntarism.

But one of the interesting things that the governmental relations director for the National PTA says is that ''we are just more conscious than ever before of litigious possibilities. The bad thing has been the chilling effect on activities we can sponsor, especially for high-risk kids—kids with handicaps—and child care programs.''

What he has basically said is exactly what the Senator from Georgia was speaking of; that in the highest risk situations we have a chilling effect not only on volunteers but on programs, where you begin to see the withdrawals of programs, the programs that do not go into effect, the programs that do not exist, opportunities that are never capitalized on because of this sort of chill that comes from the litigious, as he calls it, possibilities.

I must admit that frequently these possibilities do not result in a lawsuit with a verdict against the volunteer, but if you work as a volunteer and you are sued, it could cost you $10,000 just to defend the suit—$10,000. And, of course, you could have a judgment against you just as the Boy Scout leader from the Cascade Pacific Council had a verdict of $4 million against him, because you let the boys play touch football, or the Little League coach who, because he shifted the player from shortstop to left field, gets a judgment against him. I mean these volunteers obviously are going to think about what happens to their family. How can my kids go to school? I would love to help the world, but I have to protect my family.

That would be a response you would have to commend in individuals, and yet it is not something we want in America. We do not want to have to choose between helping the world or protecting our families. We want to be able to say to a volunteer, you can do both. The genius of America is that we do not have to be selfish in order to protect our families. The genius of America is that we have always been able to help each other, while we have protected our families.

The kinds of lawsuits that we have seen are just incredible. A 14-year-old boy was sliding into home plate head first when he collided with the catcher. The catcher had blocked the plate as instructed. Catchers are always instructed to block the plate. In the rules of baseball, it is the only position where you are entitled to stand in front of the plate without the ball. But the catcher had blocked the plate and, unfortunately, there was a neck injury. Although plaintiff came to the league sliding head first, and that was the way he liked to play baseball, the volunteer coaches were found negligent for not being able to adjust the way the child slided—slid. I sound like Dizzy Dean, who used to say ''slud into second.'' But volunteer coaches were held negligent for not instructing the player on proper sliding techniques and failing to warn of the danger created by sliding into home plate head first. Of course, the player obviously watched major league player after major league player, role models all—and they should be, many of them great folks—sliding in head first.

I wonder about asking people to volunteer to coach these children, so many of them without dads in their own homes, so many of them at-risk kids, doing their best to provide them enthusiasm for their sport, and restraints so as to protect themselves. And, when there is an injury, having that kind of lawsuit. So many of our volunteers are around sports—you wonder about the kind of lawsuits that surround sports.

Here is one that really stunned me. It was a part-time official who was asked to officiate in a crucial Big Ten basketball game. At the last second he called a foul that gave one of the teams a victory. He called them like he saw them. It switched the victory. A souvenir company that had anticipated the victory by the other team sued the official, challenging his call with a $175,000 negligence suit claiming he had wrongfully harmed the souvenir company's ability to sell their souvenirs. The official won the lawsuit. So let us just lay that to rest, the official won the lawsuit. But only after a 2-year court battle that went all the way to the Iowa Supreme Court.

Do you know what it takes, in terms of resources, to take a court battle to the supreme court of one of our States? I mean, it takes more than it takes to send a kid to college. It takes more than it takes to have family vacations. It takes more than it takes for some families to buy a home. It certainly takes more than it takes even for the wealthiest families, almost, to have a downpayment on a home. We ask people to volunteer in these kinds of settings. It seems to me we ought to have some protection for them.

Here is another one that caught my eye. I should not say ''caught my eye,'' because this is about a person who was hit in the eye, a catcher in a softball game. He was playing without a mask. The umpire had a mask. The catcher got hit in the eye. He sued the umpire because the umpire had not given him his mask. The catcher walked away with a $24,000 settlement.

We are asking people to volunteer. I think the President is doing the right thing. There is absolutely no question in my mind that he is calling America to greatness, a greatness that reflects the character of the fact that we care for each other. That is what America is all about. It is what sent de Tocqueville back to France, 150 years ago, exclaiming about the virtue of America. He said it was not to be found in the corridors of the bureaucracy or the Halls of the Congress. He said it was to be found in the people. He said America is great because America is good.

We want the goodness of America to be reflected again in this country. We want the capacity of people to identify with each other, to love each other—literally love each other enough to say I am not just content to work with my own kids, I am going to work with the kids in the neighborhood and some kids who are not as fortunate as mine. Maybe they are kids who have lost their mom or dad, for one reason or another. That kind of tragedy has touched my family and it has touched most of the people in this country, and we want the loving character of American citizens to be available and we do not want it to be inhibited. We do not want it to be so you cannot volunteer.

I think about those women in Evanston, IL, who wanted to set up the home for battered women. They could not get insurance because of the litigation potential. All the insurance companies said you have to operate for 3 years without insurance before we can determine whether or not we will insure you. So nobody could risk their own family in order to help other people. They did not want their own homes to be taken in order to provide a home for someone else. So we end up not having that extension of compassion in our culture.

I do not think there is any President who has more successfully said to the

people in this country, ''I feel your pain.'' He says it with sincerity, and I believe he does. He has a great capacity to empathize. And he has called this country to feel it, to feel the opportunity and respond to the opportunity to help one another. And we have a great opportunity to say we are going to take a big roadblock out of the way.

I started out by referring to this article, ''A Thousand Points of Fright?'', saying the most difficult to help are the riskiest to help. And they need help badly. We have this barrier standing in the way. We have gone through examples. I guess we could tell stories about these lawsuits until the cows came home—at least that's a phrase my aunt used to use—but the truth of the matter is, this is important. It was important enough for the four previous Presidents of the United States to join the current President of the United States and one of the greatest military heroes of our age, to join the whole effort and to galvanize public opinion to try to say we need volunteers.

It is a little bit confounding, to think there are those in this body who want to stop us from considering—who do not even want us to have a chance to debate and vote on an issue like giving volunteers this kind of break.

I do not know how anybody could say we want to make sure that a person who volunteers has the potential to be sued and harassed. I notice that a former Attorney General of the United States, Dick Thornburgh, wrote an opinion piece for one of our major newspapers. He said: ''If you are sued, the average cost to defend yourself—'' in a case not involving a car, car cases cost a lot of money, usually—''is $7,500.'' There isn't anybody who can afford that and that is the average cost. That includes the cases that are dismissed.

I think it is time for us to say we want more volunteers, we want to cooperate with the President, we want America to be what America has the character to be. It is time for us to respond to the people. We need to respond to the people by inviting them to have the kind of caring compassion reflected in voluntarism. It is the least we can do to pull the roadblocks out of their way and make a clear path for Americans to care for each other.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, I appreciate very much the remarks by the Senator from Missouri. As usual they are most eloquent and inspirational and on target. I appreciate very much his coming to the floor and sharing his views on S. 543, of which he is a principal cosponsor.

Madam President, I return to the point I was making a moment ago about what the Nation was being implored to do by General Powell and the President. Most of these initial quotes are from General Powell. He points out that President Clinton appointed General Powell as general chairman of the President's Summit for America's Future and the former Chairman of the Joint Chiefs of Staff pledged to ensure that ''promises made during the celebrity-packed event are fulfilled long after the hoopla is over.''

Madam President, the hoopla is over. It is time, frankly, for all of these officials to send a message here, I think, that we need to take this affirmative step. It is a perfect affirmative step for us to take, following the glorious visuals, and get down to the real grassroots practicals, which are the protection, as framed in S. 543, of volunteers, so that they are able to respond to the hoopla. Down in my part of the country, they say this is now where ''the rubber hits the road.'' It is no longer the glory of the balloons and television. We are talking about the real, practical efforts that have to take place on the ground to make it possible for volunteers to renew America's volunteer spirit.

The President went on to say to General Powell: ''This may be your most important mission and I thank you for reenlisting.'' The few thousand delegates from across the Nation who were seated on the lawn outside the historic structure, rose to their feet in applause.

It is obvious that the inspirational moment was infectious. How often have we witnessed a gathering like this, raising the expectations, lifting the heart, bringing a nation to its feet—an exhilarating moment, only to find 3 months later or 6 months later that the issue disappeared with the last hand clap, that all the expectations that were being sought were forgotten after everybody got back on the plane, got back home. We do not want that to be the legacy of this summit. Congress ought to step forward, not only on the proposal that I and others have offered here, which alleviates, and creates a shield, protects the volunteers, makes it possible for them to answer this call and to be a piece of this applause, to be an extension of this applause.

There are many things we ought to do to expand voluntarism in America, and make it easier and more readily doable. But an absolute must, as a beginning, Madam President, is that we remove the chill and legal intimidation that has caused a dramatic drop in the number of Americans who will answer the call, that have left doubt in volunteers about what they do. Even if they answer the call, the way they respond to their activity is changed and altered by this legal chill that hangs over voluntarism in America.

It goes on to say:

By encouraging volunteering, the President is trying to promote positive change in American society at a time when the Congress and bipartisan emphasis on balancing the Federal budget make it politically difficult, if not impossible, to create new Government programs to address the country's pressing social problems.

This is an appropriate response. This is exactly correct. America's financial predicament does not allow us to do some of the things we have done in the past, and America must call on its citizens to help fill the gaps.

This is not a new experience for America. America was founded in times of austere circumstances for most Americans, and it was in that era that the concept of American voluntarism was born. So we are not creating a new phenomenon here; we are simply returning to our roots.

Everybody remembers—we have either seen it or read about it—the volunteer coming to the aid of a family that was damaged by some accident or problem in the rural area of our country—the barn building, the coming together in any kind of need to help families, community members. As I said earlier, this is as much a part of America's treasure as its Capitol, as its monuments, as its parks. Voluntarism is a unique feature of American life, and it ought to be nurtured and protected, just as we do the other American treasures, like the way we care for this Capitol. This is the Capitol of the United States, the capital of the free world, and it is an expression of who we are as a people, and we care for it. We should be every bit as attentive to our concern about the treasure that voluntarism makes for America.

There is no way to ever calculate the value of what American voluntarism has meant to our country in any given year. It is billions upon billions of dollars that are freely given and invested to help the country be a better place. But I think the connection that the President makes between the need for voluntarism and the financial predicament the country faces is correct.

This is a difficult time. This is a time of shrinking resources. Our generation of Americans has to confront decisions that were made over the last three decades that have left our generation to deal with over $5 trillion worth of debt and to deal with promises that, unmanaged, will consume 100 percent of the U.S. Treasury within 8 years.

Let me repeat that. Our basic entitlement programs already consume over 50 percent of the U.S. Treasury, which is a dramatic increase from when I arrived just 4 years ago. It is spiraling upward. So it is absolutely correct for the President to make a linkage between the financial condition of the country and the need to reach out and get Americans to do things on their own accord that the Government can no longer do—maybe one can argue never should have done in the first place. I am sure part of the reason voluntarism has been weakened is because there has been a message that has been reverberating around the country for about 25 years that the final resolution of all of our community ills ought to be the Government. I think we are learning that that is not, and has never been, the case.

The final resolution of many of our ills rests with the people themselves. A key component of that is the American spirit and the American willingness to volunteer.

The President goes on and says:

The era of big Government may be over, but the era of big challenges for our country is not.

I think every American would agree with that.

''So we need an era of big citizenship,'' the President said in Philadelphia. ''We need an era of big citizenship.''

I certainly agree with that, and I think every Member of Congress would agree with that. But while the Government may not be able to do some of the things it used to do, the Government certainly should not be an impediment to big citizenship. The Government ought not to be throttling attempts to make it easier to be a forthcoming citizen.

Frankly, I don't think the Government should be engaged in a filibuster that prevents our moving legislation that would make it dramatically and clearly easier to be a part of the era of big citizenship.

General Powell, who has experience orchestrating successful operations, has made it his own personal crusade to recruit an army of millions of volunteers around the country. He has committed himself to being able to certify by the year 2000 that the 2 million children lacking mentoring, safe places to play and learn, health care, marketable skills, and a good education will have those needs met.

Once again, he alludes to the point that I have mentioned several times this afternoon. Safe places to play begs the question that many of them do not have safe places to play today. They are dangerous places, and being dangerous, they are more likely to be places in which accidents and mistakes and misunderstandings occur. In other words, this is not your normal playground. This may be a rough-edge community which you are asking the volunteer to enter, to subject themselves.

A more dangerous place means it is fraught with the potential of legal action. So we are asking these millions of volunteers not only to come forward, but to come forward into environments that are less predictable and, therefore, create a greater risk for the volunteer.

I mentioned earlier today, Madam President, that the need for this legislation is fairly new; that we did not have a problem of volunteers being sued until we got into the eighties. Suddenly they became targets, and once you get something like that started, it feeds on itself, and it has. So the lawsuits have grown, and the threat has grown.

Now we are saying, in this environment where litigation is more prevalent, on top of that, we want you to go into a more difficult environment. Well, there is an incongruity here. As a result of this exchange, one of my first acts will be to communicate to General Powell that we need his help to convince this Congress that they need to remove barriers so that he can get his 2 million volunteers to come forward.

Madam President, the hour is now 20 till 4. We have now been on this since 2 o'clock last Monday, this 12-page bill, double spaced, and we continue to be prohibited from actually going to the debate. We will revisit this, but for the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

## EXECUTIVE SESSION

### NOMINATION OF ALEXIS M. HERMAN, OF ALABAMA, TO BE SECRETARY OF LABOR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now go into executive session to consider Executive Calendar No. 70, the nomination of Alexis Herman to be Secretary of Labor. I further ask that there be 30 minutes of debate on the nomination to be equally divided between the chairman and ranking minority manager; I further ask unanimous consent that immediately following the expiration or yielding back of the time, the Senate proceed to a vote on the confirmation of the nomination, and immediately following the vote the President be notified of the Senate's action, and the Senate then return to legislative session.

Mr. DASCHLE. Mr. President, reserving the right to object, and I only do so to commend the distinguished majority leader for his work in bringing us to this point. This has been the subject of extraordinary discussion and negotiation. It would not have been possible were it not for his cooperation and the work by several Senators, including the distinguished chairman of the Labor Committee and the ranking member, who are on the floor at this time. I thank the majority leader for his effort, and I appreciate very much the work to bring us to this point.

I have no objection.

Mr. LOTT. Mr. President, before the Chair rules on the unanimous consent request, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. President, I renew my request for a unanimous-consent agreement that we proceed to Calendar No. 70, the nomination of Alexis Herman to be Secretary of Labor.

The PRESIDING OFFICER. Is there objection to the request?

Hearing no objection, it is so ordered.

Mr. LOTT. Mr. President, I do want to thank the distinguished Democratic leader for his comments. He knows quite well that there had been concerns, initially, about this nominee. I have been satisfied that she is qualified for the job. But I didn't know all the details of allegations or problems that had been identified. The committee, under the leadership of the chairman, took their time, they looked into the potential problems and allegations, and they finally took a vote. I believe it was a unanimous voice vote. Members of the committee had adequate time to look into these potential problems. I think the nominee has assured Senators that her conduct is going to be very circumspect as Secretary of Labor. I am satisfied that she will do that and that she will work with the Congress and the Senate, on both sides of the aisle, and will do a good job as Secretary of Labor.

Now, the second problem, of course, has been the idea that there would be an Executive order with regard to Federal union contracting. There has been a considerable amount of concern, as the Senator knows, about this being done through Executive order. We feel that should be done by the Congress with recommendations and time for consideration. But we have worked out an understanding with the administration of how this matter will be handled. Based on their assurances, which we feel they will honor, we felt it was appropriate to proceed with this nominee.

I want to say, again, that the nominee was not the problem over the last few weeks. The problem was an understanding about how labor law should be changed. I think we have reached a point where we can enter into this agreement. I thank the assistant majority leader, DON NICKLES, for his effort. He is knowledgeable in this area. He has been aggressive in trying to identify the problem and trying to find a solution. I did have a chance to discuss this last night with the President. He has had an opportunity to discuss it with representatives from the White House, and I feel that an amicable arrangement has been reached.

I yield the floor.

Mr. DASCHLE. Mr. President, I thank the majority leader for his explanation and for his description of the current set of circumstances. We have known now for some time that the delay in confirming Ms. Herman had little to do with her qualifications or the degree to which there was support on the Senate floor. It had to do with the dispute over Federal contracting.

I am pleased that the dispute has ended and that we find some applicable resolution to that issue. I have not seen the details of that particular agreement, but I am very pleased that, at long last, Ms. Herman will have the

opportunity to serve in her new capacity as Secretary of Labor. We look forward to working with her, and it is my expectation that there will be an overwhelming vote this afternoon on her behalf.

We look forward to beginning as early as next week to see her in office and working closely with us on an array of very important matters to be taken up in the next 2 years.

I yield the floor.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The nomination will be stated.

The legislative clerk read the nomination of Alexis M. Herman, of Alabama, to be Secretary of Labor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today before the Senate to recommend that we approve the nomination of Ms. Alexis M. Herman to serve as Secretary of Labor.

Ms. Herman's career has been filled with many firsts. In 1977, Ms. Herman was appointed by President Jimmy Carter to be the first African-American woman to lead the Women's Bureau. Twenty years later, Ms. Herman is poised to become the first African-American woman to serve as Secretary of Labor.

To be appointed and confirmed as the Secretary of Labor is one of the greatest honors that our Nation can bestow upon an individual. It is an honor, however, that comes with a heavy burden of responsibility. Individuals who hold this office become stewards of the public trust and bear a great responsibility to the working men and women of America. It is my hope and my sincere expectation that Alexis Herman will preserve this trust and serve our country ably and effectively as Secretary of Labor.

Ms. Herman will take the helm of the Department of Labor at a critical juncture in its history. The passage of welfare reform has made the strengthening of our job-training programs more important than ever. People must be able to obtain skills that will lead to secure jobs. Workers are entitled to fair pay in a safe environment. And while a great deal of attention is being focused on the future of the Social Security system, it is incumbent upon us to ensure the stability and expand the reach of the private pension system as well. I have devoted my career to these issues and I look forward to working with Ms. Herman to strengthen the Department of Labor's education and training programs and improve the quality of life of working men and women.

It is because of my belief in and support for the mission of the Department that I have done my best to thoroughly review the background of this nominee. The pace may have seemed slow to some people but I was convinced then, as I am now, that it is better to take the time to do this job properly.

Our efforts were complicated by ongoing revelations of White House fundraising activities and by the announcement that the Office of Public Liaison, which the nominee was heading, was, and continues to be, the subject of an investigation by the Office of Special Counsel. But our efforts are now complete and the committee recommends that the Senate confirm Ms. Herman as Secretary of Labor.

Ms. Herman brings a unique set of skills and experience to the position of Secretary of Labor. In the mid-1970's she administered a pioneering program in Atlanta that helped minority women obtain white collar jobs. From 1977 until 1981, she served as the Director of the Women's Bureau under President Jimmy Carter. In this capacity she led the Department of Labor's efforts to identify and address the needs of working women across the country.

Over the years, Ms. Herman has earned a reputation for her ability to build coalitions and work effectively with groups holding disparate and divergent political views. It is my hope that these skills will be used to seriously address our Nation's workplace and work force development needs as we prepare for the 21st century.

We have an ambitious legislative agenda for this year—already the committee has reported S. 4, the Family Friendly Workplace Act, and S. 295, the Teamwork for Employees and Managers Act of 1997. These bills represent critical responses to the vast changes in the American workplace—changes that are unrecognized in a body of labor law unchanged since the Great Depression. Employers and employees should be working with, not against, each other whether it's figuring out a problem on the shop floor or in an employee's schedule.

Over the next few months we will develop legislation to better integrate education and job training programs and we will begin to explore ways to improve the security and soundness of the private pension system. These legislative initiatives will have profound implications for the economic competitiveness of our Nation and for the quality of life of American workers. We will only succeed in these efforts if we have leadership from the Secretary and a firm commitment to avoid partisan politics in the interest of addressing critical national needs.

I believe that Ms. Herman will be a full partner in these endeavors and that she will join us in our effort to improve the quality of life of working men and women. I look forward to working with her in her new capacity as Secretary of Labor.

I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I understand it, we have 15 minutes. Am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I yield myself 7 minutes at this time.

Mr. President, first of all, I want to extend our appreciation to the majority and minority leaders for working out this agreement where within the hour the Senate will go on record by an overwhelming vote in behalf of an outstanding nominee for Secretary of Labor. I am grateful to them for working out this agreement.

I thank especially the chairman of our committee, Senator JEFFORDS, for the way that he has handled this nomination. Nominations come and nominations go. But the fairness and thoroughness with which he handled this nominee I think reflects extremely well, not only on our committee but on the institution as a whole. It was exhaustive. It was extensive. It was probing. It was searching, as any review should be. And at the end of the day we were able to see the result of this very thorough review in the unanimous vote by the committee. That is the way that it should be done.

All of us in this body, and I think all Americans, will be grateful for the fact that we will have a Secretary of Labor who will be at the President's elbow and will speak for working men and women in this country. But at this time, all of us in the Senate should know the outstanding job that she has done.

Mr. President, I am delighted that we have freed ourselves from the position that was taken by some Members here on the floor who differed with the President's authority to issue an executive order encouraging the use of project labor agreements on Federal construction sites.

I think, if we look back over the history of project labor agreements, we would see that they have been effective, they have worked, and they have saved resources. These are voluntary agreements. The Supreme Court has upheld their use on public sector construction sites. Clearly the President is justified in urging the use of those kinds of agreements when they are appropriate.

This morning in the Labor Committee, we heard the outstanding testimony of John Dunlop, who is the former Secretary of Labor, under a Republican administration, who, as the architect of many project labor agreements, reviewed in some detail just how they work, how they function, and the reasons for them. He made a very powerful and convincing case for project labor agreements. But now we have worked out a satisfactory way in which the President will issue a memorandum on that issue which will encourage these project labor agreements to go forward where they are appropriate. And now we are moving ahead with the nominee.

So I would also like to commend Senator JEFFORDS for outlining the challenges that are going to be there for the Secretary. When I arrived in the Senate, men and women were working

down at the Fall River Shipyard, building ships in Quincy, MA. They worked there with a high school diploma. They had a good job, and a good income. Their father generally had worked at the Fall River Shipyard, and even their grandfathers worked there and built some of the best ships we had in World War II, and many outstanding commercial ships as well. It is an entirely different labor market today. Everyone who enters it will have seven different jobs over the period of their lifetime at least.

The importance of having a well-trained and skilled work force is an enormous challenge for our country. We are looking forward to working with the members of our committee to try to play our role in making sure that we are going to see that those kinds of opportunities are going to be available to workers in the future.

I would like to take, Mr. President, the remaining moments here today just to speak about this really extraordinary nominee.

I see my colleague and friend, the good Senator from Illinois, has joined us, who has been such a strong supporter of the nominee, and will speak. My friend, Senator WELLSTONE, will speak as well.

If we are looking at a success story, we are looking at the life of Alexis Herman. If we are looking for personal resolution, determination, and personal moral courage and physical courage, we are looking at the history of Alexis Herman who, with her mother—who taught her to read at a very early age, in Mobile, AL—traveled as her mother was involved in one of the early literacy programs. She attended a Catholic school in Mobile, AL, that was segregated, and brought the truth to power when she challenged that school to integrate. The school resisted those entreaties. And, finally, a year later they admitted blacks into that school as a result of the determination and perserverance of this extraordinary young woman. She traveled and worked to try to bring African-American women into the work force in many of the institutions and companies of this country with great, great success.

Her life has been one of service. She has been an outstanding assistant to the President of the United States with outreach programs, trying to work to make sure that the message that was going to be coming from the White House was going to be an all-inclusive message, and one that was going to move the country along together and not at the expense of any individuals or any groups.

She served with great distinction under Ray Marshall, who was Secretary of Labor under President Carter. And Ray Marshall is one of the country's most thoughtful leaders on all of the issues affecting the training of workers and upgrading their skills. And his support—his clear, eloquent comments about the work that Alexis Herman did when she worked with Ray Marshall constitute one of the most outstanding tributes that I have ever heard about any worker in any Cabinet position.

So the President of the United States has nominated her to be the Secretary of Labor. We will, I think, have an extraordinary person, one who can bring innovation and creativity, one who can reach out to working families; one who has special insights into the challenges that are out there for workers in a changing world.

Alexis Herman exemplifies many of our most important national values. She leads by example, and has a distinguished history of bringing others along. She grew up poor in the segregated South, and she succeeded through talent, energy, and commitment. She has had a lifelong commitment to the principle of helping others to help themselves.

As I mentioned, her mother, who once was Alabama's Teacher of the Year, brought Alexis with her as she taught reading to children and adults. Alexis' first summer job was teaching reading at an inner-city housing project.

After graduating from Xavier University in New Orleans, she returned to Mobile as a social worker. She counseled delinquent youths, helped place children in foster homes, and worked to assist families in dealing with issues such as teenage pregnancy.

She saw that lack of skills and opportunities were keeping many of Mobile's black citizens from achieving their full potential.

Alexis then spent several years running a pilot program in Atlanta to place African-American women in white collar positions. Included in the hundreds of letters the committee received in support of Ms. Herman's nomination were a number of letters from African-American female executives who credited Alexis with starting them on their careers. One woman who is now a vice president at the American Cancer Society wrote that she recalled that Alexis ''advised the wisdom of getting my foot in the door first and foremost. From there, she said the rest would be up to me.''

Another letter noted that the pilot project Alexis ran placed more African-American women in management positions in Atlanta during its first year in operation than the U.S. Employment Service had placed in its entire history in the city.

As I mentioned, in 1977, when Ray Marshall became Secretary of Labor in President Carter's administration, he asked her to become head of the Department's Women's Bureau—the youngest Director ever. She worked on expanding opportunities for women in skilled trades, helped displaced homemakers obtain the tools necessary to succeed in the workplace, and co-chaired a Presidential task force to promote business ownership by women.

When President Clinton took office in 1993, he named Alexis Herman to a senior White House position as Assistant to the President and Director of the Office of Public Liaison. In this capacity, she identified the concerns of individuals and families across the country on the issues, and communicated the President's priorities to them.

In the many weeks since her nomination to be Secretary of Labor was announced last December, attempts have been made to generate controversy about various aspects of her career. However, Ms. Herman has responded to all the inquiries fully and completely. She received the unanimous support of the Labor Committee, and I anticipate that she will receive broad bipartisan support by the full Senate.

All her life, as a young student, as a career woman, as a community leader and in public service, Alexis Herman has advanced America's ideals. Hard work, dedication to excellence and commitment to leadership are the hallmarks of her character. Her entire career is a profile in courage.

She knows from her own life and firsthand experience the very real obstacles that too many Americans still face in trying to achieve the American dream. Most important, she is dedicated to the cause of improving the lives of all working families. She'll do an outstanding job as Secretary of Labor, and I look forward to working closely with her in the years ahead.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. KENNEDY. I yield 4 minutes to the Senator from Illinois, and the remaining time to the Senator from Minnesota.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, very much, Mr. President. I thank the Senator from Massachusetts, Senator KENNEDY, very much, and the Senator from Vermont, Senator JEFFORDS, for their efforts in bringing this nomination to the floor.

Yesterday, I came to the floor and asked that Alexis Herman be freed and that the Department of Labor be liberated so that they could get on with the business of the American people, the American working people. And that is what has happened here.

So we are rejoicing this afternoon that, indeed, this nomination has reached consensus. There has been closure and agreement by leadership and by the Members of this Senate to have a vote on Alexis Herman's confirmation.

I am so very pleased and grateful to the leadership, and, again, Senator KENNEDY and Senator JEFFORDS for making it so.

Mr. President, I strongly support the confirmation of Alexis Herman as Secretary of Labor. She has been a friend of mine and I know that she will be an outstanding Secretary of Labor. Her

commitment to improving the condition of America's working people is second to none.

Over the past 4 years, we have witnessed major improvements in our economy. Now we must continue the work to make our economy and our work force better than we have ever known. We need someone to help lead us in that direction. I cannot think of a person who is more skilled and more knowledgeable and who is better suited for that task than Alexis Herman.

Alexis Herman has long dedicated her efforts to putting all Americans to work. Early in her career, Alexis Herman implemented a program that provided targeted training to potential employees. This program helped to ensure that potential employees possessed the skills required to meet employer's needs. Through the work of Alexis Herman, companies across America had access to employees who had specialized skills, and workers had access to jobs because they were trained for jobs that actually existed.

Alexis Herman continued her efforts to expand workplace opportunities as head of the Women's Bureau of the Department of Labor under President Carter. At the Women's Bureau, she not only expanded job opportunities by training women for the work force, including training in nontraditional jobs, but also expanded job opportunities by training women to become business owners with a work force of their own.

During her tenure at the Women's Bureau Alexis Herman focused her efforts on moving women from welfare to work. Especially important and relevant in light of last year's welfare bill is Alexis Herman's experience and skills in the area of creating job training and placement opportunities for welfare recipients and low-skill workers. If we are going to put over a million people to work in the coming years, we are going to need Alexis Herman's practical experience.

Alexis Herman's commitment to diversity will make a difference in the steps our Nation takes to enhance our work force. Any time we retreat from providing equal opportunities to all of our citizens, we risk weakening our greatest asset: our workers. With her vast experience in increasing diversity in the workplace, Alexis Herman will ensure that no talent goes untapped.

Alexis Herman knows the value of diversity. As public liaison for President Clinton, Ms. Herman worked with Americans across the country—Americans with diverse backgrounds and concerns.

During Ms. Herman's testimony before the Labor Committee, she stated that she had five goals for the Labor Department in the next 4 years: lifelong learning and skills development; welfare to work; retirement security; safe and equal opportunity workplaces; and balancing work and family. These goals reflect her life's work to date. These goals also describe a course for the future that we can all support. These goals reflect America's agenda.

Training our work force for the 21st century, providing for a secure retirement for the Nation's expanding elderly population, and recognizing the importance of family for America's work force are clearly national priorities. Alexis Herman understands that to reach these goals we must work together.

One of her greatest strengths is that she has formed partnerships with both business and labor in her many years working on employment issues. She understands the kind of investment that business must make in human capital in order to improve productivity, increase profits, and to create jobs. She understands how difficult it is for small businesses to start up and how important those businesses are to our economy as a whole. She understands that people want to work but that they need the opportunity to be trained so that they can become productive members of the work force. And, finally, Alexis Herman understands that we are all in this together.

Former Secretary Reich was an advocate for working people, an asset to the business community and a tireless servant for America's families. He has my deepest thanks and my highest admiration for the work he did as Secretary of Labor. But I know that Alexis Herman is capable and up to the task in front of her, that even though she has big shoes to fill, I know she is more than capable of meeting the challenge and finishing the task. There can be no better candidate for Secretary of Labor than Alexis Herman. Her confirmation, as Senator KENNEDY pointed out, will, indeed, make history. As Secretary of Labor she will make a difference, however, in the lives of millions of Americans and workers throughout the world.

I urge my colleagues to confirm Alexis Herman as the next Secretary of Labor.

I thank the Chair and I yield the floor.

Mr. JEFFORDS. Mr. President, I yield 2 minutes to the able majority whip.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Oklahoma.

Mr. NICKLES. I thank the Chair. I thank my colleague from Vermont for his leadership and also for having the hearing today that discussed project labor agreements.

I told my friend from Massachusetts that I did not have a problem with Alexis Herman being Secretary of Labor as much as I had a real problem with what I perceive to be legislation by Executive order.

There was proposed to be an Executive order dealing with project labor agreements that, as it was read by me and many other people, basically would have excluded nonunion companies from bidding on over $200 million of work per year. I think that requires legislation, and if Congress wants to legislate that, certainly Congress has the right to legislate that. I told the White House my hope and desire would be that if they want to legislate, to find someone to introduce that legislation, we would take it up in the legislative process.

So I have had for the past few weeks objected to considering this nomination, trying to get the White House to back off from that order. I might inform our colleagues—somebody said, well, what caused this change of events? The White House has now agreed not to issue the Executive order, and I appreciate that. They have said that they were going to issue a memorandum from the President to the executive agencies, and that is certainly within their right. The memorandum does not have the force and effect of law.

My purpose was to make sure that the administration did not try to legislate by Executive order. We now have a letter from Erskine Bowles that I will just read.

> This is to confirm the administration's intention to issue a Presidential memorandum encouraging executive departments and agencies to consider utilizing project labor agreements in Federal Government construction projects. The President believes that such agreements are desirable in circumstances where they promote efficient and high quality contract performance and labor/management stability.

It is also our understanding, as I say, very frankly, they are not going to do it by Executive order. So that is the reason why I am withdrawing my objection and have no objection to the Senate voting on the nomination of Alexis Herman to be the next Labor Secretary.

So I appreciate the cooperation of the White House and think this is the proper way to proceed. If they wish to legislate on project labor agreements, certainly they have the right to introduce that legislation and we will consider it in due process.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I inquire as to the remainder of time.

The PRESIDING OFFICER. There are 6½ minutes on the Republican side and 3½ on the Democrat side.

Mr. JEFFORDS. I yield the Senator from Pennsylvania 6 minutes.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Pennsylvania.

Mr. SPECTER. I thank my distinguished colleague from Vermont for yielding me time. I have sought recognition to support the nomination of Ms. Alexis M. Herman for Secretary of Labor, and I am glad to see we are finally moving to the confirmation process here because we need a Secretary of Labor in place to move ahead on the budget process and the appropriations process.

I serve as chairman of the appropriations subcommittee which has jurisdiction over the Department of Labor. It has an $11 billion budget, and obviously

we have not been able to hear from the Secretary of Labor so far because we have not had a Secretary of Labor.

When Ms. Herman's status was held up early on, I met with her and had a long talk with her back in early February. I found that she had a good academic background and had a good work record. Some questions had been raised on a number of items, but it was my sense at that time that she was entitled to a hearing by the Labor Committee.

I am delighted that Senator JEFFORDS and the committee have held that hearing and have reported her nomination out favorably so that we are now in a position to move ahead and to confirm her today. It is my sense that she will receive an overwhelming vote of support, perhaps even a unanimous vote. That remains to be seen.

Apparently she will not receive a unanimous vote, from a signal from the Presiding Officer, and that is within the discretion of every Senator, to vote as he or she sees fit. I do express a concern about the nexus or the linkage of Ms. Herman to the Executive order and to other collateral matters. I have been around here long enough to understand that that is not an unusual proceeding, but it is my hope that we can decide these matters on the merits one by one. But whatever one's position might be in that connection, we at least are reaching the point where we will have a vote at 5 o'clock today on Alexis Herman to see whether or not, up or down, she is qualified, in the view of the Senate, to be the next Secretary of Labor.

I might say that there is considerable concern about the treatment of Ms. Herman in my home State of Pennsylvania. We had a remarkable event over last Sunday, Monday, and Tuesday, April 27, 28, and 29, in Philadelphia on the volunteer summit. We had four Presidents—quite an impressive showing. Somebody in the holding room said, ''Mr. President'' and everyone turned his head. Some who were not present turned their head, including Vice President GORE and maybe some others.

But there was another summit, a citizen summit some blocks away in a square in Philadelphia—Philadelphia is famous for its squares—and a number of people who appeared at the Presidents' volunteer summit also appeared at the citizen summit. Mayor Rendell, who presided over the summit for Philadelphia and did an excellent job, appeared in both places as did Rev. Jesse Jackson, Congressman FATTAH, and I as well. When I was at the citizen summit there was a lot of concern as to what was going to happen to Ms. Alexis Herman in the line of fair play, whether she was going to be treated fairly and appropriately.

So I am glad to see our process has worked. I think Ms. Herman is qualified to be Secretary of Labor based on her academic record, her work experience, her general demeanor and general qualifications, and the appropriate committee has taken up the issues which were raised as question marks and has answered them to the satisfaction of the committee. I look forward to voting for her and look forward to her confirmation, even if it is not unanimous, but I make this prediction, that it will probably be in the 90's.

I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, whatever interpretation Senators want to make about project labor agreements—I am not here to debate that now—I think that really what we ought to focus on is the vote we are about to take. And whatever interpretation Senators want to make about how we reached agreement, I am not here to debate that.

I thank Senator JEFFORDS and Senator KENNEDY for their fine leadership. I do know this. Senator SPECTER I think was quite correct in his remarks. I think there has been concern around the country about the treatment of Alexis Herman, making sure there was fair treatment. Clearly we are going to have a vote, and I think it is going to be an overwhelmingly positive vote. Above and beyond Ms. Herman, I think the issue is this position. It has been 6 long months. The Secretary of Labor position is so important to the lives of so many families all across the Nation—Minnesota, North Carolina, Massachusetts, Vermont, and beyond. Bob Reich was a great Secretary of Labor—a great Secretary of Labor—and I think the reason he became beloved to so many people in the country was that he was such a forceable and outspoken advocate and he was talking about living standards for people, about educational opportunities, about job training, about jobs at decent wages, and about parents being able to support their children. The Secretary of Labor is the most important position we have in the Cabinet when it comes to these critical issues, these bread and butter economic issues, whether or not we fulfill our national vow of equality of opportunity, which is all about decent jobs and decent educational opportunities.

I hope that there will be an overwhelming—and I think there will be—vote in support of Alexis Herman. I think, as Senator KENNEDY said, her own journey is inspiring. I think in many ways for an eloquent African-American woman to be Secretary of Labor, with all of the skill she brings to this position and with all the leadership that she can provide on behalf of working families, it is an inspiring story. I think this is an enormous victory not just for one person and not just for people in the African-American community, but really for the country. So I hope we will have a very strong vote for her.

I thank the chair of our committee, Senator JEFFORDS, and I thank Senator KENNEDY and thank in advance all the Senators who I think will vote for her.

I thank the Chair.

Mr. DASCHLE. Mr. President, I am glad we are finally going to consider President Clinton's nominee for Secretary of Labor, Alexis Herman. She deserves a swift confirmation by the United States Senate.

Ms. Herman's contributions during her career in public service and in the private sector are truly impressive and make her uniquely qualified to serve as Secretary of Labor.

Ms. Herman's commitment to bettering the working and living conditions of her fellow Americans began early in her life, with the support and encouragement of her family. Born in segregated Mobile, Alabama, Ms. Herman grew up in a family dedicated to the struggle for civil rights. Her father, a mortician, sued the Democratic Party to make it more inclusive and became one of Alabama's first black party officials.

After graduating from Louisiana's Xavier University, Herman went back home to Mobile to help desegregate her Catholic high school. She also worked in Pascagoula, MS, the hometown of Senator LOTT, helping unskilled workers get jobs in the shipyards.

Ms. Herman came to Washington in 1977 to work in the Labor Department with Secretary Ray Marshall, where she headed the women's bureau. After working for Secretary Marshall, Ms. Herman entered the private sector, forming her own consulting firm to advise businesses on marketing and minority hiring.

In 1988, Herman joined the Rev. Jesse Jackson's second presidential campaign, where she met Ron Brown.

With Ron Brown, Ms. Herman worked on President Clinton's 1992 campaign, and was chief executive officer of the Democrats' 1992 convention in New York. After President Clinton was elected in 1992, she became head of the White House public liaison office.

Alexis Herman combines graciousness with toughness in a way that allows her to bring diverse groups together and build consensus, promote understanding, and resolve conflicts. It is no surprise that, as they have gotten to know her, more and more individuals, and more and more organizations and institutions, have come to support her nomination. She has strong support from a broad political spectrum, including the business, labor, and civil rights communities, all of whom she has served during her impressive career.

It is a testament to her success in building bridges between communities, helping working people, and remaining true to her principles that the people back home have not forgotten her. The Alabama Legislature passed a resolution urging her confirmation, and many Alabamians came to Washington for her hearing.

Alexis Herman has demonstrated her abilities to serve as Labor Secretary

over the course of her impressive career. I look forward to working with her upon her confirmation, which, I trust, will be accomplished today.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute 50 seconds.

Mr. JEFFORDS. Is there any time remaining on the minority side?

The PRESIDING OFFICER. The Senator has 52 seconds.

Mr. KENNEDY. Mr. President, I would like to use the last minute to thank a number of our staff. They have worked exceedingly hard during the course of this nomination. We are enormously grateful to them: Mark Childress, Jeff Huang, Brian Lee, Susan Green, Stephanie Williams, and Nick Littlefield. I know that Senator JEFFORDS will recognize his own staff, but we want to thank as well Mark Powden very much, and Scott Giles. They worked very closely with Todd Stern at the White House, and all of them deserve great thanks. They were of enormous help and assistance not only to Alexis Herman but to all the members of the committee, and we are grateful as always for their skill and their commitment to this institution.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I first of all want to thank the majority leader and majority whip for the expeditious way they have handled the resolution with respect to the Executive order. I know they dedicated the time necessary to make sure this got done as efficiently and as effectively as possible so we could move this nomination along.

I also want to thank the members of my committee, especially the Senator from Massachusetts [Mr. KENNEDY] for the way they controlled themselves and were able to, after a rather extensive amount of time required to fully review the nominee's record, bring this nomination before the body today. And of course, as Senator KENNEDY mentioned, I cannot tell anyone how hard the staff worked on this particular nomination, probably harder than any other nomination at least in my memory, especially Ted Verheggen and Scott Giles of the majority as well as the minority staff, especially Mark Childress, whom Senator KENNEDY mentioned. This took undue hours of committee staff time as well as members to review all of the material that was available.

I am pleased now that we have brought this to a conclusion. I would point out that the Labor Committee was unanimous in its vote with respect to nominee, and I urge all Members to support a woman who I know will bring real credit to the office of the Secretary of Labor.

Mr. President, I yield back the remainder of time and ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Alexis M. Herman to be Secretary of Labor. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from New York [Mr. MOYNIHAN] are necessarily absent.

I further announce that, if present and voting, the Senator from New York [Mr. MOYNIHAN] would vote ''aye''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 85, nays 13, as follows:

[Rollcall Vote No. 54 Ex.]

YEAS—85

| | | |
|---|---|---|
| Abraham | Enzi | Lott |
| Akaka | Feingold | Mack |
| Ashcroft | Feinstein | McCain |
| Baucus | Ford | McConnell |
| Bennett | Frist | Mikulski |
| Biden | Glenn | Moseley-Braun |
| Bingaman | Gorton | Murkowski |
| Bond | Graham | Murray |
| Boxer | Grams | Nickles |
| Breaux | Grassley | Reed |
| Brownback | Gregg | Reid |
| Bryan | Harkin | Robb |
| Bumpers | Hatch | Rockefeller |
| Burns | Hollings | Roth |
| Byrd | Hutchinson | Santorum |
| Chafee | Hutchison | Sarbanes |
| Cleland | Jeffords | Sessions |
| Coats | Johnson | Shelby |
| Cochran | Kempthorne | Smith (OR) |
| Collins | Kennedy | Snowe |
| Conrad | Kerrey | Specter |
| Coverdell | Kerry | Stevens |
| D'Amato | Kohl | Thurmond |
| Daschle | Kyl | Torricelli |
| DeWine | Landrieu | Warner |
| Dodd | Lautenberg | Wellstone |
| Domenici | Leahy | Wyden |
| Dorgan | Levin | |
| Durbin | Lieberman | |

NAYS—13

| | | |
|---|---|---|
| Allard | Hagel | Smith (NH) |
| Campbell | Helms | Thomas |
| Craig | Inhofe | Thompson |
| Faircloth | Lugar | |
| Gramm | Roberts | |

NOT VOTING—2

| | |
|---|---|
| Inouye | Moynihan |

The nomination was confirmed.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am delighted that this unconscionable delay has ended and Alexis Herman has, at long last, been confirmed as Secretary of Labor. It was a mistake for the Republican leadership to hold her nomination hostage on a separate labor issue.

The compromise on that issue is entirely satisfactory. President Clinton gave up nothing substantial. Project labor agreements will be considered and given important new emphasis by all Federal agencies on appropriate Federal construction projects.

I look forward to working closely with Secretary Herman on the wide range of issues important to working families and communities across America.

The big winners today are these working families. Alexis Herman will do an excellent job speaking for them.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio.

## ANOTHER AVOIDABLE TRAGEDY

Mr. DEWINE. Mr. President, last Saturday's Washington Post told the story of a devastating, but avoidable, tragedy. It is the story of a little 5-year-old boy in Montgomery County, MD, who was locked in his bedroom for 22 hours a day, tied to his bed with a cat leash. This little boy's mouth was taped shut, his hands and his feet were bound together. Little Richard Holmes suffered the kind of abuse that no child in this country, or anywhere, ought to suffer.

That there are 3 million reports of child abuse in America every year is a tragedy, but there is an even deeper tragedy in cases like that of Richard Holmes. It is the tragedy of a system that tries too hard to keep some families together when they are families in name only.

According to the story in the Washington Post, Richard's grandmother and his aunt complained to Montgomery County child protection services that Richard was being abused. They made this complaint last year, describing to county officials how Richard was returning home from visits to his father famished and with bite marks—bite marks—on his arms. Their complaints were ignored. In fact, they were accused of being troublemakers. Richard's father and his girlfriend are now

in prison on child abuse charges. This is not new territory for Richard's father, who was sentenced to 2 years probation back in 1992 after his neglect of Richard came to the court's attention the first time.

Mr. President, what on Earth was this little child, this little boy, doing back in his father's custody? It is easy to fault the child protection services to say that they should have done more, and they should have. What I would like to stress today is that those of us in the U.S. Senate should do more.

As I have discussed on this floor on numerous occasions, too often child protective services feel themselves hemmed in by a misinterpretation of a law that was passed by this Congress in 1980. Under the Federal Child Welfare Act, for a State to be eligible for Federal matching funds for foster care expenditures, the State must have a plan for the provision of child welfare services approved by the Secretary of HHS. The State plan must provide ''that in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home.''

In other words, no matter what the particular circumstances of a household may be, the State must make reasonable efforts to keep that family together and to put it back together after it falls apart.

There is strong evidence to suggest that in practice, throughout the 50 States, reasonable efforts have become extraordinary efforts, efforts to keep families together sometimes at all costs and sometimes to the detriment of these children.

I believe that the sad story of Richard Holmes is a very eloquent case in point. So is the story of a little Ohio girl named Jenny Lynn. She is only 3 years old, and she has already been in eight foster homes. Let me repeat that, 3 years old and this poor child has already been in eight foster homes. One set of foster parents after another have given her up because they are not likely to ever be awarded permanent custody, not likely ever to be able to adopt her. She now reacts with panic, understandably, whenever she sees trash bags. You see, every time she is moved, her clothes, her possessions are moved in trash bags. Now when she sees trash bags, she is afraid that she is being moved once again.

Why, Mr. President, is she being moved? Why is this little 3-year-old being moved time and time again? Because the county, Mr. President, is still trying to reunify her family in this case, still trying to reunify her with her parents. The problem is, nobody knows where her parents are. Meanwhile, she will continue—I guess until they are found—to be shuttled back and forth, back and forth, from foster home to foster home.

This child, this little 3-year-old, is being deprived of what all children deserve: Stability, love, loving parents, a home. She is being deprived of her childhood.

Mr. President, you do not need to be an expert on child development to know that that kind of childhood will not help Jenny Lynn grow up to be a happy adult. Frankly, the whole situation is absurd. And I believe we need to do everything we can to make this kind of nightmare occur less frequently in this country.

Today, our friends in the House of Representatives passed legislation—the Camp-Kennelly bill—that will help us avoid this kind of tragedy. Mr. President, the Senate should do likewise. I have been working on similar legislation here in the Senate, legislation sponsored by Senator CHAFEE, Senator ROCKEFELLER, and other Members of this body, legislation to make it plain that the health and safety of children is and ought to be the primary concern of child protective services.

Mr. President, we are building a bipartisan consensus in support of this idea. The case of Richard Holmes ought to remind us that there are a lot of kids out there who need our help. We should not delay any longer.

Again, Mr. President, the action of the House of Representatives today is great news. I look forward to moving our bill on the Senate floor, the Chafee-Rockefeller bill, which among other provisions contains this ''reasonable efforts'' language to clarify what we all really know and what we all believe and what I am sure Congress meant in 1980, and that is, while we should always try to reunify families, the best interests of the child, the safety of the child, the welfare of the child always—always—must be of paramount concern.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING APRIL 25

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending April 25, the U.S. imported 7,983,000 barrels of oil each day, 69,000 barrels less than the 8,052,000 imported during the same week a year ago.

While this is one of the few weeks that Americans imported less oil than the same week a year ago, Americans still relied on foreign oil for 55.5 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,983,000 barrels a day.

## ERASE THE HATE DAY

Mr. BAUCUS. Mr. President, I rise today to commend the Senate for passing a piece of legislation this morning that designates today, National Erase the Hate and Eliminate Racism Day. The legislation we passed this morning also calls on President Clinton to issue a proclamation urging all Americans to use each day as an opportunity to take a stand against racism and hate.

In 1964, Mike Mansfield of Montana, then majority leader of the U.S. Senate, ushered through this body the landmark Civil Rights Act. His national foresight and courage in those years was widely praised in the press and by his peers. As one colleague said upon Senator Mansfield's retirement, ''The distinguished majority leader votes his convictions and lets the chips fall where they will.''

In the last several years, however, Montanans of a different generation have come under the microscope of less favorable scrutiny. The reputation of Montana as a State of forward-thinkers and tolerant individuals was marred by the standoff between the FBI and the so-called Freemen outside Jordan, and a series of hate crimes in some of our cities.

Make no mistake, it is important for the media and others to focus on these events, whether they occur in Montana or elsewhere. But equally, if we are to learn from them, then we also need to listen to the stories of hope, of the people who are willing to stand up to bigots and hate groups.

Because those stories are happening all the time in Montana. Whether it is a community like Billings that stands up to a group of skinheads, or a Missoula high school class that devotes an entire project to studying the Holocaust.

It was in this spirit and with the strong support of the YWCA of America, the Anti-Defamation League, and the USA Network, that I cosponsored the legislation that designated today as National Erase the Hate and Eliminate Racism Day.

There is no doubt that we have come a long way as a nation. But with 8,000 hate crimes reported to the U.S. Department of Justice each year, it is clear we still have much more work to do.

In addition to taking a day to recognize the importance of the fight, we must continue to support groups like the Northwest Coalition Against Malicious Harassment, the Montana Human

Rights Network, the Leadership Conference on Civil Rights, and the many other groups and individuals who continue this work every day.

In fact, many of those involved in this arena are now urging President Clinton to convene a White House conference on the issue. They have my strong support in their request. Surely, what we can do to encourage voluntarism, we must do to end hate.

I know a simple Senate resolution, or even a national conference, will not end the problems we still have. A piece of paper alone cannot teach a child that hate is wrong. But I do believe a piece of paper can make people think. A conference will not end intolerance. But it can make people talk about hate crimes. Designating today as a day to address these important problems is a first step and it can light a spark of hope in people's hearts and minds.

Again, perhaps our predecessor in the Senate, Mr. Mansfield, when speaking about the task in 1964, said it best when he noted,

> What we do here in the . . . Congress will not, of itself, correct these faults, but we can and must join the wisdom—the collective wisdom of this body—to the efforts of others in this Nation to face up to them for what they are—a serious erosion of the fundamental rock upon which the unity of the Nation stands.

Tolerance and respect are our nation's bedrock. Today we can join together to renew the fight for a better America. And if we continue to look at the good, courageous, decent things our neighbors are doing, the sparks of hope we light just might catch fire, in Montana and all across the country.

## MESSAGES FROM THE HOUSE

At 2:49 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 363. An act to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program.

H.R. 680. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

H.R. 1048. An act to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes.

H.R. 1342. An act to provide for a one-year enrollment in the conservation reserve of land covered by expiring conservation reserve program contracts.

The message also announced that the House has passed the following bill, without amendment:

S. 305. An act to authorize the President to award a gold medal on behalf of the Congress to Francis Albert ''Frank'' Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes.

## MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 363. An act to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program; to the Committee on Energy and Natural Resources.

H.R. 680. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families; to the Committee on Governmental Affairs.

H.R. 1048. An act to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Finance.

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1342. An act to provide for a one-year enrollment in the conservation reserve of land covered by expiring conservation reserve program contracts; to the Committee on Agriculture, Nutrition, and Forestry.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1765. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report on abnormal occurrences for fiscal year 1996; to the Committee on Environment and Public Works.

EC–1766. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule (FRL5814–3) received on April 29, 1997; to the Committee on Environment and Public Works.

EC–1767. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, a draft of proposed legislation entitled ''The Appalachian Regional Development Act Amendments of 1997''; to the Committee on Environment and Public Works.

EC–1768. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules including a rule entitled ''Approval and Promulgation of Redesignation'' (FRL5578–3, 5818–8, 5815–2) received on April 29, 1997; to the Committee on Environment and Public Works.

EC–1769. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1770. A communication from the Vice Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing recordkeeping and reporting by political committees; to the Committee on Rules and Administration.

EC–1771. A communication from the Vice Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations relative to civil monetary penalties; to the Committee on Rules and Administration.

EC–1772. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, two rules including a rule entitled ''Garbage'' (RIN0579–AA73) received on April 25, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1773. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled ''Amendment to Cotton Board Rules'' received on April 29, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1774. A communication from the Acting Under Secretary of Agriculture for Food, Nutrition, and Consumer Services, transmitting, pursuant to law, a rule entitled ''Child Nutrition'' (RIN0584–AC07) received on April 29, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 7. A bill to establish a United States policy for the deployment of a national missile defense system, and for other purposes (Rept. No. 105–15).

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 672. An original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 105–16).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MACK (for himself, Mr. LEVIN, Mr. NICKLES, Mr. THURMOND, Mr. GRAHAM, Mr. INHOFE, Mr. COATS, Mr. KYL, Mr. MCCAIN, Mr. ABRAHAM, and Mr. DEWINE):

S. 667. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 668. A bill to increase economic benefits to the United States from the activities of cruise ships visiting Alaska; to the Committee on Commerce, Science, and Transportation.

By Mr. COVERDELL (for himself and Mr. CLELAND):

S. 669. A bill to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. HATCH, Mr. DEWINE, and Mr. DURBIN):

S. 670. A bill to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 671. A bill to clarify the family violence option under the temporary assistance to needy families program; to the Committee on Finance.

By Mr. STEVENS:

S. 672. An original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BREAUX (for himself and Mr. HATCH):

S. 673. A bill to amend the Internal Revenue Code of 1986 and Employee Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. BREAUX, Ms. COLLINS, Ms. SNOWE, Mr. BINGAMAN, Mr. HATCH, Mr. KENNEDY, Mr. KERREY, Mr. DODD, Mr. KERRY, Mr. D'AMATO, Mr. BRYAN, Mr. BAUCUS, Mr. ROBB, Mr. HUTCHINSON, Mr. INOUYE, Mr. SPECTER, Mr. DASCHLE, Ms. MOSELEY-BRAUN, and Mr. MOYNIHAN):

S. 674. A bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 80. A resolution expressing the sense of the Senate regarding Department of Defense plans to carry out three new tactical fighter aircraft programs concurrently; to the Committee on Armed Services.

By Mr. CAMPBELL:

S. Res. 81. A resolution expressing the sense of the Senate regarding the political and economic importance of the Denver Summit of Eight and commending the State of Colorado for its outstanding efforts toward ensuring the success of this historic event; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself, Mr. LEVIN, Mr. NICKLES, Mr. THURMOND, Mr. GRAHAM, Mr. INHOFE, Mr. COATS, Mr. KYL, Mr. MCCAIN, Mr. ABRAHAM, and Mr. DEWINE):

S. 667. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

THE TRANSPORTATION EMPOWERMENT ACT

● Mr. MACK. Mr. President, today I am introducing bipartisan legislation which would allow States to keep almost all of their gas tax revenues for their own transportation projects without interference from Washington.

The Transportation Empowerment Act—which being re-introduced in the House by Representative JOHN KASICH—would replace the current law governing the Federal highways program, the Intermodal Surface Transportation Efficiency Act [ISTEA].

Under ISTEA, Washington currently collects about $25 billion each year in dedicated transportation taxes, skims money off the top for demonstration projects, skims more off the top to fund its highway bureaucracy, runs the remainder through a maze of formulas, and then returns what's left to the States to fund their transportation programs.

However, this circle of waste, has shortchanged our Nation's transportation infrastructure. Today, notwithstanding the tremendous growth in spending, our Nation's transportation investment backlog is estimated to be at least $200 billion. This backlog includes the following deficiencies: 25 percent of our highways are in poor/mediocre condition; 24 to 28 percent of bridges are structurally deficient/functionally obsolete; 24 percent of rail transit facilities are in substandard/poor condition; and 20 to 24 percent of transit buses need to be replaced.

The fact is that our country is getting less from our transportation dollars. Part of the reason for this is reflected in the growth of administrative costs. These costs, as a function of Federal highway construction dollars, have risen from 7 percent in 1956 to over 21 percent today.

The history of the Federal program has shown us that the current system [ISTEA] of collecting and distributing gas tax dollars needed by States to implement their own transportation needs is too inefficient, too costly, and too bureaucratic. Washington simply can't meet the challenges facing the Nation's infrastructure.

Simply put: The era of big Government is over. And in this era, the highway system is a perfect example of a program that ought to be returned to the States. It's a simple formula for success—less Washington, more roads. In fact, transportation economists and State officials estimate that if States weren't hamstrung by Washington's arcane formulas and mandates, they could get 20 percent more highways and transit systems for every dollar collected.

I have introduced the Transportation Empowerment Act because I believe we can better serve our Nation's transportation needs primarily through State run transportation programs, without Federal micromanagement and without laundering gas tax dollars through Washington.

KEY PROVISIONS OF THE TRANSPORTATION EMPOWERMENT ACT

The legislation continues a streamlined ''core'' Federal program. This core Federal transportation program will include the maintenance of the current Interstate System, Federal lands programs—Indian reservation roads, public lands, parkways and park roads—highway safety programs and emergency disaster relief. Also included is continued general fund support for transit programs.

The bill authorizes States to establish multistate compacts for planning, financing, and establishing safety and construction standards, and encourages innovative approaches on the part of the States, such as use of infrastructure banks and privitization. The bill repeals the requirement that States repay Federal grants associated with transportation infrastructure which is slated for privatization.

The legislation provides a 4-year transition period, beginning in fiscal year 1998, during which time the existing 14 cents gas tax dedicated to transportation purposes would remain in place. After funding the new streamlined core program and paying off outstanding bills, the remainder is returned to States in a block grant.

At the end of the transition period, beginning in fiscal year 2002, the Federal gas tax would be reduced to 2 cents—that amount necessary to fund the core Federal programs.

Under the bill each State would be free to replace the Federal gas tax and to keep those dollars within the State to use as each sees fit.

The bottom line is this—for far too long Washington has had a stranglehold on States' transportation needs. It's time for Washington to let go and re-empower the States to make their own decisions.

More information about the Transportation Empowerment Act is available via the Internet at www.senate.gov/~mack/tea2.html.●

By Mr. MURKOWSKI:

S. 668. A bill to increase economic benefits to the United States from the activities of cruise ships visiting Alaska; to the Committee on Commerce, Science, and Transportation.

BENEFITS FROM CRUISE SHIPS VISITING ALASKA LEGISLATION

Mr. MURKOWSKI. Today, Mr. President, I am reintroducing a very important measure—one that will unlock and open a door that Congress has kept barred for over 100 years.

Opening that door will create a path to thousands of new jobs, to hundreds of millions of dollars in new economic activity, and to millions in new Federal, State, and local government revenues. Furthermore, Mr. President, that door can be opened with no adverse impact on any existing U.S. industry, labor interest, or on the environment, and it will cost the Government virtually nothing.

There's no magic to this; in fact, it's a very simple matter. My bill merely allows U.S. ports to compete for the growing cruise ship trade to Alaska, and encourages the development of an all-Alaska cruise business, as well.

The bill amends the Passenger Service Act to allow foreign cruise ships to operate from U.S. ports to Alaska, and between Alaska ports. However, it also very carefully protects all existing U.S. passenger vessels by using a definition of ''cruise ship'' designed to exclude any foreign-flag vessels that could conceivably compete in the same market as U.S.-flag tour boats or ferries. Finally, it provides a mechanism to guarantee that if a U.S. vessel ever enters this trade in the future, steps will be taken to ensure an ample pool of potential passengers.

Mr. President, this is a straightforward approach to a vexing problem, and it deserves the support of this body.

Let's look at the facts. U.S. ports currently are precluded from competing for the Alaska cruise ship trade by the Passenger Service Act of 1886, which bars foreign vessels from carrying passengers on one-way voyages between U.S. ports. However, it isn't 1886 anymore. These days, no one is building any U.S. passenger ships of this type, and no one has built one in over 40 years.

Because there are no U.S. vessels in this important trade, the only real effect of the Passenger Service Act is to force all the vessels sailing to Alaska to base their operations in a foreign port instead of a U.S. city.

Mr. President, what we have here is an act of Congress prohibiting U.S. cities from competing for thousands of jobs and hundreds of millions in business dollars. That is worse than absurd—in light of our ever-popular election-year promises to help the economy, it belongs in Letterman's ''Top Ten Reasons Why Congress Doesn't Know What It's Doing.''

How, Mr. President, can anyone argue with a straight face for the continuation of a policy that fails utterly to benefit any identifiable American interest, while actively discouraging economic growth.

Mr. President, this is not the first time I have introduced this legislation. When I began, Alaska-bound cruise passengers totaled about 200,000 per year. By last year, 445,000 people—most of them American citizens—were making that voyage. This year's traffic may exceed 500,000 people. Almost all those passengers are sailing to and from Vancouver, British Columbia—not because Vancouver is necessarily a better port, but because our own foolish policy demands it.

The cash flow generated by this trade is enormous. Most passengers fly in or out of Seattle-Tacoma International Airport in Washington State, but because of the law, they spend little time there. Instead, they spend their pre- and post-sailing time in a Vancouver hotel, at Vancouver restaurants and in Vancouver gift shops. And when their vessel sails, it sails with food, fuel, general supplies, repair and maintenance needs taken care of by Vancouver vendors.

According to some estimates the city of Vancouver receives benefits of well over $200 million per year. Others provide more modest estimates, such as a comprehensive study by the International Council of Cruise Lines, which indicated that in 1992 alone, the Alaska cruise trade generated over 2,400 jobs for the city of Vancouver, plus payments to Canadian vendors and employees of over $119 million. If that business had taken place inside the United States, it would have been worth additional Federal, State and local tax revenues of approximately $60 million.

In addition to the opportunities now being shunted to Vancouver, we are also missing an opportunity to create entirely new jobs and income through the potential to develop new cruising routes between Alaska ports. The city of Ketchikan, AK, was told a few years ago that two relatively small cruise ships were very interested in establishing short cruises within southeast Alaska. I'm told such a business could have contributed $2 million or more to that small community's economy, and created dozens of new jobs. But, because of the current policy, the opportunity simply evaporated.

Why, Mr. President, do we allow this to happen? This is a market almost entirely focused on U.S. citizens going to see one of the United States most spectacular places, and yet we force them to go to another country to do it. We are throwing away both money and jobs—and getting nothing whatsoever in return.

Why is this allowed to happen? The answer is simple—but it is not rational. Although the current law is actually a job loser, there are those who argue that any change would weaken U.S. maritime interests. I submit, Mr. President, that is not the case.

For some inexplicable reason, paranoia runs deep among those who oppose this bill. They seem to feel that amending the Passenger Service Act so that it makes sense for the United States would create a threat to Jones Act vessels hauling freight between U.S. ports. Mr. President, there simply is no connection whatsoever between the two. I have repeatedly made clear that I have no intention of using this bill to create cracks in the Jones Act.

This bill would actually enhance—not impede—opportunities for U.S. workers. Both shipyard workers and longshoremen—not to mention hotel and restaurant workers and many others—would have a great deal to gain from this legislation, and the bill has been carefully written to prevent the loss of any existing jobs in other trades.

Finally, let me dispose of any suggestion that this bill might harm smaller U.S. tour or excursion boats. The industry featuring these smaller vessels is thriving, but it simply doesn't cater to the same client base as large cruise ships. For one thing, the tour boats operating in Alaska are all much smaller. The smallest foreign-flag vessel eligible under this limit is Carnival Cruise Line's *Windstar*, which is a 5,700-ton ship with overnight accomodations for 159 passengers. By contrast, although the largest U.S. vessel in the Alaska trade is rated to carry 138 passengers, she is less than 100 gross deadweight tons.

The fact of the matter is that there is no significant competition between the two types of vessel, because the passengers inclined to one are not likely to be inclined to the other. The larger vessels offer unmatched luxury and personal service, on-board shopping, entertainment, etc. The smaller vessels offer more flexible routes and the ability to get closer to many of Alaska's extraordinary natural attractions.

In the spirit of full disclosure, Mr. President, let me acknowledge that there is one operating U.S. vessel that doesn't fit the mold: the *Constitution*, an aging 30,000-ton vessel operating only in Hawaii. This is the only ocean-capable U.S. ship that might fit the definition of ''cruise vessel.'' I have searched for other U.S. vessels that meet or exceed the 5,000-ton limit in the bill, and the only ones I have found that even approach it are the *Delta Queen* and the *Mississippi Queen*, both of which are approximately 3,360 tons, and both of which are 19th century-style riverboats that are entirely unsuitable for any open-ocean itinerary such as the Alaska trade.

Mr. President, I cannot claim that this legislation would immediately lead to increased earnings for U.S. ports. I can only say that it would allow them to compete fairly, instead of being anchored by a rule that is actively harmful to U.S. interests. It is, as I said at the beginning of this statement, only a way to open the door.

We've heard a lot of talk about growing the economy and creating jobs during the last few years. But we all know, Mr. President, that such changes are easier to talk about than they are to accomplish. Well, Mr. President, here is a bill that opens the door to thousands of jobs and hundreds of millions of new dollars, and does it without one red cent of taxpayer money. It's been 110 years since the current law was enacted, and it's time for a change.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 668

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

**SECTION 1. FINDINGS.**

Congress finds the following:

(1) It is in the interest of the United States—

(A) to maximize economic return from the growing trade in cruise ships sailings to and from Alaska by encouraging the use of United States labor, supplies, berthing and repair facilities, and other services, and

(B) to encourage the growth of new enterprises including the transportation of passengers on luxury cruise ships between ports in Alaska.

(2) In promoting additional economic benefits to the United States from the cruise ship industry, there is a need to ensure that existing employment and economic activity associated with the Alaska Marine Highway System, United States-flag tour boats operating from Alaskan ports, and similar United States enterprises are protected from adverse impact.

(3) Cruise ship sailings to Alaska comprise a vital and growing segment of the United States travel industry. Since 1989, the number of tourists coming to Alaska via cruise ships has increased by 86 percent. With almost 500,000 passengers per year, Alaska has become the third most popular cruise destination in the world, after the Caribbean and Europe.

(4) The cruise ship industry is expected to grow at a rate of 15 percent per year over the next several years. In 1996, 7 new cruise ships having a combined capacity to carry over 13,000 passengers entered the market.

(5) The only United States-flag ocean cruise ship in service is an aging vessel operating cruises only between the Hawaiian Islands. No United States-flag cruise ships are presently available to enter the Alaskan trade. Thus, all cruise ships carrying passengers to and from Alaskan destinations are foreign-flag vessels which are precluded, under current law, from carrying passengers between United States ports.

(6) The City of Vancouver, British Columbia receives substantial economic benefit by providing services to cruise ships in the Alaskan trade. In 1996, there were 487 Alaska-related voyages, with over 445,000 passengers, up from 389,000 in 1995. Most of the voyages stopped in Vancouver. Vancouver has benefited from the cruise ship industry through the direct and indirect employment of almost 2,500 people, and through revenues from goods and services of approximately $120,000,000 a year.

(7) The transfer of cruise ship-based economic activity from Vancouver, British Columbia to United States ports could yield additional Federal revenues of nearly $100,000,000 a year and additional State and local government revenues of approximately $30,000,000.

**SEC. 2. FOREIGN-FLAG CRUISE VESSELS.**

(a) DEFINITIONS.—For the purposes of this section:

(1) CRUISE VESSEL.—The term ''cruise vessel'' means a vessel of greater than 5,000 deadweight tons which provides a full range of luxury accommodations, entertainment, dining, and other services for its passengers.

(2) FOREIGN-FLAG CRUISE VESSEL.—The term ''foreign-flag cruise vessel'' does not apply to a vessel which—

(A) regularly carries for hire both passengers and vehicles or other cargo, or

(B) serves residents of their ports of call in Alaska or other ports in the United States as a common or frequently used means of transportation between United States ports.

(b) WAIVER.—Notwithstanding the provisions of section 8 of the Act of June 19, 1886 (46 U.S.C. 289) or any other provision of law, passengers may be transported in foreign-flag cruise vessels between ports in Alaska and between ports in Alaska and other ports on the west coast of the contiguous States, except as otherwise provided by this section.

(c) COASTWISE TRADE.—Upon a showing satisfactory to the Secretary of Transportation, by the owner or charterer of a United States-flag cruise vessel, that service aboard such vessel qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (46 App. U.S.C. 817(e)) for service in the coastwise trade between ports in Alaska or between ports in Alaska and other ports on the west coast of the contiguous States, or both, the Secretary shall notify the owner or charterer of one or more foreign-flag cruise vessels transporting passengers under authority of this section, if any, that the Secretary shall, within 1 year from the date of notification, terminate such service. Coastwise privileges granted to any owner or charterer of a foreign-flag cruise vessel under this section shall expire on the 365th day following receipt of the Secretary's notification.

(d) NOTIFICATION.—Notifications issued by the Secretary under subsection (c) shall be issued to the owners or charterers of foreign-flag cruise vessels—

(1) in the reverse order in which foreign-flag cruise vessels entered the coastwise service pursuant to this section determined by the date of each vessel's first coastwise sailing; and

(2) in the minimum number needed to ensure that the passenger-carrying capacity thereby removed from coastwise service exceeds the passenger-carrying capacity of the United States-flag cruise vessel which is entering the service.

(e) TERMINATION.—If, at the expiration of the 365-day period specified in subsection (c), the United States-flag cruise vessel that has offered or advertised service pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has not entered the coastwise passenger trade between ports in Alaska or between ports in Alaska and other ports on the west coast of the contiguous States, then the termination of service required by subsection (c) shall not take effect until 180 days following the entry into the trade by the United States-flag cruise vessel.

(f) DISCLAIMER.—Nothing in this section shall be construed as affecting or otherwise modifying the authority contained in the Act of June 30, 1961 (46 U.S.C. 289b) authorizing the transportation of passengers and merchandise in Canadian vessels between ports in Alaska and the United States.

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By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. HATCH, Mr. DEWINE, and Mr. DURBIN):

S. 670. A bill to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States; to the Committee on the Judiciary.

TECHNICAL CORRECTIONS LEGISLATION CONCERNING CHILDREN BORN OVERSEAS

Mr. ABRAHAM. Mr. President, I rise to introduce on behalf of myself, Senator KENNEDY, Senator HATCH, Senator DEWINE, and Senator DURBIN, a short, technical bill to correct a drafting error in last year's immigration bill that could wrongly deny U.S. citizenship to certain children born overseas to a U.S.-citizen parent.

To explain the problem addressed by this bill, some background is in order. Prior to 1986, a minor child, born abroad to a U.S.-citizen parent, was eligible for U.S. citizenship if the child's U.S. citizen-parent had physically resided in the United States for at least 10 years prior to the child's birth. The 1986 Immigration bill shortened this residency period to 5 years for children born after its effective date, but perhaps inadvertently retained the 10-year requirement for children born before that date.

This double standard yielded anomalous results: In families where the U.S.-citizen parent had resided in the United States for more than 5 years but less than 10, a younger child—born in, say, 1987—would be eligible for U.S. citizenship, while that child's older sibling—born in, say, 1985—would not be. To eliminate this disparity, the Immigration and Nationality Technical Corrections Act of 1994 amended the relevant provision of the Immigration and Nationality Act to establish a uniform 5-year residency requirement, without regard to the date of the child's birth.

A provision in last year's immigration bill, however, effectively repealed the 1994 amendment described above, thus restoring the prior double standard. There was, of course, no policy basis for this change, and no one has claimed ownership of it. The change appears to have simply been a drafting error in a purely technical section of last year's bill.

This error needs to be corrected without delay. Once a child turns 18, he is no longer eligible to become a U.S. citizen under the Immigration and Nationality Act provision that was affected by the drafting error. Thus, children who turn 18 before this error is corrected will be permanently ineligible to become U.S. citizens under the provision at issue. The longer this error goes uncorrected, the greater the number of children who will be harmed by it.

I therefore hope this bill can be passed without delay or controversy, and I will be working with my colleagues on both sides of the aisle to that end.

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By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 671. A bill to clarify the family violence option under the temporary assistance to needy families program; to the Committee on Finance.

THE FAMILY VIOLENCE OPTION II ACT OF 1997

Mr. WELLSTONE. Mr. President, today I am pleased to be introducing the Family Violence Option II, a bill to clarify the Wellstone/Murray Family violence option Act contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Last summer, Senator MURRAY and I introduced the family violence amendment to the welfare bill to give States the flexibility to identify victims and survivors of domestic abuse and, if necessary, to provide more time to remove the domestic violence barrier so that victims would be able to move into the work force. Our provision was changed to a State option, but that did not change the intent of the legislation.

States helping battered women should not be penalized for not having the requisite number of women at work in a given month if domestic violence is the reason. Most importantly, battered women should not be competing with the myriad people with disabilities that prevent them from working. Abuse victims and survivors may simply need a little more time. That is why the family violence option allows States to grant temporary waivers, not exemptions.

Many States have adopted the family violence option, others, some version of it, but most have had great difficulty figuring out what taking the option would mean. Senator MURRAY and I want to make sure States that take domestic abuse into account when setting work goals will not pay a price. Therefore, this bill makes it clear that victims of domestic abuse will not be counted in the 20 percent hardship exemption and States who grant temporary waivers of work requirements to abuse survivors will not be penalized if they fail to meet their work requirements.

Evidence continues to emerge about the high number of incidents of domestic abuse or a history of abuse among welfare recipients. Most recently, a joint study from the Taylor Institute in Chicago and the University of Michigan confirmed that large numbers of women on AFDC are survivors or current victims. Four recent studies—conducted by Passaic County, NJ, Univ. of Massachusetts, Northwestern University, and the Better Homes Fund in Worcester, MA—document that at least 14 percent—Passaic County, NJ—and as high as 32 percent—Worcester, MA—of women on AFDC were currently being abused. The numbers were more than twice those percentages for a history of abuse.

Given the extent of this problem, it is imperative that States be able to work at a more individualized pace, not a one-size-fits-all approach. I would like to share a story about a woman from Minnesota who has used the safety net of public assistance to free herself and her children from violence, obtain job skills and training, and become self-supporting.

Edith is a woman who has defied the odds. She had her first child at the age of 16. By the time she was in her early twenties, she had become an intravenous drug user, had three more children, and was in an extremely violent relationship. Edith's abuser beat her routinely and savagely, sending her to the emergency room again and again. As Edith says, ''Finally, I realized that to save my life and my mental stability, I had to get away.'' She waited until her abuser had passed out and carefully pried the car keys from his hand and fled Gary, IN, with her young sons.

Edith fled to Minnesota because she had family there. Within months her abuser found her, forcing her to flee to a battered women's shelter. Edith quickly realized that if she was ever going to be able to support her children, she would need to get the educational and job training that she desperately needed. It was at that point that Edith contacted Cornerstone's Transitional Housing Program. Cornerstone is a successful women's advocacy program in Bloomington, MN.

Edith and her children came into the program in 1992. Utilizing educational and vocational resources, Edith entered a vocational program for electricians. While in Cornerstone's Transitional Housing Program, Edith was able to address the many issues that had resulted from her battering, including parenting, bad credit, and chemical dependency, just to name a few. With support of the program staff, Edith completed the apprenticeship and graduated from the Cornerstone program.

I am proud to tell you that Edith will become a licensed electrician this summer. She has just purchased her first home and has set a new goal to become a contractor. Edith would tell you that had she not been given the time and the opportunity to participate in a transitional housing program specifically for battered women, she could not have accomplished all of her goals.

We need to insure that women like Edith have the support system in place to escape abusive situations, make the transition to work, and then stay working. When women can support themselves and their children they can stay away from abusive partners and keep themselves and their families safe. I urge my colleagues to support this important legislation.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 671

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

**SECTION 1. FINDINGS.**

Congress finds that—

(1) the intent of Congress is amending part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112) was to allow States to take into account the effects of the epidemic of domestic violence in establishing their welfare programs, by giving States the flexibility to grant individual, temporary waivers for good cause to victims of domestic violence who meet the criteria set forth in section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 601(a)(7)(B));

(2) the allowance of waivers under such sections was not intended to be limited by other, separate, and independent provisions of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

(3) under section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)), requirements under the temporary assistance for needy families program under part A of title IV of such Act may, for good cause, be waived for so long as necessary.

**SEC. 2. CLARIFICATION OF WAIVER PROVISIONS RELATING TO VICTIMS OF DOMESTIC VIOLENCE.**

(a) IN GENERAL.—Section 402(a)(7) of the Social Security Act (42 U.S.C. 602(a)(7)) is amended by adding at the end the following:

''(C) NO NUMERICAL LIMITS.—In implementing this paragraph, a State shall not be subject to any numerical limitation in the granting of good cause waivers under subparagraph (A)(iii).

''(D) WAIVERED INDIVIDUALS NOT INCLUDED FOR PURPOSES OF CERTAIN OTHER PROVISIONS OF THIS PART.—Any individual to whom a good cause waiver of compliance with this Act has been granted in accordance with subparagraph (A)(iii) shall not be included for purposes of determining a State's compliance with the participation rate requirements set forth in section 407, for purposes of applying the limitation described in section 408(a)(7)(C)(ii), or for purposes of determining whether to impose a penalty under paragraph (3), (5), or (9) of section 409(a).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect as if it had been included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112).

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By Mr. BREAUX (for himself and Mr. HATCH):

S. 673. A bill to amend the Internal Revenue Code of 1986 and Employee Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans; to the Committee on Finance.

THE ESOP PROMOTION ACT OF 1997

Mr. BREAUX. Mr. President, I rise today to introduce a measure that will enhance employee ownership in businesses across America. The ESOP Promotion Act of 1997, which I introduce today with my colleague, Senator HATCH of Utah, will facilitate employee ownership and retirement savings and enhance the opportunities for America's entrepreneurs to gain improved access to capital. This legislation would both improve and update a number of obsolete operating rules for employee stock ownership programs and would implement the full intent of Congress, which last year passed legislation designed to make ESOP's available to Subchapter S corporations.

The ESOP Promotion Act benefits the owners and workers in the 2 million S corporations which exist in every industry in every State across America. As the country's principal corporate vehicle for entrepreneurs and family business startups, S corporations have long been engines of economic growth. Unfortunately, the restrictions placed on these businesses have also resulted, more recently, in reduced capital access for S corporations. For an S corporation which had hit the limit on the number of allowable shareholders or the amount of personal debt that its owners could assume to keep the company in business, there has been a burdensome capital crunch affecting not only these companies directly, but hindering the ability of our entire national economy to realize its growth potential.

Last year, as part of the Small Business Job Protection Act of 1997, Congress enabled S corporations to have

ESOP's. I was proud to be a cosponsor of that measure, which by allowing S corporation ESOP's did two additional, critical things: it gave S corporations a new way to access funds without putting any new burdens on the Federal tax base, and it gave millions of workers a way to participate directly in the success and growth of the businesses which employed them.

But despite the success we marked in 1996, the many S corporations which now want to build ESOP's cannot. The reason: there continues to be a number of largely technical hurdles in the Tax Code that make it difficult, if not impossible, to establish and sustain these employee ownership programs.

One example of such a hurdle, is that, under current law, if an S corporation's ESOP distributes stock to its employee participants, and even one employee rolls over his stock into an entity that is not a permissible S corporation shareholder—say, an IRA account—then the company's Subchapter S election will be entirely invalidated. This, of course, is a risk that no S corporation is willing to take, and while the problem seems minor and technical on its face, no S corporation will establish an ESOP under these conditions.

Another example of a technical disincentive is that, while S corporations were established in the 1950's as pass-through companies which pay a single layer of taxes, the S corporation ESOP would have to pay two layers of tax—one when the S corporation distributes stock to the ESOP, and the other when the ESOP distributes stock or cash to its participants. The second layer of tax was certainly not envisioned by Congress when we permitted S corporations to have ESOP's last year. Unfortunately, in its current form, this technicality means that an S corporation ESOP participant would pay a nearly 70 percent greater tax on his share of income than he would if he owned the company's stock directly. As such, S corporation ESOP's are not yet viable for employees, though we certainly intended that they would be when we established them.

The legislation that we are introducing eliminates these and other technical problems by establishing parity between ESOP's sponsored by S corporations and those sponsored by C corporations; ensuring S corporation ESOP participants that they are subject to only one layer of taxation; and permitting employees to sell certain stock to an ESOP and defer tax on gain.

In addition to the important S corporation measures in the legislation, the ESOP Promotion Act would improve the retirement savings opportunities for American workers. The bill would give employees the option to direct employers to retain dividends paid on employer stock in the ESOP/401(k) plan for reinvestment in the employer stock. Employees could then defer income taxes on the dividends and allow them to grow tax-free in their ESOP/401(k) plan until retirement.

The bill would also correct an inequity to workers in the current tax law which provides an incentive for employers to pay the dividends to employees in cash, rather than to reinvest them in the ESOP/401(k) plan. Employers currently receive a tax deduction for dividends paid on stock held in the ESOP/401(k) plan only if the dividends are passed through to plan participants or are used to pay off an ESOP loan. The ESOP Promotion Act would provide employers with the tax deduction they currently receive on dividends paid on employer stock that is passed through to plan participants, if the dividends instead remain in the plan for reinvestment. This reinvestment opportunity for employees will enhance their retirement savings and facilitate employee ownership.

Congress now has a responsibility for finishing the task we began last year—one that, perhaps, many of us believed we had completed—when we agreed that S corporations should have ESOP's and enacted a law to that effect. Our bill completes the task by making ESOP's useful and desirable for the millions of workers in S corporations, while ensuring that they are suitable for the companies that wish to sponsor ESOP's. Clearly when Congress enacted the S corporation ESOP provision, we expected that it would be functional by its effective date, which is January 1, 1998. I hope that my colleagues will support our legislation, and ensure that our intent is fully implemented by the end of this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 673

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''ESOP Promotion Act of 1997''.

**SEC. 2. PROVISIONS RELATING TO S CORPORATIONS ESTABLISHING EMPLOYEE STOCK OWNERSHIP PLANS.**

(a) REPEAL OF PROVISION MAKING CERTAIN ESOP BENEFITS INAPPLICABLE TO S CORPORATIONS.—Section 1316(d) of the Small Business Job Protection Act of 1996 is repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by such section had not been enacted.

(b) REPEAL OF APPLICATION OF UNRELATED BUSINESS INCOME TAX.—Section 512(e) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''described in section 1361(c)(7)'' in paragraph (1) and inserting ''described in section 501(c)(3) and exempt from taxation under section 501(a)'', and

(2) by inserting ''CHARITABLE ORGANIZATIONS HOLDING STOCK IN'' after ''APPLICABLE TO'' in the heading.

(c) ESOPS ALLOWED TO DISTRIBUTE CASH RATHER THAN STOCK.—

(1) IN GENERAL.—Section 409(h)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(8) PLAN MAINTAINED BY S CORPORATION.—In the case of a plan established and maintained by an S corporation which otherwise meets the requirements of this subsection or section 4975(e)(7), such plan shall not be treated as failing to meet the requirements of this subsection or section 401(a) merely because it does not permit a participant to exercise the right described in paragraph (1)(A) if such plan provides that the participant entitled to a distribution from the plan shall have a right to receive the distribution in cash.''

(2) CONFORMING AMENDMENTS.—Section 409(h)(2) of such Code is amended—

(A) by striking ''A plan'' and inserting:

''(A) IN GENERAL.—A plan'', and

(B) by striking ''In the case of an employer'' and inserting:

''(B) PLANS RESTRICTED BY CHARTER OR BYLAWS.—In the case of an employer''.

(d) EXEMPTIONS FROM PROHIBITED TRANSACTION RULES AVAILABLE TO ESOPS AND SHAREHOLDER EMPLOYEES.—The last sentence of section 408(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)) is amended by striking all that precedes ''a participant or beneficiary'' and inserting ''For purposes of this subsection,''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

**SEC. 3. AMENDMENTS RELATED TO SECTION 1042.**

(a) EXTENSION OF SECTION 1042 PRINCIPLES TO STOCK RECEIVED AS COMPENSATION FOR SERVICES.—

(1) IN GENERAL.—Section 83 of the Internal Revenue Code of 1986 (relating to property transferred in connection with performance of services) is amended by adding at the end the following new subsection:

''(i) EXCEPTION FOR TRANSFERS OF QUALIFIED SECURITIES SOLD TO EMPLOYEE STOCK OWNERSHIP PLANS.—

''(1) EXCLUSION FROM INCOME.—Subsections (a) and (b) shall not apply to, and no amount shall be includible in gross income with respect to, the transfer of any qualified security (as defined in section 1042(c)(1)) in connection with the performance of services if, and to the extent that, within 60 days after the event which would cause the recognition of income pursuant to subsection (a) or (b) but for this subsection, the transferee sells such qualified security to an employee stock ownership plan (as defined in section 4975(e)(7)) and the requirements of section 1042(a) are met with respect to such sale.

''(2) NO DEDUCTION BY EMPLOYER.—Notwithstanding the provisions of subsection (h), the person for whom the services were performed in connection with which any qualified security is transferred shall not be entitled to a deduction with respect to such transfer if, and to the extent that, paragraph (1) applies to such transfer.''

(2) CONFORMING AMENDMENTS.—

(A) Section 424(c)(1) of such Code is amended by striking ''or'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', or'', and by adding at the end the following new subparagraph:

''(D) a sale to which section 1042 applies.''

(B) Section 1042(a) of such Code is amended—

(i) by striking ''which would be recognized as long-term capital gain'' from the first sentence thereof, and

(ii) by adding at the end the following new sentence: ''Any gain which is recognized after the application of the preceding sentence shall be treated as ordinary income to the extent of the lesser of the amount of such gain or the amount which would have been treated as ordinary income but for this section.''

(C) Section 1042(b)(4) of such Code is amended by adding at the end the following

new sentence: ''The requirements of the preceding sentence shall not apply to qualified securities received by the taxpayer in a transfer to which section 83 or 422 applied (or to which section 422 or 424 (as in effect on the day before the date of enactment of the Revenue Reconciliation Act of 1990) applied).''

(D) Section 1042(c)(1)(B) of such Code is amended to read as follows:

''(B) were not received by the taxpayer in—

''(i) a distribution from a plan described in section 401(a), or

''(ii) a transfer pursuant to a right to acquire stock to which section 423 applied.''

(E) The first sentence of section 1042(d) of such Code is amended to read as follows: ''The basis of the taxpayer in qualified replacement property purchased by the taxpayer during the replacement period shall be reduced by the amount of gain not recognized by virtue of such purchase, taking into account the application of subsection (a) and, if applicable, the application of section 83(i) or section 424(c)(1)(D).''

(F) Section 1042(e)(1) of such Code is amended to read as follows:

''(1) IN GENERAL.—If a taxpayer disposes of any qualified replacement property, then, notwithstanding any other provision of this title, gain (if any) shall be recognized to the extent of the gain which was not recognized by reason of the acquisition by such taxpayer of such qualified replacement property, taking into account the application of subsection (a) and, if applicable, the application of section 83(i) or 424(c)(1)(D). Such gain shall be treated as ordinary income to the extent of the excess (if any) of the amount which would have been treated as ordinary income but for the application of such sections over the amount treated as ordinary income under the last sentence of subsection (a).''

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to sales of qualified securities on or after the date of the enactment of this Act.

(b) MODIFICATION TO 25-PERCENT SHAREHOLDER RULE.—

(1) IN GENERAL.—Section 409(n)(1)(B) of such Code is amended to read as follows:

''(B) for the benefit of any other person who owns (after the application of section 318(a)) more than 25 percent of—

''(i) the total combined voting power of all classes of stock of the corporation which issued such employer securities or of any corporation which is a member of the same controlled group of corporations (within the meaning of subsection (l)(4)) as such corporation, or

''(ii) the total value of all classes of stock of any such corporation.''

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

**SEC. 4. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.**

(a) IN GENERAL.—Section 404(k)(2)(A) of the Internal Revenue Code of 1986 (defining applicable dividends) is amended by striking ''or'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) is, at the election of such participants or their beneficiaries—

''(I) payable as provided in clause (i) or (ii), or

''(II) paid to the plan and reinvested in employer securities, or''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

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By Mr. CHAFEE (for himself, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. BREAUX, Ms. COLLINS, Ms. SNOWE, Mr. BINGAMAN, Mr. HATCH, Mr. KENNEDY, Mr. KERREY, Mr. DODD, Mr. KERRY, Mr. D'AMATO, Mr. BRYAN, Mr. BAUCUS, Mr. ROBB, Mr. HUTCHINSON, Mr. INOUYE, Mr. SPECTER, Mr. DASCHLE, Ms. MOSELEY-BRAUN, and Mr. MOYNIHAN):

S. 674. A bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs; to the Committee on Finance.

CHILDREN'S HEALTH INSURANCE PROVIDES SECURITY (CHIPS) ACT

Mr. CHAFEE. Mr. President, I am very pleased today to introduce legislation to provide health insurance for millions of children who are not currently covered. Before I talk about the bill, let me take a moment to thank all of the members of the bipartisan coalition who have worked so hard to put this legislation together. Senator ROCKEFELLER, the lead Democratic cosponsor and my colleague on the Finance Committee, deserves very special mention in this regard. Senator ROCKEFELLER has worked for many, many years on these issues and I am personally grateful for all his leadership and hard work in this endeavor. He is a true hero when it comes to America's children.

There are currently 10 million children in this country who do not have health insurance. Many of these children live in families where one or both parents are working but do not have employee coverage and earn too much to qualify for Medicaid. Others, though eligible, simply fall through the cracks, while still others lose eligibility because of age-based restrictions. This is a tragic problem and our proposal tries to provide real solutions.

The Chafee-Rockefeller proposal offers the States additional Federal matching funds if they choose to provide Medicaid coverage to all children up to 150 percent of the Federal poverty level. It is a completely voluntary program—we hope that all States will participate, but we leave that decision to the Governors. States, like Rhode Island, that are already providing coverage at these levels will immediately begin to get additional Federal matching funds once they have provided the 1-year continuous coverage. Our bill also provides grant funds for States to use for outreach to the 3 million children who are eligible for Medicaid but not enrolled.

I believe that the Medicaid Program is the best avenue to reach these uninsured children. Expansions in the Medicaid Program over the years have done wonders in increasing coverage for children and pregnant women. We also have to keep an eye on cost, and Medicaid is an inexpensive way to cover children—while half of Medicaid beneficiaries are children, children only account for 15 percent of overall Medicaid spending. And Medicaid is a program that already exists, so we don't have to create a new program or a new bureaucracy. In short, Medicaid works and works well.

By encouraging States to provide Medicaid coverage to all children under 18 up to 150 percent of poverty, our proposal also tries to fix one of the program's problems: under the current Medicaid program a child's eligibility depends not only on family income, but also on age.

Let me illustrate this for you: a 6-year-old girl lives in a family of four whose annual income is $21,000. That little girl gets Medicaid because Federal law requires that all children 6 and under be covered up to 133 percent of the Federal poverty level. On her seventh birthday, that little girl doesn't get much of a birthday present—she loses her Medicaid coverage because Federal law only requires that children between the ages of 7 and 13 be covered up to 100 percent of poverty, and her family's income level is slightly above that level. Her 4-year-old brother, however, keeps his Medicaid coverage, at least for the next 2 years. How bizarre that there are two children in the same family and one gets coverage because he's under 6 and the other doesn't because she's older than 6. Our proposal would give States the option to continue Medicaid coverage for both children until they are 18.

So, I am very pleased to introduce this legislation today along with this distinguished bipartisan group of Senators. I look forward to working together toward the goal of getting critical health care coverage to these children.

Mr. ROCKEFELLER. Mr. President, I am extremely pleased and proud to be introducing legislation today with my colleague from Rhode Island, Senator CHAFEE. As my colleagues in the Senate already know, Senator CHAFEE has long been a leader in the area of health care, especially when it comes to the health care of children. I am also extremely pleased to be introducing this bill with the help of Senator BREAUX and the newest member of the Finance Committee, Senator JEFFORDS. We are excited to be joined by so many of our colleagues on the Finance Committee, Senators MOYNIHAN, D'AMATO, BAUCUS, HATCH, BRYAN, KERREY, and MOSELEY-BRAUN, and with so many of our other colleagues who have joined us as original cosponsors, including Senators COLLINS, BINGAMAN, SNOWE, KENNEDY, KERRY, DODD, ROBB, HUTCHINSON, INOUYE, DASCHLE, and SPECTER.

Mr. President, our legislation already enjoys broad bipartisan support because it meets a serious need and it meets that need in a very cost-effective manner. Our legislation builds on an existing program and employs an approach that the Finance Committee

has used repeatedly over the past decade to expand health coverage to children and pregnant women. Our legislation is, therefore, not new, original, or terribly innovative. But, we know it works.

For me personally, this legislation fulfills another part of my promise to work tirelessly to turn the recommendations of the National Commission on Children, which I was honored to chair, into reality. That blue ribbon panel of children's leaders from many fields, representing a wide spectrum of views, successfully developed a unanimous report to recommend an action plan to give America's children a real shot at becoming productive, healthy citizens. During our deliberations, we recognized that ensuring basic health care for children should be one of the country's highest priorities. The bill we are introducing today challenges Congress to make the commitment to this basic objective that is so vital for the entire country's future.

Our legislation is complementary to many of the other children health bills that have been already proposed this year. That is one reason why I am also a cosponsor of other health bills that have been introduced by Senators HATCH and KENNEDY and Senator DASCHLE. These bills are not competing bills. They all seek to expand the number of children with health insurance and they could all easily fit together to meet a large, and I am sad to report, a growing need in this country.

A total of 10 million children in the United States do not have health insurance and as a result, the vast majority of them do not get necessary health care. Numerous studies have shown that uninsured children do not receive basic preventive care and immunizations. They are less likely to see a doctor for both acute and chronic illnesses and are more likely to delay seeking necessary care. Uninsured sick newborns receive fewer services in the hospital than those with health coverage. Children without insurance are less likely to have a regular source of medical care. This means that these children miss out on getting properly screened for problems that could be easily treated early or that need to be monitored on a routine basis. According to the American Academy of Pediatrics, having a regular source of medical care could reduce per-child health care costs by 22 percent.

Those are the facts. But let us not forget the emotional turmoil a parent goes through trying to figure out when, or if, to get an earache treated or a rash checked out. Imagine how hard it must be for a mother and father to decide to wait just one more day in hopes that a troubling symptom will disappear only to have those symptoms worsen in the middle of the night. Some families don't even allow their children to play sports for fear of an injury. Having millions of families and children in these types of situations is just plain wrong, and we must try to help.

Mr. President, the vast majority of uninsured children live in families where a parent works. Unfortunately, many of these families are unable to afford coverage offered by their employer when it is offered. In too many instances working parents don't even have that option. The trends for job-based insurance are very disturbing. Between 1987 and 1995 the percentage of children with job-based insurance declined from 67 to 59 percent. But this downward trend is not new. Between 1977 and 1987 job-based insurance declined by 5 percent. Every minute that goes by another child loses his or her private health insurance.

Mr. President, our bill is very simple. We encourage States to expand coverage for children by offering them an enhanced Federal match. Under our bill, the States would be eligible to receive a 30-percent increase in their current Federal matching rate if they choose to expand coverage for pregnant women, infants, and children up to 150 percent of poverty. We cap the Federal match at 90 percent so that all States would be required to contribute some additional funding. Under our bill, Rhode Island would be eligible to receive an enhanced Federal match rate of 70 percent up from 54 percent. West Virginia would be eligible to receive a 90 percent Federal match, up from 72 percent.

Our legislation targets those families earning less than one-and-one-half times the poverty level or about $24,000 a year for a family of four. Only a quarter of families at or below this income level have job-based insurance. By comparison, 81 percent of families earning wages above 150 percent of poverty have job-based insurance. The concern of replacing private insurance with public coverage—the so called crowding out effect—is minimized when so little job-based coverage even exists for families at these income levels.

Under current law, Medicaid eligibility varies based on a child's age and a family's income level. Our legislation aims to establish uniform level of eligibility. I recently heard from a West Virginia mother desperate for health insurance for her 1-year-old. She and her husband work and earn about $22,000 a year. When their daughter turned 1, she lost her Medicaid coverage. She qualified for Medicaid when she was an infant but because Medicaid's income standard for eligibility is different for a 1-year-old she no longer qualified after her first birthday. The mother's employer offered health insurance, but at a cost of $289 a month or $3,500 a year. They could not afford to buy it. This mother was absolutely desperate for assistance because she knew her daughter needed immunizations and other well child care services.

Mr. President, our legislation seeks to end instances of children losing their Medicaid coverage just because they have a birthday. Our legislation seeks to end instances of children in the same family having to meet different income standards.

We do this not by mandating States to expand their Medicaid Program. We believe that by providing additional Federal money States will be able to move beyond their current eligibility levels. Our legislation would also allow those States that have already exceeded 150 percent of poverty to receive an enhanced Federal match. This match would be for those children they are already covering between 100 percent and 150 percent of poverty. We did not think it was fair to penalize those States who have already tried to improve coverage for children.

A key way to expand the number of children enrolled in Medicaid is to guarantee eligibility for 12 months. Some 3 million children are currently eligible but not enrolled in the Medicaid Program. Some of these children qualify for a few months of Medicaid coverage. But because of slight changes in their parents' income, they lose coverage over the course of the year. Our bill would require States to guarantee 12 months of eligibility for all children on Medicaid as a condition of receiving an enhanced Federal match.

Expansions of Medicaid in the late 1980's resulted in a decreased number of low birthweight babies, improved access to health care, a decline in infant mortality rates, and millions more children in working families with health insurance. We can build on these successes with this legislation. I look forward to working with my colleagues in the Senate and in the House in advancing this bill. I am excited at our opportunity to meet a very real and vital need of millions of America's children.

Mr. JEFFORDS. Mr. President, the children of America need our help. Nearly 10 million children have no health insurance. Many of these children live in families with working parents who simply do not make enough money to afford health insurance.

In order to help address this national problem, I am pleased to cosponsor, with many of my good friends and colleagues, the Children's Health Insurance Provides Security [CHIPS] Act. The CHIPS Act will provide Federal financial incentives to encourage States to provide uniform Medicaid coverage up to 150 percent of poverty for children of all ages.

The Medicaid Program provides health care for poor children and pregnant women. My home State of Vermont, through its Dr. Dynasaur program, uses Medicaid and is now ranked second best in the Nation in providing health insurance coverage for children under 18 years of age.

We felt it was important to improve our existing Medicaid system, a system which is already in place and currently provides health coverage to 16 million low-income children. Three million additional children are eligible to receive Medicaid benefits, but they are just not enrolled. We should fix that problem.

We also feel that it is important to provide incentives to expand Medicaid coverage nationally to the children of families who are at 150 percent of the Federal poverty level—the working poor. This legislation builds upon the good work done in Vermont, and many other States, in ensuring that our children have access to health care.

Our bill encourages States to expand current Medicaid eligibility for children and pregnant women to 150 percent of the Federal poverty level by increasing the amount of money that the Federal Government contributes to the Medicaid Program. States that elect to participate in the program will need to guarantee that all children are covered to at least 100 percent of the Federal poverty level and that all children are provided with 12 months of continuous medical coverage.

The bill also provides grant money for outreach programs. States may design their own outreach programs based on their special needs and specific populations. We will help by simplifying the application process for Medicaid and other Federal programs for which these children qualify. One third of all uninsured children are eligible but not enrolled in Medicaid. Our bill, by emphasizing outreach and administrative simplification, will help get many of these children enrolled in the Medicaid Program.

We must commit our efforts to giving children the best possible start in life. As a recent report entitled ''the Social Well-Being of Vermonters'' indicates, the foundations we lay for our young children will affect their later success in all areas of life. A healthy start begins with a healthy pregnancy and early, comprehensive prenatal care. Our legislation will give many children the health insurance coverage they need and, by doing so, help ensure a solid foundation for our country's future.

## ADDITIONAL COSPONSORS

S. 71

At the request of Mr. DASCHLE, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 82

At the request of Mr. KOHL, the names of the Senator from Utah [Mr. HATCH], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 82, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 181

At the request of Mr. GRASSLEY, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax.

S. 191

At the request of Mr. HELMS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 191, a bill to throttle criminal use of guns.

S. 328

At the request of Mr. HUTCHINSON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 351

At the request of Mrs. MURRAY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 351, a bill to provide for teacher technology training.

S. 358

At the request of Mr. DEWINE, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Maine [Ms. SNOWE], the Senator from California [Mrs. BOXER], the Senator from Maine [Ms. COLLINS], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 432

At the request of Mr. ABRAHAM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 432, a bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes.

S. 484

At the request of Mr. DEWINE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 484, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 525

At the request of Mr. KENNEDY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 525, a bill to amend the Public Health Service Act to provide access to health care insurance coverage for children.

S. 526

At the request of Mr. KENNEDY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products for the purpose of offsetting the Federal budgetary costs associated with the Child Health Insurance and Lower Deficit Act.

At the request of Mr. HATCH, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 526, supra.

S. 606

At the request of Mr. HUTCHINSON, the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from Wyoming [Mr. THOMAS], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 606, a bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

S. 625

At the request of Mr. MCCONNELL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 625, a bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. SMITH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution proposing a constitutional amendment to establish limited judicial terms of office.

SENATE RESOLUTION 15

At the request of Mr. MACK, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Resolution 15, a resolution expressing the sense of the Senate that the Federal commitment to biomedical research should be increased substantially over the next 5 years.

SENATE RESOLUTION 63

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Resolution 63, a resolution proclaiming the week of October 19 through October 25, 1997, as ''National Character Counts Week.''

SENATE RESOLUTION 78

At the request of Mr. BURNS, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Oregon [Mr. WYDEN], the Senator from California [Mrs. FEINSTEIN], the Senator from Hawaii [Mr. AKAKA], the Senator from Virginia [Mr. ROBB], the Senator from Washington [Mrs. MURRAY], the Senator from Maine [Ms. SNOWE], and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Resolution 78, a resolution to designate April 30, 1997, as ''National Erase the Hate and Eliminate Racism Day.''

## SENATE RESOLUTION 80—REGARDING TACTICAL FIGHTER AIRCRAFT PROGRAMS

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 80

Whereas the Department of Defense has proposed to modernize the United States tactical fighter aircraft force through three tactical fighter procurement programs, including the F/A–18 E/F aircraft program of the Navy, the F–22 aircraft program of the Air Force, and the Joint Strike Fighter aircraft program for the Navy, Air Force, and Marine Corps;

Whereas the General Accounting Office, the Congressional Budget Office, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Acquisition and Technology, and several Members of Congress have publicly stated that, given the current Department of Defense budget for procurement, the Department of Defense's plan to buy over 4,400 F/A–18 E/F aircraft, F–22 aircraft, and Joint Strike Fighter aircraft at a total program cost in excess of $350,000,000,000 is not affordable;

Whereas the Congressional Budget Office estimates that current tactical aircraft plan of the Department of Defense could cost as much as $14,000,000,000 to $18,000,000,000 per fiscal year over the period of fiscal years 2002 through 2020, not considering inflation, compared to current tactical aircraft funding of about $2,800,000,000 per fiscal year;

Whereas the Pentagon's current acquisition strategy would require at least a 54.9 percent increase in annual procurement spending over the next five years, rising from $44,100,000,000 in fiscal year 1997 to $68,300,000,000 in fiscal year 2002;

Whereas the F/A–18 E/F, F–22, and the Joint Strike Fighter tactical fighter programs will be competing for a limited amount of procurement funding with numerous other aircraft acquisition programs, including the Comanche helicopter program, the V–22 Osprey aircraft program, and the C–17 aircraft program, as well as for the necessary replacement of other aging aircraft such as the KC–135, the C–5A, the F–117, and the EA–6B aircraft; and

Whereas history shows that projection of the Department of Defense regarding the number of aircraft that it will procure, the rates at which those aircraft will be produced, and the cost of those aircraft are rarely achieved, and in fact frequently experience significant cost growth on the order of 20 to 40 percent: Now, therefore, be it

*Resolved*, That—

(1) it is the sense of the Senate that the United States cannot afford to carry out all three of the F/A–18 E/F aircraft program, the F–22 aircraft program, and the Joint Strike Fighter aircraft program at the proposed acquisition levels;

(2) the Department of Defense should reexamine its spending priorities using more realistic assumptions of future spending levels; and

(3) the Department of Defense should develop an alternative acquisition strategy that would provide the United States with an effective, affordable tactical fighter force structure.

Mr. FEINGOLD. Mr. President, on behalf of myself and my senior colleague, Senator KOHL of Wisconsin, I rise today to submit a resolution calling for the restoration of fiscal responsibility to the Department of Defense's plan to modernize and upgrade our tactical fighter force.

The resolution I am submitting today, focuses on the Pentagon's current acquisition strategy for three new tactical fighter programs; the Air Force's F–22 Raptor, the Navy's F/A–18 E/F SuperHornet, and the multi-service joint strike fighter. Numerous experts, including the Congressional Budget Office and the General Accounting Office, have concluded that given our current fiscal constraint and likely spending parameters, the current acquisition strategy is unrealistic, unwise, and untenable.

The administration's fiscal year 1998 proposal for defense spending provides $250 billion in budget authority. According to projections provided by the Joint Chiefs of Staff, the overall DOD budget is expected to rise after fiscal year 1998 until reaching a plateau of $277.5 billion. That is pretty amazing.

Amazingly, while all other areas of Government are cutting back, the Pentagon is anticipating a $27 billion peacetime increase over the next 5 years.

The overall defense budget is comprised of several individual budgets, including, among others, those for military personnel, operations and maintenance, military construction, and, of course, procurement, which relates to the purchasing of new aircraft, weapons systems, and technology.

It is the procurement budget that I would like to focus on for a moment. The Pentagon's current procurement funding level for new weapons systems, ships, and aircraft in fiscal year 1997 is just over $44 billion.

But under the Defense Department's current acquisition plan, in order to achieve the projected purchasing levels of new aircraft and ships, procurement funding will have to rise 55 percent, 55 percent Mr. President, over the next five years, until it reaches a level of $68.3 billion.

Every other title within the Pentagon's budget request—whether we are talking about quality of life issues for service personnel or spending on research and development—every other title remains relatively stagnant over the next 5 years.

No other program within the Pentagon's budget is receiving the sort of dramatic increase the procurement budget is slated to receive.

The need for additional procurement dollars—24 billion of them—is the result of the Pentagon's planned purchase of some 4,440 new tactical fighter airplanes at a total price tag of at least $350 billion according to the Congressional Budget Office.

The Defense Department argues that our fighter force is in need of modernization and that as a percentage of the overall defense budget, procurement spending is within historical norms.

It is true, Mr. President, that the Pentagon's projections place our level of aircraft acquisition at or slightly below where we were in the 1980's, in terms of as a percentage of the overall defense budget.

But this omits the fact that the defense budget was an entirely different creature in the 1980's than it is today. Thus, when the Pentagon argues that the piece of the pie they are asking for today in terms of procurement spending is roughly the same as it was in the 1980's, we must recognize that the size of the whole pie was profoundly greater than it is today.

The procurement budget itself is comprised of a number of weapons systems and technology programs, but the Pentagon's acquisition strategy is dominated by the three tactical fighter aircraft proposals currently on the table.

This strategy includes three separate programs, all very expensive, all the subject of questions raised by budgetary and aviation experts, and all scheduled to move forward at unrealistic procurement levels.

We begin with the Navy's F/A–18 E/F SuperHornet program. This aircraft is the followup to the F/A–18 C/D, currently employed by both the Navy and the Marine Corps.

The F/A–18 is an all-weather, multimission strike fighter, and the Navy currently has about 580 in its inventory. Although the C/D performed remarkably well in the gulf war and has the capability of achieving most of the Navy's requirements with some retrofitting, the Pentagon is currently asking for 1,000 of the expensive E/F airplanes, at a projected cost of about $42 million per airplane. The F/A–18 E/F program has a cumulative cost of at least $67 billion and up to $89 billion according to the General Accounting Office.

The second program belongs to the Air Force. It is the F–22 Raptor, a stealthy fighter intended to provide air superiority but at a extraordinary cost. This aircraft, which one Navy official referred to as ''gold-plated,'' will cost at least $71 million per airplane, with some estimates reaching over $100 million per aircraft. In all, the F–22 program, slated to provide some 440 airplanes to the Air Force, will cost at least $70 billion.

The final program is one which is truly still in infancy. The joint strike fighter, formally the Joint Advanced Strike Technology [JAST] Program, is actually still on the drawing board with two major contractors, Boeing and Lockheed Martin, dueling for what is expected to be at least a $219 billion contract—$219 billion, Mr. President. That is some contract. And given the Pentagon's porous record keeping its aviation programs on schedule and on target, the costs of this program will likely surpass the initial $219 billion figure. The JSF is intended to be a joint-service, multipurpose aircraft tailored to each of the service's individual needs. The Navy variant will have carrier landing and takeoff capabilities. The Marine Corps variant will have short takeoff and vertical-landing capability. In all, the Pentagon expects to purchase 3,000 joint strike fighters

over a 25-year period from 2005 through 2030. The Air Force would purchase about two-thirds of these planes, the Marine Corps about 640, and the Navy the remaining 300.

The JSF program has thus far received mixed reviews. On one hand is the Pentagon's contention that these aircraft will be affordable because of commonality of components and high-volume production of an airplane capable of meeting each of the three services' differing operational requirements. On the other hand is the Pentagon's track record and the countless aviation programs that have promised so much in terms of cost savings and have delivered so little. In fact, the General Accounting Office estimates that the Pentagon's projections with respect to aircraft procurement typically have cost overruns of 20 to 40 percent.

This, Mr. President, provides an overview of the Pentagon's current acquisition strategy with respect to tactical fighter aircraft. And although the resolution I am submitting today focuses on tactical fighters, it is important to mention a few of the other programs on the Defense Department's wish list, as these programs will also be drawing on a limited procurement budget over the next few years.

There is the V–22 Osprey—a tilt-rotor aircraft to be used for troop and cargo transport, amphibious assault, and special operations—being built primarily for the Marine Corps and Navy. This is a $46.6 billion program expected to produce some 523 aircraft.

There is the Comanche reconnaissance and attack helicopter for the Army. The Pentagon expects to purchase close to 1,300 of these helicopters at a total price tag of $25 billion. And the Air Force is asking for 80 C–17 cargo and transport airplanes, at a procurement cost of over $18 billion.

That Mr. President, is just the portion of the procurement budget related to aviation spending.

The Navy, for example, is looking to increase the procurement of their surface ships, starting with another aircraft carrier, CVN–77, and 17 of the DDG–51 *Arleigh Burke* destroyers, as well as four new attack submarines. And in fiscal year 1999 the Navy would like to begin procurement of the new *San Antonio*-class amphibious landing ships for our Marine expeditionary forces.

Mr. President, in recent months a number of respected experts on military spending have warned the Department of Defense of an impending fiscal disaster.

The Congressional Budget Office, the General Accounting Office, Members of Congress on both sides of the aisle—even high-ranking Pentagon officials—have all forewarned that the Defense Department will not receive the procurement funding level it has projected and will not be able to sustain these tactical fighter purchases at their planned acquisition levels.

Unless we take a step back right now, in 1997, we will undoubtably have what some have dubbed a train wreck, or maybe more appropriately, a shipwreck, in the next few years.

I understand that many of my colleagues are either strong proponents or opponents of one or more of these individual fighter programs. The resolution I am submitting today does not target any one program for termination—it does not even suggest that one of the programs should be discontinued. The language in this resolution merely states that we do not have now, nor will we have, the necessary available funding to move forward with the purchasing of the number of fighter planes the Pentagon currently has scheduled and given that, the Pentagon should present to the Congress a more realistic acquisition strategy to take us into the next century.

In just 2 weeks or so, on May 15, the Pentagon is scheduled to deliver a reassessment of our strategic blueprint for our Armed Forces, known as the quadrennial defense review, or the QDR.

This is the first such reassessment since the 1993 Bottom-Up Review, and represents a collaborative effort on the part of the Secretary of Defense, the Joint Chiefs of Staff, and the individual services to conduct a comprehensive review of our inventories and projected needs.

The upcoming QDR presents the Pentagon a timely opportunity to reexamine its spending priorities and make a reasoned determination about what our tactical fighter force will realistically look like over the next 20 years. I am hopeful that the Pentagon will use this opportunity to present an acquisition strategy to the Congress that is affordable, tenable, and consistent with the goal of Congress to achieve a balanced Federal budget in the coming years.

If not, I intend to offer the resolution I am submitting today, or a variant of it, as an amendment to the budget resolution or other legislation as part of an effort to force the Defense Department to understand the gravity of this situation. I hope such a step proves to be unnecessary.

## SENATE RESOLUTION 81—RELATIVE TO THE DENVER SUMMIT OF EIGHT

Mr. CAMPBELL submitted the following resolution; which was submitted to the Committee on the Judiciary.

S. RES. 81

Whereas this is the first Economic Summit to be held in the United States since the 1990 Economic Summit was held in Houston, Texas;

Whereas on May 29, 1996, the State of Colorado was announced as the host of the Group of Seven Economic Summit, to be held on June 20 through 22, 1997;

Whereas the Economic Summit is an annual meeting that brings together the leaders of the world's 7 most economically successful democracies: Canada, France, Germany, Great Britain, Italy, Japan, and the United States;

Whereas this is the first Economic Summit to include the transitioning economy of Russia, which has resulted in a new reference to the Economic Summit as the Denver Summit of Eight;

Whereas the central location of Denver among the summit members, with Europe to the east, Japan to the west, and central Canada to the north, enables the residents of Colorado to serve as a central pillar supporting the international bridge of friendship and prosperity;

Whereas the selection of the State of Colorado and the Denver metropolitan region as the host of the Summit of Eight reflects the region's growing economic importance in the international community;

Whereas Colorado has distinguished itself as an ideal site for the Summit of Eight because of its leading industries of telecommunications, aerospace, biotechnology, high technology, health care, education, agriculture, recreation, and tourism;

Whereas Colorado's dedicated law enforcement officers, firefighters, emergency medical technicians, and other public servants are able and committed to provide vital support to the Summit of Eight; and

Whereas the Summit of Eight promises to be 1 of the more significant summits of recent years, with results that will benefit the larger world community, including progress toward relieving international debt, supporting the economic development of Russia and the Ukraine, paving the way to increased efficiencies in international commercial transactions by reducing the regulatory barriers to electronic banking, and minimizing destabilizing factors in the world's financial markets: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its appreciation to the citizens of Colorado and the Denver metropolitan region for hosting the Summit of Eight; and

(2) accords recognition of the hospitality to be provided by the people of Colorado and the Denver metropolitan region.

Mr. CAMPBELL. Mr. President, today I submit a resolution expressing the sense of the Senate to recognize the historic importance of the Denver summit of eight, and the contributions made by my home State of Colorado and many Coloradans in hosting this historic summit.

This meeting marks a historic change in the G–7 summit. For the first time in the 23-year history of these economic summits, Russia has been asked to participate to an unprecedented degree. At the Denver summit of eight, Russia will participate as a member, rather than as a passive observer who in the past were only allowed to engage in a post-summit dialog with the G–7.

In this important substantive and symbolic step, President Yeltsin will join with the leaders of the seven leading industrialized nations of Canada, France, Germany, Great Britain, Italy, Japan, and the United States to discuss monetary and economic policy.

After this significant development was announced at the recent United States-Russia summit, the name of the meeting was changed from G–7 to the Denver summit of eight.

As Coloradans, we are proud to have such a distinguished group of leaders coming to our State. And, as an honorary chairman, along with Senator ALLARD and Congresswoman DEGETTE, I

am proud that Colorado was chosen to host this historically important meeting.

The Denver area is symbolically important for being centrally located between our European partners to the east, our Japanese partner to the west, and the Canadian partner to the north. Furthermore, the thriving industries in Colorado and the robust economy of the Denver area reflect the growing economic importance of Colorado in the international arena.

The Denver area is a recognized leader in aerospace, telecommunications, biotechnology, high technology, health care, education, recreation, and tourism. We are proud to share these achievements with the rest of the global community.

I would also like to commend those dedicated Coloradans who serve as law enforcement officials, emergency medical technicians, firefighters, and health care providers, as well as the countless volunteers, who will provide invaluable services and contributions in support of the summit. Given the importance of this meeting, they have been working hard on their preparations to help ensure that the summit will proceed smoothly. This summit would not be possible without their donations of time, hospitality, and commitment.

I urge my colleagues to support passage of this resolution.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 30, 1997, at 9:30 a.m. on the nomination of Andrew Pincus to be General Counsel of the Department of Commerce.

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

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 30, 1997, at 10 a.m. on emerging trade issues on the U.S. consumer.

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

### COMMITTEE ON FINANCE

Mr. D'AMATO. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, April 30, 1997, beginning at 9:45 p.m. in room 215 Dirksen.

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

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 30, 1997, at 2 p.m. for a hearing on fighting crime and violence in the District of Columbia.

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

### COMMITTEE ON THE JUDICIARY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 30, 1997, at 10 a.m. to hold a hearing on Department of Justice oversight.

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

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on equal opportunity in Federal construction, during the session of the Senate on Wednesday, April 30, 1997, at 9:30 a.m.

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

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 30, 1997, beginning at 9:30 a.m. until business is completed, to hold a hearing to consider revisions to title 44.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 30, 1997, at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

### SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 30, 1997, at 2 p.m. on telepresence.

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

### SUBCOMMITTEE ON SECURITIES

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 30, 1997, to conduct an oversight hearing on Social Security investment in the securities markets.

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

## ADDITIONAL STATEMENTS

### RECOGNIZING THE 20-YEAR ANNIVERSARY OF SEATTLE SLEW'S TRIPLE CROWN

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a true Kentucky legend. Triple Crown winners have a special place in every thoroughbred racing fan's heart, especially those of us who are lucky enough to have enjoyed their successes.

The last favorite to win the derby and the only undefeated triple crown champion in history, Seattle Slew came into the famed mile and a quarter race full of promise. Overcoming a disastrous start, the big bay righted himself and headed for the front where he would remain for the rest of the race, securing the first of the three jewels he would collect during the spring of 1977.

A mere 11 horses in history have won the triple crown, with only 3 accomplishing the feat since 1948. Select company indeed. If horse racing is the sport of kings then Seattle Slew is truly one of its emperors.

Some may think the champion stallion now lives the ''Life of Riley'' at Robert and Alice Clay's Three Chimneys Farm in Midway, KY. But, Seattle Slew did not stop setting records when his racing days were behind him, a fact I know the Clay family is eternally grateful for. He has sired dozens of champions who have racked up almost $50 million in career earnings.

The world recognizes that Three Chimneys is known for its champions, but even among the daunting lineup stabled in Midway, Seattle Slew stands out.

So, here's to the Clays, Three Chimneys, and most importantly one of the great legends in sport, Seattle Slew. As I grow older, 20 years seems like a very brief time, but it has been more than long enough for this great stallion to leave his indelible mark on the sport and those who love him.

Mr. President, I ask that an article from the April 27 Lexington Herald Leader be printed in the RECORD.

The article follows:

[From the Lexington Herald-Leader, Apr. 27, 1997]

A CHAMPION ENDURES

(By Mark Story)

He had no reason to be a champion.

In a sport where pedigree is everything, Seattle Slew was a commoner, the son of an unproven, unknown sire (Bold Reasoning) who would die not long after Slew's birth.

He was born deformed, ''turned out in front,'' which meant at least one of his legs was not correctly aligned to the rest of his body.

In his first year of life, he was so awkward his handlers nicknamed him ''Baby Huey'' after the accident-prone cartoon character.

Only by a freak of nature could such a horse aspire to greatness.

But in the world of racing, freaks do occur.

Twenty years ago this spring, Seattle Slew stamped himself with racing immortality.

Overcoming one obstacle after another, he became the only horse ever to win the Triple Crown—the Kentucky Derby, the Preakness and the Belmont—with an unbeaten record.

Then, after almost dying from a mysterious viral illness, he returned to the track as a 4-year-old and re-established his legend, defeating 1978 Triple Crown champion Affirmed along the way.

As a sire, Slew has also attained greatness, producing champions such as 1984 Derby winner Swale, Slew o' Gold and Capote. The legendary Cigar is a Seattle Slew grandson, as is Pulpit, one of the favorites for this year's Derby.

At 23, Slew shows little sign of slowing down. He continues to be a productive sire, commanding a $100,000 stud fee while standing at Three Chimneys Farm.

Not a bad life's work for a freak.

''This horse is all heart, every bit heart,'' said Mickey Taylor, one of Slew's owners during his racing days and his syndicate manager now. ''He tried his best at everything we ever asked him to do. And he had the talent to do about anything we asked.''

AN OBSTACLE COURSE

For Seattle Slew, nothing ever came easily.

His trip through the Triple Crown was an epic tale of problems overcome.

Derby obstacle. Sent off as the 1–2 favorite by a Derby crowd of 124,038, he very nearly lost the race in the starting gate.

Fractious in the gate, Slew was caught flat-footed when it opened. He nearly reared coming out of the gate, came very close to making a sideways start and alarmingly near to throwing jockey Jean Cruguet.

Before he ever started running, he was five lengths behind the field.

In the Churchill Downs owner's boxes, Mickey Taylor put down his binoculars.

''I wished we were anyplace else in the world at that moment,'' he said last week. ''I thought we were cooked.''

On the track, Cruguet didn't feel much better. But the French jockey made a snap decision. He asked Slew for everything he had. ''It was do or die,'' Cruguet said last week. ''It was easy to decide for me: We had to go.''

And go Slew did.

Flying toward the front, he bulled through horses and, miraculously, was within a head of the leader, For The Moment, after a quarter mile.

More miraculously, Slew did not tire after his sprint to the front. He won by 1¾ lengths over Run Dusty Run.

The win was sweet vindication for Slew trainer Billy Turner. Early on, Turner had decided never to ask Seattle Slew to do too much in training. He was afraid if he worked him too hard, the horse's natural inclination toward speed would become dominant and Slew would never develop the stamina required to run Classic distances.

This was a courageous, disciplined training decision—and one widely second-guessed in the weeks leading up to the '77 Derby. The joke was that Turner was ''walking Slew up to the Derby.''

It took guts to stay with it.

''This was a very fast horse,'' Cruguet said. ''A lot of people would have burnt him up. Billy did a very good job getting him to stretch out and run distances.''

Preakness obstacle. But speed was the problem in the Preakness. A talented, fresh speed horse, Cormorant, would try Slew at Pimlico after skipping the Derby.

Cormorant's connections were so confident they showed up in Baltimore sporting ''Slew Who?'' T-shirts.

Then Cormorant drew the inside post position, the place to be on a Pimlico track with tight turns and a bias toward speed.

In the race, Cormorant beat Slew to the front and to the rail. He then held his spot, forcing Seattle Slew to race him around the track on the outside.

So Cruguet and Slew dug in. They hooked Cormorant in a withering speed duel, running the fastest mile (1:34⅘) in Preakness history.

Cormorant wilted; Slew didn't, and finished the race 1½ lengths ahead of Iron Constitution.

Belmont obstacle. In the Belmont, the problem was supposed to be distance. Many thought Slew was not bred to run 1½ miles. But that turned out to be a breeze; the problem was traffic—not horses on the track, but cars parked around the track. There were so many that Seattle Slew could not get to the track.

When he finally made it, the race was almost an anticlimax. Slew controlled the pace from the front and easily defeated Run Dusty Run by 4 lengths.

The 10th Triple Crown winner, Slew was the only one who was undefeated at the time he won.

OFF-THE-TRACK WOES

Seattle Slew's racing brilliance was nearly matched by the turbulence that would engulf his owners and handlers over the years.

At the time of the Kentucky Derby, Karen Taylor, Mickey's wife, was listed as the owner.

A former flight attendant, Karen Taylor became a media darling in the spring of 1977 for her unassuming ways. ''I live in a mobile home and I drive a pickup truck,'' she said then, ''but I've got a hell of a horse.''

But by the time the horse ran in the Belmont, it had become public that the ownership of Seattle Slew was more complex.

It turned out the horse was actually owned through a corporation (Wooden Horse Investments Inc.) by the pension and profit-sharing plans of Dr. James Hill and a logging company owned by Mickey Taylor, Karen's husband.

Hill, at the time a New York-based veterinarian, had helped the Taylors pick out Seattle Slew at the 1975 Fasig-Tipton yearling sale.

As an act of friendship, they say now, the Taylors eventually made Hill a half-owner in Seattle Slew.

New York racing officials looked askance at Slew's ownership structure.

In court documents from a subsequent lawsuit, Taylor and Hill maintained that ownership of Seattle Slew was set up as it was for tax reasons.

But in New York, it was against the rules for a practicing veterinarian to have ownership in a horse. The rationale was that it created at least the appearance of a conflict of interest if a vet were treating horses who might race against a horse he owned.

On August 25 of '77, New York racing officials suspended Hill for 30 days. He called the suspension unjust, but did not appeal.

For the ''Slew Crew,'' as the horse's connnections were called, the trouble was just beginning.

After the Belmont, trainer Turner announced that Slew would be taking several months off from training. He even had the racing shoes taken off the horse's hooves.

But in a controversial decision, the owners overruled him and decided to race Seattle Slew in the $300,000 Swaps Stakes at Hollywood Park in July.

The race was a disaster.

Sent off as the 1-5 favorite, Slew never fired and was humiliated, finishing a badly beaten fourth, 16 lengths behind winner J.O. Tobin.

To this day, the Taylors maintain that Turner signed off on shipping Slew west, but the trainer was widely quoted after the race saying that was untrue. In one interview, he called it ''the dumbest thing I ever heard.''

''After the Belmont, (Seattle Slew) was dead,'' Cruguet said, ''. . . The owners, they thought he was a machine.''

Cruguet said he knew after a quarter mile that he was on a beaten horse. ''This horse had never lost,'' Cruguet said. ''It was not a good feeling.''

From that day on, things were never the same for the original ''Slew Crew.''

By December of 1977, the owners had fired Turner. The sides could never heal the breach over the decision to ship west.

Eventually, Turner would sue the owners, claiming they reneged on a promise to give him a lucrative lifetime breeding share in Seattle Slew.

Shortly after Turner was fired, Seattle Slew almost died.

For four days in January of '78, the horse ran a fever. For a time, he refused to eat or drink. His bodily functions ceased. A low white blood cell count suggested a serious infection.

His owners were distraught. Karen Taylor would cradle the ill horse's head on her lap, and sing him lullabies.

''Ninety-nine percent of horses would have died,'' Mickey Taylor said.

Slew didn't. In fact, he recovered and returned to the track to win five of seven races as a 4-year-old (both losses were in photo finishes). He added to his legacy by defeating Affirmed and was 1978's Champion Older Horse.

What almost killed Slew? Mickey Taylor said he knows, but will not reveal it until Seattle Slew's career at stud is finished. He did say the horse was not poisoned.

But even after Seattle Slew's racing career ended, the turmoil among his ''Crew'' did not. By 1992, the owners were suing each other.

Once, Hill and Taylor had been so close that Hill said they did not need a contract to do business: ''A handshake with a man I trust'' was enough, he said.

In 1992, Hill filed suit against Taylor, claiming that Taylor had, among other things, siphoned money from their corporation, used corporation money to buy houses for family members and hired and overpaid his relatives.

In November of '93, a jury in Lexington found for Hill and awarded him $4.4 million.

Now, the Taylors said they do not speak with the Hills.

''There really isn't much there to be said,'' Karen Taylor said.

'IT'S ALMOST LIKE HE KNOWS'

Today, Seattle Slew occupies a 16 16 stall in the main stallion barn at Three Chimneys Farm.

Among those quartered with him are two of his sons, Slew O' Gold and Capote as well as such well-known horses as Arazi and Wild Again.

Even at 23, Slew boasts the top stud fee at the farm ($100,000). ''He's one of the most potent horses we have,'' said Three Chimneys Stallion Manager Wes Lanter.

As a sire, Slew has emerged as clearly superior to the other two modern Triple Crown winners, Secretariat and Affirmed.

''It's not even close,'' said William Munn, a thoroughbred pedigree expert based in Fort Lauderdale, Fla.

Seattle Slew has had success on both sides of his line. He sired another Kentucky Derby winner, Swale (1984) and another Horse of the year, A.P. Indy (1992). On the other side, Cigar, who tied Citation's North American record with 16 straight wins, was the son of a Seattle Slew mare.

Though there are no guarantees in the world of horse health, farm officials think Slew has a good chance to live into his 30s.

Many of Seattle Slew's days start about 7 a.m., when he is saddled and ridden around the all-weather track at Three Chimneys, where he has stood at stud since 1985.

(Continuing his knack for finding off-the-track turmoil, Seattle Slew began his stallion career at the ill-fated Spendthrift Farm, which collapsed financially in 1988).

It is fairly unusual for horses standing at stud to be ridden, but Three Chimneys rides all its stallions.

''We think it keeps them healthy, and we think it keeps them happy,'' said Farm Manager Dan Rosenberg.

The man who knows Slew better than anyone, his groom of 15 years, Tom Wade, says Slew hasn't changed much over the years. He has a touch of arthritis and his back has drooped just a bit. ''But he's a fit horse,'' Wade said. ''You can look at him and see that.''

Now, as the 20th anniversary of his Triple Crown approaches, Judy DeHaan, the exercise rider at Three Chimneys, has noticed something funny about Slew.

''It's almost like he knows,'' she said. ''He's gotten a little spring in his step again. Lately, it's like 'Hold on Judy. We're gonna go.'

''Even at 23, on his good days, he's still got it.''●

## PAYMENT OF LEGAL OBLIGATIONS TO THE UNITED NATIONS

● Mr. WELLSTONE. Mr. President, I rise today to join with over 1,400 of my constituents from Minnesota who have signed a petition calling for the payment of all of the United States' legal obligations to the United Nations by the immediate payment of all dues in arrears. I agree with my constituents that it is embarrassing that the United States, the richest and most powerful nation on Earth, expects the United Nations to provide peacekeeping and humanitarian aid in response to the world's conflicts but does not honor its financial responsibility to the United Nations.

With several billion dollars of uncollected dues, the United Nations is now in dire straits. Consequently, it must borrow from scarce funds allocated for peacekeeping operations simply to pay staff salaries and to meet its other financial obligations.

Of the unpaid dues approximately half are owed by the United States. Rather than providing other U.N. members with an example of international responsibility, our Nation is doing just the opposite. This makes the United Nations increasingly incapable of carrying out numerous tasks that are clearly in our Nation's interest but that we ourselves are either unable or unwilling to perform.

I ask that the cover letter sent to me by the Minnesota Alliance of Peacemakers and the World Federalists Association with the petitions on this important issue be printed in the RECORD.

The cover letter follows:

WORLD FEDERALIST ASSOCIATION,
MINNESOTA CHAPTER,
*Minneapolis, MN, April 19, 1997.*

Hon. PAUL WELLSTONE,
*U.S. Senate*
*Washington, DC.*

DEAR SENATOR WELLSTONE: We, the undersigned representatives of the Minnesota Alliance of Peacemakers and of the Minnesota Chapter of the World Federalist Association, are honored by your willingness to meet with us in respect to some matters that bear closely on your duties as a member of the Senate Foreign Relations Committee. That assignment is, in our view, among the most important that any member of the Senate could receive, given the complex and increasing political, economic, and ecological interdependencies within our ever-shrinking planet.

While the world looks to the United States for leadership in this period of transition to a new post-Cold War era, we believe that, it would like to see such leadership exercised within the context of the United Nations System. However, as you are well aware, the viability of that system has been seriously jeopardized because of the non-payment or late payment of dues by many member nations. The principal debtor, by far, is the United States. This country's failure to meet its legal obligations as a UN member sets a deplorable example for others and is not a proper way to exercise leadership. Rather, it tarnishes the good name of the United States in the international community and diminishes our effectiveness in world affairs. For this reason, among others, we submit to you copies of petitions signed by 1417 Minnesotans calling on the United States to pay its current and back dues to the UN promptly and in full. The collection of these signatures is the result of a local drive by the Minnesota Chapter and a recent national drive by the national organization of the World Federalists Association, on the occasion of the 50th anniversary of the United Nations. This initiative is consistent with one of the accompanying policy positions adopted by the Minnesota Alliance of Peacemakers on November 12, 1996. A copy of those proposals has already been forwarded to your office. The Alliance, be it noted, is a coalition of twenty-seven peace and justice organizations whose combined membership approaches 10,000 concerned and politically active citizens.

We hope and trust that you will weigh our views carefully in the respective proceedings of the Senate Foreign Relations Committee and wish you much success and courage in the all important arena of foreign policy.

Respectfully yours,

The Rev. Lyle Christianson, President, Minnesota Alliance of Peacemakers; Elsie Evans, Board Member, National World Federalists Assoc.; Evangelos Kalambokidis, Board Member, World Federalists Assoc. National & MN Chapter; Mary White, Vice President, Minnesota Alliance of Peacemakers; and Joseph E. Schwartzberg, President, World Federalists Assoc./MN Chapter.●

## PLYMOUTH CHURCH OF BROOKLYN, NY

● Mr. MOYNIHAN. Mr. President, founded in 1847, Plymouth Church of Brooklyn, NY, has made significant contributions to the Nation. The church building, designated in 1963 by the U.S. Department of the Interior as a national historic landmark, was known as the ''Grand Central Depot of the Underground Railroad'' because of the antislavery activities of Rev. Henry Ward Beecher and the congregation.

Reverend Beecher was familiar with the horrors of slavery auctions from his own observation and from experiences of members of his family, including his sister Harriet Beecher Stowe who wrote ''Uncle Tom's Cabin.'' Thus, on several occasions between 1848 and 1860, he conducted well-publicized mock slave auctions at Plymouth Church with the results that the congregation secured the freedom of the slaves and he demonstrated to the Nation the barbarity of selling people who had been created, according to the Bible, ''in the image of God.'' These auctions helped create a pro-abolitionist consensus in the North.

In February of 1860, Abraham Lincoln, then relatively unknown east of the Appalachians, was invited to speak at Plymouth Church. At the last moment, the location of the speech was changed to Cooper Union where Lincoln made an address which introduced him to the eastern United States which, in turn, led to his nomination for the Presidency less than 3 months later. Lincoln worshiped at Plymouth Church on two occasions, the only times he attended church services in New York State.

Following the end of the Civil War, the congregation of Plymouth Church supported the position that women and black men should have the right to vote. Even after the 15th amendment to the Constitution gave newly emancipated black men the right to vote, Plymouth Church continued to advocate for the right of women to vote. Reverend Beecher was the only man ever to serve as president of the American Suffrage Society.

Reverend Beecher left an impact on other areas of American cultural life. He was among the first religious leaders in the United States to embrace Darwin's theory of evolution and Spencer's theories of social evolution. He was an early advocate of Jewish-Christian dialog and of giving public standing to Judaism as a major American faith group.

Because the church was for many years the largest and best known public building in Brooklyn, many notable persons have spoken there, including Wendell Phillips, Frederick Douglass, Booker T. Washington, Clara Barton, and the Reverend Dr. Martin Luther King, Jr. Mark Twain, who described Plymouth Church's 1867 grand tour of Europe and the Holy Land in his book ''Innocents Abroad,'' also spoke there.

In 1934, Plymouth Church and neighboring Church of the Pilgrims merged to form Plymouth Church of the Pilgrims. On May 4 of this year, Plymouth Church of the Pilgrims will celebrate the 150th anniversary of the founding of Plymouth Church and the commencement of the ministry of Rev. Henry Ward Beecher. I wish to add my congratulations to the Reverend Sharon Power Blackburn; Frank Decker, president of the Plymouth Council; and the entire congregation of Plymouth Church of the Pilgrims on this most important occasion.●

## HONORING THE MICHIGAN FDR MEMORIAL COMMITTEE

● Mr. LEVIN. Mr. President, I rise today to welcome the members and guests of the Michigan FDR Memorial Committee, who will be arriving in Washington for the May 2, 1997, dedication of the new memorial to our Nation's 32d President.

Franklin Delano Roosevelt infused millions of Americans with a spirit of hope during the Great Depression and World War II. Fifty-two years after his death, President Roosevelt continues

to be an inspiration to so many people, including an organization from my home State of Michigan. The members of the Michigan FDR Committee used their time and talents to raise money to send a group of students and senior citizens from Michigan to Washington for the dedication of the Roosevelt Memorial.

The officers of the Michigan FDR Memorial Committee who are leading this delegation are Gerald T. Harris, Kathleen Jansen, Ken Pittaway, Meena Narula, Susan Purdy, Colleen Harris, Dennis Nauss, Cherie Maleyko, Jean Kearney and Charlie Brown. Guests of the committee are Heather Avery, Erik Bardram, Dan Browning, Jennifer Burss, Becki Cadarette, Mrs. D. Cadarette, Jill Carouso, Mary Jane Condon, Joe Cook, Sherrie Goble, Edna Heck, Paul Kuplicki, Jr., Heather Lotter, Rocco Marcola, Shona Narula, Vijay Narula, Deon Pearson, Stephen Rafter, Nehal Raval, Linda Shariak, Mario Smith, Barb Strojny and Cynthia Vlachos.

The presence of the Michigan FDR Memorial Committee delegation at the dedication ceremonies for the memorial is most welcome, and I encourage our colleagues to join me in welcoming them to Washington.●

## EDITH PRATT ''PATTY'' MASTERSON

● Mr. ROBB. Mr. President, I rise today to note the passing of Edith Pratt ''Patty'' Masterson. She died Sunday, April 20, 1997, at the age of 75.

Ms. Masterson was very active in Virginia politics, and her contributions to Virginia were noted in the Virginia Pilot newspaper in Norfolk. I ask that a February 16, 1997, article from the Virginia Pilot be included in the RECORD.

As the article indicates, for the past 6 years Ms. Masterson was active in public life as the chief lobbyist for Virginians Against Handgun Violence. Her most prominent victory with that organization was the passage of the one gun per month law in Virginia in 1992. Gun violence is a scourge that threatens the lives of our young people, and simply for her efforts to end gun violence, Ms. Masterson deserved recognition and high praise.

But Ms. Masterson's lengthy and remarkable public life, which began more than half a century ago, also deserves recognition. In the 1940's Ms. Masterson became the first woman to argue a case before the South Carolina Supreme Court, and she won her case. She also raised five children and later she went on to teach for 35 years. John Casteen, now the president of the University of Virginia, stated Ms. Masterson was the ''best teacher I've ever seen.'' Ms. Masterson's participation in a variety of civic and educational organizations continued during her last years, and in 1991 she was named Hampton Roads Pioneer Woman of the Year.

Mr. President, I commend to this body and the American people the life and public service of Ms. Edith Pratt Masterson.

The article follows:

[From the Virginian-Pilot and the Ledger-Star, Feb. 16, 1997.]

PATTY MASTERSON: A VIRGINIA-MADE ACTIVIST

(By Margaret Edds)

The volume is thick as a phone book and appropriately covered in red. ''Only in Virginia—1996,'' the title reads, calling to mind the state's proud promotional slogan, ''Made in Virginia.''

But the handiwork recorded in this fresh-off-the-copying-machine document is no cause for civic pride. The 200-page compilation is of 1996 Virginia newspaper clippings that feature guns and bloodshed. The sampling of Virginia murders, woundings, accidents and suicides is representative but incomplete.

Pages contain up to five clippings each, gathered by volunteers across the state. Virginians Against Handgun Violence oversaw the project. The League of Women Voters helped. The Center to Prevent Handgun Violence in Washington contributed. It is a chilling work.

''When it was clear last year that we were going to have absolutely nothing (in terms of gun-control legislation), it occurred to me that if you could clip all the events involving bloodshed by firearms, not the burglaries or the robberies, it might make an impression,'' said Patty Masterson, a retired Norfolk Academy English teacher who conceived the volume and last week helped distribute it around Capitol Square.

She was right. The page-after-page drumbeat of tragedy is first startling, then compelling, then exhausting. One of the women who provided clippings from the Richmond area recently quit. It was too disspiriting an exercise, she said.

This is the sixth winter since Masterson, then newly retired from the classroom, adopted the cause of handgun control and moved from Virginia Beach to a Richmond hotel room for a two-month vigil. As a volunteer lobbyist for Virginians Against Handgun Violence, she has become a fixture in the legislative halls, brightening committee rooms with her white hair, knit sweaters and welcoming smile.

In this role, Masterson has brought to bear all the skills that have sustained her through an adventurous 74 years—creativity, passion, good sense. The combination helped make her one of the first female attorneys in South Carolina, a Navy wife and enthusiastic mother of five, a popular teacher for 35 years and the force behind a series of seminars on how children learn.

But those characteristics have yet to penetrate the mass consciousness in the Virginia General Assembly. Masterson's most thrilling moments in Richmond were among her first. In the 1992 session, with then-Gov. L. Douglas Wilder leading the charge, lawmakers limited over-the-counter handgun sales to one per person per month.

''We did nothing to create it,'' Masterson said recently of the law, ''but we had the fun of surfing in with it.'' Since then, Masterson and her gun-control colleagues have learned both the importance of having a governor in your corner and the frustration of going up against a lobby as entrenched as the National Rifle Association. Last year, all of the major legislation they supported died. This year, two of the three bills Masterson cared most about were not even heard in committee.

Her response, like a schoolmarm with a class of sluggards, has been to search for new ways to make lawmakers sit up and take notice. ''Only in Virginia'' is one result. Masterson believes anyone who takes time to peruse its headlines—''Father Shot on Way Home,'' ''Boy, 5, Shoots Mother With Father's Rifle,'' '''My Only Son,' Mother says after Slaying,''—must be moved to act.

Her commitment does not blind her to the limitations of gun control. ''Even if the sale of handguns to civilians were stopped here and now, we'd still have problems because of the millions of handguns out there,'' Masterson acknowledged. But she also recognizes the consequences of inaction. ''It can only get worse if we do nothing.''

Not surprisingly, the shootings that Masterson most deplores are those involving domestic violence and children who accidentially set off guns. Such deaths or woundings ''seem so unnecessary,'' she said. ''To me, they are products of a proliferation of handguns.''

At a minimum, she believes, gun sales should be limited to storefront transactions or—with private sales—to law-enforcement offices; purchasers should be required to take gun-safety courses, and trigger-locks should be required on guns.

As a student of human development, she also believes that society should do much more to guard against the eruption of violence. Gun-control advocates are ''dealing with the tippity, tippity, tip of the iceberg,'' she said. Those working with preschool education and domestic relationships are closer to the core of the problem.

Legislative victories or no, what keeps her going is ''a passion for living, for learning, learning, learning,'' she said. It's an attitude that qualifies Masterson as a state treasure, Made In Virginia.●

## CYBER-CHATS

● Mr. LEAHY. Mr. President, over a year ago, I began having online computer chats with students from around my home State of Vermont. These chats have been a lot of fun and very informative. The questions that the students have asked me reflect not only their interest in government and current events, but also the advantages that they have in terms of access to knowledge via the information superhighway.

Just 3 or 4 years ago, I could not have imagined coming back from a vote on the Senate floor, sitting down in front of my computer and having a conversation with a group of young Vermonters over 500 miles away. The advances in technology have amazed me, but so have the understanding students have about technology and what it means for all of our futures.

Students' questions have ranged from my legislation to protect the privacy of our online communications to United States policy toward Iraq to how to get them out of their next period math test. While I will never be able to help a student skip a math test, these discussions have convinced me of the thirst of our children for the opportunities these technologies represent and our responsibility as leaders to help provide them

Last week, I had the unique opportunity to chat with students from one of the Nation's oldest running one-room schoolhouses in Granville, VT. I

ask that the transcript from this chat be printed in the RECORD as testimony of the wonders of Internet technology and, more important, of our Nation's youth.

I also want to thank Shannon Roland, the teacher at Granville, for her work in preparing these exceptional students. She should be commended for bringing their education outside of and beyond the walls of a one-room schoolhouse.

The transcript follows:

ONEROOM 1. Glad to be here. I am now surrounded by 17 beautiful first through fourth graders, aged 7 to 10. AP and Channel 22 are also here. Hello Senator.

PATRICK L. I wish I could be there with you in person but we are all excited in Washington to be doing this.

ONEROOM 1. We are too. Jack has a question for you. Have you ever seen a land mine?

PATRICK L. I am not the world's best typist so I apologize if I make some mistakes.

ONEROOM 1. That's fine. We're learning too.

PATRICK L. I have seen landmines all over the world and have two deactivated ones on my desk. They are horrible weapons that should all be banned. They kill mostly children and innocent civilians.

ONEROOM 1. Brian wonders if you've ever seen the Granville School web page.

PATRICK L. Love the picture of the school on the front. Who is the student?

ONEROOM 1. That's a picture of Benny. He's going to be a bug scientist. Dylan asks, where do you live?

PATRICK L. I live on a tree farm that belonged to my parents in Middlesex, Vermont. I drive down route 100 often.

PATRICK L. I also have a house in the Washington area where I live when the Senate is in session.

ONEROOM 1. Brooke wonders if you might stop by our school sometime.

PATRICK L. I would like to drop by sometime. Unfortunately we are often in session while you are in school and you are out when I get home to Vermont for the weekend. After seeing your web page I am especially eager to drop by.

ONEROOM 1. We'll be going to school on Memorial Day if you're around. We've had lots of snowdays. Harlie wonders if you know any of the children who were killed by landmines.

PATRICK L. I have visited a lot of hospitals around the world where we use the Leahy War Victims Fund. My wife is a registered nurse and I have watched her help with some of the children who have been injured. It is a real tragedy and it has to stop.

ONEROOM 1. We agree. Benny (the boy in the picture) wonders what you do in your free time.

PATRICK L. Benny I try to cross country ski around my farm during the winter and hike there during the summer when I am home. I am also an avid photographer and bring a camera with me almost everywhere I go even to meetings at the White House.

PATRICK L. Benny you look great in the photo!

ONEROOM 1. We like to cross country ski. In fact, we had lessons here all winter. Sammi wonders if you have ever been to a one room schoolhouse. We think you would like to meet our teacher because she's really nice. [Picture].

PATRICK L. I think you are very fortunate to have Shannon as your teacher. I have not been in a one room schoolhouse since I was a child but it seems to me you are getting a better education than a lot of very large schoolhouses.

ONEROOM 1. We think so too. We're going to Boston to the museum and the aquarium for our school field trip. Jasmine wonders when you started being a senator.

PATRICK L. The field trip sounds great. I did one like that when I was 12 and still remember it. Jasmine I became a Senator when I was 34. That was in 1975.

ONEROOM 1. Erica asks, have you ever lost a law you wanted?

PATRICK L. Many times, Erica, I will push for legislation that doesn't pass the first time around but we keep working until it does. One example is the Northeast Dairy Compact. At first it failed but finally passed and will help the dairy farmers in Vermont.

ONEROOM 1. Christopher is also concerned about landmines. He wonders where most of them are.

PATRICK L. Most of the landmines, Christopher, are in Africa.

ONEROOM 1. Dylan says that it scared him too. Brooke says her favorite book is ''Anne of Green Gables.'' Sammi wonders if you can make a link from your site to our web page.

ONEROOM 1. Brian wonders if that's your wife skating with you in the picture on your web page.

PATRICK L. Sammi we will link it with the transcript and a couple drawing. Dylan I know what you mean and Brooke I liked that one too and read it to my children when they were young.

ONEROOM 1. All of the children say thank you for taking the time to do this. This is cool to talk back and forth like this. And it's neat the way we can send questions and have you answer them. Thank you very much. We have to go to recess now.

PATRICK L. Brian that is my wife Marcelle with me and it was taken on one of the fields at our farm in Middlesex—just a ways up route 100.

PATRICK L. Thanks—wish I could go to recess with you but instead will head to the Senate floor. I am very proud of all of you and thank you!●

## AVOID FURTHER BLOODSHED, NEGOTIATE PEACE IN ZAIRE

● Mr. BIDEN. Mr. President, Zaire must seize the current moment to avoid further bloodshed and negotiate a peaceful resolution to its current crisis. A tentative agreement for a meeting on Friday between President Mobutu Sese Seko and rebel Alliance leader Laurent Kabila has been reached. This meeting is critical to avoid further loss of human life in Zaire. I applaud Ambassador Richardson's presence in Zaire and fully support his important and courageous efforts to facilitate a peaceful settlement to the current political turmoil.

The current crisis in Zaire has reached a critical fork in the road. In one direction lies the peaceful path of democracy and economic reform. In the other, the well-worn road of violence, bloodshed, and political instability. President Mobutu Sese Seko and rebel Alliance leader Laurent Kabila at this moment hold the fate of their country in their hands.

I strongly encourage President Mobutu and Mr. Kabila to earnestly engage in a critical dialog on the future of Zaire. I urge them to put the interests of Zaire and their countrymen first, and resolve the current political crisis without further unnecessary loss of life.

I have been deeply troubled by recent reports of wide-spread human rights abuses and mass killings of refugees and displaced persons in rebel-controlled Zaire. There are numerous accounts of desperately ill and malnourished women and children being indiscriminately slaughtered and maimed.

Recently 55,000 refugees have inexplicably disappeared from a refugee camp outside Kisangani. Of these refugees, some 9,000, including 2,500 severely malnourished children, had only days earlier been deemed medically unfit to travel by visiting relief workers.

After a week of repeatedly denying the United Nations to care for and repatriate refugees in rebel-controlled territory, today's news reports indicate the rebel Alliance is once again allowing the United Nations to care for the sick and the dying. Refusal to have given access to the United Nations over the past week, resulting in the maltreatment of refugees and displaced persons has been nothing short of deplorable.

I call upon Mr. Kabila to put a permanent end to the bloodletting of innocents in Eastern Zaire. All impediments to humanitarian relief efforts in Zaire must be permanently removed.

The United Nations must be permitted continued full access to these refugees and allowed to repatriate them to Rwanda without interference. Furthermore, the slaughter of those refugees suspected of responsibility for the 1994 Rwandan genocide must cease, as it is neither justifiable nor defensible. These people must be returned to Rwanda where they can stand trial in an appropriate court of law and rightly be held accountable for their crimes.

It is time for President Mobutu and Mr. Kabila to signal their willingness to set Zaire on the path to peace and democracy. Zaire is a country of enormous potential that has suffered untold tragedies. Failure to seize this critical opportunity to negotiate peace in Zaire will only set that country woefully back.

The fighting in Zaire must stop. The crisis in the country cannot be resolved by force. Replacement of the Mobutu regime with yet another authoritarian regime is a recipe of further political instability. I strongly urge both President Mobutu and Mr. Kabila to seize the current opportunity to avoid further bloodshed and choose the constructive path of peace and democracy in Zaire.●

## AMENDING TITLES XVIII AND XIX OF THE SOCIAL SECURITY ACT

Mr. DEWINE. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 968, and further that the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 968) to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 968) was deemed read the third time and passed.

## EXTENDING THE TERM OF APPOINTMENT OF CERTAIN MEMBERS OF THE PROSPECTIVE PAYMENT ASSESSMENT COMMISSION AND THE PHYSICIAN PAYMENT REVIEW COMMISSION

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1001, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1001) to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 1001) was deemed read the third time and passed.

## ORDERS FOR THURSDAY, MAY 1, 1997

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10:30 a.m., on Thursday, May 1. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then immediately begin consideration of S. 543, the Volunteer Protection Act.

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

## PROGRAM

Mr. DEWINE. Mr. President, for the information of all Senators, tomorrow morning the Senate will begin consideration of the bill, S. 543, the Volunteer Protection Act. It is the understanding of the majority leader that there are a few amendments which are expected to be offered to this bill. Therefore, Senators can anticipate votes throughout Thursday's session of the Senate.

Mr. President, it is the hope of the majority leader that the Senate will be able to complete action on this important legislation tomorrow. Also, there is the possibility that the Senate could consider items on the Executive Calendar. Therefore, additional votes could occur other than votes on the Volunteer Protection Act during tomorrow's session.

In addition, if the Appropriations Committee completes action on the supplemental appropriations bill tomorrow, it is the intention of the majority leader that the Senate proceed to consideration of the supplemental on Monday.

## ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:42 p.m., adjourned until Thursday, May 1, 1997, at 10:30 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate April 30, 1997:

DEPARTMENT OF LABOR

ALEXIS M. HERMAN, OF ALABAMA, TO BE SECRETARY OF LABOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# EXTENSIONS OF REMARKS

## RECIPE FOR AMERICA

**HON. RICHARD K. ARMEY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. ARMEY. Mr. Speaker, I rise today to commend the students of Mrs. De Merchant's class of Abraham Lincoln Elementary School in Corona del Mar, CA. Each of the 30 children submitted their personal ''Recipe for America.'' Their words and ideas testify to the simple and untarnished hope upon which our country was founded. Their belief and pursuit of American principles and their persistent optimism, despite the various vices of today's society, serves as a reminder to each of us to continue to uphold the truth and fight for justice and freedom. May we be found faithful as we seek to ensure the future for our country's greatest asset—our children.

### RECIPE FOR AMERICA

(By Priscilla Swenson)

Defrost four gallons of exquisite, bright, and cheerful beach weather. Add some rushing rivers flowing with icy cool water. Add a pinch of flourishing fruited plains with one cup of liberty. Stir in some family traditions. Season it with soldier high, luscious green pines. Don't forget to mash all violence and unjust treatment. Make sure to marinate and sprinkle many cups of justice. Churn some freedom. Serve with many rights and unbeatable fairness. And that is my recipe for America!

### THE RECIPE FOR THE UNITED STATES OF AMERICA'S PURPLE MOUNTAIN MAJESTIES

(By Geoffrey Simmon)

1. Blend in a pound of the wonderful and magnificent Washington Monument which is made out of two types of stone.
2. Add in a cup of honest and truthful justice of the Supreme Court.
3. Pour a gallon of the salty and fresh water which mixes in the Chesapeake Bay.
4. Stir in two hundred twenty three years of wonderful sports, ideas, technology, liberty, freedom and government.
5. Thaw and throw out the years of rotten gangs, violence, anger and pollution.

### MY RECIPE FOR THE UNITED STATES

(By Breanne Ogden)

Combine the massive heads of Mount Rushmore.
Separate the violence from peace.
Stir the emerald green Statue of Liberty.
Pinch some freedom into a bowl.
Add two cups of Palm Springs heat.
Mix in some endangered animals safety.
Pound some justice into the stew of poor people.
Fry some snow capped mountains.
Chop the massive pine trees of Redwood Forest.
Serve with the magical vibrant colors of crystal covered beaches.
And that's my recipe for the United States!

### U.S.A.

(By Jeffrey Ogle)

First blend in some liberty.
Defrost some snowcapped Mts.
Add some tasty blue waterfalls.
Crust and dry some canyons.
Shape some land and glaciers.
Add a tablespoon of freedom.
Throw in a quart of peace.
Pour in oceans and lakes.

### RECIPE FOR THE UNITED STATES OF AMERICA

(By Brittany Grech)

Mix two ounces of surfing in tubed waves.
Add three tablespoons of swimming with tropical fish in clear, coral bottomed seas.
Combine snow capped mountains and a pinch of skiing.
Stir in cups full of fresh air and a pint of skydivers.
Fry a rollerblader on the sidewalks by the hot sandy shore.
Spread California's exquisite beach weather.
Blend all the above ingredients gently together.
Frost with the freedoms of speech and religion, a responsible government and a secret ballot.
Sprinkle this with presidential elections.
Place it by beautiful tropical rainbows to cool.
Serve with appropriate laws.

### RECIPE FOR U.S.A.

(By Steve Hinton)

Stir 7 pints of tradition.
Add a teaspoon of justice.
Flip the lush green valleys.
Preheat the secret ballot.
BBQ Mauna Kea.
Churn a gallon of misty waterfalls,
Slice rainbowed canyons.
Mold a lot of wildlife.
Drop some sliced onions on Mammoth.
Measure the pledge.
And Presto You Have America!

### MY RECIPE FOR AMERICA THE BEAUTIFUL

(By John Carpenter)

1. Defrost Washington's glistening, fun filled, snowy mountains.
2. Boil it for 1 hr. with 2 cups of forgiveness.
3. Smash violence and melt it with Hawaii's dazzling sunsets.
4. Pour in 1 gallon clear, gushing waterfalls.
5. Mix in a pint of pureness.
6. Blend in a quart of glistening, shimmering, morning dew drops landing on the tip of the Statue of Liberty's crown.
7. Add a pinch of Ellis Island.
8. Beat in the shocked gasps of the pocket filled, terribly greedy, beer drinking, Las Vegas gamblers.
9. Heat up a batch of family tradition.
10. Baste it with love and laughter.

### MY RECIPE FOR AMERICA

(By Katie Lange)

Mix some liberty in with peace.
Sprinkle some fairness in.
Stir freedom together.
Add everyone treated equally.
Pour some running free, babbling, stony brooks.
Throw out violence.
Blend in justice.
Pick 999 blackberries and 1,000 raspberries.
Then wash them.
Boil them.
Pour the whole recipe in a cup.
Add some fun.
Flip Mt. Rushmore over.
Block out war.
Mix dark clouds with rain.
Pick some green valleys.
Pop in some firecrackers.
Mix forests together.
And that's my recipe for the U.S.A.!

### AMERICA THE BEAUTIFUL

(By Aaron Israel)

Simmer a dozen snow-capped mountains;
Stir a pound of hiking;
Churn a cup of freedom of speech;
Boil a dozen theme park trips;
Mash an ounce of deep canyons;
Chop a quart of education;
Sizzle a pint of bike riding;
Add a teaspoon of beautiful;
Marinate a half teaspoon of law;
Baste a gallon of boating.
Presto, you have America!

### MY RECIPE FOR THE U.S.A.

(By Brittany C.)

Mix some liberty.
Add one cup of green valleys.
A pinch of ocean.
A quart of freedom.
Plus a tblsp. of justice.
Crack the violence and keep the peace.
Add three pinches of waterfall.
And an ounce of rainbow.
A cup of patience.
A tsp. of adventure.
Blend an ounce of inventions.
Don't forget to broil two cups of opportunity.
Two ounces of intelligence.
And last, but not least, one bottle of fair laws.
Stir until a thick paste.
Now bake for two hundred years.
Sprinkle some Bill of Rights.
And enjoy.

### MY RECIPE FOR THE USA

(By Carsten Ball)

Mix some Blueberries.
Pick out the seeds of the juicy, tasty desert red Strawberry.
Crunch the yummy, yummy Cherry's.
Pluck out the huge black seeds of the tasty Watermelon.
Wash the beautiful, shiny Apples.
Taste the better than ever Cantaloupe.
Smell the luscious, sour Tangerine.
See the blinding, winding Lemon.
Smash the messy, slippery white seeds out of the Oranges.
Squash the soft and mushy Bananas between your teeth.

### RECIPE FOR THE U.S.A.

(By Sean Pham)

Mix a cup of justice.
Blend in two ounces of snowcapped mountains.
Mash all of the violence.
Add a dozen trips down the rocky, ridged, steep Grand Canyon.
Pour one pint of the Bill of Rights.
Dip a tablespoon of clear, rushing rivers.
Bake in one pound of surfing on the sunny, sandy beaches.

Combine the soaring bald eagles.
Stir in two cups of Las Vegas flashing lights.
Baste three pounds of technology.

MY U.S.A. RECIPE

(By Sylvia Nguyen)

1. Stir up liberty and justice.
2. Mix a cup of civil rights.
3. Add a pinch of a secret voting ballot.
4. Combine warm sandy beaches with majestic snow-capped mountains.
5. Add a teaspoon of abundant agriculture and farming.
6. Roast sports competition and mash out violence.
7. Measure an ounce of a variety of different cultures and new ideas.
8. Blend evergreen trees of all kinds and flip up ideas for inventions.
9. Slice a pound of ethnic customs and season with peace and friendliness.
10. Barbecue fair weather and opportunity and what do you have?

America!

RECIPE FOR AMERICA

(By Spencer Stepnicka)

1. Put in a pound of the Statue of Liberty.
2. Stir in a pint of peace.
3. Add in some deep canyon.
4. Smash fighting.
5. Mash in the red and white stripes and stars.
6. Fry in freedom.
7. Simmer in the law.
8. Blend in the Great Lakes.
9. Defrost technology.
10. Add in Hawaii's active volcanoes.
11. Bake.
12. Eat.

RECIPE FOR THE UNITED STATES OF AMERICA

(By Brittany Bailey)

1. Defrost snow topped mountains.
2. Stir fresh pine valleys.
3. Blend in fairness.
4. Sprinkle in justice.
5. Pour in salted beach water.
6. Add freedom.
7. Pinch in delicious grape vineyards.
8. Put in the Statue of Liberty.
9. Boil in icy slopes.
10. Cook for 1 hour and a ½ half.

TO MAKE A U.S. PIE

(By Chris Wimer)

Roast the crowded, law lacking, over populated, smog filled city of L.A.
Sizzle the best, outrageous, action packed, high performing movies of Universal, Fox, WB and HBO.
Add a great, wonderful, gold filled land of a new world, and bake for 505 years.
Squash the plump, delicious, juice filled oranges of Florida.
Taste the enormous historical sky scraping Lady Liberty.

RECIPE FOR AMERICA

(By Matt Busch)

Add a tablespoon of liberty.
Mix some family tradition.
Roast a pound of freedom.
Throw out a platter of violence.
Stir a cup of justice.
Blend all the wonderful national parks.
Mash all the horrible greed.
Combine truth and righteousness.
Simmer a pot of the wonderful animals.
Taste the wholesome American air.
Bake it all together and you've got America.

RECIPE FOR THE USA

(By Marissa Mandala)

Mix in a gallon of freedom.
Add an ounce of culture and liberty.
Throw in a cup of shinning waterfalls.
Add a teaspoon of colorful rainbows.
Toss in a tablespoon of sports and oceans.
Sprinkle in one dozen green forests.
Blend in a pound of green valleys.
Throw out fifteen gallons of violence.
Mix in a tablespoon of sandy beaches.
Blend in four cups of furry animals.
Loss in one gallon of bike races.
Add one ounce of traditions.
Mix in one pound of Sedona's bright red rocks.
Then stir and bake for one hour.

RECIPE FOR AMERICA

(By Armand Lapuz)

First put in a bit of rap.
Then chop up a few thousand feet of the moist Grand Canyon.
Then sprinkle a few bits of laws and sunny beach swimming.
After that you have to mix a bit of religious freedom and mix it up with the cool Yosemite Falls and then you have America!

RECIPE FOR AMERICA

(By Jamie Steele)

All you need to do is . . .
1. Put in one ounce of justice.
2. Mix in 4 pints of Shamu Whales.
3. Slowly dip in soft fluffy kittens.
4. Stir in 6 cups of imagination.
5. Blend in 10 pounds of happiness.
6. Sprinkle on 4 cups of flowers.
7. Shake in 5 tablespoons of peace.
8. Defrost 1 bowl of love.
9. Baste with 1 ounce of art, health, and fame.
10. Mix in 4 cups of education and friendship.
11. Churn 3 bowls of sports and technology.
12. Bake in one cup of weather and dolls.
13. And top with a pinch of fun!

RECIPE FOR AMERICA

(By Mike Caponera)

Pour in a cup of Hawaii's gigantic killer waves.
Mix in a pound of justice.
Stir in a gallon of Wyoming's colorful exploding geysers.
Taste a teaspoon of skydiving.
Throw in two dozen prowling mountain lions.
Stuff in Mount Rushmore's pale white faces.
Dip in Palm Springs scorching heat.
Drop in five pounds of skiing.
Boil a pint of intense football.
Mash in two oz. of Oregon's wacky blizzards.
Fry in half a pound of the fierce Grizzly bears.
Sizzle five quarts of Las Vegas' bright dazzling lights.
Sip an oz. of freedom.
Season three lbs. of opportunity.
Marinate two lbs. of the proud Lady Liberty.
Sprinkle four drops of the dazzling orange sunsets.
Push in one oz. of the green tree filled valleys.
Defrost two tablespoons of exciting scuba diving.

MY RECIPE FOR AMERICA

(By Ryan Vieth)

First add allot of freedom of speech.
Combine the Bill of Rights.
Mix in America's fairness.
Defrost America's new rules.
Squash the bad fighting.
Thaw the Rocky Mountains.
Fry together.
Separate the bad people from the good.
Show the Statute of Liberty.
Crack badness.
Mash crime.
And you have the U.S.A.

MY RECIPE FOR AMERICA

(By Jenni Geoffroy)

Mix in a gallon of Sedona's algae, rocky, bumpy, speedy, fascinating falls.
Add in 500% Las Vegas' noisy, fun and confusing casinos.
Season frowns, make them smiles.
Take pollution and throw it out!
Take a pinch of helping hands.
Get rid of gangs.
Mix in dozens of immigrants.
Sprinkle in the joy of storytelling and reading.
Take Abe Lincoln and put him in.
Add liberty and freedom.

A RECIPE FOR AMERICA

(By Kelly Smith)

All you need to do is . . .
Mix an ounce of love.
Stuff a cup of caring.
Blend of pound of right.
Chop a gallon of fairness.
Flame a blend of voting.
Add a pinch of order.
Pour a dip of peace.
Simmer a slice of happiness.
Measure an opening of spirits.
Pinch in a lick of luck.
Then you chop, stir, mix and blend it all together, and out comes a little bit of everyone.

MY RECIPE FOR THE UNITED STATES OF AMERICA

(By Brian Lewandowski)

1. Add in all the trash compacted cities.
2. Blend in all sports and skateboarding.
3. Crack in all Violence and boil some Freedom.
4. Stir in Liberty and Peace for 2,000,000 years.
5. Chop up all Crime and add more peace.
6. Pour in all nice and smooth rivers and oceans.
7. Combine all the wonderful States.
8. Shake in one tablespoon of Justice and Rights.
9. Mix some intelligence and smartness.
10. And you get America.

RECIPE FOR AMERICA'S FRUITED PLAINS

(By Billy Morrow)

1. Defrost Park City's freezing cold over crowded ski slopes.
2. Put a pinch of liberty and stir for 200 years.
3. Chop up 20 of Washington's ruby red apples and add.
4. Add two cups of hiking trips in the Grand Canyon.
5. Separate the peace and the violence (Throw the violence away.)
6. Boil for 30 minutes.
7. Add one cup of great gray gravel from Mount Rushmore.
8. Put in a refrigerator for 1 day.
9. Presto you have American fruited plains.
10. Put on a plate and enjoy.

RECIPE FOR AMERICA

(By Eddie Bedrosian)

Mix together Armenian food and a good Die-Hard movie.
Blend in snowmobiling and roller blading at Sierra Summit.
Measure the learning from working with Grandpa on payroll and with Oregon Trail.
Add cool summer beaches and sizzling summer deserts.
Stir in a U.S. Supreme Court gavel and good citizenship.

Simmer in electric cars and stricter highway safety.
Season with the wiping out of cancer.
Separate drug dealers from beepers.
Combine justice and criminals.
Enjoy—a safe and fun America!

MY RECIPE FOR U.S.A.

(By Alex)

Preheat the oven at 1,000 degrees.
Mix a ton of friends and family.
Blend in happiness and freedom.
Put hunger and violence in the garbage disposal.
Poor in some justice and liberty.
Mix for 500 minutes slowly
Put a teaspoon of fair laws.
One pinch of world peace.
Add in horses, dogs, cats and animals.
Put 6 pints of freedom of religion.
Preheat a tablespoon of mountain climbing.
Combine a ton of independence.
Bake for 200 years and season.
Get a big cookie cutter and cut it out.
Now you have America!

RECIPE FOR AMERICA

(By Michelle Matus)

1. Preheat oven at 450.
2. Thaw a cup of freedom in a bowl.
3. Mix in one quart of all different cultures.
4. Add an ounce of working laws.
5. Sprinkle in some justice.
6. Blend in a cup of lush green forests and valleys.
7. Defrost the monumental Lady Liberty.
8. Squash violence and throw it out.
9. Melt in a tablespoon of peace.
10. Measure a gallon of intelligence.
11. Pour in a dozen boxes of happiness.
12. Mash two pints of exercise and put it in the bowl.
13. Put in a pound of sleep.
14. Stir in a pinch of traditions.
15. Combine a quart of beauty.
16. Knead in a quart of beautiful valleys and cool waterfalls.
17. Churn in a cup of patience.
18. Put in an ounce of adventure.
19. Broil 10 minutes with opportunity.
20. Bake 200 years and baste with different religions every 15 years.
21. Cool mixture for 10 years and presto, you have America.

RECIPE FOR THE U.S.A.

(By George Fujimuro)

1. Take a cup of freedom and stir 221 years.
2. Separate war and peace and dump war.
3. Add ¼ justice.
4. Add ¼ freedom.
5. Add ¼ liberty.
6. Add ¼ working man.
7. Crack the dawning of inventions.
8. Add the wonders of America.
9. Devastate the violence.
10. Heat often.

Walla—you've got the United States of America.

## HONORING GEORGE MCGOVERN ON HIS 75TH BIRTHDAY

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. MCGOVERN. Mr. Speaker, on April 8, 1997, a remarkable event took place at the U.S. National Archives: a day-long symposium was held on the career of former Senator George McGovern on the occasion of his 75th birthday. The symposium reviewed the times and events that surrounded Senator McGovern's life and his role in shaping contemporary history. It brought together such diverse commentators and speakers as Arthur Schlesinger, Jr., All Neuharth, Townsend Hoopes, Frank Mankewiecz, Mary McGrory, Hunter Thompson, Daniel Ellsberg, Lindy Boggs, Bob Dole and TOM DASCHLE.

My life and my career has been shaped by the commitment and integrity of this remarkable man from Avon, SD. He was born on July 19, 1922, the son of a Methodist clergyman. As a pilot of a B–24 bomber in the European theater during World War II, he flew 35 missions and was decorated with the Distinguished Flying Cross. After the War, he returned home and earned a Ph.D. in history and government at Northwestern University and served as professor of history at Dakota Wesleyan University.

Few of these facts are remembered today because the Senator from South Dakota, elected to the House of Representatives in 1956 and to the U.S. Senate in 1962, and the Democratic Party 1972 Presidential candidate, is known for his integrity and the stands he took on such issues as combating hunger, opposing the war in Vietnam, promoting disarmament, and working diligently on behalf of peace. But his early religious life, his experiences during World War II, and his discipline as an academic, and his devotion to his family were ever the touchstones of his spiritual life and values.

Mr. Speaker, I would like to enter into the RECORD a copy of the remarks made by Senator EDWARD M. KENNEDY during the April 8 symposium, along with the program of speakers and topics that describe the life of George McGovern and his place in American history.

SENATOR KENNEDY'S REMARKS AT THE GEORGE MCGOVERN 75TH BIRTHDAY SYMPOSIUM, NATIONAL ARCHIVES, APRIL 8, 1997

I want to thank Douglas Brinkley for that generous introduction. Doug has done great work as Director of Dwight D. Eisenhower Center at the University of New Orleans.

I also want to thank John Carlin for that warm introduction. John has done an exceptional job as Archivist of The United States. We are all grateful that our nation's records and history and legacy are in his and the entire staff at the National Archives' capable hands.

It's a very special privilege to join in honoring a very special friend on his 7th birthday.

George McGovern and I came to the Senate the same year, and we've been great friends ever since.

In 1961, President Kennedy named George as the director of Food for Peace. The program had been relegated to secondary status for years, but Jack was determined to make it a priority. George was the perfect choice to do it.

His first major project was the widespread starvation in Brazil. George went there, saw it first hand, and did something about it. He arranged for 60 million pounds of powdered milk for a child feeding program and 30,000 tons of other commodities. The powdered milk alone fed two million people a day for an entire year.

Under George, Food for Peace expanded its efforts to all parts of the world. The people of Afghanistan, the Congo, Korea, Indonesia, and Colombia all became the beneficiaries of this New Frontier initiative. In Peru, a million school children were fed daily by U.S. commodities. In India, vast shiploads of wheat, rice, corn, and soybeans were sent to help alleviate that nation's suffering.

Returning from India in 1962, George came through Rome and met Pope Paul the 23rd. The Pope said, ''When you meet your Maker and He asks, 'Have you fed the hungry, given drink to the thirsty, and cared for the lonely?' You can answer, 'Yes' ''.

As a Senator, George never stopped being a tireless crusader against hunger. As Chairman of the Committee on Nutrition, he made an enormous difference. In the Nixon years, when the White House attacked him for using the issue for political purposes, he had the perfect answer—''Hunger knows no politics.'' The strong school lunch program we have in place today is there because of George McGovern.

Two years ago, as you may recall, some ''know-nothings'' in Congress tried to slash George's program. They were routed by a firestorm of criticism, and a new verb entered the dictionary. ''Watch out,'' they said. ''We don't want to get 'school-lunched' ever again.'' So they tried to slash Medicare and education instead—with similar results. When George McGovern plants something, it stays planted.

And then, of course, there was Vietnam. Before almost anyone else in the Senate, George McGovern spoke out against the failure of our policy. By 1965, he had seen enough. He knew that the ongoing crisis in Vietnam was the result of Vietnam's internal problems, and was no military threat to the United States. He called for an end to the widespread carpet bombings that were producing negligible military results but were having a devastating effect on the lives of millions of innocent Vietnamese civilians.

The war was the issue, and it was natural that George would run for President in 1972. A watershed election became the Watergate election and in the eyes of history, George emerged as the true winner—even if he wasn't the Electoral College winner. But I still have my bumper sticker that says, ''Don't blame me—I'm from Massachusetts.''

Few Americans have contributed more to their fellow citizens and their country than George McGovern. Few Americans have done more to improve the lot of the hungry and the poor than George McGovern. And few Americans have held our country to a higher standard or contributed more than George McGovern.

For a memorable four-years from 1964 to 1968, George and I and Robert Kennedy were all serving together in the Senate. In a sense, we were three brothers again.

As Bobby once said, ''There is no one I feel more genuine about and about the importance of their contribution, than George McGovern. Of all my colleagues in the United States Senate, the person who has the most feeling and does things in the most genuine way is George McGovern. He is so highly admired by all his colleagues, not just for his ability but because of the kind of man he is. That is truer of him than of any man in the United States Senate.'' That says it all about our friend.

Finally, I still remember the night—July 13—or was it the 14th, 1972, 3 A.M., Miami, Florida, the Democratic Convention. I had the privilege of introducing George, and I brought along a little tape to play here.

We love you George—I still think you'd have won, if you'd given your acceptance speech about six hours earlier that night.

GEORGE MCGOVERN 75TH BIRTHDAY SYMPOSIUM

(National Archives Theater, Washington, DC, April 8, 1997)

8:15–9:00 Registration in the National Archives Theater Lobby. Coffee.

9:00–10:00 Welcome: John Carlin, Archivist of the United States, Douglas Brinkley, Director, Eisenhower Center for American Studies, University of New Orleans.
Morning Address: Hon. Edward M. Kennedy
Remarks: Arthur Schlesinger, Jr., Stephen Ambrose
Musical Birthday Welcome: David Amram
10:00–11:30 McGovern and South Dakota Politics—Moderator: Jack Ewing, President, Dakota Wesleyan University; Jon K. Lauck, University of Iowa—McGovern and the New Deal Order: South Dakota Politics 1953–1962; Comment: Al Neuharth, founder of Freedom Forum.
10:30–11:00 McGovern and Food and Peace—Moderator: Rodney Leonard, Executive Director, Community Nutrition Institute; Thomas Knock, Southern Methodist University—McGovern and Food for Peace; Comment: Harvey Sloane.
11:00–12:30 McGovern and the Vietnam War—Moderator: Arthur Schlesinger, Jr., Robert Mann, author The Walls of Jericho—McGovern and the Tragedy of Vietnam; Larry Berman, University of California, Davis—McGovern, Johnson, and Vietnam; H.W. Brands, Texas A&M—George McGovern and Lyndon Johnson; Comments: Townsend Hoopes.
12:30–2:00 Lunch
2:00–2:30 McGovern and the Anti-War Movement—Moderator: Verne Newton, Director, Franklin D. Roosevelt Library; Randall Woods, University of Arkansas—McGovern and the Anti-War Movement.
2:30–4:15 McGovern and the 1972 Campaign—Moderator: Douglas Brinkley; Steve Ward, American University—McGovern and the Promise of a New Democrat: Reform and Electoral Politics in the Democratic Party, 1968–1970; Frank Mankewiecz, vice chairman, Hill & Knowlton—The Road to '72; Discussion: Morris Dees, Mary McGrory, Stanley Kaplan, Robert M. Shrum, John Holum, and Hunter S. Thompson.
4:15–4:30 Break
4:30–5:30 McGovern and Congress—Moderator: William VandenHeuvel, Director, The Franklin and Eleanor Roosevelt Institute; Hon. Lindy Boggs, Hon. John Culver, Hon. Thomas Daschle, Hon. Jim McGovern, Hon. Paul Wellstone.
5:30 Conclusion.

## RAILROAD AND TRANSIT SABOTAGE PREVENTION ACT

### HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Ms. MOLINARI. Mr. Speaker, today I am introducing H.R. —, the Railroad and Transit Sabotage Prevention Act of 1995. A very serious train accident in Arizona in 1995, which is believed to be the result of sabotage, exposed the need for closing the gaps in Federal law concerning criminal penalties for sabotage and other forms of deliberate endangerment in rail and transit operations.

This bill would make interference with or deliberate mimicking of a rail signal a criminal offense, which would bring the rail statutes in line with existing laws prohibiting interference with aviation signals and communications. Penalties would include severe fines and up to 20 years imprisonment.

The bill would also include mass transit operations for the first time in Federal criminal laws prohibiting sabotage of rail operations. This makes applicable to transit crimes the existing rail penalties of up to 10 years imprisonment and severe fines, with life imprisonment or the death penalty available if the sabotage causes a death.

In addition, the bill makes willfully causing the release of hazardous materials in transportation subject to severe fines and up to 20 years imprisonment, with life imprisonment or death penalty available if the release causes a death. Most of the Nation's hazardous materials—essential to many industrial processes—move by rail. The consequences of an accident are horrendous, including severe environmental damage and threat to human health and safety. These new criminal penalties will strengthen the arsenal of law enforcement authorities in dealing with deliberate and malicious acts which result in the release of toxic materials.

Furthermore, the bill also makes it a Federal crime to carry firearms or explosives aboard a passenger train or into a rail passenger facility without appropriate permission. Penalties include severe fines and up to 20 years imprisonment. This brings sanctions for arms and explosives threats to rail transportation in line with laws addressing arms and explosives aboard ships. The bill includes exemptions for weapons of law enforcement and armed forces personnel.

## HONORING WORLD CHAMPION TRIATHELETE JUDY FLANNERY

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to the late Judy Flannery, 57, who was killed tragically April 2 when a car, driven by an unlicensed 16-year-old boy, struck her as she was riding her bicycle in Seneca, MD. Flannery was a biochemist retired from the National Institutes of Health and a weekly volunteer at the local soup kitchen, So Others Might Eat. The role she most cherished, according to her husband Dennis, was that of mom to her five children, ages 22 to 31.

While Maryland mourns the loss of Mrs. Flannery, the sporting world mourns the loss of one of its greats for Judy Flannery was a legend in the sport of triathlon. Triathlon is a grueling sport requiring arduous training in the three disciplines of swimming, bicycling, and running and Judy was one of its best. She didn't begin running until the age of 38. Soon she was racing and winning. Three times she completed the Hawaii Ironman Triathlon, a Herculean test consisting of a 2.4-mile ocean swim, a 112-mile bicycle ride, and a 26.2-mile marathon run, all through the sweltering lava fields of the Hawaiian Islands.

Four times she was crowned world champion in her age group. Six times she was named national champion. In 1996, she was the oldest woman ever to be named Masters Female Triathlete of the Year. She also defended her world triathlon title and added to it the world duathlon—bicycling and running—championship.

This spring, Judy was training to join three friends in the 3,000-mile Race Across America, a cross-country bicycle ride from Irvine, CA, to Savannah, GA. She organized the group's ride to raise money to combat domestic abuse. Now, the women will ride wearing pink armbands in her memory and the money they raise also will go to combat drunk driving.

For women across the country and around the world, Judy was a beacon that radiated the message: you can do it! Judy took particular joy in bringing novices into the sport of triathlon. She freely gave advice and coached and counseled women much younger than she, coaxing them to reach high for their athletic stars.

Judy worked hard to establish the USAT Women's Commission within USA-Triathlon, the national governing foundation of the sport, to ensure women their rightful place in the sport. As chair of the commission, she saw to it that the women were nurtured and encouraged to participate. She was particularly pleased that triathlon will be, for the first time, an Olympic sport in Sydney, Australia, in 2000 and that the women's triathlon is to be the opening event.

Six hundred friends, family members, and triathletes gathered recently in Bethesda for a memorial service for Flannery. A lone bicyclist led the procession of cars from Our Lady of Lourdes Catholic Church, where Judy, Dennis, and their children celebrated life's passages, to the Gate of Heaven Cemetery where Judy was laid to rest.

I extend my sympathy to Judy's family and friends and to the world and women of triathlon where I know she will be missed but not forgotten.

## A TRIBUTE TO MICHAEL J. MADONNA

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Michael J. Madonna, who is being honored by Italian-American Police Officer's Association of New Jersey.

Michael has served as a member of the Oakland police department since 1966 and was elected to the position of State delegate for P.B.A. Local 164 in 1968. He has climbed through the ranks of the Police Benevolence Association ever since.

He became president of the local 164 and was a past trustee of the Bergen County Conference. In 1974, Michael was elected to the State executive board and since 1984, has served as the P.B.A.'s representative to the New Jersey Police Training Commission. Currently, he is serving as the vice-chairman of the Police Training Commission.

In addition to these positions, Michael has served and is currently serving the following State committees: Capital Expenditures; Convention, chairman; Collective Bargaining; Federal Legislation; Golf; Legislative; Local Presidents, chairman; New Delegates; Organization, chairman; and Special Police. In 1996, Michael was voted in as president of the New Jersey State P.B.A.

Mr. Speaker, I ask that you join me, our colleagues, Michael's family and friends, and the Italian-American Police Officer's Association of New Jersey in recognizing the outstanding and invaluable service to the community of Michael J. Madonna.

## IN HONOR OF ANTHONY BAMONTE

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to a gentleman from my district, Mr. Anthony Bamonte, who is this year's honoree at The Board of Directors of School Settlement Association's 37th Annual Testimonial Dinner Dance.

Anthony Bamonte was born in 1940 in the Williamsburg section of Brooklyn. As a child, he attended Williamsburg's public schools; later, his many artistic talents steered him to the Industrial Arts High School and his interest in business led him further to the New York Technical College, where he took courses in hotel and restaurant management.

Mr. Bamonte has put his restaurant management knowledge to good use over the years running his family's business, Bamonte's Restaurant on Withers Street. Bamonte's, a Williamsburg landmark, was founded by Mr. Bamonte's grandparents in 1900 and has since been passed down from generation to generation. Mr. Bamonte and his sister Anita are the third generation running the family business. His three daughters, Laura, Lisa, and Nicole, are the fourth generation of Bamontes to continue the family tradition.

Throughout his life, Mr. Bamonte has devoted himself to his family and his restaurant, yet has still reserved valuable time for his community. Among his various civic duties, Mr. Bamonte is a member of School Board District 14, a participant in the American Cancer Society's Culinary Classic and the host of an annual fundraiser at Bamonte's for Our Lady of Mt. Carmel Academy.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Anthony Bamonte on this special evening. I am honored to have such a great family man, businessman, and community leader in my district.

## COMMENDING THE PINE-RICHLAND MIDDLE SCHOOL FOR THEIR VOLUNTEERISM

### HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. KLINK. Mr. Speaker, I rise today to commend the students and faculty of the Pine-Richland Middle School for their efforts in assisting the homeless people in and around the Pittsburgh area. This week they will be honored by the Points of Light Foundation and the USA Weekend Magazine for their inspiring volunteer work.

Pine-Richland's project is a shining example of the impact of volunteerism on a community. I would like to recognize the efforts of Dr. Susan Frantz and Mrs. Aleta Lardin, the teachers who coordinated the project, as well as all of the students who volunteered their time to assist homeless members of our community.

As part of the Sixth Annual USA Weekend Make A Difference Day, the students oversaw every aspect of a food and clothing drive to benefit Pittsburgh's homeless. They collected enough food, clothing, and toiletry items for over 200 individual provision bags and over 100 brown bag lunches to be distributed to the city of Pittsburgh's homeless population. Additionally, students personally delivered most food items, toiletries, and warm clothing.

In his address to the attendees of the Presidential Summit for America's Future, President Clinton issued a call to action to all Americans ''to serve our children, and to help teach them to serve—not as a substitute for government, but to meet our major challenges as one community, working together.'' The students of Pine-Richland Middle School have issued and answered their own call and have served the homeless of Pittsburgh well.

While there are no Government statistics that measure the impact of public service on the morale, psyche, or character of this Nation, I am certain that Pine-Richland has set a benchmark for service that we would all do well to strive to achieve.

So my fellow colleagues, it is with great pleasure that I urge you to join me in commending the efforts of the students and teachers of the Pine-Richland Middle School. They have demonstrated a commitment to service that their family, friends, community, and the entire Fourth Congressional District can be proud of.

## KINDNESS POLICE PROGRAM IN RUTLAND, MA

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. McGOVERN. Mr. Speaker, the Kindness Police Program, founded and directed by Mirna Raya, took place at the Naquag Elementary School in Rutland, MA, as a prelude to the National Acts of Kindness Week. Third grade students were given mock police badges and citation pads with instructions to ticket people they knew and trusted if the children caught them committing an act of kindness. During the 3-week period, 329 citations of kindness were written by the children. I would like to recognize the following teachers, administrators and third-grade students who participated in the Kindness Police Program and commend them for teaching the value of kindness toward others:

Students Timothy Auger, Trevor Brown, Jessica Carpenter, Jedidiah Daviau, Emmett Dickman, John Donahue III, Cayleigh Eckhardt, Caitlin Gagne, Eric Gennert, Brendan Godin, Jeffrey Ham, Caitlin Harvey, Ryan Lamoureux, Brian LeDuc, Christopher Lizewski, Kelleen Lynch, Patrick Massey, Corie Merhib, Katlyn Metterville, Michael Metzmaker, Kevin Moore, Lindsay Myers, Lindsey Powers, Carolyn Purington, Paige Raymond, Jonathan Rocha, Tiffany Thompson, Jeffrey Tod, and their class teacher Patricia Scales.

Students Justine Almstrom, Amanda Bastarache, James Bedard, Kristen Cammuso, Samantha Campbell, Kevin Capite, Julie Circosta, Joshua Cruz, Krystal-Lee Gleason, Kimberly Haines, Roy Hatstat, Alyssa Hutchins, Michael Laxer, Courtney Macaruso, Angela Marzo, Kelley McGuiness, Joshua Nicholson, Evan Oliveri, Edward Panaccione, Sean Raya, Bryan Riley, Kelly Robbins, Tyler Russell, Alyssa Sandstrom, Stephanie Santoro, and their class teacher Linda Harris.

Students Shanna Anderson, Michelle Belanger, Stephanie Brooks, Whitney Costello, Erica Degaetano, Ross Ducharme, Alexandra Esteves, Lisa Farrow, Christina Gerolomo, Johnathan Goguen, James Hogan, Jennifer Hussey, Katelyn Kane, James Keller, Samantha King, Brandon Mackay, Allen Miller, William Morrow, Stephanie O'Brien, Robert Piccinino Jr., Timothy Quill, Lynn Russo, Rachael Starbard, Daniel Wilde, and their class teacher Anna Hagberg.

Students Brian Alisch, Daniel Arioli, Daniel Belsito, Timothy Canale, Kevin Carlson, Elizabeth Carville, Casey Chapman, Gillian Costello, Katherine DeForge, Steven French, Meghan Hennessey, Julie Katzenberg, Anthony Kewley, Thomas Lawless, Derrick Leroux, Christopher McKenna, Nicole Nunnari, Timothy Olson, Anthony Queeney Jr., Patrick Regele, Katie Richey, Ian Soderberg, Kera Stewart, Danielle Vozzella, Amanda Whitner, and their class teacher Gail Pryce.

Naquag Elementary School principal Judith Daniel, assistant principal John Bebas, guidance counselor Thomas Olson, and Mr. Chester Leonard.

## FEDERAL RAILROAD ADMINISTRATION PERFORMANCE AND PERSONNEL ENFORCEMENT ACT

### HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Ms. MOLINARI. Mr. Speaker, I am introducing H.R. —, the Federal Railroad Administration Performance and Personnel Enforcement Act. The bill will provide for institutional reforms at the Federal Railroad Administration and other improvements to the rail safety statutes aimed at promoting a safer, more secure railroad network. I would like to emphasize that the railroad system is essentially safe today, thanks to the substantial gains in safety that have been achieved since the late 1970's. In 1978, the train accident rate was nearly 15 accidents per million train-miles, or 3.9 times what it was in 1995. Railroads are safe when compared to other modes of transportation as well. About 40,000 people are killed each year on the Nation's highways, compared to about 600 fatalities that are attributed to railroad operations.

Yet rail travel is becoming increasingly complex, and we must ensure that our safety requirements keep up with today's operational realities. Traffic on the mainlines continues to grow, and the increased mix of freight, intercity passenger and commuter traffic on the same corridors poses new challenges for ensuring safety.

During the 104th Congress, I sponsored three hearings on the issue of rail safety. These hearings focused on the issues of human factors and grade crossing safety, equipment and technology in rail safety, and advanced train control technology.—This last hearing was held jointly with the Technology Subcommittee of the Science Committee.

I believe that the hearings showed that reform is needed at the Federal Railroad Administration. While I applaud the efforts of the

FRA in the last couple of years to improve the rulemaking process, I am still concerned about the rulemakings that are overdue. And in another area of concern, the Hours of Service Act, FRA and rail labor and management have all been guilty of foot-dragging in establishing pilot projects that were supposed to form the basis of changes to the act during the next authorization cycle. A report was due on January 1, 1997 on the results of the pilot projects that still has not been submitted. This is unacceptable and I believe that my bill, through a combination of institutional reforms that will force FRA to be more accountable in carrying out congressional mandates, and improvements to the rail safety statutes will help ensure safety on the Nation's railroads.

## RECOGNITION OF ANNE BOLGIANO

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mrs. MORELLA. Mr. Speaker, today I rise to honor a pioneering constituent and friend, Mrs. Anne Bolgiano. Anne Bolgiano has had a distinguished academic and professional career as a mathematician. Over 40 years ago Anne began her career as a research analyst at the National Security Agency. She performed independent and advanced research on codes and code breaking, working as a guardian of our national security during the early and tenuous stages of the cold war. It was at this time that she began her work on the Federal Government's first computer, ENIAC. Anne Bolgiano is an exceptional talent who advanced through the ranks as quickly as the pay schedule allowed. She was among the Nation's first computer programmers and is a true role model for all female scientists. In addition, Anne is a member of the Sigma Four Society, which admits only those people who score in the 99.99th percentile on their IQ tests. Anne Bolgiano was a true pioneer in the field of technology. She is a wonderful mother, friend, and woman who has done much for this country. Anne Bolgiano should be proud of her many accomplishments, and it is my pleasure to recognize her contributions to this Nation. Shakespeare wrote: ''I count myself in nothing else so happy as in a soul remembering my dear friends.'' Thank you, Anne Bolgiano, my dear friend.

## THE HOLY ROSARY YOUNG MEN'S CLUB 70TH ANNIVERSARY

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the momentous occasion of the 70th anniversary of the Holy Rosary Young Men's Club of Passaic, NJ.

The Holy Rosary Young Men's Club was incorporated in 1927 as an organization where young men of the Holy Rosary Roman Catholic Church could participate in social, athletic, civic, and fraternal activities. Since its inception, the Young Men's Club has been a leader in all of these activities. Its athletic teams have gained area renown, boasting the city and area championship baseball teams of the 1920's, 1930's, and 1940's, and continuing with its championship basketball teams of the 1950's and 1960's which played to capacity crowds at local arenas. Bowling and softball are also club mainstays.

The Young Men's Club has always been at the forefront of many civic endeavors as well. They conducted parish food and clothing drives during World War II and during other times of need. With many of its members going on to elected office, the Young Men's Club still plays a pivotal role in civic and political affairs in the community.

On every Palm Sunday for the past seventy years, the Young Men's Club sponsors its annual communion breakfast in the parish auditorium, an event which is considered by many visitors and dignitaries to be the most outstanding communion breakfast of the year. Additionally, the club sponsors a Thanksgiving social and a fun-filled beefsteak dinner at club headquarters.

The Young Men's Club contributes to the vibrancy of Holy Rosary Church and is integral to the lifeblood of the city of Passaic.

Mr. Speaker, I ask that you join me, our colleagues, members of the Young Men's Club, and the city of Passaic in honoring the momentous occasion of the 70th anniversary of the Holy Rosary Young Men's Club of Passaic.

## IN HONOR OF MONSIGNOR DAVID L. CASSATO

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to Monsignor David Cassato who is celebrating the 25th anniversary of his ordination. The Monsignor has presided over Our Lady of Mount Carmel, located in the Williamsburg and Greenpoint sections of Brooklyn, for close to 12 years, while remaining a tireless advocate for his parish and the surrounding community.

Monsignor Cassato's dedication to New York City's Catholic communities began at Saint Rita's in Long Island City. At Saint Rita's, Monsignor Cassato, then a pastor, spent 13 years developing a diversified youth program, a drop-in center for teenagers, a summer camp program for youngsters, a retreat program for young adults, activities for senior citizens, and regular visits to aged shut-ins in the parish.

When he moved to Our Lady of Mount Carmel after 13 years of service at Saint Rita's, Monsignor Cassato continued his focus on the development of outstanding parish programs. He immediately began to revitalize the good will and enthusiasm of his parishioners and went above and beyond his credo: ''To put an upward tone to the parish, to restore a sense of happiness, joy and enthusiasm for the church and our faith.'' The Monsignor's parishioners speak fondly of him and often mention his personal touches, such as always remembering each of his parishioner's names.

On Monday, April 26, 1988, Pope John Paul II made Father Cassato a Domestic Prelate of Honor ''Monsignor.''

Monsignor Cassato's commitment to the Williamsburg and Greenpoint communities does not end with his parish. He plays an active role on several community, neighborhood and senior center boards, as well as with many secular organizations.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Monsignor David Cassato. I am honored to have such a great man and leader in my district.

## TRIBUTE TO FLORENCE JOHNSON

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. FILNER. Mr. Speaker and colleagues, I rise today to pay tribute to a great educator and community leader—Florence Johnson—who passed away last week in San Diego, CA.

Florence Johnson was the founding principal of the San Diego School of Creative and Performing Arts, a public magnet school in my hometown of San Diego. I worked closely with her during my time as member and president of the San Diego School Board. Known for her dedication to her school and students, Mrs. Johnson led the school to become one of the most popular and innovative in San Diego, with a waiting list of over 4,000 students—more than twice its enrollment.

Florence Johnson attended San Diego public schools as a child and obtained her Bachelors and Masters degrees from San Diego State University. She went on to develop a career dedicated to, as she put it, ''the education of the whole child.'' She put this philosophy into practice with her school's innovative curriculum featuring a special emphasis on the arts. From the school's inception in 1978, thousands of students have passed through its gates. Florence Johnson looked at every one of those students with hope and used her skills as an educator to ensure that each student had the opportunity to succeed. She never gave up on a single student and told them, ''I'm not going to let you fail.''

Florence Johnson actively shared her talents with others throughout her career. She established Project CHOICE, a career education program, and helped introduce it throughout the State of California. She was the author of many educational resource materials. She also worked to ensure that our next generation of teachers shared her dedication to their students, in the teacher education program at Point Loma Nazarene College.

Mrs. Johnson volunteered for the San Diego County Adoption Agency. She also taught piano, directed the choir at her church, and was a member of the Rhythm Aire Players, a local theater group.

We are all saddened by her passing and will remember her as a skilled educator and advocate for her students. My thoughts and prayers go out to her husband, Jim, and her family and friends. Having dedicated a successful career to helping and inspiring others, Florence Johnson is an inspiration to our entire community.

## A SALUTE TO EDWARD J. PARISH: RETIRING PRESIDENT OF THE CLERMONT COUNTY CHAMBER OF COMMERCE

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. PORTMAN. Mr. Speaker, I rise today to recognize a friend and a prominent southwest Ohioan, Edward J. Parish, who has served as president of the Clermont County Chamber of Commerce for the past 18 years. As he retires this year, we thank him for the extraordinary leadership and service he has given to the Clermont County community.

After earning both a bachelor's and a master's degree in engineering at the University of Michigan, where he was a member of Tau Beta Pi and a Donovan Scholar, Mr. Parish joined the Ingersoll-Rand Co. as a sales engineer; 35 years later, he retired from Ingersoll-Rand as executive vice president and director of the company. Then his second career of community service to Clermont County began.

Under his leadership, Clermont County has achieved remarkable success in attracting and sustaining businesses and promoting economic development.

Mr. Parish has also made tremendous contributions to the overall economic development of southwest Ohio through his involvement in other organizations, including the Cincinnati Consortium of Educational Resources, the Private Industry Council, the Community Chest United Fund, the Clermont/Warren Consortium, the Cincinnati Foundation, the Clermont College Advisory Board and the Greater Cincinnati Chamber Blue Chip Economic Development Committee.

Mr. Parish has given generously of his time and talent and we are grateful for his many years of service and leadership. All of us in southwest Ohio congratulate him on his retirement and recognize him for his many accomplishments.

## PERSONAL EXPLANATION

### HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. CAPPS. Mr. Speaker, yesterday when returning from my district, I was unavoidably detained and missed two votes: Rollcall vote No. 92, a bill to extend expiring Conservation Reserve Program contracts for 1 year (H.R. 1342), and rollcall vote No. 93, a bill to authorize the transfer to States of surplus personal property for donation to nonprofits (H.R. 680).

Had I been here I would have voted ''aye'' on both measures.

## RECOGNITION OF WASHINGTON EPISCOPAL SCHOOL

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mrs. MORELLA. Mr. Speaker, I rise today to salute the excellence of a small private school in my district, Washington Episcopal. As a former English professor and mother of a talented actor I have a great love of the theater. I am a strong supporter of the arts and know how important it is to expose young people to the performing arts as early as possible. Washington Episcopal School has done much to fulfill this vital role by introducing many young people to the arts in my district.

For these efforts Washington Episcopal School was recently awarded the National Blue Ribbon Award for Excellence in Education. Washington Episcopal is an elementary and middle school with classes for children ages 3–13 years old. The school upholds the academic goals I cherish. In particular, they have a strong performing arts curriculum, putting on school plays, musicals and other productions beginning in nursery school and continuing through the eighth grade. In addition, Washington Episcopal offers a drama summer camp program that concludes each summer session with the performance of a musical.

The school is building a new performing arts center that will enable them to further strengthen their performing arts curriculum. Please join with me in acknowledging and praising learning environments that encourage children to explore the world of drama and playwrights. I want to commend Washington Episcopal School for their outstanding accomplishments and leadership in the performing arts arena and wish them the best of luck in the future.

## HONORING THE ROYER FAMILY ON THE 10TH ANNIVERSARY OF THEIR CAFE IN ROUND TOP

### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. BENTSEN. Mr. Speaker, I rise to honor the Royer family on the 10th anniversary of the establishment of Royers' Round Top Cafe in Round Top, TX, which will be celebrated on May 3, 1997.

On this anniversary, we recognize the commitment, perseverance, imagination, and success of the Royer family—Bud, Karen, Tara, Micah, Todd, and J.B. Their cafe has become a regional landmark and a source of good food and good cheer for locals and travelers in Texas.

Ten years ago, the Royer family took over a small cafe in Round Top, population 81. They faced many challenges, including difficult economic times in Texas in the late 1980's, a market that is isolated and small, and a business that is known for its challenges and difficulty getting established. As a result of incredible perseverance, a total family commitment, and salesmanship without equal, Royers' Cafe and Bud, the head of the family, have become regional celebrities.

I congratulate the Royer family and wish them continued success. They epitomize the American dream and are an inspiration to all of us.

## A TRIBUTE TO DAVID MANIACI

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention, David Maniaci of Allendale, NJ, who is being honored by the Italian-American Police Officer's Association of New Jersey.

David was born on May 24, 1963, at Saint Joseph's Hospital in Paterson to Anna and the late Nicholas Maniaci and was raised in North Haledon. He is a graduate of Neumann Preparatory High School and Saint Joseph's University in Philadelphia. David majored in food marketing and earned a bachelor of science degree in 1985.

While a young high school student working part time at the local Foodtown, David met his wife, Nancy, who was also a student and part-time worker. They have been married for more than 8 years and have two children: Alexa, age 7 and Nicholas, age 5.

David is president and CEO of Nicholas Markets, Inc., a family-owned business that was started in North Haledon by his father, Nicholas, in 1943. Nicholas Markets owns and operates 10 Super Foodtowns and 2 Grand Opening Liquor Stores in Passaic, Essex, Sussex, Middlesex, and Union Counties.

David is a member of the Foodtown Board of Directors, and the New Jersey Food Council Board of Directors. He also is a member of the Passaic County Police Chief Association and the Passaic County 200 Club.

David also serves many civic organizations as well, including the Boy Scouts of America, where he is a member of the board of directors, the Fidelians of America, and the Hawthorne Lions Club, where he serves as treasurer. He also helped establish the Nicholas Maniaci Scholarship Fund for St. Paul's Roman Catholic School in Prospect Park and has worked on various projects which assist handicapped members of the community.

Mr. Speaker, I ask that you join me, our colleagues, David's family and friends, the Italian-American Police Officer's Association, and the citizens of North Jersey in recognizing the outstanding and invaluable service to the community of David Maniaci.

## TRIBUTE TO MAGNOLIA VIRGINIA WRIGHT BYNUM

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. TOWNS. Mr. Speaker, I am immensely pleased to acknowledge the retirement of Virginia Bynum and to introduce her to my House colleagues. Like me, Ms. Bynum graduated from North Carolina A&T State University and received her M.S. in Education from New York University.

Ms. Bynum's career was a reflection of her commitment to her community and to providing educational opportunities to those who desired it. Her first job was with the Macedonia High School in Blackville, SC, where she taught courses in business education. For more than 30 years, Ms. Bynum has taught

business education for the Jersey City, NJ school system and has been the Dean of Students for 21 years.

Building upon her career successes, Ms. Bynum is a member of numerous professional organizations and the recipient of a wide array of community service awards. Always yearning to assist others, Ms. Bynum has served as a special assistant for the 10th Congressional District and is New York liaison for North Carolina A&T. This month, she will retire as cochairperson of the Cornerstone Day Care Center. I am honored to recognize her numerous and noteworthy achievements.

## TRIBUTE TO GILBERT GRAY

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Mr. Gilbert Gray. The death of Mr. Gray on April 9, 1997, was a sad day for all of us who knew him. He will be greatly missed, both as a dedicated civil rights activist and, as a generous and caring individual.

Born to a Texas farming family, he moved to California with his wife, Alice, in 1945. When the shipyard where he was employed was closed, he worked as a janitor at night, and attended barber school and played semi-pro baseball during the day. For the next 27 years, he worked as a military barber at Bay Area bases.

When the Grays moved to Santa Rosa, CA in 1952 to raise their nine children, it was a segregated town. Mr. Gray devoted tremendous time and energy to making the community, and the country, a better place for all Americans by fighting for equal rights. After attending his first NAACP convention, where he met Martin Luther King, Jr., he cofounded the Sonoma County NAACP chapter. He coordinated numerous events to protest injustices occurring to African-Americans across the Nation. When a local saloon refused to serve African-Americans, he organized a successful sit-in to protest.

Gilbert Gray continually extended himself for the good of the community. He was instrumental in establishing the Community Baptist Church in Santa Rosa. He also was a member of the Marin City Council and very active in the northern California Democratic Party. Along with his wife, Alice, he established the Gilbert and Alice Gray Foundation, a nonprofit organization that provides funds for students who excel academically or at a vocational skill. Despite the many awards and honors he received, his proudest moments were spent telling stories about his children earning college degrees.

Mr. Speaker, it is with great sadness that I acknowledge the loss of Gilbert Gray. He was a tremendous asset to his community. The commitment Mr. Gray exhibited toward civil rights was admired by all who knew him. I extend my deepest sympathies to his wife, Alice, and their family. I, personally, will miss this wonderful man.

## PERMANENT CROP LOSS EMERGENCY ASSISTANCE ACT OF 1997

### HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. CONDIT. Mr. Speaker, one of the greatest impacts to the California agricultural community was the loss to permanent crops as the result of damage from this winter's flooding. Approximately, 5,600 acres of orchards and vineyards in Stanislaus, Sacramento, Sutter, and Yuba Counties of California were completely destroyed or severely damaged. In these areas, in addition to suffering losses in this crop year, farmers will be faced with the high cost of replanting orchards and vineyards, and will have to wait years before a crop can be harvested.

In order to address this problem, I am introducing legislation today titled, ''The Permanent Crop Loss Emergency Assistance Act of 1997,'' which would authorize USDA's Farm Service's Agency to provide assistance to affected farmers. This program will provide assistance to farmers whose orchards and vineyards have suffered mortality as a result of the 1997 floods, including removing and disposing trees, preparing the land for replanting, the cost of planting stock, and actual planting of the orchard or vineyard. The program is similar to the Tree Replacement Program contained in the 1990 farm bill. This bill contains an appropriation of $9 million, based upon estimates by the California department of food and agriculture.

The purpose of introducing this legislation is to provide support for the inclusion of this program in the emergency supplemental appropriations bill which will provide the requisite authority and funding for this program.

## INCREASING SAVINGS FOR WOMEN

### HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. MCCOLLUM. Mr. Speaker, today I take great pride in introducing the Women's Investment and Savings Equity Act of 1997, the Wise bill. Joining me in this effort is my colleague from Washington, Ms. JENNIFER DUNN.

The old proverb ''a penny saved is a penny earned'' has more truth today than people realize. Savings is not only a critical part of Americans' retirement security, but our long-term economic growth depends largely on what we save today. After all, the economy cannot grow unless there's an adequate supply of capital to invest. Money saved for retirement, whether it is through savings accounts, IRA's or employer-sponsored pensions, is a primary source of private investment capital.

Unfortunately, today's punitive, complex Tax Code encourages consumption while savings and investment are generally discouraged. Low savings rates means reduced growth potential. It also means a lower quality of life when the retirement years arrive.

In an effort to stimulate savings, the Wise bill would make some much needed changes to our Tax Code as it pertains to savings for parents, especially women. Right now, many middle-class homemakers have difficulty establishing a tax-preferred individual retirement account [IRA] if their spouse has access to an employer-sponsored pension. Furthermore, parents who take unpaid maternity or paternity leave have no way of making up pension contributions once they return to the work force. Finally, many parents realize that it may not be possible for both parents to work while raising a child. Even if both do, there may not be enough money to make pension contributions.

The lack of savings opportunities I have just described would be removed if we enacted the Wise bill. First, the bill would allow any non-working spouse to establish a tax-preferred IRA, regardless of whether the working spouse has access to an employer-sponsored pension. This would allow many middle-class people, especially women, to establish secure retirement savings accounts.

Second, the Wise bill would allow those coming off of unpaid maternity or paternity leave to make up contributions to their employer-sponsored pension, for example, 401(k), that they would have been able to make had they not been on leave. The legislation would allow the person 3 years to make up the missed contributions.

Third, the Wise bill would allow parents who do not make contributions to their pension while raising a child, regardless of whether the parent has left the work force or if they simply cannot make a contribution due to other expenses, to make up those contributions at a later date. After all, piano lessons will sometimes come before retirement savings. For example, if a parent does not make contributions for 13 years while raising a child, he or she will have 13 years to make up the contributions. The make-up contributions will be equal to the lesser of what the parent could have otherwise contributed, of 120 percent of the contribution limit minus what is being contributed that year. For example, a $50,000 earner with a 401(k) allowing for a 5-percent deferral, $2,500, as defined by the employer could contribute his or her normal $2,500 plus another $2,500 if it is a make-up year. The added $2,500 is the lesser of the plan limit, $2,500, or 120 percent of the legal limit, $11,400, minus $2,500, the contribution already being made. The legal limit of a 401(k) is $9,500.

These reforms are needed to remove the inequities that parents, especially women, face when it comes to savings for retirement. This would clearly spur additional personal savings. More savings equals an increase in retirement income, a reduction in dependence on entitlements and much needed economic growth. For all these reasons, it is imperative that we make retirement savings more attractive and easier for parents who face unique financial strains. The Wise bill does just that. I urge my colleagues to support this needed reform.

## THE CHILDREN'S HEALTH INSURANCE PROVIDES SECURITY ACT OF 1997

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. BERRY. Mr. Speaker, I rise today to offer my strong support for legislation introduced today by Representative DINGELL, myself, Representative ROUKEMA and others. Our

bill, the Children's Health Insurance Provides Security or ''CHIPS'' Act, will help America's children get the preventive health care they need to become healthy adults.

Over 10 million children in this country—a country where over 1 million children a year are being born into poverty—are currently without health insurance. If parents can't afford to purchase health insurance, and cannot afford to pay health bills, those bills do not go away. No, Mr. Speaker, we all pay for the uninsured.

Arkansas recognizes that uninsured children need to receive coverage. Recently, our State enacted a law that is very similar to the legislation we introduced today. In Arkansas, children in families up to 200 percent of the Federal poverty level will have affordable, accessible health insurance.

Arkansas has proved that we can solve the problem of uninsured children in a fiscally responsible manner, as part of a balanced budget. Arkansas is required by State constitution to balance its budget each year, and yet it has set aside $11 billion to provide health insurance by expanding its Medicaid program.

The legislation we introduced today is an investment in America's future. It is preventive medicine. Think about it—we can provide health insurance for children for only $700 a year. That's equal to the cost of just one day in the hospital for a child. Or, we can ignore this opportunity to invest in prevention and end up spending hundreds or thousands of dollars down the road when a child is hospitalized.

I am proud to be part of this effort today, and I believe that this measure should be an integral part of balanced budgets offered by both Democrats and Republicans this year. This legislation has bipartisan, bicameral support and I urge my colleagues to include its provisions in our Nation's budget.

## A TRIBUTE TO DORRIE THURMAN

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. DAVIS of Illinois. Mr. Speaker, today I take this opportunity to pay tribute to a great American who gave consistently of herself for the betterment of her community, her city, and her country.

Dorrie Thurman was a community activist in Chicago's Uptown neighborhood where she worked for many years on behalf of the poor and disadvantaged members of our society. She was a member of several welfare rights organizations and eventually became president of The Voice of the People, an affordable housing development corporation.

Dorrie was a strong proponent of the philosophy that ''you cannot lead where you don't go and you cannot teach what you don't know.'' Therefore, she lived in a building owned and operated by The Voice of the People.

The Chicago Tribune wrote, ''in her heyday, little Dorrie Thurman was a community leader in Uptown; the kind of big-hearted activist who once sprouted in Chicago like wildflowers in a vacant lot.''

Ms. Thurman leaves a great legacy of involvement, determination, and belief that people can make a difference. Her vibrancy, spirit, and willingness to give of herself made her a unique person who will always live as a part of the history of Uptown and as a part of the history of the advocacy for poor people throughout America.

## HUMAN RIGHTS ABUSES IN U.S. TERRITORY

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. MILLER of California. Mr. Speaker, over two dozen Members of Congress have joined in introducing H.R. 1450, urgently needed legislation to stop the inexcusable pattern of labor and human rights abuses in the United States Commonwealth of the Northern Mariana Islands [CNMI]. The full extent of those systematic abuses was detailed in the report released last week by the Democratic staff of the Committee on Resources, Economic Miracle or Economic Mirage: The Human Cost of Development in the Commonwealth of the Northern Mariana Islands.

Prominent human rights and religious groups including Human Rights Watch, the Asia Pacific Center for Justice and Peace, and the United States Catholic Conference, as well as national labor organizations, are unified in their support of the Insular Fair Wage and Human Rights Act of 1997. This bill would mandate needed reforms in the CNMI's minimum wage and immigration policies. H.R. 1450 sends a strong message to the CNMI Government that these continued abuses will not be tolerated on United States soil.

I welcome the following April 28, 1997 editorial from the Honolulu Star-Bulletin in support of this important legislation. The editorial accurately refers to reports that mistreatment of CNMI laborers has been well documented for years, and the CNMI Government has been unwilling to provide satisfactory protections to these thousands of guests to the United States.

This editorial as well as the strong support of the Hawaii congressional delegation and the many organizations in Hawaii including the Filipino Coalition for Solidarity, the United Filipino Council of Hawaii, the Oahu Filipino Community Council, the Aloha Medical Mission, and the Hotel and Restaurant Employees Union, Local 5, is critical to achieve reform in the CNMI.

The Department of the Interior has urged Congress to take swift action on this issue. It is my hope that the administration, the Congress, and the strong coalition of interest groups will be successful in bringing about reform in the CNMI this session of Congress.

[From the Honolulu Star-Bulletin, April 28, 1997]

CONGRESS SHOULD ACT ON NORTHERN MARIANAS

Patience with the Northern Marianas government is running out in Washington. A group of Democratic members of the House of Representatives, including Hawaii's members, is seeking expansion of federal control of the islands to deal with abuses of foreign labor. These reportedly include forced prostitution, drug activity and labor practices likened to slavery.

Rep. George Miller, D-Calif., has introduced a bill to raise the minimum wage in the Northern Marianas to the federal level, institute federal control over immigration and require garment manufacturers to comply with federal labor laws. Hawaii Reps. Neil Abercrombie and Patsy Mink are among the 25 co-sponsors.

The Northern Marianas were formerly part of the Trust Territory of the Pacific Islands. They became a U.S. commonwealth in 1976 after the people approved that status in a plebiscite. As a commonwealth, the islands have limited autonomy but are still under U.S. control.

Complaints about employer mistreatment of foreign labor have been heard for years. Two years ago an official of the Interior Department's Office of Territorial and International Affairs told a meeting organized by Hawaii Filipino leaders that the reported violations of human rights in the Northern Marianas ''have no place in a place that flies the U.S. flag.'' The official spoke in Honolulu en route back to Washington from an inspection trip to Saipan, capital of the Northern Marianas.

Miller charges that the human-rights violations continue in the islands despite criticism by Congress and federal agencies. He says, ''These workers are not free.'' His bill has the support of Filipino organizations in Hawaii. Filipinos comprise the largest group of foreign workers in the islands, but there are also workers from China, South Korea and Japan.

A bill to federalize the Northern Marianas' minimum wage passed the Senate last year but died in the House. Miller's bill is worthy of support in view of the inability of the commonwealth government to deal with the problem. These abuses need not and should not be tolerated because the Northern Marianas have commonwealth status.

## HONORING THE VICTIMS OF THE ARMENIAN GENOCIDE

### HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. WEYGAND. Mr. Speaker, on behalf of the Armenian community in Rhode Island, I would like to take the opportunity to recognize and commemorate the Congressional observance of the 82d anniversary of the Armenian Genocide, a solemn, yet historically significant event.

We honor today the 1.5 million victims, who were massacred at the hands of the Ottoman Turks, and express our condolences to their descendants. The world has chosen to ignore this tragedy and because we must ensure that history does not repeat itself, we need to properly acknowledge the horrors of the Armenian Genocide.

The Armenian Genocide was launched when efforts led by the Ottoman Empire led to the eradication and destruction of the Armenian people. As a result, over 300,000 people died in 1895 and 30,000 in 1909 before the West eventually interceded. The tumultuous events of World War I allowed the Turks to launch their next assault on the Armenian community. The period of 1915–23 marks one of the darkest periods of modern times—the first example of genocide in the 20th century. On April 24, 1915, 200 intellectuals, political and religious leaders from Constantinople were executed by Turkish officials. Throughout an 8-year period, Armenians were driven from their homes, forced to endure death marches, starved, and executed in mass numbers.

To this day, the Turkish Government does not recognize any of these occurrences and denies responsibility for the eradication of almost the entire Armenian population living in Turkey.

I gather here today with my fellow colleagues and the Armenian community to proclaim that the genocide did indeed happen. Unfortunately, we cannot change the past, but we can all work together to ensure that these injustices never occur again in the course of humanity. By honoring the victims of the Armenian Genocide and sharing the grief of their families, we can begin to heal the many wounds.

I would like to end with this thought from former President Theodore Roosevelt, who in 1915 stated:

> . . . the Armenian massacre was the greatest crime of the war and the failure to deal radically with the horror means that all talk of guaranteeing future peace of the world is mischievous nonsense.

## TRIBUTE TO EUNICE FLANDERS CARY

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. PAYNE. Mr. Speaker, I would like my colleagues in the House of Representatives to join me in paying tribute to a very special person who has truly made a difference in the lives of others, Eunice Flanders Cary of East Orange, NJ.

Mrs. Cary is being honored for her efforts in providing foster care to African-American youngsters for more than 50 years. During the earlier years of her life, she volunteered to serve her community and did so until she retired more than 2 years ago.

Eunice Flanders Cary is a native of New Jersey who has lived most of her life in Vauxhall. She raised three children—Jean Hopkins, Bernice Sanders, and a son, George Cary, now deceased. Mrs. Cary has six grandchildren and seven great-grandchildren.

In 1968, Mrs. Cary opened the first Emergency Shelter for Foster Children in Essex county. During this period, Mrs. Cary provided a home for 84 boys, giving guidance and love to each. Many have found rewarding positions in their adult lives as fireman, bank managers, bus drivers, and businessmen. Although retired, she still has one of her boys, who is now 82, residing with her.

Mrs. Cary is a member of Bethlehem Chapter No. 41, Order of the Eastern Star, PHA East Orange, where she has served as treasurer for 28 years and also served as past matron of her chapter. In addition, she is a member of Ruth Court No. 5, past most ancient matron heroines of Jericho and Rose of Sharon Court No. 4, Order of Cyrenes, PHA.

In 1978, Mrs. Cary was honored by the Life Members guild of the National Council of Negro Women for being a foster mother to homeless boys. She is a life member of the National Council of Negro Women, Section of the Oranges.

Mrs. Cary has been a member of Messiah Baptist Church in East Orange since 1945 and has been a member of the Church's flower guild for 41 years. Her community involvement includes working with United Way and the Bureau of Toys Services.

Mr. Speaker, we in New Jersey are very proud of this wonderful woman and we are grateful for all that she has done for our community. Please join me in sending congratulations and best wishes to Mrs. Cary as we celebrate her many years of distinguished community service.

## HONORING ABINGTON FRIENDS SCHOOL

### HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor an outstanding school which began educating our youth even before our Founding Fathers brought forth this great Nation. Founded in 1697, Abington Friends School has the distinction of being the oldest primary and secondary education institution in the United States to operate continuously at the same location and under the same administration.

Abington Friends School is an independent, coeducational, college preparatory day school, founded by and administered under the care of the Abington Monthly Meeting of the Religious Society of Friends—The Quakers.

Mr. Speaker, Abington Friends School has been dedicated to teaching the values of peace, community service and commitment to society for three centuries—long before this week's Presidents' Summit for America's Future in Philadelphia attempted to deliver the same message.

It is a basic Quaker tenet that all conflicts can be resolved peacefully. The strength and success of Abington Friends School is that while certain elements have remained the same throughout the past 300 years, the school has shown the ability to adapt to the changing times while still providing a quality education and remaining true to their motto—''Commitment, Community, Character.''

In 1697, John Barnes, a wealthy tailor, donated 120 acres of his estate and 150 pounds in currency to construct a meetinghouse and school. The school was the first educational institution in the Abington area and the first classes were conducted in the Meetinghouse.

To put the history of Abington Friends School in perspective, a chronicler once noted that ''when the marching troops of General Washington and General Howe kicked up the dust of Old York Road in 1777, it was not the first pupils of the schools who watched with alternating emotions from the hedgerows, but the grandchildren of those first scholars.'' The school's address—Washington Lane—is a tie and a tribute to that past.

From the beginning, Abington Friends School was ahead of its time, starting as a coeducational school. George Boone, uncle of Daniel Boone, was the popular headmaster from 1716 to 1720. The current caretaker's building next to the Meetinghouse served as the school beginning in 1784. Boys met on the first floor; girls on the second. The present School Store is believed to have been built between 1690 and 1710. The building was either a farmer's residence or a storage cottage.

Over the last 15 years, seventh-grade students have been involved in an archaeological dig around the store and have uncovered 10,000 artifacts many of which are on display at the school. Among the finds are Colonial artifacts that give credence to the fact that Washington's troops did pass by the school and may have even stopped there.

Abington Friends School was also a leader in the movement to abolish slavery in the United States. Benjamin Lay who lived across the street from the grounds during the 1700's was a Quaker and an ardent abolitionist. He made his distaste for slavery known to the Friends. One day, he detained some students on their way home from school and told the distraught mother: ''How do you think those poor mothers in Africa feel when their children are torn from them, never to be returned again?'' This family freed their slaves. By 1760, there were black students at Abington Friends. This was 16 years before the Quakers abolished slavery in their ranks and the outset of the American Revolution; 100 years before the American Civil War and 200 years before integration and the Civil Rights Movement. In fact, the earliest school picture from 1869 shows black students.

The abolitionist fervor carried on 100 years later. Lucretia Mott, a local Quaker woman and frequent attender of Abington Monthly Meeting from 1857–1880, often spoke to students about her experiences as a conductor on the Underground Railroad. In fact, it is likely that the Meeting and school may have been a stop on the Underground Railroad. Today, third-grade students culminate their study of the Underground Railroad by participating in a simulation on the grounds around the Meetinghouse. It is fitting that civil rights pioneer Rosa Parks appeared at Abington Friends this past October.

Abington Friends School operated as a boarding school from 1887–1914 when a Quaker minister, Edith Atlee, saw the need for secondary education. The result was a school from kindergarten through 12th grade. After the close of the boarding school, the high school was eliminated. In the mid 1920's ninth grade was added. Due to the increase of public schools in the area by the early 20th century, enrollment at Abington Friends began to drop, particularly among boys. In 1931, Abington Friends became an all-girls college preparatory school. Boys were readmitted in 1966 with the first co-ed graduation in more than 40 years occurring in 1975.

In 1959, the school committee which establishes policy for the school directed Headmaster Howard Bartram to ''expand the number of students and teachers whose racial, religious and cultural backgrounds would help us better understand the world in which we live.''

The school continues to actively pursue students of various backgrounds. There are students from Bolivia, Bosnia, England, Israel and the Ukraine and faculty from Ghana and Sweden. This adds a rich international and diverse flavor to the school. A student-run multicultural organization plans such celebrations as Black History Month, Chinese New Year, and a December program which recognizes all the different cultural holiday. A lower school Spanish program exposes students to the values of being multilingual and teaches them to have respect for other cultures.

While Abington Friends School celebrates three centuries of education, it is prepared for the 21st century. Students use computers to access information on the Internet, to write or

compose art or to communicate with students in other cities, states and countries. Strong arts, theater, music and athletic programs enable students to find that they have talents in multiple disciplines.

From the first September nearly 300 years ago, Abington Friends School has been a special place for children. Quakers and non-Quakers and children of all races, nations and economic backgrounds have received rigorous academic training in an environment which empowers them to create, question, challenge and explore. Students are taught the value of peaceful conflict resolution and are required to perform community service. With these powerful guiding principles, Abington Friends School has been able to help children grow into productive, responsible adults committed to improving their communities and the world.

Mr. Speaker, I would like to honor the students, faculty, administrators, and parents of Abington Friends School as they celebrate their rich history, the dedication to the community, their commitment to peaceful resolution of conflict and their respect for all members of the human family without regard to race, color, creed or social standing. I praise their efforts to raise generation after generation of American children dedicated to working for the common good and I wish them prayers and good wishes for the next 300 years and beyond.

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

## TRIBUTE TO THE LATE HON. CHARLES ARTHUR HAYES

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Ms. KAPTUR. Mr. Speaker, I wish to extend the deepest sympathies of our community to the family and friends of Congressman Charles Arthur Hayes of Chicago, IL, who served in this body from September 1983 through December 1992.

It was my distinct pleasure to know and work with this indefatigable man we called Charlie, including a visit to his central city Chicago district. During that tour, we walked from public housing development to public housing development, trying to envision a better and different future for the people—especially the children—living there.

He knew every nook and cranny of his town. While we explored his neighborhoods, he talked about his early life, how upon graduation he had sought to work in Chicago but was denied because he was a man of color. He eventually joined the United Food and Commercial Workers Union and spent his life as a tireless and vocal advocate for the working people of our Nation—and for those who wish to work but are denied access.

Through his life, he helped America move forward. As a staunch ally of Martin Luther King, Jr., and civil rights advocates, he changed the laws of our land to meet the Nation's promise that ''All people are created equal.''

We shall miss you, Charlie. I still look for you in the corridors of Congress, and still hear your voice. Very few citizens with a background like yours achieve election to this Chamber. You brought a set of experiences and a world view that need greater voice. Rest in peace, faithful servant. In your life, you made a difference.

## WOMEN'S BUSINESS DEVELOPMENT PROGRAM

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. LAFALCE. Mr. Speaker, today I am introducing legislation to authorize permanently a very successful, low-cost, community-based program to train and counsel current and potential women business owners. This program was created as part of the Women's Business Ownership Act of 1988, which I authored.

Mr. Speaker, women entrepreneurs are an increasingly significant part of the U.S. economy. They account for approximately one-third of all U.S. businesses and are starting businesses at twice the rate of men. Masked by these impressive statistics, however, is the fact that women encounter numerous obstacles trying to start, maintain or expand a business—obstacles which must be eliminated if we are ever to realize the full potential of this dynamic sector of our economy.

While all small businesses have common challenges—access to capital, for example—there are particular problems faced by women. In 1988, the Committee on Small Business first heard testimony from dozens of women business owners on this issue. One area which was repeatedly cited was a need for business training to teach women financial, management and technical skills. The women's business training program, which is the subject of today's legislation, thus was established as a pilot program to see if it could help fill the training void. I can report to you today that it has exceeded our hopes for it.

As befitting a program administered by the Small Business Administration, this program takes a very entrepreneurial and business-like approach to fostering and assisting women entrepreneurs. Organizations experienced in business counseling and training may submit to the SBA proposals for Federal funding to start a training center. The process is very competitive as Federal funds for the program are limited and must be matched by non-Federal assistance according to a specified formula. I can assure you that such terms weed out all but those who are the most committed to assisting women entrepreneurs and are the most likely to be able to keep their centers operational over the long term.

Nine years after getting off the ground, there are currently 54 training sites—19 of which are currently receiving Federal funding—in 28 States and the District of Columbia. Contributing to the program's success is the fact that this program does not require a one-size-fits-all approach. Each center tailors its style and curriculum to the particular needs of the community—be it rural, urban, low income, or linguistically or culturally diverse.

With the centers flexible enough to base everything from hours of operation to class offerings on community needs, the sites have understandably been highly responsive to low-income women and those seeking to get off welfare. We all know the intensive assistance that must be given to women who are likely to be entering the business world for the first time. Having spoken to the directors of many of the women's business centers about their programs, I can attest to their commitment to working with these women; to making available the necessarily broad array of business and skills courses; and to providing them a learning atmosphere that is supportive enough to bolster them in their decision to make the transition from welfare, yet realistic enough to prepare them for the responsibilities of owning a business.

More than 55,000 women have sought and benefited from the training and counseling in business management, marketing, financial and technical assistance offered by the centers. The centers have directly led to business startups, expansions, and job creation. Equally important, the program has also prevented business failures.

Mr. Speaker, I could spend hours giving concrete examples of the accomplishments of this program and describing the experienced and talented people who put enormous time and energy into running their sites. I will, however, take just a minute to give a few examples of how creatively this program has responded to the needs of its clientele and the realities of the economy and business world they seek to be part of:

The Washington, DC and Los Angeles sites are working on a pilot program with the Department of Defense to provide business training to military spouses, who often cannot develop a career because of the frequent moves required by military life. The training is focusing on portable businesses—ranging from computers to hair care services—that the military spouse can move when the family changes duty stations. This pilot program will take place in Norfolk and San Diego.

All of the women's business centers—including those no longer receiving Federal moneys—are linked on a women's business intranet, which will lead shortly to an Internet training site. Based at the Dallas business center, the computer training site will make available to any woman with a computer business training, mentoring, counseling, etc. This program and its potential so impressed IBM that it has partnered with the Small Business Administration's Office of Women's Business Ownership to give them 240 computers for the sites to teach women how to use computers for business purposes such as developing a business plan.

The Milwaukee program has set up in a nearby office building a coffee business called Coffee with a Conscience. The training center rotates potential businesswomen as ''owners'' of the coffee cart, giving them firsthand experience in the fundamentals of owning a business, including bookkeeping, ordering supplies, and working with customers, and also gives them an opportunity to answer threshold questions such as whether they want to put in the time that owning a business demands.

The Center for Women and Enterprise in Massachusetts last year was given $150,000 by the Bank of Boston toward the center's private matching fund requirements. Since then, one of the center's clients has won a Small Business Innovation and Research award, which is a highly competitive Federal grant given to small businesses which have technologically innovative and commercially feasible products to develop.

Mr. Speaker, this program has since its inception received broad bipartisan support in both Houses of Congress. It does what we want most Federal programs to do: runs on a shoestring, produces concrete results, reaches and benefits a wide array of individuals, involves only a small amount of Federal financial aid to any one recipient location, and requires no bureaucracy to run it. This program works and it puts people to work. I urge all Members to support this bill and I look forward to its quick passage.

## TRIBUTE TO MICHAEL J. KOVACS

### HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of Michael J. Kovacs. Mr. Kovacs has worked tirelessly for over 15 years to educate the people in the south suburban communities of Chicago.

Mr. Kovacs has chosen to give back to his community by volunteering his time and valuable skills to the local cable industry. Over the years, in cooperation with Steve Klinhert and Kenny White of Continental Cablevision, Kovacs has reached out to local schools, churches, VFW's, chambers of commerce, and local elected officials with his film-making skills in an effort to keep the community informed on important issues in their area.

Michael Kovac's commitment to providing service to his community deserves the highest commendation. His impact on Chicago's south suburban community is not only deserving of congressional recognition, but should also serve as a model for others to follow.

At a time when our Nation's leaders are asking the people of this country to make serving their community a core value of citizenship, honoring Michael Kovacs is both timely and appropriate.

I urge this body to identify and recognize others in their communities whose actions have so greatly benefited and enlighted America's communities.

## NATIONAL WRITE YOUR CONGRESSMAN

### HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. RAMSTAD. Mr. Speaker, new technologies like electronic mail and the Internet have helped bring people closer than ever to the events in Congress. But one of the most instrumental groups in keeping people in touch with their representative, National Write Your Congressman, relies on technology that is as old as this country itself—the U.S. Postal Service.

National Write Your Congressman was founded in Dallas, TX, in 1958. For nearly 40 years, this important organization has helped constituents voice their opinions with monthly mailings that present both sides of controversial issues. Constituents are then asked to mark a ballot in favor of or against a legislative proposal, and return the ballot to their Representative. National Write Your Congressman conducts frequent polls of its membership and informs Representatives of their results. They also keep Representatives' voting records on file, and frequently update their membership on the performance of the men and women who represent them.

I am particularly grateful to LeRoy and Erika Larson of Burnsville, MN, in my congressional district, who visited my office this week.

LeRoy and Erika's tireless efforts on behalf of National Write Your Congressman have enabled my Minnesota constituents to voice their opinion on legislation that directly affects their lives. At the same time, they have been proactive participants in the education of our citizenry, which helps build a more responsible America.

Mr. Speaker, I want to thank National Write Your Congressman for their ongoing efforts to inform citizens of our activities in Washington and to inform us of our constituents' concerns. They are truly helping empower the people of this country and returning the government to the people it was created to serve.

## MAJORITY OF HOUSE DEMOCRATS URGE INCLUSION OF MILITARY SPENDING IN BUDGET CUTS

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. FRANK of Massachusetts. Mr. Speaker, with the budget negotiations going forward, many of us are disturbed by the apparent assumption that military spending should be continued at its current level while significant reductions are imposed on a wide range of important nonmilitary programs. Health care, environmental cleanup, education, job training, community development, transportation, international economic assistance—all of these are put seriously at risk by a decision to exempt military spending from any significant budget discipline.

While Democratic Members are naturally interested in supporting the President at this critical time, significantly more than half of the Democratic Caucus recently agreed to a letter which we sent to the President last Friday voicing our strong objections to important aspects of the budget negotiations as they have been reported.

To date, 111 of the Democratic Members of the House, along with our Independent colleague, have signed on to the letter in which we have told the President that ''we strongly believe that a budget compromise must begin seriously the process of moving funds from the Pentagon and related agencies to the civilian side if we are to balance the budget while avoiding devastating cuts over the next 5 years in important nonmilitary programs.''

The goal of reducing the deficit to zero by the year 2002 is very widely shared. The debate is not over whether or not to balance the budget, but whether to do so in a socially responsible way, which meets our obligation to deal with important social and economic problems to the extend that we can, or whether to do it in a way that will exacerbate these problems. Members of the House do not casually write to the President to voice strong objections to efforts to resolve our budget difficulty, and I believe that the fact that so many of us have felt compelled to do so at this time is a point that should be noted here. It is precisely because many of us hope to see a budget compromise reached that we can support that we are making clear what we believe to be the essential elements of such a compromise in this way. Mr. Speaker, I ask that the text of the letter and the list of signers as of noon on Monday be printed here.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, April 25, 1997.*

Hon. WILLIAM J. CLINTON,
*President, The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: We wish to make clear our strong objections to any budget proposal which would maintain the current high level of military spending while reducing severely in real terms both discretionary spending on all non-military functions, and funding for Medicare and Medicaid. You have correctly noted the importance of adequate funding support for education, the environment and job training. We believe that there are other important priorities that must receive adequate funding support in the years ahead as well. Unfortunately, the action of the Republican majority in adding $17 billion to the Pentagon's budget over the past two years has already greatly exacerbated the difficulties we face in providing adequate funds for many of these programs, within the context of a balanced budget by the year 2002. And we are concerned that current proposals from the Republican leadership seek to make this bad situation even worse.

Many of us have been active in past years in seeking significantly greater contributions from our wealthy European, Asian and Middle Eastern allies in contributing to common defense concerns. We have also opposed the development or procurement of extremely expensive weapons which had originally been designed for use in the context of the military competition with a heavily armed Soviet Union. And we believe that there has been an unwillingness on the part of the congressional majority to hold the military and intelligence agencies to the same level of scrutiny as is applied to domestic agencies when it comes to insisting on efficiency and accurate accounting.

We therefore strongly urge you to resist efforts to continue to the pattern of a higher than necessary level of military spending at the expense of the non-military functions of the federal government, including those aspects of foreign policy which have also suffered from inadequate funding in past years. It is our responsibility to inform you that we strongly believe that a budget compromise must begin seriously the process of moving funds from the Pentagon and related agencies to the civilian side if we are to balance the budget while avoiding devastating cuts over the next five years in important nonmilitary programs.

We of course share your view that America must remain the strongest nation in the world, and be well able within a significant margin of safety to meet genuine national security needs. But we believe that the current military budget significantly exceeds what is required in this regard, while important health, public safety, environmental, educational and other functions of the federal government will suffer greatly if Republican priorities are followed. And of course the suffering in this case does not fall abstractly on ''programs'', but rather on the American people who are the intended beneficiaries of this programmatic activity.

The following Members have signed onto the letter to the President.

Gary Ackerman, Tom Barrett, Xavier Becerra, Howard Berman, Rod Blagojevich, Earl Blumenauer, David Bonior, George Brown, Sherrod Brown, Walter Capps, Julia Carson, Donna Christian-Green, William Clay, Eva Clayton, John Conyers, Elijah Cummings, Danny Davis, Jim Davis, Peter DeFazio, Diana DeGette, William Delahunt, Ronald Dellums, Peter Deutsch, Julian Dixon, Lloyd Doggett.

Eliot Engel, Anna Eshoo, Lane Evans, Sam Farr, Chakah Fattah, Bob Filner, Floyd Flake, Thomas Foglietta, Harold Ford, Jr., Barney Frank, Elizabeth Furse, Gene Green, Luis Gutierrez, Maurice Hinchey, Darlene Hooley, Jesse Jackson, Jr., Sheila Jackson-Lee, Marcy Kaptur, Joseph P. Kennedy, II, Dale Kildee, Carolyn Kilpatrick, Ron Kind, Dennis Kucinich.

John LaFalce, Nick Lampson, Tom Lantos, Sander Levin, John Lewis, William Lipinski, Zoe Lofgren, Nita Lowey, Bill Luther, Carolyn Maloney, Thomas Manton, Edward Markey, Matthew Martinez, Carolyn McCarthy, Karen McCarthy, Jim McDermott, James P. McGovern, Cynthia McKinney, Martin Meehan, Juanita Millender-McDonald.

George Miller, David Minge, Patsy Mink, John Joseph Moakley, Jim Moran, Jerrold Nadler, Richard Neal, Eleanor Holmes Norton, James Oberstar, David Obey, John Olver, Major Owens, Frank Pallone, Bill Pascrell, Jr., Ed Pastor, Donald Payne, Nancy Pelosi, Charles Rangel, Lynn Rivers, Steven Rothman.

Lucille Roybal-Allard, Bobby L. Rush, Loretta Sanchez, Bernard Sanders, Charles Schumer, Jose Serrano, David Skaggs, Louise Slaughter, Deborah Stabenow, Fortney ''Pete'' Stark, Louis Stokes, Ted Strickland, Bart Stupak, John Tierney, Esteban Torres, Edolphus Towns, Nydia Velázquez, Bruce Vento, Maxine Waters, Melvin Watt, Henry Waxman, Robert Wexler, Bob Wise, Lynn Woolsey, Albert Wynn, Sidney Yates.

## 225TH ANNIVERSARY OF ALL SAINTS' EPISCOPAL CHURCH

### HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. BORSKI. Mr. Speaker, I rise today in honor of the 225th anniversary of All Saints' Episcopal Church. All Saints' Church was founded in 1772, in the rural area of Torresdale, now known as Northeast Philadelphia. Dr. William Smith, the church's first rector, cooperated with previously established Swedish missionaries to organize All Saints'.

As we honor the anniversary of All Saints' Church, it also serves as a reminder of the history of our Nation. The congregation of All Saints' has been a part of that great history. This parish has seen and experienced all of the great and troubled moments that have made this Nation what it is today. The members of this church have been participants in the very events that have shaped this country.

This past weekend the city of Philadelphia was the forum for a national summit on volunteerism, and the central role that it plays in the success of our nation. All Saints' is an example of the virtues discussed at this summit, and should be commended for its efforts. The early precedent of cooperation and involvement set in place by its founders, has continued throughout the history of the church. A spirit of warmth and service emanates from this group of parishioners. All Saints' is an example of community goodwill, and has served as a unifying force for members of the district.

Under the direction of Dr. Chinn, the current pastor, the church has developed programs to help those less fortunate. Members of the congregation prepare and deliver meals for the elderly and families who are struggling in their current situations. In times of crisis and need, help is always forthcoming in family oriented programs of service and volunteerism. Through the donation of hymnals and vestments, All Saints' also serves those churches within the religious community who are less fortunate.

All Saints' Episcopal Church should be a reminder to us that history and good will isn't just what we read in textbooks or hear about in other areas. It is evident in our communities and neighborhoods. It is living and breathing right in our midst. All Saints' has a place in the great past of the city of Philadelphia, and it will continue to shape and mold both the neighborhood and the people who reside there.

On their 225th anniversary, I would like to congratulate All Saints' Episcopal Church on a long standing ideal of service and community centered action. I wish them luck in their future endeavors, and thank them for 225 years of unwavering commitment to the people of Philadelphia.

## DRIVE TO RATIFY FLAG PROTECTION AMENDMENT CONTINUES

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. SOLOMON. Mr. Speaker, earlier today, I testified before the House Judiciary Subcommittee on the Constitution in support of House Joint Resolution 54, the flag protection amendment. As of today, this joint resolution has 274 cosponsors, two dozen more than we had in the 104th Congress when we overwhelmingly approved similar proposal by a vote of 312 to 120. It is my fervent hope and expectation that this amendment will come to the House floor for a vote before Flag Day, June 14. I urge any supporters who have not yet cosponsored the joint resolution, to do so now, and I respectfully request that my remarks from the subcommittee hearing be printed here.

Thank you very much Chairman Canady and panel members for inviting me here today to testify on the Flag Protection Amendment.

I also want to commend Mr. Canady and the over 270 other cosponsors of this joint resolution. And let me add this: with such good people on my side, I cannot wait to represent this amendment, first on the House floor, and then to the states for ratification.

But first, with your indulgence Mr. Chairman, I would like to tell you why I think this amendment is so important.

It is important for many reasons. First of all, the overwhelming majority of Americans support this amendment.

In Congress, it has won the support of members from both sides of the aisle, in both chambers. The presence of my good friend Bill Lipinski next to me today is proof of that.

And finally, and this may be even more important, I am joined by constitutional scholars in saying this amendment actually strengthens our First Amendment freedoms.

I emphasize that, Mr. Chairman because some Americans have raised questions about our fundamental freedoms of speech and expression. I have the same concerns they do, and they deserve some straight answers.

Now, I am not going to spend too much time paying tribute to the flag. I am sure it's safe to say that respect for the flag is something everyone in this room shares.

Americans have always felt that way about their flag, and that's why there is so much precedent for what we're doing here today.

Some critics might say that the Supreme Court has spoken on this matter, and that's that! Well, not quite.

In the history of the Supreme Court, few members guarded the First Amendment so jealously as Justice Hugo Black and Chief Justice Earl Warren. Both stated forcefully that there is no First Amendment problem with banning flag desecration.

And they also believed that nothing in the Constitution prevented individual states from enacting laws to prohibit the physical desecration of the American flag!

What we seek today is not an amendment to ban flag desecration but an amendment to allow Congress to make that decision.

Some of you may point out that this amendment differs from the one I offered in the last Congress. You are right. In the 104th Congress, the House overwhelmingly voted 312 to 120 to allow Congress and the States to prohibit the physical desecration of the American flag.

Unfortunately, that amendment fell three votes short in the Senate. While I support enabling both Congress and the States to prohibit flag desecration, a few members expressed their concern that giving the States this power could lead to 50 very diverse laws on the topic. While I do not have those concerns myself, I worked with this amendment's cosponsors and the members of the Citizens Flag Alliance to rewrite the Amendment to address those concerns and only empower Congress to prohibit flag desecration.

It is entirely appropriate to draft the amendment in this way. It is after all, the American flag—our nation's flag—that we are discussing. The federal government should be the one to make laws protecting it. I know this will relieve many of those who raised this concern in the past.

And physical desecration does not only include flag burning, it also includes the outrageous acts of people defecating on the flag—that's right, actually treating our flag like it was nothing more than toilet paper. You will hear a witness testify more about that later.

One vote—I repeat, one vote—in a 5 to 4 decision turned the Court's back on the tradition of Justice Black and Chief Justice Warren, and all of a sudden flag-burning became ''expression'' protected by the First Amendment. But the very analysis of that slim majority did not support that conclusion.

The Court said that the government cannot prohibit the expression of any idea just because society finds that idea offensive or disagreeable.

But the Texas state law overturned in that 1989 decision did not suppress any idea at all.

Look at it this way. What idea does burning a flag communicate? What idea does defecating on the flag communicate? What thought does it express? Obviously, none!

Under that Texas statute, and others like it, no one was required to worship the flag or was prevented from speaking about the flag, or even prevented from insulting the flag verbally. It only said they could not physically desecrate the flag.

After all, everyone understands that no ''right'' is absolute. We cannot yell ''fire'' in a crowded theater. We cannot holler obscenities on the corner of a residential neighborhood and not get arrested for disturbing the peace.

And if I don't like someone, I can say so, but I cannot express my dislike by punching him in the nose. When my dislike goes from thoughts, or words, to action, well, then I have crossed the line the Supreme Court itself has drawn in the sand over and over again.

The finest constitutional minds in the country—including Judge Robert Bork and legal scholars Stephen B. Presser and Richard D. Parker—tell us that this is not a First Amendment issue.

They will tell you that for any society to survive, there has to be some common basic rules of civility and respect which we all can live with. Every viable society has to be able to say: ''This you shall not do. We, as a community, find this conduct highly offensive!''

The only other alternative is chaos and fragmentation. This is true even in a society as pluralistic and diverse as ours. In such a society, it is all the more important to protect the most important symbol of unity we have. And what's more important than Old Glory? Our flag and all it represents make us Americans.

You know, not long ago, we celebrated the 50th anniversary of Iwo Jima, and we all know that the Marines did not run a copy of the Constitution up a pole on Mount Suribachi. When some tragedy occurs, we do not fly the Presidential Seal at half-mast from our federal buildings. We do not salute the Liberty Bell.

And so it's been across the world. Whether it's been Manila, or Paris, or Kuwait City, whenever American troops have liberated cities from oppressors, they have been greeted by grateful people waving—not the Constitution, not the Presidential Seal, not Big Macs or blue jeans—but the American flag.

And that love of the flag certainly is not dead in our own country. Eighty percent of the American people want this amendment. Over 100 national civic, fraternal and veterans organizations have been working since 1989 for its ratification.

Furthermore, forty-nine (49) states have asked Congress to pass this amendment. That's 11 more than the 38 needed to ratify it! When was the last time any amendment (regardless of whether or not it was ratified) garnered such broad-based support.

Mr. Chairman, I am pleased that consensus and reasoned arguments are going to enact this amendment, as opposed to the passions and politics of the moment. The grass-roots movement which has gathered steam over the past eight years is a testament to this.

For those who worry how ratifying this amendment would lead our nation down a slippery slope, I can assure you that the very difficult process which our Founding Fathers created to amend the Constitution will prevent a floodgate of amendments from happening, just as it has blocked frivolous amendments for more than 200 years.

And so, to sum up—We are not banning desecration of the flag. We're only giving Congress the right to do so, a right that it really always had up until the past eight years.

Not only does our amendment enhance rather than threaten the First Amendment, but burning the flag is not speech or expression, it is a hateful tantrum. And defecating on a flag is even worse.

Finally, the American people—and the constituents of every member in this room—want us to pass this amendment. So let's do it.

## IN MEMORY OF MIKE ROYKO

### HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. PORTER. Mr. Speaker, when Mike Royko passed away this week, America lost more than a syndicated newspaper columnist. We lost one of the greatest writers and most consistent voices of reason in modern journalism. This loss is especially hard for Chicago, a city where he was born, whose people he loved, and who loved him right back. At the time of his death, Mike was also a resident of Winnetka in my congressional district, and I am very proud to have represented a journalist of his caliber.

For an entire generation of newspaper readers, Mike Royko captured the daily wonders and absurdities of life like no one else. From his early days at the former Daily News to his work at the Chicago Sun-Times and then the Chicago Tribune, Mike made millions of faithful readers laugh, cry, and most of all, think. He wrote with an understated eloquence that touched us and made us confront the most difficult issues of our time.

Mike was especially quick to expose the foibles of elected officials and the ridiculous excesses of bureaucracy. But while the targets of his columns would gnash their teeth, they had to admit that, more often than not, Royko was right on target. He was keeping the politicians and the bureaucrats honest. And in those rare instances when he made an error, Mike was the first to correct it.

Back in 1994, I became incensed about the treatment of Hyde Park restaurant owner Hans Morsbach, who was being unfairly charged with discriminatory hiring practices by the Equal Employment Opportunity Commission. I decided to address this matter in the House, went down to the floor, and talked about this crazy situation at the EEOC.

Well, my comments were brought to Mike Royko's attention—who had been writing about the Morsbach case—and the very next day he devoted his column to my floor statement. Being included in Mike's column is one of the great honors of my career in public service * * * especially since I was fortunate enough not to be the target of his razor-sharp wit.

Throughout Chicago and the Nation, there are many, many people who knew and worked with Mike over the years who are paying tribute to him. One of the most fascinating comments, which I understand was shared on a Chicago radio show recently, was about the richness and enduring insight of Mike's writing. The observation was something like this: 100 years from now, if a student wants to understand what life was like in America during the latter half of the 20th century, there is only one thing he or she has to do—read Mike Royko's columns.

Mr. Speaker, Mike Royko set standards for all journalists to admire and a legacy of work that will long endure. I know that I speak for many when I say that when I read the Chicago Tribune from now on, there will be a void on page 3 that can never be filled.

Thanks for all you added to our daily lives, Mike. We will miss you more than words can say.

## A TRIBUTE TO ''VOICES FROM VIETNAM''

### HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. BARRETT of Wisconsin. Mr. Speaker, on February 28, 1968, reconnaissance Sgt. Marvin Acker of Middleton, WI, wrote to his fiancee from the steamy, jungles of Hue and Phu Bai of North Vietnam. Acker wrote:

> I've seen how easy it is to die. So very, very easy. One second you're alive and the next second you're dead. I can't wait until I'm home again where there's peace and not half as many worries as there are here.

Sergeant Acker is one of more than 57,000 Wisconsin residents who put their lives on the line and served their Nation with distinction and honor in Southeast Asia during the Vietnam conflict. The emotions, thoughts, and observations of these brave men and women have recently been chronicled in one of the most important works to be published in recent memory: ''Voices from Vietnam.''

Published by the State Historical Society of Wisconsin, ''Voices from Vietnam'' is a bold and comprehensive project which chronicles the Vietnam war from the broad perspective of more than 230 Wisconsin veterans and their families. With their assistance, an incredible 12,000 letters were donated to the Historical Society for this ambitious effort. The book covers the Vietnam experience from scores of sources, from those who were on the frontlines fighting the Viet Cong, to those who were held captive in the infamous Hanoi Hilton.

Through their letters, their harrowing experiences are brought to life.

Lt. Frederic Flom of Menasha spent 6½ years enslaved in the Hanoi Hilton after his plane was shot down over North Vietnam. During this time, Lieutenant Flom kept a diary written on 27 tiny cigarette wrappers which he kept hidden from prison guards. He wrote of ''tiny dark rooms with no windows * * * ungodly hot during the summer and bitter cold in the winter.'' Lieutenant Flom had the good fortune to return home alive, after surviving torture, rats, and starvation, but others were not so lucky.

John K. Marshall was born in Green Bay and enlisted in the Marine Corps in December 1967, while still a senior in high school. The year 1968 was tragic for this heroic marine. John wrote to his parents after receiving his first purple heart award during a mortar attack, ''you know if you get three purple hearts you get out of Vietnam.'' Less than 6 days later, John received another purple heart during another firefight with the VC. Then, 2 months later on November 14, 1968, John wrote to his mother and father, ''I had a dream last night that some VC were coming towards me and I got shot up pretty bad but lived and got a third purple heart.'' Three days later, young John was killed in action and his parents were mailed his third purple heart which was awarded posthumously.

Some of the letters, however, reveal a lighter side of the Vietnam experience of which we seldom hear. Larry Kammholz, a Milwaukee native and commander of the 736th Medical Detachment at Moc Hoa, wrote to his wife and asked her to mail cans of Schlitz, Pabst, and

Miller, along with Wisconsin cheeses and sausage, so Wisconsin troops could throw a party for Illinois soldiers. Peter Ponti of Madison wrote to his Aunt Agnes from a USO show that ''Raquel Welch is just as beautiful in person as she is in the movies.''

And Larry Bueter of Antigo and Sheboygan who served as a draftsman near Da Nang wrote to his family to describe a Christmas celebration thousands of miles away from home:

> We then observed a 5 minute silent prayer to usher in Christmas Day after which we all took communion then returned to our seats and sang ''Silent Night,'' to finish the service. It was really an experience, and one I won't ever forget.

I want to acknowledge the outstanding work of the Wisconsin State Historical Society for realizing this tremendous project to its greatest potential. My good friend and former Wisconsin State Senate colleague Bob Jauch of Poplar, WI, who served in Vietnam, was instrumental in recognizing the need to publish this book, and secured the necessary funding through the State to make ''Voices from Vietnam'' a reality. I would also like to acknowledge Michael Stevens who did a remarkable job of editing the book. I especially want to thank John Koeppen, a Milwaukee native now residing in Racine whose story appears in ''Voices from Vietnam,'' for presenting me with a personal copy of this outstanding work. I urge all of my colleagues to contact me to learn more about ''Voices from Vietnam.''

Of Wisconsin's heroic patriots, 1,239 never returned to the Dairy State and it is in their memory that ''Voices from Vietnam'' is dedicated. Indeed, the book is a fitting tribute to their deeds, their actions, and their unfailing courage.

## A TRIBUTE TO DONALD VINCENT

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. KUCINICH. Mr. Speaker, Donald Vincent is a native American Indian. He is a member of the Pima Tribe located in the Phoenix, AZ, area.

He was born on July 25, 1931, in Phoenix, AZ. He attended the local schools and graduated from high school in 1949.

He entered the U.S. Army in 1950 and was stationed in Korea. After being awarded the Korean Presidential Medal, he was discharged January 13, 1953.

Don and his lively wife Bernice have been married for 43 years. They moved their family to the Cleveland, OH, area in 1960. They are the proud parents of five children, three sons and two daughters. They also have three grandchildren and one great-grandchild.

Don joined the Veterans of Foreign Wars, Fred A. Bloetscher Post No. 868, located at 2054 Fulton Road, Cleveland, OH, in 1969 where he is an active member. He served his post as commander from 1990 until 1992 and again from 1994 until 1996. Don also served as membership chairman in district and inspector in Cuyahoga County Council.

Don started through the chairs in Cuyahoga County Council in 1995 as junior vice-commander and advanced through the chairs to become Cuyahoga County commander for the 1996–1997 term.

Don retired January 31, 1997 after being employed at Loc-Tite Corporation in Warrensville Heights for 27 years. He currently resides in Cleveland, OH.

## SALUTE TO MS. MARGARET McGLOWN

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. THOMPSON. Mr. Speaker, I rise today to honor one of my constituents, Ms. Margaret McGlown. Ms. McGlown has contributed greatly to insuring her community's place in the future.

Ms. McGlown, along with 32 of her sorority sisters from Zeta Phi Beta Sorority, Inc., have adopted 35 students from J.W. Stampley Elementary School in Clarksdale, MS. She has implemented an intensive mentoring program called HOPE [Helping Other People Emerge]. Under this program, Ms. McGlown has been able to provide a better world for these less fortunate students who otherwise would not have this opportunity. She is an outstanding individual who is helping to shape the minds of our youth so that they may be prepared for the future.

Today, Ms. McGlown will be honored for her accomplishments by USA Weekend, the third largest magazine in the country. Her project is one of only 11 chosen from 1,042,467 entrants nationwide on USA Weekend's Make A Difference Day.

Ms. McGlown has thoroughly demonstrated her commitment to strengthening the minds of our youth. Her enthusiasm and service are special qualities that make her an individual from whom we can all learn a valuable lesson. Mr. Speaker, I urge you to join me in congratulating Ms. Margaret McGlown and the Zeta Phi Beta Sorority for their outstanding service to the Clarksdale, MS community.

## McINTOSH FAMILY BECOMES AMERICAN CITIZENS

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. HASTINGS of Florida. Mr. Speaker, I rise to speak on a matter of great personal importance—yesterday was a very bittersweet day in the lives of some of my constituents. Sadly, Mr. Speaker, 3 years ago a bright, young man who had interned in my office died a tragic and most untimely death. Robert McIntosh, a rising sophomore at the University of Florida, was on a camping trip with friends in the summer of 1994 when he was swept over a waterfall near Seattle. Robert was one of the most thoughtful and hardworking young men I have ever had the pleasure of working with. He, like his parents and siblings, was born in Jamaica and came to the United States to pursue the American dream.

Mr. Speaker, I am proud to report that yesterday Tomas and Marilyn McIntosh—Robert's father and mother—became American citizens. Robert's brother and sister, Thomas and Natalie, also became citizens yesterday. The McIntoshs' wish was to have their children become Americans and live out the American dream. Tragically, there was one member of the McIntosh family who will never get that opportunity. Robert has been missed and thought about by me and all of those of us who cared for him since the day of his death. I come to the House floor today because yesterday should have been one of the happiest days in the lives of the McIntoshs. Yet, it was bittersweet and that is unfortunate.

Mr. Speaker, I wish to congratulate four of the newest citizens of our country and also to let them know that their son's spirit continues to inspire all of us who knew him.

## THE CHILD HEALTH INSURANCE PROVIDES SECURITY ACT

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. DINGELL. Mr. Speaker, children are the future of our Nation. It is important that we give them a healthy start to their lives. Unfortunately, many children are not given the opportunity to grow up healthy because they cannot get access to a doctor because their parents cannot afford insurance.

The bill that I am introducing in the House today on behalf of my 14 cosponsors—the Child Health Insurance Provides Security [CHIPS] Act—provides a strong inducement for States to provide health coverage for more children. Medicaid already covers one-third of our Nation's children. It therefore makes great sense to build on this existing program that has been so successful in providing access to health care services for children for 30 years.

This legislation gives States the option to expand coverage for children in families with incomes up to 150 percent of the Federal poverty level—or $24,000 per year for a family of four—and provides incentives for them to do so by increasing their Federal Medicaid assistance percentage by 30 percent. For the working poor this means that the variations in eligibility within existing families will be leveled out. This will reduce the number of families who have children of different ages, some eligible for Medicaid and some not. Children also can be made eligible for 1 full year at a time, thus protecting them from losing their health care coverage because of changes in family income.

Outreach is another important aspect of children's health care coverage. An estimated 3 million children today are eligible to receive services through the Medicaid Program but are not enrolled. In order to encourage States to step up their efforts to identify and enroll children in health insurance programs, we have included $25 million per year in grant money to improve and increase outreach efforts by the States.

This bill is not a mandate. States are not required to take advantage of any of these options. We are providing a number of vehicles that States can use to help improve access to health insurance for their children. The CHIPS Act also does not penalize States that already cover children up to 150 percent FPL. States which have moved beyond the 150 percent

FPL are eligible for the 30 percent enhanced match if they implement the 12 month continuous eligibility provision.

Also, the Child Health Insurance Provides Security Act does not preclude other approaches to expanding health insurance coverage for children. This bill complements approaches like the Hatch-Kennedy or the Daschle bills. CHIPS sets a floor below which no child should fall, and other approaches could fit nicely on top of CHIPS.

I invite my colleagues in the House to join me and the other cosponsors in this bipartisan effort to provide health insurance security for our Nation's most vulnerable population: Children. A strong bi-partisan group of Senators supports CHIPS. I hope that my colleagues on both sides of the aisle in the House will come together behind this sensible proposal that will expand access for children to health insurance.

## THE PRESENTATION OF THE NAVY CROSS TO ROBERT JONES

### HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. SCOTT. Mr. Speaker, I rise today to help celebrate today's presentation of the Navy Cross to Mr. Robert Jones. Earlier today, the Secretary of the Navy presented this medal, the highest honor the Navy bestows, to Mr. Jones for the heroism he demonstrated while under fire during combat in the Pacific in October 1944.

Yes, Mr. Speaker, the heroism of Petty Officer Jones remained unrecognized by his Nation for over 50 years, simply because of the color of his skin. But in a moving ceremony in the Capitol this afternoon, the record was at long last set straight. Secretary Dalton spoke of Mr. Jones' ''uncommon valor and selfless sacrifice.'' He added that Robert Jones ''stood firm, took a stand, and stared death in the face. He is truly a Navy hero.'' I could not agree more.

On that fateful day in 1944, a Japanese dive bomber attacked the U.S.S. *Intrepid.* Petty Officer Jones manned one of the ship's guns and began firing on the incoming plane. Even when it because obvious that the bomber was headed straight for a crash into his gun position, Jones remained at his post, firing his weapon until the plane actually hit. Although Mr. Jones was severely burned, many other sailors aboard his ship can probably be thankful that their lives were spared entirely, thanks only to this one sailor's heroism.

Heroism is rarely something that we plan in advance, and many of us probably wonder if we even have the right stuff necessary to become a hero in the first place. Robert Jones indeed had the stuff that heroes are made of. And while some may be saddened that it has us so long to recognize formally his acts of courage, we can nevertheless take complete pride today in seeing the record set straight, and in seeing a patriot and native son of the Commonwealth of Virginia receive the admiration and thanks of a grateful Nation. Today we salute Robert Jones and share in his pride.

## TRIBUTE TO DAVID BROWN

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. SHERMAN. Mr. Speaker, I rise today to honor David Brown who was recently named ''Citizen of the Year'' by the Las Virgenes Homeowners Association. Mr. Brown has been an outspoken advocate in our community for 25 years, and recognition of his good work is long overdue.

Mr. Brown has used his multitude of talents to work in areas as diverse as teaching, writing, publishing, and as a planning commissioner and citizen activist. Fortunately, he has seen fit to use his talents for the greater good of our local community. Dave brings to his work a rare blend of expertise and a tireless spirit of voluntarism. Although he has given freely of his time and resources to many worthy causes, his top priority has always been protection of the Santa Monica Mountains.

His dedication to protect the Santa Monicas is unparalleled. He has played various roles in his effort to protect the mountains, by serving on the Santa Monica Mountains Comprehensive Planning Commission Advisory Committee, the Sierra Club's Santa Monica Mountains Task Force and the Santa Monica Mountains Trails Council Board. Dave has done extensive work on monthly newsletters which served to defend the mountains from over development.

Mr. Brown has indeed been a lifelong steward of the Santa Monica Mountains, ensuring that this natural sanctuary will be available for generations to come.

## MEMPHIS TEACHER MAKES NATIONAL HONOR ROLL OF SCIENCE TEACHERS

### HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. FORD. Mr. Speaker, I rise today to pay tribute to Carl Leon Lamon, a teacher at Douglas Elementary School in Memphis, TN. Mr. Lamon has been named to the 1997 Honor Roll of Teachers by the Association of Science-Technology Centers [ASTC]. ASTC is a nonprofit organization with over 400 science museums in 40 countries.

This is a prestigious award that is given to only 51 teachers picked from teachers in the United States and 10 other countries. Winning teachers have demonstrated an exceptional degree of creativity and dedication. They go above and beyond the call of duty to inspire, motivate, and stimulate their students to achieve in science and technology.

Mr. Speaker, there is a tremendous need to educate more of our young people in science and math. The United States has held a position of world leadership in scientific research and development since World War II. It has made us the economic, political, and military leader of the 20th century. But if we expect to maintain this leadership role, we must continue our commitment to science and math.

According to the U.S. Department of Education's National Center for Education Statistics, high school graduates in 1992 were more likely to take science courses at the level of biology or higher than their counterparts in 1982. Part of the reason for this improvement is the dedication of teachers such as Mr. Lamon. He is making science an interesting, fun and fulfilling learning experience for hundreds of elementary school students in Memphis. Many of these students will take advanced science and math courses in high school and will be prepared for a successful post-secondary academic experience. Again, I salute Carl Leon Lamon and ask my colleagues in the House of Representatives to join me in honoring this impressive achievement.

## THE GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 1997

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. STARK. Mr. Speaker, today our colleagues Mr. SERRANO, Mr. DELLUMS, Mr. KLECZKA, Mr. UNDERWOOD, Mr. FRANK, Ms. CHRISTIAN-GREEN, Ms. PELOSI, Mr. HALL of Ohio, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. WAXMAN, Mr. CRAMER, Mr. EHRLICH, Ms. CLAYTON, Mr. RANGEL, Mr. GONZALEZ, Mr. MOAKLEY, Mr. FROST, Mr. ACKERMAN, Mr. SPENCE, and I take great pride in reintroducing the Gift of Life Congressional Medal Act of 1997. The enactment of this legislation, which doesn't cost taxpayers a penny, will not only honor the individual organ donor and their loved ones, but will also heighten the awareness of the organ shortage, ultimately resulting in more organ donation.

There is a major undersupply of available and suitable organ donors.

Currently, there are 50,000 individuals waiting for an organ transplant in the United States. The number of people on the list has more than doubled since 1990 and a new name is added to the national patient waiting list approximately every 18 minutes. Despite the numerous problems that organ donation programs have faced and conquered over the years, a major problem still exists.

The demand for organs will continue to grow with the improvement of medical technologies. Without expanded efforts to increase the supply of organ donation, the supply of suitable organs will continue to lag behind the need.

For the many would-be organ recipients, the consequence of shortage is death. It is clear that expanded efforts are necessary in order to increase the number of organ donors.

According to some researchers, it may be possible to increase by 80 percent the number of organ donations in the United States through incentive programs and public education. A congressional medal recognizing donors and their families can play a very important and effective role in our efforts to encourage such donation.

Our proposed Gift of Life Medal Program will be administered by the regional organ procurement organizations [OPO's] and managed by the entity administering the Organ Procurement and Transplantation Network. Once the decision to donate an organ has been made, the donor or the family member of the donor

will be asked by the regional OPO whether participation in the Gift of Life Medal Program is desired.

The OPO will give each donor or family member the option of receiving a Gift of Life Medal, recognizing that some may not want to participate. If requested, a public presentation will be made to honor the donor. A presentation by a local official, community leader, or Member of Congress would be a tremendous opportunity to increase the awareness concerning the desperate need for organ donation.

Every action has been taken to insure that the issuance of the Gift of Life Medals results in no net cost to the Government. In addition, I am proud to report that the legislation has the strong support of the United Network for Organ Sharing [UNOS] and the Coalition on Donation.

Any one of us, or any member of our families, could need a life saving transplant tomorrow. We would then be placed on a waiting list to await our turn, or our death.

So, I ask that our colleagues help bring an end to waiting lists and recognize the enormous faith and courage displayed by organ donors and their families. Please join us as cosponsors of the Gift of Life Congressional Medal Act of 1997. These donors offer others a second chance by providing the most precious gift imaginable, the gift of life.

## TAX REFORM

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, April 30, 1997, into the CONGRESSIONAL RECORD:

TAX REFORM

There is a great deal of discussion in Washington today on fundamental tax reform. The current tax system is widely perceived as too complicated and rigged for those who can hire experts to find the loopholes. Many believe that fundamental reform could sharply increase economic growth by encouraging more saving and investment, and there is considerable debate over whether the current tax system collects either too much or too little revenue. Many Hoosiers favor scrapping the current system and replacing it with something much simpler and fairer.

DIFFERENT APPROACHES

There are several different approaches to reform.

RETAIL SALES TAX

One proposal is to replace the income tax with a national retail sales tax. If all consumption were taxed, a national sales tax of about 15% would be needed to generate the same revenue as the current system. But in the 45 states that have retail sales taxes today there are large exemptions for education, medical care, food, and housing. If these were also exempted in a federal sales tax, the tax base would be sharply reduced and the rate would have to exceed 30%. Yet such high rate would be unpopular with consumers and could encourage evasion by retail businesses. Also, the tax would claim a larger share of the incomes of the poor than the rich, since lower-income households spend a large proportion of their income on food and basic necessities.

VALUE-ADDED TAX

A second approach is the value-added tax. Instead of being levied on the retail sale, this tax is collected from all businesses on the difference between their sales proceeds and their purchases from other businesses. Because it is collected at many levels, evasion has proven manageable in the more than 50 countries around the world that have value-added taxes. A drawback is that it too shifts tax burdens from the rich to the poor. There is also considerable uncertainty about its impact on the U.S. trade balance because such a tax would boost the price of our products.

FLAT TAX

A third approach is a flat tax, which imposes a single income tax rate on businesses and households while eliminating virtually all the deductions in the current system. Businesses would be allowed deductions for wage payments and pension contributions, and exemptions would basically spare low-income families from paying taxes. There are many variations of this proposed tax but one of the more popular would require a flat rate of about 21% to replace the income taxes we now have.

CONSUMED-INCOME TAX

A fourth approach is a consumed-income tax which combines a consumption tax on families and a value-added tax on businesses. Families would be able to deduct all of their net savings and investments, thereby receiving an unlimited savings allowance. This tax would be progressive, with lower rates for those with lower income. Such a tax would encourage saving and investment, but it raises major administrative problems. There would powerful incentives to conceal assets, and policing such evasion would be very difficult.

SIMPLIFIED INCOME TAX

A final proposal would simplify the current income tax system, building on the 1986 tax reform which eliminated various deductions and exemptions in order to cut tax rates. Versions of this proposal would end individual deductions for state and local taxes and charitable contributions, and would end corporate tax breaks for pension contributions and health insurance. This broadening of the base would allow lower rates, such as a maximum rate of 34%, compared to almost 40% under current law.

ASSESSMENT

Each of these proposals raises difficult questions about what base to tax, what deductions to permit, and what rates to levy. Major tax reform inevitably redistributes tax burdens among taxpayers and changes the value of taxpayer assets. For example, the elimination of the homeowner deductions for mortgage interest and property taxes could cut the value of housing by 15–20%. Current tax law encourages employers to provide health insurance to their employees by exempting insurance premiums from personal income and payroll taxes. But health insurance under several of these plans would become taxable, and that could boost its cost by as much as 20%. Current tax law also promotes giving through the charitable contributions deduction, and proposals to eliminate it fuel intense concern among charitable organizations.

The impact of tax reform on income inequity must be carefully watched. In recent years, the gap between upper-income and lower-income Americans has widened significantly. Many of these proposals could increase that gap. In addition, current law permits the deduction of state and local income and property taxes. Eliminating these deductions would undercut the notion that people should not have to pay taxes on other taxes they've already paid—a very popular concept. The point simply is that all of these proposals for fundamental tax reform would make major changes on the tax burdens of the poor, the strength of charitable organizations, the popularity of home ownership, the continuation of health insurance coverage, and many other similar concepts that have widespread popular support.

Underlying all the talk about fundamental tax reform is the impact on economic growth. Although some of the proposals have positive features, I don't think anyone knows exactly how fundamental tax reform would affect the economy's growth rate. Most of the proposals have never been tried before in the form proposed and they would each entail huge changes far and above any previous modification of the tax code.

CONCLUSION

The more I examine fundamental changes in the tax code the less attractive they become. I am increasingly interested in proposals to broaden the base and reduce the deductions, credits, and other sheltering devices in order to reduce overall tax rates, simplify the system, and provide better incentives for work and investment. Incremental reform along these lines would avoid the wrenching upheavals and the windfall redistributions that might accompany more radical change. I am certainly not interested in proposals that would increase our budget deficits.

(Material for this newsletter taken from ''Setting National Priorities'' by Brookings Institution.)

## ANNUAL CONGRESSIONAL ARTS COMPETITION PARTICIPANTS HONORED

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 30, 1997*

Mr. FRELINGHUYSEN. Mr. Speaker, once again, I come to the floor to recognize the great success of strong local school systems working with dedicated parents and teachers in raising young men and women. I rise today to congratulate and honor 48 outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students participated in the Annual Congressional Arts Competition. ''An Artistic Discovery.'' They are honored at a reception and exhibit last Friday evening, and their works were exceptional.

Mr. Speaker, I would like to list each of them, their high school, and their contest entries, for the official RECORD.

STUDENT, HIGH SCHOOL, AND NAME OF ENTRY

Leandro Flaherty, Bayley-Ellard—''to be advised''.
Michelle Mechanic, Bayley-Ellard—''Pantheon With a Side of Rice''.
Charlene Accinni, Boonton—''Untitled''.
Stephanie Rartell, Boonton—''Untitled''.
Kelly Ricciardi, Boonton—''Curiosity''.
Larissa Schaffnit, Boonton—''Larissa''.
Travis Lett, Chatham—''Troubled Town''.
Jim Newton, Chatham—''Monkey in the Rain''.
Melissa Quinn, Chatham—''Still Life of a Pitcher''.
Kim Tucker, Chatham—''Glimpse Through the Window''.
James Hughes, Kinnelon—''Co-op''.
Alejandra Madriz, Kinnelon—''Creation''.
Will Mowry, Kinnelon—''Untitled''.

Kristen Pelio, Kinnelon—''Made for Mod''.
Carlos Avilez, Lenape Valley Regional—''Faith''.
Katherine Brueckner, Madison—''Nature's Quilt''.
Steve Fleming, Madison—''Mountain Lodge''.
Pamela Schwartz, Madison—''Dark Garden''.
Sunnie Kim, Livingston—''Submerged''.
Guilianna Ruiz, Livingston—''Lost''.
Laura Cummings, Millburn—''Joe''.
Michelle Jacobs, Millburn—''Sequence''.
Yana Kimelblat, Millburn—''A Vision''.
Natalie Tarashehanska, Millburn—''Untitled''.
David Cheng, Montville—''Subway Riders''.
Spencer Chi, Montville—''Dawn of Spring''.
Chris Jonas, Montville—''Garden State Cowboy''.
Jillian Lin, Montville—''Autumn Stone''.
Susan Petrarca, Morris Hills—''Euphoria''.
Leo Redmond, IV, Morris Hills—''Blue Still Life''.
Alan Schenkler, Morris Hills—''Revelation''.
Brian Watkins, Morris Hills—''Rocky River''.
Patrick Leavy, Morristown—''Suburban Landscape''.
Michael Castellana, Mount Olive—''Accidental Resemblance''.
Kerrie Dempsey, Mount Olive—''Diaphanous''.
Michale Montenat, Mount Olive—''Cold Light''.
Nick Gonzalez, Pequannock—''The Scitzophraenic''.
Erin Marsh, Pequannock—''Golden Reflections''.
Courtney Rankin, Pequannock—''Still Life in Shadow''.
Laura Sido, Pequannock—''Lobster Buoys''.
Jennifer Carberry, Randolph—''Strike''.
Hope Dector, Randolph—''Self-Portrait''.
Mary Katherine Flaherty, Randolph—''The Tree''.
Garrett Ricciardi, Randolph—''Untitled #1''.

We had more students participate this year than any other, 48 in all. That is a tremendous response and we'd very much like to build on that for next year's competition.

This year, Mr. Speaker, the winner of ''An Artistic Discovery'' was Mary Katherine Flaherty from Randolph High School for her work entitled, ''The Tree.'' Second place went to Patrick Leavy from Morristown High School for ''Suburban Landscape.'' And third place went to Travis Lett of Chatham High School for ''Troubled Town.''

Each year the winner of the competition will have an opportunity to travel to Washington, DC, to meet Congressional leaders and to mount his or her art work in a special corridor of the U.S. Capitol with winners from across the country. Every time a vote is called, I get a chance to walk through that corridor and am reminded of the vast talents of our young men and women.

Of course, it's always difficult to select a winner, and this year was not different. The judges had an extremely hard time with the awards process, and as usual, they wished that they could declare every entry a winner.

Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

## PROGRESS REPORT ON WOMEN'S HEALTH

SPEECH OF

**HON. LOUIS STOKES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 29, 1997*

Mr. STOKES. Speaker, I want to thank our distinguished colleagues, Congresswoman CONNIE MORELLA and Congresswoman LOUISE SLAUGHTER, for reserving this special order. I take pride in joining my colleagues as we engage in vital dialog on women's health.

Women's health is one of the most important issues facing this Congress and our Nation. As a member of the Appropriations Subcommittee which funds health programs, I can say that substantial progress has been made. As a result of our efforts on the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, we have been able to increase funding for important health initiatives such as the Ryan White AIDS Programs, the CDC Breast and Cervical Cancer Early Detection Program, and the Maternal and Child Health Block Grant. We have also been able to direct increased Federal research dollars to the National Cancer Institute, the National Heart, Lung and Blood Institute, and the National Institute of Allergy and Infectious Disease. Yet, while we recognize that much as been accomplished, we must remain committed to the challenges that lie ahead.

Mr. Speaker, I am also proud to join this special order in my capacity as chairman of the Congressional Black Caucus Health Braintrust. Since its founding in 1971, the Congressional Black Caucus [CBC] has play a crucial role in addressing the health challenges which impact the African-American community. When the CBC Health Braintrust convened last fall, a special panel closely examined issues regarding the health status of African-American women.

If you look at the statistics, you will discover that African-American women suffer disproportionately from many chronic and debilitating diseases. For example, African-American women are more likely than white women to die of breast cancer. This is in spite of the fact that they experience a lower rate of incidence of this disease than their white counterparts. According to the American Cancer Society, breast cancer mortality for African-American women was 31.2 per 100,000 compared to 26.0 per 100,000 for white women.

Cardiovascular diseases have ravaged our Nation's minority communities as well. African-American women are more likely than nonminorities to die of such diseases before age 45 and even later in life. In fact, studies show that African-American women between ages 35 and 47, are 38 percent more likely to die of a heart attack than white women.

Another disease taking its toll on the lives of African-American women is AIDS. In a recent report, the Centers for Disease Control and Prevention noted that, between 1990 and 1994, the incidence of AIDS rose fastest among African-American women. In spite of a reported sharp decline in U.S. AIDS mortality during those years, the number of new AIDS cases in African-American women nearly doubled. During 1996, 59 percent of all AIDS cases in women were reported in African-American women compared to 21 percent in white women.

Additionally, African-American college-educated women are three times more likely than the general population to give birth to a low birthweight baby. Infants born to this group of mothers have an 80-percent higher risk of dying during their first year of life than infants born to white college graduates.

In Congress, we must support legislative initiatives that address the startling disparity that exists in the health and number of excess deaths of African-American women and other minorities. We should support research efforts aimed at improving the health status of all Americans, and we must work to increase every American's access to affordable health care services.

Support of these efforts will send a signal to the American people that we are serious about establishing a level playing field for the provision of accessible and affordable health care. Such support will also serve as evidence of our commitment to effectively address the issues of disease incidence, prevalence, morbidity, and mortality that compromise the lives and health status of all women. By promoting these efforts we will show all women across the Nation that we are dedicated to providing the resources needed to find ways to improve the quality of life for those who suffer from disease and to finding viable methods of cure.

Mr. Speaker, I am pleased to have an opportunity to participate in this special order. I would like to again thank my colleagues for bringing this important issue to the House floor.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 1, 1997, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### MAY 2

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for April and the Consumer Price Index.
1334 Longworth Building

### MAY 5

2:30 p.m.
Energy and Natural Resources
To hold hearings on S. 430, to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.
SD–366

### MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

Energy and Natural Resources
To hold hearings on the nomination of Elizabeth Anne Moler, of Virginia, to be Deputy Secretary of Energy.
SD–366

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine public health issues, focusing on Centers for Disease Control project grants for preventable health services.
SD–430

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Joint Committee on Taxation, the Joint Economic Committee, and the Joint Committee on Printing.
S–128, Capitol

Judiciary
To hold hearings to examine encryption issues in the information age.
SD–226

Select on Intelligence
To hold hearings on the nomination of George J. Tenet, of Maryland, to be Director of Central Intelligence.
SH–216

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for foreign assistance programs, focusing on Russia and the Newly Independent States.
S–128, Capitol

Judiciary
Youth Violence Subcommittee
To hold hearings to review the programs and mandates of the Office of Juvenile Justice Delinquency Prevention.
SD–226

### MAY 7

9:15 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for cancer research programs of the Department of Health and Human Services.
SH–216

9:30 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act of 1991, focusing on safety issues and programs.
SD–406

Labor and Human Resources
Business meeting to consider the proposed Individuals with Disabilities Education Act Amendments of 1997, and consider pending nominations.
SD–430

Small Business
To hold hearings on the Small Business Administration's finance programs.
SR–428A

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation, focusing on transportation infrastructure financing issues.
SD–124

Judiciary
To hold hearings on S. 507, to establish the United States Patent and Trademark Organization as a Government corporation, and to revise the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, and reexamination reform.
SD–226

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

Select on Intelligence
To hold closed hearings on the nomination of George J. Tenet, of Maryland, to be Director of Central Intelligence.
SH–219

### MAY 8

9:30 a.m.
Energy and Natural Resources
To hold a workshop to examine competitive change in the electric power industry, focusing on the effects of competition on fuel use and types of generation.
SH–216

Rules and Administration
To resume hearings to discuss revisions to Title 44, relating to the operations of the Government Printing Office.
SR–301

10:00 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the Government's impact on television programming.
SD–342

Commission on Security and Cooperation in Europe
To resume hearings to examine the process to enlarge the membership of the North Atlantic Treaty Organization (NATO).
SD–538

### MAY 13

9:30 a.m.
Indian Affairs
To hold oversight hearings on the implementation of the Indian Employment, Training and Related Services Demonstration Act of 1992 (P.L. 102–477).
SR–485

### MAY 14

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.
SD–192

### MAY 15

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold joint hearings with the House Committee on Resources Subcommittee on Forests and Forest Health to review the Columbia River Basin Environmental Impact Statement.
SD–366

### MAY 20

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Interior.
SD–124

### MAY 21

9:30 a.m.
Indian Affairs
To hold oversight hearings on programs designed to assist Native American veterans.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.
SD–192

Judiciary
To hold oversight hearings on the Federal Bureau of Investigation, Department of Justice.
SD–226

MAY 22

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the financial implications of restructuring.
SH–216

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold a workshop on the proposed ''Public Land Management Responsibility and Accoutability Act''.
SD–366

JUNE 4

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 12

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.
SH–216

## CANCELLATIONS

MAY 1

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

# *Daily Digest*

HIGHLIGHTS

Senate confirmed Alexis Herman as Secretary of Labor.

The House passed H.R. 867 to promote the adoption of children in foster care.

# Senate

## *Chamber Action*

*Routine Proceedings, pages S3809–S3859*

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 667–674 and S. Res. 80 and 81. **Pages S3843–44**

Measures Reported: Reports were made as follows:

S. 7, to establish a United States policy for the deployment of a national missile defense system. (S. Rept. No. 105–15)

S. 672, making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997. (S. Rept. No. 105–16) **Page S3843**

Measures Passed:

*National Erase the Hate and Eliminate Racism Day:* Committee on the Judiciary was discharged from further consideration of S. Res. 78, to designate April 30, 1997, as ''National Erase the Hate and Eliminate Racism Day'', and the resolution was then agreed to. **Pages S3813–14**

*Nurse Aide Training Correction:* Committee on Finance was discharged from further consideration of H.R. 968, to amend titles XVII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities, and the bill was then passed, clearing the measure for the President. **Pages S3858–59**

*Term Extensions:* Senate passed H.R. 1001, to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission, clearing the measure for the President. **Page S3859**

Volunteer Protection Act: Senate continued consideration of the motion to proceed to consideration of S. 543, to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers. **Pages S3810–19, S3824–31, S3833–36**

During consideration of this measure today, Senate took the following action:

By 55 yeas to 44 nays (Vote No. 53), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on the motion to proceed to consideration of the bill. **Page S3818**

By unanimous-consent agreement, Senate will begin consideration of the bill on Thursday, May 1, 1997. **Page S3859**

Nominations Confirmed: Senate confirmed the following nominations:

By 85 yeas to 13 nays (Vote No. 54 EX), Alexis M. Herman, of Alabama, to be Secretary of Labor. **Page S3841**

Messages From the House: **Page S3843**

Measures Referred: **Page S3843**

Communications: **Page S3843**

Statements on Introduced Bills: **Pages S3844–51**

Additional Cosponsors: **Page S3851**

Authority for Committees: **Page S3854**

Additional Statements: **Page S3854**

Record Votes: Two record votes were taken today. (Total—54) **Pages S3818, S3841**

Adjournment: Senate convened at 10 a.m., and adjourned at 5:42 p.m., until 10:30 a.m., on Thursday, May 1, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3859.)

# Committee Meetings

*(Committees not listed did not meet)*

## SUPPLEMENTAL APPROPRIATIONS

*Committee on Appropriations:* Committee ordered favorably reported an original bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997.

## APPROPRIATIONS—NATIONAL GUARD

*Committee on Appropriations:* Subcommittee on Defense held hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on the structure and modernization of the National Guard, receiving testimony from Lt. Gen. Edward D. Baca, Chief, National Guard Bureau; Maj. Gen. William A. Navas, Jr., Director, Army National Guard; Maj. Gen. Donald W. Shepperd, Director, Air National Guard; Maj. Gen. Richard C. Alexander, Ohio National Guard; Maj. Gen. Raymond F. Rees, Oregon National Guard; Maj. Gen. Jacob Lestenkof, Alaska National Guard; and Brig. Gen. Daniel James, III, Texas National Guard.

Subcommittee will meet again on Wednesday, May 7.

## SOCIAL SECURITY REFORM

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Securities concluded hearings on proposals to reform the Social Security system, focusing on the impact of a proposal to privatize the Social Security trust fund on the stock market, the securities industry and the United States economy, after receiving testimony from Roger W. Mehle, Executive Director, Federal Retirement Thrift Investment Board; D.K. Kebodeaux, First Financial Capital Corporation, Houston, Texas; and Marc E. Lackritz, Securities Industry Association, and Michael Tanner, Cato Institute, both of Washington, D.C.

## NOMINATION

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings on the nomination of Andrew J. Pincus, of New York, to be General Counsel of the Department of Commerce, after the nominee testified and answered questions in his own behalf.

## U.S. TRADE POLICY

*Committee on Commerce, Science, and Transportation:* Committee held hearings to examine how the United States is using international trade to promote economic prosperity and stability in the 21st century, receiving testimony from William M. Daley, Secretary of Commerce; and Charlene Barshefsky, United States Trade Representative.

Hearings were recessed subject to call.

## TELEPRESENCE

*Committee on Commerce, Science, and Transportation:* Subcommittee on Science, Technology, and Space concluded hearings to examine the use of ''Telepresence'', the enabling technology for telemedicine and distance learning, after receiving testimony from Arnauld E. Nicogossian, Acting Associate Administrator, Office of Life and Microgravity Sciences and Applications, National Aeronautics and Space Administration; Nat Durlach, Massachusetts Institute of Technology, Cambridge; S.K. Ganapathy, Bell Labs/Lucent Technology, Murray Hill, New Jersey; Henry Fuchs, University of North Carolina, Chapel Hill; Ken Gabriel, DARPA/ETO, Arlington, Virginia; James E. Brick, West Virginia University School of Medicine, Morgantown; and Kate Stetzner, Margaret Leary Elementary School, Butte, Montana.

## NOMINATIONS

*Committee on Finance:* Committee ordered favorably reported the nominations of Kevin L. Thurm, of New York, to be Deputy Secretary of Health and Human Services, and Richard J. Tarplin, of New York, to be an Assistant Secretary of Health and Human Services.

Prior to this action, committee concluded hearings on the nominations (listed above), after the nominees testified and answered questions in their own behalf.

## CHILDREN'S HEALTH

*Committee on Finance:* Committee held hearings on proposals to improve children's access to health care, including S. 13, to provide access to health insurance coverage for uninsured children and pregnant women, S. 511, to require that the health and safety of a child be considered in any foster care or adoption placement, to eliminate barriers to the termination of parental rights in appropriate cases, and to promote the adoption of children with special needs, and S. 526, to increase the excise taxes on tobacco products for the purpose of offsetting the Federal budgetary costs associated with the Child Health Insurance and Lower Deficit Act, receiving testimony from Senators Daschle, Kennedy, and Frist; Barbara A. DeBuono, New York State Department of Public Health, Albany; Christine Ferguson, Rhode Island Department of Human Services, Cranston; Donald W. Herman, Iowa Division of Medical Services, Des Moines; Michael J. Koch, California Kids Healthcare Foundation, Woodland Hills; and Rose M. Naff, Florida Healthy Kids Corporation, Tallahassee.

Hearings were recessed subject to call.

DISTRICT OF COLUMBIA CRIME AND VIOLENCE

*Committee on Governmental Affairs:* Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia concluded hearings on S. 294, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, after receiving testimony from Senator Hutchison; Carol Schwartz, Member, Council of the District of Columbia, Stephen Harlan, Vice Chairman, District of Columbia Financial Responsibility and Management Assistance Authority, Eugene N. Hamilton, Chief Judge, Superior Court of the District of Columbia, Larry D. Soulsby, Chief, Metropolitan Police Department, and Robert E. Moffit, Heritage Foundation, H. Beecher Hicks, Jr., Metropolitan Baptist Church, and Tracie Gibson, all of Washington, D.C.; and Gary Mather and James Stewart, both of Booz-Allen & Hamilton, Inc., Falls Church, Virginia; and C. Stephen Wallis, Ellicott City, Maryland.

JUSTICE DEPARTMENT

*Committee on the Judiciary:* Committee concluded oversight hearings on the operations of the Department of Justice, after receiving testimony from Janet Reno, Attorney General, Department of Justice.

EQUAL OPPORTUNITY IN FEDERAL CONSTRUCTION

*Committee on Labor and Human Resources:* Committee concluded hearings to examine equal opportunity issues in the Federal construction industry, including the impact of the proposed Executive Order to require project labor agreements to be utilized for all federal and federally funded construction projects, and S. 606, to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors, after receiving testimony from Senator Hutchinson; John A. Koskinen, Deputy Director for Management, Office of Management and Budget; Robert A. Georgine, Building and Construction Trades Department/AFL–CIO, and R. Bruce Josten, United States Chamber of Commerce, both of Washington, D.C.; Tom Rolleri, Granite Construction Company, Watsonville, California, on behalf of the Associated General Contractors of America; Peter G. Vigue, Cianbro Corporation, Pittsfield, Maine, on behalf of the Associated Builders and Contractors, Inc.; and John T. Dunlop, Harvard University, Cambridge, Massachusetts.

INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again on Tuesday, May 6.

# House of Representatives

## *Chamber Action*

Bills Introduced: 21 public bills, H.R. 1487–1507; and 4 resolutions, H.J. Res. 75, H. Con. Res. 69, and H. Res. 137–138, were introduced.

**Pages H2089–91**

Reports Filed: One report was filed as follows:

H. Res. 136, providing for consideration of H. Res. 129, providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Fifth Congress (H. Rept. 105–84).

**Page H2052**

Adoption Promotion Act: By a yea-and-nay vote of 416 yeas to 5 nays, Roll No. 96, the House passed H.R. 867, to promote the adoption of children in foster care. **Pages H2015, H2034–35**

Agreed to the Committee amendment in the nature of a substitute as modified and amended.

**Page H2034**

Agreed to:

The Traficant amendment that expresses the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made; **Page H2029**

The Morella amendment that provides that at least one of the projects approved pursuant to the authority to approve home child protection demonstration projects shall address kinship care;

**Page H2031**

The Jackson-Lee amendment that provides, at the option of the States, for a criminal record and child abuse registry check for prospective foster or adoptive parents and employees of child care institutions; and **Pages H2031–33**

The Maloney of New York amendment that expresses the sense of the Congress that the States

should have in effect laws and procedures that permit any parent who is chronically ill or near death to designate a standby guardian without surrendering parental rights. **Pages H2033–34**

Amendments Withdrawn:

The Tiahrt amendment was offered but subsequently withdrawn that sought to have States seek to terminate parental rights of children who have spent 12 of their most recent 18 months in foster care and removes the exception that allows a state to document a compelling reason for not filing a petition to terminate the rights; **Pages H2027–29**

The Morella amendment was offered but subsequently withdrawn that sought to establish kinship care demonstration projects; and **Pages H2029–31**

The Eddie Bernice Johnson amendment was offered but subsequently withdrawn that sought to include assistance in establishing outreach programs to identify and recruit minority families to adopt children. **Page H2031**

The Clerk was authorized in the engrossment of H.R. 867 to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill. **Page H2035**

Earlier, the House agreed to H. Res. 134, the rule that provided for consideration of the bill, by voice vote. **Pages H2012–15**

Housing Authority and Responsibility Act: The House completed all debate on H.R. 2, to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs. Consideration of amendments will begin on Thursday, May 1. **Pages H2042–52**

Earlier, the House agreed to H. Res. 133, the rule that is providing for consideration of the bill, by voice vote. **Pages H2035–41**

Committee Election: The House agreed to H. Res. 137, electing Representative Mica to the Committee on House Oversight. **Page H2052**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H2092–94.

Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings of the House today and appears on pages H2034–35. There were no quorum calls.

Adjournment: Met at 11:00 a.m. and adjourned at 8:45 p.m.

# *Committee Meetings*

## DISTRICT OF COLUMBIA APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on the District of Columbia held a hearing on the Administration's Proposal. Testimony was heard from John W. Hill, Jr., Executive Director, Financial Responsibility and Management Assistance Authority; G. Edward DeSeve, Controller, Office of Federal Financial Management, OMB; and public witnesses.

## VA-HUD-EDUCATION APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on VA, HUD, and Independent Agencies continued appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

## RIEGLE-NEAL CLARIFICATION ACT

*Committee on Banking and Financial Services:* Subcommittee on Financial Institutions and Consumer Credit held a hearing on H.R. 1306, Riegle-Neal Clarification Act of 1997. Testimony was heard from Thomas R. Carper, Governor, State of Delaware; Margarita Prentice, Senator, State of Washington; and public witnesses.

## MEDICAL DEVICES

*Committee on Commerce:* Subcommittee on Health and Environment held a hearing on Medical Devices: Technological Innovation and Patient/Provider Perspectives. Testimony was heard from the following officials of the FDA, Department of Health and Human Services: Michael A. Friedman, M.D., Lead Deputy Commissioner; D. Bruce Burlington, M.D., Director and Susan Alpert, M.D., Director, Office of Device Evaluation, both with the Center for Devices and Radiological Health; and public witnesses.

## PRODUCT LIABILITY

*Committee on Commerce:* Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on Product Liability Reform and How the Legal Fee Structure Affects Consumer Compensation. Testimony was heard from public witnesses.

## EMPLOYMENT, TRAINING AND LITERACY ENHANCEMENT ACT

*Committee on Education and the Workforce:* Ordered reported amended H.R. 1385, Employment, Training and Literacy Enhancement Act of 1997.

## FEDERAL EMPLOYEES GROUP LIFE INSURANCE

*Committee on Government Reform and Oversight:* Subcommittee on Civil Service held a hearing on ''Federal Employees Group Life Insurance: Could We Do Better?'' Testimony was heard from William E. Flynn III, Associate Director, Retirement and Insurance, OPM; and public witnesses.

## OVERSIGHT

*Committee on Government Reform and Oversight:* Subcommittee on Government Management, Information, and Technology held an oversight hearing on the post FTS–2000 Telecommunications Contract. Testimony was heard from the following officials of the GSA: David J. Barram, Administrator; and Robert Woods, Commissioner, Federal Telecommunications Service.

## OVERSIGHT—BUREAU OF LABOR STATISTICS

*Committee on Government Reform and Oversight:* Subcommittee on Human Resources and Intergovernmental Relations held a hearing on ''Bureau of Labor Statistics Oversight: Fixing the Consumer Price Index''. Testimony was heard from Katherine G. Abraham, Commissioner, Labor Statistics, Department of Labor; and public witnesses.

## FOREIGN POLICY REFORM ACT

*Committee on International Relations:* Began markup of the Foreign Policy Reform Act.

Will continue tomorrow.

## BANKRUPTCY AMENDMENTS; BANKRUPTCY LAW TECHNICAL CORRECTIONS ACT

*Committee on the Judiciary:* Subcommittee on Commercial and Administrative Law held a hearing on the following bills: H.R. 764, Bankruptcy Amendments of 1997, and H.R. 120, Bankruptcy Law Technical Corrections Act of 1997. Testimony was heard from Representatives Ehlers and Knollenberg; Albert B. Sullivan, Director, Office of Asset Management and Disposition, Department of Housing and Urban Development; and public witnesses.

## FLAG DESECRATION AMENDMENT

*Committee on the Judiciary:* Subcommittee on the Constitution held a hearing on H.J. Res. 54, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States. Testimony was heard from Representatives Solomon, Skaggs, Lipinski, Shimkus, Ackerman and Frost; Alan Lance, Attorney General, State of Idaho; Robert Zukowski, Representative, State of Wisconsin; and public witnesses.

## SECURITY AND FREEDOM THROUGH ENCRYPTION

*Committee on the Judiciary:* Subcommittee on Courts and Intellectual Property approved for full Committee action H.R. 695, Security and Freedom Through Encryption (SAFE) Act.

## OVERSIGHT—SAFEGUARDING NATURALIZATION PROCESS INTEGRITY

*Committee on the Judiciary:* Subcommittee on Immigration and Claims held an oversight hearing on Safeguarding the Integrity of the Naturalization Process. Testimony was heard from Representative Ros-Lehtinen; the following officials of the Department of Justice: Stephen Colgate, Assistant Attorney General, Administration; Dennis Kurre, Deputy Assistant Director, Criminal Justice Information Services Division, FBI; and Doris Meissner, Commissioner, Immigration and Naturalization Service; Norman Rabkin, Director, Administration of Justice Issues, General Government Division, GAO; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Ordered reported H.R. 1420, National Wildlife Refuge System Improvement Act of 1997.

The Committee also held a hearing on H.J. Res. 59, to disapprove a rule affecting polar bear trophies from Canada under the 1994 amendments to the Marine Mammal Protection Act issued by the U.S. and Wildlife Service of the Department of the Interior. Testimony was heard from Representative Peterson of Minnesota; Marshall Jones, Assistant Director, International Affairs, U.S. Fish and Wildlife Service, Department of the Interior; John E. Reynolds, III, Chairman, Marine Mammal Commission; and public witnesses.

## COMMITTEE FUNDING

*Committee on Rules:* Granted by voice vote a closed rule providing for consideration in the House without the intervention of any point of order H. Res. 129, providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress. The rule provides that the committee amendment in the nature of a substitute will be considered as adopted. The rule provides 1 hour of debate. Finally, the rule provides one motion to recommit. Testimony was heard from Chairman Thomas.

## MISCELLANEOUS MEASURES

*Committee on Transportation and Infrastructure:* Subcommittee on Public Buildings and Economic Development approved for full Committee action the following: H. Con. Res. 49, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; H. Con. Res. 67, authorizing the 1997 Special Olympics Torch Relay to be run through the Capitol Grounds; H. Con. Res. 66, authorizing the use of the Capitol Grounds for the 16th annual National Peace Officers' Memorial Service; and two Committee amendments to GSA resolutions.

## MISCELLANEOUS MEASURES

*Committee on Ways and Means:* Ordered reported the following bills: H.R. 408, International Dolphin Conservation Program Act; and H.R. 1463, amended, to authorize appropriations for fiscal years 1998 and 1999 for the Customs Service, the Office of the United States Trade Representative, and the International Trade Commission.

## COMMITTEE MEETINGS FOR THURSDAY, MAY 1, 1997

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations,* Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Resources, 10 a.m., SD–124.

Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs, 2 p.m., SD–124.

*Committee on Armed Services,* Subcommittee on Readiness, to resume hearings on S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999, focusing on the Department of Defense Depot maintenance privatization initiatives, 10 a.m., SD–628.

*Committee on Banking, Housing, and Urban Affairs,* Subcommittee on Financial Institutions and Regulatory Relief, to hold oversight hearings on the Office of the Comptroller of the Currency, Department of the Treasury, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation,* business meeting, to consider pending calendar business, 9:30 a.m., SR–253.

*Committee on Energy and Natural Resources,* Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 357, to authorize the Bureau of Land Management to manage the Grand Staircase-Escalante National Monument, 2 p.m., SD–366.

*Committee on Foreign Relations,* Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine the extent of religious persecution in the Middle East, 10 a.m., SD–419.

Full Committee, to hold hearings on the nomination of Stuart E. Eizenstat, of Maryland, to be Under Secretary of State for Economic, Business and Agricultural Affairs, 2 p.m., SD–419.

*Committee on Governmental Affairs,* to hold hearings on proposals to develop and implement management reforms to provide the Department of Defense with strategies and techniques to increase effectiveness, reduce costs, and minimize risks associated with program and administrative management, 10 a.m., SD–342.

Subcommittee on International Security, Proliferation and Federal Services, to hold hearings to discuss certain issues with regard to the ABM Treaty, focusing on the national missile defense program, 2 p.m., SD–342.

*Committee on the Judiciary,* business meeting, to consider pending calendar business, 10 a.m., SD–226.

Subcommittee on Immigration, to hold oversight hearings on the Immigration and Naturalization Service, focusing on criminal record verification process for citizenship applicants, 11:30 a.m., SH–216.

*Committee on Labor and Human Resources,* Subcommittee on Public Health and Safety, to hold hearings to examine biomedical research priorities, 9:30 a.m., SD–430.

### NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E807–08 in today's Record.

### House

*Committee on Appropriations,* Subcommittee on Labor-Health and Human Services, and Education, on SSA, 10 a.m., and on the Corporation for National and Community Service, 2 p.m., 2358 Rayburn.

Subcommittee on VA, HUD, and Independent Agencies, on public witnesses, 10 a.m., and 2 p.m., H–143 Capitol.

*Committee on Banking and Financial Services,* Subcommittee on Domestic and International Monetary Policy, hearing on Computer Generated Check Fraud, 10 a.m., 2128 Rayburn.

*Committee on Commerce,* Subcommittee on Finance and Hazardous Materials, hearing on Financial Services Reform, focusing on ''A Two Way Street'' and Functional Regulation, 10 a.m., 2322 Rayburn.

Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations, to continue joint hearings on Review of EPA's Proposed Ozone and Particulate Matter NAAQS Revisions: Perspectives of State and Local Elected Officials, 9:30 a.m., 2123 Rayburn.

*Committee on Education and the Workforce,* Subcommittee on Oversight and Investigations and the Subcommittee on the District of Columbia of the Committee on Government Reform and Oversight, joint hearing on ''Education at a Crossroads, What Works, What's Wasted in the D.C. School System?'' 10 a.m., 2175 Rayburn.

*Committee on Government Reform and Oversight*, Subcommittee on Government Management, Information, and Technology, hearing on the following: Presidential and Executive Office Financial Accountability Act of 1997; and Special Government Employee Act of 1997, 2 p.m., 311 Cannon.

Subcommittee on National Security, International Affairs and Criminal Justice, hearing on Reauthorization of the Office of National Drug Control Policy, 11 a.m., 2154 Rayburn.

*Committee on International Relations*, to continue markup of the Foreign Policy Reform Act, 10 a.m., 2172 Rayburn.

*Committee on Resources*, oversight hearing on the provision in the 1997 Omnibus Appropriations Act which removed the Narragansett Indian Tribe of Rhode Island from the coverage of the Indian Gaming Regulatory Act, 10 a.m., 1324 Longworth.

*Committee on Rules*, Subcommittee on Rules and Organization of the House, to continue hearings on Civility in the House of Representatives, 9:30 a.m., H–313 Capitol.

*Committee on Small Business*, Subcommittee on Tax, Finance, and Exports, hearing on ''Why Exports Matter,'' 10 a.m., 2359 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Aviation, hearing on Reauthorization of the War Risk Insurance Program, 10 a.m., 2167 Rayburn.

*Committee on Ways and Means*, Subcommittee on Oversight, to continue hearings on the Low-Income Housing Tax Credit, 10 a.m., 1100 Longworth.

*Permanent Select Committee on Intelligence*, executive, briefing on Chinese Counterintelligence Issues, 9 a.m., and, executive, Budget hearing on Legislative Issues, 10 a.m., H–405 Capitol.

*Next Meeting of the* SENATE

10:30 a.m., Thursday, May 1

Senate Chamber

Program for Thursday: Senate will begin consideration of S. 543, Volunteer Protection Act.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 1

House Chamber

Program for Thursday: Consideration of H. Res. 129, Committee Funding Resolution (closed rule, 1 hour of debate); and

Continue consideration of H.R. 2, Housing Opportunity and Responsibility Act (open rule, 1 hour of debate).

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