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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 12, 1998.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MILLER) for 5 minutes.

CONCERNS ABOUT A FAILED CENSUS IN YEAR 2000

Mr. MILLER of Florida. Mr. Speaker, I rise today to raise concerns that we are moving toward a failed census in year 2000. For over 200 years this country has conducted a decennial census, starting back with Thomas Jefferson in 1790, to count all Americans. The purpose of this census is fundamental to our democracy in this country because it is the one man/one vote belief. The only way you know you have the one man/one vote philosophy is you have to count people every 10 years.

This is the basis of elected representatives, whether it is the school board or Members of the House of Representatives, so it is so critical that we do that. Also, billions and billions of dollars that flow out of Washington or out of State capitols are based upon census information, so it is absolutely critical that we have a census that is conducted in year 2000 as one that is the most accurate possible, and as one that is trusted and believed in by the American people.

However, for the year 2000 census, the Clinton administration has proposed a radical new idea. Without the approval of Congress, they do not want to count everybody now. They have all these smart people here in Washington with all these big computers. They say we are going to use sampling and we are going to estimate the population. So for the first time in history, they are going to count less than the full population of this country, and this is where the risk is so great.

The General Accounting Office, which is the auditor for the Federal Government, a nonpartisan organization here in Washington, D.C., has said we are moving toward a failed census. Every report they have issued, they have said—the most recent one being in March—that the risk of failure has increased because they have developed this complex scheme that many of us believe cannot be completed. Even if it is completed, it will not be trusted by the American people.

We believe that the President is trying to use more political science than empirical science in developing this plan. Last week we had a hearing on the subcommittee with oversight of the census. There were two fact points I think we learned at that hearing. First was the fact that the 1990 census was not that bad of a census. It was the second most accurate census in history. But the second part of that census, which was dealing with sampling and adjustment, was a failure.

Let me explain that in a little more detail. The way they conducted the 1990 census is they went out and did an enumeration of the entire population of this country and counted 98.4 percent of the people; again, not a bad count, the second most accurate in history. Then they conducted a sample of 150,000 households. They were going to use that to adjust the total population they have just counted.

The attempt at sampling was a failure. Fortunately they did not use it, because if they had used it, for example, the original recommendation from the Census Bureau was to take a congressional seat away from the State of Pennsylvania. They find out 2 years later there was a computer mix-up that gave them the erroneous information, so they would have taken representation away from a State, Pennsylvania, falsely, because of computer error.

They also found it was less accurate when we deal with populations under 100,000. So for communities under 100,000, cities and towns for census blocks, census tracts, which is the fundamental building stone that we use to build up our congressional district as such, it is less accurate, these are the Census Bureau people telling us, in their analysis of the attempted use of sampling.

So sampling was a failure in 1990, even though the census was not bad. So what does the Clinton administration propose now? They want to totally rely on sampling. Instead of starting off counting everybody, they only want to count 90 percent of the people, so they are going to say 1 in 10 of the people we are not going to count. We are going to have 90 percent of the people.

That is starting off the sampling, and you have nothing to fall back on, because when they come up with this adjustment sample, which is going to be on 750,000 households, larger than 1990, five times as large, they plan to do it in half the amount of time. Unrealistic.

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They are going to totally rely on it. If sampling fails like it did in 1990, for the year 2000 they have nothing to fall back on. They run the risk of a total failure there.

One of the things they did in 1990 is they released information on what the total census was. They showed that different parts of this country had populations deleted. For example, Bucks County up in Pennsylvania, a suburb of Philadelphia, had 3,000 people deleted from their county by the Census Bureau computers because the Census Bureau computers said, on average, they didn't deserve 3,000 people. So even though they were counted, they were subtracted. That is what upsets the people. That is the reason people say we can't trust a census where you start deleting people after they are counted.

One thing we find out now, one reason they only want to start with 90 percent of the population, is they can justify not releasing that information and showing the deletions. It is a very risky plan. It is moving towards failure. We need to share with the American people exactly the details, and we must have a census that is trusted by the American people, not the plan that has been proposed by the President.

THE HISPANIC VOTE

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, a long time ago, American troops landed in New York and claimed it from Spain. In a proclamation to the island residents, the commander of the U.S. forces, General Nelson A. Miles, declared, ''We have not come to make war upon the people of a country that for centuries has been oppressed but, on the contrary, to bring you protection, not only to yourselves but to your property, to promote your prosperity, and to bestow upon you the immunities and blessings of the liberal institutions of our government.''

Taking General Miles at his word, the people of Puerto Rico sought immediately to make the promise of those immunities and blessings a reality. We were disappointed when the Foraker Act of 1900 defined the territorial relationship with the United States, and our frustration continues unabated. We have now been a territory or, as many claim, a colony for 100 years; and to our country's shame, we are still disenfranchised. We are denied that most fundamental right in a democracy, the right to vote.

Throughout the century, applying the trickle-down theory of democracy, Congress has only grudgingly extended democratic rights to the people of Puerto Rico. First we were granted citizenship in 1917 without the right to elect our own governor. Then, 31 years later, in 1948, we were allowed to elect our own governor, but we were not allowed to exercise our right to self-determination.

I firmly believe that self-determination is one of those unalienable human rights that the Founding Fathers of this democracy held dear. It is not something that 3.8 million American citizens of Puerto Rico should have to earn or demonstrate that we deserve, though if that is the value system of this democracy, we certainly have done both by fighting and dying in this country's service and by enthusiastically and responsibly exercising our right to vote and shape our local government.

What will influence Congress? What will prompt it to act, if it is not, as I would hope, the very rightfulness of Puerto Rican self-determination? The only thing I can figure out is the voters. Voters get every politician's attention. Sadly, it is not the voters of Puerto Rico that I am speaking of, because we are denied the right to vote in presidential elections and we are denied voting representation in Congress.

However, the Hispanic or Latino vote will count. Hispanics are on their way to becoming the largest minority in this country. They represent 34 percent of the population in New Mexico, 25 percent of the population in California, 30 percent of the population in Texas, and 19 percent of the population in Arizona.

Like the U.S. citizens in Puerto Rico, Hispanics are conscientious voters. A bipartisan poll of registered Hispanic voters commissioned by Univision Communications, Inc., revealed that 94 percent of the respondents plan to vote in this year's elections.

Mark Penn, a Democrat and coauthor of the survey, with Mike Deaver, a Republican, thinks that the findings demonstrate the growing importance of Latinos in the American political process. Hispanics, he notes, provide a crucial swing vote in some of the Nation's biggest States.

I am heartened by this survey's findings that 56 percent of Latinos support statehood for Puerto Rico, whereas only 27 percent do not. I am confident that a much larger percentage of Hispanics endorse Puerto Rican self-determination. Puerto Rican self-determination is becoming a telltale issue for Hispanics, revealing a politician's attitude towards the consensus and the political empowerment of the Hispanic electorate. It is a matter of solidarity.

Members of Congress may feel they can continue to dismiss the political aspirations of the U.S. citizens of Puerto Rico with impunity, but the Hispanic vote is a growing power to be reckoned with, and the right of the U.S. citizens of Puerto Rico to self-determination is an issue that will come home to roost at the poll booth. Those that oppose the right of Puerto Ricans to self-determination will be perceived as biased or prejudiced against Hispanics.

I am asking that Members support the bill for self-determination in Puerto Rico. It is the right thing to do. It is the right thing to do for Republicans, it is the right thing to do for Democrats, it is the right thing to do for Congress, and above all, it is the right thing to do for the Nation.

TRIBUTE TO BRIGADIER GENERAL HARRY C. KESSLER

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

Mr. HILL. Mr. Speaker, within these walls we debate and vote on important issues in full public view. We gather before those in the public gallery and those watching across the Nation on television, but we also do so with the spirit of millions of men and women also watching, those who have served this Nation in the Armed Forces.

These brave Americans served us during the days of the Revolutionary War, and are followed through the generation by legions, including those who today are stationed around the globe. They honor our flag of stars and stripes. That flag has changed somewhat since the days of the American Revolution, but the courage and valor of those who serve us is still the standard for the rest of the world.

This afternoon, in the gallery of this Chamber, before this great flag, I welcome the family members of one such courageous American. I ask all Americans to take a few minutes this afternoon and remember the dedicated service of Brigadier General Harry C. Kessler.

Harry Kessler's life and legacy remains important and vibrant today, more than 90 years since his death, and more than 137 years since the bold 18-year-old with a taste for adventure signed up for what would be a proud career of military and national service.

Shortly after enlisting in the 104th Pennsylvania Regiment, Harry Kessler was thrust into the American Civil War. He served as a second lieutenant in his regiment. After service at Camp Lacey, located just outside of Doylestown, Pennsylvania, he was transferred to Washington, D.C. for training. In November of 1861 he served in the Peninsula campaign of Virginia. He served in the battle of Williamsburg, as well as the battles of Fair Oaks and Seven Pines.

In 1862, now as a second lieutenant, Harry Kessler was placed in charge of confederate prisoners who he personally returned to Camp Curtain in Pennsylvania, just outside of Harrisburg. Once there, he helped to provide subsistence to the Pennsylvania troops at the battle of Gettysburg.

In 1863, at the rank of second lieutenant, Harry Kessler resigned from his regiment. In the mid-1870s, Harry Kessler joined his brother Charles in Butte, Montana. In 1876, a number of decisions that would forever change his life were made. He began to purchase

land and he staked mining claims, and he established a newspaper known as the Butte Miner.

Most notably, though, Harry Kessler married Josephine Alden Dillworth, whom he had met on his way to Montana. Harry Kessler was elected Silver Bow county commissioner in 1883, and served for 2 years. He was later elected county treasurer.

But, in 1889, Harry Kessler again felt the strong obligation for national service. He formed the First Montana U.S. Volunteer Infantry, which is now known as the National Guard. That regiment was mustered into service 100 years ago, during the outbreak of the Spanish-American War. It fought in the battles of Manila and Caloocan, and Santo Tomas, and San Fernando in the Philippines, among others. The infantry was mustered out of service in 1889, but in praise of his action, Colonel Kessler was brevetted to the rank of brigadier general by President William McKinley.

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My fellow Montanans who are looking in today may not have heard of General Kessler until today, but certainly they know his work. During the formative years of the 1st Montana Regiment, he designed a flag which would later become the State flag of Montana after the regimental insignia was removed. Near the end of his life, he returned home to Philadelphia to help with the lithograph company of Booker and Kessler, the company he founded before leaving for Montana.

On September 12, 1907, General Harry Kessler died and was buried at Laurel Hill Cemetery in Philadelphia, survived by his wife and two children.

Mr. Speaker, in less than 2 weeks time there is an important national holiday that needs a renewed perspective. Amid the holiday sales and the barbecues of the Memorial Day weekend, we need to honor the true spirit of those whose lives and dedicated service we are called upon to remember. General Harry Kessler is one of those Americans. I am proud to say that he will be among those honored at a special Memorial Day ceremony paying tribute to Spanish-American War veterans on this 100th anniversary. The ceremony will be held in front of Philadelphia's historic Independence Hall. The Montana Historical Society, located across from my State's Capitol Building in Helena, plans an exhibition of artifacts relating to the life of General Kessler; and the Civil War Museum in Philadelphia is planning an exhibit as well.

We gather here in this Chamber under the proud flag of a proud Nation and we are humbled by the spirits of millions of Americans who, like General Harry Kessler, gave of themselves to build a foundation upon which this great Republic continues to thrive.

I ask all Americans to join me in remembering these courageous spirits on Memorial Day, May 25.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Members are reminded under House rules not to refer to visitors in the galleries.

COLLAPSE OF CYPRUS PEACE TALKS

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

Mr. PALLONE. Mr. Speaker, on May 3rd, the new round of peace talks in Cyprus collapsed when the Turkish Cypriots abruptly changed their position in the negotiations and began insisting that two new conditions be met as preconditions to reunification. Led by U.S. Special Envoy to Cyprus Richard Holbrooke, this new attempt to breathe life into the moribund Cypriot peace talks has been scuttled by the Turks before it even had the slightest chance of producing a breakthrough. There is absolutely no doubt who the obstacle to peace is.

I quote from Mr. Holbrooke, ''If progress is to be made on Cyprus, genuine progress,'' Richard Holbrooke said after the talks collapsed, ''both sides will have to be willing to engage in a genuine give and take during serious negotiations. But,'' added Holbrooke, ''this is not the current situation. This was especially true in regard to two positions taken by the Turkish side.''

Mr. Speaker, the Turkish side is now vowing that there will be no peace negotiations until the United Nations recognizes the Turkish Republic of Northern Cyprus and until the Greek Cypriots withdraw their application for membership to the European Union. These new demands, Mr. Speaker, are as ridiculous as they are unacceptable.

After nearly 24 years of failed negotiations, the criteria for a settlement are well known to everyone involved. They have been outlined by the international community a variety of times in a number of U.N. resolutions, and they have been agreed to by the Greek Cypriots. Any settlement to the Cyprus situation must be consistent with the numerous U.N. resolutions. None of these, incidentally, even hint at bestowing an iota of legitimacy on the self-declared Republic of Northern Cyprus, which is, of the 180-plus countries in the world today, recognized only by Turkey. What they do say is that any solution to the Cyprus problem must include a bizonal, bicommunal, sovereign federation with a single federal government and a single international identity. There is widespread support on the Greek Cypriot side for structuring this federal government in accordance with these terms and a new federal constitution.

Mr. Speaker, I believe that the administration shares the view of many of us here in Congress that the key to progress in Cyprus lies not with Rauf Denktash and the Turkish Cypriots, but in Ankara, particularly in light of the linkage by the Turkish side of Cypriot accession to the European Union to peace talks. Washington has been wary of Ankara's response to the European Union's decision not to invite Turkey to apply for membership in the European Union since that decision was made in December. Privately, U.S. policymakers feared that the decision would prompt Turkey to take an even harder line on Cyprus, and they are right. That is what has happened.

Mr. Speaker, I think these developments, coupled with the administration's knowledge that Ankara is calling the shots for the Turkish Cypriots, necessitate a swift change in U.S. policy and diplomacy. While I would like to commend Ambassador Holbrooke for his public rebuke of the Turkish side's new conditions, I believe it is time to stop focusing public and private efforts on the Turkish Cypriots and intensify American efforts to move the peace process forward by putting pressure on Ankara and, more importantly, on the Turkish military.

In forceful and unequivocal terms, the administration should convey to Ankara that there will be direct consequences in U.S.-Turkey relations if Ankara does not prevail upon the Turkish Cypriots to retract the two new conditions and allow the Cyprus peace talks to move forward. I intend to do everything I can as a Member of Congress to push U.S. policy towards Turkey in this direction. I hope the administration will work with me and the many Members of Congress who are exasperated with Turkey's intransigence and disrespect for international law and the will of the international community. The people of Cyprus have waited far, far too long for their freedom, and the U.S. should take the appropriate course of action to help them get it.

INDIA'S DETONATION OF THREE NUCLEAR DEVICES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized during morning hour debates for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I am somewhat surprised by all the media hype and the reaction of certain nations around the world, including our own country, concerning India's most recent announcement of detonating three nuclear bombs.

Mr. Speaker, as my colleagues may recall, India exploded its first nuclear device in 1974. Since then over the years India has pleaded with the five nuclear nations, namely China, France, then the Soviet Union, now Russia, Great Britain, and the United States and with the nations of the world that if the world is serious about the implementation of the 1970 Nonproliferation

Treaty and the terms of the Comprehensive Test Ban Treaty, it is imperative that the five nuclear nations must, over a period of time, dismantle their nuclear arsenals if these two treaties would ever have any real meaning at all.

Mr. Speaker, I suggest to my colleagues and to the administration, let us not be too quick to condemn the most populous democratic nation in the world, India, with a population of approximately 980 million people, for exploding these three nuclear devices, by the way, in their own backyard.

Mr. Speaker, for some 24 years India and its leaders have pleaded with the five nuclear nations and the nations of the world to stop this nuclear madness. Mr. Speaker, I submit it is quite hypocritical for the five nuclear nations to tell the world to sign on to the Nonproliferation Treaty and the Comprehensive Test Ban Treaty against testing, but these same nuclear nations can keep their nuclear bombs to maintain their nuclear options, and I suppose to use these nuclear weapons of mass destruction against their enemies?

Mr. Speaker, in order to maintain our own nuclear bombs ready for use, our Nation is expending about $35 billion a year to sustain our nuclear options. I raise the question, Mr. Speaker, if the American taxpayers know that our nuclear program alone costs approximately $35 billion a year, do we need to have these weapons? Is the cost worth the effort?

Mr. Speaker, the issue of nuclear nonproliferation now has come to the forefront. The issue is not that India has exploded these nuclear bombs. The issue is whether the five nuclear nations are willing and committed to the proposition that the manufacturing and production of nuclear bombs is not in their interest and certainly not for the world as well.

Mr. Speaker, the Carnegie Endowment for International Peace recently issued a statement and a tabulation or record of nuclear tests or nuclear bombs that were exploded in the past, and that these nuclear explosives were conducted by the five nuclear nations. For example, China, since 1964, when it started its nuclear testing program, has exploded over 45 nuclear bombs on this planet. France started its nuclear testing program in Algeria, and after Algeria gained its independence against French colonial rule, the French decided, they needed to go somewhere else. Guess where they went? In the middle of the South Pacific Ocean. Did they ask the French Polynesians whether they wanted nuclear bombs there? No. President DeGaulle decided to go there unilaterally and test over 210 nuclear bombs, which were exploded in the atmosphere, on the surface, and under the ocean surface.

Let us look at the record of the Soviet Union or now Russia, which started its nuclear testing program since 1949. It exploded 715 nuclear bombs; 715 nuclear bombs. The British exploded nuclear bombs in a number of 45. And now our own Nation, we exploded 66 nuclear bombs in the Marshall Islands immediately following World War II. It was in 1954 that we exploded the most powerful hydrogen bomb ever known to mankind; known as the Bravo shot, that hydrogen bomb was 1,000 times more powerful than the bombs we exploded in Hiroshima and Nagasaki. Now India has exploded only four.

Mr. Speaker, I submit to my colleagues and to the American people, India's explosion of these nuclear bombs is because its own national security is at risk. China having a nuclear arsenal; if you were among the 980 million Indians living in a country like India, I would feel very uncomfortable if my neighbor has nuclear bombs and I do not have any to defend myself. But that is not the issue. The issue here is whether the five nuclear nations are willing to dismantle their own nuclear arsenals and let us get rid of this nuclear madness.

[From Carnegie Endowment for International Peace, May 11, 1998]

INDIA TESTS THREE NUCLEAR DEVICES

(By Joseph Cirincione and Toby Dalton)

India first demonstrated its nuclear capability when it conducted a ''peaceful nuclear experiment'' in May 1974. Twenty-four years later, India has conducted its second series of tests today. Included in this series, according to Indian Prime Minister Vajpayee, were a ''fission device, a low-yield device, and a thermo-nuclear device.'' This breaks an international moratorium on nuclear tests; China conducted its last test in 1996. The Comprehensive Test Ban Treaty, banning all tests everywhere, has been signed by 149 nations and ratified by 13 of the required 44 nations.

WORLD NUCLEAR TESTS

Country	First test	Last test	No. of tests
China	1964	1996	45
France	1960	1996	210
Russia/USSR	1949	1990	715
United Kingdom	1952	1991	45
United States	1945	1992	1030
India	1974	1998	4

Below is a summary of the Indian nuclear program, current capabilities, and delivery options, derived from Tracking Nuclear Proliferation 1998, forthcoming from the Carnegie Endowment.

NUCLEAR WEAPONS CAPABILITY

After years of building larger-scale plutonium production reactors, and facilities to separate the material for weapons use, India is estimated to have approximately 400 kg of weapons-usable plutonium today. Given that it takes about 6 kg of plutonium to construct a basic plutonium bomb, this amount would be sufficient for 65 bombs. With more sophisticated designs, it is possible that this estimate could go as high as 90 bombs.

DELIVERY OPTIONS

India has two potential delivery options. First, India posses several different aircraft capable of nuclear delivery, including the Jaguar, Mirage 2000, MiG–27 and MiG–29. Second, would be to mount the weapon as a warhead on a ballistic missile. It is thought that India has developed warheads for this purpose, but it is not known to have tested such a warhead. India has two missile systems potentially capable of delivering a nuclear weapon: Prithvi, which can carry a 1000 kg payload to approximately 150 km, or a 500 kg payload to 250 km; and Agni, a two-stage medium-range missile, which can conceivably carry a 1000 kg payload to as far 1500–2000 km. Reports in 1997 indicated that India had possibly deployed, or at least was storing, conventionally armed Prithvi missiles in Punjab, very near the Pakistani border.

NON-PROLIFERATION REGIME

India had not been a party to any aspect of the international non-proliferation regime until 1997, when it signed the Chemical Weapons Convention. Among the significant treaties it has not signed are the Nuclear Non-Proliferation Treaty, the Comprehensive Test Ban Treaty, and India has a very limited safeguards agreement with the International Atomic Energy Agency that does not cover any of its nuclear research facilities. In this sense, there is no multilateral mechanism through which to sanction India for its recent nuclear tests. However, the Nuclear Proliferation Prevention Act, passed by the U.S. Congress in 1994 with the leadership of Senator John Glenn (D-Ohio), imposes automatic and severe sanctions. These provision, codified as section 102(b) of the Arms Export Control Act, are detailed below:

SANCTIONS UNDER THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1994 (SEC. 826(A))

Sanctions For Nuclear Detonations or Transfers of Nuclear Explosive Devices

If . . . ''the President determines that any country, [after 4/30/94] (A) transfers to a non-nuclear-weapon state a nuclear explosive device, (B) is a non-nuclear weapon state and either—(i) receives a nuclear explosive device, or (ii) detonates a nuclear explosive device,''

Then . . . ''The President shall forthwith impose the following sanctions:

(A) The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for humanitarian assistance or food of other agricultural commodities.

(B) The United States Government shall terminate—(i) sales to that country under this Act of any defense articles, defense services, or design and construction services, and (ii) licenses for the export to that country of any item on the United States Munitions List.

(C) The United States Government shall terminate all foreign military financing for that country under this Act.

(D) The United States Government shall deny to that country and credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, except that the sanction of this subparagraph shall not apply—(i) to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities), or (ii) to humanitarian assistance.

(E) The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by any international financial institution.

(F) The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

(G) The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of specific goods and technology (excluding food

and other agricultural commodities), except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities).''

Waiver: [None]. The President may delay the sanction for 30 days.

SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, I want to talk briefly about Social Security. I see a lot of young people in our gallery today, and not only for their future, and what might happen in their retirement years but all workers today, including all retirees today, need to be concerned about Social Security. Let me just give a brief history of how we started our Social Security program. In 1935, somewhat after the depression, there were a lot of seniors, if you will, going over the hill to the poorhouse. A decision was made by the Congress and by the President to develop a program where existing workers paid in their taxes to pay for the benefits of existing retirees, again, sort of a Ponzi game where existing workers paid in taxes. Immediately it was sent out to existing retirees.

It worked very well when it first started because up until, up through the late 1930s, there were almost 40 people working, paying in their taxes for every one retiree. By 1950, that got down to 17 workers paying in their taxes for every one retiree, 1950, 17.

Today, guess how many workers are working paying in their FICA tax for every retiree? Three workers today are working now, paying in their taxes for every retiree. Of course, with fewer and fewer workers in relation to the number of retirees, the only way to keep enough money coming in was to increase the tax on those workers. Here is a statistic that should give us some trouble, and that is, since 1971, we have increased Social Security taxes 36 times. More often than once a year, we have increased that tax on today's workers in order to have enough money coming into Social Security to immediately send out to pay the benefits that were promised.

The chart that I show here on my left I have titled Social Security's Bleak Future. The little blue segment at the top left shows how much extra surplus money is coming into Social Security over and above what is immediately paid out. So there is a little surplus. That surplus goes into what has been called the Social Security Trust Fund. Not a very good name because it is not very trustworthy because what has been happening is, Congress and the President have been spending all of the extra money from Social Security on other programs. So we pretend it is revenue.

You will hear a lot of bragging that we are going to have a surplus this year for the first time in 30 years. Actually, if we consider the over $70 billion that we are borrowing from the Social Security Trust Fund this year, then we do not really have a surplus.

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I am introducing legislation that does a couple of things. It says, from now on, we are not going to pretend that we have a balanced budget by including the amount of money that is coming into the Social Security trust fund, and it directs the Office of Management and Budget, under the President, and it directs the CBO, Congressional Budget Office, under Congress, to no longer use in their calculations for balance the money that is coming in from the Social Security trust fund that is borrowed by the Federal Government to spend on other programs.

I think this is important, simply to increase awareness of how we are going to solve the Social Security problem. We can see the dilemma. When we get to the year 2015, 2018, this chart, in today's dollars, by 2010 it will cost $100 billion. The general fund is going to have to come up with $100 billion, way up in this area of the chart, to satisfy benefit needs. But if we use the dollars that will exist because of inflation in 2018, then it is going to take $600 billion out of the general fund, or additional borrowing, to pay back the Social Security trust fund what is owed to it. So I say it is very important that we move ahead now to solve the Social Security trust fund.

The bill that I am introducing does a second thing that I think is reasonable. It says, from now on, instead of using IOUs that are not negotiable, not marketable, from now on anything that the government borrows from the Social Security trust fund has to be a marketable Treasury bill. In other words, the trustees can take it around the corner and cash it in whenever they need it.

Let us be honest, let us be fair, let us move ahead with a solution to Social Security.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Members are admonished, pursuant to House Rules, not to refer to visitors in the Gallery.

WAR ON DRUGS TO PROTECT CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized during morning hour debates for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, today the House will consider H.R. 423, a resolution to declare war on drugs to protect our children. While this resolution is nonbinding, it is important that we continue to express our commitment towards making America drug free.

Drug-driven violent crime is spiraling out of control, particularly among juvenile offenders. Over the past 10 years, in my State of North Carolina, juvenile arrests have almost doubled, from 11,165 in 1986, to 21,717 in 1996, a startling 93 percent.

And the numbers are far worse for violent crimes: weapons violations and drug offenses. In North Carolina, violent crime among juveniles, murder, rape, robbery, aggravated assault, increased by 129 percent over the past decade. Weapons violations increased by an incredible 492 percent, and drug violations by an unbelievable 460 percent.

We must not only offer our young people change, we must also offer them a chance for a fully productive life. Support the resolution.

RECESS

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

Accordingly (at 1 o'clock and 04 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BEREUTER) at 2 p.m.

PRAYER

Rabbi Mark S. Miller, Temple Bat Yahm, Newport Beach, California offered the following prayer:

Oh God, you fashioned humankind in your image, endowed each of us in this House with conscience and convictions, and granted us a sacred trust as leaders of our people.

As we go about our daily tasks and go forth to our life's work, may we be true to our better selves, be grateful for the opportunity to serve America and guide its destiny, be constant in upholding a moral standard for young and old to emulate, be decisive in distinguishing right from wrong, and be united with all who pursue peace.

May we look into the past and know from whence we come, may we look upon the present with steadfast resolve, and look toward the future with confidence in a brighter tomorrow.

With eyes lifted unto the mountains of faith, with hearts that beat in the cause of freedom, with hands outstretched in deeds that are fruitful, we take up this day's labor, praying that the words of the Psalmist will be fulfilled in our lives: ''Happy are they who dwell in Thy House.'' Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado (Mr. HEFLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY 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.

RABBI MARK S. MILLER

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

Mr. SHERMAN. Mr. Speaker, today was a first. We have had many legislative assistants working in the House and the Senate who have dreamed of addressing this body, but I believe that this is the first time that a legislative assistant has addressed this body, not as a Member, but as a guest chaplain.

I am proud to have introduced to this body my rabbi in my formative years and my family's rabbi, Mark S. Miller, who returns to this Capitol many years after serving as a legislative assistant for Senator Mondale.

When the rabbi came to Orange County, my father was the first in our family to meet him; and he came back to the family and said, ''I have met a scholar.'' He was right. After so many sermons that I heard, so many talks that I had with Rabbi Miller growing up, I knew him as a scholar. Much of the Nation knows him as a scholar from his lectures on business ethics and bioethics and his writings on biblical topics.

I know that my friends at Temple Bat Yahm, my mother, my father who is I am sure watching this event from on high, and his wife Wendy and their five children all join me in this joy and this honor in having heard Rabbi Miller give the invocation today.

HUBBELL ROLLS OVER ONE MORE TIME

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

Mr. PITTS. Mr. Speaker, consider this. You have the person who was the third highest position at the Justice Department, who cheated his partners out of a half million dollars, who then cheated the taxpayers out of hundreds of thousands of dollars, and who admits out loud on tape, and I quote, ''I need to roll over one more time.'' For the hear-no-evil, see-no-evil Members, I will say that again. Web Hubbell says to his wife on tape, ''I need to roll over one more time.''

One more time? This will be truly puzzling to the other side, perhaps, who act as if they are unfamiliar with the language of cover-up, the language of a person who needs to keep silent to protect his friends.

One more time? Is it possible that Mr. Hubbell is referring to his refusal to tell Judge Starr what he knows in order to protect the White House?

Roll over? Perhaps Mr. Hubbell means that he will have to take the hit, accept jail time one more time if that is what it takes to protect his friends.

CHINA RIPPING AMERICA OFF $60 BILLION A YEAR

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

Mr. TRAFICANT. Mr. Speaker, the trade representative said, and I quote: China is guilty, guilty of attaching fraudulent ''Made in America'' labels to Chinese made products. She said she was surprised and, as a result, we are hitting China with a $94 million maximum penalty.

Wow. What a surprise. Every worker in America knows that China has been ripping us off, ripping us off to the tune of now $60 billion a year. If that is not enough to stir your home fries, check this out. China is building the biggest army and the biggest nuclear arsenal in the world with our tax dollars. Think about it.

Look, if the trade representative thinks that $94 million is a lot of money to China, then I believe she thinks that Viagra is a waterfall in West Virginia, folks. They do not know what the hell is going on. Beam me up with this policy.

Mr. Speaker, I yield back what national security and common sense we have left.

NORAD'S 40TH ANNIVERSARY

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

Mr. HEFLEY. Mr. Speaker, I come to the House floor today to pay tribute to the North American Aerospace Defense Command, or NORAD as it is commonly known. Today NORAD is celebrating its 40th anniversary, and I wish to congratulate them on a job well done.

Located in Colorado Springs, NORAD is charged with the mission of aerospace warning and aerospace control for North America. Since the first binational agreement was signed in 1958 between the United States and Canada, NORAD has faithfully carried out the task of early warning missile and manned aircraft detection. In addition to serving as a vital component of our national defense, NORAD also assists in the detection and monitoring of aircraft suspected of illegal drug trafficking.

Originally conceived as a defense against long-range Soviet bombers, NORAD has always adapted well to changes in the global national security arena. The evolving threat of nuclear-tipped intercontinental ballistic missiles during the Cold War era increased and expanded NORAD's focus to that of a long-range missile attack. It was the early detection capability that I think helped deter nuclear war. I salute NORAD on its 40th anniversary.

SUPPORT SCHOOL CHOICE

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

Mr. JONES. Mr. Speaker, it is a sad fact but it is true that America's education system is failing our children. Many of today's students are not learning as they should, and some are even afraid to go to school because they are forced to attend a school in which they fear for their safety.

This terrible situation has resulted from years of Federal bureaucracies trying to fill a role that needs to be filled by parents, teachers, and communities. The Federal Government already funds more than 760 Federal education programs which span 40 Federal agencies, boards, and commissions and costs the American taxpayer nearly $100 billion a year. But these efforts have failed our children.

They have failed because a Federal bureaucrat who is hundreds or even thousands of miles away cannot possibly determine what is best for a child like those who see the children every day. It is past time to return education to parents, teachers, and communities where it belongs. I hope my colleagues will support school choice

REMOVE CHAIRMAN BURTON FROM CAMPAIGN FINANCE REFORM INVESTIGATION

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

Mr. STUPAK. Mr. Speaker, this is Law Enforcement Officers Memorial Week. During this week, we honor those officers who gave their lives in the line of duty, upholding the law. This is, after all, a Nation founded on a rule of law. This is a Nation which requires that all citizens have faith and confidence in the judicial system and a belief that justice will be served.

That is why, Mr. Speaker, I am so profoundly troubled and angered by the way the gentleman from Indiana (Mr. BURTON) of the House Committee on Government Reform and Oversight has handled its investigation of campaign finance reform.

I am disturbed by the releasing of doctored tapes, by vile name-calling of the President of the United States, and by disregard for procedures which bind

every law enforcement agency, but apparently not Members of the U.S. House of Representatives. The American people know that the truth of matters will come out.

What is sad and unfortunate, Mr. Speaker, is that along the way to truth, we disgrace ourselves and our institution by not maintaining a high standard which we all should be setting. Mr. Speaker, remove the chairman from this investigation.

SUPPORT H.R. 2829, THE BULLETPROOF VEST PARTNERSHIP ACT

(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, today H.R. 2829, the Bulletproof Vest Partnership Act, will come before this body to serve one very important purpose, and that purpose is to help save the lives of our law enforcement personnel.

Tomorrow in Carson City, the capital of Nevada, State officials and law enforcement representatives will gather to dedicate the Nevada Law Enforcement Police Officers Memorial. Inscribed on this memorial are the names of every law enforcement officer who lost his or her life in the line of duty.

The passage of H.R. 2829 will help protect our law enforcement officers who, on a daily basis, put their lives on the line to keep our communities and ourselves and our families safe.

It is the hope of all Nevadans, and I know especially the families of law enforcement personnel, that the passage of this legislation will prevent future names and, perhaps, their loved ones from being added to this valorous memorial.

The men and women of law enforcement provide safety and a sense of security to every American citizen. This is our chance to provide a sense of safety and security to them.

PARTISANSHIP FOUND IN CAMPAIGN FINANCE INVESTIGATION

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

Mrs. CHENOWETH. Mr. Speaker, accusations of partisanship are very common in this city. However, it is also common to notice that those making accusations of partisanship are often among the most bitterly partisan people in the entire city.

The top Democrat on the House Committee on Government Reform and Oversight is a proud partisan with impeccable credentials. Just listen to his impressive record of partisanship. He had no problem with the White House having 900 FBI files on Republicans. He thought White House nonexplanations that no one knew who hired Craig Livingstone was satisfactory. He had no problem with the White House smear of Billy Dale and the others fired in the White House travel office.

Vice presidential fund-raising on government property, no problem. The Vice President having a fund-raiser at a Buddhist Temple in California, no problem. The Democrats see nothing wrong with that. Shaking down impoverished Indian tribes for campaign money, no problem.

The Democrats ask why we should care. Turning the White House coffees into fund-raisers, I have a problem with that, Mr. Speaker.

GLOBAL WARMING

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, a petition has been signed and released by over 17,000 scientists urging the Congress and other lawmakers around the world to reject the Kyoto Protocols on global climate change. The 17,000 signers include over 2,000 physicists, geophysicists, climatologists, meteorologists, oceanographers, and environmental scientists.

In addition, 4,400 are qualified to assess the effects of carbon dioxide upon the Earth's plant and animal life, and most of the remaining signers have technical training suitable to understanding climate change issues.

The petition letter is a strongly worded statement that goes beyond rejecting the Kyoto Protocol. It denies the existence of any scientific evidence that man-made greenhouse gases will cause catastrophic warming, and even goes so far as to say ''increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the Earth.'' That is because carbon dioxide is not a pollutant. It is a life essential gas.

Mr. Speaker, it is time for this administration and its extremists to stop the deception of the American people on global climate change.

□ 1415

HUMAN RIGHTS UNDER ATTACK IN TURKEY

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

Mr. PORTER. Mr. Speaker, this morning in Ankara, Akin Birdal, widely regarded as Turkey's foremost human rights defender, was gunned down in his office by two unknown assailants. He is currently in critical condition in an Ankara hospital. Right-wing extremists have been blamed for the attack, but the Turkish government must bear some responsibility for this unconscionable act of violence, even if they did not pull the trigger.

In recent weeks, the Turkish media has quoted government sources as saying Mr. Birdal, an internationally respected human rights leader, is a tool of the PKK. These stories were designed to turn popular opinion against Mr. Birdal, and these irresponsible lies may now cost him his life.

I visited Turkey earlier this year, Mr. Speaker, and met with government officials who seemed to understand there were serious human rights problems in their country, and they seemed committed to solving these problems. This latest act of violence casts grave doubts on the sincerity of this commitment.

I call on my colleagues to join me today in expressing our strong condemnation of this cowardly attack on a defender of human rights, and our demand that his attackers be brought to justice.

POLITICAL QUESTIONS WITH NO ANSWERS

(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, I have some questions for the other side of the aisle, questions that I am absolutely 100 percent sure I will receive no answers for.

I am sure that I will receive no answers, because for nearly three years now the other side has made it abundantly clear that they have no interest in discovering how the Democratic National Committee raised nearly $3 million in illegal campaign contributions from communist China; no interest in discovering how the White House came to possess 900 FBI files of Republicans; no interest in discovering who in the White House ordered the FBI and the IRS to investigate Billy Dale and the other White House Travel Office employees in order to smear them.

My questions are, do you think that Webster Hubbell's statement on his jailhouse tapes that ''I need to roll over one more time,'' is indicative of a crime? Do you think that Webster Hubbell's statement with respect to overbilling that ''I will not raise those allegations that might open it up to Hillary,'' is not indicative of a crime? Do you think that Mrs. Hubbell's great fears she will lose her job if her husband tells the truth about what he knows is not relevant to the committee's investigations?

Questions, yes, Mr. Speaker, that I am sure fellow Americans we will not a receive answer to, not a single one.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. BEREUTER) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 1998.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the

Rules of the U.S. House of Representatives. I have the honor to transmit a sealed envelope received from the White House on May 11, 1998 at 3:40 p.m. and said to contain a message from the President whereby he transmits the 1996 National Institute of Building Sciences annual report.

With warm regards,

ROBIN H. CARLE,
Clerk.

NATIONAL INSTITUTE OF BUILDING SCIENCES ANNUAL REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services.

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j–2(j)), I transmit herewith the annual report of the National Institute of Building Sciences for fiscal year 1996.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 11, 1998.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

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

GRANITE WATERSHED ENHANCEMENT AND PROTECTION ACT OF 1998

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2886) to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest system, as amended.

The Clerk read as follows:

H.R. 2886

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 ''Granite Watershed Enhancement and Protection Act of 1998''.

SEC. 2. DEMONSTRATION RESOURCE MANAGEMENT PROJECT, STANISLAUS NATIONAL FOREST, CALIFORNIA, TO ENHANCE AND PROTECT THE GRANITE WATERSHED.

(a) RESOURCE MANAGEMENT CONTRACT AUTHORIZED.—The Secretary of Agriculture may enter into a contract with a single private contractor to perform multiple resource management activities on Federal lands within the Stanislaus National Forest in the State of California for the purpose of demonstrating enhanced ecosystem health and water quality, and significantly reducing the risk of catastrophic wildfire, in the Granite watershed at a reduced cost to the Government. The contract shall be for a term of five years.

(b) AUTHORIZED MANAGEMENT ACTIVITIES.—The types of resource management activities performed under the contract shall include the following:

(1) Reduction of forest fuel loads through the use of precommercial and commercial thinning and prescribed burns.

(2) Monitoring of ecosystem health and water quality in the Granite watershed.

(3) Monitoring of the presence of wildlife in the area in which management activities are performed and the effect of the activities on wildlife presence.

(4) Such other resource management activities as the Secretary considers appropriate to demonstrate enhanced ecosystem health and water quality in the Granite watershed.

(c) COMPLIANCE WITH FEDERAL LAW AND SPOTTED OWL GUIDELINES.—All resource management activities performed under the contract shall be performed in a manner consistent with applicable Federal law and the standards and guidelines for the conservation of the California spotted owl (as set forth in the California Spotted Owl Sierran Province Interim Guidelines or the subsequently issued final guidelines, whichever is in effect).

(d) FUNDING.—

(1) SOURCES OF FUNDS.—To provide funds for the resource management activities to be performed under the contract, the Secretary may use—

(A) funds appropriated to carry out this section;

(B) funds specifically provided to the Forest Service to implement projects to demonstrate enhanced water quality and protect aquatic and upland resources;

(C) excess funds that are allocated for the administration and management of the Stanislaus National Forest, California;

(D) hazardous fuels reduction funds allocated for Region 5 of the Forest Service; and

(E) a contract provision allowing the cost of performing authorized management activities described in subsection (b) to be offset by the values owed to the United States for any forest products removed by the contractor.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—Except as provided in paragraph (1), the Secretary may not carry out the contract using funds appropriated for any other unit of the National Forest System.

(3) CONDITIONS ON FUNDS TRANSFERS.—Any transfer of funds under paragraph (1) may be made only in accordance with the procedures concerning notice to, and review by, the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate that are applied by the Secretary in the case of a transfer of funds between appropriations.

(e) ACCEPTANCE AND USE OF STATE FUNDS.—The Secretary may accept and use funds provided by the State of California to assist in the implementation of the contract under this section.

(f) REPORTING REQUIREMENTS.—Not later than February 28 of each year during the term of the contract, the Secretary shall submit to Congress a report describing—

(1) the resource management activities performed under the contract during the period covered by the report;

(2) the source and amount of funds used under subsection (d) to carry out the contract; and

(3) the resource management activities to be performed under the contract during the calendar year in which the report is submitted.

(g) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the contract, or resource management activities to be performed under the contract, from any Federal environmental law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH).

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

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, the Granite Watershed Enhancement and Protection Act is an excellent bill that will enable the Forest Service to accomplish multiple resource objectives aimed at reducing fire risk and improving water quality under a single contract. H.R. 2886 provides for a pilot project on approximately 8,000 acres of National Forest land located in and around the 1993 Granite Burn on the Groveland District of the Stanislaus National Forest.

Major meadow restoration, thinning, fuels reductions and road maintenance work is needed in order to improve watershed and runoff conditions for this river canyon. Current law does not allow the Forest Service to offer such a multiple services contract. The legislation provides the necessary authority, and specifies that the project will be subject to all applicable environmental rules and standards.

Mr. Speaker, I commend my colleague, the gentleman from California (Mr. DOOLITTLE), for his work on this bill. He has done an admirable job in moving the bill forward with the support of the administration. The legislation reported by the Committee on Resources includes language requested by the administration to clarify the contracting authority, and it addresses concerns that were raised by the environmental community in the district of the gentleman from California (Mr. DOOLITTLE). The meadow restoration, the thinning, the fuels reduction and road maintenance work authorized by the bill will greatly improve the conditions of the Granite watershed.

Now, 25 years after the Granite fire, I urge my colleagues to give their support to H.R. 2886, so that this much-needed work can finally be done.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentlewoman from Idaho (Mrs. CHENOWETH) for her management of this legislation.

Mr. Speaker, I rise in support of this bill which is sponsored by my good

friend, the gentleman from California (Mr. DOOLITTLE). The Forest Service has requested the contracting authority set forth in this legislation in order to more efficiently manage a restoration project on 8,000 acres of land in the Granite Creek watershed of the Stanislaus National Forest in California.

The details of the restoration work to be conducted pursuant to the contract authorized by this bill will be determined after a public process in compliance with NEPA. It is our understanding that the Forest Service is contemplating restoration activities such as thinning, controlled burning and road decommissioning in order to improve forest conditions and water quality in the Granite watershed.

The legislation also provides that funds from the State of California, including CALFED funds, may also be used by the Forest Service to support these restoration activities in a watershed which is part of the Bay-Delta system.

Mr. Speaker, it is important to recognize that this bill provides for consolidated contract authority which is limited to the specific test projects in California, but we on the minority side of the aisle are not prepared to conclude that such authority is necessary or desirable on a nationwide basis. It remains to be seen whether a single contract will result in more efficient and effective restoration work, and we would anticipate continued oversight concerning implementation of this, should it be enacted into law.

The Forest Service has testified before the Committee on Resources in support of consolidated contracting authority for the Granite Creek project. They are satisfied with the bill's text as reported by the committee.

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

Mr. Speaker, I reserve the balance my time.

Mrs. CHENOWETH. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DOOLITTLE).

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

Mr. DOOLITTLE. Mr. Speaker, I thank the gentlewoman from Idaho (Mrs. CHENOWETH), our chairman, and the gentleman from American Samoa (Mr. FALEOMAVAEGA) for their kind remarks.

Mr. Speaker, this legislation, as has been indicated, will allow the Forest Service to develop a resource management contract that evaluates the landscape as a whole rather than, as is present practice, in individual pieces, by streamlining the government contracting process and reducing staff time spent developing a project, thereby saving taxpayer dollars.

H.R. 2886 will provide the Forest Service with new innovative contracting authority for the purpose of developing a comprehensive land management contract for the Granite area. Conceptually, the proposed project seeks to combine management activities, like forest thinning, with road maintenance, wildlife monitoring, and repair and maintenance, to improve erosion and runoff conditions.

This bill would allow the Forest Service to use the revenue generated from the sale of commercial timber to offset the cost of conducting nonrevenue producing watershed improvement work.

Existing Federal contracting authority prohibits the Forest Service from offering a contract that bundles multiple resource activities under one umbrella. While a combination of forest thinning and repair and restoration work might be needed in an area to improve forest health conditions, existing law requires the Forest Service to offer separate contracts for this type of work.

These limitations often result in tremendous duplication of effort by staff, unnecessary paperwork and higher preparation costs at the expense of the taxpayer. In the end, the result is an overly bureaucratic process that prevents the Forest Service from developing a project that evaluates the landscape as a whole. This bill alters this dynamic by allowing the Forest Service the opportunity to accomplish a greater amount of resource work by simply streamlining the contracting process.

H.R. 2886 looks to meet both environmental and commercial needs by using a stewardship approach to managing our Federal lands and watersheds. By allowing the Forest Service to implement a project that saves taxpayer dollars, reduces the risks of catastrophic wildfire and improves the quality of water flowing through our forest streams, this project will serve as a learning model of how to coordinate and gain efficiency in multipurpose restoration of forested watersheds.

Mr. Speaker, this bipartisan legislation passed unanimously out of the Committee on Resources, and, as was indicated, it is supported by the administration.

H.R. 2886 includes language that clarifies stewardship contracting authorities of the Forest Service and addresses concerns raised by the environmental community. I would ask for the support of my colleagues, and urge them to pass this legislation today.

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

Mr. Speaker, again I commend the gentleman from California (Mr. DOOLITTLE) for his sponsorship of this legislation. I also want to commend the gentleman from California for his pronunciation of my district. It is not ''Somalia,'' it is not ''Sam-o-a,'' it is ''Sa-moa.'' I really appreciate that.

Again, I thank the gentlewoman from Idaho (Mrs. CHENOWETH) for her management of this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH) that the House suspend the rules and pass the bill, H.R. 2886, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2886, as amended.

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

There was no objection.

MILES LAND EXCHANGE ACT OF 1997

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1021) to provide for a land exchange involving certain National Forest System lands within the Routt National Forest in the State of Colorado.

The Clerk read as follows:

H.R. 1021

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 ''Miles Land Exchange Act of 1997''.

SEC. 2. LAND EXCHANGE, ROUTT NATIONAL FOREST, COLORADO.

(a) AUTHORIZATION OF EXCHANGE.—If the non-Federal lands described in subsection (b) are conveyed to the United States in accordance with this section, the Secretary of Agriculture shall convey to the party conveying the non-Federal lands all right, title, and interest of the United States in and to a parcel of land consisting of approximately 84 acres within the Routt National Forest in the State of Colorado, as generally depicted on the map entitled ''Miles Land Exchange'', Routt National Forest, dated May 1996.

(b) RECEIPT OF NON-FEDERAL LANDS.—The parcel of non-Federal lands referred to in subsection (a) consists of approximately 84 acres, known as the Miles parcel, located adjacent to the Routt National Forest, as generally depicted on the map entitled ''Miles Land Exchange'', Routt National Forest, dated May 1996. Title to the non-Federal lands must be acceptable to the Secretary, and the conveyance shall be subject to such valid existing rights of record as may be acceptable to the Secretary. The parcel shall conform with the title approval standards applicable to Federal land acquisitions.

(c) APPROXIMATELY EQUAL IN VALUE.—The values of both the Federal and non-Federal lands to be exchanged under this section are deemed to be approximately equal in value, and no additional valuation determinations are required.

(d) APPLICABILITY OF OTHER LAWS.—Except as otherwise provided in this section, the

Secretary shall process the land exchange authorized by this section in the manner provided in subpart A of part 254 of title 36, Code of Federal Regulations.

(e) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for inspection in the office of the Forest Supervisor, Routt National Forest, and in the office of the Chief of the Forest Service.

(f) BOUNDARY ADJUSTMENT.—Upon approval and acceptance of title by the Secretary, the non-Federal lands conveyed to the United States under this section shall become part of the Routt National Forest, and the boundaries of the Routt National Forest shall be adjusted to reflect the land exchange. Upon receipt of the non-Federal lands, the Secretary shall manage the lands in accordance with the laws and regulations pertaining to the National Forest System. For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Routt National Forest, as adjusted by this section, shall be considered to be the boundaries of the National Forest as of January 1, 1965.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH).

□ 1430

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

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, H.R. 1021, introduced by the gentleman from Colorado (Mr. SCOTT MCINNIS), authorizes an exchange of approximately 84 acres within the Routt National Forest for approximately 84 acres of private land known as the Miles parcel, which is located adjacent to the Routt National Forest.

Ms. Marjorie Miles, the owner of the private land, and the Forest Service proposed a land exchange to remedy a situation where a private inholding adjacent to the forest boundary has created a private-public property line that is complex, to say the least, and expensive for the Forest Service to maintain. H.R. 1021 provides the authority needed to allow the Forest Service to undertake an exchange which will simplify and clarify the property line, and reduce the Forest Service's maintenance costs.

I commend my colleague, the gentleman from Colorado (Mr. MCINNIS) for his fine work on this bill. H.R. 1021 is an equal-value exchange which enjoys the support of all interested parties, and I urge its passage.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of this legislation, which was introduced by the gentleman from Colorado (Mr. MCINNIS), and reported favorably by the Committee on Resources by voice vote. I note that a companion bill sponsored by Senator BEN NIGHTHORSE CAMPBELL of Colorado has already passed the Senate.

In essence, Mr. Speaker, this bill provides for a boundary adjustment of 84 acres in the Routt National Forest in Colorado. The Forest Service would acquire an inholding which they consider to be a worthy addition to the National Forest. In exchange, the private property owner will receive an equal number of acres which are currently occupied under a special use permit. The bill deems this to be an equal value exchange based on assurances from the Forest Service that the land values are approximately equal and that the exchange is in the public interest.

Mr. Speaker, I am not aware of any opposition from this side of the aisle.

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

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

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH) that the House suspend the rules and pass the bill, H.R. 1021.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

EXTENDING DEADLINE OF FERC PROJECT NUMBER 9248 IN COLORADO

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2217) to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and for other purposes.

The Clerk read as follows:

H.R. 2217

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

SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(a) EXTENSION OF DEADLINE.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project numbered 9248, the Commission shall, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time required for commencement of construction of the project until January 30, 2002.

(b) REINSTATEMENT OF EXPIRED LICENSE.—The Commission shall reinstate, effective as of the date of its expiration, the license of the Town of Telluride, Colorado, for the project referred to in subsection (a) that expired prior to the date of enactment of this Act.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

H.R. 2217 provides simply for the extension of this construction deadline of the San Miguel project, a 4.6 megawatt hydroelectric project in the State of Colorado, if the sponsor pursues the commencement of construction in good faith and with due diligence.

These types of bills have not been controversial in the past, and I do not believe, from the other side of the aisle, that this will be. The bill does not change the license requirements in any way and it does not change environmental standards, but merely extends the construction deadlines.

There is a need to act since the construction deadline for the project expired in January of 1996 and FERC has terminated the license. Unless Congress acts, the town of Telluride will lose its investment in this project, and we do not want that to happen.

H.R. 2217 would reinstate the license and extend the construction deadline by 6 years. According to the town of Telluride, the sponsor of the project, construction has not commenced because of delays in obtaining a special

use permit from the U.S. Forest Service, and a dredge and fill permit from the U.S. Army Corps of Engineers. Because of that, Telluride lacks the power of sales for the contract. I feel very strongly that this is something that we have to proceed with.

As I stated during the consideration of similar legislation that we have dealt with over a period of time, the lack of a power sales contract is the main reason for the construction of hydroelectric projects, and the fact that they have not been able to commence in a timely manner.

It is very difficult for a hydroelectric project sponsor to secure financing until such time as they are granted a license and the construction deadline begins to run. Mr. Speaker, I, with cooperation from my good friend, the gentleman from Texas (Mr. HALL), we have worked on these things back and forth all the time.

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

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

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

Mr. HALL of Texas. Mr. Speaker, I first thank the gentleman from Colorado (Mr. SCHAEFER), and certainly I thank the House. I suggest that H.R. 2217 would simply extend the deadline for the commencement of construction for a 4.6 megawatt hydroelectric project in San Miguel County, Colorado, until January 30 of the year 2002. This would extend the deadline to 10 years after the date the license was issued.

According to the bill's sponsor, the gentleman from Colorado (Mr. MCINNIS), construction had not commenced because of delays in obtaining a special use permit from the U.S. Forest Service, and an U.S. Army Corps of Engineers dredge and fill permit, and because it lacks a power purchase agreement.

This legislation simply provides that the licensee must meet the Federal Power Act Section 13 requirement that it prosecute construction ''in good faith and with due diligence.''

The Federal Energy Regulatory Commission has indicated in a letter to the Subcommittee on Energy and Power that it has no objection to the enactment of this legislation. Under statute, FERC can only grant a 2-year extension of the construction license.

This legislation is not controversial. I urge my colleagues to support it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and pass the bill, H.R. 2217.

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

A motion to reconsider was laid on the table.

EXTENDING TIME REQUIRED FOR CONSTRUCTION OF A HYDROELECTRIC PROJECT

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2841) to extend the time required for the construction of a hydroelectric project, as amended.

The Clerk read as follows:

H.R. 2841

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

SECTION 1. EXTENSION OF PERIOD TO COMMENCE CONSTRUCTION.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 805) that would otherwise apply to the Federal Energy Regulatory Commission Project numbered 10395, the Commission shall, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due deference, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project, under the extension described in subsection (b), not more than 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the expiration of the extension of the period required for commencement of construction of the project described in subsection (a) that the Commission issued, prior to the date of enactment of this Act, under section 13 of the Federal Power Act (16 U.S.C. 806).

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

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

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2841, as amended.

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

There was no objection.

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

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, this legislation is very similar to the bill we just went through, so that my description is going to be very brief. Then I will yield to my good friend, the gentleman from Kentucky.

Under section 13 of the Federal Power Act, project construction must begin within 4 years of the issuance of a license. We know that. If construction is not begun by that time, the Federal Energy Regulatory Commission, again, cannot issue and cannot extend the deadline and must terminate the license.

H.R. 2841 provides for extension of the construction deadline of the Melhahl project, a 35 megawatt hydroelectric project in the State of Kentucky, if the sponsor pursues the commencement of construction in good faith and with due diligence. According to the City of Augusta, the project sponsor, construction has not commenced because of challenges from various competing applicants for this particular license. H.R. 2841 provides for up to three different consecutive 2-year extensions.

I think that this is something that we have to proceed with, in conferring with my good friend, the gentleman from Texas (Mr. HALL). I have to apologize for my voice. I have a little bit of laryngitis here today.

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

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

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

Mr. HALL of Texas. Mr. Speaker, H.R. 2841 would simply extend the deadline for commencement of construction of a 35-megawatt hydroelectric project in Bracken County, Kentucky, for up to three additional 2-year periods. According to the bill's sponsor, the gentleman from Kentucky (Mr. BUNNING), construction has not commenced because of the lack of a power purchase agreement. The deadline for commencement of construction on this project expires on July 31, 1999.

H.R. 2841 does not ease the hydroelectric licensing requirement, but merely extends the period for commencement of project construction. The chairman of the Subcommittee on Energy and Power, the honorable gentleman from Colorado (Mr. DAN SCHAEFER), has brought to the floor with this bill a manager's amendment which corrects a typographical error in section 1(b) of the legislation. I support this technical correction.

Mr. Speaker, the legislation is not controversial, I urge my colleagues to support it, and I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. BUNNING).

Mr. BUNNING. Mr. Speaker, I thank my friend and manager, the gentleman from Colorado (Mr. DAN SCHAEFER), and also my friend, the gentleman from Texas (Mr. HALL), and I rise in strong support of H.R. 2841, legislation I introduced to extend the construction deadline for a proposed hydroelectric plant in my district.

Late last year I learned that the Augusta hydroelectric power project was running into some difficulties in securing private investors because of an impending construction deadline set by the Federal Emergency Regulatory Commission.

This is an extremely important project to my constituents in the northern part of Kentucky, and without congressional actions to extend this deadline, thousands of residents in my State could miss out on a tremendous source of inexpensive electricity.

□ 1445

The bill simply extends the present deadline set by the Federal Energy Regulatory Commission for 6 more years, which will provide the necessary time for the city of Augusta Kentucky to seek and obtain new investors for this important project. However, without our assistance today, this project will not meet its current construction deadline and be terminated.

By passing this legislation, we can help make sure that that does not happen. I appreciate the Committee on Commerce's quick action in bringing this important bill to the floor and look forward to working with them in the future to make sure this project is completed. I urge all of my colleagues to support this meaningful legislation.

I thank the chairman for yielding time to me.

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

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and pass the bill, H.R. 2841, as amended.

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

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE WITH RESPECT TO WINNING THE WAR ON DRUGS

Mr. HASTERT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 423) expressing the sense of the House with respect to winning the war on drugs to protect our children.

The Clerk read as follows:

H. RES. 423

Whereas drug abuse killed 14,218 Americans in 1995 and it is estimated that nearly 114,000 Americans—many of them our youth—will have died as a result of drug abuse by the end of the period between 1992 and 2001, and it is estimated that 13,000,000 Americans used illegal drugs in 1996;

Whereas American taxpayers footed a $150,000,000,000 bill for drug-related criminal and medical costs in 1997, which is more than we spent in 1997's Federal budget for programs to fund education, transportation and infrastructure improvements, agriculture, energy, space and all foreign aid combined;

Whereas 34 percent of Americans see drug interdiction as a top priority foreign policy issue, above illegal immigration and the threat of terrorism, and 39 percent of Americans believe decreasing drug trafficking should be our primary objective in United States policy toward Latin America; and

Whereas the week of September 13 through 19, 1998 has been designated as the ''Drug-Free America Blue Ribbon Campaign Week'' to remind our children that they are not alone in the fight for a Drug-Free America: Now, therefore, be it

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

(1) the House declares its commitment to create a Drug-Free America;

(2) the Members of the House should work personally to mobilize kids, parents, faith-based and community organizations, educators, local officials and law enforcement officers, as well as coaches and athletes to wage a winning war on drugs;

(3) the House pledges to pass legislation that provides the weapons and tools necessary to protect our children and our communities from the dangers of drug addiction and violence; and

(4) the United States will fight this war on drugs on three major battlefronts:

(A) Deterring demand.

(B) Stopping supply.

(C) Increasing accountability.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HASTERT) and the gentleman from Ohio (Mr. BROWN), each will control 20 minutes.

The Chair recognizes the gentleman from Illinois, (Mr. HASTERT).

GENERAL LEAVE

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 423.

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

There was no objection.

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

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

Mr. Speaker, we are facing a grave situation in this country, a situation that is not unlike scenes that we have faced within the last 20 years. Our children are being constantly nibbled away at with the threat of drugs, drugs in our communities, drugs in our neighborhoods, drugs in our schools. And we have constantly tried to wage this war. Unfortunately, it has been a war that has not been coordinated over the years, a war that policy does not always meet the appropriations, and a war where the public hears a little bit but sees little.

It is time for this Congress and this Nation to move forward to lay out a plan to win the war on drugs by the year 2002, to give the American people a solid plan to do this, to coordinate a policy and appropriations so the money goes to the place and gets the job done the quickest and the best. We must raise the level of awareness that there is a serious drug epidemic in our society.

This winning the war on drugs resolution takes the initial step to do that by listing the unfortunate facts about drug usage, the associated costs borne by the American taxpayers through drug-related crime and violence as well as higher medical bills.

I am pleased to see that just today the Congress has even pulled the President to the table and spurred him to propose a crime initiative that at its roots claims to target illegal drugs and money laundering, key aspects of the Speaker's Task Force for a Drug Free America agenda. This is a step in the right direction. National leaders need to come together. National leaders need to be engaged on this national problem.

The resolution also designates the second week of September as Drug Free America Blue Ribbon Campaign Week so every American can join together to protest illegal drugs by wearing a straight blue ribbon. Finally and most importantly for this body, it declares the House commitment to win the war on drugs by deterring demand, stopping supply and increasing accountability.

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

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

Mr. Speaker, I rise in support of this resolution expressing the sense of the House with respect to winning the war on drugs to protect our children. Since the majority party did not, for whatever reason, have hearings on this bill, I thought I would just read for Members in the House that are watching today just the basic thrust of the bill:

Resolved that it is the sense of the House that the House declares its commitment to create a Drug-Free America; that Members of the House should work personally to mobilize kids, parents, faith-based and community organizations, educators, local officials and law enforcement officers as well as coaches and athletes to wage a winning war on drugs; that the House pledges to pass legislation that provides the weapons and tools necessary to protect our children and our communities from the dangers of drug addiction and violence; and that the United States will fight this war on drugs on three major battle fronts: deterring demand, stopping supply, increasing accountability.

That is the resolution in front of us. Who could oppose it?

While I share my colleagues' commitment to protecting our children from the dangers of drug abuse, Mr. Speaker, I have my doubts that a 3-page resolution which commits this House to the creation of a drug-free America will move the Nation any nearer to accomplish this goal. It will not stop one more child from using drugs. It will not prevent another young man or young woman from overdosing on drugs. It will not stop a single drug dealer from

peddling his poisons. Drug abuse in our schools, our workplaces and our communities remains a serious problem that demands serious answers. For these reasons, we must build on successful drug abuse prevention initiatives like the safe and drug-free schools program, which provides grants to State and local schools.

These funds have helped thousands of schools and local communities across the country combat the scourge of drugs by allowing them to implement effective and creative prevention strategies based on the unique needs of the students they are trying to protect in the neighborhoods in which they live.

In the district I represent in northeast Ohio, parents, teachers, and students in areas as diverse as the city of Lorain and Amish farm communities in Geauga County have utilized tools like this program to successfully fight drug abuse. These efforts across the country have helped millions of children reject the lure of illegal drugs and succeed in school. But our fight is not yet won. We clearly need more help.

Additionally, this resolution will not stem the flood of illegal drugs which are being trafficked across our border with Mexico. A recent confidential report entitled ''Drug Trafficking, Commercial Trade and NAFTA on the Southwestern Border,'' by Operation Alliance, a task force led by the U.S. Customs Service, found that it is easier than ever to smuggle drugs into the United States through Mexico. According to the report, drug cartels have purchased legitimate trucking, rail and warehousing companies which they have used as fronts in their smuggling operations. Due to the flood of commercial vehicle traffic across our border, spawned by NAFTA, the failure of State governments, especially in Texas, to inspect trucks and our lax and inadequate inspection system, we have made it much easier for the drug cartels to smuggle their poisons into the United States. A former DEA official said, for Mexico's drug gangs, NAFTA was a deal made in narco-heaven.

So we find not only has this failed trade agreement cost American workers their jobs, it also put our children at greater risk by increasing their exposure to illegal drugs.

Mr. Speaker, we will not deter drug abuse by passing 3-page resolutions expressing the sense of the House of Representatives. We will only help parents, teachers, and students by providing them with the resources and the tools they need to better educate our children to the dangers of drug abuse so they can avoid falling into its deadly grip.

We undermine these efforts by passing bad trade agreements and ignoring the woefully inadequate interdiction efforts on our southwest border, in essence rolling out the red carpet to foreign drug smugglers. While I support this resolution before the body today, I do so in the hopes that my colleagues on the other side of the aisle will join us in passing real meaningful legislation which will help protect our children from drugs.

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

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

I appreciate the gentleman from Ohio making the statement. I agree. A 3-page resolution does not get the job done. But a 3-page resolution also makes a claim that this Congress has the will to get the job done. We lose 20,000 Americans each year to drugs and drug-related violence and gang violence on our street corners. Most of those are kids. We have to pass legislation that affects our communities, that affects our borders, that affects the flow of drugs from outside this country.

I agree with the gentleman from Ohio, we need to do that. And my colleagues will see, as we start to roll out pieces of legislation every week for the next 10 weeks, that will affect exactly those issues.

I join the gentleman from Ohio. I hope he will join us in putting together that legislation, voting on that legislation. That will do about six things. First of all, deal with treatment so that we have the most cost-effective treatment and available treatment in this country, to start to deal with communities so that we have the prevention programs that are important that we can deal with law enforcement, that they have the tools to get the job done, that we can deal with the borders, the Border Patrol, the INS, the Customs and those agents along that so we have a coordinated effort, and that we can put a stop to drugs moving across the border.

We also need to deal with the whole issue of foreign source drugs coming into this country, and we also need to deal with the issue of money laundering. We will show a strong initiative over the next 10 weeks, and I look forward to working with the gentleman from Ohio to get that done.

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

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Illinois for his comments and look forward to that challenge.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. REYES).

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

I rise today to ask all of my colleagues to carefully look at what this bill states. This legislation asks that all Members work personally to mobilize all members of local communities in fighting drugs and that the House will pass legislation to provide the necessary resources to protect children and communities from the dangers of drug addiction and drug-related violence.

I find it hard to imagine that anyone in this House would disagree with the intent of this legislation, and I find it hard to imagine that anyone would argue with the importance that this message sends.

Let me say this: It is time for this Congress to act in a bipartisan manner and pass meaningful legislation to keep our communities free from drugs and give our children the opportunity to live and learn in a drug-free environment. We have all heard the staggering facts. More than 50 percent of high school seniors have experimented with drugs. The most likely cause of death for a 16-year-old is alcohol related. America's demand for drugs each year is estimated at 5 billion. We as a Nation have an obligation to do something about all of this. We as a Congress have an obligation to do something about this specific issue. We as parents have a duty to address and correct this serious problem.

Congress has before it an aggressive, comprehensive drug legislative strategy. The Office of National Drug Control Policy or, as we know it, ONDCP, unveiled the 1998 National Drug Control Strategy in February of this year. For the first time the 1998 National Drug Control Strategy set specific performance objectives for antidrug programs.

Under the national drug strategy, for each year over the next 10 years antidrug programs will be held accountable for meeting specific performance goals. This is a bipartisan, aggressive, comprehensive plan which will drastically reduce illegal drug use in our country.

Allow me to stress the fact that this plan reflects a bipartisan consensus on drug control policy. As a former border patrol chief who lived and worked on the border, I know the importance of cooperation when combatting drug trafficking.

□ 1500

There should never be an ''us'' versus ''them'' mentality when we are trying to help keep our kids alive.

I urge all my colleagues to vote for this legislation and to take its message to heart: Pass meaningful legislation to keep our streets free from illegal drugs.

I have introduced legislation which will increase the number of Customs and INS inspectors along our borders. This increase in manpower will provide us with another tool to combat drug traffickers and their relentless flood of narcotics into our Nation. This legislation will also provide technology to allow us to detect illegal narcotics and prevent those shipments from entering our communities and poisoning our children.

I urge all of my colleagues to act in a responsible, bipartisan manner and support the ONDCP plan and support this legislation that will keep drugs off of our streets and away from our kids.

Mr. HASTERT. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me

this time, and I particularly thank the gentleman from Illinois for his excellent leadership on this issue in the war against drugs and mobilizing Congress to take greater action.

I rise in strong support of this resolution expressing the sense of Congress that all Americans must remain committed to combating the distribution, sale and use of illegal drugs by our Nation's youth. Why is this important? Because this war against drugs has to start with leadership, and we in Congress must provide that leadership.

During recent weeks I have appeared in a town meeting in the small town of Gentry in my district, a town of about 1,400 people, in which they have had a number of youth that have been devastated by methamphetamine, and they have been sent to drug rehab programs. So the police chief and the mayor asked if I would come, as their Congressman, and address this community because they wanted to do more.

I am going next week, or soon, to Waldron, another community with more drug problems.

And so community after community is starting to recognize the danger of drugs and the impact that it has not just in terms of statistics, but in terms of the lives of our young people.

I am a former Federal prosecutor, but more importantly, I am a parent who has had to raise teenagers during this very difficult time when peer pressure is devastating our young people and driving them into a life of drugs when they do not need to go that direction and know there is a better way.

We are all familiar with the statistics. One study shows us that the number of 4th to 6th graders experimenting with marijuana has increased a staggering 71 percent between 1992 and 1997. Drug use among 12- to 17-year-olds has jumped 78 percent since 1992. And the statistics go on and on.

We know that each of those statistics represents the lives of individuals that are impacted, and this resolution shows a commitment of this Congress that will be followed up with legislation that has been outlined by the gentleman from Illinois. We start with that commitment, and that commitment also carries from community to community and shows those people in the communities that we should not be cynical about the war on drugs, that we do intend to do something.

This Congress intends to do something. This Nation intends to do something. That is why I believe this resolution is important, and the legislation that will follow will back it up with meaningful action coming from this body.

Mr. Speaker, I urge my colleagues to support this resolution, and I compliment the gentleman from Illinois.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

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

Today the House will consider H.R. 423, a resolution to declare a war on drugs to protect children. While this resolution is not binding, it is important that we continue to express our commitment towards making America drug free.

We should understand that we all have a responsibility and opportunity and that we can, indeed, do more than this bill purports to do, but this is an important first beginning.

Crime in our communities has reached an intolerable level. Drug-driven crime, violent crime, is spiraling out of control, particularly among juvenile offenders. The use of guns by young people against other young people is alarming. Our children's futures are at risk, and they put everyone else in the community at risk.

There can be no more urgent time to act than this moment now in history. We can no longer postpone our responsibility in this. The drug and crime problem touches every State, every city, every neighborhood in the United States, both rural and urban.

According to the Children's Defense Fund, every 2 hours in America a child is killed by firearms. Fifteen children will die today as a result of gunshot wounds. And every 14 seconds a child is arrested. North Carolina is no different as a rural State. Over the past 10 years, in our State, juvenile arrests have almost doubled from 11,165 in 1986 to 21,717 in 1996, a startling 93 percent increase.

And the numbers are far worse for violent crimes, weapons violations and drug offenses. In North Carolina, violent crimes among juveniles, murder, rape, robbery, aggravated assault, increased by 129 percent over the past decade. Weapons violations increased by an incredible 492 percent and drug violation by an unbelievable 460 percent.

According to the Governor's Crime Commission, if the current trend continues in North Carolina, over the next 10 years, juvenile crime will again double and will reach a level that is three times higher than adult crime. It is no wonder that many of our young people are now planning their funerals rather than their futures.

Just as hard work and concentrated action have helped to curb crime in our general community, the same kinds of effort must be focused to make sure that we curb juvenile crime.

Some believe that the only key to juvenile crime can be found with more locks. Others, like the Covenant with North Carolina's Children, believe also that prevention plays a very important part in the answer. Whatever we believe, we should join together to support this resolution and continue our commitment.

The future is now. We must not waste time. We must act to curb crime and we must do it while our young people still have a chance. We want to give our young people a chance, make sure we listen to them, provide opportunity for them to develop. Whatever we do, we should make sure that we know that we have a responsibility.

Mr. Speaker, I urge the passage of this resolution.

Mr. HASTERT. Mr. Speaker, I yield myself 15 seconds to say that I associate myself with the statement of the gentlewoman from North Carolina.

Seventy percent of all people in prison are there probably because of drugs, 80 percent of our crime has a basis in drugs, and 75 percent of all domestic violence is there because of either drug or alcohol abuse. She is right on point.

Mr. Speaker, I yield 3¼ minutes to the gentleman from Indiana (Mr. BURTON), a leader on our committee and the task force on drugs.

Mr. BURTON of Indiana. Mr. Speaker, I rise today to lend my support to H. Res. 423, the sense of the House offered by my colleague, good friend, and a great subcommittee chairman, the gentleman from Illinois (Mr. HASTERT). I know he is one of the most tenacious Members of this body when it comes to fighting drugs. He has been down to Latin America, Colombia, several times.

I am proud to say that I have lent the gentleman my support in many of his counternarcotics efforts. He is the leader of the Speaker's Task Force for a Drug Free America, and I can think of no finer choice. As such, he is also the congressional drug czar. He has led many of the efforts and initiatives, along with the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, myself, the gentleman from Indiana (Mr. SOUDER), the gentleman from Florida (Mr. STEARNS), the gentleman from Florida (Mr. MICA), the gentleman from Arizona (Mr. SHADEGG), and others, which have caused the Clinton administration and its Drug Czar, General McCaffery, to take notice and to react to our proposals.

The facts are simple, Mr. Speaker: Our kids are dying on the vine and the Clinton administration is looking the other way. There are nearly 20,000 drug-related deaths in our country every year. Vice President AL GORE estimates that the annual societal cost of drugs in our country exceeds $60 billion. Yet the administration's war on drugs is to treat the wounded, spending more than $15 billion on domestic treatment, prevention, and law enforcement, while spending less than $1 billion on the source and transit zone operations where the drugs are grown and transported to American streets and school yards.

Clearly, we should not cut the successful demand-side programs; rather we should increase the supply-side efforts to a level which is respectable, at a very minimum. The ambitious program of the gentleman from Illinois (Mr. HASTERT) will combine these efforts and produce a well-thought-out, common-sense approach to winning the war on drugs.

The anecdotes are many, but I would like to highlight this one: According to

the DEA, over the last 2 years there have been 35, count them, 35 teenage Colombian heroin overdose deaths in the Orlando, Florida, area alone.

The proof is in the pudding, as Colombian heroin has taken over the East Coast market, flooding it with cheap, extremely pure and deadly heroin. Indeed, the DEA confirms that more than 65 percent of the heroin seized on U.S. streets comes from Colombia. Yet the Clinton administration is without a heroin strategy and has fought tooth and nail to stop congressional efforts to combat this deadly problem which is sweeping across every town, big or small, in the country.

Simply put: The Clinton administration refuses to acknowledge the problem and accept Congress' solution. Clearly, Congress has the only heroin solution and strategy.

Mr. Speaker, in closing, let me say I am proud to join my good friend in his courageous efforts to provide the legislative avenue to win the war on drugs. With an absence of leadership in the Clinton administration on this issue, Congress must act now before we lose another generation of American children to this deadly scourge.

I salute the gentleman's efforts and hope he will let me know how I can help.

Mr. HASTERT. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), chairman of the committee on oversight that has the whole responsibility for overseeing drug operations.

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in strong support of House Resolution 423 by the gentleman from Illinois (Mr. HASTERT), who is the chairman of our House task force on drugs, and I am pleased to cosponsor legislation reaffirming congressional support of fighting and winning our war against drugs.

The threat posed by illegal drugs is one of the greatest national security threats confronting our Nation. This is the cold truth: Virtually all illegal drugs in our Nation come from overseas. And the sooner we recognize that drugs are as much a foreign as a domestic problem, the more effective our response will be.

While opponents argue we spend too much on combating drugs, I contend they ignore the true cost of drug use in our society. In addition to costs associated with supply and demand reduction, drug use costs our Nation billions each year in health care expenses and lost productivity. Moreover, it also has intangible costs in terms of broken families, destroyed lives, many of whom are our young people.

As chairman of our House Committee on International Relations, I have long been dedicated to enlisting the international community on fighting the scourge of illegal drugs. Regrettably, as of late, this is a battle which our Nation has not been winning.

During the 1980s we made remarkable progress in reducing drug use and eliminating the view that drug use was socially acceptable. Between 1979 and 1992 there was a significant drop in ''past month'' drug users from over 25 million down to 12 million. Our focus during that period was twofold: It followed a dual track of simultaneously reducing both supply and demand.

Regrettably, this administration sharply curtailed interdiction funding and placed greater emphasis on demand reduction. The end result has been a sharp increase in the supply of drugs available on our streets, the highest purity levels ever encountered, and a resurgence of teenage drug use. From 1992 to 1996, teenage marijuana use doubled.

More disturbing, though, is the data reporting a rise in heroin use among our teenagers. Drugs killed over 14,000 Americans in the last 1 or 2 years.

In essence, this administration's policy of focusing on demand reduction is being overwhelmed by the current state of the drug market. With many of our cities literally awash in heroin, the drug dealers are using supply to create demand.

□ 1515

In order to effectively combat the problem of illegal drug use, we are going to have to employ a balanced approach of reducing supply, reducing demand, and doing it simultaneously. Our strategy, to be effective, requires efforts from all levels of our government and society and cooperation by the international community.

Mr. Speaker, I urge my colleagues to support this worthy resolution expressing our commitment to a drug-free America. For too long we have had a disjointed approach in combatting illegal drug use. If we as a Nation are willing to reduce use of tobacco, surely we should do the same for combatting the use of illegal drugs.

Mr. HASTERT. Mr. Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore (Mr. BEREUTER). The gentleman from Illinois (Mr. HASTERT) has 5½ minutes remaining. The gentleman from Ohio (Mr. BROWN) has 7 minutes remaining.

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

Mr. HASTERT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I rise today in support of this resolution which declares that we must win the war on drugs.

Drug use is a serious problem in America. Most parents do not realize this, but over half of all high school seniors have admitted to using an illegal drug in their lifetime. It gets worse. Overall, drug use among 12- to 17-year-olds is up 78 percent since 1992, and marijuana use is up 141 percent.

America has experienced an explosion in drug use during the last 6 years. And study after study shows shocking levels that were unimaginable just a short decade ago. But these are not just statistics. They are numbers with broken homes and broken lives and destroyed futures.

In the last 5 years, we have lost the war on drugs. And I am saddened by the lack of leadership from President Clinton. He has repeatedly sent the wrong message. In his first year, he cut funding for the drug czar's office. He reduced funding for drug interdiction. And Federal prosecutions have dropped under this presidency. Keeping drugs out of kids' hands is simply not a priority of this President.

We are losing too many children to drugs. It is time to send the right message. America can win the war on drugs if we reverse the present course and send a clear signal to our kids that we are committed to a drug-free America.

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

Mr. HASTERT. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MCCOLLUM), who has been on the forefront in working on the supply side reduction of drugs.

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

Mr. MCCOLLUM. Mr. Speaker, we are here today to pass a resolution I strongly support, and I hope every Member of this body does, calling on legislation and an all-out effort to deter demand, stop supply, and have increased accountability in an effort to really create a war on drugs. We have not had that for a while.

Since 1992, we have seen the teenage drug use in this Nation double. If this were anthrax coming into the country instead of drugs coming out of Latin America, cocaine and heroin, we would be at war, literally if not figuratively. We will be supplying the resources necessary to reduce the supply of drugs coming in here as well as taking it to the streets of this country with regard to law enforcement, community efforts, demand reduction in our schools, and so forth. We do not have the leadership right now to do that.

This Congress is committed now in this resolution to a course of action to renew a war on drugs, to truly fight that war. First and foremost, that means reducing the supply of cocaine and heroin and other drugs entering this country by at least 80 percent over the next 3 or 4 years so that we can drive the price of drugs up.

There is an inverse proportion, all the experts say, to the price of drugs. The greater they are, the lower the teenage drug use. We need to do that in order to provide breathing room for our folks at home to be able to do their job to get drug use among teenagers down.

On the other side of the coin, there are those who want to legalize drugs. The most absurd thing, in countries that have done that, we have seen double and triple the drug use among teenagers. Let us put the children first. Let

us pass this resolution, and then let us go back and provide the resources necessary to cut the supply of drugs by the necessary amount coming into this country from aboard whatever ships, planes and flying hours are needed, and get back on the streets doing our job.

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

Mr. HASTERT. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS), who is on the Speaker's drug task force.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman yielding me this time.

Mr. Speaker, once again it is my privilege to speak before this body and to the American people. We cannot say enough how important the war on drugs is. This Resolution 423 clearly expresses our sense to the American people that no other victory other than the victory on the war on drugs to protect our children is acceptable.

A few months ago, in the community of Lake Highlands, which is within the Fifth District of Texas, we were ravaged by vandalism; and it turns out that those perpetrators, those people who committed crimes, were high on marijuana laced with methamphetamines.

It saddened me as a parent and also as a Member of Congress that our communities are being invaded by those who desire to pollute our children with killer drugs. We must act responsibly to address this issue by deterring demand, stopping supply, and increasing accountability.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HASTERT) has 1½ minutes remaining.

Mr. HASTERT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PAPPAS).

Mr. PAPPAS. Mr. Speaker, I thank the gentleman from Illinois for yielding me the time, and I thank him for his leadership.

Mr. Speaker, this resolution states ''the House declares its commitment to create a drug-free America.'' For the past two weeks, we have adopted two bills, one resolution last week that I authored with the very similar message focusing on young people in schools, and the week before that a resolution dealing with the needle exchanges. Very, very clear messages, very simple messages. And I have been very disappointed back in my district in New Jersey, members of the media have made light of it, have made light of statements that this House and the vast majority of Members of this House have stated very clearly that drug use is unacceptable and a drug-free America is a goal worth fighting for.

I stand here very proudly in supporting this resolution by the gentleman from Illinois (Mr. HASTERT), and I urge the members of the media that they need to join in this fight, not make light of it, not be cynical, not be skeptical, but that we all as Americans might speak as one voice.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 30 seconds.

I appreciate the debate today and the sincerity of my friends on the other side of the aisle. I would hope that as we move on, and the gentleman from Illinois (Mr. HASTERT) mentioned that there will be one of these every week or so for the next 10 weeks, I hope that as we get into more substantive debates and more substantive resolutions and more substantive legislation, that we do go through the committee process and work these through and are able to write, bipartisanly, together, the most effective substantive legislation we can.

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

Mr. HASTERT. Mr. Speaker, I yield myself the remainder of the time.

I wish to say, Mr. Speaker, that I appreciate the gentleman from Ohio (Mr. BROWN) joining with us today. This is, just as the gentleman said, 3 pages of pages. It is merely words. It is actions that the American people want. It is the will of this country, it is the will of this Congress to get things done. It is moms and dads and teachers and preachers getting together and saying, ''We have had enough.'' On the prevention side, it is doing our job to make sure our borders are secure and the dollars go effectively to stop drugs flowing from other countries into this country.

We owe it to ourselves, we owe it to this Congress, we owe it to the American people; and most of all, we owe it to our children and grandchildren. I ask for a positive vote on this legislation.

Mr. SAM JOHNSON of Texas. Mr. Speaker, drugs are no stranger to my hometown of Plano, Texas. Since the beginning of last year, heroin has claimed the lives of thirteen young people in my district.

Local police are working closely with community leaders and parents to stop this terrible epidemic. The heart of their mission is not just to stop the flow of drugs to these kids, but to get the word out that drugs kill.

Because, you see, somewhere along the line, the message got lost. Somewhere along the line, kids got the idea that drugs weren't that bad. I guess that happens when even the President of the United States jokes about it on M.T.V.

I've met with several law enforcement officials in Plano, and they all tell me the same thing—help us get the word out. And that's what we're doing here today.

This resolution sends a clear message to the President and to the drug users of America that the good times end now. No more. We are committed to ending the scourge of drugs in this country. And the President had better get on board, or he's going to get left behind.

We will not stand by and watch the future of our country waste away in a heroin haze. I owe it to the kids of Plano, Texas, just as the rest of this House owes it to the kids in their district. I urge my colleagues to support this resolution.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today in support of H. Res. 423 and to share with my colleagues my own experience in Kentucky's Second Congressional District.

Last month, the Speaker's Task Force for a Drug-Free America unveiled a plan to renew America's commitment to win the war on drugs.

As many of you know, our congressional agenda will focus on stopping supply, increasing accountability, and deterring demand.

It is critical to protect our borders and to assist our federal, state and local agencies in this war. But I believe the real battle will be fought, and ultimately, won at the local level. This fight will be led by parents and community leaders. And I think we in this Chamber need to play an important leadership in this effort.

Recognizing this fact, I started the Heartland Coalition anti-drug project. The goal is to activate grass-roots coalition groups in all 22 counties in my district. We want every young person in the Second District to understand the dangers of drugs. These county groups are made up of parents, teachers, community leaders and members of law enforcement.

Since the Heartland Coalition was introduced last year, we have:

Held monthly meetings with the advisory council;

Established a directory that lists every organization interested with combating drugs in each county; and

Hosted a law enforcement summit which brought together community leaders involved in the anti-drug movement and law enforcement professionals.

This fall we will focus on our youth. We will listen to teenagers from all over my district to learn their concerns, fears and thoughts on drugs.

There is still a lot more to do, but the overwhelming support I have received from my constituents shows that we have taken a step in the right direction.

So, the war on drugs will not be won from on-high in Washington but in the hearts and homes of all Americans. H. Res. 423 is a pledge from Congress we will stand ready to assist in this effort.

Again, I urge my colleagues to join me in voting for H. Res. 423.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Illinois (Mr. HASTERT) that the House suspend the rules and agree to the resolution, H. Res. 423.

The question was taken.

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

The yeas and nays were ordered.

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

UNITED STATES PATENT AND TRADEMARK OFFICE REAUTHORIZATION ACT, FISCAL YEAR 1999

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3723) to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3723

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 ''United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be made available for the payment of salaries and necessary expenses of the Patent and Trademark Office in fiscal year 1999, $66,000,000 from fees collected in fiscal year 1998 and such fees as are collected in fiscal year 1999, pursuant to title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.). Amounts made available pursuant to this section shall remain available until expended.

SEC. 3. LEVEL OF FEES FOR PATENT SERVICES.

(a) GENERAL PATENT FEES.—Section 41 of title 35, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) The Commissioner shall charge the following fees:

''(1)(A) On filing each application for an original patent, except in design or plant cases, $760.

''(B) In addition, on filing or on presentation at any other time, $78 for each claim in independent form which is in excess of 3, $18 for each claim (whether independent or dependent) which is in excess of 20, and $260 for each application containing a multiple dependent claim.

''(C) On filing each provisional application for an original patent, $150.

''(2) For issuing each original or reissue patent, except in design or plant cases, $1,210.

''(3) In design and plant cases—

''(A) on filing each design application, $310;

''(B) on filing each plant application, $480;

''(C) on issuing each design patent, $430; and

''(D) on issuing each plant patent, $580.

''(4)(A) On filing each application for the reissue of a patent, $760.

''(B) In addition, on filing or on presentation at any other time, $78 for each claim in independent form which is in excess of the number of independent claims of the original patent, and $18 for each claim (whether independent or dependent) which is in excess of 20 and also in excess of the number of claims of the original patent.

''(5) On filing each disclaimer, $110.

''(6)(A) On filing an appeal from the examiner to the Board of Patent Appeals and Interferences, $300.

''(B) In addition, on filing a brief in support of the appeal, $300, and on requesting an oral hearing in the appeal before the Board of Patent Appeals and Interferences, $260.

''(7) On filing each petition for the revival of an unintentionally abandoned application for a patent or for the unintentionally delayed payment of the fee for issuing each patent, $1,210, unless the petition is filed under section 133 or 151 of this title, in which case the fee shall be $110.

''(8) For petitions for 1-month extensions of time to take actions required by the Commissioner in an application—

''(A) on filing a first petition, $110;

''(B) on filing a second petition, $270; and

''(C) on filing a third petition or subsequent petition, $490.

''(9) Basic national fee for an international application where the Patent and Trademark Office was the International Preliminary Examining Authority and the International Searching Authority, $670.

''(10) Basic national fee for an international application where the Patent and Trademark Office was the International Searching Authority but not the International Preliminary Examining Authority, $760.

''(11) Basic national fee for an international application where the Patent and Trademark Office was neither the International Searching Authority nor the International Preliminary Examining Authority, $970.

''(12) Basic national fee for an international application where the international preliminary examination fee has been paid to the Patent and Trademark Office, and the international preliminary examination report states that the provisions of Article 33 (2), (3), and (4) of the Patent Cooperation Treaty have been satisfied for all claims in the application entering the national stage, $96.

''(13) For filing or later presentation of each independent claim in the national stage of an international application in excess of 3, $78.

''(14) For filing or later presentation of each claim (whether independent or dependent) in a national stage of an international application in excess of 20, $18.

''(15) For each national stage of an international application containing a multiple dependent claim, $260.

For the purpose of computing fees, a multiple dependent claim referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.''.

(b) PATENT MAINTENANCE FEES.—Section 41 of title 35, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) The Commissioner shall charge the following fees for maintaining in force all patents based on applications filed on or after December 12, 1980:

''(1) 3 years and 6 months after grant, $940.

''(2) 7 years and 6 months after grant, $1,900.

''(3) 11 years and 6 months after grant, $2,910.

Unless payment of the applicable maintenance fee is received in the Patent and Trademark Office on or before the date the fee is due or within a grace period of 6 months thereafter, the patent will expire as of the end of such grace period. The Commissioner may require the payment of a surcharge as a condition of accepting within such 6-month grace period the payment of an applicable maintenance fee. No fee may be established for maintaining a design or plant patent in force.''.

SEC. 4. AUTHORIZATION OF COLLECTION AND EXPENDITURE.

Section 42(c) of title 35, United States Code, is amended by striking the first sentence and inserting the following: ''To the extent and in the amounts provided in advance in appropriations Acts, fees authorized in this title or any other Act to be charged or established by the Commissioner shall be collected by and shall be available to the Commissioner to carry out the activities of the Patent and Trademark Office.''.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3723.

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

There was no objection.

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

Mr. Speaker, enactment of H.R. 3723, the U.S. Patent and Trademark Office Reauthorization Act for Fiscal Year 1999, will ensure that users of the Patent and Trademark Office who pay for its operation are getting their money's worth.

The bill before us today increases the Patent and Trademark Office's individual filing and maintenance fees by approximately $132 million to allow the agency to operate at 100 percent of its required needs, as outlined by the administration, but it does not provide additional monies to use for other non-Patent and Trademark Office purposes. The result of this change would actually lower patent and trademark fees for the first time in history and will result in a savings of approximately $50 million in fees charged to the inventors of America.

In addition, Mr. Speaker, the bill before us contains a technical amendment that has been suggested by the appropriators for scoring purposes. I believe we must assist the men and women who pay the fees that enable the Patent and Trademark Office to operate. They are the ones who contributed an element of inventiveness to our economy that would otherwise be nonexistent.

I therefore urge the Committee to report H.R. 3723 favorably to the full House.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with what my friend the gentleman from North Carolina (Mr. COBLE) has said.

I would just want to underline; Members will remember that we debated a patent bill earlier in this Congress. It was contentious. Many of the issues that become disagreements in setting patent policy are either created or exacerbated by delays in the process. To the extent that we adequately fund that office, and this bill will increase the guarantee that that happens because it raises funds and dedicates them to that office, to the extent that the Patent Office is well-funded and can act expeditiously, a number of the disputes we have had will diminish, many of them will, over time and over delay.

So this is a very important piece of legislation. It responds to the need of our economy and our intellectual processes for the encouragement of invention. I hope the bill is passed.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 3723, as amended.

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

A motion to reconsider was laid on the table.

□ 1530

DEADBEAT PARENTS PUNISHMENT ACT OF 1998

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3811) to establish felony violations for the failure to pay legal child support obligations, and for other purposes.

The Clerk read as follows:

H.R. 3811

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 ''Deadbeat Parents Punishment Act of 1998''.

SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.

Section 228 of title 18, United States Code, is amended to read as follows:

''§ 228. Failure to pay legal child support obligations

''(a) OFFENSE.—Any person who—

''(1) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 1 year, or is greater than $5,000;

''(2) travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than 1 year, or is greater than $5,000; or

''(3) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 2 years, or is greater than $10,000;

shall be punished as provided in subsection (c).

''(b) PRESUMPTION.—The existence of a support obligation that was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

''(c) PUNISHMENT.—The punishment for an offense under this section is—

''(1) in the case of a first offense under subsection (a)(1), a fine under this title, imprisonment for not more than 6 months, or both; and

''(2) in the case of an offense under paragraph (2) or (3) of subsection (a), or a second or subsequent offense under subsection (a)(1), a fine under this title, imprisonment for not more than 2 years, or both.

''(d) MANDATORY RESTITUTION.—Upon a conviction under this section, the court shall order restitution under section 3663A in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.

''(e) VENUE.—With respect to an offense under this section, an action may be inquired of and prosecuted in a district court of the United States for—

''(1) the district in which the child who is the subject of the support obligation involved resided during a period during which a person described in subsection (a) (referred to in this subsection as an 'obliger') failed to meet that support obligation;

''(2) the district in which the obliger resided during a period described in paragraph (1); or

''(3) any other district with jurisdiction otherwise provided for by law.

''(f) DEFINITIONS.—As used in this section—

''(1) the term 'Indian tribe' has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a);

''(2) the term 'State' includes any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

''(3) the term 'support obligation' means any amount determined under a court order or an order of an administrative process pursuant to the law of a State or of an Indian tribe to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living.''.

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

The Deadbeat Parents Punishment Act of 1998 strengthens Federal law by establishing felony violations for the most serious cases of failure to pay legal child support obligations.

H.R. 3811 is a bipartisan bill introduced by the gentleman from Illinois (Mr. HYDE) and the gentleman from Maryland (Mr. HOYER), and is nearly identical to a bill we moved through the Subcommittee on Crime in the Committee on the Judiciary last month. The bill is also similar to one the Justice Department submitted to the 104th Congress.

Mr. Speaker, our current penalties for deadbeat parents are inadequate. It is currently a Federal offense to fail to pay a child support obligation for a child living in another State if the obligation has remained unpaid for longer than a year or is greater than $5,000. A first offense is subject to a maximum of 6 months of imprisonment; and a second or subsequent offense, to a maximum of 2 years. But the law fails to address the problem of more aggravated cases. This bill remedies the problem.

H.R. 3811 establishes two new felony offenses. The first offense is traveling in interstate or foreign commerce with the intent to evade a support obligation if the obligation has remained unpaid for a period longer than 1 year or is greater than $5,000.

The second offense is willfully failing to pay a support obligation regarding a child residing in another State if the obligation has remained unpaid for a period longer than 2 years or is greater than $10,000.

Both of these offenses involve a degree of culpability that is not adequately addressed by current penalties. As such, the bill provides for a maximum 2-year prison term for these offenses.

H.R. 3811 includes several additional measures which clarify and strengthen Federal child support enforcement provisions. The bill clarifies how these penalties apply to child support orders issued by Indian tribal courts. The bill also includes a venue section that clarifies that prosecutions under the statute may be brought in any district in which the child resided or which the obligated parent resided during a period of nonpayment.

This bill is a reasonable and appropriate step by the House to do what it can to hold accountable those parents who neglect next their most basic responsibilities to their children. The abdication of moral and legal duty by deadbeat parents calls for unequivocal social condemnation. This bill expresses such condemnation, even as it seeks to deter such unacceptable dereliction of duty.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I claim the time of the gentleman from Florida (Mr. WEXLER) until he arrives.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. FRANK) is recognized for 20 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on the Judiciary, I would say that we agree with the gentleman from Florida.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE), the chairman of our full committee.

Mr. HYDE. Mr. Speaker, the parameters of this bill have been well explained by Mr. MCCOLLUM. It is a good bill. It is a necessary bill. It is overdue to punish those who abdicate their fundamental and their legal responsibility to provide for their children.

This legislation deals with the consequences of the disintegration of the family. We do not have an awful lot of power to keep families together, but we can ensure strong condemnation is directed against those who neglect their children in violation of law.

In doing so, we take a small, but important, step to support the family institution and the legal duties of parents to their children. The punishment

that we as a society direct against wrongdoing is a clear indication of what we value and of what we hold dear. This bill represents our commitment to be vigilant on behalf of our families and our children.

Mr. Speaker, I want to express my appreciation to the gentleman from Maryland (Mr. HOYER) whose impetus to get this bill to the floor has been very strong, very effective, and who supports this bill, who was present at the creation, and deserves a great deal of credit for its existence. I want to acknowledge that publicly, and I hope we get a large affirmative vote.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield as much time as he may consume to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, I rise in support of this bill. This is a very important bill. This country is built on rights and responsibilities. It is the job of the government to protect the rights of the citizens and to make sure that they discharge their responsibilities. There is no responsibility more sacred than that of a parent to a child, to provide for, to care for, to make certain that their children are well.

The ideal situation, I believe, is one in which both parents share the child-rearing responsibility. But even in the too-numerous single-parent households, the other parent has a responsibility, at the least, to contribute financially.

There was a period where we, as a society, did not enforce that obligation very rigorously. I am glad to say that that period is over. Through accommodation of stiff penalties and aggressive enforcement strategies, child support collections are way up in the past few years.

This is a lot like what has happened with drunk driving. By toughening law enforcement and relentlessly sending the message that what was once tolerated will not be tolerated any longer, we have been able to change behavior for the better.

This bill will make a significant improvement in current law. It is aimed at people who move from one State to another to avoid paying child support. A custodial parent in Florida can have a very difficult time trying to collect child support from a parent who has moved, for instance, to Ohio.

In 1992, Congress passed the first law establishing Federal penalties for crossing State lines to evade child support. This statute has been an important piece of the very successful effort by the Clinton administration to increase child support collections. Under this current law, first offense is a misdemeanor.

H.R. 3811 will toughen the law so particularly egregious first offenses, those that involve a debt of more than $10,000 or one that has been outstanding for more than 2 years will be felonies punishable by up to 2 years in prison.

I want to note that H.R. 3811 is identical to H.R. 2925, which was introduced by the gentleman from Maryland (Mr. HOYER) and marked up by the Committee on the Judiciary.

I want to commend both the gentleman from Maryland (Mr. HOYER) and the gentleman from Illinois (Mr. HYDE) for their leadership on this issue, and I urge my colleagues to support this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentlewoman from of Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support the legislation dealing with deadbeat parents and particularly adding additional felonies for those who willfully do not pay child support. This legislation deals more with the idea of financial compensation. It sometimes deals with the very survival of children.

Yesterday, I had the opportunity to meet with women from around my community. We, of course, were talking about what I consider a felony as well, and that is, the present bankruptcy bill that we are marking up that does not respond to protecting child support in its present form.

In the course of discussing that legislation, Mr. Speaker, the pain of expression of the need and dependence on child support was made very clear. In many instances, women or men with custody who have to rely upon the civil process system time after time after time find that the parent that owes the money does not pay child support many times.

The civil proceedings are not raised to the level of enough intensity to require those parents to do what they should do! They usually abscond and then make those individuals who are dependent upon child support parent and child, fight for their survival.

One of my constitutes talked about the intimidation of her spouse who held up child support payments by requiring the parent to do something special to receive those child support payments. But the worst thing is not being able to find those individuals who owe the child support payments as they move from State to State. So I want to commend the chairman for this very vital and important bill.

I hope that we can also confront this important issue as we revise the bankruptcy code that needs to be revised, but it needs to be revised with the input and insight of those who also are negatively impacted by it.

Child support is many times a life-or-death matter, Mr. Speaker; I hope that my colleagues will support this legislation.

Mr. Speaker, I support H.R. 3811 the Deadbeat Parents Punishment Act. We must protect our children who rely on child support, and create stiffer penalties for those parents who avoid their financial obligation to their children. Deadbeat parents must understand that this type of irresponsible behavior is unacceptable and that they can be punished for attempting to avoid child support payments by moving between states, or out of the United States.

As Chair of the Children's Congressional Caucus and a strong child advocate, I firmly believe that we must consider children our first priority. For this reason, I cosponsored H.R. 2487 the Child Support Incentive Act, legislation which reformed the child support incentive payment plan, and improved state collection performance. I am also currently opposing H.R. 3150, which would allow credit card companies to have the same priority as parents seeking child support during and after a debtor's bankruptcy.

Child support is an issue critical to the well-being of our nation's children. According to a recent study by the Department of Health and Human Services, between 1989 and 1991, 21–28% of poor children in America did not receive any child support from their non-custodial parent. In 1994, one in every four children lived in a family with only one parent present in the home. In the same year, the Child Support Enforcement system handled 12.8 million cases of non-payment. Yet, the system was only able to collect $615 million of the $6.8 billion due in back child support. The result is that the average amount of overdue child support payments is a shocking $15,000 per parent.

In Texas alone, there were 847,243 cases of child support payment delinquencies. Too many families and children in this country are forced to rely upon government assistance because absent parents have attempted to beat the system. We must protect the welfare of our children and support tough and fair child support enforcement laws.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. WEXLER) to assume the remainder of the time on the minority side.

Mr. WEXLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), who introduced the bill with identical language that we are speaking of now.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Florida for yielding and being so generous in the yielding of time. I thank the gentleman from Florida (Mr. MCCOLLUM), and I want to thank the gentleman from Illinois (Mr. HYDE), whom I just saw leave the floor. I know the gentleman made a statement on this bill before, but I want to thank the gentleman from Illinois (Mr. HYDE).

The gentleman from Illinois (Mr. HYDE) introduced legislation to deal with the deadbeat parent problem of those leaving States to avoid the payment of child support. There was a problem that existed because States were faced with requests to enforce misdemeanor offenses in another State, and the State of residence of the deadbeat parent was reluctant to act.

I went to the gentleman from Illinois (Mr. HYDE) and said I wanted to introduce legislation to up the penalties for these serious, egregious failures to pay child support. He agreed. I introduced that legislation. I am very pleased that

the gentleman has now introduced similar legislation in the last few days, and we have this on the floor. The gentleman from Illinois (Mr. HYDE) and I have worked very closely on this.

I, therefore, Mr. Speaker, rise in strong support of this legislation, which sends a clear and unmistakable message to deadbeat parents who attempt to use State borders as a shield against the enforcement of child support orders. That message is, you can run, but you cannot hide from the child support you owe.

I am proud to be a cosponsor of the Deadbeat Parents Punishment Act along with my friend, whom I mentioned earlier, the gentleman from Illinois (Mr. HYDE), Chairman of the Committee on the Judiciary. The Deadbeats Act is a companion to legislation introduced by Senator KOHL of Wisconsin, which unanimously passed the Senate this year.

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This legislation will stiffen penalties for deadbeat parents in egregious interstate cases of child support delinquency. It will also enable Federal authorities to go after those who attempt to escape State-issued child support orders by fleeing across State lines.

Under the Child Support Recovery Act sponsored by the gentleman from Illinois (Mr. HYDE) in 1992, to which I earlier referred, parents who willfully withhold child support payments totaling more than $5,000 or owe for more than 1 year, are presently subject to a misdemeanor offense punishable by not more than 6 months. Current law also provides that a subsequent offense is a felony punishable by up to 2 years in prison.

H.R. 3811 addresses the difficulty States frequently encounter in attempting to enforce child support orders beyond their borders. This legislation will augment current law by creating a felony offense for parents with an arrearage totaling more than $10,000 or owing for more than 2 years. This provision, like current law, would apply where the noncustodial parent and child legally reside in different States.

In addition, Mr. Speaker, this legislation will make it a felony for a parent to cross a State border with the intent of evading a child support order where the arrearage totals more than $5,000 or is more than 1 year past due, regardless of residency.

H.R. 3811 is not simply about ensuring just punishment in intentional severe cases of child support evasion; it serves to complement other Federal child support enforcement measures to help States establish and enforce child support orders.

The ultimate goal, of course, Mr. Speaker, is to put deadbeat parents on notice and to induce compliance. Our cumulative efforts, Mr. Chairman, will increase parental accountability, decrease child poverty and dependence on public assistance, and erase the notion that nonpayment of State-ordered child support is a viable option.

Congress, of course, cannot force anyone to be a loving, nurturing and involved parent. However, by acting together, we can strengthen the government's ability to make parents fulfill their minimum moral and legal responsibility, which is to provide financial support for the children they bring into this world.

The deliberate neglect of this obligation should warrant serious consequences for the parent, as serious as the consequences are for that child who is in need of those provisions. The Deadbeat Parents Punishment Act of 1997 will ensure that this is the case, even for those who attempt to use State borders as a barrier to enforcement of child support orders.

Mr. Speaker, I urge my colleagues to vote for this legislation today, and I want to thank the 50 bipartisan cosponsors of this legislation, especially, as I said, the gentleman from Illinois (Chairman HYDE), for his leadership on this issue.

Mr. Speaker, in conclusion, let me say, as someone who has practiced law for over a quarter of a century, who, in fact, tried his last case in 1990 prior to our changing the rules which prohibit me from practicing law further, I was always concerned about how child support was perceived to be perhaps less important to deal with than some other matters that came before our courts; that it was sort of put at the end of the docket, and that the practical judgment was that clearly we cannot incarcerate a father, because then he will not be able to pay it all. I say ''father,'' because over 80 percent of those parents who are referred to as deadbeat parents are the fathers who believe that they can participate in bringing a child into the world, but then somehow not participate in supporting that child. Indeed, the consequence of that is many times to expect a result in the rest of us supporting that child. We have talked a lot about responsibility.

We talked about responsibility in the crime bill. We talked about responsibility in the welfare bill, where we expect work. Here we are talking about an expectation of responsibility as a parent.

As I said earlier, we cannot make a parent love a child. They ought to, and we would hope they would. But we can certainly expect that they will support that child and try to bring that child up in a way that will give that child some opportunity.

Mr. Speaker, again I thank the members of the Committee on the Judiciary, and my friend the gentleman from Illinois (Mr. HYDE) for his help with this legislation.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, children are at the heart of the need for this legislation. No child should go to bed hungry, miss a medical appointment, not have adequate housing or be deprived of quality education. We have no more precious resource than our children. We have no greater responsibility than the protection, development and security of our children.

The greatest uncollected debt in our country, unfortunately, is child support. Thankfully, the Deadbeat Parents Punishment Act of 1998 strengthens Federal law by establishing felony violations for the most serious cases to pay legal child support obligations.

H.R. 3811 is a bipartisan bill introduced by the gentleman from Illinois (Chairman HYDE) and the gentleman from Maryland (Mr. HOYER), and is one that all my colleagues should support.

Mr. PAUL. Mr. Speaker, today the Congress will collectively move our nation two steps closer to a national police state by further expanding a federal crime and paving the way for a deluge of federal drug prohibition legislation. Of course, it is much easier to ride the current wave of federalizing every human misdeed in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, and especially in an election year, wants to be amongst those members of Congress who are portrayed as soft on drugs or deadbeat parents irrespective of the procedural transgressions and individual or civil liberties one tramples in their zealous approach.

Our federal government is, constitutionally, a government of limited powers. Article one, Section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the federal government lacks any authority or consent of the governed and only the state governments their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently. Of course, there will be those who will hang their constitutional ''hats'' on the interstate commerce general welfare clauses, both of which have been popular ''headgear'' since the FDR's headfirst plunge into New Deal Socialism.

The interstate commerce clause, however, was included to prevent states from engaging in protectionism and mercantilist policies as against other states. Those economists who influenced the framers did an adequate job of educating them as to the necessarily negative consequences for consumers of embracing such a policy. The clause was never intended to give the federal government carte blanche to intervene in private economic affairs anytime some special interest could concoct a ''rational basis'' for the enacting such legislation.

Likewise, while the general welfare provides an additional condition upon each of the enumerated powers of the U.S. Congress detailed

in Article I, Section eight, it does not, in itself, provide any latitude for Congress to legislatively take from A and give to B or ignore every other government-limiting provision of Constitution (of which there are many), each of which are intended to limit the central government's encroachment on liberty.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass H. Res. 423 and H.R. 3811 under suspension of the rules meaning, of course, they are ''non-controversial.'' House Resolution 423 pledges the House to ''pass legislation that provides the weapons and tools necessary to protect our children and our communities from the dangers of drug addiction and violence''. Setting aside for the moment the practicality of federal prohibition laws, an experiment which failed miserably in the so-called ''Progressive era'', the threshold question must be: ''under what authority do we act?'' There is, after all, a reason why a Constitutional amendment was required to empower the federal government to share jurisdiction with the States in fighting a war on a different drug (alcohol)—without it, the federal government had no constitutional authority. One must also ask, ''if the general welfare and commerce clause were all the justification needed, why bother with the tedious and time-consuming process of amending the Constitution?'' Whether any governmental entity should be in the ''business'' of protecting competent individuals against themselves and their own perceived stupidity is certainly debatable—Whether the federal government is empowered to do so is not. Being stupid or brilliant to one's sole disadvantage or advantage, respectively, is exactly what liberty is all about.

Today's second legislative step towards a national police state can be found in H.R. 3811, the Deadbeat Parents Punishment Act of 1998. This bill enhances a federal criminal felony law for those who fail to meet child support obligations as imposed by the individual states. Additionally, the bills shifts some of the burden of proof from the federal government to the accused. The United States Constitution prohibits the federal government from depriving a person of life, liberty, or property without due process of law. Pursuant to this constitutional provision, a criminal defendant is presumed to be innocent of the crime charged and, pursuant to what is often called ''the Winship doctrine,'' the prosecution is allocated the burden of persuading the fact-finder of every fact necessary to constitute the crime . . . charged.'' The prosecution must carry this burden because of the immense interests at stake in a criminal prosecution, namely that a conviction often results in the loss of liberty or life (in this case, a sentence of up to two years). This departure from the long held notion of ''innocent until proven guilty'' alone warrants opposition to this bill.

Perhaps, more dangerous is the loss of another Constitutional protection which comes with the passage of more and more federal criminal legislation. Constitutionally, there are only three federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting (and, as mentioned above, for a short period of history, the manufacture, sale, or transport of alcohol was concurrently a federal and state crime). ''Concurrent'' jurisdiction crimes, such as alcohol prohibition in the past and federalization of felonious child support delinquency today, erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no ''person be subject for the same offense to be twice put in jeopardy of life or limb . . .'' In other words, no person shall be tried twice for the same offense. However, in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

The argument which springs from the criticism of a federalized criminal code and a federal police force is that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow states to exact judgments from those who violate their state laws. The Constitution even allows the federal government to legislatively preserve the procedural mechanisms which allow states to enforce their substantive laws without the federal government imposing its substantive edicts on the states. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another than relying on a national, unified police force. At the same time, there is a greater cost to centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions—it is called competition and, yes, governments must, for the sake of the citizenry, be allowed to compete. We have obsessed so much over the notion of ''competition'' in this country we harangue someone like Bill Gates when, by offering superior products to every other similarly-situated entity, he becomes the dominant provider of certain computer products. Rather than allow someone who serves to provide values as made obvious by their voluntary exchanges in the free market, we lambaste efficiency and economies of scale in the private marketplace. Yet, at the same time, we further centralize government, the ultimate monopoly and one empowered by force rather than voluntary exchange.

When small governments becomes too oppressive, citizens can vote with their feet to a ''competing'' jurisdiction. If, for example, I do not want to be forced to pay taxes to prevent a cancer patient from using medicinal marijuana to provide relief from pain and nausea, I can move to Arizona. If I want to bet on a football game without the threat of government intervention, I can move to Nevada. If I want my income tax at 4% instead of 10%, I can leave Washington, DC, for the surrounding state suburbs. Is it any wonder that many productive people leave DC and then commute in on a daily basis? (For this, of course, DC will try to enact a commuter tax which will further alienate those who will then, to the extent possible, relocate their workplace elsewhere). In other words, governments pay a price (lost revenue base) for their oppression.

As government becomes more and more centralized, it becomes much more difficult to vote with one's feet to escape the relatively more oppressive governments. Governmental units must remain small with ample opportunity for citizen mobility both to efficient governments and away from those which tend to be oppressive. Centralization of criminal law makes such mobility less and less practical.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of power in the national government and, accordingly, H. Res. 423 and H.R. 3811.

Mrs. ROUKEMA. Mr. Speaker, I rise today in support of the Deadbeat Parents Punishment Act of 1998. I thank Mr. HYDE for introducing this measure and for supporting the right of children to receive the support payments to which they are legally and morally entitled.

Mr. Speaker, I have spent many years working on the issue of child support enforcement. As part of that work, I had the honor of serving on the U.S. Commission on Interstate Child Support Enforcement. This commission conducted a comprehensive review of our child support system and issued a series of recommendations for reform. I am pleased to be able to say that many of those recommendations have been made part of federal law.

One of the recommendations of the commission was that willful non-payment of support should be made a criminal offense. We have already done that under federal law. Federal law currently carries a six-month jail term for deadbeats who refuse to pay. Willful failure to pay child support is a misdemeanor.

This bill today toughens the federal law by making willful non-payment of child support a felony. It maintains the six-month jail term for first-offenders and establishes a prison sentence of up to two years for second offenders. It also requires that deadbeats who are convicted and sent to jail still have to pay the support that they owe.

In addition, there is an important legal distinction in making this crime a felony. A felony conviction carries more than just a jail term. A convicted felon loses the right to vote, to be licensed in many professions, to hold public office and many other rights.

This is a good bill and it will be a good law. But we must not stop here.

This bill applies only to non-support cases that cross state lines—when the deadbeat parent and his or her child live in different states, or when the deadbeat moves to another state to avoid payment. It does not apply to deadbeats who live in the same state as their children. We must pass legislation requiring that the states make non-payment of support a criminal offense under state law as well. Only then will all the children who are not receiving support get the legal protection to which they are entitled.

The federal government has wisely adopted federal criminal penalties for those who cross interstate lines to avoid child support. But to reach everyone, states should use criminal penalties for those who choose to ignore their legal, financial and moral obligations.

Mr. Speaker, it is a national disgrace that our child support enforcement system continues to allow so many parents who can afford to pay for their children's support to shirk these obligations. The so-called ''enforcement gap''—the difference between how much child support could be collected and how much child support is collected—has been estimated at $34 billion!

Failure to pay court-ordered child support is not a ''victimless crime.'' The children going without these payments are the first victims. But the taxpayers are the ultimate victims, when the parents who have custody are forced onto the welfare rolls for the lack of support payments being withheld by deadbeats.

Mr. Speaker, let's make deadbeats pay up or face the consequences. Let's let them know that they can run, but they can't hide.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 3811, which establish felon violations for parents who fail to pay child support. This legislation will help encourage noncustodial parents to pay their court ordered support payments in a timely fashion or face a substantial fine or up to $10,000 and/or a prison sentence of up to 2 years.

The purpose of this bill is to help local law enforcement officials collect outstanding court-ordered child support payments. This will be especially helpful in situations where the parent has moved to another State in the hopes of avoiding paying child support. There are far too many cases of this occurring in our Nation each year. The children are the ones who are being hurt the most. Those ''dead beat parents'' who refuse to take responsibility for their children and pay child support, as ordered by the court, should be ashamed of themselves. These support payments are supposed to be used for their children's basic needs such as, clothing and schooling, and in most cases, this additional money is desperately needed in order to provide a decent life to these children.

Just one example of how this failure to pay affects families is in the quality of child care received. Because the parents are divorced and the custodial parent must work, these support payments are used to help defray the cost of child care for their children. When a parent refuses to make their child support payments, the custodial parent has to make choices and if they have to choose between buying groceries and using the best day care center in town, a parent would have to choose the former. However, the child still needs to be in day care, and they may not be able to attend the best facility available. As a result, the children are unnecessarily put in harm's way, because their parent dodged his or her responsibilities and denied his child monetary assistance.

This bill will help the States identify these parents residing in different States than that in which the order was initially issued and hold them accountable for failing to pay child support, by making it a felony under Federal law with punishments of fines and jail sentences. Additionally, the parent will still be responsible for making restitutions of all unpaid child support which is still owned at the time they are sentenced.

Accordingly, I urge my colleagues to join in supporting this measure which will help our Nation's children and make parents assume their responsibility for their children.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 3811.

The question was taken.

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

The yeas and nays were ordered.

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

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1998

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2829) to establish a matching grant program to help state and local jurisdictions purchase armor vests for use by law enforcement departments, as amended.

The Clerk read as follows:

H.R. 2829

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 ''Bulletproof Vest Partnership Grant Act of 1998''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with armor vests.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part Y as part Z;

(2) by redesignating section 2501 as section 2601; and

(3) by inserting after part X the following new part:

''PART Y—MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS

''SEC. 2501. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase armor vests for use by State, local, and tribal law enforcement officers.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for armor vests based on the percentage of law enforcement officers in the department who do not have access to a vest;

''(2) has, or will institute, a mandatory wear policy that requires on-duty law enforcement officers to wear armor vests whenever feasible; and

''(3) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(4) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall be each be allocated 0.25 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this part shall be awarded to units of local government with fewer than 100,000 residents.

''SEC. 2502. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of enactment of this part, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this part shall not be eligible for a grant under this part unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of armor vests, but did not, or does not expect to use such funds for such purpose.

''SEC. 2503. DEFINITIONS.

''For purposes of this part—

''(1) the term 'armor vest' means body armor, no less than Type I, which has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to meet or exceed the requirements of NIJ Standard 0101.03, or any subsequent revision of such standard;

''(2) the term 'body armor' means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm;

''(3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

''(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

''(5) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self–Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(6) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

''(23) There are authorized to be appropriated to carry out part Y, $25,000,000 for each of fiscal years 1999 through 2001.''.

SEC. 4 SENSE OF THE CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2829.

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

There was no objection.

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

Mr. Speaker, today I rise in support of H.R. 2829, the Bulletproof Vest Partnership Grant Act. This Friday afternoon, the families, friends and colleagues of police officers who have lost their lives in the line of duty this past year will gather on the West Front of the Capitol and remember the courage and sacrifice of their fallen loved ones at the 17th annual National Peace Officers' Memorial Service. This solemn ceremony is the climax of National Police Week here in Washington.

Later today, this House will pay tribute to these fallen men and women of law enforcement in a special resolution commending their heroism. It will be a privilege to join in this recognition. As we remember with great sadness the ultimate sacrifice of America's police officers, both today and on Friday, the legislation before us provides a measure of comfort.

It serves, Mr. Speaker, as an encouragement for us in two ways. First, H.R. 2829 introduced by the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from New Jersey (Mr. LOBIONDO), reminds if it were not for the bulletproof vest already being worn by thousands of police officers throughout the country, we would certainly be mourning the loss of even more police officers this week.

Second, this bill, in establishing a matching grant program for states and localities to purchase armor vests, offers the real hope of fewer officers being killed in the years ahead.

Mr. Speaker, the men and women in blue on the front line fight against violent crimes, and they are always doing so as targets for violent criminals. H.R. 2829 represents a joint effort by the Federal, state and local governments to protect these officers. The bill creates a matching grant program through which the Federal Government, acting in concert with localities, will provide help for vests for every police officer who needs one.

Today I am bringing forward an amendment to this bill, which the House and Senate have crafted in a fair and bipartisan agreement, to ensure that the funding goes first to those police departments which need it most. The Director of the Bureau of Justice Assistance is given discretion to give preferential consideration to smaller departments whose budgets are stretched thin. Also those jurisdictions which do not receive any funding under the local law enforcement block grant program will be given preference. Additionally, at least half of the funds available under this program shall be awarded to jurisdictions with fewer than 100,000 residents.

The agreement sunsets the program after three years so that Congress can reassess it at that time. In the interim, I fully expect the Department of Justice to review this program and report back to Congress on its progress.

Among the most important elements of this legislation is a requirement that local governments receiving the local law enforcement block grant must consider using their block grants to purchase body armor before becoming eligible for a bulletproof vest grant. The block grant program was established in the Contract with America and has provided $1.5 billion to localities over the last three years. This provision will ensure that this new vest grant program does not undermine the block grant's important goals of local control and flexibility.

Mr. Speaker, I would like to thank the gentleman from New York (Mr. SCHUMER), the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Indiana (Mr. VISCLOSKY) and their staffs for their willingness to be flexible and their unyielding commitment to ensure the passage of this bill.

If every officer routinely wears a bullet resistant vest, we may be able to return to a time when we are all astonished, not just saddened, to learn that a police officer was wounded or killed by a criminal with a gun.

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

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

Mr. Speaker, I rise in support of H.R. 2829. The body armor should be standard equipment for police officers. When a new officer joins the force, he or she is issued a badge and a gun. A bulletproof vest should be part of that package. When a police officer walks out of the station house each morning, that officer is putting his or her life at risk in order to protect the rest of us. Thankfully, there is equipment available that will minimize the risk; not eliminate it, certainly, but minimize it.

You can walk into virtually any big city police precinct and find an officer whose life may have been saved by a bulletproof vest. Unfortunately, rural and suburban officers are increasingly at risk. An officer making a routine traffic stop on a highway has no idea whatsoever whether the driver is armed and how the driver will respond. We owe it to the men and women who undertake the responsibility of being police officers to make sure that they have the potentially lifesaving equipment that is available.

This bill would authorize $25 million a year in grants to state and local governments to purchase body armor for law enforcement officers. This is not a Federal giveaway. The grant recipient

must put up half of the funds. The real purpose is to use a Federal incentive to get local police departments to see vests as standard equipment.

I commend my colleagues, the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from New Jersey (Mr. LOBIONDO) for their sponsorship of this bill. I understand the differences between the House and Senate versions of this bill have been resolved and that the bill offered by the gentleman from Florida (Chairman MCCOLLUM) incorporates the amendments necessary to harmonize the two versions so that we can get this bill on the president's desk by the end of this week. I urge my colleagues to support this bill.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey (Mr. LOBIONDO), the coauthor of this legislation.

Mr. LOBIONDO. Mr. Speaker, it is with great appreciation and satisfaction that I am here today to speak on behalf of the Bulletproof Vest Partnership Grant Act. As our friends from the law enforcement community gather in Washington to recognize National Peace Officers' Memorial Week, the House's consideration of a program to help protect the lives of those officers seems a fitting and timely tribute.

To me the issue is rather simple: It is as equally ludicrous to put a police officer on the street without a firearm as it is to put that officer on the street without a vest. These men and women pledge to protect and defend our lives and property, and society's commitment back to their personal safety should and must be total.

This bill is on the floor today because of the dedication of my colleague, the gentleman from Indiana (Mr. VISCLOSKY). Without his commitment to this issue and the diligent efforts of Jeff Gerhardt of his staff, this initiative would not have happened. I have enjoyed working with the gentleman from Indiana (Mr. VISCLOSKY) on this, and I thank him very much for his hard work.

I also want to take the opportunity to thank Carlyle Thorsen from my staff, who has put countless hours in on moving this initiative forward as well.

The legislation makes sense, a Federal matching grant program to help states and local governments buy bullet resistant vests for law enforcement officers. As Republicans, we speak often of refraining from micromanaging how states and localities spend Federal resources. However, the fact that close to 150,000 state and local law enforcement officers across the country do not have access to vests makes a powerful case that this bill represents a unique exception to such philosophical resistance.

I am not surprised that our aggressive cosponsorship drive was so successful. Over 100 of our colleagues cosponsored it within the first week of introduction, and a total of 306 members signed on within just a few months. Getting that many cosponsors so early helped us make a convincing case for the bill, and I thank them for validating what the gentleman from Indiana (Mr. VISCLOSKY) and I knew was a good idea and for being part of our effort.

First among equals on that list of coequals was the gentleman from Illinois (Chairman HYDE), and he played no small part in the success of this measure.

□ 1600

My thanks go out to the majority leader, the gentleman from Texas (Mr. ARMEY) for his support as well.

Let me also recognize the guidance and assistance of the gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime of the Committee on the Judiciary. The gentleman worked with us from day 1, offering suggestions of how we could improve the bill and holding a hearing for its consideration.

Also of great assistance in shepherding this measure through the process was the gentleman from New York (Mr. MCNULTY) and Nicole Nason of the Subcommittee on Crime staff, and I thank them for their competence and accessibility. I am looking forward to working with the chairman of the subcommittee and his excellent staff in the future.

Again, for me, this is about saving lives of our law enforcement officers on the street or in the prison yard. We in government are not the only ones who recognize and address this need. My efforts on a national level to provide officers with body armor are rooted in the great example set by private organizations in my own home district like Vest-A-Cop and Shield The Blue in southern New Jersey.

States and localities should not have to choose between having enough officers on the street, funding necessary training programs for those officers, or purchasing bullet- or stab-resistant vests. The local law enforcement block grant program goes a long ways towards funding their priorities, and many localities are too small to receive funding. So I was surprised to learn that of 46 townships in my district that operate municipal police forces, only 12 received block grants.

It is reassuring that this legislation will provide an additional option for small towns in both southern New Jersey and across America. I ask my colleagues to support the legislation.

Mr. WEXLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the leading sponsor of the bill.

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

At the outset of my remarks, I too would like to thank the gentleman from Florida (Mr. MCCOLLUM), the chairman of the subcommittee, and the gentleman from Pennsylvania (Mr. SHUSTER) the ranking member, for their tireless work on behalf of this legislation.

I would be remiss also at the outset of my remarks if I did not express my heartfelt gratification and thanks to the gentleman from New Jersey (Mr. LOBIONDO), the lead cosponsor of this legislation. Without his tireless efforts on behalf of securing most of those 306 cosponsors, we would not be here this afternoon, and I deeply appreciate his help.

I also want to recognize the tireless efforts of Jeff Gerhardt, a member of my staff, who worked tirelessly on behalf of passage of this legislation.

Mr. Speaker, I am in support of the Bulletproof Vest Partnership Act, which I sponsored. I initially identified the need for such a bill when I found out that many gang members and drug dealers in northwest Indiana had the protection of bulletproof vests, while many of the police officers that patrol the streets in my district did not. I was stunned.

I believe that sworn police officers who are issued a badge should also be issued a bulletproof vest. I believe that if we are going to ask men and women to risk their lives to make our streets safe, then we owe them every bit of protection possible. Unfortunately, we often fall short.

Studies show that between 1985 and 1994, 709 police officers were killed while on duty, and over 92 percent of those deaths were caused by firearms. It is a nondisputed fact that bulletproof vests are extremely effective in protecting officers from death and injury. Between 1985 and 1994, no police officer who was wearing a vest was killed by a firearm penetrating the vest. Unfortunately, before today ends, 2 police officers in the United States of America will be shot.

Despite these statistics, close to 25 percent of the Nation's 600,000 State and local law enforcement officers do not have access to a vest. That means that there are approximately 150,000 officers that are placed in harm's way without the most effective protection we can give them.

I was even more troubled to learn the reason why so many officers do not have vests. During a visit I made to the local chapter of the Fraternal Order of Police in Dyer, Indiana, officers explained to me that bulletproof vests are prohibitively expensive. A good vest can cost upwards of $500. Many small departments, as well as some larger ones, simply cannot afford to purchase vests for all of their officers, a fact which sometimes forces officers to purchase their own.

The problem is particularly pronounced for small, rural police departments. Statistics show that officers in smaller departments are much less likely to have vests than their counterparts in large metropolitan staffs.

H.R. 2829 would meet the goal of saving officers' lives by authorizing up to $25 million per year for a new grant

program within the Justice Department providing 50–50 matching grants to State and local law enforcement agencies. These grants would be targeted to jurisdictions where most officers do not currently have access to vests, and they are designed to be free of the red tape that often characterizes other grant programs. In order to make sure that no community is left out of the program, half of the funds are reserved for jurisdictions with fewer than 100,000 residents.

In closing, our legislation is intended to create a partnership with State and local law enforcement agencies in order to make sure that every police officer who needs a bulletproof vest gets one.

Mr. Speaker, this Friday the Nation will come together to mourn the loss of its slain officers on National Police Memorial Day. We pass this bill with the hope that next year, when our Nation's police officers meet in Washington, D.C. to mourn the loss of their fallen colleagues, there will be fewer names added to the wall. There will be more children who still have a mother or father because of what we do today.

Mr. Speaker, I urge my colleagues to stand up in support of police officers everywhere and vote for passage of H.R. 2829.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), a member of the committee.

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

I want to commend my colleagues, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Indiana (Mr. VISCLOSKY) for seeing the need of our law enforcement communities and addressing it. I also am a cosponsor of this measure and I appreciate the gentleman's work. We also share Lake County, Indiana, so I thoroughly understand the need in the northern part of the county.

This bill will provide local communities with the means to provide its law enforcement officers with bulletproof vests. It also addresses those who are on the lines everyday. The bulletproof vests, as was stated by the gentleman from Florida (Mr. WEXLER), and I agree with him, the vests should be as much a part of the equipment when officers are issued their badge, when they get their night stick, when they get their sidearm, when they are issued an automobile and they get a shotgun. Why they also do not get a bulletproof vest is beyond me. I think it is completely unfortunate.

Let me share one other thing. Even though I am a cosponsor of this bill, what I do not want to do is to build a constituency for that which communities should be doing in the first place. I agree with the 50–50 match, and I kind of look at this in my own mind as an opportunity to send a really good message out across the country, and that is to ensure that the county councils, the city councils are doing the job, providing the funding and the standard operating equipment, and we believe here in Congress that a vest is part of that standard operating equipment.

So I am interested, I want to move forward; and I want Congress to pass this bill and provide the money. But in the long run, I am not interested in growing the Federal Government, in growing a constituency. I want to ensure that jurisdictions across the country do their job.

Mr. Speaker, I urge the passage of this bill.

Mr. WEXLER. Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. JOHNSON).

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to commend the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from New Jersey (Mr. LOBIONDO) on this legislation, H.R. 2829, and to lend my support to protect police officers.

Earlier this year I traveled around the 13 counties in my district, met with sheriffs, chiefs of police, law enforcement officers, all across northeast Wisconsin to discuss the need for better access to bulletproof vests. These are the men and women who protect us literally with their lives. They get up every morning with the sole purpose and incredible responsibility of keeping our families and neighborhoods safe. They are our everyday heroes.

To a person, these local sheriffs, deputies and officers applauded our effort to help State and local law enforcement departments purchase bulletproof vests and body armor. They told me they need them, they use them, they want them, and even, yes, in rural areas they are shot at; yet, it is one of the most expensive items on their law enforcement budget.

Our police officers put their safety at risk, their lives on the line every day to protect us and keep our communities safe. If they need new resources to purchase bulletproof vests and it would make their jobs just a little easier and a little safer, it is a worthy investment. It is the reason I signed my name as an original cosponsor of this bill. It is why I will vote today in favor of its passage.

Mr. MCCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I rise today in support of the bill H.R. 2029, to help safeguard the men and women in law enforcement who protect us and our families every day.

This $25 million a year matching grant program will provide bulletproof vests for our Nation's 150,000 law enforcement officers that are currently not protected. In fact, to make sure that no community is left out of the program, the matching requirement could be waived for jurisdictions that demonstrate financial hardship in meeting their half of the match. That is what makes this bill so important to rural areas across the Nation like my district in Iowa where small towns have such small budgets that they cannot afford to hire more than a few law enforcement officers, let alone bulletproof vests.

However, because of the growing methamphetamine problem in Iowa and throughout the Midwest, even rural, small town police are encountering well-armed narcotics dealers. Our rural officers need this protection in order to effectively confront this wave of violent crime sweeping across the heartland.

Again, Mr. Speaker, I urge all of my colleagues to join me in supporting this legislation to protect our men and women in law enforcement.

Mr. WEXLER. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I too support H.R. 2829, the Bulletproof Vest Grant Partnership Act. Our law enforcement officers deserve every protection available. Mr. Speaker, 62 percent of the officers killed in the last 10 years were not wearing bulletproof vests. This program helps police in every jurisdiction, large and small, to purchase body armor.

In the face of the epidemic of gun violence in this country, there are, in fact, things we can do, and I sincerely hope that this legislation sparks other congressional action to make our law enforcement officers and the communities they serve safer.

One area that I hear from law enforcement officials in my community is the access of crooks to getting body armor themselves. Another area deals with the safe storage of guns. Guns are kept in nearly half the homes in America, and a large percentage of these gun owners keep their guns loaded and ready for use. A million and a half children have access to guns when they get home from school every day.

We can do more to ensure that children learn the lesson early that guns are dangerous and should be stored safely in lockboxes. The children accused of killing their classmates in Jonesboro, AR, tried to open a lockbox with a blow torch and failed, only to find other guns that were unlocked. If all of the guns had been locked away, these children may have gotten discouraged and their classmates and teacher might still be alive.

If more guns were stored safely, think of all of the children who might still be alive today, some of whom might grow up to be police officers themselves. Think of the officers whose body armor might not be put to the test.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I appreciate the time and the courtesy of the gentleman from Florida. Unfortunately, I think the previous speaker kind of sidelined this issue into a second amendment issue. That is not what this is about.

I used to be a cop. I was a police officer, and I can tell my colleagues my first day on the job actually was not on the job; I had to go to the police academy. The first day I was at the academy, they came up to me and said, as they were explaining the benefits of a police officer, what you signed up for, they said, by the way, the cheapest life insurance you can buy in this country is a bulletproof vest. The cheapest life insurance you can buy. Go out and buy it. And I went out and bought it. It makes a difference, and it is an important issue. It is an issue that obviously is bipartisan.

Take a look at that clock up there. Twenty-four hours from now when that clock is right where it is today, 2 more police officers in this country will have been shot. If we pass this bill, if we pass this bill, we will save 1 police officer's death, 1 police officer a week from dying if we pass this bill and those officers wear these vests.

□ 1615

I can tell you from experience that some of the officers I worked with, good, close friends of mine, did get into that habit of, well, it won't happen to me, or it is uncomfortable in the heat of the summer.

So we have to take this a step further. We can supply this for them, but we have to urge those officers to wear the darned things. They do not do you any good if you do not wear them. It does not guarantee us that we are going to save that officer a week, but if these officers wear these vests that we are going, together, jointly with the local communities, going together to supply, if they wear them, that clock will run 1 extra week before another officer dies. We can save the life of a police officer once a week.

I think it is a terrific bill. I think it does exactly what we should do, and that is sharing with the community, cost-sharing. It gives them an incentive to go out and buy their officers vests. I could never figure out why it was not standard issue to give out a bulletproof vest.

Those who say these things are expensive, they are outrageously inexpensive. A good vest you can buy for under 700 bucks. That seems like a lot of money, until you figure out your life is on the line. As they told me that first day in the Police Academy, it is the cheapest life insurance you can buy.

Mr. WEXLER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me take us back in our mind's eye to a tiny town called Saxonburg, Pennsylvania. Settled by hardworking German immigrants, it is the kind of picturesque farm town, an affluent community, a safe community, that all of us would like to live in and all of us would like to raise our children in.

Back in 1980, the chief of police in that town was a young man named Greg Adams. Greg Adams had patrolled the streets of Washington, D.C., and had taken his two young sons and his wife back home to Saxonburg. As he was patrolling the town on December 4th of 1980, Greg Adams pulled a car over for a traffic violation into the parking lot of an Agway store. He did not know at that time that the man behind the wheel was a career criminal who had found his way to Saxonburg, Pennsylvania, who was wanted on interstate flight to avoid prosecution. No one knows exactly what happened, but when it was over, Greg Adams was shot. As he was bleeding and losing life, he was beaten to death.

I arrived at the scene, as a television reporter, within minutes of the time he was assaulted, and within minutes of the time that he finally breathed his last gasp of breath. His last words were ''Pray for me,'' as he died.

Those who investigated that shooting incident will tell you that if Greg Adams had had a bulletproof vest, his wife would not have become a widow, his young children would not have lost their father in this safe, picturesque farm town where you would not expect danger to prowl the streets.

This is a good bill. It is a good bill not only for those officers who are on the streets today, but for those who will patrol the streets and protect us in small towns, in rural communities, and in cities across this Nation, and in communities like Saxonburg, Pennsylvania.

I ask my colleagues to support H.R. 2829. In a day and age when gangsters and gang members have bulletproof vests, it only makes sense that police officers like Greg Adams would be able to have that kind of protection when they are on the streets.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am very proud to rise in support of this forward-thinking legislation. I commend the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Indiana (Mr. VISCLOSKY) for their superb leadership on this issue.

The Bulletproof Vest Partnership Grant Act will provide local police organizations with the much-needed resources that will make sure all officers have the protection of body armor they should have. We need to do everything we can to provide these heroes with the tools they need to protect their lives as they work each day to protect our lives.

These vests can literally mean the difference between life and death. Since 1980, Mr. Speaker, there have been 1,182 felonious deaths of police officers due to firearms. Of that number, 389 were due to shots to the torso area which could have been mitigated by body armor. The risk of fatality increases 14 times when an officer is not vested.

We should do all we can to keep our police as safe as possible. Since 1980 we could have possibly prevented 42 percent of these deaths. I see no reason why we can not turn that 42 percent loss into 42 percent saved with the adoption of this important legislation.

The district attorney in my district of Montgomery County, Pennsylvania, Michael Morino, like most DAs across the United States, have endorsed this legislation, saying that there is no higher priority in government than to support and protect our law enforcement professionals.

Nowhere is that more clear than the story of Ed Setzer of my district. On September 30, 1988, Lower Merion Township Officer Setzer responded to an emergency without the protection of a bulletproof vest. He was shot and killed, leaving his children without a father, and his wife Julie to raise them alone. He was an outstanding police officer, husband, and father whom we will miss forever.

For me, the Officer Ed Setzer is the inspiration for the Bulletproof Vest Grant Act, which is designed to assist State and local law enforcement agencies, and provide officers with the protection of bulletproof vests by authorizing up to $25 million per year for a new Justice Department program that would help local law enforcement agencies defray the costs of bulletproof vests, and require State and local governments to split the costs of these vests 50–50 with the Federal Government, and further, to give preference in awarding grants to jurisdictions where officers do not currently have vests.

I take great pride in cosponsoring this bill and in supporting it, and hope that all my colleagues in the House will join the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Indiana (Mr. VISCLOSKY) in making sure this bill becomes law as soon as possible.

Mr. WEXLER. Mr. Speaker, I yield 1 minute to the gentleman from Florida, Mr. ROTHMAN.

Mr. ROTHMAN. Mr. Speaker, my colleague makes a joke. I am proud to be from New Jersey.

Today, with the Bulletproof Vest Partnership Grant Act, Congress is taking a major step forward in protecting the safety of our law enforcement officers. Bulletproof vests should become standard issue for every police officer in America. By paying half the cost of the vests for our police and corrections officers, the Federal Government will help save the lives of the people we ask to protect us.

What do we ask from them? We ask from them a lot. Whether it is pulling over a speeding car, responding to a domestic violence call or walking a beat, our officers can be confronted by an armed assailant at any time. They can be just as soon shot in the head as being said hello to on the highway. If

we are asking them to protect us, then we must give them the best protection available.

As has been said many times before, our law enforcement officers represent the thin blue line separating civilized society and the good and decent, law-abiding citizens from anarchy and the law of the jungle.

I want to thank the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Indiana (Mr. VISCLOSKY) for their leadership on this issue. I have been delighted to work on this issue as a member of the Subcommittee on Crime of the Committee on the Judiciary, and I urge my colleagues to support H.R. 2829.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding me the time. I also want to thank my colleagues on both sides of the aisle for their collective and outspoken support on this issue.

As we all know, this legislation serves one very important purpose, saving lives. We have all heard the stories about these vests saving peace officers from armed criminals, but I think it is also very important and very useful to understand, and I want to take this opportunity to point out, that providing protective vests to our law enforcement personnel has saved lives over the years in many nonshooting instances as well.

For example, in 1978, Deputy Gary Bale of the Washoe County Sheriff's Department was struck by a drunk driver while responding to a call for assistance from another officer. After sorting through the wreckage, it was determined that Deputy Bale's vest saved his life by absorbing the impact of the horrific accident.

Again, in 1987, Deputy Douglas Brady was directing traffic when he was struck by a vehicle. He was thrown off the road and over a guardrail, yet survived, because, it was again determined, his protective vest absorbed the potential lethal impact.

In another example, Deputy Earl Walling was working as a guard in the Washoe County Jail when an inmate attacked him with a sharpened object. Had Deputy Walling not been wearing his vest, he would have suffered life-threatening injuries.

Mr. Speaker, we need to realize that our law enforcement personnel are not just dodging bullets. It is my hope that by bringing each of these potentially fatal occurrences to mind, we can further stress the importance of providing vests to these officers.

Passage of this bill will allow the families of our law enforcement officers to each year look forward to celebrating another Mother's Day or another Father's Day together with their family. I urge a yes vote on H.R. 2829.

Mr. WEXLER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

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

Mr. Speaker, I rise today in strong support of H.R. 2829. As a former law enforcement officer for 26 years, I know firsthand how our men and women that are peace officers put their lives on the line every day. They courageously defend our borders, our States, our cities, and our neighborhoods. The well-being of our Nation's peace officers should therefore be the highest priority for all of us.

As a Border Patrol chief, my officers confronted numerous criminals who were armed and often dangerous. Bulletproof vests provided my officers with additional protection from firearms and reduced injuries and saved lives. Nonetheless, today many of our Nation's police and sheriff's departments are without this vital piece of equipment. The Justice Department estimates that 150,000 officers nationwide do not have access to these vests. Some communities simply cannot afford them.

This, in my mind, is simply unacceptable. In my opinion, every officer should be provided with a vest. This bill will address this goal. I am personally grateful for this legislation that will authorize $25 million in grant money to help pay for the purchase of bulletproof vests.

As we celebrate this week, National Police Week, let us remember those officers who died in the line of duty by honoring their memory and unanimously passing this legislation. Let us give our officers this important protection. Therefore, I strongly support this bill, and ask this Congress to unanimously support its passage.

Mr. WEXLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in strong support of H.R. 2829, the Bulletproof Vest Partnership Grant Act. I want to thank the gentleman from Indiana for sponsoring this legislation and for all the hard work on behalf of our country's law enforcement officers. I also want to thank the gentleman from New Jersey, as well as the ranking member and the chairman of the Subcommittee on Crime, for their leadership in bringing this important legislation before us.

As everyone knows, this week we are celebrating Police Week all across America. It is time to say thank you to all of the law enforcement officers who keep our streets safe. It is also a time to remember and honor those officers who have given their lives for our safety.

Mr. Speaker, it is time for Congress to let our policemen and women know that we stand with them, and that we are committed to making their jobs as safe as possible. That is what this bill is all about. The FBI reported that 64 law enforcement officers were murdered in the line of duty nationwide in 1997. That is an increase over 1996, when 56 officers were murdered. Clearly, it is a dangerous time for those who help to protect our families. However, the Department of Justice estimates that 150,000 of American law enforcement officers do not have bulletproof vests.

We can do a better job protecting our law enforcement officers. H.R. 2829 will establish a grant program through the Department of Justice to help local police departments purchase bulletproof vests. The bill requires local law enforcement agencies to match the Federal funds. This is legislation that will help pay for as many as 100,000 bulletproof vests.

I know that bulletproof vests do not guarantee the safety of our policemen and women. I personally believe we need to do more to get weapons off the street and make sure our law enforcement officers are not outgunned.

We can and should do a better job of keeping guns out of the hands of criminals, and improve our efforts to tracking and tracing firearms used in crime. However, that is a debate for another day. Today, in honor of our police and in honor of those officers killed in the line of duty, I urge my colleagues to vote for H.R. 2829. It is the least that we can do for the dedicated law enforcement officers of America.

Mr. WEXLER. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. STUPAK).

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

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, I would just like to compliment both sides on the issue being brought up here today, and the scope of the debate that is going on here. It is great to see so many people supporting law enforcement on this issue.

I would like to go back, when I was in law enforcement back in 1973, in 1974, when vests started to get really sort of popular. We have heard some comments here that the first thing you should buy is a vest, because it is a good life insurance policy. We often wonder why our departments, why don't they just go ahead and provide the vests?

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Back in 1974, when we were just getting going with the bulletproof vests, they were quite expensive, and being a young police officer, and I was, you live from paycheck to paycheck. You are trying to support your family and get things going. The gentleman from Indiana (Mr. VISCLOSKY), the main sponsor here, mentioned about rural areas.

While I was in the Michigan State Police then, we were up in Alpena, Michigan, an area that I represent now, we were tracking some safe crackers and it was December of 1974, and I guess I will probably never forget this. While were sitting there working and

trying to work these guys and trying to catch them, unfortunately when the squad car stopped them, the individual State trooper that stopped them was gunned down as he stepped from his car. The sad part about the story is that he actually had a bulletproof vest; it was at home. It was a Christmas present from his wife.

It still took us another 10 years to get our department to provide bulletproof vests for members of the Michigan State Police. Actually that came about not because management wanted it, but it was because we finally got collective bargaining rights and we then made it part of our negotiations and our contract that we would give up pay and other incentives to have bulletproof vests issued to each and every member.

So when we talk about the need for this, there are about 600,000 law enforcement officers right now who do not have access to bulletproof vests for whatever reason. So if we certainly could get these vests, not only would we save a lot of lives but I think we would save a lot of heartache and a lot of other problems throughout this Nation.

Since we are here and it is Police Officers Memorial Week and we will be doing a number of things and today, actually, we have three bills on the floor supporting law enforcement, I hope we just do not stop here today and do this one shot. Being the founder and cochairman of the Law Enforcement Caucus for several years, we have been working on several pieces of legislation to benefit law enforcement. I hope with everybody here that they listen well and that we actually take up H.R. 959, the body armor bill, which would prevent mail orders of body armor to unknown individuals so we do not have the criminals armed as well as the police officers are protected.

Mr. Speaker, I rise today in support of H.R. 2829, the Bulletproof Vest Partnership Grant Act. Since bulletproof materials became available to law enforcement, the lives of more than 2,000 police officers have been saved, and this bill will help make bulletproof vests available to more officers.

This bill creates a new Department of Justice grant program which will assist state and local law enforcement agencies in providing their officers with the protection of bulletproof vests. The bill would authorize up to $25 million for this new program, and would require the federal government to split the costs of these vests with state and local governments.

As a former law enforcement officer, I know first hand the necessity of bullet proof vests for the men and women who put their lives on the line every day. Unfortunately, 25 percent of the nation's 600,000 state and local law enforcement officers do not have access to bulletproof vests.

The Department of Justice has reported that between 1985 and 1994, 709 police officers were killed while on duty, 92 percent of them killed by a firearm. Studies by the ATF show that no officer killed during that time period died because a bullet penetrated a bulletproof vest. It is clear that bulletproof vests play an important role in the safety of law enforcement officers, and saves lives.

As founder and the Co-Chairman of the Law Enforcement Caucus, I have worked for several years to inform my colleagues about the value of bulletproof vests and the dangers of body armor when it gets in the hands of armed criminals. This bill will go a long way to help protect the men and women who protect us. With the passage of this bill, police departments will be able to provide vests to more officers, and we will be able to reduce the number of officers that are killed each year. I urge my colleagues to support H.R. 2829, and support our law enforcement officers.

Mr. WEXLER. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from Florida for yielding the time to me and I rise to commend the gentleman from Indiana (Mr. VISCLOSKY) as the principal sponsor of this legislation; also the gentleman from Florida (Mr. MCCOLLUM) and others on the committee who have worked on this legislation. This is truly bipartisan legislation which is aimed at trying to make our law enforcement officers safer.

We ask some Americans to do an extraordinary thing; that is, to put on a badge, put on a uniform or in plain clothes to protect us every day, to face the most dangerous people in our society who would undermine our safety, would take our property, and place at risk our families and our neighbors. This bill is a bill that will, I think, enjoy overwhelming support. It is appropriate that we tell local subdivisions, both State and local, municipal, that we will participate with them in trying to ensure further the safety of those we ask to defend what is vital in any democracy, and that is peace and good order.

Obviously, democracy cannot flourish in a society if law and order is not also present in that society. So the very essence of a police officer's duty is to preserve and protect the Constitution and the democratic way of life. So this is a very, very important piece of legislation.

It is appropriate that we pass it this week when we make note of the contributions and the sacrifices and the courage shown by so many in law enforcement throughout this country. I am pleased to be a supporter of this legislation.

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

I do not believe that I will consume all of it. I just want to comment about this at the end of the debate and say once again how important this bill is. We have had a number of Members speak on both sides. It is, as the gentleman from Maryland (Mr. HOYER) said, a truly bipartisan piece of legislation.

But this is an exceedingly important piece of legislation because it does present us an opportunity to save lives and save the lives of the people out there protecting our kids and our families every day by putting their lives on the line. It is not very often we get a chance to do that. Usually we are up here after the cow is out of the barn or the horse is gone or whatever and trying to do some remedial correction to help law enforcement.

Today we have a chance to do something in advance to help people who are on the street every day to provide a new grant program, a grant program carefully tailored only to those communities in this country that are not able or have not used their local community block grant monies to provide these vests or those very small communities that do not qualify otherwise, but nonetheless tailored to assure that every community can provide and is providing vests, bulletproof vests for their police officers.

I urge passage of the bill. Again, I commend its authors, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Indiana (Mr. VISCLOSKY). I think it is tremendous that they brought it forward. I have been proud to bring this out of the Subcommittee on Crime and urge its adoption.

Mr. KLECZKA. Mr. Speaker, I rise today to support H.R. 2829, the Bulletproof Vest Partnership Grant Act. I am proud to be a cosponsor of this bill that will help save the lives of men and women who serve and protect our communities—our law enforcement officers.

Under this legislation, the Justice Department will administer grants to assist state and local authorities in purchasing bulletproof vests for their officers. The grant would provide up to 50% of the cost of the vest with local and state governments matching the remaining costs.

Right now, in my home state of Wisconsin, many officers are either wearing secondhand vests not fitted properly to protect them, paying for their own vests, or wearing vests that have passed the 5-year expiration date. In Milwaukee, even though each officer receives a vest at no cost to them, many of them are past the 5-year expiration date, putting the officers' lives in danger. In addition, the vests' integrity is often compromised when they get wet, rendering them useless.

We should not be sending our police out on the streets with bulletproof vests that only work some of the time. The average cost of a bulletproof vest is about $500. Aren't our law enforcement officers' lives worth that?

This bill has been endorsed by numerous groups, including the Fraternal Order of Police and the Wisconsin Professional Police Association. I urge my colleagues to join me in voting for this lifesaving bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2829, the Bulletproof Vest Partnership Grant Act. According to the Justice Department about 150,000 law enforcement officers nationwide do not have access to bulletproof vests. That is one out of four of the nation's 600,000 state and local law enforcement officers. Even though a bulletproof vest is a terrible thing to need, the reality of life is that our officers of the law often have to stare death in the eye in order to protect all of us from danger. Our law enforcement officers need every advantage, protection and privilege related to the performance

of their duties that we can give them. To this regard, the matching grant program in H.R. 2829 is a fabulous way to achieve this objective.

Under the provisions of the bill, local law enforcement agencies need only supply half of the costs of the equipment that they need. At present, a vest costs about $500, so this $25 million allocation of funds could provide up to 100,000 vests to those who do not currently have them. Furthermore, the priority for the distribution of the funds provided for under the bill has two conditions. First of all, local police agencies with high numbers of unprotected officers in heavy crime areas are given first priority, as well as those agencies that do not have a local law enforcement grant program to assist them.

The need for this legislation is unquestionable; nearly 1900 officers have been saved from death or serious injury because of wearing body armor. But this legislation, we can prevent a repeat of the 600+ police officers that were killed in the line of duty with a firearm between 1985 and 1994. These numbers equate to two officers being shot in the United States every twenty-four hours; frankly, a chilling statistic. But the pace has not slowed; in 1997, 160 more law enforcement officers were killed in the line of duty, most of which with a firearm. With this kind of rampant crime and lawlessness abounding, we need to protect those who dedicate their lives to protecting us. I sincerely hope that by passing H.R. 2829, we will not need to use resolutions like H. Res. 422 very often. So I urge all of my colleagues to join with me, and support the Bulletproof Vest Partnership Grant Act, H.R. 2829.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of this vitally important legislation, and I urge my colleagues to join with me in voting to pass it.

As we in North Carolina know all too well, violent crime can strike anywhere. All too frequently, that violence is aimed at our men and women in uniform as they patrol our communities. Last year alone, five officers in and around the Second Congressional District of North Carolina were gunned down in the line of duty.

I believe Congress has a duty to help protect our officers. Last November, I joined a bipartisan group of my colleagues in introducing H.R. 2829, the Bulletproof Vest Partnership Grant Act. This legislation will provide $25 million in matching grants through the Department of Justice to help local law enforcement agencies purchase vests for their officers. This bill has been endorsed by the National Fraternal Order of Police, the National Sheriffs Association, the International Union of Police Associations, the National Association of Police Organizations and other law enforcement groups. H.R. 2829 enjoys the support of more than 300 cosponsoring Members of this House, and the Senate recently passed a companion bill.

On March 23, I participated in a live-fire demonstration of the life-saving usefulness of bulletproof vests to bring attention to the need for this equipment. This event demonstrated in dramatic terms the effectiveness bulletproof vests can have in protecting our officers.

The national statistics are compelling. Since the introduction of modern bulletproof material, the lives of more than 2,000 police officers have been saved because they were wearing bulletproof vests or some other form of body armor, according to the Department of Justice. The Bureau of Alcohol, Tobacco and Firearms reports that between 1985 and 1994, no police officer who was wearing a bulletproof vest was killed by a gunshot wound penetrating the officer's vest. The FBI tells us the risk of fatality from a firearm while not wearing body armor is fourteen times higher than for officers wearing body armor. Since 1980, 924 officers were killed while not wearing a vest. Of those 924 officers, 389 (42 percent) were shot in the torso area and could have been saved by a bulletproof vest. Approximately 150,000 of the nation's 600,000 state and local law enforcement officers (25 percent) do not currently have access to a vest. On March 25, I testified in front of the House Judiciary Subcommittee on Crime in support of this important legislation.

In my Congressional District, I have been surveying local jurisdictions to assess law enforcement needs. Although there is universal recognition of the importance of bulletproof vests, small towns and rural counties in North Carolina are having a difficult time providing them to their officers. Of the 1,619 officers in law enforcement agencies in my District, 299 officers—almost one in five—either have no vest or only have an expired vest which cannot guarantee protection. The need is particularly acute in smaller communities. In law enforcement agencies with forces of less than ten officers, more than one in three officers do not have a vest or only have an expired vest.

Despite the difficulty of equipping officers with bulletproof vests, their utility has been vividly on display in recent days. In March, Kenly Police Officer Todd Smith was shot at point-blank range by a suspect he had pulled over for missing tags. According to the physician who attended to Smith, without his vest, he would have died on the spot. One police chief wrote in response to my survey, ''I can't think of a better use of our tax dollars, and our officers deserve no less.''

Mr. Speaker, I believe Congress has an obligation to help protect the men and women who put their lives on the line each and every day to keep our streets and communities safe and free of crime and violence. H.R. 2829 will make a big difference in my District and across America. I urge the House to pass this bill.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 2829, the Bulletproof Vest Partnership Grant Act. This legislation will authorize the Bureau of Justice assistance to establish grants to local and State governments to purchase bulletproof vests.

The Department of Justice released statistics which stated that approximately 25 percent of State and local law enforcement officers do not have access to bulletproof vests. That is unacceptable. With the extent of violent crime that occurs in our Nation each year, we need to do something to help protect the men and women who put their lives on the line for our citizens each and every day.

This bill authorizes up to $25 million per year for this new grant program which the Department of Justice will oversee. The program will consist of matching grants to help State and local law enforcement groups purchase bulletproof vests and body armor to be used by their officers. This bill also provides for the matching provision to be waived in certain instances of jurisdictions which cannot pay their half of the costs of the vests.

Additionally, this measure would prohibit any group which participates in this program from purchasing equipment and products which were made by prison labor. It also urges these State and local agencies which receive assistance through this program, to purchase American-made enforcement products.

It has been demonstrated that bulletproof vests do help save lives. Since 1980, 1,182 police officers have been killed by a firearm in the line of duty. The FBI has stated that, had those officers been wearing vests, 42 percent of them would have survived. More than 2000 law enforcement officials have been saved by wearing a bulletproof vest while on duty. This legislation will help protect and save more lives of our dedicated police officers who protect us all.

I applaud Mr. VISCLOSKY for bringing this important piece of legislation before the House, and I urge my colleagues to support H.R. 2829. Passage of the Bulletproof Vest Partnership Grant Act illustrates a deep commitment to protecting the lives of our Nation's dedicated law enforcement officers.

Mr. RODRIGUEZ. Mr. Speaker, I rise in strong support of HR 2829, the Bulletproof Vest Partnership Grant Act of 1997. I believe this legislation takes an important step towards providing badly needed funds to law enforcement officers in communities facing violent crime. According to the Uniform Crime Reports, between 1987 and 1996, nearly 700 officers were killed in the line of duty. Of those officers, 63 were feloniously killed by firearms.

We cannot bring back those brave officers who gave their lives to protect us. But we can take action today for those police officers who continue to risk their lives in the line of duty. We should pass this legislation to offer needed protection from gunfire. Bulletproof vests will not prevent all deaths; but they will prevent many and provide a means of mitigating the danger that our officers face on a daily basis.

This bill will make grants to units of local government to purchase bulletproof vests for use by law enforcement officers, while giving preferential consideration to communities with the greatest need, a mandatory wear policy, and a violent crime rate at or above the national average. I believe this is a fair and sensible approach to protecting our officers to better help them protect and serve.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today to express my support for H.R. 2829, the Bulletproof Vest Partnership Grant Act. This legislation is essential to the survival of our police officers who risk their lives daily. Mr. Speaker, this is a measure that I believe all law abiding citizens should strongly believe in and support.

H.R. 2829 addresses the issue of improving officer safety. Between 1985 and 1994, 709 police officers were killed while on duty. Ninety-two percent of those murders were committed with a firearm. Since the introduction of modern bulletproof material, the lives of more than 2,000 police officers have been saved because they were wearing bulletproof vests. From these invaluable statistics, we can obviously see the impact that bulletproof vests have on saving the lives of our police officers.

Thus, the need to provide every police officer with a bulletproof vest is obvious and necessary. The Bulletproof Vest Parthnership

Grant Act is a legislative measure that will assist police departments in providing their officers with such protection. This bill would authorize up to $25 million per year for a new matching grant program to help state and local law enforcement authorities purchase bulletproof vests and body armor. Furthermore, the bill makes preferences in granting awards toward jurisdictions where officers do not currently have vests, and reserves half of the money for jurisdictions with fewer than 100,000 residents. This legislation is very important in light of the fact that on the average, two officers are shot every twenty-four hours. This is disturbing news simply because these figures indicate that approximately 150,000 of the nation's 600,000 state and local law enforcement officers do not currently have access to bulletproof vests.

In consideration of the dangers that today's officers face, I strongly support the passage of H.R. 2829, the Bulletproof Vest Partnership Grant Act. This legislation is needed by the men and women who risk their lives daily for our protection. For their commitment and service, we owe every police officer our support on this issue. As the Representative of the Thirty-Seventh Congressional District of California, I am in strong support of this important legislation. This legislation has been endorsed by the Fraternal Order of Police, the National Sheriff's Association, the International Union of Police Associations, the Police Executive Research Forum, the International Brotherhood of Police Officers, and National Association of Police Organizations, the Long Beach Police Officer's Association and the Compton Police Officer's Association.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 2829, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

QUESTION OF PERSONAL PRIVILEGE

Mr. BURTON of Indiana. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state his question of privilege.

Mr. BURTON of Indiana. Mr. Speaker, the question of privilege deals with statements made in three editorials published in newspapers within the last week. The editorials contain statements which reflect directly on my reputation and integrity and specifically allege deceptive actions on my part and impugn my character and motive.

The SPEAKER pro tempore. The Chair has examined the press accounts which serve as the basis of the gentleman from Indiana's question of personal privilege and is satisfied that the gentleman states a proper question of personal privilege.

Therefore, the gentleman from Indiana (Mr. BURTON) is recognized for 1 hour.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to tell my colleagues that I regret having to take this time out of our very busy schedule. I will not take the whole hour, but I think it is extremely important that the issues I am going to talk about be made available to my colleagues and to anyone else who is interested.

I rise today to take a point of personal privilege and to discuss the Committee on Government Reform and Oversight's investigation into illegal campaign contributions and other crimes. My conduct as chairman has been criticized by many of my Democratic colleagues. Those criticisms have been echoed in the press so I am taking this point of personal privilege to lay out for the American people the facts about this investigation.

The fact is that this committee has been subjected to a level of stonewalling and obstruction that has never been seen by a congressional investigation in the history of this country. This investigation has been stonewalled by the White House. This investigation has been stonewalled by the Democratic National Committee. This committee has seen over 90 witnesses, 90, either take the fifth amendment or flee the country to avoid testifying, more than 90.

The fact that all of these people have invoked their fifth amendment right to avoid self-incrimination is a pretty strong indication that a lot of crimes have been committed. Tomorrow the committee will vote on immunity for four witnesses, all of whom have previously invoked their right against self-incrimination. The Democrats on the Committee on Government Reform and Oversight have voted once to block immunity and keep these witnesses from testifying. I hope that tomorrow they will reconsider and vote to allow this investigation to move forward as it should.

This investigation has seen enough obstruction and enough stonewalling for a lifetime. Before tomorrow's vote, I want to lay out for the American people and my colleagues what has happened in this investigation over the last year, the stalling and the delaying tactics that have been used against us and what has brought us to this point. I want to give a comprehensive summary of events so I am not going to yield to my colleagues during this speech.

I became chairman of the Committee on Government Reform and Oversight in January of 1997. The President said he would give his full cooperation to all congressional investigations of illegal foreign fund-raising, including ours. So why are we conducting this investigation? Because there is very strong evidence that crimes were committed.

Let us take a look at some of the allegations that compelled us to begin this investigation: that the DNC had accepted millions of dollars in illegal foreign campaign contributions; that $3 million of the $4.5 million in contributions attributed to John Huang had to be returned because of suspicions about their origins; that the Chinese Government had developed and implemented a plan to influence the elections in the United States of America; that Charlie Trie, a friend of the President's from Arkansas, had funneled close to $700,000 in contributions associated with a Taiwanese cult to the President's legal defense fund; that Charlie Trie's Macao-based benefactor had wired him in excess of $1 million from overseas banks; that Charlie Trie was behind roughly $600,000 in suspicious contributions to the Democratic National Committee; that Pauline Kanchanalak and her family funneled a half a million dollars to the Democratic National Party from Thailand; that Chinese gun merchants, Cuban drug smugglers and Russian mob figures were being invited to intimate White House events with the President in exchange for campaign contributions; that the former associate Attorney General received $700,000 from friends and associates of the President, including $100,000 from the Riady family at a time when he was supposed to be cooperating with a criminal investigation.

These are serious allegations about serious crimes. The Justice Department recently brought indictments against three of these individuals and a fourth, Johnny Chung has pled guilty.

In January 1997, I sent letters to the White House requesting copies of all documents relating to this investigation. I asked for documents regarding John Huang, Charlie Trie, White House fund-raisers, et cetera. I gave the White House a chance to cooperate. Chairman Clinger, who preceded me, had written to the White House in October of 1996, and requested all documents regarding John Huang. Press reports had indicated that the White House had already assembled these documents and had them in boxes at the White House before the end of 1996.

The entire month of February passed and we received only a trickle of documents from the White House. In March it was clear that the White House was not going to comply voluntarily. The President had offered his cooperation at the beginning of the year, but the White House refused to turn over documents to the committee. The White House campaign of stalling had begun. So I issued a subpoena for the documents. I held a meeting with the President's new White House counsel, Mr. Charles Ruff. Mr. Ruff assured me that the President would not assert executive privilege over any of the documents. The White House continued to resist turning over documents despite

the lawful subpoena that we sent to them.

Despite the earlier assurances, they told us they intended to claim executive privilege, even though they had said previously the President would not on over 60 documents that were relevant to the fund-raising scandal. It had always been White House policy not to claim executive privilege whenever personal wrongdoing or potential criminal conduct was being investigated. President Clinton's own counsel, Lloyd Cutler, had reiterated this policy early in the Clinton administration. But now President Clinton was using executive privilege to block our investigation.

The month of April passed and little or no progress had been made in getting the documents we called for in our subpoena. This was more than four months after my first document request had been sent to the White House.

In May, I was compelled to schedule a committee meeting to hold White House counsel Charles Ruff in contempt of Congress. More than four months had passed since I asked for the President's cooperation in producing documents and there had been nothing but stalling and more stalling. It was only with this sword hanging over their heads that the White House finally began to make efforts to comply with our subpoena.

Mr. Ruff agreed to turn over all documents required by the subpoena within 6 weeks. He also agreed to allow committee attorneys to review documents on their privilege log to determine if the committee needed to have them. We reviewed those documents. We did need many of them.

After months of stalling, we finally got some of them. By June, Mr. Ruff provided me with a letter stating that the White House had and I quote, to the best of his knowledge, end of quote, turned over every document in their possession required by the subpoena. We would find out later that that was not true.

All the while we were struggling to get documents from the White House, I was subjected to a steady stream of mudslinging and vicious personal attacks from Democratic operatives and others close to the President. The DNC, which at the time was resisting complying with our subpoena, was spending thousands of dollars conducting opposition research on my background to try to intimidate me. They produced a scurrilous 20-page report detailing every trip I had ever taken, the contributions I had received over the years, my financial disclosure statements and anything else they could find.

This document, which made outrageous and untrue accusations against me, was faxed around to reporters in an effort to drum up negative publicity about me and intimidate me. So much for cooperation with a legitimate congressional campaign investigation.

In March, the week my committee's budget was to be voted on by the House, a former executive director of the Democratic National Committee made a slanderous accusation that I shook him down for campaign contributions. His accusation was printed on the front page of the Washington Post. His actions, which are completely untrue and absurd on their face, became the subject of a Justice Department investigation.

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As it turns out, this individual, Mark Siegel, was a former Carter White House aide, a former DNC executive director, a Democratic fund-raiser and a Democratic lobbyist. More importantly, it became known later that he is a close friend and business associate of then-White House attorney Lanny Davis.

His accusations were clearly politically motivated and timed to hurt the chances for approval of our budget for the investigation. So much for cooperation from the Democrats.

Other sleazy accusations were being dished out to the press by anonymous Democratic agents. One reporter from my home State received derogatory information about me in an unmarked manila envelope without any return address. One Washington reporter got an anonymous phone call and was told to go to a phone booth, a phone booth in the Rayburn Building, and look in the back of the phone book. He went to that phone booth and found an envelope of defamatory information about me glued to the inside of the back of the phone book.

Talk about cloak and dagger. This is the type of smear campaign that every committee chairman who has attempted to conduct oversight of the White House has been subjected to.

They attempted to smear the gentleman from Iowa (Mr. LEACH), they attempted to smear Chairman, former Congressman Bill Clinger, they attempted to smear Senator D'AMATO, they attempted to smear Senator FRED THOMPSON, they even attempted to smear FBI Director Louis Freeh when he sought to convince the Attorney General to appoint an independent counsel. And, of course, Mr. Starr has been smeared, and everybody else that has investigated any aspect of the White House.

What does this kind of behavior by the Democratic Party say to the American people? Is this cooperation? Were these smear campaigns orchestrated by the White House? That is something the American people have a right to know.

In February of 1997, my staff learned, by reading The Washington Post, that the White House had sought a briefing from the FBI about the evidence it had gathered about Chinese efforts to infiltrate our political system and to affect the outcomes of elections. For obvious reasons, the FBI resisted giving such a briefing. The criminal investigation potentially implicated members of the White House staff.

I learned from discussions with FBI Director Louis Freeh that at a time he was traveling in the Middle East, senior officials at the Justice Department attempted to provide this information about the ongoing criminal investigation to the White House, that was part of the investigation, a move that the FBI adamantly opposed.

According to Director Freeh, when his staff learned that the Justice Department lawyers were planning on giving this information to the White House, Director Freeh's chief of staff called him on his airplane halfway around the world in a last-ditch effort to stop the transfer of this information to the White House, which could have potentially jeopardized the investigation. Director Freeh was forced to make an emergency phone call to the Attorney General from his plane in the Middle East to intervene and stop that process.

When the Attorney General testified before our committee in December, she told a different version of events. She testified that she initiated the call to Director Freeh on his airplane to consult with him about providing the information to the White House. However, when Director Freeh testified the next day, he confirmed that it was he who initiated the call, after his staff warned him that the FBI was being circumvented so that sensitive information could be provided to the White House against the FBI's wishes.

Now, let us go back to the White House. The stonewalling and the obstruction from the White House did not stop following our agreement with Mr. Ruff, the President's chief counsel. The letter I received in June of 1997 from Mr. Ruff assured me that, quote, to the best of his knowledge, all documents relevant to our investigation had been provided to the committee. Unfortunately, these assurances were hollow. They were false.

Throughout the summer, boxes of newly discovered documents dribbled into the committee offices. Often, when the documents contained damaging revelations, they were leaked to the press before being provided to the committee. On one occasion, on a Friday night, we got about 12 boxes of documents. We did not even open them until the next Monday. But in the Saturday morning papers there was information that was in those boxes in the papers, and the White House was accusing us of leaking the information when we had not even opened the boxes.

When this happened, the documents were normally given to reporters late on a Friday or over a busy weekend to try to deaden their impact on the American people.

It was not unusual to receive documents pertaining to a White House or a DNC employee shortly after that employee was deposed. This forced us, on a continuing basis, to consider redeposing witnesses, costing additional time and money.

In the Senate, Senator THOMPSON faced the same obstacles. Last July, the Senate Committee on Governmental Affairs heard 2 days of testimony from DNC Finance Director Richard Sullivan. The evening following Sullivan's testimony, after he testified, the White House delivered several boxes of documents shedding new light on Sullivan's activities. The chairman of the committee in the other body was so infuriated that he canceled his agreement allowing the White House to provide documents voluntarily and he issued his first subpoena to the White House.

On August 1, more Richard Sullivan documents turned up at the Democratic National Committee. The DNC turned over several boxes of memos and handwritten notes from the filing cabinet in Sullivan's office.

The idea that the DNC could have overlooked drawers and drawers of relevant documents right in Richard Sullivan's office strains credibility. The Senate was forced to redepose Mr. Sullivan.

The final straw came in October when the White House videotapes were discovered. The White House had in its possession close to 100 videotapes of the President speaking and mingling with subjects of our investigation at DNC fund-raisers and White House coffees. The President could be seen at the White House fund-raisers with John Huang, James Riady, Pauline Kanchanalak, Charlie Trie, and many others.

In one tape the President could be seen introduced at a fund-raiser to Charlie Trie and several foreign businessmen as ''The Trie Team.'' This was serious evidence that the White House had withheld from Congress and the Justice Department investigation for over 6 months.

Despite the fact our subpoena clearly ordered the production of any relevant videotapes, the White House had, for 6 months, failed to reveal their existence. It was only under pressure from a Senate investigator, who had received a tip from a source, that the White House admitted to the existence of the tapes. In other words, they did not turn over the fund-raising tapes until their hand was caught in the cookie jar.

Charles Ruff has said publicly that he was informed of the existence of the tapes on Wednesday, October 1. Now, remember this. The President's counsel said he was informed of the existence of the tapes on Wednesday, October 1. He met with Attorney General Janet Reno on Thursday, October 2, the day after he found out about the tapes. He did not inform the Attorney General at that meeting that the tapes existed and that they had not been turned over to the Justice Department. I believe he had an obligation to do so.

Now, this was a critical week, because the Attorney General was in the process of deciding whether to seek the appointment of an independent counsel and she had to make her decision on Friday, October 3. So the President's counsel knew about the tapes on the 1st, he talked to the Attorney General on the 2nd, she had to make her decision on the 3rd, but he did not tell her about it. And so she made the decision not to appoint an independent counsel. Had she known about those tapes, her decision might have been otherwise.

On Friday, the Attorney General released a letter declining to appoint an independent counsel. The tapes were not released until the Justice Department—until the weekend. Another stonewalling. In other words, Mr. Ruff had a face-to-face meeting with the Attorney General. He failed to disclose to her that the fund-raising videotapes existed and allowed her to make a very important decision on an independent counsel without having any knowledge of them.

That is just wrong. It is obstruction of our investigation and all these investigations.

I called Charles Ruff and the other attorneys from the White House counsel's office to testify before our committee in November, to answer for their failure to produce these tapes. Under questioning from a committee attorney, White House Deputy Counsel Cheryl Mills admitted that she and White House Counsel Jack Quinn had withheld from the committee for 1 year an important document related to the investigation of political uses of the White House database.

The document in question was a page of notes taken by a White House staffer that indicated the President's desire to integrate the White House database with the DNC's database, which is not legal. This document had a direct bearing on the subcommittee's investigation. Cheryl Mills admitted that she had kept the document in a file in her office for over a year, based on a legal sleight of hand. Her behavior in this instance was another in a long string of incidents that reflected the White House's desire to stall and delay congressional investigations of its alleged misconduct. This kind of behavior is inexcusable for a White House attorney and a public servant.

It was not the only time the subcommittee has faced obstructionism. The White House official most directly responsible for developing the controversial database was Marsha Scott. Committee attorneys had to attempt to depose Ms. Scott on three separate occasions to overcome her refusal to answer questions.

This April, Ms. Scott was subpoenaed to attend a deposition. She arrived for the deposition, began to answer questions, and then abruptly got up and walked out of the deposition. This committee has never seen a witness who was under subpoena walk out in the middle of a deposition.

The subcommittee chairman, the gentleman from Indiana (Mr. MCINTOSH), was forced to call an emergency meeting of the subcommittee at 8 o'clock that night to force Ms. Scott to return and answer the questions.

This is typical of the kinds of obstruction this committee has encountered while dealing with this White House.

The White House strategy was accurately described in a recent New York Post editorial as ''The Four Ds: Deny, Delay, Denigrate and Distract.'' It appears that the White House's game plan has been to stall and obstruct legitimate investigations for as long as possible and then criticize the length of the investigations, all the while attacking the investigators.

It has been fairly noted by a number of leading editorial pages that if the President and his subordinates would simply cooperate and tell the truth, these investigations could be wrapped up quickly. The Committee on Government Reform and Oversight continued to have White House documents dribble in as late as last December, 6 months after Charles Ruff had certified they had given us everything.

Since January of last year, I have been seeking information from the Justice Department about its investigations into allegations that the Government of Vietnam may have attempted to bribe Commerce Secretary Ron Brown to influence policy on the normalization of relations with Vietnam, even though we had not had complete reporting on the 2,300 or 2,400 POWs and MIAs left behind.

The New York Times reported that the Justice Department had received evidence of international wire transfers related to the case, that there was money transferred from Hanoi to another bank. There was information in the papers about that. Despite the fact that the Justice Department had closed the case, they were resisting providing any information to my committee.

On Tuesday, July 8, because the Justice Department would not give me the information, I sent a subpoena to the Attorney General and the Justice Department demanding this information.

Now, get this: 3 days later, after I sent a subpoena to the Attorney General, on Friday, July 11, my campaign had an FBI agent walk in and give us a subpoena for 5 years of my campaign records. Although Mr. Siegel had made his allegations against me in March, there had been no signs of any investigative activity within the Justice Department until I sent a subpoena to the Attorney General about Mr. Brown and that FBI report.

Was this a case of retaliation? That is a question the American people have a right to have answered, and I think I do, too.

This committee has faced obstructions from the White House. That is obvious. It is also true that this committee has faced serious obstructions from other governments in this world.

We tried to send a team of investigators to China and Hong Kong earlier this year. There are important witnesses that need to be interviewed to find out who is behind major wire

transfers of money that wound up being funneled into campaigns in this country. The Chinese Government turned us down flat. They would not give visas to our investigators.

We attempted to get information from the Bank of China about who originated the wire transfers of hundreds of thousands of dollars to Charlie Trie, Ng Lap Seng and others. The Bank of China told us they are an arm of the Chinese Government and they would not comply with our subpoena.

I wrote to the President and asked for his assistance to break through this logjam with the Chinese Government. We have received no answer and no assistance whatsoever from the White House.

My friends on the Democratic side of the aisle are fond of complaining about the number of subpoenas I have issued. For the record, I have issued just over 600 since the investigation began a year-and-a-half ago. There is a very simple reason that I have been compelled to issue that many subpoenas. This committee has received absolutely no cooperation from more than 90 key witnesses and participants in efforts to funnel foreign money into U.S. campaigns. And many of these people are personal friends of the President, many of these people worked in the White House, and they have taken the Fifth or fled the country.

More than 90 witnesses have either taken the Fifth to avoid incriminating themselves or fled the country to avoid testifying because they possibly are involved in criminal activity.

The Justice Department did not receive much cooperation either. Director Freeh, when he testified before the committee last December, told us that they had issued over 1,000 subpoenas from the FBI.

□ 1700

Fifty-three people have taken the fifth. These include Webb Hubbell, the President's hand-picked Associate Attorney General; John Huang, the Deputy Assistant Secretary of Commerce, who was in the White House over 100 times during the President's first term; and Mark Middleton, a high-level aide in the office of the White House Chief of Staff.

I want to be clear about what this means. High-level appointees of the President have exercised their fifth amendment rights against self-incrimination in criminal investigations, in crimes. These people do not want to testify because they do not want to admit to the commission of any crime that they may have been involved in. And these are people that have worked in the White House close to the President, his friends.

Thirty-eight witnesses have either fled the country or refused to make themselves available to be interviewed in their countries or their residence. There has never before in the history of this country been a congressional investigation that has had to investigate a scandal that is so broad and so international in scope. There has never before been a congressional investigation that has seen and had over 90 witnesses refuse to cooperate or flee the country.

The fact that we have had so many non-cooperating witnesses is the reason that we have had to issue so many subpoenas. For instance, Charlie Trie, even though he has returned to the United States, has refused to cooperate with the committee. To overcome this problem, we had to issue 117 subpoenas to banks, phone companies, businesses, and other individuals to get information that Mr. Trie could have provided himself to us and to the committee. We have had to issue 60 subpoenas to attempt to get information about Ted Sioeng.

Ted Sioeng and his family have given $400,000 to the Democrat National Committee. They have also given $150,000 to Republican causes. Not only has Ted Sioeng fled the country, but more than a dozen people associated with them have left as well. I mean, they are all heading for the hills. If Ted Sioeng would come back to the United States and cooperate with this investigation, we would not have to issue all of these subpoenas.

Eighty percent of the subpoenas I have issued have been targeted to get information about half a dozen individuals who have been implicated in this scandal and who have taken the fifth amendment to avoid testifying.

Just to be clear, more than 90 people have taken the fifth amendment or fled the country. That is scandalous. It has never happened before in the history of this country. Friends of the President, friends of the administration, contributors, leaders from other countries, have all headed for the hills. This is unprecedented. This should be a clear indication to people of the extent of the lawbreaking that occurred during the last campaign.

At this point, I would like to say a few things about the release of the Webster Hubbell tapes, which we read about in the papers last week. First, Webster Hubbell was the Associate Attorney General of the United States. He was hand-picked by President Clinton to serve as one of the highest law enforcement officers in our land. Within a year, he was forced to resign in disgrace because of a criminal investigation into fraud at his law firm. He was eventually convicted and served 18 months in prison.

Between the time he resigned, between the time he left the Justice Department and he was convicted, about 6 or 7 months later, he received $700,000 in payments from friends and associates of the President's for doing little or no work; and many people believe that was hush money. One hundred thousand dollars came from the Riady family in Indonesia, owners of the Lippo Group. This payment came within a few days of 10 meetings at the White House, some including the President himself, involving the President, John Huang, James Riady, and Webster Hubbell. Serious allegations have been made that this $700,000 was hush money meant to keep Mr. Hubbell silent. A criminal investigation is underway. And Mr. Hubbell was just indicted for failure to pay almost $900,000 in taxes.

The American people have a right to know what happened. They have a right to know why Mr. Hubbell received this money and what he did for it. There is no such thing as a free lunch, and people do not shell out $700,000 for nothing. We would expect the President's hand-picked appointee to a powerful Justice Department position would be the first to volunteer to cooperate with the congressional investigation.

Instead, Mr. Hubbell, a close friend of the President, former leader at the Justice Department, has taken the fifth amendment and remains silent. This has forced us to seek other sources of information. And that is why I subpoenaed the prison tapes of Mr. Hubbell's phone conversations.

Out of 150 hours of conversations, my staff prepared just over 1 hour for release to the public, private conversations that had nothing to do with our investigation, and we screened those out. What was contained in that hour of conversations raises troubling questions. Given the seriousness of the allegations, this material deserves to be on the public record.

On these tapes, we hear Mrs. Hubbell say that she fears that she will lose her job at the Interior Department if Mr. Hubbell takes actions that will hurt the Clintons. We heard Mrs. Hubbell say that she feels she is being squeezed by the White House. Webster Hubbell states, after she says that, that ''I guess I must roll over just one more time.'' ''Roll over one more time.'' These statements raise very disturbing questions about the conduct of the White House and the conduct of the Hubbells. The American people have a right to know the answers.

Let me say a couple things about the charges of selective editing. Mistakes were made in the editing process. As chairman, I take responsibility for those mistakes. But they were just that, innocent mistakes. In the process of editing 149 hours of personal conversations, the staff cut out a couple of paragraphs that should have been left in. Here are a few points to be kept in mind. We are not talking about transcripts. What were prepared were logs of the conversations, logs, summaries of information on the tapes. They were not verbatim transcripts and they were never identified as such. They were logs of where these conversations came from out of the 150 hours of tapes that was condensed on to one.

Exculpatory statements about both Mrs. Clinton and other Clinton administration officials were left in the logs. In one case, an exculpatory statement by Mr. Hubbell about Mrs. Clinton was underlined to highlight it. The tapes were never altered. This charge has

been repeated time and time again by the Democrats and it is false. The tapes were not altered.

Once the tapes were made public, reporters were allowed to listen to and record the appropriate sections of the tapes in their entirety. These sections included the statements about Mrs. Clinton and Mr. Hubbell that have been complained about. How can anyone argue that there was an intent to deceive when reporters were allowed to listen to the comments I have been accused of deleting?

Finally, in an effort to end once and for all these charges of selective editing, I have released the tapes of these 50 conversations in their entirety, even though I did not want to because there is personal stuff in there that I did not think should be in the public domain, but the integrity of the investigation had to be maintained.

What I find most unfortunate is that this incident has detracted from the important facts about the Hubbell tapes that it appears that Mr. Hubbell and his wife were under a great deal of pressure to keep their mouths shut. This is something that absolutely must be investigated. It is something that the American people absolutely have a right to know. She felt she was being squeezed by the White House, and he felt he had to roll over one more time. He had to roll over one more time.

And when we have over 90 people fleeing the country or taking the fifth amendment, we have to wonder if Mr. Hubbell is only one of a number that are scared to talk, that are afraid to say anything because of pressure from the White House.

This brings us to tomorrow's committee meeting. Tomorrow we will try to break through this stone wall one more time by granting immunity to four witnesses. The Justice Department has agreed to immunity. The Justice Department has agreed to immunity. They have been thoroughly consulted. The Justice Department has already immunized two of these witnesses themselves. There is no reason to oppose immunity. Yet 19 Democrats on the Committee on Government Reform and Oversight voted in lock step against immunity. They voted to prevent these witnesses from telling the truth to the American people.

I want to tell the American people a little bit about who these witnesses are. Two of these witnesses were employees of Johnny Chung. They were involved in his conduit contribution schemes, bringing money from illegal sources into the DNC. They were involved in setting up many of his meetings at the White House and with other government officials.

Kent La is a very important witness. He is a business associate of Ted Sioeng, one of the people that had fled the country. He is the U.S. distributor of Red Pagoda Mountain cigarettes. Ted Sioeng has a major stake in these cigarettes. This is the best selling brand of cigarettes in China. This company is owned by the Communist Chinese Government. It is the third largest cigarette selling in the world. This company is owned by the Chinese Government, and it is a convenient way to funnel money into campaigns in the United States by Ted Sioeng, Kent La, and others.

Ted Sioeng and his associates gave $400,000 in contributions to the Democrat National Committee. Of that amount, Kent La gave $50,000. Was that money from Red Pagoda cigarettes from the Chinese Communist Government? We need to find out. The American people have a right to know.

Every witness that we have spoken to says that ''If you want to understand Ted Sioeng, you have got to talk to Kent La.'' And that is one of the people we want to talk to, but we have to get immunity for him first. Kent La has invoked the fifth amendment. He will not testify without immunity. But the Democrats on our committee will not grant him immunity. The Democrats have voted to block immunity. I cannot, for the life of me, understand why they want to do that.

This is not a partisan issue. Ted Sioeng did not just give money to Democrats, he gave to both sides. He gave $150,000 to Republican causes as well as the Democrats. So this is not a partisan issue with Kent La and Ted Sioeng. It seems very clear that most of this half a million dollars donated by Ted Sioeng and his associates came from profits of selling Chinese cigarettes around the world. Kent La is the one individual who can tell us if this is true or not. I do not understand why my colleagues want to keep this witness from testifying and protect a major Communist Chinese cigarette company, especially when the gentleman from California, who has been such a forceful advocate of reducing smoking here in the United States, is one of those voting against immunity.

We have a number of good members on my committee on both sides of the aisle. I think we have conscientious members, both Democrat and Republican, who are outraged by some of the things that have happened during the last election. I hope all of my colleagues are thinking long and hard about their votes, and I hope that they will reconsider and support immunity tomorrow.

Now, in conclusion, I have tried throughout this discussion to try to make clear to the American people and my colleagues that this is an investigation that has faced countless obstacles, stone walls. We have faced obstruction from the White House. We have faced stalling from the Democrat National Committee. We have faced non-cooperation from foreign governments. We have had over 90 people take the fifth amendment or flee the country because they did not want to testify because of criminal activity.

However, we will continue. There are very serious allegations of crimes that have been committed, and the American people have a right to know. I hope that tomorrow we will start to tear down the stone wall by granting immunity to these four witnesses and getting on with the investigation. None of this should be covered up. The American people have a very clear right to know if our government was compromised. They have a right to know if foreign contributions influenced our foreign policy, if it endangered our national defense. These are things the American people have a right to know, and we are going to do our dead level best to make sure they get that right and they get to know it.

PROCEDURE FOR CONSIDERATION OF CAMPAIGN REFORM LEGISLATION

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

Mr. SOLOMON. Mr. Speaker, on April 22, the leadership issued a statement committing that campaign reform legislation would be brought to the floor and fully debated under an open rule permitting substitutes an amendments. The statement provided that the base bill would be H.R. 2183, the bipartisan freshman bill.

The leadership statement further provided that substitutes would be printed in the CONGRESSIONAL RECORD prior to consideration of the legislation.

While the Committee on Rules will not actually vote on a rule until next week, it is necessary to lay the ground work in order to carry out the commitment by the Republican leadership.

Since the House will not be conducting business on either this Friday or next Monday, any Member who has an amendment in the nature of a substitute for the campaign reform bill should submit it for printing in the CONGRESSIONAL RECORD by the close of business this Thursday, May 14. That is two days from now, two full days.

At the same time, a brief explanation of the substitute should be submitted to the Committee on Rules so that the Committee on Rules will be able to compile a list of all the substitutes that are filed and make those available to the public. Filing substitutes this Thursday means that Members who want to offer perfecting, second degree, amendments to those substitutes will have time to prepare them.

□ 1715

Under an open amending process, any Member may offer any perfecting amendment that complies with the rules of the House to any of the substitutes; that means any germane amendment.

If any Member wants to offer a perfecting amendment which does not comply with the rules of the House to any of these substitutes, that means any nongermane amendment, then they are going to have to submit that

by noon on Tuesday, May 19, to the Committee on Rules in my office upstairs.

May 19 is the next day the House will be conducting business after the filing of those substitutes, but it is actually 5 calendar days after the filing of those substitutes. This should allow sufficient time for preparation of perfecting amendments.

I want to stress that only the perfecting amendments to be filed with the Committee on Rules are those which do not comply with the rules. So if Members have perfecting amendments that are germane, you do not have to file them, although it might be a good idea to receive priority recognition if they were to file those with the desk. But if they are nongermane to those substitutes, then you should file 55 copies with my Committee on Rules upstairs by May 19.

I would hope that there would be very few of those. Perfecting amendments which do comply with the rules, again, in the House do not need to be filed with the Committee on Rules.

I hope Members will call the Committee on Rules to get a clarification of what I just said. It is very important.

SENSE OF HOUSE REGARDING LAW ENFORCEMENT OFFICERS WHO HAVE DIED IN LINE OF DUTY

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 422) expressing the sense of the House of Representatives that law enforcement officers who have died in the line of duty should be honored, recognized, and remembered for their great sacrifice.

The Clerk read as follows:

H. RES. 422

Whereas law enforcement officers work daily in communities across the Nation, assisting individuals in the pursuit of life, liberty, and happiness;

Whereas law enforcement officers are, most often, the first contact individuals have with their representatives of government, and they perform the duties and responsibilities of that important liaison role with wisdom and compassion;

Whereas law enforcement officers are expected to perform duties above and beyond those of the average person, including duties such as rescuing individuals from a multitude of life-threatening incidents and assisting families during times of great personal sorrow;

Whereas law enforcement officers engage in a variety of tasks, from visiting with home-bound elderly citizens, mediating domestic disputes, and providing counsel to youngsters on our streets, to retrieving lost pets and bringing a spirit of friendship and compassion to an environment often lacking in these essential qualities;

Whereas law enforcement officers daily encounter individuals within our society who reject all moral values and ethical codes of conduct in pursuit of criminal activities;

Whereas law enforcement officers risk their health, lives, and future happiness with their families in order to safeguard communities from criminal predation;

Whereas in the course of their duties, law enforcement officers may find themselves not only in harm's way, but also victims of violent crime; and

Whereas 159 law enforcement officers throughout the country lost their lives in the performance of their duty in 1997, and more than 14,000 men and women have made that supreme sacrifice to date: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the contributions made by law enforcement officers killed in the line of duty should be honored, their dedication and sacrifice recognized, and their unselfish service to the Nation remembered.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution being considered.

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

There was no objection.

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

Mr. Speaker, police officers who have died in the line of duty sacrifice not only their own lives, but the lives of their spouses, children, parents, and friends. In fact, the whole community suffers the loss when a police officer dies.

H. Res. 422 expresses the sense of Congress that contributions made by law enforcement officers should be honored, and their unselfish service to the Nation should be remembered.

Mr. Speaker I could not agree more, and I believe we in Congress should go even further. That is why on Thursday in this week, the Subcommittee on Crime will hold a hearing to specifically highlight acts of heroism and valor by police officers who engage in such acts as a matter of their official duties.

Following this hearing, I expect to introduce legislation to honor our Federal, State, and local law enforcement officers by creating a national medal to recognize their acts of bravery. Mr. Speaker, many other countries have such a medal, and I believe the United States is sorely lacking in this regard.

Our police officers are at war every day against criminal elements which threaten the sanctity and security of this country. A national medal is the least which we in Congress can do to thank them for their sacrifices.

I am proud to support this resolution that is before us today, and I hope that many Members who support this bill will cosponsor the legislation produced shortly, creating the medal for public safety heroism by our officers.

I must say the resolution that we are here to debate today is exemplary. The gentleman from Ohio (Mr. LATOURETTE), my good friend who has been so instrumental in this, I want to commend him in bringing this forward.

I think it is an exceedingly important matter for us to dedicate this week when we have a special law enforcement service that, every year, we have to honor those who have given their lives and have been slain in the line of duty.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. LATOURETTE) and ask unanimous consent that he be allowed to yield time for the proponents of H.Res. 422.

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

There was no objection.

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

Mr. Speaker, I rise in support of this legislation. We have heard a lot of talk this year about the falling crime rate. Violent crime is down more than 16 percent in the past 5 years. We are very pleased with that, of course, across this country. This is a remarkable accomplishment.

I might observe that many of us believe that the President's crime program and community policing have contributed to that result. But in the midst of celebrating, we must not forget the terrible price paid by the people most responsible for this achievement, police officers.

We at the Federal level talk a lot about law enforcement, about crime, and about bringing down the crime rates in this country, but we know full well that it is not at the Federal level that we fight crime, not even, frankly, primarily at the State level, but the local level, at the municipal level.

There were 159 police officers, Mr. Speaker, killed in the line of duty just last year; 159. The even worse news is this number was a huge increase from 1996, during which there were 116 line-of-duty fatalities. It is clear that it is getting more dangerous to protect the rights of citizens in this country.

I believe this resolution is absolutely correct. It honors those law enforcement officers who have made the ultimate sacrifice, who have, in Lincoln's word, given their last full measure of devotion to the cause of protecting the rest of us from harm. For that devotion, the police officers of this country have earned the undying gratitude of their fellow Americans.

Just a few minutes ago, Mr. Speaker, we considered a bill to provide more bulletproof vests for officers. That is a crucial initiative, and I hope it will be signed into law within the month. But even with those vests, even with those vests, police officers will still have to walk out of the door each morning prepared, if necessary, to put their lives at risk in the name of justice, to put their lives at risk in the name of peace and good order, to put their lives at risk so that others of us might have safer schools, safer neighborhoods, safer

communities, safer streets, put their lives at risk so that democracy and freedom and justice can prevail.

These brave men and women are true American heroes, Mr. Speaker, and they deserve to be recognized, not just rhetorically, but in any way that we can, to recognize their heroism, to recognize their absolute critical role in the preservation of democracy and justice and order.

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

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

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

Mr. Speaker, this resolution is very, very simple in its wording, and I want to commend the sponsor and the introducer of this resolution, the gentleman from Indiana (Mr. BURTON). Very simply, it says that this resolution indicates it is the sense of the House of Representatives that the contributions made by law enforcement officers killed in the line of duty should be honored, their dedication and sacrifice recognized, and their unselfish service to the Nation remembered.

Later this week, Mr. Speaker, the Nation's law enforcement community will gather from all over the country and will join us in our Nation's capital to remember the over 14,000 men and women in blue who have made the ultimate sacrifice to serve and protect.

During the course of their ceremony, Officer Bill Glover of the Ashtabula City Police Department from my district and 15 officers from other jurisdictions will have their names solemnly added to the silent walls here in the Capitol. Their service is what protects the law-abiding from the lawbreaking, and their sacrifice should be honored and remembered by all in any way that we possibly can. That is what makes H.Res. 422 so fitting and appropriate.

When I have the opportunity to visit the Police Officers' Memorial here on the Capitol on an annual basis, I am often reminded of remarks that we wish that all of the men and women who don police officers' uniforms in this country could die in bed with their socks on, next to their loved ones, and that we would have no need of a memorial to mark those men and women who fall protecting us from those who are bent on violence and destruction.

It is appropriate that we have that memorial. It is a solemn occasion that we will remember this Wednesday, Thursday, and Friday. I would urge all of my colleagues to support H. Res. 422.

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

Mr. LATOURETTE. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

Mr. Speaker, I only want to make these few comments. I serve on the Committee on National Security and also serve on the Committee on the Judiciary, the Subcommittee on Crime, so I have the unique perspective to share a comment on this measure before the House today.

I applaud the gentleman from Indiana (Mr. BURTON) for bringing the measure. From a national security standpoint, we all know and understand the almost $250 billion we spend as a Nation to ensure that our peace and security is there as we live in the world. But we should also remember our domestic security; and that is those of whom have placed themselves by their own choosing in an environment that involves great hardship, a tremendous amount of risk, and even places themselves in peril.

When I said they do that by their own choosing, they understand that they are serving something that is greater than themselves, and that is that they want to ensure that the children and those who live within the community do so in peace.

They have to make judgments. At times, it would be very easy for them not to place themselves in a high-risk environment, but they step forward and place themselves in a high-risk environment knowing that they placed themselves at risk of even possible death and serious bodily injury.

They do that to serve, I think, a higher cause, which makes their service to our communities, our State, and their country that of high honor and something that we should admire. So when I think about all of those that have given their life in the line of duty, I think that their risk and what they have done should be recognized by our country.

So often we think about the soldiers that die on a distant battlefield, and we give them high honor and respect, but we should also give equal high honor and respect to those who serve in the battlefields within our communities.

That is what we are doing here today, coming together in a bipartisan fashion here in the House to pause and say thank you, not only to those servicemen and servicewomen who are in our communities, but also to the families out there, the widows and their orphans.

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

Mr. Speaker, just to briefly comment on the last speaker's observations, I think he is absolutely correct. The gentleman from Pennsylvania (Mr. WELDON) and I have participated in a brief ceremony earlier today in which we honored the police officers here on Capitol Hill who responded to the fire in Longworth and who also responded to the fire in the O'Neill Building.

The gentleman from Pennsylvania (Mr. WELDON) made the observation that we lost 28 people in the Persian Gulf War when that Scud attack occurred and they were in their barracks; and we lamented that loss, properly so. It was a grievous loss for our country.

As I mentioned just a little while ago, over 150 lost their lives last year as police officers on the streets of America. It is right and proper that we honor them, as we honor those who we ask to defend us abroad, that we equally honor those who we ask to defend us here at home.

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, it has been said, and I do not want to be redundant, but it is difficult to not want to pay homage to the soldiers, the foot soldiers in the battle against crime. We honor our veterans on Memorial Day. We have monuments and we have parades because they courageously fought in a war to preserve our freedom. But a war had a beginning and it has an end.

This war has no beginning and no end. It goes on daily, hourly, every night in our big cities and in some of our rural areas. There are people willing, for low pay and for not much recognition, to risk their lives and, of course, their families to protect civilization, protect society, and to protect freedom, just as the soldiers and the sailors and the airmen did in time of war. So we are fortunate to have people who are willing to risk everything to protect society and protect the community and to protect our way of life. So we owe them.

□ 1730

This resolution is little enough that we can do, but it is something. It acknowledges their sacrifice and their great contribution to our society. But I think we can do more, and we should try to work to make this country and make our communities the sort of places that they are defending and they are fighting for and that they have offered their lives for. To give one's life for a cause is about as noble and high a gesture as you can make. One hundred fifty-nine law officers gave their lives last year defending the freedom and civilization that we pride ourselves on.

So they are in the finest tradition of the soldiers and the sailors and the airmen, only they are fighting a never-ending war, and we acknowledge our unpayable debt to them.

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Mr. Speaker, I rise today in support of H. Res. 422, bringing honor, recognition and remembrance for the sacrifice of law enforcement officers. This legislation gives these dedicated individuals the recognition they fully deserve on May 15,

1998, National Peace Officers' Memorial Day. The purpose of this bill is to show honor and appreciation for those fallen law enforcement officials who have given their lives in the line of duty. These individuals represent the first contact citizens often have with our government.

Law enforcement officials' responsibilities include saving people from life-threatening situations and assisting our families during times of personal suffering.

Last year, 159 law enforcement officials died in the line of duty. More than 66,000 officers are assaulted each year, while 24,000 are injured on the job. To date, 14,000 police officers have given their lives protecting our communities. Statistics continue to show that every other day another man or woman is killed while serving in a law enforcement capacity. This illustrates the incredible risk that these officers take to keep America safe.

Law enforcement officials are consistently faced with dangerous situations that provide safety, direction and support in our society.

Protection of our citizens from crime is one of our government's most fundamental responsibilities. Law enforcement officers provide this most necessary service and should be duly recognized for their actions above and beyond the call of duty.

This resolution was introduced by the gentleman from Indiana (Mr. BURTON), the distinguished chairman of the Committee on Government Reform and Oversight, and it will recognize and honor those law enforcement officials who have sacrificed their lives on the job.

This bill gives law enforcement officials the remembrance they have earned by sacrificing for our Nation. As we remember those who have given their lives while serving their Nation in war, we should remember those who risk their lives each day protecting our community and protecting our loved ones. Accordingly, I urge my colleagues to join in support of this bill, which will bring honor, recognition and remembrance to those law enforcement officers who lost their lives.

Mr. HOYER. Mr. Speaker, I yield one minute to the gentleman from Ohio (Mr. TRAFICANT), a member of the House, but who was a former law enforcement officer, a sheriff himself, and knows firsthand that which we commemorate.

Mr. TRAFICANT. Mr. Speaker, I think one of the things that Congress might do, other than having commemorative events and putting names on memorials, I personally believe and have tried to in fact encourage the Congress to give a legislative ear to the following initiative: The killing and murder of a law enforcement officer in America should become a Federal crime, and it should be handled in the Federal Court system. That is the way the Congress could best reward the men and women that go out and put their life on the line.

I have offered it for years. I get a lot of legal constitutional mumbo-jumbo. I think it is time to do that. I am going to reintroduce the bill, and I would hope that everybody who is very concerned, and genuinely so, would take a look at making it a Federal crime to shoot, to kill, our law enforcement officers.

Mr. Speaker, I support the legislation.

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

Mr. Speaker, for all of the reasons stated by all of our eloquent colleagues here this evening, I would respectfully urge unanimous passage of H. Res. 422.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to give my unequivocal support of H. Res. 422, a resolution expressing the sense of the House that slain law enforcement officers should be honored. The officers of the law that struggle mightily against the powers that be to protect all of us from capricious and unchecked violence in our streets, against our persons and in our homes, deserve the highest of honors that we can give.

These men and women are usually the only buffer that we have between the all too thin line of safety and danger. But the difficult burden of such a job, despite its many rewards, is the risks that one must take each and every day to fulfill one's duty. To serve in law enforcement, one must be prepared to look death right in the eye. And too often, no matter how many precautions are taken, they are simply not enough.

We often lose some of our most valiant officers to the forces that they have been charged to battle against, and simply, I agree without reservation, that they should be remembered. Like any hero who sacrifices their life for others, these brave officers of the law should be remembered. So I support the urging of the Congress to the nation to remember those who have made the ultimate sacrifice of service, those who have given all that they had to all of us; the officers of the law that have fallen in the line of duty. Officers like Cuong Trinh of the Houston Police Department who was slain on April 6 of 1997, in his parents' grocery store while trying to stop an armed robbery attempt. This example, unfortunately, is just one of the 160 such incidents involving law enforcement officers in 1997, and thus, I urge all of my colleagues to support H. Res. 422, and encourage the formal remembrance of our nation's slain law enforcement officers.

Mr. REYES. Mr. Speaker, I rise today to express my strong support for House Resolution 422, which honors law enforcement officers killed in the line of duty.

As a member of the Border Patrol for 26 years, I know the dedication of our nation's men and women of law enforcement. In defending our nation's borders, the agents I supervised were faced with numerous risks and dangers. With our War on Drugs, I saw how criminals became increasingly sophisticated and dangerous. Every day our officers face these dangers and do an outstanding job to protect and secure our communities.

Unfortunately, however, there is a heavy price to be paid for this security. We honor during National Police Week those officers who were killed in the line of duty. These officers deserve our highest respect as they made the ultimate sacrifice as public servants for our well being.

With this resolution we honor the memory of these officers for their service to our communities. We express our gratitude and offer our condolences to their families. As we celebrate National Police Week, let us remember that their sacrifices can not and must not ever be taken for granted or forgotten. I strongly support and encourage the passage of this bill.

Mr. TAYLOR of North Carolina. Mr. Speaker, every day in America police officers keep the peace in our communities. They stand as guardians of that line that too many thugs and hoodlums dare to cross. Tragically, in the line of that duty, some of these brave protectors are killed.

Today we have passed legislation to provide assistance to the men and women out there on the job in our neighborhoods. We passed a measure to make it easier for communities to give their police the protection of bulletproof vests. We also expressed our deepest gratitude to those who have died and our greatest affection for the loving families left behind.

As a grateful nation, we should all take a moment to remember the heroes in blue that have given their lives so that we may enjoy a little more security in ours. This week, as we observe the annual memorial for police officers that died on duty, there will be a number of services here in our nation's capital.

Tomorrow evening, I am honored to lend my voice at a candlelight vigil where the names of those fallen heroes will be read. In addition to reading their names tomorrow, I want to take this opportunity to add North Carolina's fallen peace officers to the CONGRESSIONAL RECORD so that we may always remember their sacrifice. North Carolina is a better place for the efforts they made. Their names and the year they lost their lives are as follows: James H. Becton, February 22, 1908; Samuel J. Brothers, May 6, 1939; Thomas William Buck, April 3, 1963; Daniel C. Chason, March 2, 1907; Mark A. Conner, October 24, 1910; Charles Woodson Easley, August 20, 1940; Willis Jackson Genes, March 16, 1939; William Earl Godwin, May 22, 1997; Paul Andrew Hale, July 11, 1997; Willard Wayne Hathaway, July 18, 1997; David Walter Hathcock, September 23, 1997; Melvin Duncan Livingston, November 14, 1892; Owen Lockamy, March 2, 1907; Lloyd E. Lowry, September 23, 1997; James Woodard McLaurin, March 3, 1951; Wat G. Snuggs, January 22, 1917; and Mark Allen Swaney, December 25, 1997.

Mr. BURTON of Indiana. Mr. Speaker, I rise today to commemorate those men and women who enforce our Nation's laws.

We are a nation of laws and protecting citizens and their property from crime is one of the government's most fundamental responsibilities. This responsibility is carried out daily by men and women who choose to serve their communities as law enforcement officers.

Their service often involves significant hardships and difficulties, and tragically, some of them lose their lives while performing their duties.

Since records were started in 1794, more than 14,000 law enforcement officers have lost their lives in the line of duty.

Sadly, every other day another law enforcement officer is killed while serving in an American community.

In 1997 alone, 159 officers were killed in the line of duty.

On average, more than 66,000 officers are assaulted each year, and 24,000 are injured.

Law enforcement officers who have paid with their lives while defending their fellow citizens are fully deserving of the honor and recognition of the U.S. House of Representatives.

May 15, 1998, is National Peace Officers Memorial Day, and I believe this resolution is a fitting tribute to those Americans who sacrificed their lives to uphold the rule of law.

We as a nation can never repay the price that has been paid by police officers who have fallen in the line of duty while attempting to enforce our laws.

We can, however, honor and recognize their supreme sacrifice and the great loss to their families.

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

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution, H. Res. 422.

The question was taken.

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

The yeas and nays were ordered.

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

AUTHORIZING USE OF CAPITOL GROUNDS FOR 1998 DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 262) authorizing the 1998 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol grounds, as amended.

The Clerk read as follows:

H. CON. RES. 262

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN THROUGH CAPITOL GROUNDS.

On May 29, 1998, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 1998 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the ''event'') may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. APPLICABILITY OF PROHIBITIONS.

Nothing in this resolution may be construed to waive the applicability of the prohibitions established by section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

Mr. Speaker, House Concurrent Resolution 262 authorizes the 1998 District of Columbia Special Olympics Law Enforcement Torch Run to be conducted through the grounds of the Capitol only May 29, 1998, or on such date as the Speaker of the House and the Senate Committee on Rules and Administration jointly designate.

The resolution also authorizes the activities of the Architect of the Capitol, the Capitol Police Board, and the D.C. Special Olympics, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds. In addition, the sponsor of the event will assume all the expenses and liability in connection with the event, and all sales, advertisements and solicitations are prohibited. The Capitol Police will host the opening ceremonies for the run on Capitol Hill, and the event will be free of charge and open to the public.

Over 2,000 law enforcement representatives from local and Federal law enforcement agencies in Washington will carry the Special Olympics torch in honor of 2,500 Special Olympians who participate in this annual event to show their support of the Special Olympics.

For over a decade, the Congress has passed legislation in support of this worthy endeavor. I am proud to sponsor the legislation this year. I support it, and urge colleagues to pass this resolution.

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

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

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

Mr. TRAFICANT. Mr. Speaker, I am pleased to support the resolution.

Mr. OBERSTAR. Mr. Speaker, the relay event is a traditional part of the opening ceremonies for the Special Olympics, which take place at Gallaudet University, in the District of Columbia.

This year approximately 2,500 special Olympians compete in 17 events, and more than one million children and adults with special needs participate in Special Olympics worldwide programs.

The goal of the games is to help bring mentally handicapped individuals into the larger society under conditions whereby they are accepted and respected. Confidence and self esteem are the building blocks for these Olympic games. Better health, coordination, and lasting friendships are the results of participation.

D.C. Special Olympics is the sole provider in the District of Columbia of these special services. No other organization provides athletic programs for citizens with developmental disabilities.

I support H. Con. Res. 262 and urge its passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 262, as amended.

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

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR SEVENTEENTH ANNUAL NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 263) authorizing the use of the Capitol Grounds for the seventeenth annual National Peace Officers' Memorial Service, as amended.

The Clerk read as follows:

H. CON. RES. 263

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the seventeenth annual National Peace Officers' Memorial Service, on the Capitol Grounds on May 15, 1998, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, in order to honor the more than 160 law enforcement officers who died in the line of duty during 1997.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized to be conducted on the Capitol Grounds under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized to be conducted on the Capitol Grounds under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board

are authorized to make any such additional arrangements as may be required to carry out the event.

SEC. 4. APPLICABILITY OF PROHIBITIONS.

Nothing in this resolution may be construed to waive the applicability of the prohibitions established by section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

Mr. Speaker, House Concurrent Resolution 263 authorizes the use of the Capitol grounds for the Seventeenth Annual Peace Officers' Memorial Service on May 15th, 1998, or such a date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate. The resolution also authorizes the Architect of the Capitol, the Capitol Police Board and the Grand Lodge Fraternal Order of Police, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance of the rules and regulations governing the use of the Capitol grounds.

The Capitol Police will be the hosting law enforcement agency. In addition, the sponsor will assume all expense and liability in connection with the event. The event will be free of charge and open to the public and all sales and advertising will be prohibited.

This service will honor over 160 Federal, State and local law enforcement officers killed in the line of duty in 1997. It is a fitting tribute to the men and women who give their lives for our lives.

I support this measure, and I urge my colleagues to agree to the concurrent resolution.

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

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

Mr. Speaker, I support this resolution. I would like to say that I will be introducing legislation that will make the murder of a law enforcement officer a Federal offense, and the punishment shall be the death penalty. I think we put too many names on memorials, and, for some reason, we have yet to truly protect the law enforcement community in America.

Now, this National Peace Officers' Memorial Day Service always has a special meaning for me. During my time as sheriff, one of my deputies was gunned down. He was transporting a prisoner. The MO is very simple: A car ran up in the back of him, forced him out, and an individual with a shot gun at close-range took his life to help that prisoner escape. That murderer is still on death row being paid by the taxpayers of our valley and the family of Sonny Litch. This is stupid. This is ridiculous.

I want to read since 1980 the names of eight officers in just my Congressional District that have given their life in service to their fellow people: John R. ''Sonny'' Litch of the Mahoning County Sheriff's Office; John Utlak, Niles Police Department; Richard Elton Becker, Poland Police Department; Charles K. Yates, Poland Police Department; Ralph J. DeSalle, Youngstown Police Department; Paul Joseph Durkin, Youngstown Police Department; Millard Williams, Youngstown Police Department; and Carmen J. Renda, Youngstown State University Police.

How many more names do we read, how many more memorials do we build, until we act?

I support this resolution, but I would like to say to the Congress, it is time to take seriously anybody who would take the life of one of our law enforcement officers, and the Congress should be protecting the 160 to 180 potential victims each year. You do that by making it a Federal offense to target one of our law enforcement agents, and you also attach to it the death penalty for anyone who would take their life.

So I am proud to stand here and support this resolution, and I would hope that my legislation would not fall on deaf ears in the Congress of the United States.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of House Concurrent Resolution 263, which authorizes the use of Capitol Grounds for the seventeenth annual National Peace Officer's Memorial Service. I have a long and active history of supporting our nation's law enforcement officers and believe that the vital service that they provide our nation is invaluable.

One hundred and sixty law enforcement officers lost their lives in the line of duty in 1997, which is almost 40 percent higher than the number of police deaths recorded in 1996.

There were 160 federal, state and local law enforcement officers killed in the line of duty during 1997, compared to 116 police fatalities during 1996, according to a joint announcement issued by the National Law Enforcement Officers Memorial Fund and the Concerns of Police Survivors. The 1996 death total was the lowest since 1959. Prior to 1997, there had been an average of 151 law enforcement fatalities annually during the 1990s.

For the fourth straight year, California was the deadliest state in the nation for the law enforcement community, with 14 police fatalities. California was followed by Texas with 10 deaths, Illinois with nine, Florida with eight, and Indiana and Georgia with seven each.

Unfortunately these statistics represent real lives which have been lost in the service of our nation. They represent people who have dedicated themselves to the protection of our communities and their residents.

In the City of Houston, Officer Cuong Trinh lost his life of April 6, 1997, when he was shot by a robbery suspect. Officer Trinh is greatly missed by his colleagues and his family who felt his loss most intimately. His contributions to the Houston Police Department will never be forgotten nor should it. It is very fitting that we honor fallen heros like Officer Trinh through a National Police Officers' Memorial Service.

There have been more than 14,000 peace officers who have been killed in the line of duty throughout our nation's history. It was not until 1991, when the National Law Enforcement Officers Memorial was commemorated that a national symbol of their courage and sacrifice was created. This important memorial bears the names of all federal, state, and local law enforcement officers who have made the ultimate sacrifice.

I join with my colleagues in support of this important event. It is my hope that we find ways to make the lives of law enforcement officers safer.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 263, as amended.

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

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 255) authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby, as amended.

The Clerk read as follows:

H. CON. RES. 255

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (hereinafter in this resolution referred to as the ''Association'') shall be permitted to sponsor a public event, soap box derby races, on the Capitol grounds on July 11, 1998, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such

additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. APPLICABILITY OF PROHIBITIONS.

Nothing in this resolution may be construed to waive the applicability of the prohibitions established by section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

Mr. Speaker, House Concurrent Resolution 255 authorizes the use of the Capitol grounds for the 57th Annual Greater Washington Soap Box Derby qualifying races to be held on July 11, 1998, or such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate.

The resolution authorizes the activities of the Architect of the Capitol, the Capitol Police Board and the Greater Washington Soap Box Derby Association, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds.

□ 1745

The event is open to the public and free of charge. The sponsor will assume all the responsibility for all the expenses and liabilities related to the event. In addition, sales, advertisements, and solicitations are explicitly prohibited on the Capitol grounds for this event.

The races are to take place on Constitution Avenue between Delaware Avenue and Third Street, Northwest. The participants come from Washington, DC and the surrounding communities in Virginia and Maryland, and range in ages from 9 to 16. This event is currently one of the largest races in the country, and the winners of these races will represent the Washington metropolitan area in the National race to be held on August 8, 1998 in Akron, OH.

I support the resolution and urge my colleagues to join in support.

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

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

Mr. Speaker, one of the best friends of young people 9 through 16 is the sponsor of this legislation, the gentleman from Maryland (Mr. HOYER). Not the gentleman from Texas (Mr. STENHOLM), but the gentleman from Maryland (Mr. HOYER). The people just love him and he always takes the time to not forget them, and this event is one of the most highlighted events down in our area.

This is a very good resolution and I want to commend the gentleman for what he has done in this regard.

So I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), a friend of young people, a friend of all people, and if all the people liked the Democrats as much as they like the gentleman from Maryland (Mr. HOYER), we would be in the majority for sure.

Mr. HOYER. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. TRAFICANT), my friend, for those very kind remarks. I want to thank the Committee for reporting this resolution out in a timely fashion.

For the last 7 years, Mr. Speaker, I have sponsored a resolution for the Greater Washington Soap Box Derby to hold its race along Constitution Avenue, as the gentleman from California (Mr. KIM) has said.

I proudly introduced H. Con. Res. 255 to permit the 57th running of the Greater Washington Soap Box Derby, which is to take place on the Capitol grounds on July 11 of this year.

This resolution authorizes the Architect of the Capitol, the Capitol Police, and the Greater Washington Soap Box Derby Association to negotiate the necessary arrangements for carrying out the running of the Greater Washington Soap Box Derby in complete compliance with rules and regulations governing the use of the Capitol grounds.

In the past, the full House has supported this resolution, once reported favorably by the Committee on Transportation and Infrastructure. I ask my colleagues to join again with me along with the gentleman from Virginia (Mr. DAVIS); the gentlewoman from the District of Columbia (Ms. NORTON); the gentleman from Maryland (Mr. WYNN); the gentleman from Virginia (Mr. WOLF); the gentlewoman from Maryland (Mrs. MORELLA); and the gentleman from Virginia (Mr. MORAN) in supporting this resolution.

From 1992 to 1997, the Greater Washington Soap Box Derby welcomed over 40 contestants which made the Washington DC race one of the largest in the country. This event has been one of the largest steps in turning the local area into a grand event for kids. Participants, as it has been said, range from 9 to 16, and hail from communities in Maryland, the District of Columbia, and Virginia. The winners of this local event will represent the Washington metropolitan area in the national race, which will be held in Akron, OH on August 8, 1998.

The Derby provides our young people with an opportunity to gain valuable skills, such as engineering and aerodynamics. Furthermore, the Derby promotes teamwork, a strong sense of accomplishment, sportsmanship, leadership and responsibility.

These are positive attributes that we should encourage children to carry into adulthood. The young people involved spend months, Mr. Speaker, preparing themselves for this race, and the day that they complete the race makes it all the more worthwhile. In addition, this event provides parents, local residents, and tourists with a safe and enjoyable day of activities.

I hope my colleagues will support this resolution on behalf of the children and families of the Washington metropolitan area.

Mr. Speaker, this is somewhat like motherhood and apple pie, the Soap Box Derby. Young people using their talent, with an objective and goal in mind, teaching them lessons that will be good for them throughout their lives. It is young people like these contestants in the Soap Box Derby who, I might say, Mr. Speaker, are all winners, all winners for having participated, set for themselves a goal, exercised their talent and enterprise to achieve that goal, and then participate in the competition that is so much a part of life.

Mr. Speaker, I want to again thank the committee for reporting out this resolution in a timely fashion.

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

Mr. TRAFICANT. Mr. Speaker, as they say on the streets, I resemble those remarks of our distinguished colleague, the gentleman from Maryland (Mr. HOYER), and I support the resolution.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 255, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 255, House Concurrent Resolution 262, and House Concurrent Resolution 263.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 423, by the yeas and nays;

House Resolution 3811, by the yeas and nays;

House Resolution 2829, by the yeas and nays;

House Resolution 422, by the yeas and nays.

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

SENSE OF THE HOUSE WITH RESPECT TO WINNING THE WAR ON DRUGS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 423.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HASTERT) that the House suspend the rules and agree to the resolution, H. Res. 423, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 2, not voting 18, as follows:

[Roll No. 138]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
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
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
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
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—2

Paul
Sanford

NOT VOTING—18

Bateman
Christensen
Coburn
Engel
Gilchrest
Gonzalez
Greenwood
Harman
Hefner
Kaptur
Kilpatrick
Menendez
Mollohan
Myrick
Rahall
Schumer
Skaggs
Whitfield

□ 1813

Mr. Sanford changed his vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

DEADBEAT PARENTS PUNISHMENT ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3811.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 3811, on which the yeas and nays are ordered.

The Chair will remind members, this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 16, not voting 14, as follows:

[Roll No. 139]

YEAS—402

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske

Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
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
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—16

Barr
Cannon
Conyers
Furse
Hastings (FL)
Jackson (IL)
LaHood
Lee
Manzullo
Paul
Sabo
Sensenbrenner
Sessions
Stark
Waters
Watts (OK)

NOT VOTING—14

Bateman
Christensen
Gilchrest
Gonzalez
Greenwood
Harman
Hefner
Kilpatrick
Menendez
Mollohan
Myrick
Rahall
Schumer
Skaggs

□ 1822

Mr. CONYERS, and Mr. JACKSON of Illinois changed their vote from ''yea'' to ''nay.''

Mr. CLAY changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1997

The SPEAKER pro tempore (Mr. HEFLEY). The pending business is the question of suspending the rules and passing the bill, H.R. 2829, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 2829, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 4, not voting 16, as follows:

[Roll No. 140]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
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
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
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
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
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—4

Blunt
Campbell
Paul
Sanford

NOT VOTING—16

Bateman
Christensen
Gilchrest
Gonzalez
Greenwood
Harman
Hefner
Kilpatrick
Linder
Menendez
Mollohan
Myrick
Rahall
Schumer
Skaggs
Wexler

□ 1830

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF HOUSE REGARDING LAW ENFORCEMENT OFFICERS WHO HAVE DIED IN LINE OF DUTY

The SPEAKER pro tempore (Mr. HEFLEY). The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 422.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and agree to the resolution, H. Res. 422, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 141]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
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
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
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
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—16

Bateman
Buyer
Christensen
Gilchrest
Gonzalez
Greenwood
Harman
Hefner
Kilpatrick
Menendez
Mollohan
Myrick
Rahall
Schumer
Skaggs
Wexler

□ 1838

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, because I unavoidably detained in the 15th Congressional District of Michigan, I was not present to vote on H.R. 3811, H.R. 2829, H. Res. 422, and H. Res. 423. Had I been present for these votes, I would have voted ''aye'' for all of these rollcall votes.

BULLETPROOF VEST PARTNERSHIP ACT OF 1998

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1605) to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1605

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 ''Bulletproof Vest Partnership Act of 1998''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest while performing their hazardous duties;

(2) the Federal Bureau of Investigation estimates that more than 30 percent of the almost 1,182 law enforcement officers killed by a firearm in the line of duty could have been saved if they had been wearing body armor;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite decreases in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''; and

(6) many State, local, and tribal law enforcement agencies, especially those in smaller communities and rural jurisdictions, need assistance in order to provide body armor for their officers.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide those officers with armor vests.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARMOR VEST.—The term ''armor vest'' means body armor that has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to comply with the requirements of NIJ Standard 0101.03, or any subsequent revision of that standard.

(2) BODY ARMOR.—The term ''body armor'' means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm.

(3) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Justice Assistance of the Department of Justice.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(6) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(7) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 4. PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Director may make grants to States, units of local government, and Indian tribes in accordance with this Act to purchase armor vests for use by State, local, and tribal law enforcement officers.

(b) APPLICATIONS.—Each State, unit of local government, or Indian tribe seeking to receive a grant under this section shall submit to the Director an application, in such form and containing such information as the Director may reasonably require.

(c) USES OF FUNDS.—Grant awards under this section shall be—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(d) PREFERENTIAL CONSIDERATION.—In awarding grants under this section, the Director may give preferential consideration, where feasible, to applications from jurisdictions that—

(1) have a violent crime rate at or above the national average, as determined by the Federal Bureau of Investigation; and

(2) have not been providing each law enforcement officer assigned to patrol or other hazardous duties with body armor.

(e) MINIMUM AMOUNT.—Unless all applications submitted by any State, unit of local government, or Indian tribe for a grant under this section have been funded, each State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

(f) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

(g) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 50 percent, unless the Director determines a case of fiscal hardship and waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(h) ALLOCATION OF FUNDS.—Not less than 50 percent of the funds awarded under this section in each fiscal year shall be allocated to units of local government, or Indian tribes, having jurisdiction over areas with populations of 100,000 or less.

(i) REIMBURSEMENT.—Grants under this section may be used to reimburse law enforcement officers who have previously purchased body armor with personal funds during a period in which body armor was not provided by the State, unit of local government, or Indian tribe.

SEC. 5. APPLICATIONS.

Not later than 90 days after the date of enactment of this Act, the Director shall promulgate regulations to carry out this Act, which shall set forth the information that must be included in each application under section 4(b) and the requirements that States, units of local government, and Indian tribes must meet in order to receive a grant under section 4.

SEC. 6. PROHIBITION OF PRISON INMATE LABOR.

Any State, unit of local government, or Indian tribe that receives financial assistance provided using funds appropriated or otherwise made available by this Act may not purchase equipment or products manufactured using prison inmate labor.

SEC. 7. SENSE OF CONGRESS.

In the case of any equipment or product authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under this Act, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated $25,000,000 for each of fiscal years 1999 through 2003 to carry out this Act.

MOTION OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MCCOLLUM moves to strike all after the enacting clause of Senate 1605 and insert, in lieu thereof, H.R. 2829 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the Senate bill was amended so as to read: ''A bill to establish a matching grant program to help State and local jurisdictions purchase armor vests for use by law enforcement departments.''.

A similar House bill (H.R. 2829) was laid on the table.

PERSONAL EXPLANATION

Mr. DOYLE. Mr. Speaker, due to the illness of a member of my immediate family, I was unavoidably absent on Thursday, May 7, 1998, and as a result, missed rollcall votes 130 through 137.

Had I been present, I would have voted yes on rollcall 130, yes on rollcall 131, yes on rollcall 132, no on rollcall 133, no on rollcall 134, yes on rollcall 135, yes on rollcall 136, and no on rollcall 137.

APPOINTMENT OF CONFEREES ON H.R. 629, TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, by direction of the Committee on Commerce, I move to take from the Speaker's table the bill (H.R. 629) to grant the consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact, with a Senate amendment thereto, disagree to the Senate amendment, insist on the House bill and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. DAN SCHAEFER) is recognized for 1 hour.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 10 minutes to the gentleman from Texas (Mr. BONILLA) and 10 minutes to the gentleman from Texas (Mr. REYES), and I ask unanimous consent that they be permitted to control their own time.

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

There was no objection.

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

Mr. Speaker, the motion before the House is a very simple one. It allows the House to go to conference with the Senate to resolve differences between the two versions of H.R. 629 that was passed by each body.

H.R. 629 would grant the consent of Congress to the Texas, Maine and Vermont Low-Level Radioactive Disposal Compact. This compact, like the nine others we have passed through Congress, has already been approved. It is necessary to allow these three States to fully comply with their responsibilities under the Federal Low-Level Radioactive Policy Act.

The act was passed as a part of an agreement with the States that they would be responsible for the disposal of low-level waste while the Federal Government would be responsible for high-level radioactive waste disposal. It is important for Congress to complete its work on this matter, and the motion is

a necessary step in the legislative process. I would recommend adoption.

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

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to House Resolution 622.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, 2 decades ago Congress passed legislation enabling States to form compacts to build low-level radioactive waste dumps. States have spent in excess of $400 million trying to site low-level radioactive waste dumps, but not a single pile of dirt has been overturned.

The Midwest Compact, which is trying to site a low-level radioactive waste dump in Ohio, fell apart last year for the same reason the Texas, Maine, Vermont compact fell apart.

Maine Yankee Atomic Power Company, one of the biggest sources of nuclear waste to go into the dump site in Texas, recently announced they are going to shut the reactor 10 years sooner than they had anticipated.

□ 1845

The Maine Yankee Atomic Power Company has since concluded that the compact no longer makes economic sense and is urging Congress to vote no. When a nuclear power company says something does not make sense, just imagine how bad the thing is.

Compact after compact has fallen apart or been stopped by concerned citizens because the whole approach to building low-level radioactive waste sites is fundamentally flawed. We need a rational low-level radioactive waste policy that does not stick the taxpayers and ratepayers with huge waste disposal bills, that does not mandate the proliferation of dumps across the country, that does not put radioactive waste on the highways and railways.

The people of the United States should not have to pay for the disposal of waste that was generated by commercial nuclear utilities. The people of the United States should not have radioactive waste transported through their communities on its way to a dump thousands of miles away. And the poorest people of the United States should not have radioactive waste sites right in their own communities because they are too poor to fight back.

Though we may not agree on why, the Maine Yankee Atomic Power Company is absolutely right; the Texas compact makes no sense.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Texas (Mr. HALL), ranking member on the subcommittee.

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

Mr. HALL of Texas. Mr. Speaker, I strongly support the Texas-Maine-Vermont low-level radioactive waste disposal compact.

Mr. Speaker, the Low-Level Radioactive Waste Policy Act is a very good example of state-Federal cooperation, and approval of the compact will fulfill the congressional side of the bargain. A deal was made a long time ago, worked out between the States; a deal that was heard, debated, legislated by each of the States, signed by the governor.

This is the tenth interstate compact to come up for congressional approval, and it behooves us I think to get this bill into conference and into law.

In 1980, and again in 1985, Congress enacted legislation setting up a program under which the States would have primary responsibility and control over the disposal of low-level radioactive waste. This is what the States wanted. And it makes sense because so many important local activities depend on having safe and ready disposal of their low-level waste, including the 3 States that are involved.

While this issue is often discussed in terms of utilities' need alone for disposal facilities, it also affects a lot of other entities. It affects hospitals, greatly affects university research programs. It affects the industry all across this land. Each of these activities utilizes low-level radioactive materials and each of them means jobs, and jobs mean dignity; and none could go forward without an assured economic option for disposal. Just think what would happen if nuclear medicine stopped being available. That gives us an idea of the importance of this bill.

Texas, Maine, and Vermont have done what they need to do; they have done all they can do in order to get a low-level facility. They have gone through their legislative procedure. They have had the hearings. They have selected the site. They have taken care of their own disposal needs. We look to them to do that.

As the largest producer of waste among the three, my State, the State of Texas, agreed to host the facility. Main and Vermont agreed to share in the cost. I will not pretend that finding a site has been easy or that all of the questions about how to build the right facility are known. These are the questions that have to be resolved in the course of obtaining the license to operate the facility and cannot be settled by laymen like ourselves.

Of course, Congress has an important role to play and it is our job to pass H.R. 558 so that the States can move forward. This will be the tenth compact to received congressional approval when it is approved and brings to 44 the number of States moving forward to meet their disposal needs. The Texas compact meets the law's requirements. It is needed by the people of Texas. It is needed by the people of Maine. It is needed by the people of Vermont. And I strongly urge my colleagues to support it.

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

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

Mr. BONILLA. Mr. Speaker, I rise in strong opposition to this compact between the States of Texas, Maine, and Vermont. This is a situation that is endangering the future and the environment for many of the constituencies that I have in the western part of my congressional district. I have received communications from no fewer than a dozen local government, city and county governments that are right now hoping that the Congress will stand up and finally do the right thing on this issue.

Let me make it clear that there is no language in this bill at all that refers to where in Texas this dump would be constructed. That was decided by the State legislature, the State senators and State representatives, and the governors of Texas. What this does is allow the deal to be consummated, if you will; and we are the last hope that these folks have. Because, in their view, the State government did not do its job back home and have it constructed somewhere else, rather than right in their backyards.

Let us all understand that there have been earthquakes in this area, that the geology is not stable in the surrounding area, and that there is a strong threat to the water supplies, there is a strong threat to the future of communities that want to survive and thrive in this particular part of west Texas. So it is incumbent upon ourselves to consider how it is going to affect the people that live in these areas that could be threatened by these toxic substances that are going to be buried right next to where they have raised their families.

The other issue that is of great concern, not just to the folks who live in this area, but to the people who live in areas leading up to the area, in other words, the highways and the railway systems that lead to these areas where these toxic substances would be brought through, communities as far as 2 or 300 miles away, not only in Texas but in other States surrounding Texas where many of this low-level toxic radioactive waste material would be coming through their areas.

In fact, this question has been raised in the community of San Antonio by some who are questioning right now, ''Where is this stuff going to be moving through? Will it be coming through our neighborhood, traveling westbound to be deposited in this particular area?''

So these questions have not been answered, and it is a strong threat to the future of many of these communities. It is for that reason I rise in strong opposition to this compact and urge my colleagues to vote no.

This thing has come up before in the House of Representatives on the floor here. One time earlier we were able to defeat it. The last time around, a lot of folks were spoken to very strongly and it turned out that we lost the second time around. And here we are one more time with an opportunity to say no to this dump and yes to the people that live in this community and are hoping

to have their families and grandchildren and future generations survive and thrive in these areas.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON), sponsor of the bill.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the motion to send this bill to conference with the Senate. It did pass the House last year 309–107, which is a tremendous bipartisan show of support.

All this bill does is ratify the ability of the States of Maine, Vermont, and Texas to enter into a compact for the storage of low-level nuclear radioactive waste. Nine other compacts have already been ratified by the Congress that comprise 42 States. So this legislation is necessary to give the State of Texas, the State of Vermont, and the State of Maine the opportunity to do what 42 other States already do; and that, simply put, is to enter into a compact for the storage of this waste.

It is low-level radioactive waste, it is not high-level. And I would point out to some of my friends in Texas who oppose this, if we do not ratify it, under the commerce clause of the Constitution, any State could send low-level radioactive waste to the State of Texas.

So this is a good piece of legislation. It has already passed the House once in this Congress 309–107. The Senate passed similar legislation. We need to appoint conferees and go to conference. So I would support the motion of the gentleman from Colorado (Mr. DAN SCHAEFER) to appoint conferees and go to conference and hope that the House would likewise do so.

Mr. REYES. Mr. Speaker, I yield 1½ minutes to my good friend, the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I will make my remarks very brief.

The Doggett language, as agreed to by the House and which is also included in the Senate bill, must be kept as part of the conference language. Why? Because the Doggett language guarantees that we do what is right and that is to ensure no low-level radioactive waste is brought into Texas from any State other than Maine or Vermont.

Sierra Blanca is an inappropriate site for intensely radioactive materials. The consequence of placing this waste in an area that is earthquake-prone is reason enough to support the Doggett language. Add to that the potential threat that would be posed to the Rio Grande River, and I believe it is quite obvious why we would want to preserve this language in conference.

With nuclear power waste, I think it is pretty safe to say we do not get a second chance. Would we want this in our community without appropriate safeguards? I do not think so. And that is all my colleague is seeking to do, make certain safeguards are in place.

I urge my colleagues to vote to preserve this language in conference.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Colorado for yielding me the time.

Mr. Speaker, I rise today in support of the motion to instruct the conferees, as offered by the gentleman from Texas (Mr. HALL) and my colleague, the gentleman from Colorado (Mr. DAN SCHAEFER).

The Governors of Texas, Maine, and Vermont have all signed this compact to ensure that their States have the means to efficiently manage and safely dispose of low-level waste. They entered into the compact to meet the demands placed on the States by Congress through the Low-Level Radioactive Waste Policy Act. They complied. They met the mandate. They should be allowed to meet Federal demands without unnecessary burdens of unwanted amendments.

Congress, to this point, has approved 9 compacts and it has amended none, and it should not start now. There are others who feel this way. The National Conference of State Legislatures stated it would be inappropriate for Congress to attempt to alter a valid effort by the compact States to meet their responsibilities under the Low-Level Radioactive Waste Policy Act.

The National Governors Association said that since 1985, 41 States have entered into 9 congressionally approved compacts without any of these unnecessary amendments. The Texas-Maine-Vermont compact deserves to be the tenth. I urge my colleagues to support this motion to instruct and to allow the States of Maine, Vermont, and Texas to properly dispose of the low-level waste.

Mr. BONILLA. Mr. Speaker, I yield 3 minutes to the gentleman from San Antonio, Texas (Mr. RODRIGUEZ), my neighbor, friend, and colleague.

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

Mr. RODRIGUEZ. Mr. Speaker, I oppose the Texas-Maine-Vermont low-level radioactive waste dump bill.

This bill as originally written would allow waste dump operators to dispose of waste in Texas from States other than Texas, Vermont, and Maine. That is simply unacceptable.

I served in the Texas legislature in 1993, when the Low-Level Radioactive Compact was approved. At that time the supporters of the bill insisted that only waste generated by the three member States would be disposed at the site. It was on that understanding that the legislators approved the legislation.

For this reason, I believe we should maintain the amendment by my colleague from Texas and the distinguished Senator from Minnesota to guarantee that the site will not become a national dumping ground in west Texas. Supporters of the waste site oppose this amendment on the grounds that it may force the 3 States to re-ratify the compact.

I have seen the arguments, and this is not the case. Even if that is the case, however, I think that is the right thing to do and we should not avoid the issue merely because of convenience. There should not be any hurry to move on this particular motion, to move on this particular piece of legislation.

□ 1900

Furthermore, we should retain the other amendment from the Senate which allows the party to bring suit in case of discriminatory waste dumping. I believe that this safeguard for the residents of the Sierra Blanca is necessary in light of the predominantly minority population in the region where this facility may be located. Approximately 76 percent of the residents are Hispanic; 39 percent live in poverty in the area.

The site is not for relatively harmless medical waste. In fact, there is an effort at amending the site permit to include dumping parts of reactors, not just clothing and instruments.

This is not an issue about States rights. It is about self-determination, self-determination for the community and the land around it and the impact that it has. The residents have not received a fair chance to be able to make a decision on what will be occurring in their backyards.

A recent study, by the way, showed that, of the three existing sites that we have out there in Utah, Washington, and South Carolina, I want you to listen to that, the study indicated that there is a life expectancy of over 29 years. So there is no need for us to move until the year 2027.

Listen to this, in addition to that, beyond that, they have the potential of going up to almost 260 years in the existing sites.

So why are we doing what we are proposing? The only thing I can figure is for economic reasons and deciding to move in that direction. I would ask that we take this very seriously, that we take the time to study. Finally, it is a bad policy and is divisive.

As we look at our agreements with Mexico, we had an agreement in 1983, the La Paz Agreement. In that particular agreement, we talked Mexico into making sure that nothing occurred 60 miles from the Rio Grande on either side so we would not pollute the area. So what has happened? We are the ones that have polluted. We are the ones that are doing the site right next to it.

I ask Members to vote against it.

Mr. REYES. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas (Mr. REYES) has 6½ minutes remaining.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. GREEN), a member of the committee.

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

Mr. GREEN. Mr. Speaker, I thank the gentleman from Colorado (Mr. Dan SCHAEFER), my subcommittee chairman of the Committee on Commerce and Subcommittee on Energy and Power for allowing me to speak tonight.

I rise in support of the motion to instruct conferees. The States of Texas, Maine, and Vermont deserve and expect congressional approval for the disposal and storage of their low-level radioactive waste. Since 1985, Congress has improved nine compacts which include 41 States, so we are not breaking new ground by this legislation. It is vitally important that we move this bill quickly.

In fact, that is frustrating, Mr. Speaker, because I was in the State senate when we approved the compact as a State legislature in 1991. We did not approve the site; that was left to the experts. And now they, the experts, have picked a site in west Texas. It may not have been the one I picked, but I know we need a low-level site. So that is why we are here today, to authorize that.

If the State of Texas wants to pick another site, let them do that, but there is no reason why we should make that decision here on the floor of the House. The better place to do it is in the halls of the State legislature. So, anyway, I support the bill.

Under the terms of the Texas-Maine-Vermont compact, low-level radioactive waste produced in each State will be carefully disposed of at a single facility. Again, it is in west Texas.

I share the concern my colleague from San Antonio has with the 60 miles of the border, but we also have pollution that goes both ways across the border. In fact, it was ironic, last week, last fall rather, I was in California and saw cross-border pollution in California, both ways, from both northern Mexico and from southern California. So we have that problem on both sides within 60 miles of the border.

There is a need for this. Many other States are part of the compact. We need to have Texas and Maine and Vermont have their compact so we can protect the citizens of Texas, because, otherwise, this compact, without this approval, could ultimately be the low-level waste site for all the country. That is not what the States want. That is why other States have created compacts and that is why it is important for Texas to do this.

The waste will be transported from hospitals and university research centers, utilities, and other waste producers in each State to a safe, permanent disposal site to be built in Texas.

Much has been said about the proposed site for the waste disposal facility. In fact, the permit to build the waste disposal facility in west Texas has been requested from our Texas Natural Resources Conservation Commission.

If the Commission finds that the permit meets all of the requirements, it will grant that permit. If Congress does not approve this bill under the Interstate Commerce clause, Texas must accept low-level waste from all other States.

H.R. 629 would allow Texas to limit who sends waste to the facility and be in compliance with the Low-Level Radioactive Waste Policy Act, just like 41 other States, Mr. Speaker, had their ability to limit it in a compact.

Again, Texas, there are three States; I think the minimum number of States that can be in a compact is three States, and so Texas and Maine and Vermont had made this agreement. Again, this is over a period of years. This just did not happen yesterday or last year.

When this first was being discussed, Ann Richards was the Governor of Texas, and now George Bush; and Ann Richards supported a low-level compact just like George Bush supports it.

The compact makes it possible to manage a Texas facility in an orderly and efficient manner. Without the compact, we would have no control in Texas over access. The Texas, Maine, and Vermont compact is an excellent arrangement between the three States, and it has received overwhelming bipartisan support in the legislatures of all three States.

I know because, again, I was there in 1991. We approved the compact commission decision, not the site selection. That, again, is best left to the local legislature and the local experts to do that, not here on the floor of Congress.

We can debate all day whether we like the site in west Texas, or maybe we would like a site in the district of the gentleman from Texas (Mr. RODRIGUEZ). That was one I heard earlier that was proposed in the earlier part of this decade.

Let us let the folks in Texas make that decision and not here, because we do not have that expertise on the floor.

So I urge passage of the bill and support H.R. 629.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I rise today in strong support of H.R. 629, the Texas-Maine-Vermont Low-Level Radioactive Waste Compact.

The Low-Level Radioactive Waste Policy Act and its 1985 amendments make commercial low-level radioactive waste disposal a State, not a Federal responsibility. Since that time, 41 States from every region of the country have come together to form compacts.

Essentially, all we are asking today is that our three States be given the same consideration that every other State which went before us received in this process.

In every instance, Congress has understood the benefits of these compacts and has recognized the rights of the different States to come together in their own best interests to form these compacts. In fact, each of these waste compacts passed by voice vote and without amendment.

This compact has been overwhelmingly approved by the legislatures of Texas, Maine, and Vermont. It has the very strong support of the governors of the three States. It has the support of all the Senators from Texas, Vermont, and Maine, all of the House Members from Vermont and Maine, and as I understand it, about two-thirds of the members of the Texas congressional delegation.

We hear a great deal of discussion in this body about devolution, returning powers to the States. If we believe in that concept and believe that States should have the right to come together in their own best interests to address this very difficult issue, then today's vote should be an easy one. This legislation won by a vote of 309 to 107 last year and should be strongly supported today.

Mr. DAN SCHAEFER of Colorado Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Colorado (Mr. SCHAEFER) has 26 minutes.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I also rise in support of the motion to go to conference on H.R. 629. This is simply the opportunity for Texas, Vermont, and Maine to continue the process of gaining congressional approval for their low-level radioactive waste compact.

The House voted, as several speakers have said, last November by a vote of 309 to 107 to approve this compact. The Low-Level Radioactive Waste Act places the responsibility for the disposal of low-level waste upon the States.

I do want to come back to my good friend, the gentleman from Ohio (Mr. KUCINICH) who, earlier on, made a reference to Maine Yankee. Maine Yankee is, of course, the owner of the nuclear power facility that is now in the process of decommissioning in Maine. But Maine Yankee's position is now different than it was last year.

By letter dated March 12, 1998, Maine Yankee makes it clear that it does not object to the proposed compact. It has satisfied itself that it can dispose of its waste in the interim, but it does urge that the compact pass with no amendments.

Under this act, the States of Texas, Vermont, and Maine crafted a compact to meet their needs. In Maine, this compact was approved by a three-to-one margin during a referendum. This was not simply passed by the State legislature, which it was, but it was passed on a referendum by the people of Maine.

Over the past several years, Congress has approved nine such compacts covering 41 States. The time has now come

to add to that list. It is very important from our point of view that, once the bill goes to conference, a clean bill without amendments, without amendments, is reported back to the House and Senate. The member States are opposed to any amendments to the bill. The amendments to the compact will only cause delay and added costs due to likely litigation.

This compact did not come easily. It was the result of several years of good-faith negotiations by the three member States. Maine and the other member States do not deserve the additional costs and additional delays that would be the result of unwanted amendments.

No compact before this body, no compact has ever been amended without the express consent of the member States. In this case, no consent has been given by Maine, by Texas, or by Vermont.

Mr. Speaker, we must move this issue forward and allow Texas, Vermont, and Maine the opportunity to dispose of their low-level radioactive waste.

Mr. REYES. Mr. Speaker, I yield 5½ minutes to my good friend, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I can certainly sympathize with the comments of my colleague from Maine. I guess if I lived in Maine or Vermont, I would like to get this stuff as far away as possible as much as anyone else.

There are two very serious misnomers in this compact as proposed. One is that it is a low-level radioactive waste disposal site. It is low-level only as compared with higher level, but not as compared to the life of anybody sitting around here tonight.

Indeed, long after every person in this body is gone from this Earth and everyone who ever knew any of them is gone from this Earth and everyone who knew anyone on this planet is gone from this Earth, this radioactive waste is going to be very, very deadly.

Indeed, this radioactive waste that is going to be put out in Sierra Blanca, Texas, is going to be very deadly to humans for far longer than all of recorded human history in the existence of men and women on this planet. So it is a very momentous occasion when we consider the issue of what we are going to do with waste that is waste and is harmful for thousands and thousands of years.

□ 1915

It is true that nuclear medicine, as my colleague from Texas indicated, is important, and all of the wastes generated from the academics, from medicine, from other sources of this type as proposed would take up, I believe it is something like five ten-thousandths of a percent of the capacity of this dump site. Well over 90 percent would come from the nuclear power industry. So it is indeed misleading to suggest that we are trying to thwart nuclear medicine, which we certainly are not.

What we are trying to do is to ensure that something that is going to be extremely dangerous for tens of thousands of years is not inappropriately dumped on a poor, impoverished, heavily Hispanic area of Texas, that also happens to be environmentally unsuitable.

The second misnomer in this bill is something we can and have done something about, and that is it is labeled as the Texas-Maine-Vermont compact. Indeed it is so labeled. Yet in the fine print, as the comments of my colleague from Maine suggest, there is a little escape clause that says that a group of unelected commissioners, appointed by governors who have long forgotten about this compact, that this group of people can let anybody into this compact they want to, and have everybody dumping on the poor people of Sierra Blanca, Texas. That is wrong, and that is why this House of Representatives has already gone on record in approving an amendment that I offered to limit the compact to the title, Texas, Maine and Vermont.

The United States Senate did exactly the same thing. They approved the same kind of amendment. So the conferees ought not to have to spend any time on the issue of limiting this dump site to three states, Texas, Maine and Vermont, because both houses of Congress have already acted on this issue.

Unfortunately, our statewide elected officials in Texas have been strangely silent on it, and hopefully the fact that now both the House and the Senate have acted will give them the fortitude to come forward and speak out and say, ''Don't mess with Texas; don't dump everybody else's waste.'' At least limit it, if you are going to mess with Texas, to just the states of Maine and Vermont.

Indeed, that is exactly what they said. My good friend, the gentleman from Rockwall, Texas (Mr. HALL), told this body on October 7 of 1997 that by approving this compact, and I am quoting, ''Texas will be required to accept waste only from Maine and Vermont.''

The same comments were made by our colleague the gentlewoman from Dallas, Texas (Ms. JOHNSON), by the gentlewoman from Texas (Ms. JACKSON-LEE), and by a number of other of our colleagues, and it was reiterated by Governor George Bush in an interview with the Houston Chronicle on April 19th, that that was the objective of this whole proposal.

Well, if it is, let us write it into law, as we have done.

The suggestion of the gentleman from Maine and others that this somehow would require reratification is nonsense. There is no reason that simply holding these parties to what they presented to this Congress, of limiting it to those three states, would require reratification. Nor does it constitute any violation of the commerce clause, as some have suggested, since it deals exclusively with the compact and not all sources of waste.

But, you know, the real issue here is not the legalism, but the environmental soundness of this decision. The most recent report on the whole subject of nuclear waste dumping, one that came out in December of this past year, indicates we already have excess capacity, that the three waste sites that we have at present are perfectly adequate to meet future waste needs.

Senator WELLSTONE has done an excellent job of adding an amendment in the Senate that deals with this issue of environmental justice. I hope that it is maintained by the conference committee.

I think that the reason this site has been placed in Sierra Blanca, Texas, for Maine and Vermont, and perhaps for other states, is not because of environmental suitability, but because of perceived political weakness. We are today speaking out on behalf of the poor people of Sierra Blanca and all those that care about this nuclear waste issue, to say it is wrong to dump on them what we would refuse to keep in our own backyard.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield five minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the chairman very much for yielding me this time.

Mr. Speaker, this is a difficult question, as many times I come to the floor of the House and I join in with my good friend, the gentleman from Texas (Mr. DOGGETT), and fully appreciate the high moral ground that he now is able to stand upon dealing with the ultimate perceived impact that this legislation, H.R. 629, presents.

But, Mr. Speaker, I ask that this particular legislation go to conference, and I say to the gentleman from Texas (Mr. REYES), who has worked very hard on this issue, he can count on me to work with him to address the State legislature as to the question of site location, and would certainly, as I have indicated in previous debate, be the first to oppose what may be an already established site that would impact negatively on his immediate community.

But, Mr. Speaker, I cannot deny that this is the best approach. This answers the question, what now, and how? For it is through man's knowledge and expertise that we have been able to utilize nuclear science, nuclear technology.

It would be devastating, Mr. Speaker, for us to disallow the utilization of this technology, and, yes, it is in its own realm, very difficult and sometimes very dangerous. But that is why we have established the Low Level Radioactive Waste Policy Amendments Act, in order to be able to assure that Congress does not intervene or dominate on decisions that need to be made by the states.

In this instance, Mr. Speaker, we have the states of Texas, Maine and Vermont who have worked in a bipartisan manner to protect the life and safety of their residents and constituents. This has not been done haphazardly,

Mr. Speaker. You have had governors from parties, from both sides of the aisle, who have come together to negotiate this pact. I think it would simply be tragic for us not to allow this to now go to conference.

I do believe, as I have indicated in debate, that the gentleman from Texas (Mr. DOGGETT) has a very good point, and I hope in conference we can work out the agreement where this compact does relate to Texas and Vermont and Maine, but the question becomes, who does have the higher moral ground? Is it those who say we do not know where it should go, throw it to the wind, keep it in limbo, hold Maine hostage or Vermont hostage; or, when Texas has conceded to the point we can work it out, ignore the response of those in Texas?

I think, Mr. Speaker, we have a problem with nuclear waste, and we in our own human frailties have done the best that we can. Because I do not want to see the benefits of nuclear medicine, if you will, go down the drain, when someone laying on an operating room table needs that kind of technology and we cannot give it, because we have no way of disseminating the waste in a proper manner. These are life and death questions, Mr. Speaker, and I believe this low impact radioactive waste policy and the coming together of these states is the best approach.

Any day I will stand with my colleague the gentleman from Texas (Mr. REYES) in the selection. I asked in the last debate last year that the State not precipitously move forward, our State, the State of Texas, but to hold hearings and listen to the constituents and work to ensure that it not be in an area that may be heavily directed toward a low or poor income area.

I still stand on those words. But this is a good piece of legislation that should move through the conference. This is a good process for states to make the decision, and not the United States Congress. This is positive for states to become allies in this very increasing concern.

Mr. Speaker, we must as a country have a way of ridding ourselves of the waste of using nuclear energy or nuclear science in the question of doing what is best for us.

We have found, Mr. Speaker, that more and more of our energy concerns are not relying on nuclear energy, but they have in the past. They may in the future. It is best then for the states to move forward. This policy is one that directs the states to make their arrangements. It is not a Federal policy that dominates the states.

Mr. Speaker, we have had no authority, no choice, no decisionmaking on the site. I think it should be very clear.

I would argue, Mr. Speaker, this is good legislation, it should go to the conference, and we must find a way to make sure and ensure that all of our constituencies are safe; but we must do it in a manner where we are cooperating with the states. That is what this legislation does. I would ask my colleagues to support it.

Mr. BONILLA. Mr. Speaker, I yield the balance of my time, four minutes, to the gentleman from El Paso, Texas (Mr. REYES), who is on the right side of this issue.

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

Mr. Speaker, as many know, I have opposed this bill at every turn. On October 7, 1997, the House passed H.R. 629, in spite of overwhelming opposition by the residents of Hudspeth County, Presidio County, Jeff Davis County and others in West Texas.

I respect my colleagues that are on the other side of this issue. I respect the fact that they have strong opinions about the necessity of our State and Vermont and Maine to have a site where nuclear waste can be stored. However, this issue is about fairness. This issue is about understanding that a life in Sierra Blanca, Texas, is worth the same as a life in Rockwall, in Houston, and in any other part of this great country of ours.

I believe that this site threatens the health and safety of our citizens, our citizens that live in Sierra Blanca, Texas. In spite of the designation of ''low level,'' this dump would accept intensely radioactive materials, as my colleague the gentleman from Texas (Mr. DOGGETT) has stated.

The community of Sierra Blanca already has one of the largest sewage sludge projects in the country. The proposed dump site is also at risk in this particular area of Texas from earthquakes. According to the 1993 license application for Sierra Blanca, it is part of the most tectonically active area within the State of Texas. This radioactive site would effectively threaten the water supply of about 3 million people by threatening the Rio Grande River.

I also believe that this bill violates the 1983 La Paz Agreement with Mexico. This bill directs the governments of the United States and Mexico to adopt appropriate measures to prevent, reduce and eliminate sources of pollution within a 60 mile radius of the border. The State of Texas asserts that they just merely must inform the Government of Mexico on actions of this type. I disagree, the Mexican government disagrees, and in fact last week the Mexican Congress in a strongly-worded message passed a resolution taking an official position against the site of this nuclear dump.

During the debate on H.R. 629, the House agreed to an amendment offered by the gentleman from Texas (Mr. DOGGETT) that makes Congressional approval conditional and will be granted only for so long as no low level radioactive waste is brought into Texas from any other State other than Maine or Vermont. As introduced, H.R. 629 did not include that stipulation. This compact was promoted to the Texas legislature as a way to restrict out-of-state waste to those other than those two New England states. I strongly believe and those that support our position, which is the right position, believe that the Doggett amendment should remain as part of this legislation.

When the Senate considered this bill, it also included the Doggett language in the bill. I strongly support this language, and urge the conferees in the strongest possible way to leave this language in the conference bill.

The Senate has also unanimously agreed to an amendment which gives local residents and businesses the right to challenge the compact if they can prove discrimination on the basis of race. This area that has been selected is predominately Hispanic. Eighty-two percent of the residents of Sierra Blanca, Texas, are Hispanic. Therefore, this is a vital and important component in the legislation. Much of the local community believes that there has been discrimination, I believe that there has been discrimination, and the Senate amendment gives the local community a chance to prove its case in court.

Again, in closing, I strongly urge the conferees to preserve the language and think of the people of Sierra Blanca, Texas, and let us not make decisions on where we locate radioactive dumps on the basis of political impotence.

□ 1930

I think it would send a very strong and clear message to the community of Sierra Blanca, Texas, to west Texas, and those that ultimately are going to rely on the Rio Grande River as their main water source that this body, that the House and the Senate, care about the future of this area and this region of the country.

For that reason, I strongly recommend that if we are going to pass this kind of legislation, that it be with the Doggett amendments.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON), the sponsor of the bill.

Mr. BARTON of Texas. Mr. Speaker, I will be very brief.

This legislation passed the House 309 to 107 last year; it passed the Senate earlier this year by unanimous consent. There are 42 other States that have such compacts. The motion before us is simply to send the bill to allow the House to appoint conferees to go to conference with the Senate. I think we can all agree to that. If we pass this in the next several minutes, there will be no motions to instruct. We will just go to conference, we will let the conference work its will and then we will have one final vote of both the House and the Senate on this legislation.

So let us all vote in favor of appointing conferees and send this bill to conference.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further speakers. I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion

offered by the gentleman from Colorado (Mr. DAN SCHAEFER).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

For consideration of the House bill and the Senate amendment and modifications committed to conference:

Messrs. BLILEY,
DAN SCHAEFER of Colorado,
BARTON of Texas,
DINGELL, and
HALL of Texas.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3534, MANDATES INFORMATION ACT OF 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–529) on the resolution (H. Res. 426) providing for consideration of the bill (H.R. 3534) to improve deliberation on proposed Federal private sector mandates, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 512, NEW WILDLIFE REFUGE AUTHORIZATION ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–530) on the resolution (H. Res. 427) providing for consideration of the bill (H.R. 512) to prohibit the expenditure of funds from the Land and Water Conservation Fund for the creation of new National Wildlife Refuges without specific authorization from Congress pursuant to a recommendation from the United States Fish and Wildlife Service to create the refuge, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, FINANCIAL SERVICES ACT OF 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–531) on the resolution (H. Res. 428) providing for consideration of the bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM FORMER STAFF MEMBER OF HON. SAM GEJDENSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Donald N. Mazeau, former staff member of the Hon. SAM GEJDENSON, Member of Congress:

DONALD N. MAZEAU,
46 FENWOOD DRIVE,
Old Saybrook, CT, May 5, 1998.

Hon. NEWT GINGRICH,
Speaker,
Washington, DC

DEAR MR. SPEAKER, This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have been served with a subpoena ad testificandum issued by the Superior Court for the District of New London, Connecticut, in the case of FDIC v. Caldrello, No. 0511581.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DONALD N. MAZEAU,
Former Congressional Aide to Congressman Sam Gejdenson.

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of the following Members of the House to the Canada-United States Interparliamentary Group, in addition to Mr. HOUGHTON of New York, Chairman, appointed on April 27, 1998:

Mr. GILMAN of New York,
Mr. HAMILTON of Indiana,
Mr. CRANE of Illinois,
Mr. LAFALCE of New York,
Mr. OBERSTAR of Minnesota,
Mr. SHAW of Florida,
Mr. LIPINSKI of Illinois,
Mr. UPTON of Michigan,
Mr. STEARNS of Florida,
Mr. PETERSON of Minnesota, and
Ms. DANNER of Missouri.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). 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.

TRIBUTE TO STERLING, COLORADO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. BOB SCHAEFER) is recognized for 5 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I would like to recognize the hardworking people that live, work, and recreate in Sterling, Colorado. Sterling is the center of economic activity, professional services, and recreation for northeastern Colorado. The city is situated 2 hours northeast of Denver on the South Platte River. With a population of 11,000, the county seat of Logan County boasts a good environment and a strong, safe community. The community enjoys modern telecommunications technology and a solid infrastructure.

Sterling is easily accessible by plane, rail, and car. Located off I–76, the city is the hub of activity in northeast Colorado. With a regional medical center and a fully accredited junior college, Sterling provides valued medical and educational services to thousands of my constituents.

Recreational opportunities add to the high quality of life in this admirable community, including public and private golf courses, reservoirs, parks and portions of the Pawnee National Grasslands. Logan County contains rural farms which provide a good environment for people and wildlife alike and a vibrant agricultural economy.

Mr. Speaker, Sterling was recently named one of 30 finalists for the All-American City Award. Representatives from the community will appear soon before a panel in Mobile, Alabama in June to highlight the reasons why Sterling deserves such an award. The National Civic League and Allstate Insurance Company present the award each year to 10 outstanding communities around the Nation. Such recognition exemplifies the western spirit and strong values that bind this community together. Good schools, good services, and a good environment make Sterling ideal for new businesses and economic growth.

Mr. Speaker, I am proud of those that live in and around Sterling, Colorado.

ALLEGATIONS CONCERNING IMPROPER CONDUCT BY MR. STARR ARE AT LEAST AS CREDIBLE AS ALLEGATIONS AGAINST LABOR SECRETARY ALEXIS HERMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I have just asked the Attorney General to investigate the possibility that independent counsel Kenneth Starr may have improperly shared information and coordinated their activities with the gentleman from Indiana (Mr. BURTON), my friend, or his staff.

In support of this request, I point out that Chairman BURTON coincidentally released his selectively edited transcripts on the same day that Judge Starr announced his new punitive indictments of Mr. Webster Hubble. According to published reports, ''The transcription and editing process of the tapes was a crash project aimed to coincide with last week's new indictment of Hubble.'' Recent reports have also made it clear that members of Chairman BURTON'S staff had developed several close contacts in Judge Starr's office and communicated with them regularly.

For example, it was reported that several Republican sources confirmed that the gentleman from Indiana (Mr.

BURTON), this is a quote, ''refused to release the transcripts until the week Hubble was indicted for tax evasion and fraud, a committee source said. Mr. Bossee, one committee staffer, has several friends close to independent counsel Kenneth Starr and urged Burton to withhold the tapes until last week.''

Yesterday, a Republican aide on Mr. BURTON's committee was quoted in the press as admitting that the timing looked ''fishy,'' but he denied there was any coordination. Well, I agree that it looks bad and that it deserves investigation.

These facts raise a simple question: Did Judge Starr let Chairman BURTON'S staff know in advance that he was returning an indictment on Webster Hubble? If so, what other kinds of information is he sharing with Republican investigators? If Judge Starr has been sharing information with Chairman BURTON, these would constitute violations of law by the independent counsel himself.

Frankly, I believe these allegations are far more specific and credible than those which today compelled Attorney General Reno to seek an independent counsel for Miss Herman.

The Attorney General admitted that she found ''no evidence clearly demonstrating Secretary Herman's involvement.'' Nevertheless, a counsel was appointed.

It disturbs me greatly that the independent counsel law can produce this kind of result. Department of Justice investigators worked for 5 minutes and found no clear evidence of wrongdoing by Ms. Herman. Nevertheless, Attorney General Reno felt compelled to appoint an independent counsel.

Now, if the Attorney General can appoint an independent counsel, a person with unlimited resources and time and money to spend investigating these kinds of allegations, then surely it is appropriate for the Attorney General to at least investigate some of the disturbing coincidences that surround Chairman BURTON's release of the Webster Hubble tapes at the beginning of the month.

□ 1945

By the way, what was the purpose of Chairman BURTON subpoenaing tapes from the Department of Justice and then releasing them to the public? What was his point? What service was he providing, or thought that he was providing?

Judge Starr has said that the rule of law is supreme, and on that he is right. The law applies to all equally, including him, the Independent Counsel.

Mr. Speaker, I include for the RECORD a communication that I have from Attorney Stuart F. Pierson, counsel for Marsha Scott, who says that he has found that the questions put to him by the Burton committee were extraordinary in that they were virtually identical to the questions put to her less than 2 months ago before a Federal grand jury.

The material referred to is as follows:

LEVINE PIERSON SULLIVAN AND KOCH,
Washington, DC, May 8, 1997.

RICHARD D. BENNETT, Esq.,
Chief Counsel, Committee on Government Reform and Oversight, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

KENNETH W. STARR, Esq.,
Independent Counsel, Office of Independent Counsel, Pennsylvania Avenue, NW., Washington, DC.

DEAR MR. BENNETT AND MR. STARR: As counsel for Marsha Scott, I am writing to advise you of a concern which has arisen in connection with deposition questions propounded by majority counsel of the Committee on Government Reform and Oversight, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs (the ''Burton Committee'').

Ms. Scott has appeared five times before federal grand juries under subpoena by the Independent Counsel, once in Little Rock and the remainder in Washington, D.C. The last appearances were on March 26 and 31, 1998.

Prior to her appearances in March, Ms. Scott had been examined by the Independent Counsel about a wide variety of subjects, including her relationship with Webb Hubbell, her communications with Mr. Hubbell and people in the White House while he was in prison, his business activities following his resignation from the Justice Department, his financial condition, and conversations in the White House concerning him, his family and his financial condition. Ms. Scott answered all of those questions to the best of her ability.

Ms. Scott has also appeared at numerous depositions under subpoena by the committees of the United States Senate and the United States House of Representatives. On April 1, 1998, as a consequence of her withdrawal from a deposition that had become repetitious and vexatious, as taken by counsel for the House Subcommittee of the Committee on Government Reform and Oversight (the ''McIntosh Subcommittee''), Ms. Scott was required forthwith to appear at a closed-door hearing called by Mr. McIntosh. At that hearing, Ms. Scott agreed to return to complete the deposition by counsel for the McIntosh Subcommittee. Within ten days of that agreement, counsel for the Burton Committee called informally to advise that she intended to take deposition testimony in addition to that to be taken for the McIntosh Subcommittee.

On April 28, 1998, Ms. Scott returned for the completion of her deposition by the McIntosh Subcommittee. Following all testimony taken by counsel for that subcommittee, counsel for the Burton Committee appeared and conducted further examination of Ms. Scott over objection. It is that further examination that has raised the concern to which I refer.

While relatively short, the questioning by counsel for the Burton Committee was in at least five respects virtually identical to examination taken of Ms. Scott by the Independent Counsel before a federal grant jury on March 26, 1998. Specifically, both examinations addressed: (1) whether Ms. Scott was aware of any displeasure expressed by or for the First Lady about the possibility that Mr. Hubbell might sue the Rose law firm concerning his billing dispute; (2) whether Mr. Hubbell ever discussed the nature or extent of his cooperation with the Independent Counsel; and (3) what knowledge Ms. Scott had of conversations with, and the activities of Mr. Hubbell's accountant, Mike Schamfele. Additionally, both examinations repeated questions about any conversations Ms. Scott had with Mr. Hubbell concerning his clients after leaving the Justice Department, and any discussions in the White House that Ms. Scott was aware of concerning Mr. Hubbell's financial condition. The identity of such examination was particularly remarkable considering that Burton Committee counsel had asked to take it without any formal notice less than a month after the Independent Counsel has conducted its examination.

At the close of the examination by counsel for the Burton Committee, I asked that the committee and the subcommittee be advised that I found it extraordinary that the questions asked of Ms. Scott were virtually identical to questions put to her less than two months before in a federal grand jury. I reiterate that observation by this letter, and I request that a responsible representative of the Independent Counsel and the Burton Committee advise me by return letter whether the examination of Ms. Scott is a consequence of the sharing of any information, documents or consultation between the Office of Independent Counsel and the Burton Committee.

Sincerely,

STUART F. PIERSON,
Counsel for Marsha Scott.

TRIBUTE TO THE LATE CLAIR A. HILL

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from California (Mr. HERGER) is recognized for 5 minutes.

Mr. HERGER. Mr. Speaker, I rise today to share a great loss with my colleagues. On April 11 of this year our country lost Clair Hill, a man I was privileged to call a personal friend. Clair Hill's death is an incredible loss to our community, State, and Nation. He was a legend in his own time.

Clair Hill was an internationally renowned engineer who was the major contributor to California's water supply planning and management. Mr. Hill worked on California's water issues most of his great life, and he is one of the principal authors of the original California water plan developed in the 1940s.

Clair Hill was born in 1909 in Redding, California, located within my congressional district. A personal friend of mine, Mr. Hill was the founder and president of Clair A. Hill & Associates, an engineering firm that merged with CH2M in 1971 to form CH2M Hill.

Mr. Hill, who spent much of his life in Redding, died there on April 11, 1998, at the age of 89. The father of two sons, he was married to his wife, Joan, since July of 1935. Clair Hill was an avid outdoorsman, horse enthusiast, and world traveler. Clair Hill studied forestry at Oregon State University, working in the northern California logging camps during the summers. However, engineering was his eventual calling, and Mr. Hill graduated with a civil engineering degree from Stanford University in 1934.

Clair Hill worked with the Standard Oil Company in San Francisco and the California Bridge Department, now Caltrans, before returning to Redding in 1938 to found his engineering firm,

Clair A. Hill & Associates. He specialized in water resources, surveying, mapping, and structural engineering, before entering military service in 1941, during World War II. He served 5 years in the Aleutian islands. After the war, in 1946, he reorganized his firm, which grew steadily in responsibility and reputation in the post-war boom.

Working from offices in California and Alaska, Mr. Hill's firm served clients such as the U.S. Air Force, the Sacramento Utility District, and Pacific Gas & Electric Company. Clair Hill had an independent spirit, and his reputation was embodied in his motto, you will never succeed if you don't try.

This dedication and independence spurred Mr. Hill to obtain a pilot's license and purchase his own airplane, which he used to service projects throughout California and the Pacific Northwest. Frequently called ''California's Mr. Water,'' Clair Hill was well known as a major contributor to California's water supply planning and management, having served for 32 years in the California Water Commission, 18 of those as chairman.

While on the commission, he signed California's original State water plan, which outlined projects that today store water in the State's northern section for use by communities and industries throughout the State of California.

In 1988 I was proud to assist in renaming Whiskeytown Dam, near Redding, as the Clair A. Hill Whiskeytown Dam. Mr. Hill's assistance and advocacy led to the development of the dam and reservoir to benefit the Redding area as part of the government's Central Valley water project. Although Clair Hill retired as CH2M Hill's California regional manager in 1974, he remained active as a consultant and adviser to the firm's water resources practice until just recently.

Mr. Hill was the only honorary life member of the California Water Commission. Last year he was one of eight civil engineers nationwide to receive an honorary lifetime membership in the American Society of Civil Engineers. Clair Hill was also the first recipient of the Association of California Water Agency's Lifetime Achievement Award, and the National Academy of Engineering elected him to membership in 1992.

As I mentioned before, it was truly a privilege to count Clair Hill among my good friends. He will be missed by many, and he will never be forgotten. Clair Hill, our Nation thanks you.

''SHORTAGE'' OF INFORMATION TECHOLOGY WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KLINK) is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, I have risen before to talk about the H–1B program, and I think it is time to do it again, because so many of our colleagues have not looked at this program.

A lot of people say, ''H–1B, it sounds like a new Air Force plane.'' What in fact it is is a program which allows foreign workers to come here temporarily for a 6-year period and take jobs that otherwise would have gone to American citizens. We permit that when the companies have a hard time finding people with specific skills.

In particular, the H–1B program was started back in 1990 to alleviate what was then seen as an anticipated shortage of scientists and engineers, particularly at a Ph.D. Level. I do not think that ever particularly was proven to have come about, because in the interim the Berlin Wall fell, and the demand by our defense industry was a lot less than we thought it should be.

The problem with this program is that there is now no universally accepted definition of who these high-tech workers need to be, particularly as it goes to the information technology area. The reason I stress the information technology area is because under the current program, we allow 65,000 temporary workers to come in a year.

The Information Technology Association of America is now coming to Congress and saying, 65,000 temporary workers is not enough. The fact of the matter is that we never came close to hitting 65,000 until last year. All of a sudden a lot of companies out there, particularly in the temporary training and temporary employee business, have discovered this as a way of making a lot of money.

They have discovered a method whereby they can find workers who come from various countries, from Pakistan, from India, from Russia, and they can bring those workers in here, and they are really little more, Mr. Speaker, than indentured servants. While they have H–1B status, the visa is for an occupation, not for a certain person. That person can be underpaid, they can be forced to work 7 days a week until they get their green card, until they are forced to go back home again. How many of them are going to complain? In the meantime, these high-tech jobs are not going to our kids who are graduating from colleges and universities with degrees, and could easily be trained to go into these fields.

In particular, in information technology, that industry has defined their technology so broadly as to try to overdemonstrate the need for IT workers. Yet, they define very narrowly what the skills are that are needed to fill these jobs.

The Information Technology Association of America and the Commerce Department of the United States government defined the pool of qualified IT workers as those who have obtained a bachelor's degree in computer or information science. They did not consider degrees or certifications in computer or information science other than a B.A. degree in those areas. They did not stop and think that somebody who has a degree in business or social science or math or engineering or psychology or economics or education could be trained to do this technical work.

As I have railed against this, some of these companies that are out there hiring these foreign citizens to take these jobs that I think American citizens could be trained to take, now all of a sudden they have begun to strike back. One of them wrote to the Pittsburgh Post-Gazette this weekend. I was kind of amused by this. She owns a company, and this lady's name is Christine Posti. She owns a company called Posti & Associates.

She says that I ask why our companies cannot do the right thing and train American workers. That is the question I do ask. Ms. Posti says that I am under the mistaken impression that business exists to educate our citizens, when really, it is up to the government to educate workers.

I am amazed. It is now up to the Federal Government, that big Federal Government, that is supposed to go out and do all the job training for all the companies in America. They bear no responsibility. We are going to let big government take care of that. Who pays for that? The fact of the matter is that the taxpayers at every level, local property taxpayers, State taxpayers, Federal taxpayers, are being asked by people like Ms. Posti to go out and subsidize their companies. We are supposed to train people.

If they cannot find people in the education system that are already trained to do it, they will go get foreign workers, bring them here, and have them take the jobs. What are our children supposed to do? What are our displaced workers supposed to be retrained to do? What kind of a society will we have in this country?

If Members remember NAFTA, when we voted on NAFTA back in the 103rd Congress we were told, we are going to lose the manufacturing jobs. As we go from a manufacturing society into an information technology society, the new information technology jobs will go to our people. Now here we are, only 4 years later, and we are being told that our students and our workers are too dumb. We have to bring people in from other countries to do it.

I would ask my friends and colleagues to take a look at the H–1B program. Do not be fooled. Keep Americans in the American jobs.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES 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 Texas (Mr. EDWARDS) is recognized for 5 minutes.

(Mr. EDWARDS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AIR FORCE PILOT RETENTION ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I wanted to talk a little bit tonight about the state of our military. I was with my good friend, the gentleman from New Jersey (Mr. JIMMY SAXTON) and the gentleman from Georgia (Mr. SAXBY CHAMBLISS), two great members of the Committee on National Security this morning, observing a very interesting and unusual exercise from our takeoff point at Andrews Air Force Base. That was the refueling of a C–5 aircraft somewhere over Pennsylvania. We went up and married up with an aircraft and refueled her out of Dover, out of Delaware, undertook a refueling.

We had an opportunity to talk to our folks, our military folks, while we were doing that, briefly, before the flight and during the flight. Mr. Speaker, I harken back to the days when I came into Congress in 1980. In those days one of our biggest problems was what we called the people problem.

Coming from a Navy town, San Diego, I saw that problem manifested in the thousands of chief petty officers who were getting out of the Navy. Those were the people that really knew how to make the ships sail. It was a tremendous loss. We had a thousand petty officers a month leaving the Navy, and we could not replace them.

As I was briefed by these fine young men and women in the Air Force this morning, I could see that we are revisiting that people problem. It is probably across the board, but what we focused on today was the United States Air Force.

I want to quote General Ryan, Chief of Staff of the Air Force. He said that last year more than 800 pilots refused bonuses of $60,000 to extend their time in service 5 years beyond the 9 they signed up for. Only 36 percent of the pilots at the 9-year mark agreed to stay on, while the Air Force goal was 50 percent, to avoid shortages.

Mr. Speaker, that means that we are going to probably have a shortage of about 835 pilots this year. The taxpayers pay about $6 million, on the average, to train a pilot. When we lose a pilot from the United States Air Force and he goes out ahead of his retirement time to work for an airline company or to gain employment in another civilian field, we lose a great asset.

□ 2000

We not only lose the $6 million of training time because when we find another pilot to take his place, we have to expend that $6- to $8 million to train that pilot up, but we also lose the great experience. And, of course, there is a time lapse between losing those experienced pilots and bringing on the newly trained pilots. So we are losing this resource.

We have been asking people why they are leaving. They are not leaving because of money. A few of them are citing dollars or pay as a reason for leaving, but a lot of them are citing, most of them are citing what they call quality of life. And a lot of that has to do with what we were told about this morning as being the extreme OPTEMPO of our operations. We have a much smaller Air Force now, for example. We are down from 24 fighter airwings during Desert Storm to only about 13 today. Of course that reduction is reflected across the array of U.S. Air Force aircraft. What that means, if you are a pilot or a crewman on one of those aircraft or a ground crew, is that you are going to be working longer hours. You are going to be called up when you do not expect to be called up and when you have some pressing business to do with your own family. That means a lot of our folks are not there to see their son's graduation or their daughter's wedding or any of the other things that we do on the civilian side, on the family side that makes life bearable.

Because of that, a lot of folks are saying, we are not in a war, this is not an emergency; I am going to get a job in an area where I can spend a lot more down time with my family. So this is a family decision that people are making sitting around the kitchen table and unfortunately they are making it, they are coming down on the side of leaving the Air Force.

Mr. Speaker, a lot of these folks that are leaving are the senior people who are qualified in very important fields. A lot of them are instructor pilots. A lot of them are examiner pilots. Aerial refueling-qualified pilots, that is very important because the United States has the bulk and the backbone of the free world's refueling capability. A lot of them are airdrop-qualified pilots and special operation pilots. And so, Mr. Speaker, we are facing this time when, even though we are paying $22,000 additional bonuses now to try to keep these pilots in, we are seeing this continued retreat and exodus from the Air Force of some of our most valuable and qualified people.

We are going to have to do something about that. It is probably going to be, part of that answer to this problem is going to be raising the top line because we are going to need to have more planes and more pilots if we are going to do this job that we have been asked to do over the last several years which has extended our OPTEMPO. I will be talking tomorrow about some other problems.

ON CHILD CARE

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

Mr. SNYDER. I could not help but think, when the gentleman from California (Mr. HUNTER) was speaking, I have Little Rock Air Force base in my district and one of the places I like to visit on the base is the child care center there. It is a top flight, very high-quality child care at the center, but it is one of those issues that most Americans do not think about, that so many of our military dependents now have children and they have to be cared for or their parents will decide to get out of the Air Force.

What I wanted to discuss briefly with my colleague, the gentleman from Maine (Mr. ALLEN) is this issue of quality child care. I am from Arkansas. We have a lot of working families there that have two folks working or single-parent families and the parent needs to work. How do you find quality child care during the day or the evening when your kids are home alone?

I am also a family doctor. We have seen a lot of research come out in the last couple years about how important brain development is in the early years of a child's life and that again points to the need for quality child care.

A lot of my district, Mr. Speaker, is rural. As I have traveled around the district, a lot of the parents do not have the option in the rural areas for quality child care that some of the other areas of my district and of the country do. Based on that basis of information and experience, the gentleman from Maine (Mr. ALLEN) and myself worked on a bill that would provide a source of funding that would give school districts in America the option of beginning a quality child care program for their parents if they should choose to in their school districts.

I yield to the gentleman from Maine (Mr. ALLEN) to discuss the topic further.

Mr. ALLEN. I thank the gentleman for yielding to me.

Mr. Speaker, the gentleman from Arkansas (Mr. SNYDER) and I have been working on this legislation for some time. It is called the Education Child Care Partnership Act. This has been something we and our staffs have really put some time and energy into. It is a bill that, if passed, would really expand working families' options for quality care for their young children.

In Maine, when I ran for this office, I called for a new national initiative on child care, and I did that because as I traveled around my district in Maine, what I heard from young parents consistently, day in and day out, was that they were finding that child care was, number one, not readily available and, number two, often more expensive than they could afford. Every day all across this country many parents simply have to go to work and now trust the most precious, the most important people in their lives, their children, to someone else.

We have in this country 13 million kids under the age of 6 in child care during the day. And too much of that child care is of mediocre quality but still not affordable to most working families. The Education Child Care

Partnership Act, which the gentleman from Arkansas (Mr. SNYDER) and I have been working on, would provide families with an affordable, accessible, and quality option for child care for our youngest children.

The bill really focuses on children between the ages of zero and six. It earmarks funds within the child care and development block grant for States to fund local education agencies which choose to provide full-day, year-round, school-based child care for children age zero to six. What we are looking for is a seamless system of childhood, early childhood education, because what we have found is that sometimes we have a child care system over here with some child care centers and lots of in-home care, and then over here we have an education institution which really does not begin until the ages of 5 or 6.

What we need to do is create, for those States that want it, complete flexibility, complete choice, the option of funding some child care in a school-based setting for a wide variety of reasons. It can be cheaper because the facilities are already provided. It can be quality, because the playground is already there and more resources can go into the care givers.

So that is why we did this work, that is why we put this bill together.

I thank the gentleman from Arkansas for all his work on this bill.

Mr. SNYDER. Mr. Speaker, I want to describe a situation in one town when I first started thinking about this idea, in Pangburn, Arkansas in White County. White County is where Harding University is, if you are familiar with that college. About 12 years ago the superintendent of the school board there decided that they had a need for child care. They had an industry there. There was no profit or nonprofit groups that had come in with child care and so they took an old building on the campus and converted it into quality child care that begins at 6 weeks. It is now a model for what can be done in a State if a school district chooses to.

I wanted to say a couple things. First of all, one of the things I like about this plan is it is completely local control. It is an elected school board that can decide to participate or not to participate in applying for these grants. Also the way we have crafted the bill, it does provide some money there that the money could be used to help build the facility, a quality child care facility.

MORE ON CHILD CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, I would like to continue this dialogue just a little bit longer and start with a few remarks, and then I will yield back to the gentleman from Arkansas (Mr. SNYDER) again.

One of the things I found is that for families with more than one child, transportation issues can really be a headache because they have got one child in school, another child going to child care somewhere else in the city or town. And if they can drop their children off at one place, life is simpler. And some school-based programs extend the use of school bus services to children participating in child care programs.

I think this is a new direction for child care and education in this country. It is not going on everywhere, but it is going on in my district in Maine. It is going on in Arkansas. It is going on in a number of places around the country. Some families, some parents tell me that when a school vacation comes or summer vacation comes, it is really hard to find a place for our kids to go. We do not want to leave them at home watching television all the time. We want someplace where they will be motivated, interested, and have some programs that are helpful to them. The programs that would be eligible under this bill are full-day, year-round programs. So they would be targeted at schools that will stay open during school vacations for the purposes of providing child care, and they will stay open during the summers for the purposes of providing child care.

Quality school-based care programs utilize existing resources in that school, such as arts supplies, sports equipment, playgrounds and so on. And it really gives school employees and social service agencies a way to enhance the quality of the programs that they provide.

I believe that school-based care makes logical sense for both school-aged children as well as preschool children. I believe firmly that if we do not deal with the issues that kids have between zero and six, if we do not pay attention to that age group, we are missing a chance to help kids get off on the right foot. What we need is the national will to leave no child behind and the resources to make that happen. I believe that a country that can support the salaries of players in the NBA and the NFL and major league baseball can take better care of its kids.

So I rise today to challenge my colleagues to commit to policies and practices that reflect the importance of those early years in a child's life. Our mission is simple: Leave no child behind.

I want to thank the gentleman from Arkansas (Mr. SNYDER) because the Education Child Care Partnership Act has been a partnership between our offices, and we now can look forward to having other Members of this body support it.

I yield to the gentleman from Arkansas (Mr. SNYDER) for concluding comments.

Mr. SNYDER. First of all, anyone involved in child care recognizes there has been tremendous work done by other entities. We do not see this as being a competition. We actually would only see school boards stepping in if there was not quality child care going on in their communities. So there is always going to be a place for the profit-making ventures, the nonprofit churches that have child care for Head Start. This is not intended at all to be competing with those. But when you have communities, particularly in rural areas, that do not have any of those options available or the options there are are not meeting the need, I think this gives a community another option through their local officials with completely local control. Also just the quality aspect of it. I was visiting one school one day that had an early childhood program connected to a school building. The kids were taken down to the science lab when there was a teachers' break from other classes and these little kids, little toddlers, were getting little science demonstrations there in the high school science lab. So there are tremendous opportunities for a community to put together a program. We are intending this grant money to be start-up money to help the schools meet the needs in their communities for quality child care.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. WISE) is recognized for 5 minutes.

(Mr. WISE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE MINIMUM WAGE INCREASE

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, Members in the Congress recently released a report, ''Making Work Pay,'' by the Economic Policy Institute which examined the impact of the increase in the minimum wage in the 104th Congress to $5.15.

This report was most encouraging, concluding that increasing the income of the working poor was good for them and good for the Nation's economy. These report findings give strong support for a further increase in the minimum wage. As some are aware, there is legislation to increase the minimum wage to $6.15 an hour by the year 2000. We should consider this legislation this year.

The last increase was during the 104th Congress by 90 cents over 2 years, from $4.25 to $5.15. The last time the wage was increased by Congress before the 104th Congress was 1991.

Since 1991, the minimum wage remained constant while the cost of living rose 11 percent. That is the cost for food, the cost for transportation, cost for shelter and energy to heat our homes.

A single mother supporting two kids at a minimum wage makes $10.70, $2,600 below the poverty line. The report demonstrates that raising the minimum wage benefits primarily adult workers. The report indicates that almost three-fourths, that is 71 percent

of all minimum wage workers are adults over the age of 20. In addition, nearly two-thirds, 58 percent of those adult persons are women. Also it is twice as likely that the minimum wage worker will be from rural communities than from urban communities.

We also know that greater than one-third, 36 percent of all minimum wage workers are the sole wage earner in a family.

□ 2015

Fifty-eight percent of all poor children have parents who work full time. More than 4 million individuals worked at or below the minimum wage in 1993, and another 9.2 million earned just above the minimum wage.

The report indicates that some 10 million low-wage workers benefited from the last minimum wage increase, ten million.

Increasing the minimum wage goes a long way towards helping the millions of working poor in this country. An increase of $1 in the minimum wage is an additional $2,000 for a minimum-wage worker working full time year round.

Other recent studies on Federal and State minimum wage reform have shown that an increase in the minimum wage can occur without having any adverse effect on employment. A higher minimum wage can make it easier for employers to fill vacancies and may decrease employee turnover.

A recent survey of employment practices in North Carolina, after the 1991 minimum wage increase, found that there was no significant drop in employment and no measurable increase in food prices. The survey also found that workers' wages actually increased by more than the required change.

In another study, the State of New Jersey raised its minimum wage to $5.05, while Pennsylvania kept its minimum wage at $4.25. The research found that the number of low-wage workers in New Jersey actually increased with an increase in the wage, while those in Pennsylvania remained the same.

A report as of January 1998 showed that the employment in the fast-food industry increased by 11 percent in Pennsylvania and by 2 percent in New Jersey after the 1996 increase. They said that would not happen, an actual increase in the number of workers in the fast-food industry.

The best welfare reform is a job at a livable wage. Raising the minimum wage would make it easier for people to find an entry-level job that pays better than a government subsidy and creates a strong incentive to choose work over welfare.

In 1993, there were 117,000 workers in the State of North Carolina that were working at below the minimum wage.

The American public supports a minimum wage increase. National polls have found that close to two-thirds of all Americans favor increasing the minimum wage.

Job growth in America is the lowest where the gap between the incomes at the top and the lowest level is the greatest, so when we have such a great disparity, we also have a low rate of job growth. Increasing the minimum wage goes a long way towards closing the gap, helping to create jobs rather than reducing jobs.

This important report, when combined with other empirical data, is clear evidence that, indeed, it is good for people and good for our economy.

INDIA'S NUCLEAR TESTS: A CALL FOR INTERNATIONAL NUCLEAR DISARMAMENT

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, India conducted three underground nuclear tests in its Pokhran Range with a combined force of up to 20 kilotons. Although the Indian Government claims the underground explosions did not result in radioactive fallout, the fallout from the international community has been incendiary, marked by protests and condemnation.

I submit, Mr. Speaker, that India's return to nuclear weapons testing is highly regrettable, as it threatens stability not only in south Asia, but the whole world, and this latest action by India clearly undercuts nuclear nonproliferation efforts around the world.

While these developments with India are unfortunate, Mr. Speaker, many would find India's actions to be both understandable as well as predictable. In refusing to join in the Comprehensive Test Ban Treaty and Nuclear Nonproliferation Treaty, India has long argued that the treaties are discriminatory and clearly one-sided because they maintain and perpetuate a world of nuclear haves and have-nots, a world where five nuclear nations clearly have distinctive advantages over all other countries.

To remedy this inequality, India has rightfully called for global nuclear disarmament and verifiable arrangements for the elimination of nuclear weapons arsenals by the superpowers.

Since its 1974 test, as a sign of good faith, India has forgone nuclear weapons testing. For almost 2½ decades, India has demonstrated nuclear restraint, while five nuclear nations, the United States, Russia, France, Great Britain and China, have conducted scores of tests in the face of worldwide disapproval.

Now, Mr. Speaker, citing legitimate security concerns with nuclear-armed China and Pakistan's close alliance with Beijing, it is not surprising that India has chosen to exercise the nuclear option. Because of this, there is fear now that Pakistan may follow suit and test a nuclear device of its own.

Mr. Speaker, the only way to stop this spiraling proliferation of nuclear weapons around the world is for the nuclear nations to take responsibility and set an example. How can the United States and the other four members of the nuclear club continue to argue and to urge other countries to forgo nuclear weapons while reserving the right to keep our own nuclear weapons for ready use? If this is not the height of hypocrisy, Mr. Speaker, I do not know what is.

To put it another way, Mr. Speaker, this is like having the five nuclear nations tell India to tie its legs and hands by not becoming a member of the nuclear club, and any time China feels like threatening India with its nuclear arsenal, it is perfectly all right because it is within the spirit of the Nonproliferation Treaty.

With the Cold War over, it is madness, Mr. Speaker, that the United States and Russia alone still have over 5,000 nuclear missiles poised to fire within seconds at each other or any other country that may pose a threat and, still, over 15,000 more warheads on operational alert. In total, over 36,000 nuclear bombs threaten the existence of this planet.

Mr. Speaker, it is time that the nuclear powers negotiate a nuclear weapons convention that requires the phased elimination of all nuclear weapons within a time frame incorporating proper verification and enforcement provisions.

Moreover, Mr. Speaker, the former commander of the U.S. Strategic Air Command, General Lee Butler, and a former Supreme Commander of all NATO forces, General Andrew Goodpaster, representing a group of 60 retired generals and admirals, have concluded the only way to end a nuclear threat is to eliminate nuclear weapons worldwide. As General Butler has stated, and I quote,

> Proliferation cannot be contained in a world where a handful of self-appointed nations both arrogate to themselves the privilege of owning nuclear weapons, and extol the ultimate security assurances they assert such weapons convey.

Mr. Speaker, it is time for the United States to show real leadership as the only true superpower in the world. We have no match for our military capabilities, both in terms of conventional or nuclear weapons resistance. From a position of strength, it is incumbent that we have the courage envisioned to initiate negotiations for the elimination of all nuclear weapons by the nuclear powers to free the world of this threat.

Mr. Speaker, if we fail to do so, it is clear that the example of India's testing yesterday will herald the beginning of a new chapter of nuclear proliferation that will inevitably result in a nuclear tragedy of unimaginable suffering.

Mr. Speaker, I submit for the RECORD three articles relating to the topic I have been speaking on this evening.

[From the New York Times, May 12, 1998]

INDIA SETS 3 NUCLEAR BLASTS, DEFYING A WORLDWIDE BAN; TESTS BRING A SHARP OUTCRY

Countries with a declared nuclear weapons capacity: United States, Russia, France, Britain, and China.

Countries known to have nuclear weapons capacity: India, Pakistan, and Israel.

Countries seeking nuclear weapons capacity—Iran: The State Department believes that Iran is actively developing nuclear weapons, in part with its civilian nuclear energy program. Iraq: The State Department believes that Iraq aspires to have nuclear weapons but has stopped development because of the United Nations inspections.

North Korea: The Clinton Administration believes that North Korea was actively developing nuclear weapons until 1994, when an agreement was reached to freeze the country's known nuclear weapons development activity.

INDIANS RISK INVOKING U.S. LAW IMPOSING BIG ECONOMIC PENALTIES

(By Tim Weiner)

WASHINGTON, May 11.—India's nuclear tests today brought into play an American law that could block billions of dollars of aid to India, and it prompted American officials to plead with Pakistan not to intensify a regional arms race by conducting its own atomic tests.

Samuel R. Berger, the national security adviser, said he and other top officials were scrutinizing the never-used 1994 Nuclear Proliferation Prevention Act, a Federal law which orders President Clinton to impose severe penalties on nations conducting nuclear tests or selling nuclear weapons. The law on nuclear tests covers nations that are developing nuclear weapons but excludes the declared nuclear powers, Russia, China, Great Britain and France.

The law requires Mr. Clinton to cut off almost all Government aid to India, bar American banks from making loans to its Government, stop exports of American products with military uses such as machine tools and computers—and, most importantly, oppose aid to India by the World Bank and the International Monetary Fund. India is the world's largest borrower from the World Bank, with more than $40 billion in loans; it is expecting about $3 billion in loans and credits this year. Last year, of $19.1 billion of the World Bank committed to developing nations, India received more than 1.5 billion. The International Monetary Fund has no programs under way with India, a spokesman for the fund said.

Direct United States assistance to India has not exceeded several hundred million dollars annually in recent years. This year, it included $41 million in licenses to buy military equipment and $51 million in development aid.

The tests ''came as a complete shock, a bolt out of the blue,'' one senior Administration official said. ''It's a fork in the road,'' the official said. ''Will India and Pakistan be locked in a nuclear arms race? Will the Chinese resume nuclear testing now?''

Although American officials expressed shock, India's governing Hindu nationalist party announced that it would review the country's nuclear policy the day before it took power in March. Soon after it won the election, the party said it intended to ''induct'' nuclear weapons into India's arsenal. ''Induct'' is a technical term meaning formally placing such weapons in military stockpiles, and American officials said today that they had not foreseen that India would take the provocative step of resuming testing.

Nor did United States intelligence agencies pick up any signs that the tests were imminent.

United States officials strongly rebuked India while urging its neighbor, Pakistan, not to conduct its own test. Mr. Berger warned against ''a new round of escalation.''

President Clinton was ''deeply distressed by the announcement of three nuclear tests,'' his spokesman, Michael D. McCurry, said today, and ''has authorized formal presentation of our displeasure to be made to the Government in New Delhi.''

The nuclear tests pose a challenge for Mr. Clinton, whose policy toward India and his scheduled trip there this fall both now require rethinking, Administration officials said.

''Sanctions are mandatory,'' said Senator John Glenn, the law's author and an Ohio Democrat. The only way to delay them is if the President tells Congress that immediate imposition would harm national security, and that delay can only last 30 days.

''It would be hard to avoid the possibility of sanctions,'' a State Department official said. ''There is no wiggle room in the law.''

If the World Bank loans to India are cut off as a result of United States pressure, that ''would have serious implications for their budget, serious detrimental effects,'' a World Bank official said today.

While the United States cannot tell the World Bank what to do, ''we have a fairly heavy vote,'' a senior State Department official said.

Senator Sam Brownback, a Kansas Republican who heads the Senate Foreign Relations subcommittee on Near Eastern and South Asian affairs, urged the Administration to punish India under the law. ''It's an enormous negative blow to our relationship with India,'' he said. ''It'll destabilize the region.''

The British Government does not have a similar law mandating sanctions, but India is the largest recipient of British foreign aid.

Henry Sokolski, a former senior Pentagon official involved in limiting the spread of nuclear arms, said: ''India has just dug a big hole for itself by doing this test, a military, political and economic hole. Its banking system's in a world of hurt now. It's about to get a death blow.''

The shock of the tests was amplified by the fact that the nation's top experts on the spread of nuclear arms only learned about them this morning from news agencies and television networks, not from the Central Intelligence Agency. Several of those Government experts expressed fury at the United States intelligence community and the Indian Government for failing to provide advance notice of the event.

Government experts said tonight they were still trying to come to grips with the meaning of the tests.

''There are two scenarios,'' a senior Administration official said. The optimists at the White House believe that ''the Indians will say that now that they've secured confidence in their nuclear weapons stockpile, they are prepared to sign the Comprehensive Test Ban Treaty.''

The pessimists think the Indians ''now have decided they're going to be an open nuclear power,'' he said. ''They will endure international sanctions. They accept that they and the Pakistanis will be locked in a nuclear arms race.''

[From the New York Times, May 12, 1998]

INDIA STAGES 3 NUCLEAR TESTS, STIRRING WORLDWIDE OUTCRY—PAKISTAN HINTS IT MIGHT FOLLOW SUIT AS ANSWER TO THE NEW PREMIER

(By John F. Burns)

New Delhi, May 11—Nearly 24 years after it detonated its only nuclear explosion, India conducted three underground nuclear tests today at a site in the country's north-western desert. The move appeared to signal India's determination to abandon decades of ambiguity in favor of openly declaring that it has nuclear weapons.

After less than two months in office, Prime Minister Atal Bihari Vajpayee, leader of a Hindu nationalist party that has been an advocate of India's embracing nuclear weapons as a step toward great-power status, emerged on the lawn of his residence here and read a statement. Speaking in the late afternoon, he said the tests had been carried out barely an hour earlier at the Pokharan testing range in Rajasthan state, 350 miles southwest of New Delhi, where India's first nuclear test was conducted on May 18, 1974.

With the tests, the Government cast aside a generation of caution and opted instead for a course that brought immediate international condemnation from a world that has officially scorned nuclear testing since 1996. The tests also open the possibility of a costly and dangerous nuclear arms race with India's archrival Pakistan.

The tests, and next step that they appeared to imply—arming Indian missiles with nuclear warheads—were almost certain to provoke economic sanctions under United States law, and to raise tensions with China, a nuclear power that has been described as a greater long-term threat to India than Pakistan is. China had no immediate official reaction to the news from India.

But after waiting 50 years to gain power, the Hindu nationalists appeared to have found all this less compelling than the urge to stake a claim for India as a great power, eager to equate its vast population with a matching military and political muscle. The nationalists may also have gambled on the tests' boosting their popularity, propelling them toward an outright parliamentary majority in the future.

Still, Mr. Vajpayee seemed to reflect the heavy stakes in the somber tone of his announcement. The 72-year-old Prime Minister restricted himself to a sparse, technical account of the tests, barely looking up from his text as he did so, then walked back into his residence without taking any questions.

''I have a brief announcement to make,'' he said. ''Today, at 1545 hours, India conducted three underground nuclear tests in the Pokharan range. The tests conducted were with a fission device, a low-yield device, and a thermonuclear device.''

''The measured yields are in line with expected values,'' he said. ''Measurements have confirmed that there was no release of radioactivity into the atmosphere. These were contained explosions like in the experiment conducted in May 1974. I warmly congratulate the scientists and engineers who have carried out the successful tests. Thank you very much indeed.''

Mr. Vajpayee's principal secretary, Brajesh Mishra, said afterward that the tests had established ''that India has a proven capability for a weaponized nuclear program.''

Mr. Mishra said the tests would help scientists design ''nuclear weapons of different yields for different applications and for different delivery systems''—meaning, Indian experts said, that the explosions were meant to test different types of nuclear warheads for India's fast-developing missile program, which has a mix of delivery vehicles to reach targets as close as Pakistan and as distant as China.

The tests were widely welcomed in India; with hardly any immediate dissent from opposition political parties and little sign of the Gandhian pacifism that was a strong element in Indian policy in the early years after independence in 1947.

Even Mr. Vajpayee's predecessor as Prime Minister, I.K. Gujral, a moderate who

blocked the tests during his year in office, said: ''It was always known that India had the capability to do this. The tests only confirm what was already known.''

But the outcry from outside India was almost universal, with dozens of governments expressing anger that India had broken an informal moratorium on nuclear testing that went into effect in 1996, when India and Pakistan stood aside as scores of other nations met at the United Nations to endorse the Comprehensive Test Ban Treaty, which prohibits all nuclear tests. The treaty is widely regarded as a key step toward halting the spread of nuclear weapons.

The Indian tests drew immediate condemnation from the Clinton Administration, which said the United States was ''deeply disappointed'' and was reviewing trade and financial sanctions against India under American nonproliferation laws; from other Western nations, including Britain, which voiced its ''dismay'' and Germany, which called the tests ''a slap in the face'' for 149 countries that have signed the treaty, and from Kofi Annan, the United Nations Secretary General, who issued a statement expressing his ''deep regret.''

But perhaps the most significant reaction came from Pakistan, which raised fears that years of effort by the United States to prevent an unrestrained nuclear arms race on the subcontinent were on the verge of collapse. In the absence of Prime Minister Nawaz Sharif, who was visiting Central Asia, Foreign Minister Gohar Ayub Khan hinted that Pakistan, which has had a covert nuclear weapons program since the early 1970's, would consider conducting a nuclear test of its own, its first.

''Pakistan reserves the right to take all appropriate measures for its security.'' Mr. Ayub Khan said in a statement to the Senate in Islamabad, the capital, that came amid demands from right-wing politicians and hard-line Islamic groups for an immediate nuclear test.

He laid the blame for the Indian tests on Western nations, mainly the United States, for not moving to head them off after Pakistan raised an alarm in Washington last month about the nuclear plans of the Vajpayee Government. When it took office in March after an election, the Government led pledged that it would review India's policy with a view to ''inducting'' nuclear weapons into its armed forces.

''We are surprised at the naïveté of the Western world, and also of the United States, that they did not take the cautionary signals that we were flashing to them,'' the Pakistani Foreign Minister said in an interview with the BBC. He added: ''I think they could have restrained India. Now India has thumbed its nose to the Western world and the entire international community.''

Pakistan demanded that the United States impose harsh sanctions against India. Benazir Bhutto, a former Prime Minister, said in a BBC interview in London that her Government had a contingency plan in 1996 to carry out a nuclear test if India did. She said the ability still existed, and should be used. ''If we don't, India will go ahead and adopt aggressive designs on us,'' she said.

The Vajpayee Government's decision to conduct the tests so soon after taking office appeared to catch the world's other established nuclear weapons states—the United States, Britain, China, France and Russia—by surprise. Although the test site lies in flat desert terrain, under cloudless skies at this time of the year, India seems to have succeeded in keeping preparations secret, even from American spy satellites.

The surprise was all the greater because the Clinton Administration succeeded in heading off an earlier plan by India to stage nuclear tests in December 1995.

This time, the Vajpayee Government appeared keen to heighten the symbolism of the tests, staging them on the same Buddhist festival day as the first Indian test in 1974. According to nuclear scientists who oversaw the first test, the code message flashed to Prime Minister Indira Gandhi confirming the test's success was, ''The Buddha is smiling.''

But Indian commentators noted that Mr. Vajpayee's statement differed in one important respect from Mrs. Gandhi's announcement nearly a quarter of a century ago. Mrs. Gandhi had described the test at Pokharan as a ''peaceful'' explosion, setting the theme for all subsequent Indian policy statements on the country's nuclear program until today.

By avoiding the word ''peaceful'' in his announcement today, Mr. Vajpayee appeared to signal that the days of artful ambiguity about India's plans are at an end. For years, the Hindu nationalists, led by Mr. Vajpayee's Bharatiya Janata Party, have called for India to take a more assertive role in its dealings with the world, one that the nationalists believe is more appropriate for a nation with a 5,000-year history and a population, now nearing 980 million, that means nearly one in every five human beings is an Indian.

In statements issued after Mr. Vajpayee's announcement, the Indian Government sought to take some of the political sting out of the tests, saying that it held to the long-established Indian position of favoring ''a total, global elimination of nuclear weapons,'' and that it had not closed the door to some form of Indian participation in the test ban treaty if established nuclear powers committed themselves to this goal. But diplomats said this appeared to be mainly aimed at dissuading the United States from imposing sanctions.

The core of the new Government's thinking seemed to be represented by Kushabhau Thakre, the president of the Bharatiya Janata Party, who said the tests showed that the Vajpayee Government ''unlike previous regimes, will not give in to international pressure.''

Strategists who have the ear of the Hindu nationalists have argued that India's deference to American pressures put the country at risk of being permanently stunted as a nuclear power. According to one recent estimate, by the Institute for Science and International Security, a Washington-based research group, India has stockpiled enough weapons-grade plutonium to make 74 nuclear warheads, while Pakistan has enough for about 10 weapons. A parallel race to develop missiles that could carry nuclear warheads accelerated last month when Pakistan test-fired a missile it says has a range of nearly 1,000 miles.

But many Indians believe that the message of today's tests was intended more for China than for Pakistan. Although Pakistan has fought three wars with India since the partition of the subcontinent in 1947 and is engaged in a long-running proxy conflict with New Delhi in the contested territory of Kashmir, Indian political and military strategists have concluded that even a nuclear-armed Pakistan, with 130 million people and an economy ravaged by corruption, does not pose as great a long-term threat to India as China does.

China is even more populous than India, has long-running border disputes that cover tens of thousands of square miles of Indian-held territory, and has an expanding arsenal of nuclear missiles that it has been developing since the 1960's, with none of the pressures from Western powers to desist that India has faced. Today's tests came barely a week after India's Defense Minister, George Fernandes, warned that China, not Pakistan, is India's ''potential enemy No. 1.''

[From the Los Angeles Times, May 12, 1998]

INDIA PLAYS WITH NUCLEAR FIRE

India's new government took power two months ago with a hard foreign policy line, including the appalling threat to develop nuclear weapons. Even more shocking was Monday's announcement that three underground nuclear devices had been detonated in a state bordering archenemy Pakistan.

Because the coalition government is dominated by the Hindu nationalists of the Bharatiya Janata Party, Muslims inside and outside India have looked with alarm at the new regime. Pakistan, overwhelmingly Muslim, has fought three wars with India since 1947; in April it announced the successful test-firing of a new missile that could reach deeper into India. That no doubt prompted India's hawks to brandish the nuclear sword.

Monday's explosions, the first major explosions since China and France conducted nuclear tests in 1996, raise the stakes again in South Asia, a restive region long considered vulnerable to nuclear war. Pakistan, predictably, pledged to take ''all appropriate measures for its security.'' Nuclear experts believe that the Islamabad regime is capable of assembling a nuclear weapon on short notice. China, which fought a war with India in 1962, obviously must be concerned by Monday's news.

Previous Indian governments, most of them led by the Congress (I) Party, insisted that New Delhi's only previous nuclear test, in 1974, was a ''peaceful'' experiment. The new government, in contrast, boasted that Monday's tests demonstrated a nuclear weapons capability, a message that rang loudly in Pakistan. Although China denies it, intelligence sources contend that Beijing has helped Pakistan's nuclear program, also tabbed the ''Islamic bomb'' due to funding from some Arab nations.

The United States was quick to condemn Monday's tests and clearly will have to rethink President Clinton's planned trip to India and Pakistan later this year. Washington and its allies should make clear to the two Asian nations that weapons tests and hostile rhetoric inflame an already dangerous situation.

DEVELOPMENTS IN SOUTH ASIA

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

Mr. PALLONE. Mr. Speaker, following up on the previous gentleman from American Samoa, this week's headlines have focused on India's nuclear tests at a below-ground location within India. Analysts have interpreted this action as an indication that India is moving from a policy of ambiguity about its nuclear capabilities, a policy that has essentially stood since India conducted its first nuclear test in 1974, to more openly declaring that it has nuclear weapons.

Mr. Speaker, while I oppose nuclear testing by India or any other nation, I want to stress that this week's test should not derail the U.S.-India relationship, which has been growing closer and stronger over the past 5 or 6 years. Particularly in the areas of trade and investment, the United States and India are finding that we have many common interests.

In terms of our strategic relationship, this week's news demonstrates, if anything, the need for closer coordination between the United States and India, the world's two largest democracies, and more effective diplomacy in trying to improve stability and working towards a reduction in nuclear weapons arsenals.

Mr. Speaker, in light of this week's test, it is particularly important to remember the defense situation that India faces. India shares approximately a 1,000-mile border with China, a nuclear-armed Communist dictatorship that has already launched a border war against India and maintains a large force on India's borders. China maintains nuclear weapons in occupied Tibet, on India's borders, and also maintains a military presence in Burma, another neighbor of India.

China has been proven to be involved in the transfer of nuclear and missile technology to unstable regimes, including Pakistan, a country that has been involved in hostile actions against India for many years; and China has conducted some 45 underground nuclear tests over the years.

Mr. Speaker, I bring out these facts to help put India's action this week into perspective, to try to explain to my colleagues here and to the American people the background for India's decision to conduct these tests. I know that India's action has met with widespread criticism, including from our own administration, but India's decision to test a nuclear explosive device should be understood in the context of the huge threat posed by China. Indeed, Mr. Speaker, I believe the United States should be taking the threat from China more seriously and doing much more to discourage and deter China's proliferation efforts.

Now that India has demonstrated its nuclear capability, I would urge India's government to join the Comprehensive Test Ban Treaty, following the other democratic nations in the nuclear club, including the United States, that have now discontinued testing. Having nuclear capability means that India has an even greater burden to ensure peace in its region and in the world.

I would urge President Clinton to wait before imposing sanctions, I am talking about the sanctions that have been discussed, particularly if India announces that it will not conduct any further tests. The implications of the sanctions are so broad that many of our own interests could be damaged, particularly in the area of trade and investment. A wide range of international financial institutions would also be prevented from working in India, potentially thwarting important development projects that will help improve the quality of life for India's people.

Since India conducted its first nuclear test in 1974, it has maintained the strictest controls on transfers of nuclear technology. India's nuclear program is indigenous, and successive Indian governments have not been involved in the transfer or acquisition of nuclear technologies with other nations. I believe it is very important that this policy be maintained, Mr. Speaker.

Mr. Speaker, again, although I oppose the nuclear tests, I believe that we must now work with India and the rest of the world community in enacting and enforcing an effective worldwide ban on nuclear testing, leading to the reduction and ultimate elimination of nuclear weapons from the face of the Earth.

INDEPENDENT COUNSEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, besides enjoying this past weekend with my constituents and my family, and conveying to the mothers of America a happy Mother's Day, I spent a lot of time interacting with the good people of the 18th Congressional District of Texas. Many, of course, talked about Medicare issues, housing issues, Social Security, but many stopped me and asked the question: Where will it end?

Mr. Speaker, my colleagues might be thinking that I am talking about Armageddon or some crisis being discussed on the floor of the House. I am actually talking about the misunderstood, misconstrued and wrong-headed statute called the Independent Counsel.

What do the names Ken Starr, Carol Elder Bruce, Donald Smaltz, David Barrett, Daniel Pearson, Curtis Van Kan, and an unnamed independent counsel that now still proceeds with the investigation of a HUD Secretary, that started in 1990, have in common? All are individuals that have been established or given authority by the statute, Independent Counsel.

In fact, the recent appointment of an independent counsel to the Secretary of Labor, Alexis Herman, adds an additional wedge in what I perceive to be the system of justice and fairness and the understanding of the American people.

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Even the Attorney General yesterday said, as she offered to appoint an independent counsel for Secretary Herman, there was really no evidence of the Secretary's involvement or participation in anything illegal.

The question for the American people then, the common sense question, Mr. Speaker, why then an independent counsel? Most people in my district perceive this as a runaway threat to the fairness and justice that most Americans believe they are owed. Many people have made suggestions that this compares, this onslaught of independent counsels, this runaway process separate and apart from the U.S. Attorney's Department of Justice, seems to suggest there is no fairness in the judiciary or judicial process.

Why? We have Susan McDougal, someone who is now incarcerated under the pretense of obstruction of justice. How can this be, Mr. Speaker? How can Kenneth Starr use his office to intimidate someone who has already indicated that they have no more information about Bill Clinton and Hillary Clinton, who has indicated that they are prepared to take the fifth amendment, but in fact they have no information? Many people question and wonder why a young woman like Susan McDougal, who has lived and grown up in Arkansas, who has paid her dues, who is a young businesswoman, who engaged in business activities in the early years when women were not known to be participating in some of the high finance; the allegations against her have already been tried, and now she is being shackled in courtrooms not because of something that she has personally done but because of something that is perceived that she may have information on some other matter.

As a colleague and I were discussing, members both of the Committee on the Judiciary, we know what is wrong with the independent counsel statute. Is has no end. It has no beginning. This statute and this independent counsel can investigate anything. It is not a crime that they are investigating, Mr. Speaker. They are investigating your name. And so, for example, if today it is Whitewater and tomorrow it may be Monica Lewinsky, made up of course of facts that we do not really know, and tomorrow it may be the circus. So it is not the actual crime that is being investigated, it is not the issue whether someone burglarized something, someone stole something, or someone lied; it is moving from hither to thither.

I would simply say, Mr. Speaker, that the independent counsel statute must be assessed not because we want special privileges for anyone. Absolutely not. But we really must assess it to find out whether or not even the American people are asking whether this is the right kind of tool to bring justice and to oversee the process of government: Is it the kind of tool to avoid cover-ups?

I would simply say, by the evidence and performance of those existing today, but in particular the habits and the performance of Mr. Starr, the intimidating of someone's mother, the trying to go into the White House bedrooms, the intimidating of close White House aides, violating the rights of the President to have confidential conversations and executive privilege, all of this suggests to me, Mr. Speaker, that we have got a problem with the independent counsel statute. And on behalf of the American people, I think it is key that we assess it fairly and objectively. Let us not go back to the McCarthy era, Mr. Speaker. Let us stand up for justice for all America.

RELIGIOUS FREEDOM AMENDMENT

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

Mr. ISTOOK. Mr. Speaker, this evening I think it is important that we talk about one of the very first liberties, one of the very first freedoms of the United States of America, something which motivated people to cross the ocean hundreds of years ago in some very small and leaky ships.

I am talking about people such as those who first came to Jamestown, those who were the Puritans and pilgrims who were motivated to come to the United States, in large part because they wanted a land of religious freedom. They wanted a land where everyone was free to worship or not worship according to the dictates of their own conscience and not be compelled by the government to give obeisance to any particular faith but certainly to have the freedom without intimidation, whether in private or in public, to express their faith in God.

I bring this to the attention of the House tonight, Mr. Speaker, because this is a liberty that is the first one enshrined in our Bill of Rights and yet which is jeopardized by a series of U.S. Supreme Court decisions that basically go back to 1962, decisions that are decisions that discriminate against those who wish to pray at public school, against school prayer. Voluntary school prayer even is not permitted in the same way that free speech and free religion should permit it. It is restricted at public school graduations.

The Ten Commandments, the U.S. Supreme Court has said, are unconstitutional if someone tries to display them in a schoolhouse. They have struck down nativity scenes and not only Christian emblems but, for example, a Jewish menorah whose display at a county courthouse was struck down by the U.S. Supreme Court, even though, Mr. Speaker, we open sessions of this House with prayer and the Pledge of Allegiance to the flag and we are in a Chamber which has many religious symbols, in a building which has many religious symbols, in a place which has many religious symbols. But the U.S. Supreme Court has been ruling that those are taboo, they are off limits, they are unconstitutional if they are involved in a public place such as in the school or a courthouse or many other public forums.

It is because of those threats, Mr. Speaker, that over 150 Members of this body have banded together as sponsors of the religious freedom amendment, a proposed amendment to the U.S. Constitution upon which we will be voting in this House of Representatives in approximately 3 weeks from now, because it is about time that we correct what the U.S. Supreme Court has done.

Mr. Speaker, I would like to offer for the RECORD, and I will give it to the Clerk in a minute, a very simple fact sheet about the religious freedom amendment. Mr. Speaker, this particular sheet is from a recent publication by the Ethics of Religious Liberty Commission of the Southern Baptist Convention, one of the great number of religious groups in this country who are supporting this amendment.

The religious freedom amendment reads, very simply and very straightforward. It is as follows:

''To secure the people's right to acknowledge God, according to the dictates of conscience: Neither the United States, nor any State, shall establish any official religion, but the people's rights to pray and to recognize the religious beliefs, heritage, or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.''

That is the text of the proposed religious freedom amendment, upon which we will be voting shortly, to correct the decisions of the U.S. Supreme Court which have pushed our country in the wrong direction, not in a direction of neutrality, but in a direction of hostility towards religion.

And reading from the facts sheet of the Southern Baptist Convention Ethics and Religious Liberty Commission, what the religious freedom amendment would and would not do:

It would correct years of judicial misinterpretation of the establishment clause. It would not revoke the establishment clause.

It would reverse many of the restrictions that courts have placed upon the free exercise of religion on government property in general and public schools in particular. It would not permit government-sponsored religion or proselytizing.

It would allow greater freedom for students who wish to pray. It would not require prayer in public schools.

It would require government to treat all religions fairly. It would not permit preference for one religion or sect over another.

It would advance belief in religious freedom. It would not advance any particular religious belief.

It would give greater protection to individuals against government intrusion. It would not create any new right for government.

It would guarantee that no person be discriminated against on account of religion. It would not require that any person be given special status on account of religion.

It would require equal access to all people, regardless of religion. It would not require unreasonable access to government facilities.

It would protect the liberty of conscience of all people. It would not protect only the liberty of people of a majority faith or of a minority faith or of no faith.

That is a good succinct summary, because, Mr. Speaker, it is hard to be brief about the many problems that have come from these Supreme Court decisions.

It was 1962 when the Supreme Court said that even when it is totally voluntary by students, they cannot come together during school time in public school to have a prayer together. And yet, Mr. Speaker, I am so pleased that so many millions of Americans have at least done as much as they could, forming different Bible clubs and huddles of groups, like the Fellowship of Christian Athletes, that meet before school and after school and do everything that they are permitted to do, but they are not permitted the same freedom and the same rights that apply to other school clubs in our public schools.

It was later, it was in 1980, that the U.S. Supreme Court, in the Stone v. Graham case said, you cannot display the Ten Commandments on the wall of the school because, as they wrote, ''Students might read them and they might obey them.''

Now, Mr. Speaker, if there is anything that would be good for the students in public schools to obey today, it would be the Ten Commandments. And yet, Mr. Speaker, that is what they take down, whether it be on the walls of the school or on the walls of a courthouse. And yet we have the image of Moses looking straight upon us, Mr. Speaker, directly across from us on the walls of this House of Representatives; and his image is there because of the Ten Commandments.

It was followed by other Supreme Court decisions. It was 1985 that they had maybe the most outrageous decision of all, the Wallace v. Jaffrey case. The State of Alabama had a law that said we can at least have a moment of public silence in public schools. And the U.S. Supreme Court said, no, we cannot have a moment of silence; that is unconstitutional, because students could use it for silent prayer.

And it was a 5–4 decision. It could have gone so easily the other way. But it prompted the Chief Justice of the U.S. Supreme Court, William Rehnquist, to say this about what the Supreme Court did with prayer in public schools. Justice Rehnquist wrote in Wallace v. Jaffrey, ''George Washington himself, at the request of the very Congress which passed the Bill of Rights, proclaimed a day of public thanksgiving and prayer to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God. History must judge whether it was the father of this country in 1789 or a majority of the court today which has strayed from the meaning of the establishment clause.''

The Supreme Court was not satisfied with that. They had the decision, I believe the correct year was 1990, that held that a nativity scene and a Jewish menorah on display at a county courthouse in Pennsylvania, were unconstitutional because they said they were

not balanced with non-religious emblems, such as Santa Claus or Rudolph or Frosty the Snowman. And yet the same Supreme Court has never said you cannot have Rudolph unless you balance him with Baby Jesus or a Jewish menorah, or whatever it might be. The Supreme Court has gone the wrong direction.

And then 1992, the graduation prayer case, a Jewish rabbi invited to offer a prayer at a public school graduation in Rhode Island was told afterwards that was unconstitutional because there are some students who might not want to be respectful.

Now, Mr. Speaker, since when have we said we do not want to teach students to be respectful in public schools? Since when have we said that whether we agree or disagree with something, we ought to at least have the courtesy to be able to listen to it and to take something that is intended to be positive without blowing up and literally making a Federal case out of it? Because Mr. Speaker, the intolerance is not on the part of someone who wants to be able to offer a prayer in a public setting.

□ 2045

The intolerance, unfortunately, is on those who want to stifle and censor that prayer.

Mr. Speaker, the religious freedom amendment follows the mechanism established by the Founding Fathers to correct these and other distortions of our religious freedom that the first amendment has been twisted into saying when it does not really say that. But the Supreme Court has found it there, and it is our job to fix it and to correct it.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him for consistently leading this fight for the religious freedom amendment. You are constantly out there.

There are many of us who help you. As you said, I think there are 150-plus cosponsors of this amendment in the House. But, clearly, your leadership has made a difference here as we are bringing the attention of the country to the constitutional rights, not that we need to put it in the Constitution, but that we need to restore the Constitution.

Every time I read about this, every time I think about this, every time we discuss it here on the floor or in other places, I am more and more convinced that this effort is really merely an effort to restore the Constitution to what it was for 175 years.

Before 1962, there really was no question in America about the place of religion in our society. There was no question in our history about how the Founding Fathers had felt about religious freedom and the difference, as they say it, between establishing one religion and eliminating God from country. In fact, every piece of money that we have has ''In God we trust'' on that money. How much more of a commitment to faith can we make than ''In God we trust'' on that money?

As you see the potential for the amendment, as you and I see the Constitution, I do not think we are in disagreement with the Chief Justice of the Supreme Court when you cited earlier when Judge Rehnquist said that this misinterpretation, this misunderstanding of separation of church and State creates incredible mischief in our society.

In fact, also, it creates a disadvantage for religious groups who cannot do, in a public facility, what virtually any other group could do, any club could do, any group of students coming together could do unless they want to talk about religion, unless they want to study the Bible on public property, unless they want to have prayer in a public assembly that everybody agrees with.

Clearly, we are rethinking America. I heard just here in Washington last week a person has recently written a great book on General Washington. He talked about the attributes that made Washington distinctive. As I left that breakfast meeting and got to thinking about the packed crowd that heard those attributes about Washington, it occurred to me immediately that the one attribute that he left out was Washington's faith.

I advance you cannot understand Washington without understanding his faith. You cannot understand many of the founders without understanding their faith. I do not think you can understand their belief in the kind of government they were establishing unless you understand that they thought it was a government established for a Nation that would be built on godly principles and that those godly principles would be taught.

Whether it was the posting of the Ten Commandments in school, the same Ten Commandments that the Supreme Court sets under the lawgiver as they talk about why we could not have the Ten Commandments posted in the school, or other religious teachings, I think the founders clearly thought that that was part of our society, part of how you define a community.

I have got here the copy of a city seal from a community in the district of the gentleman from Oklahoma (Mr. ISTOOK), Edmond, Oklahoma, except that is what the community seal used to look like.

Mr. ISTOOK. That is correct.

Mr. BLUNT. As I understand it, the community seal does not look like this anymore. The community seal still has these three reflections of community, but this is now a blank spot.

Mr. ISTOOK. Yes.

Mr. BLUNT. Is that right?

Mr. ISTOOK. Yes. Mr. Speaker, what the gentleman has is a copy of the city seal which had been adopted a number of years ago by Edmond, Oklahoma, which is in my congressional district. You can see a multiple number of emblems on it. You see at the top some oil derricks and a locomotive. You see on the left the tower from the University of Central Oklahoma, which is located there. On the bottom, you have a covered wagon in 1899 from the Land Run of 1899. You have a pair of hands above that, collapsed in friendship. Then to the right of that, you have a cross as a symbol of the community's great religious faith.

Unfortunately, a lawsuit was brought, and, ultimately, when it got to the Supreme Court, the ruling of the Supreme Court said the cross has got to go. It was a great shock to a great many people, because they did not mean that as an expression to say that you have to be of one faith or another faith, but they did want to say that religious worship is a vital part of the lives of people in the community. It is part of the tradition or heritage or beliefs of the community, as we mention, of course, in the religious freedom amendment.

Edmond is not alone. Still, Ohio has had to take a Bible off of its city seal. You had a case in Eugene, Oregon where a cross, large cross had to be taken down from public property; one where the Supreme Court ruled last year that a cross, which it stood for almost 70 years in a public park in San Francisco, had to come down. You have a similar case in Hawaii. All over the place. Anything that involves a religious symbol on public property is coming down.

In part, that somewhat begs the issue of, well, how far do you want to go in knocking down religious symbols. You mention, of course, that on our currency we have ''In God we trust.'' You look right behind you and above the Speaker's head, and we have it here in the House Chamber, ''In God we trust.''

You have States with mottos like that. In Ohio, their State motto is ''With God, all things are possible.'' The ACLU is suing them right now to have them stop using the State motto in Ohio. It is one of all sorts of cases against prayer in public places and football games and on other occasions.

But when you say that because a symbol has religious value to some people, therefore it has to be considered suspect and stricken down. I mean, let us look at what the Supreme Court has done. They have struck down the cross. But the same Supreme Court in 1977 said a Nazi swastika, a symbol of hate, was protected for display at a public march on public streets in Skokie, Illinois, in a community that had many Jewish survivors of the Nazi Holocaust, the effort to exterminate Jews. A symbol of hate the Supreme Court said was protected.

They backed that up in 1992, striking down a hate crimes law because it was against things such as Nazi swastikas or burning crosses. If you carry on with those, I mean how far do you want to go?

A beetle is an ancient Egyptian religious emblem. Eagle feathers are considered sacred to many American Indians. You have other occasions. Things that are considered sacred to one religion, do we say because it is sacred to some religion, that therefore it cannot be displayed on public property? I know that you are going through this right now in your district in a community in Missouri.

Mr. BLUNT. Mr. Speaker, we are. I think the point here we ought to make, too, is everything seems to be protected in our society except those things that relate to faith. In Edmond, Oklahoma, this cross was a symbol of faith. I do not think they came up with anything that was acceptable to replace that symbol so far as the city seal is concerned.

Mr. ISTOOK. They took off the cross and left a blank spot.

Mr. BLUNT. There is a blank spot. So where there was faith, there is now a blank spot. Where the community used to say we are a community based on faith, there is now a blank spot.

We have got a community in my district in southwest Missouri, the city of Republic that is going through exactly that same thing right now. There is a copy of their city seal. Of course Republic is located just about where that star is.

What does the seal say about that community? It says with this helping hand that this is a community that reaches out and helps people. It says with this family that this is a community based on family. Maybe we could even say family values, though that might get that struck off the seal as well, but certainly based on the concept of family.

Of course this symbol, that is a symbol for faith, and, of course, in this case, a specific faith, but that is clearly the predominant faith in that community.

Nobody came to the city council in Republic and said there are other faith groups in this community; could we put some more, could we create a collage of symbols here? That is not the challenge. The challenge is to eliminate this from the seal. The challenge is to do exactly what Edmond, Oklahoma did and wind up with a big white blotch where faith used to be.

Of course the ACLU is coming into this small southwest Missouri community. They are saying we are going to go to court. It is going to cost you about $100,000 to fight us. Do you want to fight, or do you want to give in? At this point, the city council, and I think the vast majority of people in that community, say we want to fight because this is what our community is all about.

Not everybody that lives in Republic lives in a family with children still at home. Probably as great as the community is, not everybody is totally helpful. But these are overall reflections of what that community is all about. Not everybody goes to church on Sunday, but the vast majority of people believe that church on Sunday is important.

That is why that seal is that way and why that community, like the many you have mentioned now, suddenly has to decide can we fund this fight? Can we finance this fight? Is this a fight? Not even as much whether we can win it or not as should we give into clearly this blackmail virtually against what we want our city seal to look like.

So they are fighting that same fight right now; and if the opposition wins, just, perhaps like Edmond, Oklahoma, suddenly faith will be gone as a reflection of that community.

Mr. ISTOOK. I might mention, because I have read comments from different city officials and the city of Republic, and they make the point that that is meant to be an emblem of religion, the principles of religion generally as opposed to saying it has to be any one particular faith.

Indeed, I asked the Congressional Research Service to look at this for me. They gave me information today that, actually, the symbol of a fish has been used for thousands of years around the world, even before Christianity has been used for a thousand of years, even before the life of Christ as a religious symbol. They indicated it had been used in China, in India, in Egypt, in Greece, in Rome in Scandinavia, in the Mideast, even before Jesus Christ was born.

Mr. BLUNT. So our research here indicates this is a universal kind of symbol that reflects faith, religion, not exclusive, but reflective of something that that community would think was important.

Mr. ISTOOK. But there is no perfect symbol. There will always be, to any symbol, some people who object, saying I do not like that. In the case of Edmond, Oklahoma, I thought it was an outrageous comment, but they had a person saying, well, every time I see the city seal on a police car or something, it makes me feel like a second-class citizen.

So what the courts did was they elevated this subjective approach, the fact that somebody felt bad maybe because they were thin-skinned or sensitive or maybe they had had some unfortunate incidents in their life, but because somebody felt bad, it trumped the constitutional rights of free speech and free expression and freedom of religion of everybody else.

That is the problem with the court decisions. They say unless it is unanimous, unless everybody agrees on some religious expression, you cannot have it, and maybe not even then.

Well, you do not expect that of anything else. Why use the first amendment as a weapon against religion, which is what the courts are doing, saying that you do not have freedom of expression of religion, that it is supposedly creating a freedom from hearing about religion on behalf of people that do not want to hear it.

Mr. BLUNT. Every poll I see, if the gentleman would yield, indicates that 98 percent of Americans believe in God.

Mr. ISTOOK. Yes.

Mr. BLUNT. It is hard to think of anything else that 98 percent of all Americans would believe in that we would have to eradicate from our discussion, from our symbols, from our public places of assembly. In fact, I am not sure there is anything else that 98 percent of all Americans believe in.

We try to focus our public discourse and our public displays under these court rulings as if the 2 percent were the 98 percent; that we all have to believe and act like we do not believe in any being greater than ourselves; that faith is not part of not only communities, but part of individual lives. It is just not there.

I do not think there is another example of anything that is so universally held by Americans, that is so universally rejected by the Supreme Court over the last 30 years; that was so universally accepted by the Supreme Court in the 175 years that were closer to the founders who wrote the Constitution and added that Bill of Rights.

□ 2100

Mr. ISTOOK. Let me just make a quick reference. I know there is another member that would like to get involved in this. We look at our currency, and this is the back of the one dollar bill, it says, of course, ''in God we trust.''

A lot of people do not notice something else. If you look here in this circle of the Great Seal of the United States, on the front side of it you have the eagle, and above its head is a cluster of 13 stars. But look at the pattern in which those stars are arranged. It is a Star of David, the symbol of another faith, Judaism. Are we to say that the Great Seal of the United States of America is unconstitutional because it includes an emblem of the Jewish faith? I do not think so.

I think that that shows, again, a recognition and what should be an acceptance of many different faiths, but you do it by permitting, not by excluding.

I would like to yield to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Let me show my support for what you all are talking about by telling a little story that occurred in Pine Bluff, Arkansas, my hometown. We had a Fellowship of Christian Athletes there, it was trying to get started, and a minister was trying to sponsor it. He worked hard at it, but he could come only at certain times, so some of us were called and asked as laymen to come help with the program.

We had five or six people that were coming to the meetings once a week. We started working on it, a bunch of our communities started working on it, and we got the attendance up to maybe 200 in a given week. We set records as far as sending people to the national conference. We had 75 that went to Tulsa one year. We had three buses of

kids. We had kids that were working after school on these projects and on the weekends. We had what is called an Olympics Day, as I recall, and we had a contest. We made up our own athletic contest. We did things with the cheerleaders and the girls.

So, what happened? Slowly the opposition started building. First of all, people came in and said, ''Oh, you are taking money away from the school.'' We said, ''No, we have been raising money and putting it into the school Treasury, and at the end of the year the school has been taking it. So the school has been making money off of it.'' They said, ''This is supported by a church.'' We said, ''No, it is not. We do not even have a minister who is involved.''

So that went by the wayside. Then they said at one point we were favoring one donut store over others, and that was the reason we were having the breakfast meetings.

Then we prayed for victories before the game. We said yes, we did. We prayed for victories, the kids prayed for victories before the game. We also prayed we had good health and that no one was hurt on the other side either.

Finally, finally, after about seven or eight years, a letter came from a person of another faith who said, ''We are going to have to consider legal action if you all do not stop or disband the Fellowship of Christian Athletes.''

I happened to take a call after we said we couldn't continue, after the school said we could not go any further, I happened to take a call from one of the kids who said, Mr. Dickey, why are we not going to have the FCA anymore?

I could not answer it then, and I cannot answer it now, because what we have done is we have said to the parents and to the families, that which you are teaching your children at home and that which your pastors, when you take your kids to church, that what your pastors are teaching your kids and the Sunday school classes, those things are against the law. God is against the law. You cannot mention him in your schools, unless in fact you do it by taking God's name in vain. Of course, that is protected. But you cannot mention God. You are not going to have anything like Jesus Christ being mentioned, because that is against the law.

In 1962, in my opinion, when we decided in our wisdom that we were going to take over the schools and not give God any place, he sat there and probably said, ''Okay, we will just see how you all work it out. I have carried it forward.''

Harvard was a theological school. Our kids were taught in the early days by ministers. They were the teachers in the early days. We had Bible-believing people who brought this country to where it is. It was not because we were the smartest, it was not because we were the hardest working, it was not because we were the most militarily strong country. It is because God was blessing our country like no other country in the history of the world.

So what are we doing? We are turning our back on God and saying, ''We can take it from here; you go worry about somebody in some other area.'' We are reaping the whirlwind because of that.

I am very much in favor of this, Mr. Istook, and I want you to know that I appreciate very much what you have said, and I am very happy to be here and discuss this with you. I think it is a vital issue, and I think the real America, the America that wants to respond and say thank you to the founders, is solidly behind us, and I think it is only our duty to go forward and present it for a vote.

Mr. ISTOOK. I thank the gentleman from Arkansas (Mr. DICKEY).

I appreciate, Mr. Speaker, the many Members who have joined together in supporting this amendment, because the American people have never accepted what the Supreme Court has done in taking the First Amendment, which is meant to protect religion, as a shield for freedom of religion, and instead they have used it as a weapon, as a sword against religious freedom, saying that, you know, you have enough chance to speak freely about your religion in private, or maybe at church or other places, and you do not need to be able to do so if you are present on public property.

Yet our children are required to be at school, because we want them to be educated. We want to have a society that is self-sufficient and self-reliant, and that means an educated population. But why do we say that during the time when you are required by law to be at school, you are also required by law to be isolated from normal religious activity, things as simple and common and ordinary and as positive as a prayer, the simple prayer of a child of faith and hope at the start of the day? And if children want to join together and have a prayer, let them do so.

To say that we believe in religious diversity means that we recognize there will be different prayers offered. The Religious Freedom Amendment carefully makes sure that we do not have government officials composing a prayer or insisting that a prayer must be said or insisting that anybody must take part in a prayer. There is an express prohibition against that. But yet there is the freedom, the opportunity, the ability for people to join in prayer together.

I think that it is a sad day to read, as I read in one newspaper recently, can you imagine a newspaper editorial writer actually wrote, ''Freedom to pray should stop at the schoolhouse door.'' I read that in the Arizona republic, in an editorial that they wrote just in this last week. They said ''Freedom to pray should stop at the schoolhouse door.''

Now, what else are we going to say? Does that newspaper want freedom of the press to stop at the schoolhouse door? Do they want to say that newspapers should be banned in public schools because, after all, they may bring in ideas that not everyone likes? They may bring in some things that are controversial. They may bring in things that make some people uncomfortable. They may bring in, along with the news and information of the day, they may bring in some negative influences too. Do we say, therefore, that the bad outweighs the good and we should not have free speech?

No. We have free speech because we believe that most speech is good, that most ideas are reasonably presented, and if that means that sometimes there is a price to pay, that we let someone with an unpopular idea have the respect for their ideas, just as respect is given to good ideas, then we understand that.

I heard a Member of this House, Mr. Speaker, in the last week take to the floor and say that, well, he was concerned that supposedly what we are doing is opening the door for unpopular groups or cults, or even a group such as a satanic group, to come into schools.

Well, Mr. Speaker, this does not open the door for just anybody to come into school. The schoolhouse door is open for children, for those who have a right to be there. This amendment does nothing to invite other people in.

But if we believe in the right to pray, his opinion was that you will only have negative influences and you will only have negative prayers, or at least that is all that he seems to hear.

But, Mr. Speaker, in my lifetime, in my lifetime, it is almost never that I have ever heard in public or private a prayer that is anything other than a positive experience; and if in order to hear millions of positive prayers, do we say that we are going to suppress them just because once in a very extremely isolated incident there may be someone who uses that same freedom to say something that almost all of us would not like, do we therefore ban prayers in public schools?

I think not. Besides which, if you want to look at the negative influences in school, you will have many people that will tell you, you have already got the devil in public schools, because they will point to the rates of crime, they will point to the rates of violence, they will point to drug use, they will point to alcohol, they will point to gangs, they will point to teenage pregnancies. And do not tell me that you do not have devilish influences in public schools. But yet what the Supreme Court does is not to keep out that type of influence, but to keep out the good, godly, positive, uplifting, spiritual prayers and influences.

That is what has happened. It is the sanitizing of that which is good, and leaving only that which is base or suspect or negative. That is what happens when you try to remove the positive religious influences from a society.

Government does not have the job of telling us what to believe or that we

must believe anything about religion, but it also should not have the job of censoring those who want to simply recognize their religious heritage or religion or to offer a simple prayer, who have a right to be in public schools, that are required by law to be in public school. And the ones who want to pray are the true captive audience in our public schools, because they are not permitted to do what is normal and good.

We have prayer to open sessions of this House. We have prayers to open sessions of State legislatures and city councils, chamber of commerce meetings, Kiwanis Club meetings, Rotary Club meetings and a vast number of organizations and groups within our society, because they know it is something that is powerful, something that is good, something that is part of the common bond that brings us together and puts the accent on what we share, not only how we are different.

I think it is useful to understand, as a Supreme Court justice wrote, that you do not isolate children from the understanding that, yes, there are different ways that people go about these things. There are different ways in which people may offer the prayer. There are different faiths. And if you believe in diversity, you do not believe in isolating children from that knowledge, until suddenly they are adult and say oh, this is an adult topic. Now you are ready to handle it.

No, this is a topic that starts at our very earliest age, and is something that brings with it the values and traditions and beliefs of the United States of America itself.

Mr. Speaker, it was a sad day when organizations such as the ACLU persuaded the Supreme Court to distort the First Amendment, and we have had a number of sad days since then where they have continued to distort it, to use it not to promote religious freedom, but to use it as a weapon against religion.

So I find there are some myths that are out there. There is a myth, some say, oh, the amendment is not really needed. We do not need a religious freedom amendment; we have the First Amendment already.

Mr. Speaker, if we were talking about the First Amendment as understood by the Founding Fathers, I think we would all agree, because then we would not have the warping of it from the courts. But as I mentioned before, in 1962 the court struck down not only mandatory, but also voluntarily, prayers by students together in public schools. In 1980 they said the Ten Commandments have to come down. In 1985 they said it is unconstitutional to have a moment of silence. In 1992 they said a prayer at a school graduation was unconstitutional.

What we have left is not neutrality towards religion. It is negative. Yes, school Bible clubs may exist, but they are under restrictions that do not apply to other school clubs.

The Chief Justice of the United States Supreme Court, William Rehnquist, in Wallace v. Jaffree talked about how people throw around, rather than the language of the First Amendment, Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, they throw around instead a catchphrase which they call separation of church and State. But I find what they mean by it and what different people mean will vastly vary. Because, you see, Mr. Speaker, we have people that believe that as government has grown, it is in every aspect of our society today. It is larger than it ever has been before.

□ 2115

As government has grown, if the rule is separation of church and State, where government goes religion cannot be. Where government enters religion must exit. If they say separation of church and State is the guideline, then that means as government grows, religion must shrink.

Let me tell my colleagues what the Chief Justice William Rehnquist wrote about it. This was in that moment of silence case, Wallace v. Jaffree. The Chief Justice of the U.S. Supreme Court, William Rehnquist, said the use of the term separation of church and State has caused what he called ''a mischievous diversion of judges from the actual intention of the drafters of the Bill of Rights. A metaphor based on bad history, a metaphor which has proved useless as a guide to judging what should be, frankly and explicitly, abandoned.'' That is the Chief Justice of the U.S. Supreme Court.

Now, I am not proposing that we abandon the proper interpretation, but it has been twisted and distorted and used as a weapon against religion.

Then we have another myth that somehow government would declare an official faith, that supposedly that is what people want with the Religious Freedom Amendment. Not so. That is why we expressly have the language in it to reiterate what the First Amendment already says, because we are not replacing it; we are only putting this to lay alongside it. But the Religious Freedom Amendment also says, ''Neither the United States nor any State shall establish any official religion.''

Then we have the myth that, oh, society is more diverse. Nonsense. There were many different religions in the days of the Founding Fathers. There are many different religions today. If they say, well, some people do not want to hear the prayer, what they are really saying is that the most intolerant persons in our society are now told that they can stifle the rest of us. Not because there is anything wrong with what people are saying in a prayer or about their religion, but because some people are so intolerant, they do not want to hear it.

We hear them say things like, oh, it makes me feel bad, or I feel like I do not belong. Mr. Speaker, all of us at one time or another in our lives feel like we may not belong. But part of life is learning that we do belong, and that we believe in things that are common, and the Religious Freedom Amendment restates what we have in common.

Then we have the myth that religion belongs only in the home. Can we imagine if the Founding Fathers had written that we will have freedom of religion only in our homes and no place else; that as government grew and government property was everywhere, that we could not have freedom of religion if we were standing on government property?

Whether it be standing in this Chamber of the House of Representatives, or standing in a schoolroom or in a classroom, to say that religious freedom stops when one goes into the schoolhouse, as this newspaper in Arizona said, is not the American way. It is not what we believe as Americans. And yet, the Supreme Court has been adopting that philosophy of saying the First Amendment is meant to protect from religion rather than to protect religion.

Mr. Speaker, it is the first time that this House, since 1971, will have a vote on a school prayer amendment to the U.S. Constitution, the first time. It has been 27 years; that is far too long. The amendment has been through a number of hearings that were held all over the country by the Committee on the Judiciary over the last 2 or 3 years. It has been approved by the Subcommittee on the Constitution. It has been approved by the Committee on the Judiciary. It is supported by a multitude of religious and faith-based groups, because they believe that religious liberty indeed has been threatened in the United States of America by the Supreme Court decisions, which will be corrected by the Religious Freedom Amendment.

Mr. Speaker, I would like to offer two documents for the RECORD. One is a newspaper article from the Human Events publication that was published this week, an article I authored regarding the Religious Freedom Amendment. Also, I will provide to the Clerk, as well, a copy of a document that was written by the Ethics and Religious Liberty Commission of the Southern Baptist Convention. I would like to offer both of those to appear in the RECORD following my remarks.

Mr. Speaker, I know that we cannot discuss everything about this amendment this evening, and we are continuing to discuss it. But I want to commend the attention of every Member of this body and anyone else who is interested in it that we do have a Web site that talks about much of this. That is, religiousfreedom.house.gov., and I hope that people will take a look at that because, Mr. Speaker, the American people need to tell their Member of Congress now that they want and expect their support for the Religious Freedom Amendment, we are approximately 3 weeks away from the vote the

first week in June, to say that once again in the schools of America, government will not insist that it happen, but we will permit students who want to engage in prayer in public school to be able to do so, whether it be a public school or a graduation or a football game, to give that freedom once more that has been taken away by these decisions of the U.S. Supreme Court.

Mr. Speaker, I urge all who are hearing or watching this evening to contact their Member of Congress and tell them, we need you to support the Religious Freedom Amendment.

Mr. Speaker, the material previously referred to is as follows:

FACT SHEET ON THE RFA

[The following is from a recent publication by the Ethics and Religious Liberty Commission of the Southern Baptist Convention]

The Religious Freedom Amendment (RFA) is a proposed amendment to the United States Constitution. The language of the amendment is as follows:

''To secure the people's right to acknowledge God according to the dictates of conscience. Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.''

WHAT THE RELIGIOUS FREEDOM AMENDMENT WOULD AND WOULD NOT DO:

It WOULD correct years of judicial misinterpretation of the establishment clause.

It WOULD NOT revoke the establishment clause.

It WOULD reverse many of the restrictions the courts have placed upon the free exercise of religion, on government property in general, and public schools in particular.

It WOULD NOT permit government-sponsored religion or proselytizing.

It WOULD allow greater freedom for students who wish to pray.

It WOULD NOT ''require'' prayer in public schools.

It WOULD require government to treat all religions fairly.

It WOULD NOT permit preference for one religion or sect over another.

It WOULD advance belief in religious freedom.

It WOULD NOT advance any particular religious belief.

It WOULD give greater protection to individuals against government intrusion.

It WOULD NOT create any new right for government.

It WOULD guarantee that no person be discriminated against on account of religion.

It WOULD NOT require than any person be given special status on account of religion.

It WOULD require equal access to all people regardless of religion.

It WOULD NOT require unreasonable access to government facilities.

It WOULD protect the liberty of conscience of all people.

It WOULD NOT protect only the liberty of people of a majority faith, or of a minority faith, or of no faith.

WHY DO WE NEED A CONSTITUTIONAL AMENDMENT?

''We have given the courts more than 30 years to get this issue right, and they have persisted in not doing so. Legislative remedies would in all probability be overturned by the present federal judiciary. It is time for the people to give the courts further instructions . . . by the means provided by our founders, namely amending the Constitution. We must . . . constitutionally guarantee the free exercise of public school students and all citizens. We do not ask for, and do not want, government's help in expressing our beliefs or acknowledging our religious heritage. The most and best government can do is guarantee a level playing field and then stay off the field.''

[From Human Events, May 15, 1998]

CONGRESS SOON TO VOTE ON RELIGIOUS FREEDOM AMENDMENT—REFUTING SEVEN ANTI-RFA MYTHS

(By Representative Ernest J. Istook, Jr.)

THE RELIGIOUS FREEDOM AMENDMENT

''To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any state shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.''

In the first week of June, the U.S. House of Representatives is expected to vote on the Religious Freedom Amendment (RFA), also known as House Joint Resolution (HJ Res) 78. It will be the first time in nearly 28 years that the House has held a vote on a proposed constitutional amendment dealing with voluntary school prayer and religious freedom.

It will correct 36 years of Supreme Court decisions that have warped the original plain and simple meaning of our religious rights under the 1st Amendment to the Constitution. Here is what it will do:

For the first time, our Constitution will mention America's belief in God. Every one of our 50 states has an express reference to God within their state Constitutions. The Religious Freedom Amendment does so for the federal Constitution; it echoes the words in the Declaration of Independence, where our Founding Fathers wrote that our unalienable rights come not from government, but are an endowment from our Creator.

Student-initiated and voluntary prayers could be voiced in public schools, whether in classrooms, school assemblies, graduations, sporting events, or other occasions. Court decisions restrict almost all school prayers; the minor exceptions are usually limited to clubs that gather before or after the school day, and even then only with special controls. The RFA does not permit teachers or any other agent of government to proselytize, or to dictate that any person must join in prayer, or to prescribe what prayer should be said.

The Ten Commandments could again be posted in public schools and other public buildings. The Supreme Court banned the Ten Commandments from school buildings in 1980, but the RFA directs that the people's religious beliefs, heritage and traditions may again be recognized on public property, including schools. (However, the RFA expressly maintains the prohibition on any official religion for America!)

Holiday displays such as Nativity scenes and menorahs, and the singing of Christmas carols, would be protected on public property. The Supreme Court has made it difficult or impossible to recognize special occasions, and the threat of lawsuits has intimidated schools to go even farther than the court has dictated. The RFA fixes this.

Government programs could not use religion as an excuse to deny a benefit. There could be no direct government subsidy to any religion or church, but when government creates a program that furthers other purposes, it could not exclude any group because of their religious affiliation. For example, any government aid to nonpublic schools would have to include families who send their child to a church-affiliated school. As another example, if private drug treatment programs are funded, faith-based drug treatment programs could not be excluded.

Over 150 members of Congress have joined to co-sponsor the Religious Freedom Amendment. Opponents of the left typically resort to smear tactics against it and use hackneyed catch-phrases to try to control the issue and to limit debate.

They attempt to mold the issue by getting the media to use terms such as ''state-sponsored prayer,'' ''official prayer,'' ''religious coercion,'' ''mandatory prayer,'' and the ever-popular (but extremely misunderstood) ''separation of church and state.''

And a small number on the right claim that if we amend the Constitution, we are agreeing that the Supreme Court possessed the power to make the rulings that the RFA will correct.

In typical fashion, the mass media cover the myths about the RFA rather than explore the issue. We who love the Founding Father's concept of religious freedom must respond to these myths with the truth about how our courts have attacked that concept.

MYTH #1: AMENDMENT ISN'T REALLY NEEDED

''We don't need another constitutional amendment because freedom of religion is fully protected under the 1st Amendment, and we have the highest degree of religious liberty anywhere in the world. Students already can pray, and even meet in thousands of school Bible clubs. This new proposal violates the constitutional principle of separation of church and state.''

The issue is not how much religious liberty remains, but instead is how much has been lost. The record shows the Supreme Court had misused the 1st Amendment to attack and limit religion rather than to protect it as the 1st Amendment intended. Prayer and religious speech are being restricted when other speech is not, supposedly as required by this very 1st Amendment!

In 1962, the court struck down not only mandatory and government-composed prayers, but also prayers overlapping with a school activity, even, they said ''when observance on the part of the students is voluntary'' (Engel v. Vitale).

In 1980 the Supreme Court ruled that the Ten Commandments cannot be displayed in public school (Stone v. Graham), reasoning that otherwise the students might ''revere . . . and obey them.''

In 1985 (Wallace v. Jaffree) the court voided a moment of silence law, saying it was unconstitutional because it would have permitted silent prayer.

A 1992 ruling (Lee v. Weisman) said a graduation prayer was unconstitutional, because students shouldn't be asked to respect religious expression.

What we have left is not neutral toward religion. School Bible clubs may exist, to be sure, but they are under restrictions that don't apply to other school clubs. (They cannot meet during school hours, or have an advisor, etc.)

The phrase ''separation of church and state'' doesn't come from the Constitution.

The 1st Amendment was meant simply to affirm that America never should make any faith an official or required religion. ''Separation of church and state'' has been pushed as a substitute, sponsored by those who are intolerant of religion and those who believe in big government. Under their approach, as government expands into more aspects of life, religion must be pushed aside, to assure that ''separation.'' It conveniently also pushes aside the values that religion brings to our lives—values often at odds with big government.

The Chief Justice of the United States, William Rehnquist, pinpointed the problem. Writing in his dissent in Wallace v. Jaffree, Rehnquist wrote that this wrongful use of the term ''separation of church and state'' has caused a ''mischievous diversion of judges from the actual intentions of the drafters of the Bill of Rights. . . . The 'wall of separation between church and State' is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned.''

MYTH #2: GOVERNMENT WILL DECLARE AN OFFICIAL FAITH

''This allows a government to favor majority religions at the expense of others—to declare an official faith, such as designating us a 'Christian Nation.' ''

The RFA explicitly says otherwise; it does not permit any faith to be given ''official'' status. Moreover, it does not repeal the 1st Amendment (''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof''), but simply corrects its faulty interpretation by the courts.

Some seek to pervert the intent of the Bill of Rights by claiming that it's intended to protect only minorities; the true intent is to protect all of us, minority and majority. But the courts are wrongfully using it to suppress the majority who believe prayer and religious expression are proper in public places.

The Supreme Court has ruled the Constitution does not permit symbols of hate to be banned, such as a Nazi swastika. Yet they say it does require the banning of symbols of love and hope, such as a cross, or a Nativity scene on public property. Government agencies have also banned religious items and symbols from workers' desks, including Christian and non-Christian items, and ''Merry Christmas'' and ''Happy Hannukah'' banners in post offices.

MYTH #3: WON'T WORK IN DIVERSE SOCIETY

''School prayer can't work in today's diverse society. There's no way to decide who would pray, or who would compose the prayer. And it makes a captive audience of students who don't want to hear a prayer.''

This myth is really a way of attacking free speech itself. If nobody can speak unless everyone agrees, then we have censorship, not freedom. It's dangerous to impose silence simply because someone else disagrees.

We don't ask ''How could free speech work?'' because we know that neither the courts nor our government should make that decision for us. The same is true with prayer and other religious speech—individuals and groups can work together however they see fit, so long as they don't compel anyone else to take part. Didn't we all learn in kindergarten about taking turns?

Contrary to what the ''political correctness'' movement seeks, there is no constitutional protection from hearing something we don't like. In schools and public settings, we learn to be tolerant by respecting differing views.

The best model to follow is how we conduct the Pledge of Allegiance. Most students recite it, but some sit silently, and a few even leave the room. The Supreme Court ruled that no student can be compelled to say the Pledge, but those who object are not permitted to silence those who wish to say it.

This is the best model for voluntary school prayer. Students who wish could rotate and take turns just as they do on everything else. It is something simple, just as it was in America's schools for almost 200 years, except that government would not be permitted to select a prayer for students, nor require joining in any prayer.

MYTH #4: HERE COMES THE WITCHES

''Aren't we just inviting cults, witches and Satanists to come into public schools and influence our children?''

This is a scare tactic, because there's no real threat of this type. It never surfaced when school prayer was common, and any such effort would remain exceedingly rare. Would we silence millions of prayers from fear that the privilege would be abused on extremely rare occasions—if even then?

Just as free speech does not give a student the right to interrupt and change topics in class, the RFA does not permit disruptions. It would not require schools to bring in outside groups. Students who belong to highly unpopular groups might indeed want an equal chance to offer a prayer on extremely rare occasions at some school, but this is no reason to censor all prayers across America. It is extremely rare that we hear a truly offensive prayer; it would remain that way .

Those who object strongly may always leave rather than listen to somebody's free speech, but equal treatment does not permit us to silence someone simply because we disagree, even in a public place. We only need to apply normal rules of orderly behavior, just as free speech does not allow someone to yell, ''Fire'' in a crowded theater. Those standards would remain in constitutional law.

Far-fetched versions of this argument claim the amendment would protect animal sacrifice and other hideous practices, which it absolutely would not do. The 1st Amendment yields when necessary to avoid, as the courts express it, ''substantial threat to public safety, peace and order.'' The courts maintain that free exercise of religion is not a license to disregard general laws on behavior, such as those against advocating the violent overthrow of the government, polygamy, the use of illegal drugs, and prostitution. Those types of protections would continue under the Religious Freedom Amendment.

MYTH #5: RELIGION BELONGS ONLY IN THE HOME

''Children should be taught religion at home and church, not at school they have plenty of time and opportunity to pray in other places; they don't need to do so at school.''

The FEA is not about teaching religious doctrine, but about permitting people to keep their faith as a normal part of everyday life. If we have freedom of religion only when we are at home or at church, we do not have true freedom of religion. We would never give up the right to free speech except at home, church, or some other limited places.

This notion also ignores the rights of the majority, who are required to be in school (for the biggest part of their day), yet are forced to leave their normal religious expressions behind while they are there. As Justice Potter Stewart noted in his dissent in Abington v. Schemp (1963), ''a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission for such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion.'' The real ''captive audience'' is the majority whose right to pray together is being suppressed!

MYTH #6: THIS IS ABOUT MONEY

''This is about money, not about prayer or religion. The federal treasury should not be funding churches and religious groups, or vouchers for church schools.''

The amendment does not permit public funding of actual religious activity. We have a long history, however, of cooperative efforts for the common good, and religious groups have a solid established role, which is now being attacked. Students attending church colleges and universities already qualify for GI Bill benefits and student loans, and they should. The Congressional Research Service reported last year on 51 federal statutes and regulations that disqualify religious organizations or adherents from neutral participation in generalized government programs!

This discrimination needs correction, especially since faith-based charities have a better record of success than most in helping people recover from poverty, drug or alcohol abuse, or other problems.

When the Murrah Federal Building was bombed in Oklahoma City in April 1995, churches suffered some of the heaviest damage. Attorneys for the federal government were ready to deny them the same disaster assistance every other building received. It took congressional action to assure equal and fair treatment for church buildings.

MYTH #7: REAL PROBLEM BUT WRONG SOLUTION

''The problem is real, but the solution is wrong. Let's tell the Supreme Court we don't recognize its authority to make these horrible rulings.''

We are challenged to be an orderly society that believes in honoring the law. Some questions whether we took a wrong turn two hundred years ago, when the Supreme Court became the de facto arbiter of interpreting the Constitution. It's a practical impossibility now to persuade the country otherwise. Yet the people are ready to support a constitutional amendment on school prayer; 36 years of public opinion polls show support from 75% and more of the public.

If we teach our children to ignore what the courts say, then we are not teaching respect for the law; we would be teaching anarchy, whether we thought so or not. Everyone could ignore whatever court rulings they found inconvenient, whether on religion, crime, drugs, or any other issue.

We've tried every other approach, and are left with a constitutional amendment as the only legitimate remedy. Our Founding Fathers foresaw possible problems, and so created a mechanism for amending the Constitution. It was used for an anti-slavery amendment after the Dred Scott decision, and it's the mechanism being followed by the Religious Freedom Amendment.

Some suggest that Article III should be used, and that Congress can and should altogether remove federal court jurisdiction over selected topics. This is not just mistaken; it's dangerous. If Congress can bar the Supreme Court from taking cases in the freedom of religion, they can also be barred from ruling on other issues found in the Constitution and the Bill of Rights: There would be no way to halt an act of Congress that restricted free speech, or freedom to assemble, or the right to keep and bear arms, or the right to be compensated if government takes our property, or the right to a jury trial, or any other constitutional right. Congress would be enabled to amend and attack our constitution rights, and we would have no remedy for it. We already have a problem because courts are usurping authority; this

supposed 'remedy' would enable Congress to unsurp authority.

The Religious Freedom Amendment took nearly three years to draft, building widespread support among people of many faiths, both Christian and non-Christian. It is the product of painstaking and prayerful work. Now it's being assailed by demagogues who prey upon those who aren't informed about what the courts have done, or about how the Religious Freedom Amendment can repair that damage.

One quick way to inform yourself, and your friends, is through the Religious Freedom Amendment website, at religious freedom.house.gov. There, you can find both simple and detailed information, and download handouts to share with others.

Armed with facts and with prayer, supporters of religious freedom can successfully uphold their principles, and build more support for the RFA. It's vital that each and every member of Congress be overwhelmed by citizen's calls and letters, and that newspapers, talk radio and other media be swamped as well.

The American people have never accepted the Supreme Court's extra burdens levied against voluntary school prayer and against religious freedom during the past 36 years. For the first time, an amendment to remedy this has passed a House subcommittee and committee to come to the floor (the 1971 vote occurred only because of a petition by a majority of members of the House).

We have the opportunity of a lifetime, and we must be informed and ready to protect our religious freedom, and to reverse the attacks that threaten it.

VIOLATIONS OF AMERICANS' RIGHTS DURING OUT-OF-CONTROL INVESTIGATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the minority leader.

Mr. STUPAK. Mr. Speaker, a couple of weeks ago I came to the floor and I was talking about these investigations going on, and it was quite interesting, hearing my colleague from Oklahoma tonight talking about the First Amendment and morality and prayer and things like that, and he made some very good points. But I hope we apply that same standard, first amendment freedoms and rights and morality, into the investigations, into what is going on here in Washington, D.C.

I could not help but notice last Sunday's ''60 Minutes'' program, Mr. Speaker, in which they had an individual on that program, Sara Hawkins, who was an employee of the Madison Savings & Loan, who was accused of illegally backdating appraisals by coworkers that had entered into a plea bargain with Mr. Starr's office. They came to Mrs. Hawkins, they wanted her to plead guilty to a felony, and she found that she did not do anything wrong, so she refused to do so. In fact, the independent counsel had threatened her.

My concern is that as we are doing these investigations, we are violating individual's first amendment rights, fifth amendment rights, eighth amendment rights, sixth amendment rights, trying to threaten them in doing investigations.

If we take a look at what went on and what has been taking place here in these investigations, they go, if you do not plead to the felony, we could bring charges, as they threatened Ms. Hawkins with, for all 80 counts, which would mean 400 years in jail. Ms. Hawkins said that they told her, you know, you have kids, you do not want them to have to go through a jury trial, you do not want them to go through this. They are making all of these threats.

At the time Ms. Hawkins was the sole supporter of her two daughters and her grandchildren. She had her own business. She earned approximately $100,000 a year.

Word got around. It was reported in the Wall Street Journal and in other publications that she was the target of an investigation in this whole savings and loan situation, but when word got around she was a consultant, that was her business, her business just dried right up. She lost everything, under the threat of an investigation.

In fact, she was working, she is now working part-time. Things were so tight, money was so tight she ended up having to go on food stamps, public assistance, if you will, to support herself. Her daughter that she was supporting, her daughter was going to college and had to drop out because her mother could no longer help her.

So after months and months of threats from the Special Prosecutor's office, they then write her a letter and tell her, we do not have enough evidence to charge you on anything, not the 80 counts, but on anything; and therefore, she thought, she was relieved that her nightmare would be over.

Well, a month later, a month later, they come back, and again, according to Mrs. Hawkins, they said that since she would not cooperate with them, they really wondered then what did she have to hide, and so they started to do some more digging, and they told her that we have come up with some new activity that we think that you may be involved in, criminal activity. We are not going to tell you what it is, but we are going to start the process all over again.

The whole idea of, now we are going to investigate you on something else since you will not cooperate with us, is probably government at its worst.

That is what I am concerned about here tonight and that is why I have taken the floor in the past, and I am here once again this evening. Where have we gone as a Nation that the government, the United States Government is beginning to do investigative tactics that are less than legal, less than moral, less than ethically correct?

In that same program, another one of the tactics used by the Special Prosecutor, Mr. Starr, was that FBI agents showed up at a high school to issue a subpoena to a 16-year-old, a 16-year-old, the son of an individual who was subject to an investigation. Another individual linked to Mr. Starr's office tried to pressure him into making false statements regarding the President. In fact, one individual, Professor Smith, who was a professor at the University of Arkansas and the former president of an Arkansas bank and a business partner of Jim McDougal over 20 years ago he was an aide to then-Governor Bill Clinton, levels an even more serious charge about the operation of the Special Prosecutor, Kenneth Starr. Mr. Smith said, ''They asked me to lie about other people, and they have lied about what they have done.''

In 1985, Mr. Smith pled guilty to a misdemeanor for misusing a loan. He took out a loan and he ended up using it for something other than what it said in there. Mr. Smith pled guilty to the incident and included an agreement to testify against others. That was part of the plea bargain. He was supposed to testify against others in the grand jury.

Well, Mr. Smith has pledged his cooperation with the investigation and the cooperation has begun. But did Starr make it very clear, Starr and his investigators make it clear what they wanted Mr. Smith to say? Instead, Mr. Smith said, again on the program the other night, ''60 Minutes'', he said that ''Oh, they made it very clear what they wanted me to say. They had typed up a script what was purportedly my testimony, and they wanted me to go in and read it to the grand jury,'' and that ''There were things that they were asking me to say that were untrue, things that I had repeatedly told them were not true, things that I told them I had no knowledge about, but yet they typed it up, and that was to be my testimony, and I was to enter it before the grand jury.'' Fortunately, he refused to do it.

But if we take a look at what is going on here, Mr. Speaker, if the government can do this, bring the weight and pressure of the Federal Government, go back and comb 20 years of one's history and find a misdemeanor charge where one might have said something a little wrong; and then one says, okay, I will plead guilty and cooperate, and then they put before someone testimony that they type up and they make up the facts, and the person has to then go before a grand jury and say it is true, not only about yourself, but also about other people, have we crossed that line?

If government, through these investigations, can do this to friends and associates of the President, then can they not do it to me? Can they not do it to the people sitting at home?

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Can they do it to any American citizen? My concern is that, as all Americans, we should be outraged by the actions of the so-called investigations going on here in Washington, D.C.

Unfortunately, these are not investigations, but violations of everything we hold dear as American citizens. Every basic, every fundamental belief and right on which this great country was founded is being trampled by a select few. But it is these few, those who think they are above the law, that are giving Congress and the government a very, very bad name.

This is more than just giving Congress or government a very bad name. This is about privacy, it is about our Constitution, it is about the laws of this Nation. It is about the oath of office. It is about our own word that we as elected officials take every year, every 2 years, when we are sworn in.

If we take the case of the chairman of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. BURTON), who has released private, recorded conversations, and these conversations were covered by the Privacy Act, but yet they are released to the news media, the conversations of Mr. Hubbell, his wife, his attorney, and his family, when these tapes were subpoenaed by the Committee on Government Reform and Oversight from the Justice Department, who had access to them, the committee and the gentleman from Indiana (Mr. BURTON) were warned.

He was allowed access to them, but he was warned not to release them, because they had very sensitive information. But because of his position as a Member of Congress, as the chairman of the Committee on Government Reform and Oversight, and because Congress is not subject to the Privacy Act, he had the right to release these tapes?

The gentleman from Indiana (Mr. BURTON) was warned by the Justice Department that Mr. Hubbell had a right to privacy that was protected, and that the gentleman from Indiana and his committee should safeguard these tapes against any improper disclosure. Still, as a Member of Congress, they put themselves above the law. They have purposely released these tapes.

Now we have learned in the past week or so that to make them sound even more incriminating, a word or two may have been altered or changed to make them sound more incriminating.

Does not one's oath of office, does not the Constitution of the United States, does not the Bill of Rights, does not the Privacy Act, does not human decency mean anything anymore in this country? Since when is it okay for a Member of Congress to trample on the rights of an individual? I submit, Mr. Speaker, whether we agree or disagree with that individual, no one has the right to violate another individual's rights in such a purposeful manner.

Mr. Speaker, the rule of law applies to everyone. No one should be held above the law. No one should be held beneath or below the law. This government cannot pick and choose whether or when it will follow the law. The laws of this Nation mean that everyone must follow the law, everyone, but especially Members of Congress.

When those of us who are elected officials sit by and allow a chairman or any Member of this Congress to openly ignore the law, then we are not worthy of holding the high office to which we are elected. That is why I came down to the floor a couple of weeks ago, and I am here again tonight, and have been doing special orders and one-minutes; that we as Members, or the gentleman from Indiana (Mr. BURTON) as the chairman, cannot place ourselves above the law or beyond the rule of law.

I must ask, Mr. Speaker, who is the next target? Where is the morality of the law that the last group spoke of? Where is the law? Why do the American people tolerate such an invasion of their privacy? Mr. Speaker, in this case, and particularly with the Committee on Government Reform and Oversight, look at what happened. This is no different from Ms. Hawkins, from the 16-year-old who was subpoenaed.

On March 19, if we just go back and look in the last 2 months, on March l9th the Wall Street Journal wrote an article that excerpted pieces of tapes of the conversations between Mr. Hubbell that were rather private and sensitive. The chairman, the gentleman from Indiana (Mr. BURTON), was trying to force Webb Hubbell, once again trying to pressure people to testify before the committee. So to get him to testify, because he refused to, you start leaking information. He was trying to intimidate Mr. Hubbell into testifying; not whether it was the truth, not whether it is appropriate, but to testify.

Does it not really sound familiar, like the Hawkins case we saw on ''60 Minutes,'' or Professor Smith, who was threatened with a misdemeanor some 20 years ago?

Then they go further. That was March 19. Take the May edition of the American Spectator. We all know the owner of that magazine is not a real big fan of the President, who ran an article with the information from the tapes. Where does he get the information from the tapes if it is protected underneath the Privacy Act?

The gentleman from California (Mr. WAXMAN), the ranking member of that committee, he wrote to the gentleman from Indiana (Mr. BURTON) and asked him to stop leaking the tapes on March 20, 1998. The gentleman from Indiana (Mr. BURTON) writes back and says, I have not leaked any tapes; and plus, even if I did, I had unanimous consent to insert the tapes in the CONGRESSIONAL RECORD; therefore, they are public record.

The gentleman from California (Mr. WAXMAN) and his staff went back and checked, and there was no unanimous consent in the record. He wrote back on April 2. The gentleman from Indiana (Mr. BURTON) informs the gentleman from California (Mr. WAXMAN) of his decision that, okay, I got caught on that one, there is no unanimous consent; I am still going to release these tapes, and I am doing it.

April 14th. The gentleman from California (Mr. WAXMAN) requested that the gentleman from Indiana (Mr. BURTON) immediately convene a working group to determine whether the document should be released. The gentleman from Indiana (Mr. BURTON) answered he would not convene the working group, he was going to release the tapes anyway, and he did. Now we know that words have been substituted, things have been changed. We really have to ask, who is next?

Mr. Speaker, prior to coming to Congress I was a police officer for some 12 years, a city police officer and a Michigan State Police trooper. I was injured in the line of duty and medically retired. One of the last cases I worked on, finalized, and actually went to court on, was the criminal investigation of someone in the city and State legislature.

We did not leak information to do our case. We did not violate her rights. We did not invade her privacy. We did not threaten her unjustly, but only treated her with humaneness and respect. We did our job in a professional, courteous manner. We did not run to the Michigan legislature and ask one party or the other party to release the investigation. We convicted her, and the case went to the Michigan supreme court. The conviction was upheld.

I did my investigation. We did honor to the law. We did it without violating people's rights. We did our investigation within the bounds of the law, not outside the bounds of the law.

Today, we had three pieces of legislation to honor law enforcement officers, because this is Law Enforcement Officers Memorial Week. We honored those who gave their lives in the line of duty, upholding the law. After all, we are a Nation founded on law, right? This Nation requires us to have faith and confidence in the judicial system and a belief that justice will be served.

That is why I am really profoundly troubled and, quite honestly, angered by the way the chairman of the Committee on Government Reform and Oversight has handled this investigation of campaign finance reform. I am disturbed about released, doctored tapes. It has involved name-calling of the President of the United States, and a disregard for procedures, criminal procedures, civil procedures, legal procedures that bind every law enforcement agency and every law enforcement officer. And the Privacy Act binds the Attorney General, it binds Ken Starr, but apparently it does not apply to Members of the House of Representatives, and certainly not the chairman of that committee.

It is sad and unfortunate, Mr. Speaker, that we find ourselves in the way that we are disgracing not only our institution, but we are failing to maintain the high standards that we should be setting.

Mr. Speaker, the threat of the gentleman from Indiana (Mr. BURTON) of the Hubbells is wrong; threats to subpoena people, to drag them in, to make them subject to an investigation, to subpoena sons of people who are subject to investigation, that is way outside the law. It is outside common decency. It is contrary to what people, we who are in government, should stand for. I would hope, Mr. Speaker, that the Justice Department will intervene here and protect the rights to privacy afforded all citizens.

My fear is that with the majority party, with all these investigations in Washington, D.C., from the gentleman from Indiana (Mr. BURTON) to Special Prosecutor Ken Starr, each and every day Americans are having their rights violated under the guise of an investigation. The joke around here, quite honestly, Mr. Speaker, is, have you received your subpoena today? And since I have been speaking out, I may very well receive a subpoena about something I should have known or must have known.

But when we use a prosecutor, a grand jury, the subpoena power of the grand jury, as a substitute for professional law enforcement investigation, then we have gone overboard, Mr. Speaker.

There are over 70 FBI agents working with the Starr investigation. Yet, they do not have contact with witnesses; instead, they are subpoenaed. What is the cost? What is the humiliation? What is the reputation? As Ms. Hawkins said, I had a $100,000-a-year position, was supporting my two kids, my two grandchildren. I am on food stamps today. No one trusts me. They have taken my good name and my integrity. They have humiliated me.

When is a mother forced to testify under subpoena about her daughter, or about facts that are untrue, like Professor Smith? When someone leaves a message on a telephone answering machine and then the caller is subpoenaed for expressing an opinion, have we gone too far? Has Big Brother taken over? What are we doing here? Where is the privacy? Under what authority or what right does government have to do these things? Why are agents, special prosecutors, chairmen of committees, Members of Congress, why do they believe they do not have to follow the law?

Whether you are a Democrat or a Republican, a liberal, conservative, Independent, if you are an American you really have to be outraged at the abuses of the power recently displayed in the name of investigations.

I do not personally know the parties involved who may or may not have been subpoenaed, who may or may not have told the truth, who may or may not be guilty or innocent. That is for judges and juries. But I do know that I believe, as an American citizen, I have certain rights that not even Congress can take away, not even a Member of Congress can violate.

As a human being, there is a certain decency, a kindness, a dignity, a respect that people should afford one another. These are the so-called inalienable rights we all enjoy. That is what we should be honoring here during Law Enforcement Officers Memorial Week. We should be honoring those who uphold rights, not be here on the floor talking about big government affecting the rights of every individual.

Who is next, Mr. Speaker? Is it I? Is it my colleagues who may join me here tonight? Is it the folks listening at home? I hope all Americans look at this and not pass judgment, but look at it and say, where have we gone? Where have we led ourselves, in this crazy political world, to try to get the other side? We have trampled the privacy law, we have trampled the Constitution, we have trampled the Bill of Rights. When does all this stop? Who is next?

I think it is time for government to step back. If I can use the Speaker's words, the gentleman from Georgia (Mr. GINGRICH), when we first started this, he asked everybody to step back and let the facts come out. Maybe we ought to step back from this dangerous precipice we are on of violating peoples' rights in the name of investigations. We have gone too far.

As a law enforcement officer, I never would have lasted in the department if I conducted investigations like this. Why, because I am a Member of Congress, do I have some special rights that I can violate, knowingly, intentionally violate, peoples' rights?

Mr. Speaker, I see my colleague, the gentleman from Maine (Mr. ALLEN) is here, the first one here. I would be happy to yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding to me. I do not come here tonight with any enthusiasm. I am a member of the Committee on Government Reform and Oversight, and I have to say, it has been a discouraging year-and-a-half on that committee.

There are matters here that need to be investigated and fully investigated, but it is clear to me that the committee has failed to conduct a professional and competent investigation under Chairman BURTON's leadership.

I have heard the chair and other members of the majority party say that there are Democrats who are stonewalling, who are trying to prevent the committee from getting at the truth. They point to the fact that a couple of weeks ago all of us Democrats on the committee voted against granting immunity for several witnesses. I want to talk about that tonight, because there were good reasons for us to vote against immunity a couple of weeks ago, and there are very good reasons why I expect we will do the same tomorrow.

Last fall the same issue came before our committee. Every single Democrat voted for immunity for several witnesses that were coming before us. We voted for immunity in the past, and we certainly will again. But we had a problem last fall. Here is the problem. One of the witnesses came forward and testified to certain violations of immigration and tax laws, and we did not know that he was going to testify about that subject matter. We did not know that he had potential criminal liability in those particular areas. But because we had granted, the committee had granted, full immunity to that person, he can now go scot-free on charges that might have been brought.

□ 2145

That is the problem. What happened? The Republican majority did not ask for a proffer of testimony. That is what every good prosecutor would do. Before we are going to grant immunity, we need a written statement of just what your testimony will be and then we will grant you immunity that will cover the subject matter of that testimony and not go beyond it.

Two weeks ago, Chairman BURTON asked for the committee to grant full immunity for additional witnesses. Well, as far as we are concerned, once burned, twice shy. Democrats asked him, have you secured a proffer of the testimony of those witnesses? And the chairman said, no, we do not have a proffer, no statement of expected testimony. As I said, every good prosecutor would get a proffer, but in this case there was none.

Now, we are not going down that road again. I believe the Democrats on this committee will grant immunity in the future as we have in the past, but first this committee has got to clean up its act. Once we have a fair proceeding, once we have a professional investigation, the chair will get full cooperation again.

I have to say that the comments from the newspapers around the country are uniform. We are seeing the same thing all around the country. This is a quotation from USA Today: ''Republican leaders will only compound the impression of partisanship if they fail to turn the fund-raising over to a committee with a less biased leader.''

It is unfortunate that that is the case. I think back to when we started this investigation and we said, we objected as Democrats to rules of procedure that gave this chairman more power than had ever been given to any chair of any committee in the House of Representatives in its history; that is, the chair of this committee has complete power to subpoena any documents he wants, to depose any witnesses he wants and to release any information he wants, all without a committee vote and without the consent of the minority. And since the Republicans have a majority on this committee, we know that if they are unified, they can vote to do all that. But at least they would air the issues before they go out.

Mr. STUPAK. Mr. Speaker, Chairman BURTON, is he not the first chairman in congressional history to have the power to unilaterally issue subpoenas and release confidential information?

Mr. ALLEN. That is my understanding. Never before, that in the past the rule has been that before you can subpoena that information or before you could release information which is gathered in the course of a committee investigation, you would need either the consent of the minority or you would have to bring the matter to committee for a committee vote. The majority, as I said, they have more members on the committee. Because they are the majority, they can carry the day. But what is missing when you bypass that procedure is you do not get a chance to air the issues. That is the healthy way to conduct an investigation. That is the way to make it have the flavor of a bipartisan investigation, which this one really does not.

Mr. STUPAK. It is my understanding that, I am not on that committee, it is my understanding that there have been 1,049 subpoenas issued in this case, and of those 1,049 subpoenas, 1,037 were unilaterally issued by Chairman BURTON without permission or consulting the committee. So that leaves only 12 subpoenas that have been issued by the committee in a bipartisan manner. The other 1,037 have been unilaterally thrown out there to see who can get in this big dragnet.

I was always taught, you investigate before you subpoena; you do not subpoena, then begin the investigation. One Member was telling me from California that one of these subpoenas landed on one of his friends. He has spent $100,000 trying to collect information, trying to consult with attorneys. And he is just distressed. He has spent $100,000 trying to comply with this all-encompassing subpoena, and they do not even know if they have good reason to be subject to this subpoena, but if you do not, you get dragged in in front of these hearings, government reform, or the Ken Starr investigation, and there you go. Your reputation, your business, your humility, everything is just stripped away from you, not to mention the financial impact.

I appreciate the gentleman coming down and sharing some input on this government reform.

Mrs. MALONEY of New York. Mr. Speaker, if the gentleman will continue to yield, Chairman BURTON not only has issued the 1,037 unilateral subpoenas, he has also issued unilateral subpoena power that is so incredibly one-sided. It only attacks Democrats. He issued 551 document subpoenas, and all but 9 have gone to Democratic affiliated persons or entities.

The Democratic National Committee alone has received 17 separate document subpoenas, many of which were designed to uncover the Democratic Party's campaign strategy and policy decisions. Along with other members of the committee, we have written the chairman to investigate allegations against some Republican donors. Let us be evenhanded. There has been wrongdoing on both sides of the aisle. But all of the attention has been so partisan, so one-sided that it has really destroyed all credibility. On the Senate side, there was an effort for a bipartisan investigation. It was a far more credible investigation.

Mr. STUPAK. Did not the Senate basically go over the same ground during their investigation?

Mrs. MALONEY of New York. It is very repetitive. Everything is repetitive.

Mr. STUPAK. So we are having a repeat of the same thing with a different twist with a chairman who has unilateral subpoena power who is just all over the place.

Mr. ALLEN. Mr. Speaker, if the gentleman will continue to yield, I was just noticing a quotation that was in the Wall Street Journal, April 10, 1997, a year ago, just over a year ago, a column by Al Hunt. Here is the quotation:

> Mr. BURTON has little regard for fairness. The biggest losers will be taxpayers. The Burton-led circus could cost between $6 million and $12 million.

That was over one year ago. Mr. Hunt's words have stood the test of time. As I understand the word now, we are now past the $6 million, headed toward $12 million and the gentlewoman from New York is right. One of the problems with this investigation is that it is so duplicative. We have done this in the Senate side. The Senate, for a mere, a mere $3 million of the taxpayers' money, has gone ahead and held 33 days of hearings and produced an 1100 page report. I quarrel with that report because it did not deal with campaign finance reform at all, but still they completed the investigation within one year. Here we are pushing $6 million, and we have had 13 days of hearings. And we have got no report to show for it, and the whole investigation is discredited.

Mr. STUPAK. Many times in my town hall meetings and in correspondence from constituents, we talk about these investigations. I have always felt and one of my answers is, when you start having, those of us who are elected officials, politicians, if you will, investigating other politicians, what do you get? More politics. That is exactly what USA Today is saying, Republican leaders will only compound the impression of partisanship if they fail to turn the fund-raising over to a committee with a less biased leader. That is May 6, 1998. New York Times, right over here, Friday, May 8, 1998, the Dan Burton Problem, by now even Representative DAN BURTON ought to recognize that he has become an impediment to a serious investigation of the 1996 campaign finance scandals. Or take the editorial page by the the gentleman from Wisconsin (Mr. BARRETT), Our Opinion, BURTON unfit to lead Clinton probe. It is no wonder that even some Republicans want BURTON replaced.

You start these things and they are driven by politics. Then you have the heavy-handedness of government. Where do we stop this? I think we have to step back. Government has just gone too far here. I am not here defending the guilt or innocence of anyone. This has just gone crazy when we subpoena people before we even know what the investigation is about. I was always taught you are supposed to think before you speak. I wish we would not investigate before we subpoena.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I appreciate the opportunity to be here with my friend from Maine and and my friend from New York and my friend from Michigan. There are a lot of places I would rather be tonight than right here. This is not exactly my idea of a good time. I think for all of us we ran for and were elected to Congress because we want to deal with the problems that concern our constituents: education, child care, health care, fighting drugs. But the gentleman from Maine (Mr. ALLEN), the gentlewoman from New York (Mrs. MALONEY) and I all serve on the Committee on Government Reform and Oversight so we have sat through these hearings for the last year and a half, and we know what is going on. It has not been a happy year and half for us, but we recognize that we are in the minority. We recognize that it is the Republicans that control the agenda here.

So I think for probably a year our cries of foul have fallen on deaf ears because it is not unusual for minority members to complain about treatment by the Republicans or by the majority party. But I think that the events in the last several weeks have now revealed to the American people exactly what is going on. And what I would like to do is take a couple minutes and go through a few of the editorials that have come from newspapers around the country, and the reason I think it is important to do that is because if I were someone sitting at home tonight and I were watching four Democrats, I would say, those are just Democrats complaining. But what we saw, going back, as Mr. ALLEN indicated, to last October, when every Democrat on the Committee on Government Reform and Oversight did vote for immunity for three separate individuals, unanimously we voted for immunity, what did we find out, we found out that the majority staff had not done its homework, and we had given legal immunity to a person who probably did not deserve it.

I think people have to understand what a vote for immunity is. We have many, many votes here in the House of Representatives. Some votes are important; some votes are not very important. A vote for immunity is a very important vote. That was the first time in my career that I had ever voted to give someone legal immunity. What that meant was that any crimes that

that person may have committed that basically were coming before our committee, that they would be excused of. That is a pretty heavy excuse or a pretty heavy price to pay to give someone the opportunity to testify before a committee. So it was not with a lot of enthusiasm that we take that step. It is actually, I think, a vote that probably makes most people nervous, if you are voting to give someone immunity, because it can blow up in your face. But we did that. We did that to act in good faith with the majority. But then we find out that that was something that should not have been done.

But it was really the events in the last month which were the straws that broke this camel's back in terms of convincing me that this was no longer even an attempt to try to have a fair investigation. The comments that Mr. BURTON made to his home newspaper, comments that I will not even repeat in public, that I would be embarrassed to say. In fact, I think Mrs. MALONEY indicated that if her children had used those comments, she would have washed their mouth out with soap, and that probably would be the same thing that would have happened to me as a child if I had used the phrase that he used.

Then he went on to say that he was out to get the President. Now, when you have a chairman of a committee say that he is out to get the President and slurs the President, that does not increase your confidence that this is an attempt to be a fair committee.

But then we saw the release of the Hubbell tapes and we saw the editing of those tapes. Again, I think what that did was that showed anybody who was looking at this that this was a circus, this was not an attempt to be fair at all, and that if we were going to try to be fair, we would have to take a step back and have someone new run this investigation. I want to go through some of these editorials, but before I do that, Mrs. Maloney has a statement she wants to make.

Mrs. MALONEY of New York. Mr. Speaker, I thank my colleague for continuing to yield to me. I would like to speak to the Speaker and my colleagues and really say that I really have not seen an investigation meltdown like this one since I watched Inspector Clousseau look for the Pink Panther. Of course, what all of us are talking about is the House Committee on Government Reform and Oversight's alleged investigation.

Three of us serve on this committee, and they are looking into the alleged fund-raising abuses in the 1996 campaigns. Many of us are beginning to believe that the investigation which would yield more results would be one that would focus on the people or the person in charge. The antics of the chairman have reduced this probe to a series of bulbles and blotches and embarrassments.

Six hundred subpoenas have been issued without the consent of the full committee. This is the first time this has happened since the McCarthy era. The committee has spent $6 million to hold just 6 hearings so far. The Senate investigation ran for days on just over half that cost. Then just in case those numbers were not incriminating enough, the name calling began that my colleague, the gentleman from Wisconsin (Mr. BARRETT) just referred to.

Now tapes are being doctored. The lead investigator has been forced to step down. We have all been labeled squealing pigs, and we are all on the Sunday morning talk shows. What is next? Oprah, Jerry Springer? When they start throwing chairs in the committee, I think we are going to all try to get off that committee.

But in all seriousness, the only chair that should move is that chair which is controlling the so-called probe, the one that is occupied by Mr. DAN BURTON.

The committee is no longer credible. It can no longer move forward under the leadership of the current chair. This is no longer a partisan request. Even the Speaker of this House has indicated that some of Mr. BURTON's actions have been an embarrassment to him.

□ 2200

When I looked outside the Beltway and into the pages of my hometown newspaper, The New York Times, it wrote, after the release of the edited tapes of personal conversations between Webb Hubbell and his wife, and I quote, and there is a part of it right here from my hometown newspaper,

> By now, even Representative Dan Burton ought to recognize that he has become an impediment to a serious investigation of the 1996 campaign finance scandals. If the House inquiry is to be responsible, someone else on Mr. Burton's committee should run it. Coming on the heels of an impolitic remark of Mr. Burton about the President 2 weeks ago, the tapes fiasco is forcing House Republicans to confront two blunders. The first was to entrust the investigation of campaign finance abuses to Mr. Burton; the second was to give him unilateral power to release confidential information.

In the past 16 days more than 50 editorials and columns have been written in papers printed everywhere from Washington, D.C., to Omaha, Nebraska, to Tacoma, Washington, questioning whether Mr. BURTON should continue in this position and taking him to task for his tasks in this supposed probe.

This is not a Beltway sentiment, this is not a partisan sentiment, it is a sentiment that is shared across this country and across party lines.

I truly believe that there are skeletons in the closets of both sides of the aisle and that the real solution is reform. And many of us on both sides of the aisle are working toward that. In the meantime, we need to move forward with a fair, bipartisan investigation.

It is appropriate that the lead investigator step down. It is now appropriate that this should be terminated or sent back to the Senate, which was able to have a more reasoned, sensible hand in the investigation. It just cannot continue the way it has. It has really been an embarrassment not only to Mr. BURTON and the Republicans, but I believe to this entire body.

Mr. ALLEN. I have one closing comment for myself and that is this: The power, the investigatory power of this House, is so broad, so powerful, so important that it has got to be handled carefully. It has got to be handled in a way that does not deteriorate into partisan bickering.

As those of my colleagues who are on the Committee on Government Reform and Oversight with me understand, we continue to slide down. And I think that the only way to pull this investigation back, to get it on track and bring it to a sensible conclusion is to make a change in leadership; and I say that with regret. But it seems to me that it is very important for the health of our democracy and for our ability to function in this House.

This investigation is out of control. On the one hand, it seems no longer to respect people's rights of privacy; on the other, it seems to be wasting taxpayers' money. I think that the fundamental flaw, the thing that went wrong from the beginning, was the sense that it could be run by one party against the other.

Whatever the numbers are, whether we look at the numbers of documents subpoenaed, the number of witnesses deposed or the targets of the document requests that have been issued by subpoena, they are 98 percent to 99 percent to Democratic targets.

We know that both sides have violated the campaign laws. Both sides should be investigated in an efficient, responsible way. And at the end of the day, what we should draw from this is the determination that we are going to change this system; that we are going to contain the influence of money and politics and we are going to step forward and get back to the people's business that the gentleman from Wisconsin (Mr. BARRETT) was referring to, the education, the health care, the Social Security, all of those issues that really brought us to this House in the first place.

So it is with some sadness that I say that it seems to me we need to get this investigation back on track, and that means a change in leadership, a change in direction, and get back to the business of this House of Representatives.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for coming out and joining us tonight, and the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Wisconsin (Mr. BARRETT), and we will continue this, but the point the gentleman is making, whether it is this democracy, this House of Representatives, this government, we cannot pick and choose when we are going to follow the law.

The laws are there. The laws of this Nation mean everyone must follow this law. ''Everyone'' includes especially us.

We are sworn to uphold the law when we take the oath of office, especially Members of Congress.

So when those of us who are elected officials, if we just sit by and allow the chairman of this committee, or any other member, to openly ignore the law and we do not speak out, then we certainly are not doing our job as elected representatives in trying to uphold the principles of this democracy.

As the gentleman from Maine said, there are problems on both sides, but it does not give one side the right to violate the rights of individuals. Whether we like that individual, agree with that individual, or not, no one has that right. And I am pleased that my colleagues here tonight have spoken out with me.

I yield to the gentleman from Wisconsin (Mr. BARRETT), who has been patiently waiting.

Mr. BARRETT of Wisconsin. I thank the gentleman, Mr. Speaker, and a point I want to make here that might be sort of unusual for a politician to make, as a partisan, as a Democrat, frankly, probably the best thing in the world would be to have DAN BURTON remain as chair of this committee, if the only thing we were interested in was to make the Republicans look bad.

Because I think, as this editorial from my hometown newspaper points out, this is from the Milwaukee Journal Sentinel, Saturday May 9th, ''Our opinion: Burton unfit to lead Clinton probe. It is no wonder that even some Republicans want Burton replaced.''

If we wanted to just center it on the difficulties that our colleagues on the Republican side were having, we would just say, keep him in that chair, let him continue that investigation, because there is no credibility. I have said that for months. This committee has no credibility.

But I think this is an issue where we have to go beyond our party identification and say, this is a waste of money to have this person run this investigation. We have spent literally millions of dollars on this investigation and it simply does not have any credibility.

I want us to have a fair investigation. I think that there have been problems. I think that there have been problems on both sides of the aisle, and I think there is a duty for us to investigate those.

Again, I am very cognizant of the fact that many people say, well, they are just a bunch of Democrats complaining. But I want to read from a couple of editorials. These are all editorials from the last week, and they are from all different parts of the country.

The Pittsburgh Post Gazette, ''Tale of the Tapes. Representative Dan Burton brings a serious inquiry into disrepute,'' from May 8, 1998. This refers to the apology that Mr. BURTON made to his fellow Republicans and that the Speaker made to the Republicans as well. ''In apologizing to House Republicans for his mistakes, Representative Burton should have also apologized to the American people. It is they who lose the most by having an important inquiry turned into a circus.''

From Roll Call, which is a very respected newspaper right here on Capitol Hill, the title of the editorial, ''Out of Control,'' May 7th, 1998. ''So at long last, House Speaker Newt Gingrich realizes that Dan Burton is an embarrassment to House Republicans.'' The editorial goes on to state. ''Removing Burton as chairman might ease GOP embarrassment, but Gingrich also needs to watch his own rhetoric lest he too become an embarrassment.''

From the San Antonio Express News, May 6, 1998. ''Burton bumbles in bad faith. Burton's antics as chairman of the House Government Reform and Oversight Committee have stripped credibility from the panel's probe.'' The editorial goes on to state: ''Burton's release of the doctored transcripts was a partisan cheap shot, not full disclosure in the name of justice. Clearly, Americans cannot rely on a Burton-led probe to produce the whole truth. Republican House leaders should replace him immediately.''

There are several more, if I could continue here. From the USA Today, May 6, 1998, ''GOP Stumbles, White House Stonewalls. The distorted record gave proof that the GOP committee leader was engaged in a partisan vendetta. Burton was rightly chastised for his indecent tape-editing. Republican leaders will only compound the impression of partisanship if they fail to turn the fund-raising over to a committee with a less biased leader.''

That editorial was also critical of the Democrats, I should add.

The fifth one, from the Allentown Morning Call, May 5, 1998, ''Congressman Plays Dirty with Tapes. The current clumsiness of the likes of Representative Dan Burton,'' the editorial then goes on to say, ''isn't very persuasive that a dispassionate search for the truth is all anybody really wants.''

The Omaha World Herald, May 5, 1998, ''Republican ineptitude in the United States House of Representatives makes it harder to be confident that the public will ever know the truth about the White House scandals. Serious allegations ought to be treated with more professionalism than Burton has shown. The harm done by Burton's earlier appearance of vindictiveness may become difficult to undo.''

And finally, from the Tacoma Washington News Tribune, ''Transcript Release Unfair, Partisan,'' May 5, 1998. ''Burton says he condensed the transcripts to make these easily understandable and to protect Hubbell's privacy, but these claims do not pass the straight-face test. Somehow he has further undermined public confidence in Congress' ability to conduct credible investigations.''

There are problems, and I think that we have acknowledged that, and there are concerns with Democratic fund-raising, but there are also concerns with Republican fund-raising. I am embarrassed by the amount of money that is in politics, but to argue that somehow the Democrats have raised their money from assorted sources while the Republicans have raised all their money from widows and orphans just defies logic. And I do not think there is an American listening to this who believes that.

The difficulty is that we have to have a fair investigation. That is what the American people want. They want a fair investigation, and we are not getting a fair investigation under Chairman BURTON.

So we can continue. We can continue down the road we have gone for the last year-and-a-half and we will continue to have problems.

I am not interested in granting immunity if I think that all we are doing is continuing a partisan witch-hunt. I will vote for immunity if I think that there is going to be a fair investigation. But that is not what I see happening, and I do not see any signs under Chairman BURTON's leadership that that is going to change, and that does not make me happy.

As I said earlier, there are many things I would rather be doing. I would rather be working on the issues that the people in my district sent me here for.

I have three small kids at home. I would much rather be home with them than standing here late at night in Washington, D.C.

But this is an important issue and it is important for us to let the American people know what the complaints are that we have with the process.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for coming down. I know a week or two ago when we did this, he also came down, and I appreciate his insight on the Committee on Government Reform and Oversight.

I find it ironic that some of these laws we have spoken of tonight, especially the Privacy Act, that Mr. BURTON and others were warned that there was sensitive information and that it should not be released. Under that Privacy Act, if that same information, those tapes, were released by the Attorney General or Ken Starr, they could have been prosecuted under the Privacy Act. But because Mr. BURTON is a Member of Congress, and we are exempt from that law, he goes ahead and releases them and, under the debate clause of the rules and the Constitution, he is protected from any kind of criminal prosecution.

I find it ironic that we, the government, pass laws, but that we, the government, choose not to live by them and we apply these standards differently as we proceed through these investigations. The laws of the land must apply to everyone, especially Members of Congress.

Mr. BURTON had an opportunity here, and it is sad to say it has not panned out well, and it brings disrespect to all of us in this House. So I really do hope

that the Speaker considers removing him or putting someone else in charge.

As the gentleman said, let us have a fair investigation. Let us look at both sides. There are problems on both sides. I think we would all acknowledge that. But when we start subpoenaing people before we even know what we are investigating, I just think we have it backwards.

As I said earlier, I have always been taught to try to think before I speak. When I was in law enforcement, we always investigated before we issued subpoenas. Unfortunately, here we are issuing subpoenaes, unfortunately 1,047 of them, and we do not even know what we are searching for or what we are going after.

And all we are doing is pressuring people and stripping them of their integrity, their reputation and their pride, and spending a lot of money to fight subpoenas when they have nothing to do with these investigations. The Senate has already investigated all this and submitted their report, but yet we keep going on and on and on.

Again, that is why I guess I have always said that when there are politicians investigating politicians that just gets us into more politics. We have, unfortunately, lost sight here of the integrity of the investigation, the faith in our laws as a Nation, that all citizens should have faith and confidence in our judicial system and a belief that justice will be served.

Unfortunately, I cannot say that about this campaign investigation that is going on in the House of Representatives.

□ 2215

I know at times I hope folks back home are not saying we are just a bunch of Democrats up here trying to protect this person or that person. That is not the issue here. The issue is have we gone too far in giving one Member of Congress such an awesome power to subpoena people. Have we given Congress or a chairman or individual Members an exception to the Privacy Act where they can disclose private conversations of people, and then we find that certain words were doctored or altered to make it sound even more incriminating and where are we going? And if we can do this, if this committee and subpoenas can be friends of the President or Democratic fund-raisers, what is then not to say we will do all blond-haired people tomorrow and do the same kind of treatment to them underneath the guise of an investigation?

I just think we have gone too far. And having been in law enforcement all those years as I was, I just find it quite repulsive that we would do this. And without more people speaking up, I am glad to see some of those newspaper articles and editorials are paying attention, I hope Members of Congress are, and somehow we do something, not just with these investigations that we have here in the House that have gone so one-sided and lopsided, but also with the special prosecutor statute.

This has been going on now for, what, 6 years and $45 to $50 million and we are still in the investigative stage where, as I mentioned the other night, a 16-year-old son of an individual was subpoenaed by FBI agents at his school. I mean, how does his son go back to school the next day?

We have gone overboard in this whole thing. And if we are worried about Big Brother and big government watching us before, with the abuses we have seen in these investigations from Ken Starr to the gentleman from Indiana (Mr. BURTON), where is government going to show up tomorrow?

It is not a good day, not a good day at all. I thank the gentleman from Wisconsin (Mr. BARRETT) for joining us here tonight and I appreciate his input. And I know I am going to continue to speak out on these abuses. I think, as I said before this evening, if we do not, those of us who are elected to uphold the law, then I think we fail in our duties as elected representatives in the democracy.

Mr. BARRETT of Wisconsin. In the spirit of fair play, my friend, the gentleman from Georgia (Mr. KINGSTON) is here and he indicated he wanted to put in his word on the other side. So I am more than happy to yield to the gentleman.

Mr. KINGSTON. Mr. Speaker, let me ask my friends; They all have been kind of bashing the style, not the person, but the style of our friend the gentleman from Indiana (Mr. BURTON) who we all know to be a man of integrity and of honor. But they mentioned the rules about putting Congress under the same laws as the private sector.

Did my colleagues vote for that rule, which was, as my colleagues know, a Republican rule and generally passed on a partisan vote? Did they leave their side of the aisle and vote with the Republicans to make that a reality on the first day of Congress in 1995?

Mr. BARRETT of Wisconsin. Yes, I did. In fact, I was a cosponsor of that bill to have the laws that apply to the private sector also apply to Congress.

Mr. STUPAK. And the same for me.

Mr. KINGSTON. I am glad to see that.

Would my colleagues urge their Democrat colleagues, the 19 who will not vote for immunity for the key witnesses, in order to get around this partisanship, in order to get on with the investigation, would my colleagues urge their Democrat colleagues to vote for immunity, the ones that the Democrat Department of Justice have given and granted immunity to?

Mr. BARRETT of Wisconsin. I am one of those 19 that did not vote for it. And I will not vote for immunity tomorrow because I do not believe this is an attempt to find truth. I do not think this is a fair investigation.

Mr. KINGSTON. If the gentleman would further yield, one of those witnesses is a guy named Kent La, who, as my colleagues probably know, is an associate of Ted Sioeng, who is a business operative with the Red Pagoda Mountain Tobacco Company, which, as my colleagues know, is the third largest selling cigarette in the entire world and it is Communist-owned, and it gave $400,000 to the Democrat National Committee.

Do my colleagues not think that it is important to hear from Kent La on why would a Communist-owned cigarette company give $400,000 to the Democrat Committee?

Mr. BARRETT of Wisconsin. Reclaiming my time, I do not know what the gentleman would be testifying to; and that is part of the problem we have had in the committee. We have given immunity to an individual earlier. He came in. There was no proffer of his testimony. He gave testimony that was different than what the committee expected.

So, again my point is, under the leadership of the gentleman from Indiana (Mr. BURTON), this committee does not have credibility.

Mr. STUPAK. Mr. Speaker, reclaiming my original time, let me answer that quickly if I may.

My problem with this is, the way my colleague phrased his question is, because this person was an associate and there was a business operative and there is a Communist cigarette, he just made three assumptions there.

My answer would be, send the FBI agents out. Check with this individual. If there is a need to bring him before a committee and need to subpoena him, then do their investigation before they subpoena.

CAMPAIGN FINANCE INVESTIGATIONS

The SPEAKER pro tempore (Mr. BURR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia (Mr. KINGSTON) is recognized for one-half of the remaining time tonight.

Mr. KINGSTON. Mr. Speaker, let me get back to the point and invite the gentleman from Michigan (Mr. STUPAK) to hang around if he wants to, who I happen to think a lot of, incidentally.

But Kent La, the man who would be the witness to the Burton committee, which we will vote on tomorrow, and I certainly urge my friend from Wisconsin to reconsider his position, which I would have a hard time believing that it does not have just a little hint of partisanship in it. But I know the gentleman well and I would think more of him than that.

So let me just say about Kent La, because apparently my colleagues have not heard of this guy. But he is an associate of Ted Sioeng and he is the United States distributor of Red Pagoda Mountain Cigarettes. He has a major stake in these cigarettes, the best-selling brand of cigarettes in China and the third largest selling cigarette in the world. The company is

owned by the Communist Chinese Government; a fact.

Ted Sioeng and his associates gave $400,000 to the Democrat National Committee. Of this amount, Kent La, the witness, gave $50,000. Now, every witness that has come before their committee has said, ''You need to interview Kent La.'' But Kent La has invoked the fifth amendment. He is one of the 92 who have fled the country or taken the fifth amendment. But he is saying he will testify if he has immunity.

The Democrat Department of Justice gave him immunity. But on the committee, the Democrats are blocking his opportunity to be a witness. Now, inasmuch as this investigation is not about the gentleman from Indiana (Mr. BURTON) but about campaign financing, why will not my colleagues vote to give the guy immunity?

Mr. BARRETT of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Wisconsin.

Mr. BARRETT of Wisconsin. Two corrections. I serve on the committee. My colleague made the statement that the Department of Justice has given him immunity. If the Department of Justice had given him immunity, there would be no need for our committee to give him immunity.

Mr. KINGSTON. Reclaiming my time just to say that the gentleman is correct. What they said, and they said it in writing, is that they have no problem with the committee giving him immunity. So he is correct on a technicality. But again, that is only a technicality. The matter is, what does the witness have to say?

Mr. BARRETT of Wisconsin. If the gentleman would further yield, the second statement that he made I want to correct. My colleague stated that every witness who has come before this committee has talked to this gentleman. I cannot recall a single witness who has testified before this committee who has made that statement. I am on the committee. Not a single witness has said that.

Mr. KINGSTON. Not a single witness has. But let us say my colleague scored.

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

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

Mr. STUPAK. That just defeats his question, then, if my colleague just agreed with the gentleman from Wisconsin (Mr. BARRETT).

Mr. KINGSTON. Reclaiming my time, and I want to get to my friend from the Upper Peninsula. But let me say this; my colleague wins on a technicality. Two technical points, two minor technical points; they win.

The fact is, I want to know why my colleagues will not give the guy immunity to testify if they are really interested in getting to the truth.

Mr. STUPAK. Technical point. That is not a technicality when the gentleman from Wisconsin (Mr. BARRETT) tells my colleague, and he sits on the committee, that no witness has ever mentioned that the committee should interview this guy. That is not a technical point; that is the truth of the matter.

Mr. KINGSTON. Reclaiming my time, I guarantee my colleagues, I am going to give them that point.

Now my question is, when the Department of Justice has signed off on immunity, why will not my colleagues let the guy testify? And how could my colleague from Michigan say in good conscience that he is being fair and that he is really nonpartisan, he is really interested in getting at the truth, when he will not let a witness come before the committee?

Mr. STUPAK. If your question, and my colleague should have stayed at Michigan State longer because he would have learned this, if his question was and if the truth was that every witness said to have this guy testify, which the gentleman from Wisconsin (Mr. BARRETT) said that is not the truth, based upon his hypothetical, if this was true, I am sure, I cannot speak for committee members, I would vote for it if his statement was true.

Mr. KINGSTON. Reclaiming my time, I am not on the committee. I am not on the committee. I am giving my colleagues those two points.

The question is, and my colleagues know, the greater issue is not the punctuation of the sentence but it is the answer to the question; and the question is, why will my colleagues not let the guy testify?

Mr. Speaker, I yield to the distinguished gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. I thank my friend, the gentleman from Georgia, for yielding; because, Mr. Speaker, I think we have a very interesting case study here. We have here on the floor of the Congress, under the ostensible notion of nonpartisanship or bipartisanship, a very clever and very lawyerly-like dissemination and dissection on technical figures of speech. Indeed, to be completely accurate, if we want to indulge in these types of statements, I would have to gently correct my friend from Michigan; because the accurate statement from the gentleman from Wisconsin was that he could not respect anyone testifying, as my friend from Georgia said.

So we could be awash here in technicalities. But it is very instructive to listen to the tenure and tone of the preceding hour and indeed those characterizations that come to us, with apologies to Drew Pearson and Jack Anderson and others, in this Washington merry-go-round; because it sadly reduces to farce some very important concepts.

I listened with interest to the concerns of our friends from the other side about the gentleman from Indiana (Mr. BURTON), and let me commend them for being rather clever and I believe being totally partisan, while standing there cloaking themselves in the veil of nonpartisanship.

But there is a larger question tonight, Mr. Speaker; and it deals not with the chairman of any House committee, nor on the technicalities of parsing statements and trying to outlawyer each other. Though, for the record, I should point out I am not an attorney. ''JD'' does not stand for ''juris doctorate''; and I consider that to be an asset, quite frankly. No, the larger question has to do with the rule of law in a society and a truly bipartisan attempt to get to the bottom of some very serious, serious allegations.

Indeed, if history is our guide, a quarter century ago, we saw bipartisanship when there were genuine concerns and indeed a constitutional crisis surrounding the White House, when the President made a claim of executive privilege that was overruled by the judicial branch.

Well, this Chamber and the other Chamber moved forward to solve that problem. So the bigger question tonight, as I am happy to yield time back to my colleague from Georgia, has nothing to do with the technicalities and the character questions of any Member of Congress. It has everything to do with over 90 witnesses who have either taken the fifth amendment or fled the country. And indeed, in that context and the serious, serious allegations surrounding not only those actions but what has transpired perhaps at the other end of Pennsylvania Avenue, I would submit to my colleague from Georgia, my friends from the other side of the aisle, that this has little to do with the chairman of any committee here and everything to do, sadly, with this administration and the curious behavior and the curious defenses offered by the left.

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

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

Mr. STUPAK. I agree with the gentleman from Arizona (Mr. HAYWORTH) that this is a very serious matter and should be taken very seriously. And the part that upsets maybe us and the reason why I have been taking to the floor is, let us go back to the original question that the gentleman from Georgia (Mr. KINGSTON) asked about this individual and the Justice Department granting him immunity and that every witness before the committee, and the only one here who is on that committee is the gentleman from Wisconsin (Mr. BARRETT), said they should interview this guy.

□ 2230

There were about three things wrong with that. See, the problem is this, we are throwing out these accusations which, when corrected, we call a technicality. But when we hurl an accusation in the position we are in as elected Members of the Congress of the United States, it is very important, before we

impugn people's reputations, before we make accusations that the facts be crystal clear.

Mr. KINGSTON. Mr. Speaker, let me reclaim the time here, because we can talk about Kent Law, but I have already said you can have the technicality on that. I am not on the committee.

But what I do not quite understand is, do you not have the slightest bit of curiosity as to why the guy who works for the Chinese Communist-owned Red Pagoda cigarette company, why they gave $400,000 to the Democratic National Committee?

I yield to my friend from Michigan.

Mr. STUPAK. To answer the gentleman's question, if your three points were correct, that Justice gave them immunity, that every witness said that it is true——

Mr. KINGSTON. Reclaiming the time. Listen, my friend from the Upper Peninsula, this is part of the Democratic tactic of delay, of distract. I am saying, hey, do you know what, I only know what I read. My question is, forget the technicalities. Tell me why you do not think it is important for a guy to testify.

Mr. STUPAK. If you would let me.

Mr. KINGSTON. Still claiming the time, if you do not want to talk about Kent Law and grant him immunity, what about the $3 million that was funneled through John Huang, which the Democratic National Committee had to return? Does it concern you that the Chinese Government may have been trying to influence the election process?

Or if you do not want to talk about that, could we talk about why Webb Hubbell got $700,000 in money after he left his job and before he went to prison?

Or if you do not want to talk about that, can we talk about Charlie Trie, who is a friend of the President, from Arkansas who funneled $700,000 in contributions to the President's legal defense fund?

If you do not want to talk about that, could we talk about Charlie Trie's Macao-based benefactor that wired him $1 million from overseas banks.

There is enough here that surely we can talk about one issue besides the gentleman from Indiana (Mr. BURTON) and Republicans who do not say things correctly.

Mr. STUPAK. If the gentleman would yield, to the original question on the technicalities——

Mr. KINGSTON. No. Let me reclaim my time.

Mr. STUPAK. You have got to let me answer.

Mr. KINGSTON. No. I think you have already said you have given me an F for grammar, an F for credibility, whatever. I understand that. So do not go back down that trail. I am giving you another two.

Mr. STUPAK. Let me answer your question.

Mr. KINGSTON. Mr. Stupak, I was a salesman, and when you get the order, you get the order. The sale is over with. Go home. I am giving you the order. I am going on to a different issue.

Mr. STUPAK. I am trying to sign my name.

Mr. KINGSTON. I am trying to say, you won that round.

Now I am asking you, which one of these other issues do you want to talk about?

Mr. STUPAK. Mr. Salesman, I am trying to sign my name to your order form.

Mr. KINGSTON. I am always glad to yield to my friend, the gentleman from Michigan, in hopes that he will answer the question finally.

Mr. STUPAK. To sign your order, Mr. Salesman, the answer would be, yes, I would grant him immunity if I was on the committee. Based upon those facts, if they were correct, I would grant him immunity. That is your original question. I would agree with you.

Mr. KINGSTON. How about the gentleman from Wisconsin?

Mr. BARRETT of Wisconsin. I am on the committee.

Mr. KINGSTON. Have we sold you, brother? Can you come around?

Mr. BARRETT of Wisconsin. For me, the issue is credibility and fairness. So you can paint these pictures. I am standing here with no documents; you have got some documents that obviously have been prepared as a tactical point.

Mr. KINGSTON. Reclaiming the time, this is, as a matter of fact, available to you, as it is me. It is the statement of the gentleman from Indiana (Mr. BURTON).

Mr. BARRETT of Wisconsin. That is fine. It is over. For me, it is over in the committee. When you have a committee chair that uses a term, calls the President a term that I think both of you gentlemen would wash out your kids' mouth with soap and says he is out to get the President, I think it flunks the fairness test. That is what it is. It has flunked the fairness test, and it has flunked the credibility test.

Mr. KINGSTON. So because the gentleman perceives the procedure as being unfair, then he says there is no problem.

Mr. BARRETT of Wisconsin. No. No.

Mr. KINGSTON. The issue is the gentleman from Indiana (Mr. BURTON) is so unfair that the potential that the Chinese Communist government is infiltrating our government is not an issue because we do not like the gentleman from Indiana (Mr. BURTON).

Mr. BARRETT of Wisconsin. Would the gentleman yield?

Assuming what you say is true, and I do not know that it is, and that you are bothered by it, I think you heard us talk about every single editorial has said this committee basically has lost its credibility.

Mr. KINGSTON. Wait a minute. Reclaiming the time, if I can go on the technicality argument so eloquently demonstrated by my friend from Michigan, you said ''every editorial.'' Why, that is not true at all. The editorials in my hometown paper, the editorial that I have somewhere around here from the Washington Post says get over the gentleman from Indiana (Mr. BURTON). Look at the tapes. So if you want to get into that—

Mr. HAYWORTH. Indeed, I thank my friend from Georgia because, since we sadly have lapsed into hyperbole and always want to be mindful of the technical requirements of our good friend, the gentleman from Michigan, we can indulge in an institutional memory in this Chamber long before I arrived here.

Indeed, the Wall Street Journal opined on this subject this morning, discussing the tactics of previous chairmen in this House, how one gentleman ''used to arrange to have full, detailed news stories appear the same morning his victims were scheduled to testify.''

It is very interesting to hear these protestations of a lack of fairness when history is replete with so many abridgements, so many convenient sharings of facts from so many committee chairmen for so long under a previous majority. Again, while we could score debating points, that simply only serves to distract us and play tit for tat when there is a larger question at stake.

Though the truth may ultimately turn out to be uncomfortable perhaps for us all, indeed for us all, why would anyone choose to obfuscate and call into question fellow Members of Congress when, instead, the problem, as much of the evidence indicates, has little to do with the rules of this House and everything, sadly, to do with the reported practices, questionable practices of fund-raising and relationships, and sadly what in fact could turn out, Mr. Speaker, to be crimes.

Why not get to the heart of the matter? The people in my district want to know.

Mr. KINGSTON. Reclaiming the time, we have about 30 minutes. I want to say that you are the first two Democrats who would be willing to come down here and discuss this. It speaks well for both of you and your convictions.

I wanted to say, also, there are certainly a lot of gray areas in this whole debate. But I also say that there is a heck of a lot of partisanship being exhibited that goes beyond the gentleman from Indiana (Mr. BURTON).

Why do we not do this? Why do we not all kind of keep this ball rolling and talk for about a minute each, and everybody can get in his point or two. Of course, if I look real bad, I will claim more time, but if that is agreeable, why do we not do that?

Mr. BARRETT of Wisconsin. I would be more than happy to. It is your time.

Mr. KINGSTON. I yield to the gentleman from Wisconsin, and I will keep this on my watch.

Mr. BARRETT of Wisconsin. Okay. If I wanted to be a partisan hack on this issue, the smartest thing in the world for me to do would be to say, keep the gentleman from Indiana (Mr. BURTON) in that chairmanship, because I have seen these editorials, and I mentioned the editorials I have referred to. The editorials have skewered them. They have not been good, frankly, for the Republicans.

So I would say let him stay there, but I am interested in having the truth. I think that there are other people on this committee, I am on this committee, the gentleman from California (Mr. COX), the gentleman from Connecticut (Mr. SHAYS), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from California (Mr. HORN), there are many others on that committee who could run that committee and frankly would have credibility.

I think what we have to do is, we have to have a search for the truth. Again, for me, sadly the committee no longer has credibility. That is what the issue is for me. I would be lying to you if I told you anything else. It just simply no longer has any credibility.

I want to thank the gentleman from Georgia (Mr. KINGSTON). As usual, he is a gentlemen. And I appreciate the opportunity to engage with him on this, and the gentleman from Arizona (Mr. HAYWORTH) as well.

Mr. KINGSTON. Do not leave yet, because I do want to respond to that. The gentleman's 60 seconds were just running out.

Let me say this, if the gentleman from Illinois (Mr. HYDE) was the chairman of that committee or the gentleman from Florida, (Mr. CANADY) or the gentleman from Florida (Mr. MCCOLLUM), from a distance, it sounds great.

But when we think about what happened to the gentleman from Michigan (Mr. EHLERS) when he was looking at California vote fraud, he and the gentleman from Ohio (Mr. NEY), the cochair, leading people on that committee were accused of racism even though both Republicans have Hispanics in their immediate family, the gentleman from Michigan (Mr. EHLERS), three Hispanic grandchildren, but he was called a racist by many, many Democrats.

I think that we have gotten into this habit of, if you do not like the content of the debate, attack the person. So if it was not the gentleman from Indiana (Mr. BURTON) and it was the gentleman from Illinois (Mr. HYDE), I am sure we would all start talking about something about him that folks found offensive.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. STUPAK). And, note, I came in at 10 seconds left to go.

Mr. STUPAK. A couple of things. You agreed on the point that we were on some technicalities, but when you are doing investigations like this, or discussions, technicalities, truth has to prevail over technicalities. In the last comments of gentleman from Arizona (Mr. HAYWORTH), you know he is talking about all these other things, but the end does not justify the means.

We have the Constitution here. We have an oath of office. We have a Bill of Rights. We have a Privacy Act. The gentleman from Indiana (Mr. BURTON) was warned not to release those things, and he still did. There the end is trying to justify the means, and you cannot do that. You cannot trample constitutional safeguards to make your points, whatever they may be.

I do not think the gentleman from Illinois (Mr. HYDE) or the gentlewoman from Maryland (Mrs. MORELLA) or the gentleman from California (Mr. HORN) or any others would have done that when they get a letter from the AG saying, this is highly sensitive, do not do that. I do not believe we would have been reading about these tapes in the paper. I think they are sensitive to those things.

I do not think there is a personal agenda with these others, which the gentleman from Indiana (Mr. BURTON) has more or less admitted to. That is what loses credibility in our eyes and the eyes of the American people.

Mr. KINGSTON. Mr. Speaker, I yield to Mr. HAYWORTH.

Mr. HAYWORTH. Mr. Speaker, let me congratulate my friends from the other side for again trying desperately to shift this focus to another Member of Congress, who has endured great criticism in the media, as have other people who are not Members of Congress. The name Kathleen Willey comes to mind and many others who have been placed in a situation where, if they appear to make statements that are contrary either to the minority on this Hill or to those who now reside at the other end of Pennsylvania Avenue, are called into question, their character is called into question. But I think it is worth noting, if we accept for just a minute the premise that——

Mr. KINGSTON. Mr. Speaker, the gentleman's time has expired.

Mr. HAYWORTH. Let me thank my friend, the gentleman from Georgia, for being so judicious to our colleagues on the other side of the aisle.

Mr. KINGSTON. The clock does not lie.

Mr. HAYWORTH. I will sit back and listen with great interest to what the gentleman has to say.

Mr. KINGSTON. It is not my time. I was going to yield to the gentleman from Wisconsin (Mr. BARRETT), but I will yield my time to the gentleman from Arizona (Mr. HAYWORTH).

Mr. BARRETT of Wisconsin. I will thank the gentleman from Georgia very much. He has been a gentleman.

Mr. HAYWORTH. Can I just make a point? This is a very serious question for the American people. I appreciate the comity and the civility, but I would hope on this issue and many others it would never degenerate into levity because what we are discussing is very serious. It goes to the heart of our constitutional Republic.

My friend, the gentleman from Michigan said the ends do not justify the means. Accepting that, then all these matters could be cleared up if over 90 witnesses had not either taken the fifth amendment or fled the country.

Indeed, Mr. Speaker, if the President of the United States who several weeks ago told the press corps and, by extension, the American people that we deserve the facts sooner, not later, would simply come forward and share those facts with the American people. Again, I would remind my friends who remind us that the ends do not justify the means, who are quick to point to our Constitution that, indeed, the Constitution of the United States gives this branch of government, the legislative branch of government, oversight of the actions in the other two branches.

□ 2245

Oversight of actions in the executive branch of government. And, indeed, I am sorry my friend from Michigan did not stay with us, Mr. Speaker, because there is one question that is out there. For if the ends do not justify the means, how then do we reconcile not only the gulf between the statement of our President, who said the American people deserve the facts sooner, rather than later, how then do we also reconcile, Mr. Speaker, the statements of the Vice President of the United States, who in meeting the press after allegations, and indeed later substantiated that fund-raising phone calls were made on Federal property from the White House, then attempted to tell the American people at a press conference that his legal counsel informed him there is no controlling legal authority?

You see, Mr. Speaker, and my colleague from Georgia, this goes to the heart of the matter. There is a controlling legal authority. It is called the Constitution of the United States, and, by extension, the Constitution articulating that it is the Congress of the United States that shall have that oversight.

Indeed, the question remains, as I listened with great interest to my friend from Wisconsin, at long last, is there not one, is there not one member of the minority, who would step forward to vote to grant immunity, as advocated by the Justice Department, so that these serious allegations can be addressed? Is there not one who is willing to step forward?

Is there not one who can heed the lessons of history? And I think, Mr. Speaker, of the former Senator from Tennessee, Howard Baker, who put principle above partisanship, who was willing a quarter century ago to let the chips fall where they may. And I just wonder Mr. Speaker and my colleague from Georgia, have our friends on the other side taken a profoundly different lesson from that history, that the notion of stonewalling and obfuscation and changing the subject can somehow resonate?

Good people can disagree, but the truth should be our guide.

Mr. KINGSTON. If the gentleman will yield, it is interesting you brought up the contrast of Howard Baker and the Republican minority during the Watergate scandal compared to JOHN GLENN. You know, JOHN GLENN, my elementary school hero shared by so many kids, how far he has fallen from those days, high in the stratosphere, to being a lowly politician.

Here is a quote that when he was the ranking member of the Senate Oversight Committee on the Thompson committee, FRED THOMPSON asked how the investigators could get more information when so many people had fled the country? JOHN GLENN's response was, ''That is their problem.''

The SPEAKER pro tempore (Mr. BURR of North Carolina). The Chair would remind Members that it is not appropriate to make references to sitting members of the Senate, and would ask the Members to respect that.

Mr. KINGSTON. I think that is a good point, Mr. Speaker. I will submit this for the record, because it is straight out of the editorial page, May 11, Roll Call Magazine.

The SPEAKER pro tempore. The Chair cannot entertain a request to insert personal references to a sitting member of the Senate.

Mr. KINGSTON. Mr. Speaker, I will move on.

Here we have a situation where DAN BURTON's big crime, even though he has broken no law, but he is being accused of disclosing doctored tapes. First of all, no tapes whatsoever were altered. These were not tapes that were eavesdropping, surreptitiously sneaked into the household of the Hubbells.

This is where Webb Hubbell, convicted felon, sat in jail and talked with his wife when she came to visit him, and over their head was a sign that said, ''All conversations are recorded. If you want your lawyer, come get him.'' These tapes are public. They came from the prison. Webb Hubbell is a convicted felon.

In those tapes, Ms. Hubbell makes reference to the fact that she is worried about losing her job in the Department of Interior if they do not cooperate with apparently the White House.

In there Ms. Hubbell talks about the White House squeeze play. In there Mr. Hubbell talks about, ''I will have to roll over again for the White House.''

These are serious matters. Why did they make these statements? Yet not one Democrat member of the committee has the slightest bit of curiosity about it.

Mr. HAYWORTH. I thank the gentleman from Georgia. Again we should point out that since there was the great brouhaha between the alleged discrepancies in the transcript from the majority and the minority version as sent out by the ranking minority member, Mr. WAXMAN of California, both transcripts contained that verbiage.

Again, my colleague from Georgia, would you repeat the comments of Mrs. Hubbell and the comments of Mr. Hubbell? Because I think it is important, Mr. Speaker, that the American people take note that even amidst the great hue and cry and wailing and gnashing of teeth and technical arguments offered by the other side, these statements appeared in both transcripts and directly on the audio tape. Those statements again, Mr. KINGSTON, were?

Mr. KINGSTON. That Ms. Hubbell feared that she would lose her job at the Department of Interior if Mr. Hubbell took actions against the Clintons. Ms. Hubbell said she feels she is being squeezed by the White House. Webster Hubbell says, ''I will have to roll over one more time for the White House.'' That comes from what, 180 hours worth of tapes.

Keep in mind, I will yield back to you, but between the time he resigned from his job and was convicted, Webb Hubbell received $700,000 in payments from friends and associates of the President. $100,000 came from the Riady family associated with the Lippo Group of Indonesia. The payment came within 10 days of a meeting at the White House involving the President, John Huang, James Riady and Webster Hubbell.

This is serious stuff. This is not about DAN BURTON and his style as chairman and how he may have offended somebody. This is about the security of the United States of America. This is serious stuff.

Mr. HAYWORTH. I thank my colleague for yielding. Again, I am not an attorney, I never played one on TV, but there is an expression in the law dealing with a preponderance of physical evidence.

Now, Mr. Speaker, it bears repeating. Despite the valiant efforts at misdirection to focus attention on a committee in this House, again, what is at stake here is the rule of law and, yes, sadly, alleged law breaking within the executive branch of government, with actions taken by those involved in fundraising for the reelection efforts of those involved in the executive branch of government, with apparent foreign donations.

From where I hail, Mr. Speaker, the Sixth District of Arizona, we are always on the watch for wildfires in our wooded areas in the northern part of the district. The expression ''Where there is smoke there is fire″ often, often, appears to be true.

Now, Mr. Speaker, what the American people need to keep in mind is more than a curiosity, how a disgraced former Justice Department official could, between the time of his sentencing and his arrival in Federal prison receive $720,000 in income, that is a major question, and how over 90 witnesses in the committee's investigation of these matters have either taken the Fifth Amendment against self-incrimination or have fled the country.

Mr. Speaker, the people of the Sixth District of Arizona, whom I am honored to represent, offer this common observation: Is there not fire where the smoke appears; or at least should not that be investigated? And indeed there are pressing problems, problems I am prepared to address from the well of this House with my voting card in terms of the issue that confront us.

But our constitutional charge, Mr. Speaker, is to uphold and defend the Constitution of the United States. Do we sacrifice the Constitution to convenience, or to the predictable cacophony of protests from left-leaning newspapers and editorial boards across the country? I would say no, that principles should always eclipse polling, and that principles should transcend popularity. This, Mr. Speaker, goes to the fundamental question of the rule of law.

Dwight Eisenhower offered a guide for those of us involved in public life. President Eisenhower's admonition was to never indict personalities when dealing with subjects of interest; never to engage in personalities.

By Ike's standard, Mr. Speaker, indeed by the standards of the American public, what we have seen with the spirited campaign of disinformation, whether it comes against Katherine Willey or a chairman of a committee of the Congress of the United States, celebrated in a book written by a Washington Post journalist as being the spin cycle, what we have seen, sadly, in our public discourse and dialogue, is every effort to engage in personalities, and, indeed, through spin, one could fancy that someone as virtuous as Albert Schweitzer could be transformed in the spin cycle to someone as loathesome as Charles Manson.

Mr. KINGSTON. If the gentleman will yield, I think that that is what is very important. I do not believe that the President of the United States is as guilty as some people seem to believe that he is. I really do not. I think he is surrounded by some characters who are very shady, very suspicious and who have broken some laws, and my direct question is, what laws were broken, why were they broken, and did the United States security suffer from it?

If the gentleman does not mind, I want to make a point. We hear so much about Ken Starr is on a witch hunt. Let me give you the names and charges and the year that people that he has dealt with have been convicted.

David Hale, conspiracy, false statements, 1994; Charles Matthews, bribery, 1994; these are all convicted. Eugene Fitzhugh, bribery, 1994; Robert Palmer, conspiracy, 1994; Webster Hubbell, fraud, 1994; Kneel Ainley, fraud, 1995; Chris Wade, fraud, 1995; Stephen Smith, conspiracy, 1995; Larry Kuka, conspiracy, 1995; James McDougal, fraud, 1996; Susan McDougal, fraud, 1996; William Marks, fraud, 1997; Governor Jim Guy Tucker, fraud, 1996 and 1998; John Haley, fraud, 1998; Webster Hubbell, this is under indictment, tax evasion, 1998; Susan McDougal, obstruction, contempt, 1998.

This is finding the head of the snake. Slowly but surely, these people, by a Democrat-appointed special prosecutor, have been convicted. Yet we hear over and over again that this is a witch hunt.

I am very concerned about the integrity of the government and the security of the United States when we hear such rhetoric.

Mr. HAYWORTH. I thank my colleague for yielding. The irony of some of the point-counterpoint, Mr. Speaker, is nothing short of breathtaking. Indeed today, as Members of the press faithfully reported, our President held a conference and invited the press corps in to talk about international justice and the pursuit of those who had allegedly committed crimes against this Nation beyond our borders and the concern of the pursuit of international justice.

Mr. Speaker, I would submit that the most meaningful first step that our President could take toward preserving international justice would be to use the considerable power of his good offices to persuade over 90 individuals who have either taken the Fifth Amendment or fled the country to testify and cooperate fully and/or to return to these shores so that they might be questioned.

□ 2300

Again, Mr. Speaker, the people of the Sixth district of Arizona who have contacted me on this issue say, hey, listen, where there is smoke there is fire, or at least you should check these things out; respectfully request that if, in fact, there is nothing to these stories, and indeed we all share the notion of a presumption of innocence until guilt is proven, why then is there such stonewalling? Why then is there such a reluctance to have at the truth? Why then are we subjected to the cavalcade of personal attacks based on whomever may level an accusation or make a charge at that particular moment within the press corps?

The expression has to do with a preponderance of physical evidence. Indeed, sadly, there is a preponderance of rhetorical evidence and a cycling of the spin cycle which indicates sadly that behavior seems to be contrary to the desires the American people have for a full, fair disclosure of the facts.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, I think that when we have a situation where 92 witnesses have fled the country and we have 4 witnesses who the Justice Department says it is okay to give immunity to, and we have 19 Members of the Democrat committee who will not let these 4 witnesses, 4 very, very key witnesses, who will not let them testify under the guise that the gentleman from Indiana (Mr. BURTON), chairman of the committee, has done something wrong, it is pretty ridiculous. It is a sad day for partisanship. It is a new low.

The gentlemen who were with us earlier tonight are men of integrity. I think of them as I know the gentleman does. And I know that it is true that honest people can have honest disagreements. But it would appear to me that out of 19 Members on the committee, surely one wants to hear why an operative with a Chinese-owned cigarette, Communist-owned cigarette company, why he gave $50,000 to the White House and why that company gave $400,000. I would want to hear what the witness had to say, just for that alone.

Mr. Speaker, it is the same pattern over and over again that we keep hearing; well, not this witness, not now. Of course I want to cooperate, but not tonight, not this particular day for whatever reason. We hear so much about the DAN BURTON releasing-of-the-tapes that were not altered one bit. The transcripts had mistakes on them, and that was brought forward.

Now, where was this righteous indignation when Craig Livingstone and the White House operatives had 900 FBI files of private citizens, none who were in jail, none who were convicted felons like Webb Hubbell, why do we not have the moral outrage about 900 FBI files of private citizens being reviewed over at the White House?

Mr. HAYWORTH. Mr. Speaker, indeed, as my colleague from Georgia points out, how profound the gulf between the assertion of the then President-elect in late 1992 that it was his intent to have the most ethical administration in history. How wide the gulf between that assertion and promise and sadly, what has transpired, because not only 900 FBI files, not only serious questions involving foreign donors to political campaigns, not only straining assertions of no controlling legal authority from other members of the administration, but the fact that 5 current or former members of this President's Cabinet are under investigations, either former or ongoing by independent counsels.

Mr. KINGSTON. Incidentally, Mr. Speaker, I want to make the point that Don Schmaltz who is the independent prosecutor investigating the scandals at the Clinton USDA, 1995, the Justice Department wanted to fire him and call him off the investigation. Today, he has had 4 convictions and brought in $10 million worth of fines. Now, we do not hear anybody saying hey, what a fine job this guy has done. All we hear is Starr is spending too much money. What about Schmaltz?

Mr. HAYWORTH. Indeed, if we wanted to compare independent prosecutors, one need only look so far as the efforts of one Lawrence Walsh in the so-called Iran Contra affair, an investigation that continued, if memory serves me correctly, for upwards of 7 years and cost several additional million dollars than any funds spent here to date on this modest attempt to get at the truth.

Mr. KINGSTON. Mr. Speaker, I want to point out also under the Democrats, we had an 8-year investigation of Labor Secretary Ray Donovan and a 7-year investigation of HUD Secretary Samuel Pierce, and on those, I do not think there were any convictions. Starr has not been on the case 4 years, has spent $24 million, and had 14 convictions or guilty pleas. If we could get cooperation in a bipartisan manner, we could probably cut the time and the dollar amount in half.

Mr. HAYWORTH. Mr. Speaker, this comes back to a point that I believe needs to be reinforced, Mr. Speaker, the point that my colleague from Georgia makes so eloquently. Every time I am home in the Sixth district of Arizona, every week I appreciate the bipartisanship, and just the common sense of the citizens whom I am honored to serve. And these questions as they are addressed to me do not come up as questions of Republicans versus Democrats or Congress versus the White House per se; the people who contact me have a legitimate concern about knowing the truth. And that is what this should be about, despite the best efforts to change the focus, to denigrate the actions of others, to complain about substance or complain about time and ignore substance and substantive facts, that remains the mission.

Indeed, Mr. Speaker, in this hour of difficulty, I think it is incumbent upon us all to simply ask a question: Are we prepared to defend the rule of law? Are we prepared to find out the truth? Regardless of political philosophy or partisan stripe, are we prepared to do those things? Should we not do those things in this society? Should we not reaffirm that no person is above the law? Should we not reaffirm that there is a controlling legal authority in our society? It is called the Constitution of the United States. Woe to us as a constitutional republic, woe to us as a society if we say, no, it is really not important. It has everything to do with the future of our constitutional republic and fairness and the rule of law.

Mr. Speaker, I thank the gentleman from Georgia (Mr. KINGSTON) for sharing this time, and I know he has some closing thoughts.

Mr. KINGSTON. Mr. Speaker, let me just say this: I think it is important for us to know that justice knows no party. If Republicans have done wrong, let them pay the price. If Democrats have done wrong, let them pay the price. Whether the person is popular or not, let justice be blind, and let us do it in a bipartisan manner.

These attacks on the chairman and Members of Congress and the investigators have to stop. Let us all be serious. Billy Graham, Perry Mason or Mickey Mouse, in doing the investigation of the chairman of the committee, they too would be attacked and smeared and denigrated. It is time to stop it, it is time to work together to get this thing over with so that we can go on to the business of the people: balancing the budget, protecting our streets from illegal drugs, reforming health care, preserving and protecting Medicare and

Social Security, and doing all of the important things we need to do. Let us get past this investigation and do the work of the great American people.

□ 2310

A CALL FOR AN INVESTIGATION OF MALTREATMENT OF PERSONNEL IN THE U.S. NAVY

The SPEAKER pro tempore (Mr. BURR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois (Mr. RUSH) is recognized for the remainder of the time until midnight.

Mr. RUSH. Mr. Speaker, I come before you today to bring to your attention a disturbing pattern of conduct that has taken place in the United States Navy. My constituent, Lt. Commander Sheryl Washington, who is in the gallery, is a victim of an effort by the U.S. Navy to stifle the voices of those who dare to bring to the surface the maltreatment of those who serve our Nation.

Lt. Commander Washington is an 18-year veteran of the Navy. She has been brought up on charges and an administrative separation proceeding because she supposedly refused to appear for duty. Such administrative proceedings are used to remove persons from military service. Lt. Commander Washington was absent from duty because she was convalescing following a serious automobile accident. Her commander claims she did not contact him during this time. However, Lt. Commander Washington has phone records which clearly disprove this charge.

Lt. Commander Washington was found to be medically disabled by both military and civilian physicians. In total, Lt. Commander Washington was absent for about 3 weeks, from November 12, 1996, to December 2, 1996. She was excused from duty by the military physician from November 15 through the 22nd, as well as November 27th through December 2nd. Ironically, it is this excused period of time that is the basis of the action taken against her, as opposed to the entire 3 weeks of her absence.

I ask Members, how is it possible that a person can be brought up on charges of misconduct for only part of the time that they are absent, and such absence has been justified by military medical personnel? Maybe someone can answer that question. I certainly do not have the answer. It does not seem logical to me.

I question the judgment of Navy personnel in the handling of this matter because, as I indicated earlier, their logic is severely flawed. A period of absence is authorized or it is unauthorized. It cannot be both. I ask the Navy, was Lt. Commander Washington's absence authorized or unauthorized? I state, it cannot be both.

Furthermore, Lt. Commander Washington has submitted to a polygraph examination, which she passed, but for some reason the witnesses whom the Navy is relying upon have not agreed to take a polygraph examination. Does the Navy have a double standard? It appears so to me and to others.

While stationed at Miramar Naval Base, Lt. Commander Washington became aware of the fact that an African American woman who was also stationed there had been gang-raped and sexually assaulted. Both Washington and the rape victim were assigned to the rehabilitation center. Although senior people in the chain of command were aware of what was happening to this young woman, no action was taken by the admiral or any other officers in charge, and this admiral's name is Admiral Marsh.

Perhaps the officers at Miramar thought the rape of this woman was justifiable punishment because she had the audacity to let it be known that she believed that there had been a misappropriation of equipment and supplies by those in charge, knowledge which this young lady was told to keep to herself. Maybe that is why the powers that be did not think twice about the safety of this woman, because they assigned to her an all male barracks which had no privacy nor any sense of security.

This tragic rape of this young woman occurred in 1992, and no investigation took place until 1994, when a naval chaplain, Chaplain Willy Williams, had the courage to reveal what had happened to a reporter, who then reported the story on the evening news.

Lieutenant Commander Washington had previously reported her knowledge of these events to a chaplain, a previous chaplain at a naval base she was later assigned to in the area. It was her sense that this prior chaplain was aware of this misconduct, but was unwilling or afraid to do anything. It was not until the later chaplain, Chaplain Williams, came forward that an investigation commenced, 2 years after this tragic event happened to this young lady at Miramar.

It is ironic, bitter irony, that Admiral Marsh, who was in charge of the investigation into Lt. Commander Washington's conduct, is the same officer who is in charge of the Navy Alcohol Rehabilitation Center at Miramar Naval Base in San Diego, where Washington was stationed from 1991 to 1993, the same person, Admiral Marsh.

When Washington reported what she considered to be racist conduct by the commanding officer at Miramar, she was quickly transferred without notice. The recent investigations initiated, Mr. Speaker, at Great Lakes Training Center, located in the Chicago area, are yet another manifestation of the Navy's insensitivity to our service personnel.

Investigators have been sent to review recruitment and training policies amidst allegations of sexual misconduct, sexual harassment, improper relations between instructors and recruits, as well as an overall climate of hostility and intimidation. It is obvious from the events that have taken place that the U.S. Navy is more concerned with saving face than ensuring the integrity of our military system.

Upon learning of such, it is obvious that no lessons were learned by the Navy from the Tailhook scandal. It keeps going on and on and on, these allegations of sexual harassment, improper relations, discrimination, intimidation by superior officers.

Mr. Speaker, I sincerely, honestly believe in the essence of my soul that this situation surrounding Lt. Commander Washington and the brutal attack on naval female personnel, person, at Miramar deserves an immediate investigation.

□ 2320

The careers of stellar officers have been tarnished because of an environment of fear and forced silence is being perpetuated by the United States Navy. I am saddened by this, but we must all stand up, because if our military system cannot respect the lives of those who serve us, then they cannot truly serve and protect our Nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURR of North Carolina). The Chair must remind all Members that under clause 8 of rule XIV, it is not in order to introduce or otherwise recognize or call attention to persons in the gallery.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MYRICK (at the request of Mr. ARMEY) for today on account of a death in the family.

Mr. BATEMAN (at the request of Mr. ARMEY) for today and the balance of the week on account of illness.

Mr. GILCHREST (at the request of Mr. ARMEY) for today and May 13 on account of official business.

Mr. SKAGGS (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for Tuesday and Wednesday, May 12 and 13, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.
Mr. FALEOMAVAEGA, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
(The following Members (at the request of Mr. HERGER) to revise and extend their remarks and include extraneous material:)
Mr. MCINNIS, for 5 minutes, on May 13.
Mr. DOOLITTLE, for 5 minutes, on May 14.
Mrs. MORELLA, for 5 minutes, on May 19.
Mr. JONES, for 5 minutes, on May 14.
Mr. HUNTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)
Mr. KIND.
Mr. BENTSEN.
Mr. TOWNS.
Mrs. MALONEY of New York.
Mr. SANDLIN.
Mr. HAMILTON.
Mr. KUCINICH.
Ms. NORTON.
Mr. SCHUMER.
Ms. LOFGREN.
Mr. STARK.
Mr. MCHALE.
Ms. DELAURO.
Mr. ACKERMAN.
Ms. SANCHEZ.
Mr. PASCRELL.
Mr. FRANK of Massachusetts.
Mr. NEAL.
Mr. LANTOS.
Mr. HOYER.
Ms. KILPATRICK.
(The following Members (at the request of Mr. HERGER) and to include extraneous matter:)
Mrs. KELLY.
Mr. OXLEY.
Mr. MCKEON.
Mr. RADANOVICH.
Mr. FORBES.
Mr. FRELINGHUYSEN.
Mr. SOLOMON.
Mr. BEREUTER.
Mr. SMITH of New Jersey.
Mr. BONILLA.
Mr. SENSENBRENNER.
Mr. GILMAN.
Mr. ENSIGN.
Mr. BURTON of Indiana.
(The following Members (at the request of Mr. RUSH) and to include extraneous matter:)
Mr. NEAL of Massachusetts.
Ms. KILPATRICK.
Mr. RODRIGUEZ.
Mr. BONILLA.
Mr. SMITH of Michigan.
Mr. PACKARD.

ADJOURNMENT

Mr. RUSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until Wednesday, May 13, 1998, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9095. A letter from the Deputy Under Secretary, Natural Resources and Environment, Department of Agriculture, transmitting the Department's final rule—Sale and Disposal of National Forest Timber; Indices to Determine Market-Related Contract Term Additions (RIN: 0596–AB41) received May 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9096. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerance Correction [OPP–300628A; FRL–5785–4] (RIN: 2070–AB78) received May 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9097. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Pesticide Tolerance [OPP–300647; FRL–5787–7] (RIN: 2070–AB78) received May 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9098. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerances for Emergency Exemptions [OPP–300648; FRL–5787–8] (RIN: 2070–AB78) received May 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9099. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bromoxynil; Pesticide Tolerance [OPP–300661; FRL–5790–8] (RIN: 2070–AB78) received May 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9100. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories; Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry [AD-FRL–6011–6] (RIN: 2060–AC19) received May 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9101. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions Phase IV: Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes; Mineral Processing Secondary Materials and Bevill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewaters [EPA-F–98–2P4F-FFFFF; FRL–6010–5] (RIN: 2050–AE05) received May 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9102. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Definition of the Term ''Major Stationary Source of VOC'' [MD067–3025a; FRL–6012–5] received May 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9103. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules Concerning the Inspection of Radio Installations on Large Cargo and Small Passenger Ships [CI Docket No. 95–55] received May 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9104. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Rule Making to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5–29.5 GHz Frequency Band, To Reallocate the 29.5–30.0 GHz Frequency Band, To Establish Rules and Policies for Local Multipoint Distribution Service And for Fixed Satellite Services [CC Docket No. 92–297] received May 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9105. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

9106. A letter from the Acting Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule—Implementation of the Privacy Act of 1974 (RIN: 2550–AA05) received May 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9107. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Amendment to Appendix III Listing of Bigleaf Mahogany under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (RIN: 1018–AE94) received May 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9108. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Coast Weakfish Fishery; Change in Regulations for the Exclusive Economic Zone [Docket No. 970829213–7213–01; I.D. 091696A] (RIN: 0648–AJ15) received May 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9109. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 1998 Management Measures [Docket No. 980429110–8110–01; I.D. 042398B] (RIN: 0648–AK25) received May 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9110. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fisheries; Retention of Undersized Halibut in Regulatory Area 4E [Docket No. 980225048–8099–03; I.D. 021898B] (RIN: 0648–AK58) received May 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9111. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Maryland Regulatory Program [MD–041–

FOR] received May 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 2652. A bill to amend title 17, United States Code, to prevent the misappropriation of collections of information; with an amendment (Rept. 105–525). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 3303. A bill to authorize appropriations for the Department of Justice for fiscal years 1999, 2000, and 2001; to authorize appropriations for fiscal years 1999 and 2000 to carry out certain programs administered by the Department of Justice; to amend title 28 of the United States Code with respect to the use of funds available to the Department of Justice, and for other purposes; with an amendment (Rept. 105–526). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2886. A bill to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System; with an amendment (Rept. 105–527). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 3723. A bill to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes; with an amendment (Rept. 105–528). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 426. Resolution providing for consideration of the bill (H.R. 3534) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes (Rept. 105–529). Referred to the House Calendar.

Mr. MCINNIS: Committee on Rules. House Resolution 427. Resolution providing for consideration of the bill (H.R. 512) to prohibit the expenditure of funds from the Land and Water Conservation Fund for the creation of new National Wildlife Refuges without specific authorization from Congress pursuant to a recommendation from the United States Fish and Wildlife Service to create the refuge (Rept. 105–530). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 428. Resolution providing for consideration of the bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes (Rept. 105–531). Referred to the House Calendar.

Mr. SPENCE: Committee on National Security. H.R. 3616. A bill to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes; with amendments (Rept. 105–532). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE 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. SMITH of Texas: Committee on the Judiciary. H.R. 375. A bill for the relief of Margarito Domantay; with an amendment (Rept. 105–523). Referred to the Committee of the Whole House.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1949. A bill for the relief of Nuratu Olarewaju Abeke Kadiri; with an amendment (Rept. 105–524). Referred to the Committee of the Whole House.

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. THOMAS (for himself, Mr. STUMP, Mr. BILIRAKIS, Mr. SPENCE, Mr. RANGEL, Mr. STEARNS, Mr. HOUGHTON, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON, Mr. MCCRERY, Mr. BARRETT of Nebraska, Mr. BEREUTER, Mr. BOEHLERT, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. COLLINS, Mr. COMBEST, Mr. COOK, Mr. COOKSEY, Mr. CRANE, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DOYLE, Mr. EDWARDS, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EVERETT, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FROST, Mr. GONZALEZ, Mr. GOODLING, Ms. GRANGER, Mr. GREENWOOD, Mr. HALL of Ohio, Mr. HALL of Texas, Mr. HAYWORTH, Mr. HEFNER, Mr. HERGER, Mr. HOLDEN, Mr. HULSHOF, Mr. HUNTER, Mr. HUTCHINSON, Mrs. KELLY, Mr. KUCINICH, Mr. LAHOOD, Mr. LAMPSON, Mr. LANTOS, Mr. LIPINSKI, Mr. MANZULLO, Mr. METCALF, Mr. NETHERCUTT, Mr. PORTMAN, Mr. REDMOND, Mrs. ROUKEMA, Mr. RUSH, Mr. SANDERS, Mr. SANDLIN, Mr. SAXTON, Mr. SERRANO, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. STUPAK, Mr. TANNER, Mrs. THURMAN, Mr. TIAHRT, Mr. UPTON, Mr. WALSH, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WHITFIELD, and Ms. WOOLSEY):

H.R. 3828. A bill to amend title XVIII of the Social Security Act to improve access to health care services for certain Medicare-eligible veterans; to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS (for himself, Mr. BASS, Mr. BOEHLERT, Mr. YOUNG of Florida, Mr. LEWIS of California, Mr. GIBBONS, and Mr. MCCOLLUM):

H.R. 3829. A bill to amend the Central Intelligence Agency Act of 1949 to provide a process for agency employees to submit urgent concerns to Congress, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN (for himself, Mr. COOK, and Mr. CANNON):

H.R. 3830. A bill to provide for the exchange of certain lands within the State of Utah; to the Committee on Resources.

By Mr. ANDREWS (for himself, Ms. DELAURO, and Mr. WELDON of Pennsylvania):

H.R. 3831. A bill to provide that children's sleepwear shall be manufactured in accordance with stricter flammability standards; to the Committee on Commerce.

By Mr. ANDREWS:

H.R. 3832. A bill to protect the Social Security system and to amend the Congressional Budget Act of 1974 to require a two-thirds vote for legislation that changes the discretionary spending limits or the pay-as-you-go provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 if the budget for the current year (or immediately preceding year) was not in surplus; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, 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. BLAGOJEVICH (for himself, Mr. CASTLE, Mrs. MCCARTHY of New York, Mr. CONYERS, Ms. LOFGREN, Mr. DAVIS of Illinois, Mr. MCGOVERN, and Mr. NADLER):

H.R. 3833. A bill to better regulate the transfer of firearms at gun shows; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mr. GIBBONS, Mr. GINGRICH, and Mr. LOBIONDO):

H.R. 3834. A bill to amend the Internal Revenue Code of 1986 to provide that meals furnished to all employees at a place of business shall be excludable from gross income if most employees at such place of business are furnished meals for the convenience of the employer; to the Committee on Ways and Means.

By Mr. ENSIGN (for himself, Mr. CARDIN, Mr. FOX of Pennsylvania, Mr. CHRISTENSEN, Mr. COOK, Mr. ENGLISH of Pennsylvania, Mr. RAHALL, Mrs. CHENOWETH, Mr. GIBBONS, Mr. NUSSLE, and Mr. DEUTSCH):

H.R. 3835. A bill to amend title XVIII of the Social Security Act to repeal the financial limitation on rehabilitation services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 3836. A bill to amend the Federal Election Campaign Act of 1971 to clarify the right of nationals of the United States to make contributions in connection with an election to political office; to the Committee on House Oversight.

By Mr. HYDE (for himself and Mrs. LOWEY):

H.R. 3837. A bill to amend title XXI of the Social Security Act to permit States to use funds under the State Children's Health Insurance Program for coverage of uninsured pregnant women; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 3838. A bill to amend title 10, United States Code, to require, in the evaluation of bids and proposals for a contract for the procurement by the Department of Defense of property or services, the consideration of the percentage of work under the contract planned to be performed in the United States, and for other purposes; to the Committee on National Security.

By Mr. KOLBE:

H.R. 3839. A bill to promote protection of Federal law enforcement officers who intervene in certain situations; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself, Mr. RANGEL, Mr. SCHUMER, and Mr. MCGOVERN):

H.R. 3840. A bill to amend the Higher Education Act of 1965 to establish an Advanced Manufacturing Fellowship; to the Committee on Education and the Workforce.

By Mr. NEAL of Massachusetts (for himself, Mr. MOAKLEY, Mr. DELAHUNT, Mr. MCGOVERN, Mr. MARKEY, Mr. FRANK of Massachusetts, and Mr. MEEHAN):

H.R. 3841. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain real property tax reduction vouchers received by senior citizens who provide volunteer services under a State program; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 3842. A bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on National Security, Small Business, International Relations, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself, Mr. BONILLA, Mr. REYES, Mr. REDMOND, Mr. GUTIERREZ, Mr. DIAZ-BALART, Mr. HINOJOSA, Mr. BILBRAY, Mr. ORTIZ, Mr. SKEEN, Mr. FILNER, Mr. HASTINGS of Washington, Mr. BECERRA, Mr. PAUL, Mr. SERRANO, Mr. CALVERT, Mr. ENGEL, Ms. SANCHEZ, Mr. EVANS, Mr. GONZALEZ, Mr. ROMERO-BARCELO, Mr. GREEN, Mr. MEEKS of New York, Mr. FROST, Mr. SCHUMER, Ms. LOFGREN, Ms. KAPTUR, and Ms. ROYBAL-ALLARD):

H.R. 3843. A bill to grant a Federal charter to the American GI Forum of the United States; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. MANTON, Mr. STEARNS, Mr. PALLONE, Mr. KLUG, Mr. GORDON, Mr. GREENWOOD, Mr. SAWYER, Mr. CRAPO, Mr. GREEN, Mr. DEAL of Georgia, Mr. ROGAN, Mr. SHIMKUS, and Mr. PICKERING):

H.R. 3844. A bill to promote and enhance public safety through use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous and reliable networks for personal wireless services, and ensuring access to Federal Government property for such networks, and for other purposes; to the Committee on Commerce.

By Mr. THORNBERRY:

H.R. 3845. A bill to amend title 10, United States Code, to establish in the Department of Defense a new unified command for joint forces to have responsibility for providing ready joint forces to the commanders of regional combatant commands and to conduct joint experimentation to further develop joint military forces; to the Committee on National Security.

By Mr. WATKINS:

H.R. 3846. A bill to amend the Equity in Educational Land-Grant Status Act of 1994 to add the Eastern Oklahoma State College on behalf of the Choctaw Nation; to the Committee on Agriculture.

By Mr. WYNN:

H.R. 3847. A bill to prohibit certain transfers or assignments of franchises, and to prohibit certain fixing or maintaining of motor fuel prices, under the Petroleum Marketing Practices Act; to the Committee on Commerce.

By Mr. YATES:

H.R. 3848. A bill to permit certain claims against foreign states to be heard in United States courts where the foreign state is a state sponsor of international terrorism or where no extradition treaty with the state existed at the time the claim arose and where no other adequate and available remedies exist; to the Committee on the Judiciary.

By Mr. COX of California (for himself and Mr. WHITE):

H.R. 3849. A bill to amend the Communications Act of 1934 to establish a national policy against Federal and State regulation of Internet access and online services, and to exercise congressional jurisdiction over interstate and foreign commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce conducted over the Internet, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Judiciary, and Rules, 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. SCHUMER (for himself, Mrs. CAPPS, Mr. WEXLER, Mr. WAXMAN, and Mrs. MORELLA):

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress in support of the determination of the Department of the Treasury not to allow the importation of certain large capacity military magazine rifles that are functionally identical to banned semiautomatic assault weapons; 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. 12: Ms. VELAZQUEZ.

H.R. 218: Mr. TALENT, Mrs. FOWLER, and Mr. SKEEN.

H.R. 372: Mrs. JOHNSON of Connecticut.

H.R. 453: Ms. DEGETTE.

H.R. 678: Mr. MCCOLLUM, Mr. GILMAN, and Mr. STARK.

H.R. 774: Mrs. CAPPS.

H.R. 814: Mr. MCGOVERN.

H.R. 831: Mr. HORN.

H.R. 859: Mr. NORWOOD and Mr. LIVINGSTON.

H.R. 953: Mrs. CAPPS, Mrs. CLAYTON, and Ms. RIVERS.

H.R. 1023: Mr. POSHARD.

H.R. 1061: Mr. REGULA, Mr. BAESLER, Mr. WEYGAND, Mr. WAXMAN, and Mr. FRANKS of New Jersey.

H.R. 1126: Mr. KLECZKA, Ms. LEE, Mr. RAMSTAD, Mr. BUNNING of Kentucky, Mr. HINOJOSA, Mr. COSTELLO, Mr. LEVIN, and Mr. HOEKSTRA.

H.R. 1140: Mr. ENGLISH of Pennsylvania and Mr. STUPAK.

H.R. 1283: Mr. NORWOOD, Mr. MOLLOHAN, Mr. BENTSEN, and Mr. MALONEY of Connecticut.

H.R. 1378: Mr. MILLER of Florida.

H.R. 1382: Mr. POMEROY, Mr. CLYBURN, Mr. COYNE, and Mr. EVANS.

H.R. 1390: Ms. CHRISTIAN-GREEN.

H.R. 1401: Mr. MCCRERY and Mr. WEXLER.

H.R. 1500: Mrs. CAPPS and Ms. MCCARTHY of Missouri.

H.R. 1531: Mr. REYES.

H.R. 1635: Mr. CASTLE and Mr. MOAKLEY.

H.R. 1689: Mr. BRYANT, Mr. SMITH of New Jersey, Mr. JOHN, Mr. POMEROY, Mr. TALENT, Mr. KOLBE, Mr. BOB SCHAFFER, Mr. BRADY, Mr. ARMEY, and Mr. GIBBONS.

H.R. 1715: Mr. MORAN of Virginia, Mrs. JOHNSON of Connecticut, Mr. JACKSON, Mr. LIPINSKI, Mr. DUNCAN, and Mr. FAZIO of California.

H.R. 1972: Mr. REYES.

H.R. 1995: Mr. GEPHARDT, Mr. MCDERMOTT, and Mrs. THURMAN.

H.R. 2009: Mr. FORBES, Mr. HALL of Texas, and Mr. LIPINSKI.

H.R. 2023: Mr. MATSUI.

H.R. 2094: Mr. NEAL of Massachusetts.

H.R. 2110: Mr. LEWIS of Georgia

H.R. 2173: Mr. PASCRELL.

H.R. 2321: Mr. LEWIS of California.

H.R. 2327: Mr. DICKS.

H.R. 2450: Mr. HOUGHTON and Mrs. CAPPS.

H.R. 2509: Mrs. CAPPS, Mr. FAZIO of California, and Mr. BOB SCHAFFER.

H.R. 2598: Mr. PETERSON of Pennsylvania.

H.R. 2681: Mr. ALLEN.

H.R. 2713: Mr. FRANK of Massachusetts, Mr. SAM JOHNSON, Ms. SLAUGHTER, and Mr. WEYGAND.

H.R. 2723: Mr. MCCOLLUM.

H.R. 2733: Mr. WHITE, Mr. BAKER, Mr. STENHOLM, Mr. RILEY, Mr. POMBO, and Mr. PETERSON of Pennsylvania.

H.R. 2828: Mr. KUCINICH.

H.R. 2888: Mr. DOOLEY of California, Mr. MCKEON, Mr. SOLOMON, Mr. BURR of North Carolina, and Mr. PITTS.

H.R. 2923: Mr. SPENCE.

H.R. 2942: Mrs. THURMAN and Mr. THORNBERRY.

H.R. 2955: Mr. CAMPBELL, Mr. PAXON, Mr. FRANK of Massachusetts, and Mr. UPTON.

H.R. 3008: Mr. PALLONE.

H.R. 3043: Ms. PELOSI and Mrs. KENNELLY of Connecticut.

H.R. 3048: Mr. DUNCAN.

H.R. 3050: Mr. POSHARD and Ms. SANCHEZ.

H.R. 3099: Mr. GUTIERREZ.

H.R. 3150: Mr. CASTLE, Mr. SISISKY, and Mr. JOHN.

H.R. 3152: Mr. TOWNS.

H.R. 3161: Ms. ROYBAL-ALLARD.

H.R. 3162: Mr. HILLEARY and Mr. THORNBERRY.

H.R. 3177: Mr. PITTS and Mr. PAPPAS.

H.R. 3181: Mr. KENNEDY of Massachusetts and Mr. COSTELLO.

H.R. 3187: Mr. PETERSON of Pennsylvania.

H.R. 3217: Mr. GEPHARDT.

H.R. 3261: Mr. STUMP.

H.R. 3279: Ms. SLAUGHTER.

H.R. 3281: Mr. MCDERMOTT and Mr. YATES.

H.R. 3297: Mr. ISTOOK.

H.R. 3304: Mr. PAPPAS and Mr. SOLOMON.

H.R. 3382: Mr. WATKINS.

H.R. 3400: Mr. TOWNS and Ms. PELOSI.

H.R. 3433: Mr. FRELINGHUYSEN and Mr. WAXMAN.

H.R. 3435: Mr. MCINTOSH, Mr. BROWN of California, Mr. CRAPO, Mrs. CLAYTON, and Mr. HOLDEN.

H.R. 3438: Mr. GUTKNECHT.

H.R. 3484: Mr. GEJDENSON, Mr. MCHALE, Ms. STABENOW, Mr. FROST, Mr. UNDERWOOD, Mr. FILNER, Mr. EVANS, Mr. CRAMER, Mr. EDWARDS, Ms. SLAUGHTER, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3523: Mr. EDWARDS, Mr. BLUMENAUER, Mr. QUINN, Mr. LINDER, Mr. PARKER, Mrs. NORTHUP, Mr. FROST, Mr. MINGE, Mr. JONES, Mr. ETHERIDGE, and Mr. MCINTOSH.

H.R. 3526: Mr. TIERNEY, Mr. ADAM SMITH of Washington, Mr. LANTOS, Mr. CAMPBELL, Mr. CASTLE, and Mr. BAESLER.

H.R. 3541: Mr. DIAZ-BALART, Mr. STEARNS, and Mr. BERMAN.

H.R. 3567: Mr. BASS, Mr. KENNEDY of Rhode Island, Mr. MORAN of Kansas, and Mr. MATSUI.

H.R. 3571: Ms. SLAUGHTER and Mr. COSTELLO.

H.R. 3583: Mr. WELDON of Florida, Mr. PAUL, Ms. PRYCE of Ohio, Ms. DUNN of Washington, and Mr. HOSTETTLER.

H.R. 3584: Mr. BONILLA.

H.R. 3602: Mr. HOBSON.

H.R. 3605: Mr. HALL of Texas, Mr. KILDEE, Mr. SHERMAN, and Mr. GORDON.

H.R. 3610: Mr. TIERNEY, Mr. METCALF, Mr. DELAHUNT, Mr. TRAFICANT, Mr. SAWYER, Mrs. MYRICK, Mr. KLINK, Mr. GEJDENSON, Mr. MANZULLO, Mr. ETHERIDGE, Mr. FRANKS of New Jersey, Mr. PITTS, and Mr. WOLF.

H.R. 3615: Mr. JACKSON, Mr. GUTIERREZ, Mr. CLEMENT, Mr. MORAN of Virginia, and Mrs. MEEK of Florida.

H.R. 3629: Mr. MCINTOSH.

H.R. 3636: Mrs. MORELLA, Mr. SNYDER, Mr. CLAY, Mr. CLYBURN, and Mr. MCNULTY.

H.R. 3640: Mr. FROST and Ms. PELOSI.

H.R. 3651: Mr. RANGEL and Mr. BOEHLERT.

H.R. 3668: Mr. STUMP.

H.R. 3682: Mr. HAYWORTH and Mr. POMBO.

H.R. 3722: Mr. HOBSON, Mr. TAYLOR of North Carolina, and Mr. WATTS of Oklahoma.

H.R. 3734: Mr. NETHERCUTT, Mr. LAZIO of New York, Mr. SAM JOHNSON, Mr. COBURN, Mr. DIAZ-BALART, and Mrs. MYRICK.

H.R. 3767: Mr. JOHNSON of Wisconsin.

H.R. 3789: Mr. FRANK of Massachusetts.

H.R. 3794: Mr. BERMAN.

H.R. 3807: Mr. BLUNT, Mr. LIVINGSTON, Mr. MCINTOSH, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. RAHALL, Mr. SKEEN, Mr. STRICKLAND, Mr. TALENT, Mr. TRAFICANT, Mr. WICKER, and Mr. MCKEON.

H.R. 3810: Mr. ANDREWS, Mr. PASCRELL, Mr. PAYNE, and Mr. SAXTON.

H.R. 3820: Mr. LANTOS, Mr. TIERNEY, Mrs. CAPPS, Mr. PALLONE, Mr. BROWN of California, Mr. BERMAN, Mr. YATES, Mr. ABERCROMBIE, Ms. ROYBAL-ALLARD, Mr. STARK, and Mr. GUTIERREZ.

H. Con. Res. 47: Ms. DUNN of Washington, Mr. LATOURETTE, Mr. UNDERWOOD, Mr. ETHERIDGE, Mr. NETHERCUTT, Mr. HINCHEY, Mr. MCNULTY, and Mr. COSTELLO.

H. Con. Res. 249: Mr. FROST and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 254: Mr. GUTIERREZ.

H. Con. Res. 266: Mrs. MINK of Hawaii, Mr. TIERNEY, Mr. MCGOVERN, and Ms. WOOLSEY.

H. Con. Res. 268: Mr. MCNULTY.

H. Con. Res. 271: Mr. COSTELLO.

H. Res. 37: Mr. HASTINGS of Washington, Ms. SLAUGHTER, Mr. WISE, Mr. SKELTON, Ms. MILLENDER-MCDONALD, Mr. BERRY, Mr. STENHOLM, and Mrs. CLAYTON.

H. Res. 171: Mr. TOWNS, Mrs. CLAYTON, and Mr. SHERMAN.

H. Res. 259: Mr. FARR of California.

H. Res. 321: Mr. GREENWOOD, Ms. ESHOO, Mr. TOWNS, Mr. LAFALCE, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. LANTOS, Mr. DAVIS of Illinois, Mr. KILDEE, Mr. SCHUMER, Mr. MCGOVERN, Ms. KAPTUR, Mr. BROWN of California, and Mrs. MCCARTHY of New York.

H. Res. 363: Mr. CUMMINGS.

H. Res. 392: Mr. WISE.

H. Res. 422: Mr. SHUSTER, Mr. CHABOT, Mr. SNOWBARGER, Mr. COOK, Mr. FRANKS of New Jersey, Mr. ADAM SMITH of Washington, Mr. EHRLICH, Ms. DUNN of Washington, Mr. LATOURETTE, Mr. NETHERCUTT, Mr. BARR of Georgia, Mr. SUNUNU, Mrs. KELLY, Mr. BUYER, Mrs. BONO, and Mr. SMITH of Michigan.

H. Res. 423: Mr. GALLEGLY, Mr. SOUDER, Mr. HOBSON, and Mr. MCKEON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 10

OFFERED BY: MS. JACKSON-LEE OF TEXAS

(To the Amendment in the Nature of a Substitute Offered By Mr. Leach)

AMENDMENT NO. 4: After section 108 of the Amendment in the Nature of a Substitute, insert the following new section:

SEC. 109. STUDY OF USE OF CHECK CASHING SERVICES TO OBTAIN FINANCIAL SERVICES IN AREAS UNDERSERVED BY OTHER FINANCIAL SERVICE PROVIDERS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of—

(1) the extent to which the lack of availability of a full-range of financial services in low- and moderate-income neighborhoods and to persons of modest means by regulated financial institutions has resulted in an undue reliance in such neighborhoods and by such persons on check cashing services which impose a fee equal to 1 percent or more of the amount of a transaction for each such transaction;

(2) the extent to which the requirement of section 3332(f)(1) of title 31, United States Code, that the Secretary of the Treasury make all Federal payments by electronic fund transfer (as defined in section 3332(j)(1) of such title) after January 1, 1999, will have a disparate financial impact on low- and moderate-income neighborhoods and to persons of modest means because of their lack of access to financial services other than at high-cost check cashing services; and

(3) the extent to which—

(A) check cashing services are regulated and audited by Federal, State, or local governments to prevent unscrupulous practices and fraud; and

(B) the owners and employees of such services are licensed or regularly screened by any such government to prevent the infiltration of such services by elements of organized crime.

(b) REPORT REQUIRED.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress on the findings and conclusions of the Comptroller General in connection with the study conducted pursuant to subsection (a). The report shall include such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate, including any recommendation with regard to regulating check cashing services at the Federal level.

H.R. 10

OFFERED BY: MS. JACKSON-LEE OF TEXAS

(To the Amendment in the Nature of a Substitute Offered by Mr. Leach)

AMENDMENT NO. 5: After subparagraph (D) of section 6(b)(1) of the Bank Holding Company Act of 1956, as added by section 103(a) of the Amendment in the Nature of a Substitute, insert the following new subparagraph (and redesignate the subsequent subparagraph and any cross reference to such subparagraph accordingly):

''(E) all the insured depository institution subsidiaries of the bank holding company have an outstanding record of extending credit to women-owned businesses and minority-owned businesses.

In subparagraph (F) (as so redesignated) of section 6(b)(1) of the Bank Holding Company Act of 1956, as added by section 103(a) of the Amendment in the Nature of a Substitute, strike ''(D)'' and insert ''(E)''.

After paragraph (3) of section 6(b) of the Bank Holding Company Act of 1956, as added by section 103(a) of the Amendment in the Nature of a Substitute, insert the following new paragraph:

''(4) WOMEN-OWNED AND MINORITY-OWNED BUSINESSES DEFINED.—For purposes of paragraph (1)(E), the terms 'women-owned business' and minority-owned business' have the meanings given to such terms in section 21A(r)(4) of the Federal Home Loan Bank Act.

H.R. 512

OFFERED BY: MR. YOUNG OF ALASKA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''New Wildlife Refuge Authorization Act''.

SEC. 2. REQUIREMENTS RELATING TO DESIGNATION OF NEW REFUGES.

(a) LIMITATION ON APPROPRIATIONS FROM LAND AND WATER CONSERVATION FUND.—

(1) IN GENERAL.—No funds are authorized to be appropriated from the land and water conservation fund for designation of a unit of the National Wildlife Refuge System, unless the Secretary of the Interior has—

(A) completed all actions pertaining to environmental review that are required for that designation under the National Environmental Policy Act of 1969;

(B) provided notice to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent an area included in the boundaries of the proposed unit, upon the completion of the preliminary project proposal for the designation; and

(C) provided a copy of each final environmental impact statement or each environmental assessment resulting from that environmental review, and a summary of all public comments received by the Secretary on the proposed unit, to—

(i) the Committee on Resources and the Committee on Appropriations of the House of Representatives;

(ii) the Committee on Environment and Public Works and the Committee on Appropriations of the Senate; and

(iii) each Member of or Delegate or Resident Commissioner to the Congress elected to represent an area included in the boundaries of the proposed unit.

(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to appropriation of amounts for a unit of the National Wildlife Refuge System that is designated, or specifically authorized to be designated, by law.

(b) NOTICE OF SCOPING.—The Secretary shall publish a notice of each scoping meeting held for the purpose of receiving input from persons affected by the designation of a proposed unit of the National Wildlife Refuge System. The notice shall be published in a newspaper distributed in each county in which the refuge will be located, by not later than 15 days before the date of the meeting. The notice shall clearly state that the purpose of the meeting is to discuss the designation of a new unit of the National Wildlife Refuge System.

(c) LIMITATION ON APPLICATION OF FEDERAL LAND USE RESTRICTIONS.—Land located within the boundaries (or proposed boundaries) of a unit of the National Wildlife Refuge System designated after the date of the enactment of this Act shall not be subject to any restriction on use of the lands under Federal law or regulation based solely on a determination of the boundaries, until an interest in the land has been acquired by the United States.

H.R. 3534

OFFERED BY: MR. DAVIS OF VIRGINIA

AMENDMENT NO. 1: Page 8, after line 11, add the following new section:

SEC. 5. FEDERAL INTERGOVERNMENTAL MANDATE.

Section 421(5)(B) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658(5)(B)) is amended—

(1) by striking ''the provision'' after ''if'';

(2) in clause (i)(I) by inserting ''the provision'' before ''would'';

(3) in clause (i)(II) by inserting ''the provision'' before ''would''; and

(4) in clause (ii)—

(A) by inserting ''that legislation, statute, or regulation does not provide'' before ''the State''; and

(B) by striking ''lack'' and inserting ''new or expanded''.

H.R. 3534

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: Page 8, after line 11, add the following new subsection:

(d) ANNUAL CBO REPORTS.—Within 90 calendar days after the end of each fiscal year, the Director of the Congressional Budget Office shall transmit a report to each House of Congress of the economic impact of the amendments made by this Act to the Congressional Budget Act of 1974 on employment and businesses in the United States.

H.R. 3806

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: Page 24, line 2, insert ''or the Export-Import Bank of the United States'' after ''Corporation''.

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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, TUESDAY, MAY 12, 1998 No. 59

Senate

The Senate met at 9:30 a.m, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, You have given us consciences so that the beliefs, values, and truths You have worked into the fiber of our character may be worked out in the specific challenges and decisions of this day. Help us to be true to You, ourselves, and our patriotism. Give us sterling, unflinching integrity in all matters. Speak to us through our consciences. We claim the promise of Proverbs 11:3, ''The integrity of the upright will guide them.'' Give us peace of soul when our thoughts and plans are right; conversely, disturb us when we drift from what is best.

Thank You for this new day. Show us each step of the way. Guide us in all we do and say. You are the Potter, we are the clay. We want to do Your will without delay. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Good morning, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, on Monday a good deal of work was done and the predicate was laid for a number of bills to be considered this week. We will begin the morning with morning business until 10 a.m. I observe that there are at least a couple of Senators who wish to take advantage of that.

Following morning business, Senator D'AMATO will be recognized to introduce a bill regarding patient care for breast cancer. It is hoped that a short time agreement can be reached with the D'Amato bill.

At 11 a.m., under a previous order the Senate will proceed to the consideration of the agriculture research conference report. The time until 12:10 will be divided among several Members for debate on that conference report. Following that debate, the Senate will proceed to the consideration of the National Science Foundation reauthorization bill, again under a short time agreement. A rollcall vote will occur on passage of that bill, the National Science Foundation reauthorization, at approximately 12:15 or so. Therefore Members should be aware that the first vote of today's session will occur at 12:15. Then the Senate will recess after that vote for the weekly policy caucuses.

When the Senate reconvenes at 2:15, Senator GRAMM of Texas will be recognized to move to recommit the agriculture research conference report. There will be 1 hour of debate equally divided on the motion. At the conclusion of that debate, the Senate will proceed to vote on or in relation to the motion. Following the vote, it is hoped that a short time agreement can be reached with respect to the agriculture research conference report. Any of several high-tech bills or other legislative or executive items also may be taken up today, if they can be cleared.

I did have a good conversation late on Monday afternoon with Senator DASCHLE. I believe we are going to be able to clear at least three of those high-tech bills. All of them are broadly supported and I believe will have an overwhelming vote once we get to a vote. I won't list them now, but we will make some further announcement on that later on today.

Finally, as a reminder to all Members, a cloture vote will occur on Wednesday on the motion to proceed to the missile defense bill. Senator COCHRAN handled this debate on the floor on Monday. He has done excellent work on this bill. This is something we should do for the defense of our country. The American people, I find, when I go around and talk about missile defense, are shocked to learn that we don't have a National Missile Defense System in place. So this bill is very important, I believe. I appreciate the work that has been done by my colleague from Mississippi.

The next 2 weeks obviously will be extremely busy as Members attempt to complete action on several important pieces of legislation. There are a number of conferences that we hope to have completed and voted on before the Memorial Day recess, including the ISTEA II, the highway transportation bill, the education conference report, the IRS reform and restructuring conference report. We also have a vote already agreed to with regard to Russia-Iran missile technology transfer, which is a continuing concern. Progress is not being made sufficiently, and I do expect that there will be a vote on this before the end of the next week.

There are a number of other very important bills now that Members are getting cleared through committees or that Members are seeking to have voted on. We will try to schedule as many of those as we can. Obviously, we will need the cooperation of all Members as we try to get through this process before the end of the May recess for Memorial Day.

I again emphasize we do have probably three high-tech bills that we have cleared: we have the agriculture conference report, we have the missile defense bill that Senator COCHRAN has been working on, and the National Science Foundation reauthorization bill. And we are going to try to clear some Executive Calendar nominations, too.

So, again, thank you for your cooperation. These are all very important

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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bills for the American people and I hope we can continue the good progress that we have made over the last 3 weeks. When you look back at what we have been able to get through the Senate, in terms of education, the NATO treaty enlargement, and also last week the IRS reform—if we can have another week and complete the week with the DOD Department of Defense authorization bill I think we can feel very good about what we have accomplished over the last month.

I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Mississippi.

AMERICAN MISSILE PROTECTION ACT

Mr. COCHRAN. Mr. President, let me say, first of all, that I appreciate very much the majority leader calling up the missile defense bill on yesterday. At his authorization and direction, a cloture motion was filed on the motion to proceed to consider that bill when an objection was raised by the ranking Democrat on the Armed Services Committee and the ranking Democrat, Senator LEVIN, on the International Security, Proliferation and Federal Services Subcommittee that I chair.

Last year, we had a series of hearings looking into the growing proliferation problem in the development of weapons of mass destruction and missile systems to deliver those weapons by countries that many in our Nation probably weren't aware were developing the sophistication in long-range missile systems that were being developed.

I think yesterday the announcement in India of the detonation of a nuclear device as a test confirms once again what a dangerous environment we are in, in terms of proliferation of capabilities, of having nuclear weapons, of having missile systems that can deliver those weapons over a long range. To put that in context yesterday, Pakistan, just a few weeks ago, tested a new missile that our security analysts and our intelligence agencies weren't aware that they had—another example of how we cannot predict with any degree of certainty or accuracy how soon countries are going to develop missile systems, nuclear weapons with the capability of delivering those weapons systems over long ranges. The Pakistani missile that was tested was a 1,500-kilometer range missile—five times greater in capability than a report that was filed by the Defense Department said that Pakistan had in November of 1997. Think about that.

We get an annual report from the Defense Department using the intelligence capabilities of our CIA, the Defense Intelligence Agency, National Security Agency—all of the resources that our country has, to put together this report for the Congress. And in November of 1997 they said that Pakistan had in its inventory a 300-kilometer range missile, and then in April they test a 1,500-kilometer range missile. What has happened? They have had assistance from other countries. Some say it was China who provided the technology and wherewithal to come up with this new, longer range missile. Some say it was North Korea. Pakistan says it was developed from within with their own technology, their own scientists.

Whatever the reason and however this came to be, it is alarming, and now we see India reacting to that new development by testing a nuclear weapon that is twice as powerful as the atomic bomb that was used in World War II by the United States against Japan.

The point is, this is a very, very dangerous situation that we see developing in that part of the world, but in other countries, too. In Iran. We have seen demonstrated in Iraq the capacity to almost put a satellite in orbit with a missile launch vehicle 10 years ago. That surprised the United States. That surprised our intelligence-gathering agencies.

I am hopeful that the Senate will notice that the time has come for us to stop playing politics with missile defense and national security and work together in a bipartisan way to develop and deploy, as soon as technology permits, a national missile defense system to protect the security of the United States.

We will have that vote on cloture, as the majority leader pointed out, on Wednesday—cloture on the motion to proceed to consider the bill, not on the bill itself. It will still be open for amendment. It will still be open for debate by Senators who want to discuss this issue, but I hope the Senate will invoke cloture so that we can proceed to consider the bill, to discuss the issue further, particularly in view of these developing events that confirm what a dangerous proliferation situation we find ourselves in in the world today, and we are defenseless against long-range or intercontinental ballistic missiles.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 5 minutes. Under the previous order, the Senator from Maryland is recognized to speak for up to 15 minutes.

Ms. MIKULSKI. I thank the Presiding Officer.

(The remarks of Ms. MIKULSKI and Mr. DASCHLE pertaining to the introduction of S. 2064 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

HEALTH CARE LEGISLATION

Mr. DASCHLE. Mr. President, there is no one from the Republican side of the aisle on the floor at this moment, so I do not want to propound the request until someone is available. But I do want to put our colleagues on notice that I would like very much to be able to propound a unanimous consent request within the next few minutes that would do two things: First, it would ask that Senator D'AMATO be recognized to offer a bill regarding inpatient hospital care for breast cancer with a time limit of 2 hours for debate on the bill, with no amendments or motions in order thereto, and that when all time is used or yielded back, the Senate proceed to vote on passage of the D'Amato bill, and that immediately upon disposition of the D'Amato bill, the Senate then proceed to the immediate consideration of the Daschle-Kennedy Patient Protection Act with a time limit of 2 hours for debate, with no amendments or motions in order thereto, and that when all time is used or yielded back, the Senate proceed to vote on the passage of the bill with all time equally divided and controlled in the usual form, and that the above occur without intervening action or debate. I would ask that those bills begin to be considered at 11 o'clock.

As I said, Mr. President, I will not ask unanimous consent at this time simply in deference to our colleagues. But let me again explain what it is we are attempting to do here. It is our hope this week, in a very limited timeframe, that we can pass two bills of great concern and importance to this country, first and foremost, a bill that many of us have cosponsored dealing with the need to protect patients in an array of different health circumstances that they face. More and more, the American people are saying they are victimized, not assisted, by HMOs. More and more, they are saying that managed care is not working as it is supposed to. More and more, they are saying that we are facing some critical decisions that we must make if we are going to ensure that managed care and HMOs work right.

Day after day, our caucus has come to the Senate floor recognizing the importance of calling the attention of this country to victims of our current managed care system. These victims have lost their health, and in some cases, their lives as a result of very critical decisions being made erroneously by people sitting at computers instead of by doctors and nurses in the hospital rooms and clinics of this country.

We have introduced legislation that would provide protections to patients. It recognizes that in this HMO, managed care environment we have to do a lot better job of focusing on patients,

and not on bottom-line calculations that are oftentimes used regardless of patients needs. The Patient Protection Act is absolutely essential to that effort. We also recognize that there is a need, as part of the legislation, to deal with the problem of premature release of patients when they have mastectomies.

Senator D'AMATO and Senator FEINSTEIN and others have made a real effort to highlight that particular problem. And we are very supportive of that effort. So we hope we can pass both bills. Let us pass the Patient Protection Act. Let us pass the Feinstein-D'Amato mastectomy bill. Let us do it en bloc. Let us do it: 2 hours and 2 hours. We are prepared to do it this morning. We can get on with that and also the array of other very important technological bills that we will be bringing up. I thank very much the Senator from Montana for affording me the opportunity to make my presentation. As I noted, just as soon as we find a Republican colleague on the floor I will pose this unanimous consent request.

Mr. DORGAN. Will the Senator yield?

Mr. DASCHLE. I will be happy to.

Mr. DORGAN. Mr. President, as I understand the minority leader, he is talking about the desire to bring to the floor of the Senate for a vote the patients' bill of rights. As the Senator knows, we have every day brought to the floor of the Senate a discussion about the specific problems that patients are encountering out in this country who have been hurt by managed care institutions or organizations and find that their health care decisions are all too frequently not made by the doctor in the doctor's office or in the hospital but by some insurance accountant someplace 500 or 1,000 miles away. And the result has been catastrophic for some of the patients in this country who have not been able to get the health care they need. As I understand it, this piece of legislation talks about the ability to get the health care you need from the doctor you choose, the ability to get to an emergency room when you need one, and a full range of similar concerns that affect patients.

Is it the request of the minority leader that we have an opportunity to vote on that legislation this morning? And if not this morning, at least at a time certain at some point this year? As I understand it, there are some who don't ever want us to have an opportunity to deal with this issue, because the insurance industry and some others, who certainly don't want anybody tampering with the circumstances at all, prefer we not vote on this. But the American people understand we have a serious problem here that needs to be addressed. Is it the intention of the Senator to get a vote on this today or at some specific point in the future?

Mr. DASCHLE. It is our desire to see if we can find a way to take up this legislation and pass it today. And if not today, at a time certain. If we cannot do it for some reason at 11 o'clock this morning, we are prepared to set a time—perhaps June 15—perhaps right after we get back from the Memorial Day recess. If we are doing the tobacco bill next week, and we have technology bills this week, 4 hours today seems to me to be a reasonable period of time to debate both of these bills and pass them. If we cannot do it today, I think it is incumbent upon the Senate to pass this legislation at a time certain—to agree to a debate at a time certain. I am sure that will happen.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Is it the position of the Senator that this really is the most important health issue that is before the families of America today? Is it understood that we have been unable to consider this legislation in the Labor and Human Resources Committee, and so this is the only way and only means by which we can have the kind of debate that families across this country want? Is it the opinion of the Senator from South Dakota that this really is a compelling issue, perhaps the most important health care issue that families in South Dakota and across this Nation care most deeply about—to make sure that doctors and not insurance agents are going to be making decisions on health care?

Mr. DASCHLE. Mr. President, I tell the Senator from Massachusetts that, just last week, a family from South Dakota told me that if there is one thing the U.S. Senate should do this year—this year—it is pass the Patient Protection Act. It is to deal with the problems they are having with managed care. And it is to deal with the recognition that there is a growing problem out there. In poll after poll after poll, the American people are saying: We don't care what else you do, do this and do it this year.

So I think it is very clear that the intensity level is as high as it can be. People care about this issue, and they recognize the problem. People know how difficult it is today to face managed care organizations that, in large measure, are not addressing these problems as they should. So the Senator from Massachusetts raises the right question. Do the American people want us to address this issue? The answer is not only yes, but yes with an exclamation point.

Mr. DURBIN. Will the Democratic leader yield?

Mr. DASCHLE. I yield to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator for raising this issue. I hope that we put it in context. This is an important procedure that Senators FEINSTEIN and D'AMATO bring to the floor. It addresses the issue of mastectomy. It makes certain that women and families have peace of mind when they face that procedure. I don't think there is going to be any opposition to that bill, and there should not be.

The Senator from South Dakota makes a point—and I think we should make the point—that in this debate there are many other potential injustices, and injustices in the health care system. One should consider the fact that most Americans say, first and foremost, they want to choose their own doctors, and many women say, ''I want to be able to make certain during the course of my pregnancy that I have a doctor, an obstetrician who I can be confident in, and one who will give me advice every time I come in for a visit.'' There are families who worry that when their children are brought into a doctor's office, they will be referred to the right specialist, the one best for that child. They don't want that decision being made by an insurance company. They want it being made by a doctor.

The irony here is that we are saying doctors should make that decision. These doctors who have been chosen by the insurance companies to be part of their plans should be trusted, and their judgment should be trusted. What the Senator from South Dakota is saying is, let's move forward on the Feinstein bill, on this important mastectomy protection; but let's extend this protection to so many other Americans and families and women in other circumstances who are being disadvantaged by insurance companies and HMOs that are unresponsive to families and their needs.

I think the Senator from South Dakota puts a challenge to the Senate today. Will we do one small, but important, part? Or will we take a look at the whole picture and make certain that we can return home after this session with the kind of legislation that the American people will support? I hope the Republicans will join us. This ought to be bipartisan. What is the controversy here when we say patients and their families should come first, and protecting the patients when it comes to important medical decisions?

I thank the Senator from South Dakota. I hope we can get the assurance from the Republican leadership today that we will not only consider the Feinstein-D'Amato bill, but also the patient protection that Senators DASCHLE and KENNEDY will offer.

Mr. DASCHLE. Mr. President, I thank the Senator from Illinois for his very good statement. He raises an interesting point that I failed to mention. Oftentimes, we talk about this as a matter simply of urgency and concern for victims. Indeed, that is the greatest concern—the degree to which victims come to us with stories that they believe call out for attention to this matter. But there are now over a hundred organizations—organizations of all kinds—our doctors, our nurses, an array of working organizations in this country, including education, you name it—organizations that have come

forward to say that this isn't just a health issue, this is a worker issue, this is a quality of life issue. This is an array of organizations that rarely come together on any issue. Philosophically, they go from left to right. But the fact is, they care about this issue because they know how critical it is that we solve it this year.

So, as the Senator said, this should not take very long. Indeed, it is important that we get on with moving this legislation.

Ms. MIKULSKI. Will the Senator yield?

Mr. DASCHLE. I yield to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask the Senator from South Dakota, our Democratic leader, a question. In all of his research on the bill, has he not found that this is a very compelling issue for women and for children, that there has essentially been a ''moat'' around access to medical treatment and, therefore, leaving it to the Senate or legislative bodies to make corrections, one procedure at a time, like drive-by deliveries, dumping of mastectomy patients? Would it not be better to take down the ''moat'' around medical treatment and do this in a comprehensive way, especially a way that it affects the women and children? Has the Senator found that?

Mr. DASCHLE. The Senator from Maryland is absolutely right. She said it very succinctly. That is, in essence, what this legislation will do. This isn't the broad array of health care reforms that we could be addressing. This very narrowly focuses on one of the biggest problems we have in health care delivery today. I appreciate very much her calling attention to that fact.

Ms. MIKULSKI. I thank the Democratic leader.

UNANIMOUS CONSENT REQUEST—S. 249 AND S. 1890

Mr. DASCHLE. Mr. President, now that we do have a Republican colleague on the floor, let me propound the following unanimous consent request:

I ask unanimous consent that at 11 o'clock on Tuesday, May 12, Senator D'AMATO be recognized to offer a bill regarding inpatient hospital care for breast cancer, with a time limit of 2 hours for debate on the bill, with no amendments or motions in order thereto, that when all time is used or yielded back, the Senate proceed to a vote on passage of the bill, and immediately upon disposition of the D'Amato bill, the Senate proceed to the immediate consideration of the Daschle-Kennedy Patients' Bill of Rights bill with a time limit of 2 hours for debate, with no amendments or motions in order thereto, and that when all time is used or yielded back, the Senate proceed to vote on passage of the bill, with all time equally divided and controlled in the usual form, and that the above occur without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO. Mr. President, reserving the right to object. Mr. President, let me simply state that tying these two requests together—and I appreciate the position of the Senate minority leader—is unacceptable for the majority. Therefore, I will object.

We can have some discussion as to the merits of attempting to tie the two together. I know the minority leader has been speaking. I might even support the Patients' Bill of Rights, but to tie it together in this way is unacceptable. So I am forced to object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Let me just say I am very disappointed. We are not tying them together in any way other than by procedure. We are simply saying, let's debate the D'Amato bill for 2 hours, and then let's debate the Daschle-Kennedy bill for 2 hours. They both deal with protections for patients. They both deal with the need to confront the array of problems we are facing in managed care today. So I am very disappointed the majority has chosen to take this action, and I hope if we can't do it today, perhaps we can do it on the 15th. So let me ask unanimous consent that on a date no later than June 15, both bills be considered in the order that I have just described.

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO. Mr. President, reserving the right to object, again let me say it is one thing to say they are not being tied together, but that is exactly what is taking place. Let me take the time to point out, if I might, that the legislation that has been crafted with the help and consultation of my colleague, Senator FEINSTEIN from California, from the beginning is not controversial, absolutely not controversial and is necessary. To take a bill that is so straightforward and tie it up in procedural knots—and that is what is happening here—so that the women of America, because of these procedures today, are being denied health care that they need, reconstructive surgery, drive-by mastectomies, being put on the streets or being told we are not going to pay for more than 24 hours or 48 hours or whatever the policy limits may be, regardless of the medical necessity, we are not going to pay for reconstructive surgery because, as one plan said and a doctor told me, ''It doesn't serve a bodily function so therefore we don't have to have reconstructive surgery,'' is absolutely wrong.

This is an issue that everyone can support and should support, and we should not tie it down with legislation by its very nature that is so comprehensive as the Patients' Bill of Rights that takes in a myriad of programs and projects, et cetera, many of them that have arguments on both sides. To say that we are going to give one 2 hours and the other 2 hours, which is so complex, is just absolutely using the procedure to stifle this straightforward bill which says we will give women the right without having to appeal to various boards, et cetera, to reconstructive surgery and to know that they are not going to be forced to leave a hospital before it is the right time to do so.

That is what we are talking about here. So we are forced to object. I am sorry that the distinguished leader on the other side is using that as a cover for precluding—and by the way, we may have some Members on the Republican side, I might want to add, who will seek to amend this, who are out of line, I believe, and who will hide behind this and do not have the courage to come down here and to vote up or down. And I would like to see them offer amendments because I have had some colleagues—let's be very candid—to say, ''We are going to offer a killer amendment.''

Why? Let me give you the argument on the other side. ''We don't want mandates.'' Let me give you another one. One of my distinguished colleagues says, ''We shouldn't have legislation by body part.'' Well, it is too bad, he is right, that we would have to reach this time and this place that it demands that. How much longer should the women of America have to wait? How many years, how many months do we really tie it up? And let me say this to you: This Senator is going to go forward. I know that my colleagues on the Democrat side, and there are many of them, feel equally passionate, and we are going to go forward and we are going to have a vote on this amendment. It is a straightforward piece of legislation.

I see my colleague, Senator FEINSTEIN, is seeking to speak on this, and I am going to——

Mr. DASCHLE. Mr. President, did the Senator from New York object?

Mr. D'AMATO. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. D'AMATO. I call for regular order, Mr. President.

Mr. DASCHLE addressed the Chair.

Mr. D'AMATO. I now call for regular order with respect to the continued time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. I would remind the Senate of the previous order so that we are at the point, past the point, where morning business is closed.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized.

UNANIMOUS-CONSENT REQUEST—S. 249

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 249 regarding inpatient care for breast cancer, and there be 2 hours for debate equally divided with one relevant amendment in order to be offered by Senator D'Amato, and following the disposition of the amendment the bill be advanced to third reading and a vote occur on its passage, all without intervening action or debate.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DASCHLE. Reserving the right to object, let me just say how disappointed I am that the Senator from New York continues to persist in his erroneous conclusion that somehow these are melded together. I will put forward a new proposal for my colleague and friend from New York. I would propose that we take up the D'AMATO bill today, that we debate it as he suggests so long as by June 15, or at any date in June that would be of his choosing, we can take up and debate the Patient Protection bill for whatever time it takes. If it is complex, let's debate it. If it ought to be amended, let's debate it. If the Senator from New York is prepared to give me that opportunity, to say in June we will take up patient protections with amendments, we will have the debate on his bill today and my bill in June. I would make that proposal to the Senator from New York, reserving the right to object.

Mr. D'AMATO. I understand that, and let me respond by saying that I wish I could and did have the authority to accept that because I would do it, because I think we should have a full debate and a full discussion on the Patients' Bill of Rights. And I think it will not be limited, should not be limited to 2 hours. I thank my colleague, the Senate minority leader, for recognizing the complexity of the bill that is, I don't know how many pages. It is voluminous. And it is important.

Here it is. I don't know whether it has even had a hearing. It is 109 pages. It is controversial, to say the least. And there are many parts of this bill which I would be supporting. There is absolutely no doubt about it.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. D'AMATO. However, we are linking the two together. By suggesting that in order to get this straightforward bill, this legislation that says no more drive-by mastectomies and that women will be guaranteed the right to have reconstructive surgery where there is a radical mastectomy, it is linking the two together. I think that is unfortunate. I might be willing to come and join my colleagues and battle for a date certain or to fight for hearings at least. I don't know whether we have had hearings. I don't think we have. I see Senator KENNEDY here.

But the point of the matter is that we are linking the two. We are saying we are not going to consider whether women should have that right. Where I don't believe there is one Senator here who feels they should not have, not one, why should we link the two, with one bill 109 pages, which 90 percent of the Members have not read, have not studied, have not gone through. Again, it is linkage, and therefore I am compelled to say that notwithstanding the good intents of my friend, it is linkage.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DASCHLE. Continuing to reserve the right to object, since my colleague from New York did now object to my counterproposal, I am flabbergasted. I am absolutely flabbergasted that the Senator from New York would say, since we have not seen action on our bill, we should take up his bill. And why are we taking up his bill under these circumstances? Because the Finance Committee has not acted. That is the reason. We are going to go around the Finance Committee to go straight to the floor, and he is saying we shouldn't go around the Labor Committee to go straight to the floor for the Patient Protection Act.

So let there not be any confusion here as to what is going on. Everyone ought to know this. This is as glaring as the lights themselves. Our Republican colleagues, for whatever reason, are denying the opportunity to consider a Patient Protection Act, today, tomorrow or any other day. And they are hiding behind the mastectomy bill to do it.

Well, let's not hide behind any legislation. Let's strip away all the rhetoric. They do not want to do it. They simply do not want to do it. I don't know why they don't want to do it, given that about 80 or 90 percent of the American people are demanding we do it, but they can explain it.

No one should be misled here. The problem is not that we are combining the two bills. I have just released them. There isn't any connection anymore. We will take up the Feinstein-D'Amato bill today and take up the Patient Protection Act in the next couple of months. Just let us take it up. That is all we are asking.

So, Mr. President, I am really astounded at that logic and that rationale. But I don't think anybody is misled here. They don't want to take up the patient protection legislation, and I am very disappointed, and I think the American people would be as well.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let's look at this in perspective. I have asked staff has there been a hearing with respect to S. 1890, a bill that is over 100 pages, the complexities of which, everyone has to admit, go well beyond a very straightforward, very limited bill which we believe guarantees women a right that I don't think there is one person here who could object to, and that is, length of stay should be determined by the medical necessity of the procedure; and, second, that reconstructive surgery should be a woman's right. She should not have to go to appeal to some board or some insurance plan because ERISA prevents States from having legislation that would order this.

Let me say this. We have had a hearing on S. 249, and we have had two votes to attempt to get it. Senator FEINSTEIN, myself, and others—and I might say our bill has broad, bipartisan support. There is not one Member on the Patients' Bill of Rights from the Republican Party. You can say that you are not linking, you can say you are not blocking, but that is exactly what has happened. The women of America are being denied a right to something that they should have—that we should enact into law, and we should be proud, and all 100 Senators should come down and vote for this and sponsor this—because we want the Patients' Bill of Rights to be heard at a particular time and we are linking the two. That is exactly what is happening.

I could support various provisions in the Patients' Bill of Rights—the clinical trials. I think we should have them. I want to support them. But to say that we should deny the women of America an opportunity to be heard on this and to have a vote on this is counterproductive; it is wrong. It is a shame that the Senate operates in this manner.

But everyone has a right to be heard. Everyone has a right to make their objections. I think it is unfortunate. My friend and colleague from California, Senator FEINSTEIN, has been waiting very patiently. If I might—

Several Senators addressed the Chair.

Mr. DASCHLE. Mr. President, I think the unanimous-consent request is still pending. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Reserving the right to object, let me just say the Senator from New York has said on several occasions now that this has not been the subject of any hearings. The Labor Committee has dealt with this issue at more than seven hearings, hearings that have brought people in from around the country, talking about this particular problem and about how serious it is. There has been one meeting in the subcommittee of the Finance Committee on his bill.

So let's talk about hearings. Let's talk about the array of people who have come forth and said, ''Why are you waiting? Why aren't you moving ahead with this legislation?'' I don't have an answer to that. Our caucus is attempting to promote the opportunity for all people to be heard on this issue.

The Senator from New York also made mention of the fact that his bill deals with mastectomy, and it is a very

important contribution. I applaud Senator FEINSTEIN and others for making the effort, as they have, to get to this point. But his legislation is very, very narrowly focused.

He said he supports clinical trials. We want to give him the opportunity to vote for it. He says he supports access to specialists. We want to give him the opportunity to vote for it. He wants to protect the information, the records of patients. Let's give him and others a chance to vote for it. That is what our bill does. It goes way beyond simply the right, that a woman surely should have, to be more confident about her ability to get the proper treatment when in a situation as sensitive as a mastectomy. But let's provide them the protection through clinical trials. Let's ensure that they can see necessary specialists. Let's ensure that their records are going to be protected. Let's do it all. Let's not do half a job, let's do the whole job. That is what we are talking about here.

So I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

Mr. D'AMATO. I call for the regular order.

The PRESIDING OFFICER. The Senator from New York has the floor.

WOMEN'S HEALTH AND CANCER RIGHTS ACT

Mr. D'AMATO. I yield 10 minutes to the Senator from California, Senator FEINSTEIN.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. D'AMATO. Regular order. I believe under the regular order I control up to an hour.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. Mr. President, I make a point of order.

Mr. D'AMATO. Mr. President, I yield to the Senator from California, for up to 10 minutes, for a question.

Mr. FORD. Mr. President, take charge and give direction to these Senators.

The PRESIDING OFFICER. The Senator from New York has been recognized under the regular order. The Senator from New York does not control the floor. If he seeks to yield time, that requires a unanimous consent.

Is there objection to yielding time?

Mr. D'AMATO. Mr. President, my colleague from California has a question. I would like to yield for a question to the Senator from California.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York has a right to yield for a question. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to ask the Senator from New York a question.

As I recall, we introduced this amendment as a bill on January 30, 1997. That was 16 months ago. The Patients' Bill of Rights, I believe, was introduced on March 31st of this year. Is that not correct?

Mr. D'AMATO. Would the Senator——

Mrs. FEINSTEIN. My question about when we introduced this bill, a bill that would give a woman and her physician the right to determine the length of a hospital stay when she has a mastectomy, and quite possibly a radical mastectomy. The length of stay in the hospital would be the decision of her physician, not the HMO; we introduced this bill 16 months ago. Correct? The Patients' Bill of Rights was introduced in March of this year. Is that not correct?

Mr. D'AMATO. That is correct. The Senator is correct. We introduced this on January 30, 1997.

Mrs. FEINSTEIN. And, am I correct in that the Senate Finance Committee held a hearing on our bill on November 5, 1997?

Mr. D'AMATO. That is also correct. And the Senator testified—the Senator from California came and gave some very cohesive and forceful testimony as to the need for this legislation.

Mrs. FEINSTEIN. Is it not true that we have filed this bill to be considered by the Senate two times and you offered it in the Finance Committee two times? On March 16, we filed it as an amendment to H.R. 2646, the Parent and Students Savings Account Plus Act. Is that not correct?

Mr. D'AMATO. Absolutely. The Senator is absolutely correct.

Mrs. FEINSTEIN. On May 6, we filed it as an amendment to H.R. 2676, the IRS restructuring bill. Is that not correct?

Mr. D'AMATO. That is absolutely correct.

Mrs. FEINSTEIN. And on March 31 and on February 10 of this year, did my colleague not offer it as an amendment in the Finance Committee?

Mr. D'AMATO. I did. I did. My colleague is right. We brought it to a vote.

Mrs. FEINSTEIN. Is it not true that the Senator has been unable to get the Finance Committee to move this bill to the floor?

Mr. D'AMATO. Absolutely true. Again, procedurally this is raised, just as an analogy, as is being done here—there they raised germaneness, and, unfortunately, they kept the women of America from having the opportunity to have this bill considered at that time. That is correct.

Mrs. FEINSTEIN. Is it not true that the D'Amato-Feinstein mastectomy bill has 21 cosponsors, including a bipartisan group of women Senators—Senators SNOWE, MOSELEY-BRAUN, HUTCHISON, MIKULSKI, and BOXER?

Mr. D'AMATO. Absolutely. It is a bipartisan effort. It has been that way. I applaud my colleague from California for her leadership in this matter. We have done this and conducted this in a manner that has sought to eliminate politics and think about the women of America and the families of America, because we are talking about a disease and procedures that are hurting, harming the families of America.

Mrs. FEINSTEIN. I would like the Senator from New York to know that I am a cosponsor, also, of the Patients' Bill of Rights Act. I understand the importance of this bill. I would very much welcome floor time to consider this bill as well.

However, I did indicate in our Democratic caucus that absent that opportunity, and because women all across this Nation are going through some of the same events that two women who brought this to my attention 3 years ago in California went through, and that is to show up to have a radical mastectomy at 7:30 in the morning, and then to be pushed out on the street at 4:30 that afternoon with drains in them, the effects of anesthetics still upon them, really unable even to walk—is it not true that what we strive to do is make a simple reform and say that no woman without the permission of her physician will be subject to this kind of treatment ever again in the United States of America?

Mr. D'AMATO. The Senator from California is absolutely correct.

Let me say that we worked long and hard on this. We have many of our colleagues who, because of their commitment to deal with this—it is tragic when it hits a family it has so much of an impact—said you have to have at least 48 hours. In other words, 72 hours. And we finally have been working with the people in the medical community, and I must say we built a consensus where we recognize that we should not put any time limitation whatsoever.

If I might, Mr. President, we have the Senator from Montana who is waiting to make a statement. Might I propound a unanimous consent request that he be permitted to speak for up to 3 or 4 minutes as if in morning business, and that might we also have an additional 5 minutes then—we started late—so that he could make his statement, and then without my losing the right to continue and to hold the floor and continue our discussion with respect to this?

Mr. KENNEDY. Reserving right to object, I don't want to object. I would like to have a very brief time to be able to respond. I think, as I understand it, at 11 o'clock under the consent agreement we are going to the agricultural matter.

Mr. D'AMATO. That is why I asked for an additional 5 minutes.

Mr. KENNEDY. I would like to see if we could have, say, 15 minutes to be able to respond to that time.

Mr. D'AMATO. Unfortunately, I am not in a position to agree to that. Let me say this to Senator KENNEDY. Let's say that in one-half hour we would yield to the Senator from New York 10 minutes. Is that fine?

Mr. KENNEDY. That would be very generous.

Mr. D'AMATO. Could Senator BAUCUS' remarks be contained in morning business without interrupting the debate for up to 5 minutes?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I thank all Senators very much for accommodating me.

First of all, I hope that the bill to be offered by the Senator from California and the Senator from New York will be brought up quickly and passed. I think every Member of the Senate does. I very much favor it. At the same time, I very strongly believe the Patients' Bill of Rights, the basic protection bill, we have to pass that. It is very regrettable, frankly, that we are at loggerheads. We need to get that bill passed. I think we should work that out fairly soon. Frankly, it is in the interest of the American people we get this passed very quickly. But it is not going to be resolved right now.

By unanimous consent, the remarks of Mr. BAUCUS pertaining to ''Montana Pole Vaulters'' are printed in today's RECORD under ''Morning Business.''

Mr. D'AMATO. Mr. President, might I ask unanimous consent that Senator JOHNSON from South Dakota be given 3 minutes to speak on this issue?

Mr. DORGAN. Mr. President, reserving the right to object, my understanding is that the order by unanimous consent at 10 o'clock required that Senator D'AMATO be recognized to propound a unanimous consent request; not that Senator D'AMATO be recognized between 10 and 11 o'clock. I am wondering. Am I correct on that?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The order provides for the recognition of Senator D'AMATO of New York.

Mr. D'AMATO. I believe I was going to be recognized, and indeed I am attempting to accommodate this. I could speak for this 1 hour. I am attempting to accommodate the needs of my colleagues. That is why I yielded 10 minutes. I am prepared to yield 10 minutes to Senator KENNEDY. The time is clicking off here.

Mr. DORGAN. I will not object. But my understanding of the UC was that the Senator from New York would be recognized to propound a unanimous consent request at which point the floor would be open. I guess I understand the Senator from New York intends to retain the floor until 11 and simply by consent allow others to speak for a certain amount of time.

Mr. D'AMATO. Yes.

Mr. DORGAN. He certainly has that right. Under the unanimous consent agreement he has the right of recognition. So I will not object.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I thank the Senator from New York and the Senator from California for their extraordinary work on this important legislation.

Mr. President, frankly, I have to share a great level of frustration, and to be candid, anger at where we find ourselves this morning: unable to move forward with the breast cancer legislation for which there is broad bipartisan support and little controversy. I have more than simply a public policy concern about this issue. I have a personal concern in my own family, having gone through my wife's breast cancer challenge over the past 2 years. She is doing very well. But we had a situation where she remained in the hospital for one night following surgery. She went home with the drains, and the other complications. We were able to do that all right because we don't have small children at home. We had no complications. But I know of other women in my State of South Dakota who have small children at home who cannot take a great amount of time from work, who have no extra help, who have extra complications, and who have all sorts of matters that are debilitating that cause complications. And 24 hours for many of them is simply not adequate. We have an opportunity here to correct that problem. This doesn't correct everything.

I share the support of the Senator from California for the Patients' Bill of Rights. I am frustrated, as well, that we haven't made greater progress there. I hope that before this session is over we will in fact deal with the more comprehensive health care reform legislation.

I applaud Senator DASCHLE's leadership on the Patients' Bill of Rights legislation. But I do not want to make the perfect the enemy of the good. What we have here is a piece of legislation which we should be able to pass this very day.

It is certainly my hope, while we have the continued discussion about a more comprehensive approach to managed care and ensuring the rights of all patients, that before this session of the 105th Congress expires—and we are running out of time quickly—that, in fact, we get this breast cancer bill to the floor and deal with it in an expeditious fashion.

Again, I simply want to applaud the leadership of the Senators from California and New York on this issue, one that we really should not allow to be delayed longer than it already has.

I yield my time.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the time be extended until 11:05, because we did not start nearly on time, and I further ask unanimous consent that Senator KENNEDY be recognized now for up to 10 minutes.

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

Mr. KENNEDY. Mr. President, I yield myself 7 minutes.

Mr. President, let me be clear: I am all in favor of Senator D'AMATO's bill. Its provisions are included in the Patients' Bill of Rights. I was an original cosponsor of Senator DASCHLE's legislation, which preceded the legislation authored by my colleague from New York, that guaranteed breast cancer patients a minimum length of stay in the hospital following a mastectomy. And I worked with the breast cancer community—patients and providers—to write and introduce a bill that would require plans that cover mastectomies to also cover reconstructive surgery, prostheses and treatment for lymphedema, a complication of the surgery. In fact, Senator D'AMATO modified his original bill, which covered only reconstructive surgery, to conform it more closely to mine. We share a commitment to this legislation.

But his proposal does not include other provisions that are in our bill and which are equally important to breast cancer patients, their families and their doctors. The following protections, all of which are in the Patients' Bill of Rights remain unaddressed in the legislation proposed by Senator D'AMATO:

It does not guarantee access to specialists—provisions that would allow an oncologist to act as a cancer patient's care coordinator, or would allow a patient to see an oncologist directly, without first making an unnecessary visit to a so-called ''gatekeeper.''

It does not ensure for a smooth transition between new and existing doctors for breast cancer patients and survivors whose employers change plans or whose plans change providers in the network.

It does not include access to and coverage of participation in clinical trials, which can so often mean the difference between life and death for patients with nowhere else to turn.

It does not establish the right to an independent and timely appeal—a critical feature for those times when coverage decisions fall into a grey area.

It does not create access to prescription drugs that are not on the formulary, if they are medically indicated in the case at hand.

It does not guarantee that emergency care will be covered, provided a layperson believed they were in an emergency.

With the limited exception for post-mastectomy length-of-stay determinations, it does not fully restore the doctor-patient relationship by returning treatment decisions to the attending physician.

Finally, it does not allow patients to hold health plans accountable for their medical decision-making.

Clearly, the problems are not with what is in the bill, but with what is not in the bill.

We are effectively precluded from including these particular provisions in the D'Amato proposal. And that is why these matters are linked, Mr. President. The items contained in our Patient Protection Act are critically important to breast cancer patients and

survivors. Our bill has the broad support from virtually all the various cancer groups and breast cancer groups. But, if we move forward on only those included in the D'Amato proposal, we effectively preclude movement on the rest of the provisions.

One can say, ''Well, we are still making some progress.'' I understand, but there is no reason in the world—none, no reason—that we cannot include these particular provisions for women today—none, make no mistake about it.

We have had eight hearings on the issues relating to the Patients' Bill of Rights. I introduced the original legislation on this issue more than a year ago—over a year ago. The President's advisory commission, which included among its members representation from the business community and insurance industry, reported unanimously last November about what ought to be included in a patients' bill of rights. We have incorporated their recommendations in our bill. They are needed today by women across this country.

All we are asking is for the opportunity to have the Senate debate and go on record with regard to these kinds of protections. But we are foreclosed from acting today. We are denied doing it. We cannot even get a reasonable period of time. The Republican leadership is sitting somewhere in this building. They could have listened to the exchange that was done by the Democratic leader and the Senator from New York. They know what is going on on the floor of the U.S. Senate. They can just come out here and say, ''All right, you got it, you are going to have an opportunity to debate this issue; we won't have a time limitation, call the roll and let's have a debate on what is the No. 1 issue before American families.'' But, no, we are precluded from that.

You don't have to be around here a great deal of time to understand what is going on. We are effectively excluded because of the power of the insurance industry. Do you hear that? We are excluded from having an opportunity to debate this because of the power of the insurance industry. That is what is going on here. That is the issue this morning on the floor of the U.S. Senate.

The industry does not want to provide patients with the protections to which they are entitled and have paid for, and their allies in the Senate are holding this up, Mr. President, by using parliamentary techniques to deny us the chance to consider this legislation. We cannot get a report out of our Labor and Human Resources Committee. We cannot take it up on the floor of the U.S. Senate. It is time for action, and we are denied an opportunity, not just today, not just tomorrow, not just June, but anytime whatsoever—whatsoever.

We are asking the Republican leadership to give us a time. Call the Democratic leader. Bring it up in 2 days. Bring it up in 2 weeks. Bring it up in a month. But give us a time to bring this up. That is what this issue is all about, and that is where we are going, Mr. President. We will bring this issue up time in and time out, again and again. We may be foreclosed now, but the American people are going to demand it. Those women who have or have had breast cancer are going to understand it and demand it as well.

I yield the remaining time to the Senator from California.

I thank the Senator from New York for granting the time.

Mrs. BOXER. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes 15 seconds.

Mrs. BOXER. Mr. President, I say to my colleague, I will reserve 2 minutes for him.

Sometimes we set up false fights, and it is a real false fight between those who want to ban drive-through mastectomies, which I would guess is every single Senator in this Chamber, and those who want to go even further and grant patients protections across the board for breast cancer patients, prostate cancer patients, children, the elderly, anyone who gets sick. There is no fight. Why are we having a fight? We are having a fight because, as the Senator from Massachusetts has said, we are unable to make this a broader bill.

I am very proud to be a sponsor of the D'Amato-Feinstein bill, and I am going to be very excited when this bill becomes law, and it will become law.

We need to do more, and there is no reason why the leadership of the Senate won't give us that opportunity, except that there are many special interests who don't want us to do more, who are pocketing—into deep pockets—profits on a HMO system that shortchanges patients, and that is wrong.

I was visited by a man named Harry Christie. I have told his story on the Senate floor before. His daughter was diagnosed with a rare tumor in her kidney. She was 9 years old. There were two doctors who had experience operating on that type of tumor. His HMO said, ''That's too bad, you have to go with a general surgeon.''

He said, ''This is my only child.''

And they said, ''You're out of luck.''

Fortunately, Mr. Christie was able to come up with the $50,000 he needed, and he saved his daughter's life. Six years later, she is alive and, yes, the HMO was fined a hefty sum by the State of California. If Mr. Christie had listened to the HMO, he might not have his daughter today.

All the Senator from Massachusetts and the Democratic leader are saying is we love this mastectomy bill, we want to help you get this bill through, but help us, help us do more. We can stop a woman from having to go through a horrific, outrageous, demeaning, dangerous drive-through mastectomy, and we will with this bill. But what happens when she is out of hope a couple of years later, and she needs to get into a clinical trial where she can have access to certain drugs because nothing else is working? The mastectomy bill is narrow, it doesn't address that. The broader patient rights bill addresses it.

I want to speak to the issue of the dates when these various bills were put into the hopper, because Senator FEINSTEIN made a good point on that. However, Senator KENNEDY had a bill that was offered before the drive-through mastectomy bill. Others had bills that were offered before as well. We don't need to have this argument which pits one against the other. We should be able to pass this bill banning drive-through mastectomies, and allow it to be amended to take up these broader issues, so that if someone has chest pains and goes to the emergency room, they are not going to be told by their HMO that they can't qualify for a payment because, guess what, they didn't actually die and have a heart attack, they actually lived. But it was a prudent person who made that decision to walk into that emergency room. Why should they be penalized?

I am very hopeful we will pass this drive-through mastectomy bill, but also a broader Patients' Bill of Rights for breast cancer patients, for prostate cancer patients, for Alzheimer's patients, for all the patients, and let's not set up a false argument here. We can do both. Somebody once said you should be able to walk and chew gum at the same time. Well, we should be able to do this very narrow bill and then debate a broader bill and give all of our patients the protection they so richly deserve.

I yield the remaining time to Senator KENNEDY.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. D'AMATO. Mr. President, I ask unanimous consent that my colleague from California, Senator FEINSTEIN, be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Senator from New York.

I must say that I think what is happening here is unfortunate. I think what we are seeing overwhelmingly all across the United States is a state of medical care and health insurance in this country that is becoming much more oriented toward business and much less oriented toward medicine. And this is prompting, I think, all across this land a terrible situation for physicians and for patients.

What prompted me to introduce this bill was two California women who wrote to me. I want to read them to you and enter their full statements in the RECORD.

One was from a woman in Newark, CA. And she wrote—and this was almost 2½ years ago—that she had a modified radical mastectomy as an outpatient at the Fremont Kaiser outpatient clinic. She was operated on at

11:30 in the morning and was released at 4:30 that afternoon, with no attempt made to see if she could even walk to the bathroom. She was 60 years old. And the discovery of cancer and the subsequent surgery were extremely draining both emotionally and psychologically.

That is one case. Same day. Let me read you about another case.

My mastectomy and lymph node removal took place at 7:30 a.m., November 13. I was released at 2:30 p.m. that same day. I received notice, the day before surgery, from my doctor that mastectomy was an outpatient procedure at Kaiser and I'd be released the same day. Shocked by this news, I told my surgeon of my previous complications with anesthesia and the fact that I have a cervical spine condition, which adds an additional consideration for any surgery.

Then she goes on and she says:

While in a groggy, postoperative daze, swimming in pain and nausea, I was given some perfunctory instructions on how to empty the two bloody drains attached to my body. I was told to dress myself and go home. My doctor's written chart instructions for a room assignment, if I developed acute nausea or pain, were ignored by the nursing staff.

This is the problem we are trying to stop right here and now. I frankly am sorry that the bill isn't broader. But this is something whose cost is small—$100 million. We know it can be accommodated. We know we can get the job done.

This bill is simple. It requires every insurance plan in the United States of America to cover the hospital length of stay determined by the physician to be medically necessary. It does not prescribe a fixed number of days. It does not set a minimum. It leaves the length of the hospital stay for the mastectomy up to the treating physician.

Secondly, it requires health insurance plans to cover breast reconstruction following a mastectomy.

Thirdly, it requires insurance plans to cover breast prostheses and complications of mastectomy, including lymphedema.

And, finally, it prohibits insurance plans from financially penalizing or rewarding a physician for providing medically necessary care or for referring a patient for a second opinion.

This is a simple bill. It is a direct bill. It is going to directly benefit the lives of tens of thousands of women. I regret that it isn't more comprehensive. But we know it is doable, we know what it does, and we know women will immediately be better off because of it.

So I am very proud to stand here with my colleague from New York and with others in the Senate. The great bulk of women Senators are supporting this. This is tangible; it is doable. We believe it can become law quickly. And we say, let us seize the moment and let us accomplish at least this for women of America.

So I thank my colleague from New York for his authorship. I was very proud to be an original sponsor on this bill. We did have a hearing. We have tried to get the job done before, but hopefully it will get done this morning.

As an original cosponsor of S. 249, the Women's Health and Cancer Rights Act, I am pleased to sponsor the amendment on mastectomy hospital length of stay that Senator D'AMATO is urging the Senate to consider. It is time to pass it.

Senator D'AMATO and I introduced this amendment as a bill on January 30, 1997, 16 months ago. The Senate Finance Committee held a hearing on the bill, S. 249, on November 5, 1997. We have filed this as an amendment, to be considered by the Senate, three times:

On March 16, we filed it as an amendment to H.R. 2646, the Parent and Student Savings Account PLUS Act.

On May 6, we filed it as an amendment to H. R. 2676, the IRS restructuring bill.

On March 31 and on February 10 of this year, Senator D'AMATO offered it as an amendment in the Finance Committee.

In sum, we have made numerous efforts to get the Senate to consider this bill.

The D'Amato-Feinstein mastectomy bill has 21 cosponsors, including a bipartisan group of women Senators: Senators SNOWE, MOSELEY-BRAUN, KAY BAILEY HUTCHISON, MIKULSKI and BOXER.

This amendment has four important provisions: For treatment of breast cancer:

1. It requires insurance plans to cover the hospital length of stay determined by the physician to be medically necessary. Importantly, our bill does not prescribe a fixed number of days or set a minimum. It leaves the length of hospital stay up to the treating physician.

2. It requires health insurance plans to cover breast reconstruction following a mastectomy.

3. It requires insurance plans to cover breast prostheses and complications of mastectomy, including lymphodemas. For treatment of all cancers:

4. It prohibits insurance plans from financially penalizing or rewarding a physician for providing medically necessary care or for referring a patient for a second opinion

Let me share with you two firsthand experiences, two California women describing their treatment by insurance companies in having a mastectomy.

Nancy Couchot, age 60, of Newark, California, wrote me that she had a modified radical mastectomy on November 4, 1996, at 11:30 a.m. and was released by 4:30 p.m. She could not walk and the hospital staff did not help her "even walk to the bathroom." She says, "Any woman, under these circumstances, should be able to opt for an overnight stay to receive professional help and strong pain relief."

Victoria Berck, of Los Angeles, wrote that she had a mastectomy and lymph node removal at 7:30 a.m. on November 13, 1996, and was released from the hospital 7 hours later, at 2:30 p.m. Ms. Berck was given instructions on how to empty two drains attached to her body and sent home. She concludes, "No civilized country in the world has mastectomy as an outpatient procedure."

These are but two examples of what, unfortunately, is symptomatic of a growing trend and a national nightmare—insurance plans interfering with professional medical judgment and arbitrarily reducing care without a medical basis.

Premature discharges for mastectomy, with insurance plans strong-arming physicians to send women home, are one glaring example of the growing torrent of abuses faced by patients and physicians who have to "battle" with their HMOs to get coverage of the care that physicians believe is medically necessary.

Increasingly, insurance companies are reducing inpatient hospital coverage and pressuring physicians to discharge patients who have had mastectomies. This is beyond the pale. It is unconscionable.

The Wall Street Journal on November 6, 1996, reported that "some health maintenance organizations are creating an uproar by ordering that mastectomies be performed on an outpatient basis. At a growing number of HMOs, surgeons must document 'medical necessity' to justify even a one-night hospital admission."

A July 7, 1997 study by the Connecticut Office of Health Care Access found the average hospital length of stay for breast cancer patients undergoing mastectomies decreased from three days in 1991 and 1993 to two days in 1994 and 1995. This study said, "The percentage of mastectomy patients discharged after one-day stays grew about 700 percent from 1991 to 1996."

In the last ten years, the length of overnight hospital stays for mastectomies has declined from 4 to 6 days to 2 to 3 days to, in some cases, "no days." The average cost of one day in a community hospital in 1995 nationwide was $968.00. In California, in 1997, the average cost for one day was $1,329.77. When insurance plans refuse to cover a hospital stay, most Californians have difficulty coughing up $1,300.00. They are forced to go home.

In 1997, over 180,000 women (or one in every 8 American women) were diagnosed with invasive breast cancer and 44,000 women died from breast cancer. Only lung cancer causes more cancer deaths in American women. 2.6 million American women are living with breast cancer today.

In my state, this year, 19,399 women will be diagnosed with breast cancer and 4,585 will die. The San Francisco Bay Area has some of the highest rates of breast cancer in the world. According to the Northern California Cancer Center, San Francisco's 9-county area's rate of breast cancer in 1994 was 50 percent higher than most European countries and 5 times higher than Japan. In September 1997, the Northern California Cancer Center gave us some mixed news: "The good news is we're seeing the rates go down. The bad news is we don't know why," said Angela Witt

Prehn. But officials there say, the bottom line is that incidence rates are still higher than national rates.

After a mastectomy, patients must cope with pain from the surgery, with drainage tubes and with psychological loss—the trauma of an amputation. These patients need medical care from trained professionals, medical care that they cannot provide themselves at home.

A woman fighting for her life and her dignity should not also be saddled with a battle with her health insurance plan. A physician trying to provide medically necessary care

As the National Breast Cancer Coalition wrote me on March 12, 1998: ''The NBCC applauds this effort and believes this compromise will put an end to the dangerous health insurance practices that allow cost and not medical evidence to determine when a woman leaves a hospital after breast cancer surgery.''

Insurance plans also refuse to cover breast reconstruction and breast prostheses. Our bill requires coverage.

Joseph Aita, Executive Vice President and Medical Director of LifeGuard, was quoted in the San Jose, California, Mercury News, as saying ''Looking normal is not medically necessary.''

Let me contradict Mr. Aita. Looking normal is medically necessary. Breast reconstruction is important to recovery. According to Dr. Ronald Iverson, a Stanford University surgeon, ''Breast reconstruction is a reconstructive and not a cosmetic procedure.''

He cites a study which found that 84 percent of plastic surgeons reported up to 10 patients each who were denied insurance coverage for reconstruction of the removed breast. This could mean 40,000 cases per year.

Commendably, my state has enacted a law requiring coverage of breast reconstruction after a mastectomy. We need a national standard, covering all insurance policies. Let's follow California's need.

Finally, our amendment prohibits insurance plans from including financial or other incentives to influence the care a doctor's provides, similar to a law passed by the California legislature last year. Many physicians have complained that insurance plans include financial bonuses or other incentives for cutting patient visits or for not referring patients to specialists. Our bill bans financial incentives linked to how a doctor provides care. Our intent is to restore medical decision-making to health care.

For example, a California physician wrote me, ''Financial incentives under managed care plans often remove access to pediatric specialty care.'' A June 1995 report in the Journal of the National Cancer Institute cited the suit filed by the husband of a 34-year old California woman who died from colon cancer, claiming that HMO incentives encouraged her physicians not to order additional tests that could have saved her life.

Our amendment today tries to restore professional medical decision-making to medical doctors, those whom we trust to take care of us. It should not take an act of Congress to guarantee good health care, but unfortunately that is where we are today. As the National Breast Cancer Coalition wrote us on March 12, ''. . . until guaranteed access to quality health care coverage and service is available for all women and their families, there are some very serious patient concerns that must be met. Without meaningful health care reform, market forces propel the changes in the health care system and women are at risk of being forced to pay the price by having inappropriate limits placed on their access to quality health care.''

This amendment is an important protection for millions of Americans who face the fear, the reality and the costs of cancer every day. When any cancer strikes, it is not just the victim who suffers. It becomes a family matter.

Today I say, enough is enough. It is time for this Senate, for this Congress to send a strong message to insurance companies that we must put care back into health care. Medical decisions must be made by medical professionals, not anonymous insurance clerks.

I ask unanimous consent to have items I referred to previously printed in the RECORD.

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

NEWARK, CA, NOVEMBER 16, 1996.

Senator FEINSTEIN.
Senator BOXER.

I recently called your office to express my anger at having been forced on Nov. 4 to have a modified radical mastectomy as an outpatient at the Fremont Kaiser Outpatient Clinic. I was operated on at 11:30 am and was released by 4:30 with no attempt made to see if I could even walk to the bathroom.

I am 60 years old and the discovery of cancer and the subsequent surgery was extremely draining both emotionally and psychologically. I feel that Kaiser completely disregarded these feelings, along with my fear of coming home so soon with no professional help. We received a call from Kaiser the following morning but visit by a home health nurse.

Any woman, under these circumstances, should be able to opt for an overnight stay to receive professional help and strong pain relief.

I am interested in your view of this issue. Contact me if you want further details.

NANCY COUCHOT.

Sorry I am still wobbly writing.

[From the Los Angeles Times, Nov. 21, 1996]

OUTPATIENT MASTECTOMY SURGERY

My thanks to Ellen Goodman for ''The Latest HMO Outrage: Drive-Thru Mastectomy'' (Commentary, Nov. 18). Last week I became an uninformed victim of this inhumane practice at Kaiser-Permanente, Los Angeles.

I want to acquaint women with my first-hand experience of this degradation and urge my fellow HMO patients to contact their Washington legislators.

My mastectomy and lymph node removal took place at 7:30 a.m., Nov. 13. I was released at 2:30 p.m. that same day. I received notice, the day before surgery, from my doctor that mastectomy was an outpatient procedure at Kaiser and I'd be released the same day. Shocked by this news, I told my surgeon of my previous complications with anesthesia and the fact that I have a cervical spine condition, which adds an additional consideration for any surgery. The pleasant doctor assured me that I'd be admitted, for the night, if I experienced excessive pain or nausea. This was noted in my chart.

In the recovery room and the holding area, I felt like a wounded soldier in a hospital tent during the Civil War. I was surrounded by moaning patients and placed directly next to a screaming infant. When I finally found a voice, I shouted, ''Get me out of here!'' A nurse flitted by, shot me a disapproving glance, and commented, ''Some folks just don't know when to be grateful.'' This was the ultimate humiliation.

While in a groggy, postoperative daze, swimming in pain and nausea, I was given some perfunctory instructions on how to empty the two bloody drains attached to my body. I was told to dress myself and go home. My doctor's written chart instructions for a room assignment, if I developed acute nausea or pain, were ignored by the nursing staff. Obviously, the reassurance had been given to placate me at the time of my discussion with the doctor but everyone knew an overnight stay was against Kaiser hospital rules. Everyone knew, except me. I had no time to mourn the loss of my breast or regain a sense of composure.

This experience was especially shocking because four years previously, I had undergone a hysterectomy and received excellent treatment and a four-night stay at the very same Kaiser facility.

We women can allow ourselves to be discounted or we can demand more from the HMOs. No civilized country in the world has mastectomy as an outpatient procedure.

VICTORIA BERCK.

Mrs. FEINSTEIN. I yield the floor.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senator from Maine, Senator SNOWE, be recognized to speak for up to 5 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Thank you.

Mr. President, I thank Senator D'AMATO for yielding me such time. I want to applaud him for his leadership on this very important issue for women in America. And I thank my colleague, Senator FEINSTEIN, for her leadership as well and commitment that she has demonstrated on this issue.

Mr. President, I regret that we have reached a point here where we cannot pass one bill because it is being held hostage to another. No one disagrees with the Senator from Massachusetts in terms of the importance of some of the issues that he has raised with respect to a Patients' bill of rights. But this legislation should not be held hostage to that legislation.

We all know that there are many questions with respect to the approach that he has taken—relevant questions, understandable concerns—that should be appropriately discussed and explored in the committee process and then ultimately here on the floor. But this should not hold up this particular bill. And Senator D'AMATO is absolutely correct, we should move forward, because this has strong bipartisan support.

There is not a Senator on the floor who would not support this legislation. So the women of America should not be held hostage because of internal divisions, because of parliamentary maneuvers, because of legislative gridlock.

This legislation has the support of Democrats as well as Republicans. We have 180,000 women every year who are diagnosed with breast cancer. One in eight women in their lifetime will be detected with breast cancer. We have now discovered that, in many instances, mastectomies are being performed on an outpatient basis, and we need to take action to prevent that. Mastectomies are very complicated surgical procedures.

There is no way that that is a decision that should be made by a bureaucrat; but rather, the length of a woman's stay in a hospital, how that procedure will be handled, should be determined by her as well as her doctor. Those are the only two individuals who ought to be making that decision. It should not be a bureaucrat's bottom line.

We have found time and time again women who have had to endure this procedure on an outpatient basis. The physical scars left by mastectomy, which can be complicated and difficult to care for, often require supervision. Women prematurely released may not have the information they need, let alone the care. And dangerous complications have arisen hours after the operation. And all of this is occurring within the context of a traumatic circumstance, and that is having a mastectomy. We want to make sure that this decision is made appropriately within the confines of medical supervision and medical providers.

We have also found that breast reconstructive surgery is considered cosmetic surgery. Well, it is not. Forty-three percent of women who want to undergo breast reconstructive surgery cannot because it is deemed cosmetic. And that is wrong. Breast reconstructive surgery is designed to restore a woman's wholeness. Fortunately, my State has passed legislation to guard against that and to require health insurance companies to consider it as breast reconstructive surgery. But unfortunately for those who are employed by those who are self-insured, they do not receive this kind of coverage.

That is why this legislation that is offered by Senator D'AMATO is so essential. We cannot allow women to have to endure this kind of decision-making under the most arduous circumstances because of the indecision and the difficulties that have arisen here.

This legislation had a hearing back in November of 1997 before the Senate Finance Committee. We are entitled to get this legislation through the legislative process. In fact, the President, during his State of the Union Address in January of 1997, had a physician in the gallery who drew attention to the need to change the guidelines that had encouraged outpatient masectomies. Therefore, he called on Congress in January of 1997 to pass this legislation.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. SNOWE. I thank Senator D'AMATO for his leadership. I urge the Senate to move this legislation forward. We will have another day to raise the issues raised by the Senator from Massachusetts.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senator from Alaska be recognized for 2 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Let me commend the chairman on his efforts to bring this to the floor. This is the second or third time he has done it. I am certainly pleased to be a cosponsor of the Women's Health and Cancer Rights Act.

In our State of Alaska, we have an effort relative to awareness being put on by the Breast Cancer Detection Center of Alaska, which has provided 25,000 women in 81 villages throughout the State an opportunity for free mammograms. This has been done not with government support but with private support. We have raised about $830,000 through a series of fishing tournaments each year, which some Senators have been a party to.

Mr. President, I think that the significance of this bill, which means so much to so many, is that it would put an end to the ''drive-through'' mastectomies, as we know them today. Many of my colleagues have already spoken on this issue. The bill ensures that mastectomy patients would have access to reconstruction surgery. Scores of women have been denied this procedure because insurers have deemed this procedure to be ''cosmetic.'' Far too often, breast cancer victims who believe they have adequate health coverage have become horrified when they learn that reconstruction is not covered.

In my State of Alaska, of the 324 mastectomies and lumpectomies performed in Alaska in 1996, reconstruction only occurred on 11 of the patients. That means that only 3.4 percent of the women who have a breast removed have reconstructive surgery, compared to the national average of 23 percent.

The reason is cost, Mr. President. And if we look at one of the physicians in my State, Dr. Troxel, of Providence Hospital in Anchorage, who states:

> Women who are not able to receive reconstructive surgery suffer from depression, a sense of loss, and need more cancer survivor counseling. . . .Additionally, reconstructive surgery can be preventive medicine—women who don't have reconstructive surgery often develop back problems and other difficulties.

Mr. President, one out of nine American women will suffer the tragedy of breast cancer. It is today the leading cause of death for women between the ages of 35 to 54.

Alaskan women are particularly vulnerable to this disease. We have the second highest rate of breast cancer in the nation: 1 in 7 Alaska women will get breast cancer and tragically it is the Number One cause of death among Native Alaskan women.

Mr. President, these tragic Alaska deaths are not inevitable. Health experts agree that the best hope for lowering the death rate is early detection and treatment. It is estimated that breast cancer deaths can be reduced by 30 percent if all women avail themselves of regular clinical breast examination and mammography.

But for many Alaska women, especially native women living in one of our 230 remote villages, regular screening and early detection are often hopeless dreams.

For more than 20 years, my wife Nancy has recognized this problem and tried to do something about it. In 1974, she and a group of Fairbanks' women created the Breast Cancer Detection Center, for the purpose of offering mammographies to women in remote areas of Alaska—regardless of a woman's ability to pay.

Now, the Center uses a small portable mammography unit which can be flown to remote areas of Alaska, offering women in the most rural of areas easy access to mammographies at no cost. Additionally, the Center uses a 43-foot-long, 14-foot-high and 26,000-pound mobile mammography van to travel through rural areas of Alaska. The van makes regular trips, usually by river barge, to remote areas in Interior Alaska such as Tanana.

Julie Roberts, a 42-year-old woman of Tanana, who receives regular mammographies from the mobile mammography van, knows the importance of early screening:

> There's a lot of cancer here (in Tanana)—a lot of cancer. That's why it's important to have the mobile van here . . . I know that if I get checked, I can catch it early and can probably save my life. I have three children and I want to see my grandchildren.

I am proud to say that the Fairbanks Center now serves about 2,200 women a year and has provided screenings to more than 25,000 Alaska women in 81 villages throughout the state. To help fund the efforts of the Fairbanks Center, each year Nancy and I sponsor a fishing tournament to raise money for the operation of the van and mobile mammography unit. After just three years, donations from the tournament have totalled $830,000.

Mr. President, Nancy and I are committed to raising more funds for this important program so that every women in Alaska can benefit from the advances of modern technology and reduce their risk of facing this killer disease.

The importance of mammography and screening cannot be stressed enough—however, there has long been a tragic result of the disease that Congress has either ignored or failed to recognize—and that is the so-called ''drive-through'' mastectomy.

Currently victims of breast cancer who receive mastectomies are being forced to get out of their surgery bed and vacate the hospital only hours after their surgery. The reason? Because far too often it is the practice of insurance companies to treat the procedure of a mastectomy as merely an ''out-patient service.''

Here's the horror that many insurance companies cause:

Nancy Couchot, a 60-year-old woman had a radical mastectomy at 11:30 a.m. She was released from the hospital only hours later at 4:30 p.m.—even though she was not able to walk or use the rest room without assistance.

Victoria Berck, had a mastectomy and lymph node removal at 7:30 a.m. and was released at 2:30 p.m. She was given instructions on how to empty two drains attached to her body and sent home. Ms. Berck concludes, ''No civilized country in the world has a mastectomy as an out-patient service.''

Mr. President that is why I am proud to co-sponsor of S. 249, the Women's Health and Cancer Rights Act. This bill would put an end to the drive-through mastectomies.

Specifically, the Act will require health insurance companies to allow physicians to determine the length of a mastectomy patient's hospital stay according to medical necessity. In other words, the bill makes it illegal to punish a doctor for following good medical judgment and sound medical treatment.

Another important provision of this bill ensures that mastectomy patients will have access to reconstructive surgery. Scores of women have been denied reconstructive surgery following mastectomies because insurers have deemed the procedure to be ''cosmetic'' and, therefore, not medically necessary.

Mr. President, far too often breast cancer victims, who believe that they have adequate health care coverage, become horrified when the learn that reconstruction is not covered in their health plan.

In Alaska, the problem is even more tragic. Of the 324 mastectomies and lumpectomies performed in Alaska in 1996, reconstruction only occurred on 11 of the patients. That means that only 3.4% of women who have their breast removed have reconstructive surgery, compared to the national average of 23 percent.

The simple reason for this tragically low figure is simple: women can't afford the procedure.

Breast reconstruction costs average about $5,000 for just the procedure. If hospital, physician and other costs are included—the cost averages around $15,000.

Dr. Sarah Troxel, of Providence hospital in Anchorage, states the importance of reconstruction:

Women who are not able to receive reconstructive surgery suffer from depression, a sense of loss, and need more cancer survivor counseling . . . Additionally, reconstructive surgery can be preventative medicine—women who don't have reconstructive surgery often develop back problems and other difficulties.

Mr. President, insurance companies commonly provide reconstructive surgery for other types of cancers that alter or disfigure the surface of the skin—such as melanomas and all skin cancers.

Here is why federal legislation is needed: Thirty-four states, including Alaska have no state law requiring breast reconstruction after surgery. And in addition, 70 million Americans receive health benefits through federally regulated self-funded ERISA plans which are not covered by state insurance requirements.

These issues are not partisan issues. We may have our differences regarding managing and financing health reform, but I think we all endorse accessible and affordable health care that preserves patient choice and physician discretion. Cancer does not look to see the politics of its victims.

Mr. President, I urge my colleagues to support this important legislation.

Mr. FAIRCLOTH. Mr. President, I rise to support the efforts of my good friend Senator D'AMATO in his efforts to assure that women who need surgery for breast cancer will be able to do so in the hospital if that's what they desire.

I'm disturbed by the recent trend that takes choice away from patients and their doctors in the name of cost savings.

There are some things we just can't sacrifice. Patient's rights to seek care from specialty doctors and have access to cherished healers is a basic right we need to protect.

Breast cancer is a traumatic enough experience for a woman and her family to suffer through. These families need our help in gaining as much support from our medical care system as they can get to bring them through this terrible time in their lives.

This bill is simple. It simply guarantees a woman's right to a proper length of time in the hospital following her surgery. It guarantees the right to have a complete reconstruction of her breast to restore her body and sense of self-esteem.

The bill gives every person diagnosed with cancer the right to a second opinion, and would direct the HMO to pay for this second opinion. Also, the bill directs HMO's to pay for a specialist even if that doctor happens to be outside the plan.

Lastly, and most importantly, this bill prohibits HMO's from paying doctors to reduce or limit their patient care.

This is managed care's dirty little secret. They pay doctors to limit the time spent with their patients and pay doctors not to provide care.

I've heard from many, many, many constituents and doctors who are frustrated with this situation. If a doctor needs to spend time with a patient—time essential to healing—if a woman needs to be supported as she decides what to do for her breast cancer, I say give them all the time they need!

I rise to support Senator D'AMATO'S bill today. We need to support our doctors and our women and their families.

Mr. D'AMATO. Mr. President, I believe my colleague from California has a question.

Mrs. FEINSTEIN. Mr. President, I have a question for the author, the Senator from New York. I believe this bill has strong support and a low cost. Its cause is just and correct, and it would be passed by this body overwhelmingly. When might we expect a vote on this bill?

Mr. D'AMATO. Mr. President, I am glad my colleague raised that question. Let me say this: It is disingenuous to say that the women of America are being denied proper health care here when something so basic and elementary is being tied up by procedures. That is exactly what is taking place. This legislation would stop the kind of abuse we see taking place every day. I have women calling and saying they are being denied reconstructive surgery, being denied the kind of health care that everybody agrees on. We have found a methodology of paying for this, and it is not right to tie it to something so comprehensive and say, ''unless we get this one, we are not going to get the other.''

The women of America are being denied this. I intend to hold hostage, with my colleagues, important legislation that moves through until we get a vote on this—whether it is on a defense bill, a tobacco bill, appropriations bills. When we come down to the floor and—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. D'AMATO. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER (Mr. ROBERTS). Is there objection?

Mr. HARKIN. Reserving the right to object, Mr. President. By unanimous consent, yesterday, we were supposed to come up with the research bill at 11 o'clock. We are up against kind of a time problem here. I would like to have some idea as to how soon that will happen. I see the chairman of the Agriculture Committee is here. We are here to begin our debate. I wonder how much longer can we expect to wait.

Mr. D'AMATO. Mr. President, I will withdraw my request and ask that I be given just 2 minutes, because I have yielded more time to more people. I want to set the stage.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. KENNEDY. For 2 minutes?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. No.

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

Mr. D'AMATO. Mr. President, let me say that we have been thwarted time and time again, procedurally—by both sides, I might say. But now I find what

took place today absolutely horrendous.

Again, it is disingenuous to suggest that we would have to consider both when one is so clear cut, and the need is so necessary, and women are being denied. That is what is going on here. It is wrong. So when we have a bill that is going to be acted on, I will come to the floor—I hope with a number of my colleagues—to offer this legislation as an amendment and get a vote. Let the people of America see this. The people are going to be so full of pride that we will not allow something that is so obviously necessary that they are going to hold it hostage, because that is what is taking place with this legislation. It has been held hostage, and it is disingenuous to come down here and say you have to take this great big piece of legislation or we can't even let the women of America have freedom from the fear that they will be denied that which they should have—reconstructive surgery and to stay in the hospital until their doctor says now is the time to go home, not a bean counter, someone who limits you to 24 or 48 hours.

I hope my colleagues will join with me in this endeavor, making it a bipartisan fight to see that the women and families of America get justice.

Mrs. FEINSTEIN. Mr. President, I certainly will. I thank the Senator for his leadership and commitment to this issue.

AGRICULTURE RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the conference report.

The clerk will report.

The bill clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1150), have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 22, 1998.)

The PRESIDING OFFICER. Under the previous order, the Senator from Indiana is recognized to speak for up to 30 minutes.

Mr. LUGAR. Mr. President, I will consume much of my time at this juncture, reserve the balance, and yield to other colleagues.

I am very pleased that the Senate is now prepared to debate the conference report on S. 1150, the Agriculture Research, Extension and Education Reform Act of 1998.

I thank especially Senator TOM HARKIN, the ranking minority member of the committee, and all committee members for their efforts to work together to fashion legislation to garner the support of 74 Senators and a large host of agricultural, nutrition and religious organizations.

I point out that we had a good conference with our House colleagues. This is complex legislation. This is not the first time the Congress has had a conference report. It is usual, at least in matters of this variety, for the report to attract less attention. But ours is important. And I appreciate this opportunity to highlight that importance this morning.

Our initiatives will help farmers in this country to produce food for the world's people and to do so at a profit while guarding the environment of this country and the world. S. 1150 also resolves a funding crisis for the Federal Crop Insurance Program, preventing the loss of coverage for farmers in every State. The bill extends an important initiative from the 1996 farm bill that provides resources for rural development and research priorities. And, finally, S. 1150 allows food stamp benefits to be provided to limited groups of the disabled, the elderly, political refugees, and children who immigrated to this country legally.

Many of our colleagues have called for dramatic increases in funding for Federal scientific research. This advocacy is altogether appropriate. Unfortunately, agricultural research has received much less attention. Funding has declined in real terms for some years, and Mr. President, has declined in some areas to a point that we are no longer prepared to resist some of the insect and other disease pests that endanger our food supply.

It took visionaries like Nobel Peace Prize winner Dr. Norman Borlaug who came before our committee and eloquently pointed out how agricultural research is the future of mankind. It is the basis upon which mankind will be able to persist by the year 2050. Millions of people are now alive who would have died from malnutrition had it not been for the food productivity gains from people like Dr. Borlaug, and the thousands of other scientists. Whether it is through the ''Green Revolution'' of the 1960s, or today's biotechnology, researchers have found ways to coax more food from each acre, tapping more fully the potential of plant and animal food sources.

Further gains in output are not only possible but they are essential if the food needs of the 21st century are to be met. An increasing world population with rising incomes will require more and better food, feed and fiber. It is estimated, as a matter of fact, that their demand will be three times the demand for food which we now have in this year.

Not every farm around the globe is well suited for food production. We have an interest in avoiding the further deforestation and the exploitation of rain forests around the world and other sensitive ecosystems that will be farmed only at a terrible environmental price. Production must be trimmed in areas most appropriate for agriculture such as the United States.

An important part of the answer to this global crisis is our bill, S. 1150. It devotes $600 million over the next 5 years in mandatory funding to the initiative for future agriculture and food systems. These funds will be competitively awarded to scientists who will undertake cutting-edge research in priority areas such as genome studies, biotechnology, precision agriculture, and other critical fields of work. The new funds will augment the $1.8 billion existing annual budget for research within the Department of Agriculture.

To make certain the existing budget is spent in the most efficient way, S. 1150 also makes a number of reforms to the Nation's research and extension statutes. These reforms will establish benchmarks and set new requirements for coordination of work among universities, placing new emphasis on activities that cut across several disciplines, involve multiple institutions, and integrate research with public dissemination of those results.

S. 1150 will provide $200 million per year in mandatory spending to continue fully funding the Federal Crop Insurance Program. These funds, which under current law would need to be appropriated from discretionary accounts, are an integral part of the agreement between private insurers and the Agriculture Department that allows affordable crop insurance to be afforded to the Nation's farmers. Current caps on discretionary spending do not take these expenses into account. Therefore, if the conference report is not approved soon, Congress will either search for discretionary accounts in USDA and other agencies that can be sacrificed to provide the crop insurance funding, or, failing that, contemplate the prospect of insurance policies being canceled for thousands of farmers who annually face the uncertainty of how the weather will affect their crops.

S. 1150 offsets about half of these crop insurance costs. For the remaining half, the conferees found reforms and spending cuts within the Crop Insurance Program itself that saved the requisite amount of money. These cuts, such as reducing the level of reimbursement provided for companies' administrative costs, set the stage for further reform and improvement of the crop insurance system in the future.

The conference report also provides for $100 million in new funding for Funds for Rural America, recognizing the pressing needs of those in rural areas and working to improve the quality of life for those living in rural America.

The conference report restores food stamp benefits to about 250,000 legal immigrants who otherwise would be ineligible for this portion of the Nation's safety net. Generally, the categories of immigrants covered by S. 1150 correspond to those who last year regained access to the Supplemental Security Income—the SSI Program—under separate legislation; namely, the

balanced budget amendment. These immigrants, the elderly, the disabled, political refugees, and seekers of asylum, were either in the United States legally before the passage of the historic 1996 welfare reform law—and that is the case for the elderly, the children, and the disabled—or in the case of asylees and refugees, were subject to political persecution for other circumstances that makes their residence here less than fully voluntary. In addition, immigrant children under 18 who were in the United States legally before the passage of welfare reform will also become eligible. There was no corresponding restoration of SSI benefits last year since children are generally not eligible for SSI.

Senate bill 1150 fully offsets all costs. It reduces expenditure of mandatory funds for computer acquisition by USDA, a practice generally not available to other departments or even to most agencies within USDA. The bill scales back some recent increases in employment and training funds within the Food Stamp Program.

Finally, the bulk of savings in S. 1150 are achieved by correcting an unintentional provision in the welfare reform law which would otherwise allow States to be paid twice for the same administrative costs of providing food stamp benefits determining eligibility and performing other such functions.

S. 1150 is the result of lengthy negotiations, careful thought, and dedicated work. It will help our Nation increase its food supply at a profit to our farmers. The bill shores up the crop insurance system in a timely way, allowing producers to manage risks intelligently. It gives access to the Food Stamp Program to vulnerable individuals who reside in this country legally.

A large coalition of organizations who support this conference report are actively seeking Senate passage. Commodity groups, bankers, those involved in the crop insurance industry, scientific societies, and nutrition advocates, religious organizations, and 67 land grant colleges and universities have voiced their support for this legislation.

Mr. President, I appreciate that many Senators who have written in favor of this legislation by petition or through individual letters to the majority leader have indicated strong support for all of these provisions. But obviously there are Senators—and we shall have a debate this afternoon on the specific question of refugees and asylees and food stamps for these persons as legal immigrants.

Let me dwell for just a moment on the particulars of that issue.

Refugees are immigrants whom the State Department has permitted to enter the United States for the purpose of escaping persecution in their home country based upon their political or religious beliefs.

I want to underline that, Mr. President. These are not persons seeking access to our country illegally, coming across the Rio Grande or the Canadian border or some other nefarious way. They are persons who, by definition, the State Department—and by direction of the President, working with the Judiciary Committees of Congress—has permitted to enter because they are being persecuted for their religious beliefs. Asylees are immigrants who meet the same standards as refugees except they have made it to the United States on their own and applied for permission to stay to avoid having to return to a dangerous situation of jeopardy in their country of origin.

It is not easy to gain either category status. In order to gain admission as a refugee or asylee, someone ordinarily must show that he or she has ''a well-founded fear of persecution in his or her own country of origin.'' The mere fact the would-be immigrant's native country is repressive or enmeshed in civil war is insufficient to support application for refugee or asylum status. The applicant must be able to show individually that he or she is specifically and personally at risk. Many people who have not been able to satisfy this strict standard have been imprisoned or killed by oppressive regimes as they went back, sadly enough. The casualty list of those who failed the test individually, a very rigid test, is very long and death occurred to many of these people as they were forced to return.

Now, a somewhat more lenient standard currently exists for applicants from Vietnam, Laos, and Cambodia and for Jews and Evangelical Christians from the former Soviet Union. Under the Lautenberg amendment, these persons must only show that they have a ''credible basis'' for their fear of persecution in their homeland. The Lautenberg amendment liberalized the ability of persons from these countries to seek refugee status, but it is scheduled to expire at the end of the current fiscal year.

Although some Members may wish to extend this amendment, CBO has said an extension would have a cost. But I point out that even as we discuss this conference report today, the House of Representatives is about to take up a religious liberty and freedom situation. In the Foreign Relations Committee, we will have a hearing on the very same subject today. And I would just say that those who are rigorous in rooting out food stamps need to consider Jews and Evangelical Christians. Specifically, we are talking about those in other fora. We don't need to talk about them in the Chamber. And these are very important issues, leaving aside ag research, crop insurance, and whatever brought us to this point.

Now, the overwhelming majority of refugees come from just a handful of countries, and I want to go through these specifically. Communist countries: Vietnam, Cuba, Laos; countries making difficult, often violent, transitions: The former Soviet Union and Bosnia; brutal authoritarian regimes: Iraq and Iran; and countries where Christians are persecuted for their beliefs: Parts of the former Soviet Union and Sudan; or Somalia where the central government is dissolved and the land is ruled by myriad petty warlords.

In recognition of the difficult circumstances of their departure from their home countries and their lack of sponsors in the United States, the Immigration and Nationality Act does not require refugees and asylees to refrain from becoming public charges here. Indeed, a specific program of cash and medical assistance is authorized to support newly arrived refugees. Limited appropriations have forced this program to serve only as an adjunct to the basic Federal benefit programs such as Medicaid and food stamps.

As I mentioned before, the agricultural research conference report, one in which we are involved, did not make all of this up from scratch. We simply have adopted precisely the sections of last year's Balanced Budget Act on which we all voted, and at that time at least there was a recognition that people who are in these difficult straits really ought to be treated in a humane manner. Among the provisions of the Balanced Budget Act that the ag research bill would apply to food stamps—and we have already adopted it once before—is a 2-year extension, from 5 years to 7 years, of the eligibility for benefits of refugees and asylees for the food stamp situation.

The 1996 welfare law set the exemption for refugees and asylees at 5 years to correspond roughly with the earliest date that most refugees and asylees can apply. So, Mr. President, we philosophically already have crossed that bridge in the Welfare Act quite apart from the Balanced Budget Act—refugees, the same people, asylees, 5 years. The argument is whether that 5 years should become 7 years; it is not whether we should be paying these refugees and asylees support in a humane way.

Most refugees and asylees cannot apply to naturalize until they have been in our country for 4 years and 9 months. That limit soon proved unrealistic because of long, long backlogs in Immigration Service processing and adjudication of applications to naturalize and in swearing in successful applicants—no fault of the refugees and the asylees, Mr. President, an administrative hassle at INS. In a number of INS offices, the backlog exceeds 2 years. If a refugee's and asylee's eligibility ended after only 5 years in our country, they could be left without recourse while their applications to naturalize are in the INS pipeline.

The extension of their eligibility for SSI and Medicaid to allow them to receive benefits during their first 7 years in the country was not controversial last year. It was included in all major Republican and Democratic proposals for legal immigrants. I repeat that—all Democratic and Republican proposals. The change was not made applicable to food stamps technically, because the money for restoring benefits to immigrants was allocated to the Finance

Committee and the Agriculture Committee has jurisdiction over food stamps, and on that basis a change that clearly would have automatically flowed did not occur.

Finally, Mr. President, it should be noted that this provision does not assure refugees and asylees of receiving 7 years of benefits; it only exempts them from the new restrictions on legal immigrants' eligibility during their first 7 years. Refugees and asylees will still have to meet all the criteria for everyone else in America to qualify for the benefits. Even refugees and asylees who are self-sufficient for much of their first 7 years in the country will lose the benefit of that exemption after 7 years. They cannot carry it over in terms of months of eligibility beyond the 7-year time. By conforming food stamp rules to those already adopted for Medicaid last summer, the ag research bill will avoid imposing multiple inconsistent eligibility rules on State and local agencies that finally have the responsibility to administer all of this.

The number of refugees entering the country is controlled primarily by ceilings—ceilings, Mr. President—adopted by the President each year in consultation with the Judiciary Committees prior to the beginning of each fiscal year. These ceilings have been declining and are expected to decline to reflect generally improved world conditions since the collapse of the former Soviet Union. For example, in fiscal year 1992, some 114,000 refugees were admitted under the quotas. But by 1996, this number had declined to just under 75,000.

In fiscal year 2000 and thereafter, CBO now estimates the annual quota will be 65,000; approximately 15,000 additional people are granted asylum each year. So, Mr. President, this is a total of 80,000 persons—or 90,000, as of 1996.

Each year, many more people apply for admission as refugees than can be accommodated under the quotas. Thus, an increase of immigrants seeking admission as refugees would not increase the number admitted; it would merely swell the backlog and the waiting lists. The only significant exception to these quotas is Cubans escaping Castro's regime and admitted under the Cuban Entrant Program. That number has fluctuated in recent years from a low of 3,000 in 1991 to a high of 19,000 in 1996.

The number of refugees and asylees coming to the United States is controlled by Congress and the administration. The major current example of this, as I pointed out, an exception, is the Lautenberg amendment, which allows the southeast Asians, Jews, and Evangelical Christians to gain admission as refugees under more lenient rules than those applied to other applicants. CBO has concluded enactment and repeated extension of this provision has prompted the administration to increase the quota on the number of refugees admitted, and a further extension is likely to cause the administration to raise the refugee quotas by about 18,000 per year.

The number of refugees admitted in the early 1990s as described above includes refugees admitted under the Lautenberg amendment. CBO estimates the increased number admitted will increase Federal costs for means-tested programs, but three-quarters of the cost will come in the Medicaid and SSI Program.

Let me point out, Mr. President, and there is no way that Members would know this without the research of our committee, but it is unlikely that the modest amounts of money available in the food stamp benefits would make, under any circumstances, coming to America more appealing for prospective refugees. The average monthly food stamp benefit for these persons will be under $72 per month, less than one-fifth of the SSI benefit, which is now estimated by CBO as roughly $411 per month. It is estimated the fiscal cost of the refugee situation will be $50 million a year.

I conclude this part of the argument by saying the distinguished occupant of the Chair, as chair of the House Agriculture Committee, and I, worked together on a farm bill which, in conjunction with welfare reform, cut food stamp costs by roughly $24 billion. There are many in the Finance Committee who deserve great credit for rearranging the circumstances of welfare. But when it comes to significant changes in the cost of welfare in this country, significant reform of food stamps, there are no persons, in my judgment, better able to address this problem than the distinguished occupant of the Chair and myself. We were there. That was the bill that created the entire framework for savings under welfare reform, created the entire framework for fairness, for oversight.

I think that simply needs to be said, at a time when we are talking about, at most, 80,000 persons escaping persecution, and as to whether they should be given an extension of 2 more years due to INS hassles and administration, to become citizens. I think that is a very serious point.

Finally, some have raised the question that this is an entitlement program. I point out that the proposals we are making do not entitle anyone to anything. Essentially, we have several multiyear proposals in the farm bill of 1996. They include the Conservation Reserve Program. They include payments, annually, to farmers who are now leaving various crops, or maybe farming altogether, as the case may be, but without regard to planting. In essence, for years we have adopted multiyear programs in farm bills because it was the preference of the Congress not to return to agricultural legislation annually. We are, in this bill, mandating that for 5 years we should do something very important, at the rate of $120 million per year, and that is try to find out, if we can, how to triple our food supply so our acres are more productive, our farmers are more productive, and so the rest of the world will not starve.

I believe that is a very important undertaking. I hope all Senators will see the wisdom of this and support this humane and farsighted measure.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas, Mr. GRAMM, is recognized to speak for up to 10 minutes.

The Senator is recognized.

Mr. GRAMM. Mr. President, I rise today in opposition to the pending conference report. At 2:15, I will be recognized to offer a motion to recommit. What I would like to do in my limited time today is sort of outline how a good bill goes bad through the legislative process.

We passed, in the Senate, a bill funding ag research. The House passed a bill funding ag research. These were not controversial matters, although the method of funding the Senate bill was to some degree controversial. But what happened is when the two Houses met, a simple bill to fund ag research for $517 million suddenly became a $1.9 billion program. Three brand new mandatory, or entitlement, programs—depending on which term you prefer—were created, and suddenly we are voting in a conference report which is technically unamendable on provisions that were never voted in either House of Congress.

One of my predecessors, Lyndon Johnson, used to say, ''I deeply resent a deal that I'm not part of.'' And I understand how these things happen, but I simply want to talk about the problems with this bill and focus on the big problem with the bill, which is related to overturning welfare reform.

Going back to where we started, we had an ag research bill in the House, we had an ag research bill in the Senate. We went to conference, and we ended up with a bill that funds crop insurance, which was in neither original bill, and not only funds it but, for the first time ever, makes it a mandatory program which Congress will not vote on again, funding will be automatic over the next 5 years as a result of this program.

The original bill had no hint of food stamps in it. The issue was never debated. I do not believe that a similar provision, if brought to the floor of the Senate under our rules for full debate, could have possibly passed. And, yet, in a simple bill on ag research, we now have $818 million of funding for food stamps. All of these food stamps go to immigrants who have come to the country and who now have legal status. We had, through the welfare reform bill, eliminated these benefits in a bill which passed both Houses of Congress overwhelmingly and, by the way, is, in terms of the public's mind, the most popular bill that we have passed in the

last 3 years. This bill, in a provision that was voted on in neither House of Congress, overturns a substantial portion of our welfare reform bill and gives $818 million of food stamps to immigrants.

The bill also sets up a brand new funding mechanism for the Fund for Rural America and provides a $100 million entitlement, which spends out very slowly, but it ultimately spends out every penny of $100 million. So we now have four entitlement programs in a simple bill that set out to fund ag research. And every program that becomes an entitlement, since we are under a spending cap on discretionary spending—every penny that would have been spent on these programs is now free to spend on other programs. So, in addition to creating four new entitlement programs, we have, in this bill, broken our commitment to limit the growth of discretionary spending, because we have taken discretionary programs and funded them as entitlements, so that now new spending can occur in the discretionary area.

The biggest problem with the bill is it puts a great big neon sign on the border of the United States of America, and the neon sign says: ''Come to America and get welfare. We have a welfare office on every corner.'' That is the biggest problem with this bill.

I remind my colleagues that when a Member of the minority tried to reduce the level of immigration, I helped lead the effort to kill limiting legal immigration. I believe in legal immigration. I do not believe America is full. I don't want to tear down the Statue of Liberty. The story of the immigrant is the story of America, and I don't think that story is finished telling. I believe that we need to let people with a new vision and new energy come to America as long as they don't violate our laws and they come legally, but I want them to come with their sleeves rolled up ready to go to work, rather than with their hands held out going on welfare.

I will offer a motion to recommit with instructions at 2:15 p.m. That is a very simple motion. All it says is one little provision in this bill, which I think is a relatively minor cost, because we are scoring the bill over 5 years, but it is clearly the most destructive element in this bill, and that is we have an element in this bill that says that no matter how far in the future you come to America, if you come 75 or 100 years from now, under the provisions of this bill, if you come as a refugee, you can get food stamps for 7 years. That is a new provision of law in place in this conference report.

It is a provision where we are moving in exactly the opposite direction of the welfare reform bill, and we now make it permanent law that anyone who comes to America in the future as a refugee can be guaranteed they are going to be able to apply for and get almost immediately 7 years of food stamps.

Now, look, my concern is adverse selection. My concern is that we are going to be attracting people to come to America to go on welfare. I think it is a destructive policy to have active enticements to draw people to America for the purpose of going on welfare rather than for the purpose of going to work.

I don't have any doubt that this provision will affect the decision of people to come to America to try to live off the fruits of someone else's labor. There are millions of people who go to bed every night dreaming the American dream. They want to come to America. They want to share what we have shared. Many Members of the Senate are Members whose grandfathers and grandmothers or great grandfathers and great grandmothers came to America looking for opportunity. I don't believe that process should end. But I think it is suicidal for a nation to set up procedures that attract people to come to its shores, not with a dream of opportunity, not with a dream of achievement, but with a dream of benefiting from the fruits of someone else's labor.

My wife's grandfather came to this country from Korea. He didn't know the language. He didn't know a single soul here. He certainly did not come here looking for welfare or food stamps. He came here looking for opportunity and freedom, and he found both.

From the period of the Civil War to the turn of the century, we had 20 million people come to America, most of them desperately poor. But they came here with willing hands and willing hearts, they rolled up their sleeves, and they built a great nation in the process.

My strong objection to the provisions in this bill really boils down to a series of things: Should we be creating four new permanent, mandatory entitlement programs? I say no. And secondly, should we be changing the law to say to people all over the world, ''Come to America and we will give you 7 years of food stamps''? I want people to come to America, but I want them to come to work.

The PRESIDING OFFICER (Mr. LUGAR). The time of the Senator from Texas has expired.

The Senator from Iowa is recognized for 10 minutes under the previous order.

Mr. HARKIN. Mr. President, I was trying to listen to the remarks of the Senator from Texas. It is hard to know where to begin to correct the mistakes that he made in his statements because there were so many.

First of all, I say to the Senator from Texas that this was not a $500 million bill when it started. As a matter of fact, when it passed the Senate, it was a $1.3 billion bill and, in fact, it passed unanimously, so the Senator from Texas obviously voted for it.

Secondly, I also point out that crop insurance has always been a mandatory program—always. In 1996, a small portion of it was made discretionary, but the basis of crop insurance has always been mandatory. So this is not some change in that program.

Thirdly, I tell the Senator from Texas that food stamps has always been a part of this bill. It was a part of this bill when it passed our committee, and it was a part of the bill when it passed the Senate. Food stamps was used as an offset to pay for the research portion of the bill. So it was a part of the bill as an offset. The administration said if we are going to use it as an offset, we had to replace some of the nutrition programs, which I will get to.

I also point out that the Senate-passed bill had nutrition provisions in it. It was not just a research bill, as the Senator from Texas has said. It had a provision in there to expand some child nutrition programs with an expanded breakfast grant program. That was taken out in conference, but it was in the Senate-passed bill.

Lastly, I point out that in terms of the mandatory programs the Senator is talking about, the Fund for Rural America was part of the bill as passed in October, for which the Senator voted. It was in the bill at $300 million. Now it is only $100 million. So if the Senator from Texas supported it at $300 million, he shouldn't be too upset that it is now at $100 million. I wanted to make those corrections in the RECORD.

I made my opening statement yesterday on the bill itself in terms of the important research and crop insurance provisions that are in it. Again, I commend my chairman, Senator LUGAR, for all of his hard work in getting the whole research program revamped and restructured to meet the needs of the next century. Senator LUGAR has been a leader in this effort. I was pleased to join him, and, again, I thank Senator LUGAR for his close cooperation and for working together to get a really good research bill passed.

I also commend Senator LUGAR for his leadership in getting the necessary wherewithal to extend our Crop Insurance Program for the next 5 years. I daresay, without his strong leadership, we would not have the provisions that our farmers could rely on for their crop insurance this year.

Again, if, in fact, this motion to recommit is successful, that is the end of this bill. Make no mistake about it, this is not just some motion to recommit to change a little bit. This is a motion to recommit to kill this bill. If this goes back to conference, I don't know that the votes are there to take out the food stamp provisions. Even if they are, it will never pass the House of Representatives, and certainly the Senator from Texas knows that. This is a careful compromise, a careful balance that was worked out in this bill.

Let me get to the issue of the food stamps themselves. The Senator says it is like putting a big neon sign out there, ''Come to America.'' Well, let us take a look at that.

What are we doing in this bill? What we are saying is that for refugees and asylees from religious persecution and political persecution, who cannot exist in their homelands because they are going to be tortured or killed, we say to them that if you come to America under a quota—we have a quota every year; not every refugee gets into this country; we have a quota—but if you get in under that quota, right now as a refugee you are eligible for food stamps and Medicaid and SSI. You are eligible for food stamps for the first 5 years, but you are not after that. And so what it says is that you can come in, you can get Medicaid, you can get SSI for up to 7 years, but you cannot get food stamps after 5 years. As a refugee, it takes 4 years and 9 months to be able to apply for citizenship. We know that, because of the backlog at INS, it takes at least 2 more years, maybe 3 years to get full citizenship.

Let me also point out something else. These food stamps are not automatic. It does not mean because you are a refugee and you are here that you get food stamps. No. You still have to meet the requirements, the work requirements and the income requirements, to be able to qualify for food stamps like anyone else. So we are not talking about automatic food stamps.

The 5-year period, the Senator is correct, was set in the welfare reform bill. But it did provide an exception for refugees and persons granted asylum. They would be able to receive food stamps for 5 years.

In the Balanced Budget Act that we passed last year, we extended that for the elderly, the disabled, and the children of legal immigrants who were here in 1996. And then we looked at what we did. We looked at the 5-year period and said, this is unrealistic because a refugee who is here, as I said, has to be here 4 years and 9 months—and it takes 3, sometimes 4 more years to become a citizen. And it is impossible for a refugee to complete the citizenship process in less than 7 years.

As I said, the Balanced Budget Act last year provided that in the case of Medicaid and SSI, refugees and asylees would be eligible to receive benefits for up to 7 years if they qualify. Not automatic. There is no neon sign. It says, if you qualify.

There was bipartisan agreement on this point. Food stamps were not included because that bill came out of the Finance Committee, and food stamps is not under the jurisdiction of the Finance Committee. They are under the jurisdiction of the Agriculture Committee. And that is why we had to fix it here.

Let me read from a letter from the Council of Jewish Federations that came to our office just today asking that we oppose Senator GRAMM's motion. Let me just read one paragraph. It says:

The welfare law provided a 5 year exemption from the bar on food stamps for refugees and asylees because Congress acknowledged that these individuals typically come to the U.S. with few, if any, resources. They have no sponsors to rely on and may have difficulty working because of disabilities. Those that can work may find that the training and skills they gained in their home countries are inadequate for most jobs here. As a result, many start in low paying jobs [so] they need food stamps to get an adequate diet.

That is just it. These are refugees and asylees. They do not have sponsors. A lot of them come with a shirt on their back. Let me give you one example. Mr. Wang Dan, the young Chinese man who we have all been reading about, who has now come to this country, came with a shirt on his back. We know how he was persecuted and imprisoned in China. What this amendment says to Wang Dan is, OK, up to 5 years, if you fall on hard times—you have to otherwise qualify; you do not automatically get food stamps—but otherwise if you fall on hard times, yes, you can get some food stamps. But after 5 years—you have worked here; you have worked hard; you have applied for citizenship; it is in the bill; you are going to become a citizen in 2 or 3 years—all of a sudden you lose your job, you get sick, you fall on some hard times, sorry, no food stamps. Is that a neon sign? Not in any way. Not in any way.

That is why, Mr. President, we have this letter from the Council of Jewish Federations, which I ask unanimous consent to have printed in the RECORD, and also a letter from John Cardinal O'Connor, Archbishop of New York, also asking us to support the restoration of food stamp eligibility in this bill.

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

COUNCIL OF JEWISH FEDERATIONS,
New York, NY, May 12, 1998.

DEAR SENATOR: This morning, Senator Phil Gramm (R–TX) is expected to offer a motion to recommit the *Conference Report on the Agriculture Research, Extension, and Education Reform Act,* S. 1150, with instructions to limit the provision extending food stamps for asylees and refugees from 5 to 7 years to only those individuals who were in the country prior to August 22, 1996. On behalf of the Council of Jewish Federations, I am asking that you oppose Senator Gramm's motion.

Senator Gramm's motion would impose undue hardship on people who have been forced to flee persecution in their homelands. These are people who were persecuted, and in some cases tortured, for their political or religious beliefs. In their homelands, they were subjected to persecution ranging from harassment to beatings and job loss to having their homes burnt down. The U.S. has a long history of providing a ''safe haven'' to refugees and asylees and Congress has repeatedly stood up in support of this tradition.

The welfare law provided a 5 year exemption from the bar on food stamps for refugees and asylees because Congress acknowledged that these individuals typically come to the U.S. with few, if any, resources. They have no sponsors to rely on and may have difficulty working because of disabilities. Those that can work may find that the training and skills they gained in their home countries are inadequate for most jobs here. As a result, many start in low paying jobs where they need food stamps to get an adequate diet.

Congress set the exemption at 5 years to correspond roughly with the earliest date that most refugees and asylees can apply to become a U.S. citizen. This time-line has proven to be unrealistic because of the backlog in processing naturalization applications. In many INS offices, it may take over 2 years from the date of application to a person's naturalization ceremony. If refugees and asylees are left without access to food stamps after 5 years, they would be punished and left without any nutritional support because of government inefficiency.

For these reasons, I again urge you to oppose Senator Gramm's motion to recommit the S. 1150 to the conference committee.

Thank you.

Sincerely,

DIANA AVIV,
Associate Executive Vice President for Public Policy.

OFFICE OF THE CARDINAL,
New York, NY, April 29, 1998.

Hon. ALFONSE M. D'AMATO,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR D'AMATO: I write to request your support for making legal immigrants once again eligible for food stamps and restoring $818 million in Food Stamp benefits. This would permit 250,000 children, elderly and disabled persons and refugees to seek Food Stamp assistance if they are in need. I am told that the provisions to do this are contained in the conference Report on S. 1150/H.R. 2534, the Agriculture Research, Extension and Education Reauthorization Act of 1997.

Since 1984, as Archbishop of New York, I have been privileged to assist immigrants from almost every country in the world. These many immigrants have enriched the Catholic Church of New York and other churches, just as they have enriched the New York metropolitan area. (In our Catholic churches alone, every Sunday our Divine Services are held in 30 different languages.) From my own experience I know those who migrate to the United States today are essentially no different from our parents and grandparents who came to America fifty or a hundred years ago. The vast majority of immigrants are individuals who come to this country seeking opportunity for themselves and their families. Unfortunately some immigrants—just as those born in this country—fall on hard times.

Under the 1996 Personal Responsibility and Work Act, legal immigrants needing assistance to feed themselves are ineligible for support from the very program their tax dollars help fund. Many are now forced to find emergency and unstable ways to feed themselves and their families. Catholic Charities has been supporting an emergency ecumenical food pantry in the Washington Heights section of New York City—the home and hope of so many newly arriving Dominican immigrants. During the past year, the number of those served at this pantry has doubled—at least in part due to the changes in the 1996 laws. While we try to treat those who come to the pantry with dignity, the availability of food stamps to tide people over the rough times is much more dignified than having mothers and children line up in the street at food pantries and soup kitchens.

I urge you to take this opportunity to ameliorate some of the more severe impacts of that 1996 legislation by supporting the restoration of food stamp eligibility for legal immigrants.

With gratitude for your consideration, and
Faithfully in Christ,
JOHN CARDINAL O'CONNOR,
Archbishop of New York.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. It is the fair and decent thing to do. Let us not kill this bill because of doing the fair and decent thing.

The PRESIDING OFFICER. The Senator from Kansas is now recognized, under previous order, for 10 minutes.

Mr. ROBERTS. Mr. President, I rise today in strong support of the conference report to the Agricultural Research, Extension, and Education Act of 1998. I would like to associate myself with the remarks of the distinguished chairman. This is going to be the most important bill to be passed in the 105th Congress in relation to agriculture. I commend the chairman, the ranking member, and the members of the conference for their efforts in reaching what I consider to be a good and a very bipartisan bill.

This bill has been in the making for 2 years. Due to time constraints and the need to more thoroughly evaluate the future direction of agricultural research, these programs, the research programs, were not dealt with in the new farm bill back in 1996. But we promised our farmers and our ranchers, all of us involved in agriculture, all of the land grant universities and consumers, that Congress would move to complete this important piece of the ag policy puzzle as soon as possible.

After 2 long years, we will soon vote to ''reform'' our agriculture research programs. We will not only vote to extend these programs and commit funds to feed America, and a very troubled and hungry world, but to reform them as well to make them more competitive. We are also going to provide important funding for crop insurance and rural development and, yes, limited food stamp benefits to a specified group of legal immigrants.

The distinguished chairman, the distinguished ranking minority member, and the distinguished Senator from Texas have talked about that at length. I am going to try to briefly address the importance of funding in each of these areas.

First of all, this bill provides $600 million in new funding for agriculture research. Why is that important? Mr. President, in the last several decades we have seen the population double in this world, and yet we continue to feed this country and, as I have said before, a troubled and hungry world on the same amount of ground. That is a modern miracle. People used to get peace prizes for that. And the main reason is agriculture research. When we passed that new farm bill, producers were promised that funding would be provided to help develop new crops, higher yields and stronger resistance to disease and pests.

In recent weeks, we have heard our colleagues from the northern plains discuss the problems caused by wheat scab. This bill provides funding for research on fighting this disease that has ravaged the wheat crop in many areas of the northern plains.

Let us talk about food safety. We have heard an awful lot of comment in the press and concern—understandable concern—about E. coli. This bill provides funding for research on the implementation of the Hazard Analysis and Critical Control Point Systems (HACCP). It addresses the problem of E. coli.

The bill provides funding for important research into discovering and analyzing trade barriers that prohibit the movement of U.S. ag products on the world market. With the Asian flu today, and our markets declining, nothing could be more important. This research will provide important information to help us move toward these goals in regard to becoming much more market oriented and competitive.

Let me talk about the environment. The one thing that agriculture can do through precision agriculture is to contribute to being more and better stewards of the soil and the environment. Precision agriculture will become one of the most important tools available to producers in the future. It allows them to protect the environment by using satellite technology to determine the proper rates of pesticide and fertilizer applications to the square foot. This has implications all over the world.

I am pleased also that this bill will provide important funding for the Federal Crop Insurance Program. The Crop Insurance Program is currently facing a $200 million funding shortfall in each of the coming 5 years.

Let me just say that this lack of funding is a ''train wreck'' waiting to happen for American agriculture. Without full funding of this program, farmers could face cancellation of hundreds of thousands of crop insurance policies. Let me repeat that. Hundreds of thousands of farmers, this spring, are facing the cancellation of their crop insurance. That would be devastating.

Obviously, many farmers are required to maintain their crop insurance coverage in order to obtain loans from their rural banks. Without crop insurance policies backing these loans, many loans would be recalled, and it could send agriculture into a credit and financing crisis. Farmers and ranchers were also promised increased access to viable risk management tools with the passage of the 1996 farm bill. Crop insurance ranks at the top of the list of these important and necessary tools.

This bill provides approximately $500 million in new funding for crop insurance over the next 5 years. It also makes internal changes in the program. This $1 billion in combined funding changes solves the funding shortfall in the program and ensures producers access to adequate crop insurance.

Are all the changes made that we need to make in regard to crop insurance? No. There are changes and reforms that are still needed in the program. With the most important issue facing us—the funding shortfall—now solved, the chairman and I, Senator KERREY, and others, in a bipartisan way, will confront this, and we will work to achieve the needed crop insurance reform in the next session of Congress.

Rather than going into the food stamp issue, which the chairman has addressed, Senator GRAMM expressed his concern, and the distinguished ranking member, Senator HARKIN, has addressed, I will go on and point out several other important facts in regard to this bill.

Well, let me say this in regard to food stamps. The very first thing we did in the House Agriculture Committee 3 years ago, when we started to address the farm bill, was take up the issue of food stamps. That is the first hearing we had. Billions and billions of dollars were being spent on food stamps—a program out of control and obviously in need of reform. Working with the distinguished chairman of the Senate Agriculture Committee, and others, we had hearings. We exposed $3 billion to $5 billion in fraud and abuse and organized crime in the program. We instilled reforms, and we saved $23 billion to $24 billion, plus $10 billion in regard to savings with the farm commodity programs. There isn't any other segment of Government that has gone through that kind of savings. No member of any committee of this Senate or of the House previously has ever achieved those kinds of significant cuts and reform in the Food Stamp Program or any other program. So the chairman is right. We would like to think we know a little bit about it.

The 1996 welfare reforms eliminated benefits from 800,000 to 950,000 to illegal immigrants. I know that. This bill extends the benefits back to children, elderly, and the disabled who were in the country before August 22 of 1996. It also extends benefits to refugees and asylees who may have entered after the August 22 date. Benefits will be returned to approximately 250,000 people—not 900,000, but 250,000 people. The trend line is down in regard to refugees.

I point out that a refugee is defined as ''a person who is fleeing because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, and who is of special humanitarian concern to the United States.''

With all due respect, I don't think that is a beacon. I think they are fleeing, and I think it is certainly within the boundaries of the United States and what the Statue of Liberty is all about that we consider that. There is a cap. Most of the European numbers are used largely for Soviet, religious minorities, and Bosnians. The East Asian

numbers are for former Vietnamese reeducation camp detainees, and Laotians. As I have indicated, these numbers are down. It has gone from 100,000 in 1980 to 75,000 in 1998.

In closing, let me say this. This agriculture research bill and this crop insurance bill will likely be the most important piece of legislation we pass for our farmers and ranchers during the 105th Congress.

During the debate on the 1996 farm bill, we promised our farmers, ranchers, and researchers, who depend on the markets, a more market-oriented agriculture. We promised to get the Government out of our decisionmaking, no longer do you put the seed in the ground as dictated by Washington. In return for less government support, we said we would provide the research and the risk management tools. That was a promise. We will endanger the significant reforms that we made in the new farm bill if this bill is not passed.

Let me make one other observation. The amendment by the distinguished Senator from Texas to recommit is, in fact, a killer amendment; $1.7 billion in regards to the way that States are administering the program, based on the reform we passed, will disappear. We do not have the money in the appropriations bill to pay for the research or the crop insurance, and we will face an agriculture crisis.

Mr. President, during the debate on the 1996 Farm bill, we promised our farmers, ranchers, and researchers that we would pass this bill and provide the tools needed to feed a troubled and hungry world. It is unconscionable that at a time when producers are facing low commodity prices, reduced international markets due to the Asian Crisis, and new crop diseases, this bill has languished. The tools included in this bill allow producers and researchers to directly address these issues.

I applaud and thank the Chairman, ranking member, and the greater majority of the members of the Agriculture Committee for their work on this bill.

The PRESIDING OFFICER (Mr. SESSIONS). The time of the Senator has expired.

Mr. ROBERTS. I urge my colleagues to oppose the motion to recommit and support the bill.

The PRESIDING OFFICER. The Senator from Mississippi has 5 minutes.

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished chairman of the Agriculture Committee, Senator LUGAR from Indiana, and my good friend from Kansas, the distinguished Senator who was formerly chairman of the House Agriculture Committee, in asking the Senate today to support this conference report.

Senators may remember that when the 1996 farm bill was written, it reauthorized agriculture research programs for only 1 year. There was included in the committee report a suggestion that there be a thorough reevaluation made by the committees of jurisdiction of the way the Department of Agriculture awarded grants to colleges and universities around the country and funded research programs at Agricultural Research Service facilities. That study was undertaken throughout 1997. I think it began in March of last year. The committee held a series of hearings and reviewed suggestions and options for improving these programs. This conference report is the product of that study and that carefully developed improvement to the Agricultural Research Service programs that are funded by the Department of Agriculture.

I am convinced that we will do a better job under this conference report of identifying the priorities in production agriculture, in food production, and in management of our resources in agriculture than we ever have before under the way we were handling the funding of these programs.

That is the driving force behind this conference report. The reason it is so important for the Senate to approve this conference report is that it puts this in place now.

Mr. President, if that were all this legislation accomplished, some may say that this legislation is unnecessary, but it does more. It also provides $600 million over the next five years for new competitive agricultural research grants at federal laboratories and colleges and universities.

Our appropriations process is beginning at this point. We have the job of allocating, under the discretionary funding allocations that our appropriations subcommittee will receive, funds for these agriculture research programs. With the guidance of this legislation, it will be a much more coherent process and an orderly process, and I can't contemplate what a mess we would be in if this conference report were not agreed to.

Under current law, about $200 million of the delivery expenses for catastrophic crop insurance must be provided annually in the agriculture appropriations bill. This legislation would provide full mandatory funding for those expenses over the next five years. This conversion from discretionary to mandatory spending will ensure that farmers will not have to be concerned with the uncertainty of annual funding bills and whether catastrophic crop insurance protection will be available in the coming growing season.

In addition to the support this bill has from the agriculture community, it also enjoys support from those interested in the provisions which will bring parity between the Food Stamp Program and the Supplemental Security Income Program for those immigrants legally residing in the United States. This was an important component of the compromise we reached with the House of Representatives.

This bill has received support from almost every sector of agriculture. I ask unanimous consent that a letter I received from over 100 organizations, colleges and universities in support of the conference agreement be printed in the RECORD.

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

MAY 4, 1998.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COCHRAN: We are writing to ask you to vote ''yes'' on the conference report for S. 1150, the Agricultural Research, Extension, and Education Reform Act of 1998, when it is considered on the floor. This legislation has succeeded in balancing several competing interests and will help prepare the agriculture and food industries for the challenges in the next Century.

This conference report addresses a number of issues that are vitally important to producers, processors, and consumers of food and fiber. The bill provides funding for agricultural research and rural development programs. It provides funding for crop insurance that otherwise will create a severe strain on discretionary budget accounts. Finally, the legislation restores food stamp benefits for some legal immigrants. These funds are fully offset, and the bill is budget neutral.

The House and Senate Committees on Agriculture have worked long and diligently developing this much needed legislation. We believe they have done a remarkable job, and we thank them for their accomplishments.

We respectfully request your assistance in passage of this important legislation, Its impact on the future of our nation will be significant.

Sincerely,

Alabama Farmers Federation.
American Farm Bureau Federation.
American Beekeeping Federation.
American Honey Producers Association.
American Sheep Industry Association.
American Soybean Association.
Grocery Manufacturers of America.
National Association of Wheat Growers.
National Barley Growers Association.
National Broiler Council.
National Cattlemen's Beef Association.
National Corn Growers Association.
National Cotton Council.
National Council of Farmer Cooperatives.
National Farmers Union.
National Food Processors Association.
National Grain Sorghum Producers.
National Milk Producers Federation.
National Peanut Growers Group.
National Pork Producers Council.
USA Rice Federation.
American Association of Crop Insurers.
American Bankers Association.
American Society of Farm Managers and Rural Appraisers.
Crop Insurance Agents of America.
Farm Credit Council.
Independent Bankers Association of America.
Norwest Corporation.
Norwest Ag Credit.
Rural Community Insurance Services.
Agicultural Research Institute.
American Association of Veterinary Medical Colleges.
American Phytopathological Society.
American Society of Agronomy.
American Society of Animal Science.
American Society of Plant Physiologists.
American Veterinary Medical Association.
Coalition on Funding Agricultural Research Missions.
Council of Scientific Society Presidents.
Council on Food, Agricultural, and Resource Economics.
Entomological Society of America.
Crop Science Society of America.

Federaltion of American Societies of Food Animal Sciences.
Illinois Council for Food & Agricultures Research.
Society of Nematologists.
Soil Science Society of America.
Weed Science Society of America.
Alabama A&M University, School of Agriculture & Home Economics.
University of Alaska, Fairbanks, College of Natural Resource Development & Management.
Alcorn State University, School of Agriculture.
University of Arizona, College of Agriculture.
University of Arkansas, Dale Bumpers College of Agricultural, Food & Life Sciences.
University of Arkansas, Pine Bluff, College of Agriculture and Home Economics.
Auburn University, College of Agriculture.
University of California Systemwide, Division of Agriculture & Natural Resources.
Clemsom University, Public Service & Agriculture.
Colorado State University, College of Agricultural Sciences.
University of Connecticut, College of Agriculture & Natural Resources.
Cornell University, College of Agriculture & Life Sciences.
Delaware State University, School of Agriculture, Natural Resources, Family & Consumer Sciences.
University of Delaware, College of Agriculture & Natural Resources.
Florida A&M University, College of Engineering Sciences, Technology & Agriculture.
University of Florida Agriculture & Natural Resources.
Fort Valley State University, School of Agriculture.
University of Georgia, College of Agricultural & Environmental Sciences.
University of Guam, College of Agriculture & Life Sciences.
University of Hawaii at Manoa, College of Tropical Agriculture & Human Resources.
University of Idaho, College of Agriculture.
University of Illinois at Urbana-Champaign, College of Agricultural, Consumer & Environmental Sciences.
Iowa State University, College of Agriculture.
Kentucky State University, Land-Grant Programs.
University of Kentucky, College of Agriculture.
Langston University, Research and Extension.
Lincoln University, College of Agriculture, Applied Sciences & Technology.
Louisiana State University Agricultural Center.
University of Maine, College of Natural Resources, Forestry & Agriculture.
University of Maryland, College Park, College of Agriculture & Natural Resources.
University of Maryland, Eastern Shore, School of Agricultural & Natural Science.
University of Massachusetts—Amherst, College of Food & Natural Resources.
Michigan State University, College of Agriculture & Natural Resources.
University of Minnesota, College of Agricultural, Food & Environmental Sciences.
Mississippi State University, Division of Agriculture, Forestry & Veterinary Medicine.
University of Missouri—Columbia, College of Agriculture, Food & Natural Resources.
Montana State University, College of Agriculture.
University of Nebraska, Agriculture & Natural Resources.
University of Nevada, College of Agriculture.
University of New Hampshire, College of Life Sciences & Agriculture.
New Mexico State University, College of Agriculture & Home Economics.
North Carolina A&T State University, School of Agriculture.
North Carolina State University, College of Agriculture & Life Sciences.
North Dakota State University, College of Agriculture.
Oklahoma State University, Division of Agricultural Sciences & Natural Resources.
The Ohio State University, College of Food, Agricultural & Environmental Sciences.
Oregon State University, College of Agricultural Sciences.
Pennsylvania State University, College of Agricultural Sciences.
Prairie View A&M University, Department of Agriculture.
Purdue University, School of Agriculture.
University of Rhode Island, College of Resource Development.
Rutgers—The State University of New Jersey, College of Agriculture & Natural Resources.
South Carolina State University, 1890 Research & Extension Programs.
South Dakota State University, College of Agriculture & Biological Sciences.
Southern University A&M College, College of Agriculture and Home Economics.
Tennessee State University, School of Agriculture & Home Economics.
University of Tennessee—Knoxville, College of Agriculture.
Texas A&M University, College of Agriculture & Life Sciences.
Tuskegee University, School of Agriculture & Home Economics.
Utah State University, College of Agriculture.
University of Vermont, Division of Agriculture, Natural Resources & Extension.
Virginia Polytechnic Institute & State University, College of Agriculture & Life Sciences.
Virginia State University, School of Agriculture Science & Technology.
Washington State University, College of Agriculture & Home Economics.
West Virginia University, College of Agriculture, Forestry & Consumer Sciences.
University of Wisconsin-Madison, College of Agricultural & Life Sciences.
University of Wyoming, College of Agriculture.

Mr. COCHRAN. So, Mr. President, Senators should know it's very important that the conference report be adopted. It is a good compromise between the Senate and the House. It involves other provisions that have been discussed eloquently and forcefully by my friends who have spoken before me. I urge the Senate to approve this conference report.

Mr. KYL. Mr. President, when Congress passed the Personal Responsibility and Work Responsibility Reconciliation Act of 1996, it ended public welfare for most aliens who had not worked to earn their benefits.

The 1997 Balanced Budget Act reversed some of the provisions of that bill by reinstating eligibility for the Supplemental Security Income (SSI) program for disabled and elderly immigrants who were in the country before August 22, 1996, the day the omnibus welfare reform package passed into law. But the act also reinstated SSI for immigrants who were in the country as of August 22, 1996 and become disabled in the future. The SSI program is fraught with fraud. According to the General Accounting Office (GAO), the Social Security Administration sends out $27 billion in SSI checks annually. Approximately $4 billion in checks are sent out erroneously. Immigrants, who make up just 6 percent of the population, currently receive over half the cash benefits from the SSI program.

The agriculture research bill we are debating today restores food stamp eligibility for the elderly and the disabled, and for children, as long as they were in the United States before August 22, 1996. But, the agriculture research bill also includes the restoration of food stamp benefits for all immigrants who were in the country as of August 22, 1996, but who become disabled in the future. The Congress is going to spend approximately $800 million to restore all of these benefits. The food stamp program, like the SSI program, does not require that an individual have contributed to the Social Security base. And, the food stamp program is also susceptible to fraud and abuse—in a just released GAO report, it is estimated that recipients were overpaid an estimated $1.5 billion, or 7 percent of the approximately $22 billion food stamps program. And, that is only the fraud that is quantifiable by the government. The GAO believes there are other forms of fraud in the food stamp program that are too difficult to quantify.

As a result of the 1997 Budget and this bill, those individuals who were in the country and disabled on August 22, 1996 will continue to be eligible for SSI and for food stamps. But, the Congress has to draw the line somewhere. The sponsors of currently healthy immigrants who entered the country before August 22, 1996 should be responsible for those immigrants' care should they fall on hard times. That has always been the law. In fact, since the early part of the century any immigrant who becomes a public charge can actually be removed from the United States.

For those individuals who do become disabled and for whom there is no sponsor support, the Immigration and Naturalization Service already has the authority to waive the normal requirements of becoming a citizen. By becoming a citizen, such individuals would automatically be eligible for SSI and for food stamps should they qualify.

Mr. President, now is not the time to reverse our course on welfare reform, as such reform applies both to our U.S. citizens and to our immigrants. America is a land of immigrants, yes. But, we must not perpetuate dependence on public benefits. Our nation must be one of opportunity for our immigrants, not one that skirts the law by providing a loophole for some immigrants to become dependent on public assistance in the future. The Senate should remove the provisions of the conference report that continue food stamp benefits for immigrants in the future.

Mr. KENNEDY. Mr. President, later today, we are voting on a motion by

Senator GRAMM to recommit the conference report on the Agricultural Research bill. I strongly oppose Senator GRAMM'S motion.

The 1996 welfare law allows refugees to receive federal benefits, including SSI, Medicaid and food stamps, for their first five years in the United States. It made this exception because refugees and asylum-seekers generally come to the United States with little more than the shirts on their backs after escaping persecution abroad. They have no sponsors. The may have disabilities which make it difficult to work. They need time to get on their feet, and begin to recover from the persecution they fled in their former country.

After five years in the United States, refugees can apply for citizenship. Unfortunately, there are serious backlogs of naturalization applications at INS. In many parts of the country, it takes two years to complete the naturalization process and obtain citizenship—and these backlogs are not expected to go down in the near future. Often, the earliest a refugee will gain citizenship is after seven years in the United States.

As we did last year with SSI and Medicaid, the Agricultural Research bill extends the time that a refugee can receive food stamps from five to seven years. Senator GRAMM wants to deny this extension to refugees who entered the United States after the welfare law was enacted.

If we do not extend this time limit from five to seven years, thousands of refugees who have applied for citizenship could lose food stamps as they wait in the naturalization backlog for their applications to be processed.

This group includes refugees like Dien Nwin, who fled Vietnam in 1992 with his wife and children. Dien fought on the side of the United States during the Vietnam War and was imprisoned in a Communist re-education camp for 9 and-a-half years. He was worked hard and supported his family for over five years. He applied for citizenship, but he's stuck in the backlog.

Now, Dien and his family have fallen on hard times. In the past two years, Dien has developed nasal cancer and lung cancer. He has been unable to work since then, and his family has had to use food stamps to survive. Dien is lucky. He entered the United States before the passage of the welfare bill. Under Senator GRAMM's motion to recommit, Dien would be cut off from receiving food stamps after his initial five years in the United States.

Last year, over 25,000 refugees came to the United States fleeing religious persecution in the Former Soviet Union. These refugees included Jews, Evangelical Christians, Mormons and other religious minorities fleeing the restriction of their religious liberties. Under Senator GRAMM's amendment, these refugees will only be eligible for food stamps for their first five years in the United States. Since refugees cannot apply for naturalization until they have lived in the United States for five years, there will be a gap in their food stamp eligibility, depending on how long the naturalization backlog is at the time they apply.

The naturalization backlog is expected to increase without an increase in INS funding. Record numbers of legal immigrants are applying for citzenship—more than a million per year. This number is not expected to decrease.

Few actions are a more important part of our time-honored commitment to freedom around the world than opening America's doors to those who are denied freedom and face persecution in their own lands.

Whether it is Vietnamese fleeing communism, Bosnians exiled by ethnic cleansing, Jews from the former Soviet Union fleeing anti-semitism, Burmese seeking safe haven from oppression, or Africans escaping political retribution and genocide, our refugee program stands ready to aid, protect, and resettle those who need our help. Part of such help is ensuring that these refugees' needs are met in their new home in this country. Those needs will not be met if their eligibility for food stamps is not extended to seven years.

I urge my colleagues to oppose Senator GRAMM's motion.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I want to summarize our debate—which has been a good one this morning—by saying that it is very important that we act today to pass the conference report. As the distinguished Senator from Mississippi stated eloquently and correctly, failure to do that will throw into chaos farmers who are now planting and who count upon crop insurance, reformed albeit as we have reformed it, as an underlying safety net in the year of El Nino, remarkable weather circumstances, it is unthinkable simply to kick away that safety net through our indifference.

Secondly, Mr. President, the agriculture research, which has been characterized as an entitlement, along with crop insurance and other provisions, of course, is a 5-year program, as is our farm bill program.

We have payments to farmers and Conservation Reserve Program payments for the environment. We have designated $120 million for vital research which we believe is necessary simply to fight back the pest diseases that are now jeopardizing our growth.

Mr. President, the yield of wheat in our country has been flat in yield per acre over the last 15 years of time. The breakers are not occurring, and we must triple and not have a zero gain.

Finally, let me simply say that there will not be people lined up all over the world trying to get into America to ruin our welfare reform. As a matter of fact, welfare reform has brought about a better America. This bill will help preserve that in a humane way. Provisions that were made under SSI for income for the very persons who are being talked about today—the elderly, the children, the disabled, and those who have come with a well found sense of persecution to escape torture—will, in fact, be aided in a humane way that I believe all Senators would want to support.

I thank the Chair.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1997

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate equally divided on S. 1046, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1046) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

The Senate proceeded to consider the bill.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2386

(Purpose: To authorize appropriations for fiscal years 1998, 1999, and 2000 for the National Science Foundation, and for other purposes)

Mr. JEFFORDS. I understand there is a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont (Mr. JEFFORDS), for Mr. MCCAIN, Mr. HOLLINGS, Mr. JEFFORDS, Mr. KENNEDY, Mr. FRIST, Mr. ROCKEFELLER, and Ms. COLLINS, proposes an amendment numbered 2386.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

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

Mr. MCCAIN. Mr. President, I rise to offer an amendment to the S.1046, the National Science Foundation Authorization Act of 1998. This amendment authorizes the National Science Foundation for a period of three fiscal years, 1998, 1999 and 2000.

I am very pleased to see that this amendment represents a bi-partisan effort by both the Commerce and the Labor Committees. These two Committees share jurisdiction of the National Science Foundation. I would also like to thank the co-sponsors of this amendment, Senators JEFFORDS, HOLLINGS, KENNEDY, FRIST and ROCKEFELLER, for their support of this amendment.

The National Science Foundation (NSF) plays a critical role in the development of much of this country's science and technology infrastructure. Its efforts cover a variety of issues

such as education—from the kindergarten to the post-doctorate levels—research and development, and Internet development.

Given that half of the new economic growth in the economy is due to technological advancements, the role of the National Science Foundation in basic research is an important one. Many companies in the private sector have indicated that they cannot afford to conduct the long term basic research required for many of these technological advances. They have come to rely upon the basic research of the National Science Foundation and other government agencies as the basis for many of their commercial products. For it is through the commercialization process of these research results that the government and the American public benefits. From this process, new industries are started, jobs are created, and many new products are generated to improve our quality of life of all people.

Because of the research at the National Science Foundation, we have the Internet today. The growth of the Internet and the role it is playing in electronic commerce today is far beyond anyone's expectations when the project was started. We look forward to the National Science Foundation's involvement in the Next Generation Internet project.

In a time when we are hearing of the terrible performance of America's students in math and science education, it is important that we do our jobs as members of the Senate and authorize agencies' such as the National Science Foundation to ensure that the federal government is doing its share to improve upon the lives of all Americans through education and other related research activities.

I urge the other members of the Senate to support this amendment and the final passage of the bill. Again, I would like to thank the co-sponsors of this amendment for their support and hard work.

Mr. JEFFORDS. Mr. President, I know of no objection to the amendment. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2386) was agreed to.

Mr. JEFFORDS. Mr. President, it is a great pleasure to come before you today to seek Senate approval of S. 1046, the National Science Foundation Authorization Act of 1998. I introduced this legislation, along with my colleagues Senators KENNEDY, FRIST, and COLLINS, on July 22, 1997. The bill was reported unanimously by the Senate Committee on Labor and Human Resources on October 15, 1997. This bipartisan proposal will be further enhanced by the manager's package I am bringing to the floor on behalf of my colleagues Senators MCCAIN, HOLLINGS, KENNEDY, FRIST, ROCKEFELLER, and COLLINS. This package reflects similar bipartisan cooperation, builds upon the foundation contained within S. 1046 and contains improvements proposed by both Committees. This legislation will make an important investment in our nation's scientific and technological future.

S. 1046, as amended, will authorize more than $9 billion for research and development activities, and $2 billion for math and science education activities over the next 3 years. The bill will support more than 19,000 projects at 2,000 colleges, universities, primary, elementary, and secondary schools across the Nation.

This authorization bill also recognizes that the future of science in this country will be determined by our basic educational policy. Two billion dollars is authorized over the next 3 years for K through 12 math and science systematic reform, undergraduate science education activities, graduate education, and efforts to advance the public understanding of science. These efforts will continue to contribute to improvements in the education we offer to our children and maintain a strong cadre of scientific leaders needed to remain competitive well into the next century.

S. 1046 provides a strong bipartisan response to the research and science education challenges facing the Nation.

The strong bipartisan support which NSF enjoys is a reflection of its historic contribution to both our national security and our economic competitiveness. The prominent role of science in the American war effort during World War II left us with a new appreciation of the importance of research in establishing and preserving economic and military security. Federally funded research led to the development of radar, sonar, blood plasma, sulfanilamide, penicillin and the atomic bomb. In 1944, President Roosevelt charged Vannevar Bush, his chief science adviser, with evaluating the most effective way to harness this technological infrastructure in peacetime. The Bush report—Science—The Endless Frontier—established a strategy and rationale for Federal support of basic research. The report argued, and argued correctly, that ''a nation which depends upon others for its new basic scientific knowledge will be slow in its industrial progress and weak in its competitive position in world trade regardless of its mechanical skill.'' This report provided the blueprint for creation of the National Science Foundation.

NSF was established in 1950 to ''develop and encourage the pursuit of a national policy for the promotion of basic research and education in the sciences.'' Following the 1957 Soviet launch of the Sputnik satellite, this mission was expanded to provide greater support for science education and literacy. Over the next three decades, NSF became the primary Federal sponsor of basic research in mathematics, physical sciences, computer science, engineering and environmental science at colleges and universities. Equally important to the future of our Nation, NSF became a catalyst for the reform of math and science education.

The manager's amendment which we are bringing to the floor authorizes more than $11 billion for research and development activities at NSF over the next three years—$3.5 billion in fiscal year 1998, $3.7 billion in fiscal year 1999, and nearly $3.9 billion in fiscal year 2000. This Federal funding will be very well invested. Although the National Science Foundation's budget accounts for only 4 percent of Federal research and development funding, NSF provides 25 percent of Federal support to academic institutions for research. NSF grants support more than 19,000 research and education projects at 2,000 colleges, universities, primary, elementary, and secondary schools, businesses, and other research institutions. Competition for these grants is fierce. NSF funds only about one-third of the 30,000 proposals it reviews annually and the grants that survive this review process represent the finest proposals that the research community can put forward.

The importance of this investment in basic research cannot be exaggerated. Over the past decade, private sector investment in research and development has eclipsed Federal investment in public science. However, the Federal investment in basic science is a major contributor to industrial innovation in the United States. A recent review of American industrial patent applications revealed that the Government or nonprofit foundations supported 75 percent of the main papers cited as the foundation for new industrial innovation.

A few of NSF's contributions illustrate the importance of our investment in basic research and development:

The Internet—Over the past decade, NSF has transformed the Internet from a tool used by a handful of researchers at the Department of Defense to the backbone of this Nation's university research infrastructure. Today the Internet is on the verge of becoming the Nation's commercial marketplace.

Nanotechnology and ''Thin Film''—50 years ago scientists developed the transistor and ushered in the information revolution. Today 3 million transistors can fit on a chip no larger than the first fingernail-sized individual transistor. NSF's investments in nanotechnology and ''thin films'' are expected to generate a further 1,000-fold reduction in size for semiconductor devices with eventual cost-savings of a similar magnitude.

Genetics—A great deal of attention is paid to the effort conducted by the NIH to map the Human Genome. What is often overlooked; however, is the critical role played by NSF in supporting the basic research that leads to the breakthroughs for which NIH justly receives so much credit. Research supported by NSF was key to the development of the polymerase chain reaction

and a great deal of the technology used for sequencing.

Magnetic Resonance Imaging—MRI technology is widely utilized to diagnose a wide array of illnesses. The development of this technology was made possible by combining information gained through the study of the spin characteristics of basic matter, research in mathematics, and high flux magnets. The Next Generation Nuclear Magnetic Resonance Imager, currently under construction, will allow for the identification of the 3-dimensional structures of the 100,000 proteins whose genes are being sequenced by the HGP.

Buckeyballs—One of the most exciting recent discoveries in the world of material science was the discovery of carbon-60. Although this occurs in nature, its discovery (which won the researchers a Nobel prize) was the product of work by astronomers. This in turn led to the discovery of the nanotube which has been found to be 100 times stronger than steel and a fraction of the weight. Nanotubes may produce cars that weigh no more than 100 pounds.

CD Players—CD players rely on data compression algorithms that were developed using an NSF grant. These algorithms were first used in the transmission of satellite data and now provide the foundation for new developments in data storage.

Jet Printers—The mathematical equations that describe the behavior of fluid under pressure provided the foundation for developing the ink jet printer.

Plant Genome—Research into the genome of a flower plant with no previous commercial value, led to the discovery of ways to increase crop yields, the production of plants with seeds having lower polyunsaturated fats and to the development of crops that produce a biodegradable plastic.

Artificial Retina—Researchers at North Carolina State University have designed a computer chip that may pave the way for creation of an artificial retina. Problems with bio-compatibility have been solved by researchers at Stanford who developed a synthetic cell membrane that adheres to both living cells and silicon chips.

Cam Corders—Virtually all camcorders and electronic devices using electronic imaging sensors are based on charge-coupled devices. These devices, sensitive to a single photon of light, were developed and transformed by astronomers interested in maximizing their capacity for light gathering.

I could go on at length about the many technological advances that we enjoy today that are attributable to basic research supported by NSF. These advances would not be possible, however, if we as a nation did not continue to train and support a cadre of the world's most talented researchers. S. 1046 recognizes the importance of maintaining an investment in human resources and authorizes more than $2 billion for the education and human resources directorate over the next three years. This directorate has primary responsibility for NSF's education and training activities. In contrast with the programs of the Department of Education, NSF science and math education programs are experiments which link learning and discovery. Proposals are selected by outside peer review panels on the basis of their potential to provide long-lasting and broad impact. NSF has made notable contributions in the areas of curriculum and instructional material development, professional development, and improved the participation in science research and science education of women, minorities, and individuals with disabilities. The legislation before you strengthens and enhances these efforts.

The Education and Human Resources Directorate also provides funding for the Experimental Program to Stimulate Competitive Research. As noted in the Committee report, this program plays an important role in ensuring that small states, like Vermont, build the capacity to more fully participate in NSF's research programs. The program has been particularly successful in developing infrastructure in those states where a limited research base has made the attraction and retention of young faculty, equipment purchases, network connections, human resource development, research project development, and technology transfer difficult. Such infrastructure building remains a crucial part of guaranteeing that the participating states are competitive and must be continued.

The Foundation has initiated a new co-funding effort which is designed to integrate the research community in the EPSCoR states more completely into the larger research community. As research funding for NSF increases in general, I expect that the matching requirements for cofunding will not result in the displacement of non-EPSCoR NSF funding which institutions would otherwise receive. I look forward to working closely with the Foundation to ensure continued growth in the co-funding initiative without reducing the amount available for standard grants.

And finally, I want to proudly note the partnership that has been forged between the National Science Foundation and the State of Vermont. NSF currently supports over 74 projects in the Green Mountain State. Grants have been provided to the Barre Town Elementary School, Middlebury College, Mountshire Museum of Science, Woodbury College, Cabot School, Charlestown Elementary School, St. Michael's College, JOHNSON State College, Trinity College, and the University of Vermont. In 1992, the Vermont Institute for Science, Math and Technology received a five-year award of $7.9 million to establish a collaborative statewide education reform effort linking business, higher education, government, and community sectors. This year, as a result of the success of this collaboration, NSF has elected to extend the award for an additional five years. In addition, Trinity College was this year awarded $1.2 million to improve the instruction of math and science in our primary, secondary, and elementary schools.

This legislation builds upon partnerships like that forged with the State of Vermont. It provides a strong bipartisan response to the research and science education challenges facing our Nation. I also want to note that it reflects the hard work of staff for both Committees. I particularly want to express my appreciation for the work of Scott Giles of my staff, Danielle Ripich, Marianna Pierce and Jonathan Halpern of Senator KENNEDY's staff, Floyd DesChamps of Senator MCCAIN's staff and Lila Helms of Senator HOLLINGS' staff and I urge all my colleagues to support this package.

I urge all of my colleagues to support this package.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly support passage of the National Science Foundation Authorization Act. It is a privilege to join Senator JEFFORDS, Senator MCCAIN, and Senator HOLLINGS in sponsoring this bipartisan legislation, which looks to the future by strengthening our national commitment to research and development. It also ensures the continued success of the teacher training and professional development programs of the NSF. In addition, it will improve science and math education from kindergarten to graduate school, and help maintain America's competitive edge into the 21st century.

Few federal agencies deliver as much ''bang for the buck'' as the National Science Foundation. It is now funding 20,000 peer-reviewed science and education projects at more than 2,000 colleges, universities, schools, businesses and research facilities in all parts of the United States.

Last year, these projects involved 27,000 senior scientists, 21,000 graduate students, 28,000 undergraduates, 110,000 precollege teachers, and 14,000 students from kindergarten through the twelfth grade. Almost 15 million people are affected by NSF activities through museums, television programs, videos, journals, and outreach activities.

NSF accounts for 4 percent of total federal research and development funding. But it provides 25 percent of basic research support at academic institutions. It provides as much as half of all federal funding for research in fields such as mathematics, computer science, environmental science, and the social sciences.

NSF also plays an important role in training teachers and developing math and science curricula to prepare students for tomorrow's challenges. It promotes innovative education programs in partnerships with colleges, universities, elementary and secondary

schools, science museums, and state and local governments. These programs encourage the discovery of new knowledge and its application to real-world problems.

NSF support for basic research and science education has also had an important role in encouraging economic growth over the last fifty years. According to a recent study, each dollar that the federal government spends on basic research contributes 50 cents or more to the national output each year. In other words, investing in NSF pays for itself in two years. These benefits are spread throughout the economy, enhancing the productivity of the nation's workforce and improving the quality of life for all Americans.

At the Massachusetts Institute of Technology, for example, NSF funds have enabled scientists to explore the commercial applications of their research. Technology developed at MIT had a role in the launching of 13 companies in 1995. They manufacture products ranging from computer chips to communication networks. These enterprises have bolstered the state and local economies, and provided jobs and opportunities for many citizens. In fact, a 1997 report by BankBoston found that research and development at MIT has created 125,000 jobs in Massachusetts.

In our state, NSF is funding a wide range of other projects on the cutting edge of research. NSF grants have been instrumental in building the state's biotechnology industry, mapping the oceans at the Woods Hole Oceanographic Institute, developing new superconductors at the Material Research Science and Education Center at Harvard, and creating cooperative partnerships with schools, parents, businesses, and community organizations to strengthen math and science education.

Nationwide, NSF grants cover a broad range of projects from providing health care to fighting crime to protecting the environment. Specific grants are improving the treatment of arrhythmia, facilitating more accurate identification of crime suspects, developing new biotechnology techniques to cleanup hazardous waste sites, enhancing the speed of semiconductors in processing information, and even analyzing the Antarctic meteorite to determine whether life existed on Mars.

NSF funds benefit the humanities as well. The Next Generation Internet Project will give researchers access to information from the world's libraries and museums at rates that are 100 to 1,000 times faster than today's Internet.

This authorization Act will put research and development on a more secure footing over the next two years. It will increase NSF funding by 10 percent in FY1999 and 3 percent in FY2000, which are consistent with the levels recommended in President Clinton's FY1999 budget. The increased funding will provide larger award amounts, so that scientists can undertake longer-range projects.

The legislation also strengthens efforts to improve science, mathematics, engineering, and technology training for teachers and students. In addition, it authorizes the Office of Science and Technology Policy in the White House to prepare a report analyzing indirect costs, which play a vital but little understood role in federal R&D spending.

The National Science Foundation is doing an outstanding job in fulfilling its missions. Passage of this bill will strengthen America's leadership in science and technology, and I urge all of my colleagues to support this important legislation.

I congratulate our chairman for bringing us to this point in the legislative process.

Mr. MCCAIN. Mr. President, I would like to engage Senator LOTT, Senate Majority Leader, and Senator JEFFORDS, Chairman of the Labor and Human Resources Committee, in a colloquy on certain programs within the National Science Foundation.

Mr. LOTT. I would be pleased to join Senator MCCAIN and Senator JEFFORDS in a colloquy on this subject.

Mr. MCCAIN. As Chairman of the Commerce Committee, I have noted with great pleasure the success and impact on the NSF's program to establish outstanding research and education centers at colleges and universities in partnership with industry. These centers are making great contributions to research, science, and technology education, and the economic development and global competitiveness of our nation.

Mr. JEFFORDS. As Chairman of the Labor Committee, I too have been a strong supporter of the NSF's efforts to strengthen research and education efforts at colleges and universities across the nation. NSF provides support to over 2000 colleges and universities and nearly 17,000 researchers nation-wide.

Mr. LOTT. A particular success is the Engineering Research Centers Program which has stimulated focused university-industry partnerships in research and education, and has served as a catalyst for economic development within the United States. Much success can be attributed to the Foundation's leadership in ensuring each center establishes a clear vision and conducts careful strategic planning involving their industry partners. Among the impacts of this program are: Next generation engineering systems developed from new knowledge discoveries and new technological developments; Technology transferred to hundreds of companies and governmental agencies; Technical assistance and training provided for industry and government; Thousands of undergraduate and graduate students involved in the research of the centers and exposed to next generation systems research and development; and Outreach to K–12 and to underrepresented groups.

NSF Science Technology Centers and other NSF university centers have likewise cultivated strong university-industry affiliations with centers focused on specific research areas related to industry needs. For example, the modern Internet browser was developed at the NSF National Center for Supercomputing Applications at the University of Illinois; a turbomachinery computational model developed at the Engineering Research Center for Computational Field Simulation at Mississippi State University is now used by all jet engine manufacturers; the Center for Molecular Biotechnology at the University of Washington is developing tools for industry use to analyze and interpret the information content of biological molecules such as DA and proteins, to analyze and interpret the information content to biological molecules; and the Center for High Pressure Research at the State University of New York at Stony Brook works with several companies to develop new ways that industry can use high-pressure technology to produce exotic materials, such as industrial-grade diamonds. Hundreds of similar contributions can be cited from these and other NSF-funded university centers.

I believe this program should be greatly expanded and that the NSF should become even more active in ensuring the development of long-term vision and strategic planning of each center. Further, NSF should build on successful centers and seek ways to sustain the investment with continual support when appropriate. Areas that show great potential for the future include: computation engineering, biotechnology and bioengineering, manufacturing, and industrial systems, electronics and communications systems, materials processing including polymers and composite materials, manufacturing systems, remote sensing systems and technologies, and optical systems as well as ship building, telecommunications and super-computing supercomputer technology for university research centers.

Mr. MCCAIN. I thank the distinguished Majority Leader and the Labor Committee Chairman, for their insights into these matters and how important research and education is to the overall National economy.

Mr. JEFFORDS. The distinguished Majority Leader should be commended for his strong support for basic scientific and engineering research and I look forward to working with him to strengthen the engineering research centers program.

Mr. LOTT. I also would like to thank Senator MCCAIN and Senator JEFFORDS for their leadership in these areas of science and technology.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Mr. ENZI. I would like to raise an issue that has been brought to my attention since the Labor Committee reported this bill in October. It relates to the Small Business Innovative Research (SBIR) program and I want to

highlight the fact that recent NSF decisions may have a negative effect on this very successful program. I have worked closely on small business issues with my friend from Montana, Senator CONRAD BURNS, who also serves on the Small Business Committee with me. It is not my intention to hold up this legislation by offering an amendment at this time, but I want the Chairman, Senator JEFFORDS, to know that it is a very important issue for me. I would like to yield to Senator BURNS for a minute and ask him to describe the situation.

Mr. BURNS. On August 8, 1997, Ms. Linda G. Sundro, Inspector General for the National Science Foundation (NSF) recommended that NSF reduce their SBIR set-aside by approximately $2.5 million by excluding certain education and training costs, as well as program support overhead costs from their total extramural R&D budget. Although funded by the Congress as part of their overall R&D budget, the Inspector General concluded that these costs could be excluded because they do not fit the statutory definition of R&D as set forth in the Small Business Research and Development Enhancement Act of 1992, (Public Law No. 102.564, 15 U.S.C. Part 638(e)(5)).

The Inspector General's recommendation does not take into consideration the guidance provided by the Congress in determining the calculation. The legislation requires each agency ''which has an extramural budget for research or research and development'' (15 U.S.C. Part 638(f)(1)) to set-aside a percentage for the SBIR program. The legislation clearly defines extramural budget as ''the sum of the total obligations minus amounts obligated for such activities by employees of the agency in or through Government-owned, Government-operated facilities * * *'' (15 U.S.C. Part 638 (e)(1)). Under existing law, the only exclusion from the calculation is for funds dedicated to intramural R&D efforts.

In its April 17, 1998 report on the SBIR program, the General Accounting Office identified the calculation of the extramural budget as an issue for the SBIR program. Their analysis found that each participating agency was utilizing different methodologies in the calculation. The GAO recommended that the SBA issue guidance to the participating agencies to ensure consistency across the program. The SBA agreed with this recommendation.

Accordingly, I believe the NSF Inspector General's recommendation is inconsistent with the current law and would ask that the Director of the National Science Foundation hold the recommendation in abeyance until such time as the SBA issues guidance to the participating SBIR agencies.

Mr. ENZI. Would the Senator yield for a question? This is clearly a very important issue for members of the Small Business Committee. Would the Senator agree that NSF's coordination with SBA is critical to ensuring a strong SBIR program?

Mr. BURNS. I believe the NSF and all agencies participating in the SBIR program should coordinate with the SBA in determining their extramural research budgets. This is what the GAO recommend.

Mr. ENZI. I thank the Senator from Montana and I thank you, Senator JEFFORDS, for considering this important issue.

Mr. HOLLINGS. Mr. President, I rise today to encourage my colleagues to support passage of S. 1046, the National Science Foundation Authorization Act of 1998. University research continues to be a great American success story, and NSF can be proud of its role in helping to create and sustain this great research enterprise. We continue to ask much of NSF and our universities because we know what this system has contributed to the Nation in the past, and we know that greater contributions await us in the future.

Mr. President, by themselves, universities cannot solve our national problems such as technological competitiveness, the environment, and social issues like crime, poverty, and education. However, the research and trained young people provided by our universities will continue to play a major role in addressing these pressing issues. S. 1046 authorizes the continuation of the vital programs of NSF that support these efforts, including EPSCoR which has helped strengthen science and technology in many of our smaller states.

I would like to take a moment and thank Senator MCCAIN, Senator KENNEDY, and Senator JEFFORDS for their efforts in getting this bill passed. The managers' amendment before the Senate today reflects agreement by the Commerce Committee and the Labor Committee on many issues relating to NSF's programs and funding. The two committees worked well together within the guidelines set forth in the standing order of March 3, 1988. Because of this bipartisan effort to address issues that are within the jurisdiction of the two committees, this is a good bill, and I encourage my colleagues to support its passage.

Mr. BURNS. Mr. President, I am pleased to support the National Science Foundation (NSF) authorization bill, which is before us today. Prior to this Congress, when I became chairman of the Communications Subcommittee, I served as chairman of the Subcommittee on Science, Technology and Space, which has jurisdiction over the authorizations for the NSF. I conducted several hearings on NSF during that time. I am also a member of the Senate Appropriations Subcommittee on VA-HUD Independent Agencies, which funds the NSF. As a result, I have had the opportunity to get to know this agency and its program as well.

I will have to tell you that when I came to the U.S. Senate, I did not expect to become a champion for the National Science Foundation and for scientific research, education and technology. But, I quickly became a strong supporter.

I have seen what this agency can do, and its importance to the people in our states. NSF is about seeking new scientific knowledge and using that knowledge. It is about helping the researchers and teachers in our colleges and universities and helping them to make certain that their students receive a good education, with scientific, mathematical, engineering and technological opportunities. It is about offering better training and materials for our K-12 teachers. And, it is about developing infrastructure, such as advanced telecommunication and computing opportunities. Such infrastructure is particularly important for rural states, such as Montana.

NSF has funded research which led to Montana State University's Jack Horner's now famous work on dinosaurs. It has helped us start new program in computational biology. It has funded an Engineering Research Center, which has undertaken cutting edge research in networking connection and supported other networking and telecommunications programs. There is interest in new research opportunities on life in extreme environments, which could include the Yellowstone area, and in the plant genome initiative.

I also want to say a few words about a program that is of particular importance to my state—the Experimental Program to Stimulate Competitive Research (EPSCoR). EPSCoR was created to assist states such as Montana become more competitive in the federal R&D arena. Unfortunately, federal R&D funds are highly concentrated in a few universities in a few states. That is not justifiable. Today's global economy requires that all parts of our nation share in scientific and technology development if we are to keep our entire nation and its industries and workforce competitive. Today, we know that scientific and technological problems and issues in one area of the country are likely to affect people in other areas. And, we know that we cannot have a healthy national science and technology system unless there is widespread support throughout our country for it.

The EPSCoR program is the base for much of our rural states' scientific and technological activities. It helps Montana and 17 other states develop infrastructure. It helps us develop new programs and take advantage of special opportunities. It has recently been assisting our states on participating more fully in other NSF programs. And, it was instrumental in ensuring that the EPSCoR states participate in the vBNS connections program and the Next Generation Internet initiative. I believe in the EPSCoR program, and would like to see the program expanded

in terms of financial assistance, especially when NSF funding overall is increasing and also since the co-founding, which is scheduled to increase in this budget year, should be matched by a similar increase in the base EPSCoR program.

I know that the report prepared last fall by the Senate Labor and Human Resources Committee endorsed by EPSCoR program, and we on the Senate Commerce, Science, and Transportation Committee are equally supportive.

The PRESIDING OFFICER. Under the previous order, S. 1046 is deemed read a third time, the Labor Committee is discharged from further consideration of H.R. 1273 and the Senate will now proceed to its consideration. Under the previous order, all after the enacting clause is stricken, the text of S. 1046, as amended, is inserted in lieu thereof, and the bill is deemed read a third time.

The bill (H.R. 1273), as amended, was deemed read a third time.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the role.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—99

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Helms	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sarbanes
Coats	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden

NOT VOTING—1

Inhofe

The bill (H.R. 1273), as amended, was passed.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that I may speak as in morning business for 3 minutes.

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

PATIENTS' BILL OF RIGHTS

Mrs. BOXER. Mr. President, earlier this morning, some of us were on the floor urging the Senate to bring up the Patients' Bill of Rights, a very important bill that would essentially protect patients from decisions made by accountants and bureaucrats in insurance companies and have their health care decisions made by physicians.

I was talking with the Senator from North Dakota who has been presenting a number of cases that proves our point as to why this legislation is needed, and he shared with me a most extraordinary case coming out of California. I am going to tell the Senate about this case, because we cannot close our eyes to what is happening.

I share with you the case of Joyce Ching from Agoura, CA. Joyce Ching lived with her husband David and 5-year-old son Justin. In 1992, when David switched jobs, he was offered an array of plans, but Joyce convinced him to join an HMO because she wanted the entire family to go to the same place to get their care.

In the summer of 1994, Joyce got sick. She began to suffer from severe abdominal pain and from rectal bleeding. The pain was so excruciating that some days she couldn't even get out of bed to be with her son. She visited her HMO doctor and was refused referral to a specialist.

I am not a physician, but I know enough people who have had problems, and when you have rectal bleeding, that is a sign that something is amiss. Yet, this HMO did not refer her to a specialist. Do you know what her doctor in the HMO told her? That her symptoms would be alleviated by a change in diet.

She changed her diet, and the symptoms were not alleviated. Fearing that her illness could hamper her chances of having a second child, she continued to complain to the physician that her pain was getting worse, and the doctor said, ''Give your diet time,'' and still would not refer her to a specialist.

Finally, after nearly 3 months and countless visits, she was referred to a gastroenterologist, but it was too late. Joyce, 34 years old, was diagnosed in the final stages of colon cancer.

What is so shocking about this case is that her doctor never really listened to her concerns and never sent her to a specialist. When you find out why, it will send chills up and down your spine. There was a deal in that HMO. They looked at Joyce's profile and they decided: A healthy woman in her thirties, we can't spend more than $28 a month on Joyce.

I will conclude with this, Mr. President. The HMO's accountants decided that Joyce should cost the HMO $28 a month, and they told the doctor, ''If she costs you any more than that, your clinic will have to pay out of its own pocket.'' So there was a deal made to give incentives to that clinic not to treat this woman, and she is gone. She is gone forever from the lives of her husband and her beautiful son, and she died at 34.

I have to say, when we stand up here day after day with these cases, it is not to hear the sound of our own voices, because there are thousands and thousands of stories like this, and people want action. They want decisions made by physicians. They want patients and physicians to be honest with each other. They don't want incentive payments to doctors so that they will not be treated. This is a tragedy that you cannot even measure, Mr. President. I call on the leadership to allow us to bring up the Patients' Bill of Rights. I yield the floor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:47 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 having arrived, the Senator from Texas is recognized to move to recommit the conference report accompanying S. 1150.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. 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. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Mikki Holmes, an intern, be allowed on the floor for the duration of this debate.

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

Mr. WELLSTONE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator is recognized under the previous order.

MOTION TO RECOMMIT

Mr. GRAMM. Mr. President, I send a motion to the desk and ask for its immediate consideration. I will have it read.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] moves to recommit the conference report on S. 1150, the Agricultural Research, Extension, and Education Reform Act of 1998 to the committee on conference with instructions to the managers on the part of the Senate to insist that the expansion of Food Stamp eligibility in Title V, Subtitle A, section 503 shall only apply to refugees and asylees who were lawfully residing in the United States on August 22, 1996.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, it is clear to me, from the debate we had earlier, that it is going to be somewhat difficult to get people to debate this issue. However, let me try by being frank and yet fair to everybody. I would like to outline what happened to this bill in conference, and why I believe it is important that this motion pass.

First of all, let me remind my colleagues that the Senate adopted a bill to promote ag research. It is a bill that I would assume 100 Members of the Senate support.

My State is a very substantial beneficiary of ag research. The institution which I love more than anything, other than my family, Texas A&M, is a major ag research institution. Needless to say, no one should be surprised that I am in favor of ag research. In addition, I am a supporter of research in general.

In 1965, we were spending 5.7 cents out of every dollar we spent in the budget on general research. That is now down to 1.9 percent of the budget on research, because rather than investing money in new technology, new products, and new science for the next generation, we are being driven by politics to invest in the next election by spending money on programs that have big constituencies in the next election rather than beneficiaries in the next generation. Again, I support agriculture research. The Senate bill went to conference on a unanimous vote, and the House passed a bill that was an ag research bill. However, the nature of the bill changed in conference, and it changed dramatically. Many other provisions were added to the conference report that were never voted on in the Senate and never voted on in the House.

The major provision that I want to address in this motion to recommit with instruction is the provision having to do with food stamps. My colleagues will remember that while we had a contentious debate on welfare reform, when it came time to call the roll on August 22, 1996, we passed a comprehensive welfare reform bill on an overwhelming bipartisan vote. Part of that welfare reform process was setting much higher standards on food stamps and eliminating the attractiveness of welfare in general, and food stamps in particular. We were trying to change the law to eliminate a situation where, over the last 25 years, we had seen a change in the welfare law. People were actually being attracted to America not with their sleeves rolled up, but with their hands held out seeking benefits paid for by someone else's labor.

This bill, unfortunately, takes a major step backward. This bill re-institutes $818 million worth of food stamps that were eliminated in the welfare reform bill. I remind my colleagues that the Senate did not vote on the food stamp provisions in this bill. In addition, the bill, as it was voted on in the House, did not contain these food stamp provisions. Yet, in conference, as part of the age-old logrolling process of putting a bill together to be a grab bag for everybody, a provision was added that provided $818 million worth of food stamps for immigrants. The President was a major supporter of this provision. In fact, yesterday, our distinguished ranking member, Senator HARKIN, called this provision a major step toward fulfilling a promise that was made by our President.

Well, our President was not for welfare reform when it was debated and basically was shamed into signing it. What he said at the time was that he intended to go back and undue major parts of it. This provision, in fact, fulfills part of that commitment.

This motion is drafted very, very narrowly. It simply says to not touch the welfare benefits added back for people that were already here on August 22, 1996. Go ahead and take those provisions, but don't set out a provision in law that is giving new food stamps to people who might choose to come in the future.

There is a provision in this bill that would give 7 years of eligibility for food stamps to people who come and who declare themselves refugees in the future. Under the provision in the bill, whether they come next year or 20 years from now, they can come and declare themselves refugees and qualify for 7 years of food stamps. Mr. President, I think that is providing the wrong incentive for people to come to America.

Let me also say that I am a strong supporter of legal immigration. I don't want to tear down the Statue of Liberty. I don't want to build a wall around America. There is still room for hard-working, dedicated people with big dreams to come to America. But I want the dream to be of working and succeeding, not getting on welfare and food stamps.

What my amendment simply says is that the one provision of this bill that is prospective whereby providing food stamps into the future for seven years would be stricken. However, the refugees and asylees who are already here on August 22, 1996, would be able to receive food stamps for seven years.

Our colleagues are going to say that the world is coming to an end if we go back to conference and that somehow this bill will die. Everybody in the Senate and everybody in the House knows that ag research is not going to die. Everybody in the House and everybody in the Senate knows that crop insurance is not going to die.

If we send the bill back to conference, we have an opportunity to begin to correct problems with the bill. Both the Speaker and the majority leader of the House have said, in one forum or another, that they are not in favor of this bill being considered in the House. By sending it back to conference, we have an opportunity to begin the system of inducing moderation into the bill, which I believe can speed up the day we obtain funding for agriculture research and crop insurance.

Let me say again that I support agriculture research, and crop insurance. I don't think we should have to pay tribute every time we put together a program to try to promote job creation and economic growth in America. I don't think that every time we have an agricultural bill that tries to move us toward a more competitive agricultural system, we should have to pay tribute to people who always want an add-on such as the food stamp provisions in this bill. The provision adding food stamps was little more than a tribute for allowing this bill to move forward.

We can pass this bill without the food stamp provisions, but I am suggesting that we deal with one narrow part of the bill. I urge my colleagues to support this provision, because in this provision we don't take any benefits away from the restoration contained in the bill for immigrants who were here when we passed the welfare bill in 1996. Certain legal immigrants who were here when the welfare bill passed will have benefits restored by this provision. This motion, if defeated, would send the signal that we want to create new benefits in the future that would allow you to come to America and can obtain food stamps.

That, I think, is the wrong signal. It is not a signal I want to send. It is a signal that I think is destructive for those of us who believe in legal immigration.

So I urge my colleagues to support this motion to recommit with instructions. I remind my colleagues that the conference has not been discharged. We can go back to conference this afternoon, and this provision can be voted

on. If it is adopted in conference, it can come back to the Senate, and it would probably pass unanimously. If it is rejected in conference, we at least know there has been a vote in conference.

The point is, this bill is not going to die if we adopt this motion. I want people to look at this provision and vote on it on its merits. If they will do that, I will be satisfied.

I reserve the remainder of my time.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. Mr. President, I will try to do this in 3 minutes. First of all, I say to my colleague from Texas, what he is now willing to do is hold up, delay, and potentially kill, crop insurance, which is extremely important to farmers in Minnesota and across the country, and research on alternative uses for agriculture products, crop disease, and research on scab disease in northwest Minnesota.

He is willing to do this because he thinks there is some terrible wrong in this bill. I think it is a right. I think we are doing something that lives up to the very best in America. I say to my colleague and to people in the country, my colleague from Texas wants to hold this bill up because he finds it to be an offensive proposition that we should say that for legal immigrants we will make sure there is some assistance for those people who are elderly, disabled, and for small children.

The Physicians for Human Rights released a report this past week finding an alarming amount of hunger and malnutrition among these legal immigrants. Food stuff use is on the rise. In the United States of America today at the peak of our economic performance we have people who are hungry and in jeopardy. What we ought to do here is restore some assistance for these legal immigrants. These asylees and refugees are people who have fled oppression in countries like Indonesia, China, you name it. They come to our country in the hope that we would be willing to extend a helping hand.

My colleague from Texas talks about that as if it is a bad thing to do. I thought that is what we were about—people who fled persecution, people who were legal immigrants. Many of them were parents. My dad fled persecution from Russia. For the U.S. Senate to say, ''Look, we want to correct the harshness. We want to make sure there is some assistance for you to make sure you don't go hungry if you are elderly, if you are disabled, if you are a small child, if you fled persecution from a country.'' That is the right thing to do. Certainly we ought not to be holding up the agriculture research bill, which is so important to agriculture in our country and so important to farmers in Minnesota.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERTS addressed the Chair.

Mr. LUGAR. Let me inquire of the distinguished Senator from Kansas. Does the Senator require time at this moment?

Mr. ROBERTS. I tell my distinguished chairman, if he could yield to me maybe 5 minutes.

Mr. LUGAR. I yield 5 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I suppose that some of what I am going to say is repetitive in that most of this was discussed during the general debate. But I feel compelled to speak again because of the strong personal interest in this in behalf of myself and many of my colleagues who served on the House Agriculture Committee, and for that matter the Senate Agriculture Committee back in 1996.

There has been a real success story in regards to the Food Stamp Program and reforms that have been initiated. In 1996, with all due respect to that program and others who supported it, it was a program out of control. It couldn't even be audited. The inspector general came in, an inspector general from New York—a tough cop, by the way, named Roger Viadero, who has done an outstanding job, basically said that the Food Stamp Program could not even be audited due to the fraud, abuse, and organized crime involvement. As a matter of fact, he had a tape that we showed during the Committee hearings which ended up on 60 Minutes. And we know all the stories about the Food Stamp Program, about the waiting in line, people with food stamps exchanging them for cash and then buying things that obviously did not represent a nutritious market basket of food.

They got a new inspector general. We exposed the fraud and abuse on 60 Minutes and saved $3 billion to $5 billion in regard to the fraud and abuse. Then we instituted major reforms. I am talking about the Senate Agriculture Committee and the House Agriculture Committee—$24 billion, as the distinguished chairman has pointed out. I just do not think that is a success story that can be equaled.

As a matter of fact, as to the person in charge of the Food Stamp Program there were many allegations made in regard to the performance of duty. She resigned. It is in better hands. Then we gave these reforms to the States. The States have come back with administrative savings. That is where the $1.7 billion comes in that has been referred to in terms of entitlement. And that money, I think, should be used for agriculture research, and I believe it also should be used for crop insurance and risk management. And, yes, there is some limited assistance in regard to food stamps.

But let me refer to the comments made by the distinguished Senator from Texas whose concern I share. I certainly don't want any social welfare program, food stamps or otherwise, to be a beacon for people to come to this country when they wouldn't otherwise.

But we are talking about refugees, and a refugee is defined as follows: A person who is fleeing because of persecution, or well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group or political opinion, and who is of special humanitarian concern to the United States.

I don't think people choose to be a refugee. That is just not the case. People are not fleeing their country to come to the U.S. with a beacon held out there saying ''I am coming because of food stamps.'' And we have a cap on the number of refugees. It will be 75,000 admissions for the fiscal year as of 1999. Who are these people? The European numbers are used largely for Soviet religious minorities and Bosnians. East Asian numbers are for former Vietnamese, reeducation, camp detainees, and Laotians. I could keep on going down here. Basically, refugee admissions have fallen significantly from over 100,000 per year during fiscal year 1989. Now they are down to 75,000, and they are headed further downward.

Here is the difference. The agriculture research bill's food stamp provisions mirror the SSI provisions of last year's Balanced Both Houses have approved that.

Let's go back to the original food stamp reform that was passed in 1996 that I just talked about. These welfare reforms eliminated the benefits for anywhere from 800,000 to 950,000 noncitizens. This bill extends those benefits back to the children, the elderly, and the disabled who were in the country before August 22. That is the day of enactment of the bill. And, yes, it does also extend the benefits to refugees and asylees who may have entered after the August 22, 1996, debate. That means the total of the benefits will be restored to 250,000 people, not 900,000. I do not think this represents a step back from the far-reaching food stamp reforms that were passed back in 1996.

I think if you take a hard look at these people, I don't think the Food Stamp Program represents a beacon in regard to any kind of a reason that they would come to the United States. I have already read the definition.

I thank the distinguished chairman for yielding me this time.

Mr. LUGAR. Mr. President, I yield 5 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Presiding Officer, and I thank especially the chairman of our committee.

Mr. President, I rise to speak on behalf of the research bill that we have before us. It has the title of ''agricultural research.'' I think that is really somewhat misleading because this bill has a lot more in it than agricultural

research, although agricultural research is critically important. Some who are not in agriculture may wonder: ''Why is it so important?'' Let me just give them an example from my home State of North Dakota, one of the most agricultural States in the Nation, traditionally one of the largest wheat producers, one of the largest barley producers, one of the largest sunflower and sugar beet-producing States in the Nation, and the State that produces the vast majority of the durum wheat that goes to make pasta which is enjoyed by all of America.

Last year, we lost a third of the crop in North Dakota to a disease. That disease is called scab. Scab is a fungus. In North Dakota we have had 5 years of extremely wet conditions. People may recall that last year we had an extraordinary set of disasters in North Dakota. That is just the continuation of a very severe weather pattern. Because of those overly wet conditions this fungus is growing in the crops of North Dakota; this scab. It destroyed a third of the crop last year. That is stunning. That is a loss of $1.1 billion just in my little State of North Dakota in 1 year.

In this bill there is a provision to provide $26 million over 5 years on scab research so we can attack this problem. That is a reason that this bill is important. That is not the only reason.

There are many other important agricultural research priorities to keep America on the cutting edge and on the leading edge of production agriculture. It is very important for our people to understand that our chief competitors are spending far more supporting their producers than we are spending supporting ours. In Europe they are spending about $47 billion a year to support their producers. We are spending about $5 billion.

So we are asking our farmers to go out and compete against their farmers with their farmers having a substantial competitive edge.

It is critically important that we not take everything away that our farmers are using to try to stay ahead of the competition.

In addition, in this bill is the money to shore up the crop insurance system, also critically important to those areas that are experiencing losses as a result of these unusual weather patterns we are experiencing. Here on the east coast we have had, I think it is now, 13 days of rain. We have already had 50 percent more rain at this time of the year than is normal. And that is affecting crops as well, because just like overly dry conditions have an adverse effect, so do overly wet conditions. That is what we are seeing, a very odd weather pattern across America this year. The crop insurance system needs to be strengthened and preserved. The funds to do it are in this bill.

Now, our colleague from Texas comes along and he tells all of us, ''I want to send this bill back to committee. I want to get some changes made. It won't really endanger the legislation at all.''

That is not true. Those of us who are on the Budget Committee understand what is at stake here. We understand that there is a budget resolution that has already passed this Chamber and is over in the other Chamber, and it takes a big chunk of the savings that are from the Agriculture Committee and uses them for another purpose. If this bill does not get passed and get passed quickly, we may lose these funds from agriculture altogether, and that would be a tragedy.

I thank the Chair and yield the floor.

Mr. REED. Mr. President, I rise today to express my support for the Conference Report on S. 1150, the Agricultural, Research, Extension, and Education Reform Act of 1998. Certainly, there are a number of important issues addressed in this bill, but none more critical than the provisions that would restore food stamp benefits to many elderly, children, and disabled legal immigrants.

While I am pleased that over 70 Senators joined the effort to bring this Conference Report to the floor, I am disappointed that action on such an important and bipartisan bill has been needlessly delayed. My colleagues have demonstrated overwhelming support for this Conference Report.

Like many of my colleagues, I was deeply concerned about provisions of the 1996 welfare reform law which denied benefits to legal immigrants, particularly children, the disabled, and the elderly. The welfare reform law was necessary to help people move from dependency to work, but it was not perfect. That is why we worked to restore Supplemental Security Income and Medicaid to legal immigrants in last year's balanced budget agreement.

With the Agricultural Research Conference Report, we take another important step to address the needs of our most vulnerable legal immigrants. Some states, including my home state of Rhode Island, have provided temporary benefits to fill the void created by the welfare reform law, but a permanent and uniform federal solution is needed for this group of immigrants.

Under the Conference Report, food stamp benefits would be restored to those legal immigrants who were in the United States when the welfare reform law went into effect on August 22, 1996, if they met certain conditions such as: (1) they are or become disabled; (2) they are children; or (3) they were over 65 years old at the time the welfare reform law was enacted. In addition, the Conference Report restores food stamp eligibility to Hmong immigrants. While this Conference Report does not restore benefits to all legal immigrants, it is a positive and essential first step.

Mr. President, our nation has prospered from the tremendous contributions of immigrants who have strengthened our economy and brought vitality to our communities. Today, we have the opportunity to restore benefits to children, elderly, and disabled legal immigrants—many of whom have worked and paid U.S. taxes. I urge my colleagues to oppose the motion to recommit and support the Conference Report on S. 1150.

Mr. LEVIN. Mr. President, I am pleased to support the conference report to accompany S. 1150, the Agricultural Research, Extension, and Education Reform Act of 1998. This legislation contains very important provisions that will help improve the delivery of safe, healthy, and value-added agricultural products to the American and world marketplace, and keep rural America strong.

The conference report contains a provision very similar to one in S. 1597, a measure I introduced as a companion to a bill introduced in the House by Congresswoman STABENOW. This provision directs the Department of Agriculture to assemble FEMA-like Crisis Management Teams to respond to emergencies, like threats to human health from food-borne pathogens. And, USDA must work with other agencies to ensure coordinated information and actions in the event of such a crisis. This is a very important and non-regulatory way for the Federal government to identify, correct, and prevent future food supply contamination.

S. 1150 contains a host of other important provisions, not the least of which is a funding mechanism to ensure that these new authorizations are paid for. USDA will be the site of a new Food Safety Research Information Office that will centralize and make public research and scientific data on food safety issues. Wheat scab, which has been a multi-billion problem in Michigan and in other barley and wheat producing states in the North Central region, will be the subject of a new research initiative. The crop insurance system will be made solvent. Precision agriculture, which uses high technology to reduce inputs like fertilizer and pesticides, will get new emphasis. And, USDA will conduct focused research to help diversify the crops that make up our main food supply, so that it will be less vulnerable to disruptions due to weather, pests or disease.

Mr. President, this is an important bill and I hope my colleagues will not vote to recommit the conference report. That would send the wrong message to a major sector of our economy and call into question Congress' commitment to a safe and abundant food supply.

Mr. LUGAR. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 7 minutes.

Mr. LUGAR. Mr. President, the report with regard to the conferees on agriculture reform is supported by 17 out of the 18 members of our committee. I make that point because the 17 have written to our leader asking him for this debate. They are grateful for that opportunity. The 18th was predictably our colleague and a very valued

member of the committee, the Senator from Texas, Mr. GRAMM, who objects to the conference report and has offered this recommittal motion as a way, in my judgment, of defeating the conference report.

Let me just offer a word of clarification. As the chairman of the conference and one of the conferees, along with Senator COCHRAN and Senator COVERDELL on the Republican side, we supported the conference report after meeting with House colleagues who had very considerable enthusiasms of their own. This is not the first time that the Senate and House have met in a conference and have had to wrestle with issues that were distinctly different in the bills and have come to a compromise which, in my judgment, is a sound one, which was supported immediately by all the conferees in the House and the Senate in both parties and by 74 United States Senators who have written to the majority leader supporting this conference report. They do so because it is extremely timely. There are farmers in the field now dependent upon the crop insurance provisions.

If we are not successful today, of course, we will return to the conference, but I have already turned to the conferees and they are unanimous that we should proceed with the same bill and we will be back in the Chamber delayed by days or weeks as the case may be. The Senate may then pass the conference report. Perhaps the distinguished Senator from Texas is correct that this is going to pass by a very large majority. But is it any more certain that this same conference report will pass days and weeks hence, if we can get floor time, than today? I doubt it.

Now, the reason why conferees will not change the conference report is that the distinguished Senator from Texas has asked for a very narrow change that does not make a lot of sense. Let me review, Mr. President, respectfully, why I make that comment.

Before welfare reform, all legal aliens were eligible for food stamps, for SSI, the Social Security income payments, and for Medicaid. Before welfare reform, all of these persons were eligible. With the passage of welfare reform, most legal aliens became ineligible until such time as they became citizens.

But, Mr. President, follow carefully if you will. Refugees and asylees continued under welfare reform to be eligible for SSI, for food stamps, and for Medicaid. No new entitlement here. Welfare reform simply continued their eligibility from the pre-welfare reform days.

Now, the balanced budget amendment restored Social Security to some of the legal aliens; namely, to children, elderly, the disabled who were in this country on August 22, 1996, when we passed welfare reform. And it made asylees and refugees who already had benefits, who retained those, eligible now for 7 years of Social Security income and Medicaid.

Mr. President, you might ask, while we were at it we all passed this bill, the balanced budget amendment with enthusiasm. Why did we not change the food stamp provision from 5 years, which the refugees and asylees had, to 7 years to conform with what we were doing on income and the rest? Well, we did not because the Finance Committee had jurisdiction over that particular money. The Agriculture Committee has jurisdiction over food stamps. We were not in the picture. We are today. The intent of the motion of the Senator from Texas is in essence over the idea that the 5 years the refugees and asylees already had should not go to 7 years, and we should go back to conference to apparently knock back the 7 to 5. It is something which most Members find incomprehensible.

The distinguished Senator has a larger point, I believe, in his motion. He believes that however you phrase the food stamp situation, it is a beacon of hope for persons to come to our country, as he says, for years, for decades. Well, perhaps, but the asylees and the refugees are not swarming across our borders. They are people one by one who must present themselves and say and affirm: I am a potential victim of persecution, well-founded, and they have to prove that. If they do not prove it, they do not get in. And frequently people who had not gotten in went back and were killed. There are consequences to those decisions.

The people presenting themselves are Evangelical Christians; they are Jews from the former Soviet Union; they are Cubans who have tried to escape Castro; they are people who have fled from Somalia and from racial persecution in Bosnia recently. These are tough cases, and we recognized that in the welfare reform bill. We said keep them with a safety net because they do not have sponsors. They come with the shirts on their backs. And we have done so because we are a humane people. What sort of people are we to think about denying persons who have come in these circumstances to our shores? This is not a neon sign advertisement. It is simply a fact of the kind of country we are.

To send all of this back to conference over the fact that 5 years of eligibility these people now have should be changed to 7 seems to me to be an item the Senate should reject and do so decisively.

Finally, let me just simply say that LARRY CRAIG, the distinguished Senator from Idaho, has said:

> This is more than just a reauthorization bill. Legislation before the Senate today is an investment in the future and represents our commitment to America's farm families. By providing the technical assistance and extension activities that help expand farm income, improve resource management, and develop new crop varieties, federally funded agricultural research assures that our Nation will continue to lead the world in farm production and help bolster the stability of our rural areas.

I concur with that. This is not a question of an entitlement. It is the question of our commitment in the farm bill.

We committed to America's farmers, for a 7-year period of time, a proposition—freedom to farm, the idea to manage your own land and plant for the future. And American farmers have responded to that. They have planted over 10 million more acres. They have raised their income. They have raised exports for America. But we said there will be a safety net in this transition from the old days of supply management. It includes payments to farmers that decrease over the next 5 years. It includes the CRP, the Conservation Reserve Program, that tries to protect the environment for a 5-year period of time. We believe it needs to include farm research during this same period of the next 5 years, and crop insurance with those guarantees. The argument is, it could be done year by year, but this is not of great assurance to our farmers.

So, for all these reasons, I ask the Gramm amendment be defeated and we move on, then, to prompt passage of the conference report. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me explain why the amendment does make sense. And let me do it by going back to our welfare reform bill. I would like to remind my colleagues, not that public popularity is the be-all and end-all—it can often be misleading in the short term—but I am sure many of my colleagues are aware that when asked what action by Congress in the last 4 years they most approved of, the American people, in a set of polls taken last month, said ''welfare reform.'' What we did in welfare reform is, we set higher standards for welfare and we defined work as the norm, and we defined welfare programs as temporary programs to help people help themselves.

When we wrote the welfare reform bill in 1996, and I was active in it and was a conferee, this provision with regard to refugees was a hard-fought provision. Prior to the 1996 bill, there was no limit on the amount of time that a refugee could get food stamps. Many people, including myself, wanted to set a strict limit on it, again with the idea that we were talking about transitional help, but we wanted people to come to America, as millions have come—and millions of Americans have come as refugees; millions of Americans have come as refugees since World War II.

We know that many of these refugees are really economic refugees but they claim to be political refugees, and often it is very difficult to tell the difference because countries that have bad political systems normally have bad economic systems.

So, after a real battle in conference, endless days of negotiations, we settled

on a 5-year limit. Now, in this bill, in a bill that, when it was considered in the Senate where it was amendable, there was no food stamp provision, there was no debate on this issue. When it was considered in the House, there was no provision expanding food stamps, no debate, no ability to amend it. Now we have a conference agreement that adds $818 million back in food stamps that were denied as part of welfare reform. This bill is a major step toward overturning the welfare reform bill.

I have singled out this provision because I think it is critically important. Whenever proponents of the provision in the bill debate it, they always like to talk about children, disabled, and elderly—and don't we all?—because, obviously, that is where we can focus our concern. But the provision that I am trying to deal with here has nothing to do with children, disabled, elderly, who were in the country on the day we passed the welfare reform bill. The provision that I am trying to deal with is the prospective provision which simply tries to draw a line and says that we passed a welfare reform bill, we negotiated this out, and here we are, 2 years after it went into effect, raising the number of years that you can be on food stamps under the new welfare bill as an immigrant by an additional 2 years.

Why are we doing it? To quote one of the proponents, ''It provides seamless protections so people can come, get food stamps, become citizens, and continue to get food stamps.''

I want people to come to America to go to work. I want our assistance program not to be a way of life. We debated this issue 3 years ago, and those who believe that welfare should not be a way of life won on an overwhelming vote. Yet, over and over and over again, in little parts and parcels, we are undoing one of the major legislative activities that we have undertaken in this decade. This bill is such an activity.

So, I am not for the food stamp provision, but I am not asking my colleagues to strike it out. I am asking my colleagues to ask the conference to reconvene and to remove the prospective provision which says that anyone coming in the future can qualify as a refugee and get 7 years of food stamps. I believe that we are, through this provision, taking a step to go back to the days, which we have recently put behind us, where we were asking people to come to America, not with their sleeves rolled up ready to go to work, but with their hand held out ready to go on welfare.

This is a little issue. We are not talking about big amounts of money, but we are talking about a big principle: What do you want the beacon drawing people to America to be? Do you want the beacon to be welfare and food stamps? Or do you want the beacon to be the opportunity to live and work in the greatest country in the history of the world?

So, to some people this may look like a small issue. We are not talking about much money, because this bill is a 5-year bill. Obviously, there are very few people—since you can get food stamps now for 5 years, extending it to 7 will affect only a few people in the last year of the bill. But the principle is a big principle, and the principle is, ''what kind of America do you want, and what kind of American do you want?'' I want people from all over the world, from all kinds of backgrounds, who share one thing—a dream of having the opportunity to come to America and work and build their dream and the American dream. That is what I am for. That is what this provision is about.

I would like now, Mr. President, to yield 5 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Presiding Officer will inform Senators that the Senator from Texas has 12 minutes 10 seconds remaining on his time. The Senator from Indiana has 8 minutes.

The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Mr. President, I have few superlatives that I can claim as a Member of the Senate, but one of them is that I have spent 52 years in active agriculture, farming, and in all phases of it. I would be hard pressed to find the crop or the livestock interest that I have not, at one time or another, been involved in.

North Carolina is home to some of the most productive and largest farms in the Nation and the finest agricultural research universities, by far, in the Nation. I don't think that I play second fiddle to any Senator in support for reauthorization of the agricultural extension bill. It is critical to the farmers of this country and to the universities and the ag research universities. But the bill also makes important reforms to the Crop Insurance Program that will benefit farmers and taxpayers. Planting season is here, and we need to get it settled, and I am ready and anxious to do it.

However, despite what I have just said, let me add, I don't play second fiddle to any Senator in my support of real welfare reform. Workfare, not welfare, was the platform I ran on for the Senate in 1992. The 1996 welfare reform bill, although watered down, was a real accomplishment for the 104th Congress. I preferred the first two bills that were vetoed by the President, but the third was still a good bill. That is why I am so disturbed that we are gutting the welfare reform and doing it in an agricultural research bill.

This bill restores food stamps for 250,000 immigrants. We sit here and say very nicely, ''But it doesn't amount to much; it is only 2 years on to 5, so let the 2 years go.'' Will next year be at 10? In the following session of Congress, do we go to infinity? That is the reason we have a $5.5 trillion debt today, because 2 years wasn't very much, but 3 would be fine, and we kept going.

In effect, it says,

> Welcome to America. Come on, you don't have to be productive. You know when you leave where you are and come to this country that you are going to be eligible for food stamps for 7 years, and by the time you get settled in, we will change the law where you will be eligible and you won't ever have to work because we will feed you.

We already restored SI payments. Now we are throwing food stamps for another $80 million.

We also said that the welfare reform bill ended welfare as we know it. Unfortunately, this agricultural research bill is welfare reform as we did it. These changes to the welfare reform law come at the insistence of President Clinton. He vetoed the first two welfare reform bills, and he has succeeded in rewriting the one that he signed. If he was going to start trying to rewrite it before the ink dried on it, he never should have signed it.

I want the agricultural research bill without the food stamp provision to pass. Nobody is more in support of agricultural research and the whole agricultural bill than I am. It is critical to North Carolina, but the food stamp provision is a another step toward reversal of the welfare reform bill.

Mr. President, the Statue of Liberty holds a torch of freedom, not a book of food stamps and a lifetime right to not to have to work. That is the flag we are waving to people coming into this country: ''Sit down, relax, you are home free.'' The Senator from Texas is doing the right thing, and I am proud to support him. I thank the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Who yields time?

Mr. LUGAR. Mr. President, I yield 3 minutes to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 minutes.

Mr. BOND. Mr. President, I rise in strong support of the conference report and urge my colleagues to oppose the motion to recommit. For those in agriculture, it is critical that we move this in a prompt and expedited fashion and avoid any additional delay. The time for passage is now.

I congratulate Chairman LUGAR, Senator HARKIN and their staffs who have labored for months to bring this legislation before us. Simply put, agriculture needs this now. Included in it are urgent reforms and funding necessary to avoid a crisis which would undermine the viability of crop insurance—a safety net that farmers in my State and across the country cannot do without. This legislation is fully offset and paid for and is supported by a united agriculture industry. After months of careful and deliberate negotiations, a bipartisan agreement with the administration has been developed. It was an agreement with the administration and it takes into account the need to get the President's signature on it. I believe the work of the conferees should be applauded and endorsed with our support today.

I am particularly interested in the research title. We expect to see the world's population double in the next 30 years. The demand for food is expected to triple in the next 50 years. The world's population wants more food, cheaper food, more nutritious food, safer food, food that is easier to prepare and they want it produced on less land with fewer chemicals and in a more environmentally sensitive manner.

Those individuals who produce food and fiber for this world today—encumbered with what otherwise would be conflicting mandates—have never faced a greater challenge. Technology is the answer.

Remarkably, plant technology in this half-century has helped make it possible for the farmer, who in 1940 fed 19 people, to feed 129 people today.

Nobel prize-winning chemist Robert F. Curl of Rice University proclaimed that: ''* * * it is clear that the 21st will be the century of biology.'' The March 27 article in Science Magazine entitled: ''A Third Technological Revolution,''—after the Industrial and Computer-based revolutions—contends that: ''Ultimately, the world will obtain most of its food, fuel, fiber, chemicals and some of its pharmaceuticals from genetically altered vegetation and trees.''

The possibilities are breathtaking and the U.S. is poised to lead the third technological revolution as we unlock the secrets plant-by-plant and now, genome-by-genome.

Simply put, this research is about meeting the world's growing nutritional needs, protecting U.S. jobs and preserving the environment.

The legislation before us looks ahead to the challenges of the 21st century by providing additional funding on what all of us back home say is a priority; research. It provides $600 million for the Initiative for Future Agriculture and Food Systems. This will augment our federal commitment to undertake cutting-edge research in priority areas such as genome studies, biotechnology, food safety, precision agriculture and new use development.

I cite as an example, the University of Missouri has just tested a new hybrid corn which when fed to swine reduces phosphorous in manure by a whopping 37 percent. The Monsanto Company, in my State, is using biotechnology to produce cotton plants with genes that produce colors to reduce the need for chemical dyeing. From the corn plant, they have produced a human-like antibody that holds promise for allowing cancer patients to tolerate more frequent doses of a tumor-shrinking drug. The possibilities are breathtaking and the U.S. is leading the charge.

Let me say one thing to those who represent agriculture states. Almost 70 percent of the USDA budget is not for research or export promotion or conservation or for subsidies to farmers—it is for food and nutrition programs, primarily the food stamp program. For those who have watched over the years as a greater and greater percentage of USDA funds have gone to welfare, often at the expense of programs that assist farmers and conservation, this legislation moves $1 billion back to agriculture.

While I understand that some here today would like to see less money for food stamps for legal immigrants, others would like to see more. I recall that the Administration proposed in their budget that all this administrative savings go for legal immigrants and have threatened to veto crop insurance and research if it didn't also include funding for food stamps for legal immigrants.

The food stamp provisions of this act are an essential step to providing much needed assistance to certain legal immigrants. Attempts to undo this carefully-crafted bipartisan compromise will result in delay and ultimately undermine the entire bill.

The bipartisan leaders have worked hard to craft a bill that the President will accept. There should be no further delay and I urge my colleagues to reject the motion to recommit and move swiftly to final adoption of the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I don't have any time, but I ask if somebody will give me a couple minutes.

The PRESIDING OFFICER. Who yields time to the Senator from New Mexico?

Mr. GRAMM. How much time do we have on both sides?

The PRESIDING OFFICER. The Senator from Texas has 6 minutes, 47 seconds; the Senator from Indiana has 4 minutes, 43 seconds.

Mr. DOMENICI. Do we have a time certain to vote, or when the time expires?

The PRESIDING OFFICER. The vote will occur when all debate time has expired.

Mr. GRAMM. I ask unanimous consent that the Senator might have 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object, and I won't object, but I hope if we are going to go down this path that the other side be afforded equal opportunity to have additional time, if so requested. I don't request it, but in case somebody does request it.

Mr. DOMENICI. Mr. President, I say to the Senator from Indiana, what does he think about this? Does he want 5 minutes himself if I get 5?

Mr. LUGAR. Yes, Mr. President. Can we amend the request that there be an additional 5 minutes for me to speak?

Mr. GRAMM. Mr. President, the Senator is not going to speak on behalf of my amendment; he just wants to speak on the bill itself.

Mr. DOMENICI. Will the Senator give me 2 minutes, and that will be enough.

Mr. GRAMM. Let me repeat my request. Since the Senator is not going to engage in the debate before us, but has relevant comments about the bill before us, and we hope, obviously another motion, infinite number of motions are in order, but we hope this will settle the order, I make a unanimous consent request that the Senator have 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. Reserving the right to object, I renew my request that Senator DOMENICI have 5 additional minutes and I have 5 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I would like 5 additional minutes, then, as well.

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard. Who yields time?

Mr. GRAMM. 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. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAMM. Mr. President, I yield the Senator from Alabama 3 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 3 minutes.

Mr. SESSIONS. Mr. President, I am very, very reluctant to rise in opposition to this conference report as it is presently constituted, and in support of the motion to return this legislation to the conference committee. I believe, however, that returning this legislation to the conference committee is the proper and appropriate thing to do. Having said that, I feel that there are some marvelous provisions contained within this bill. For example, agricultural research is very important, and this legislation will strengthen and improve the work being done to advance this field. Similarly, crop insurance will be made sound under this legislation. Both are matters of critical importance to me.

I do not believe that sending the legislation back to the conference committee to fix this bill's entitlement expansion in the Food Stamp Program will kill this bill or extraordinarily delay it or in any way jeopardize the fundamental reforms that are contained in it. Sending the bill back to conference simply reflects routine business practices in this Senate.

Under this legislation's expansion of the food stamp entitlement, 250,000 new people will be added to the food stamp rolls. In my last campaign, I talked about the fact that the President had committed to undermining the welfare reform bill that was passed several years ago. These provisions have proven that statement to be true. This bill

expands from 5 to 7 years the amount of time noncitizens can draw food stamps. It is an expansion of that policy, and it is the kind of expansion I think is not justified. Will we next year come back for 10 years? Will it be 15 years? What will be the next revision?

There will always be pressure for us to expand and expand and expand. I think we have to show some integrity and some fortitude on this issue. And so, with great reluctance, I have to say to the distinguished chairman of the committee and the members of that committee that I cannot vote for this bill. I cannot vote for it because I told the people of Alabama I was not coming up here and voting for the undermining of the welfare bill that was passed last time. I cannot justify this expansion of the Food Stamp Program. So if we cannot send it back, I will be forced to vote no. I will hate to have to do that. I think supporting this motion to recommit the bill is the best way to address this issue.

I thank the Senator from Texas for his leadership and courage in raising this important issue, because we have to get to a point in this country where we can contain our spending tendencies, and if we do not, we will never maintain a balanced budget.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield 2 minutes to the ranking member.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 minutes.

Mr. HARKIN. I thank my colleague and compliment him on his leadership on this bill and all aspects of the bill, on research on crop insurance and food stamps.

I listened with some amusement to my friend and colleague from Texas talking about this issue, saying that it is principle, that he is doing this on principle. I know we passed the Balanced Budget Act last year in the Senate. That extended from 5 to 7 years Medicaid and SSI to the same refugees and asylees we are talking about. I do not recall the Senator from Texas then offering an amendment to strike it out of the Balanced Budget Act.

Mr. GRAMM. I voted no, I would like the Senator to be aware of that.

Mr. HARKIN. I believe the RECORD will show the Senator from Texas voted when the Balanced Budget Act passed the Senate.

Mr. GRAMM. I did. And I voted no.

Mr. HARKIN. I believe the Senator voted aye when the Balanced Budget Act passed the Senate—maybe not on the conference report but when it passed the Senate. And that provision was in the Senate bill to extend it to 7 years.

Secondly, the Senator from Texas may be philosophically opposed to food stamps. That is fine. That is his position—that may be his position. That is another debate for another time. We settled that in welfare reform, and we settled it in the Balanced Budget Act last year.

All we are doing now is making food stamps compatible with Medicaid and SSI. So I hope the Senator would not hold our farmers hostage, because that is what is happening. We know full well, if this goes back to conference, it is dead. We have hundreds of thousands of farmers who need crop insurance this summer. Over 106,000 winter wheat policies right now will be up on September 30. Farmers all over the plains States will not be able to renew their policies. Many farmers use their crop insurance policies as collateral in order to secure an operating loan. So if we do not have that, thousands of farmers will not have access to the credit they need to get the crop in. That is why we need to pass this bill.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Indiana has 2 minutes 40 seconds.

Mr. LUGAR. I yield myself that time.

Mr. President, let me make as clear as I can the parliamentary situation. We have tried, in the Ag Committee since last fall, to pass a sound research bill. We succeeded last fall. The House did not act finally until the end of the session and did not appoint conferees until a short time ago.

It has been a very difficult conference—not the first time such a thing has occurred. Conferences in the Congress have occurred frequently. Compromises are made.

Mr. President, to suggest glibly that we can go back to conference if the motion made by the Senator from Texas passes, simply excise what he wishes, and return to the Senate with a bill, is inaccurate. I have tested the conferees, and they will not change. The Senator from Texas may not change. Furthermore, if changes are made, the Secretary of Agriculture has written to the committee that he will recommend the President veto the bill. Now we can all estimate, Is the President bluffing? Is the Secretary accurate? Will somebody weaken on the House side—maybe many people—and suddenly see the light? Conceivably, Mr. President. And I pledge I will try. Patiently, for 6 months, I have tried, and if need be, I will continue to do that.

My prediction is, there will be a considerable delay with regard to crop insurance, probably a year or 2 delay in terms of research, and in due course I have no idea what will happen on the food stamp issue.

But, Mr. President, let me simply say, we have a remarkable possibility for achievement here today that I hope will not be defeated on a very narrow point. I understand the objections of our colleagues, but I understand an overwhelming majority, 74 Senators, expressed themselves in writing that this is their will. I hope we will have an opportunity to manifest it in passage of the report.

I yield back our remaining time.

The PRESIDING OFFICER. The Senator from Texas has 3 minutes 23 seconds remaining.

Mr. GRAMM. Mr. President, I yield 2 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. I thank Senator GRAMM.

I did not really think my few words would be this controversial, but I want to share with the Senate a concern. It is not just about this bill. But it seems to me that every day or so we are talking about an approach here in the U.S. Senate which essentially wipes out last year's budget agreement. The cornerstone to last year's budget agreement was the caps we placed on discretionary spending, both defense and domestic. That means, written in the law are numbers that we said we will not violate; that we will not exceed this level of spending.

Everybody who is getting anything from Government would like to turn those discretionary programs into mandatory programs, so they are not subject to the caps. Everybody would like to have a guarantee that their program is going to get funded. That is what we call an entitlement or a mandatory program. We are talking about that in this bill. We are talking about that in the tobacco bill in a very big way.

What is happening now is that we are absolutely breaking the agreement we made, which was so solemn, about getting our budget under control. Every time the budget bites and it squeals a little because a decision is tough, we find a way to avoid it and spend the money in another way. It is money nonetheless, and it is adding to the size of Government nonetheless.

Frankly, I do not agree with Senator GRAMM's position on this bill in terms of the food stamps provisions. But I, frankly, do not believe we ought to shut our eyes to a tendency that could become a very big stream. We are forgetting about appropriated accounts and caps, understandings and agreements, and finding brand new ways to fund programs that will be on automatic pilot.

I submit to you, from the taxpayers' standpoint, there is absolutely no difference. If you are using a dollar of taxpayers' money to break the caps that we agreed upon or if you are spending a dollar for a new entitlement program, it is the same effect.

I hate to make this statement on this bill because I am not necessarily saying the bill should go down to defeat. But I want to warn the Senate—and I am going to warn the Senate on every bill that circumvents the caps—that this is not the way we got to balance.

This is not what we promised the American people and the marketplace in terms of where we were going as a Congress, and I plan to call that to everyone's attention on a regular basis.

I yield the floor and thank the Senator for time.

Mr. GRAMM. How much time do I have?

The PRESIDING OFFICER. There is 1 minute remaining.

Mr. GRAMM. Mr. President, I think Senator LUGAR put his finger on the situation when he said that the President would veto the agriculture research bill and crop insurance if the bill didn't contain $818 million worth of new food stamps adding 250,000 people to the food stamp rolls. I believe that is piracy. I do not believe the President would veto this bill. Further, I am confident that we would override his veto, and I think it is imperative that we start standing up and defending the major actions we take, and welfare is one of those actions.

This bill is going to effectively raise the level of spending in the Federal Government by $1.86 billion, because we are going to pay for four entitlement programs in this bill, and we are going to free up $1.86 billion to be spent on discretionary spending. I intend to oppose the bill. I hope my colleagues will vote for this motion.

I yield the floor.

The PRESIDING OFFICER. All time having expired, the question occurs on the motion to recommit the conference report to the committee on conference with instructions offered by the Senator from Texas, Mr. GRAMM.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 23, nays 77, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—23

Abraham	Hollings	Sessions
Allard	Hutchinson	Shelby
Ashcroft	Hutchison	Smith (NH)
Enzi	Inhofe	Snowe
Faircloth	Kyl	Thomas
Gramm	Lott	Thompson
Gregg	McCain	Thurmond
Helms	Nickles	

NAYS—77

Akaka	Coats	Frist
Baucus	Cochran	Glenn
Bennett	Collins	Gorton
Biden	Conrad	Graham
Bingaman	Coverdell	Grams
Bond	Craig	Grassley
Boxer	D'Amato	Hagel
Breaux	Daschle	Harkin
Brownback	DeWine	Hatch
Bryan	Dodd	Inouye
Bumpers	Domenici	Jeffords
Burns	Dorgan	Johnson
Byrd	Durbin	Kempthorne
Campbell	Feingold	Kennedy
Chafee	Feinstein	Kerrey
Cleland	Ford	Kerry
Kohl	Moseley-Braun	Santorum
Landrieu	Moynihan	Sarbanes
Lautenberg	Murkowski	Smith (OR)
Leahy	Murray	Specter
Levin	Reed	Stevens
Lieberman	Reid	Torricelli
Lugar	Robb	Warner
Mack	Roberts	Wellstone
McConnell	Rockefeller	Wyden
Mikulski	Roth	

The motion was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I have requests from other Senators wanting to speak on other subjects. I would ask the Chair, is it possible we could move to disposition of the business before us?

The PRESIDING OFFICER. Is there further debate on the conference report?

Is there further debate on the conference report?

Mr. KOHL. Yes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, I rise today in strong support of the Agriculture Research conference report. A great deal of thanks and appreciation is due to Senators LUGAR and HARKIN for their hard work and efforts to reform and prioritize USDA's agriculture research, extension and education activities.

This conference report is extremely important to the agricultural community. It invests $1.7 billion in agricultural research to develop the new technology that will be used by farms in the next five to ten years, to solve the projected shortfall in crop insurance funding, and to support the Fund for Rural America.

The nation's Land-Grant Universities work with the USDA on issues ranging from the international competitiveness of our family farms, to new food borne illness problems, to ground water contamination. We need to support their efforts with a robust research budget in line with other agencies' research budgets. This bill puts us on the track to do that, and I support it.

I am also pleased to speak in strong support of the provisions of this bill restoring food stamps to legal immigrants.

Mr. President, I supported the 1996 welfare reform law. The time had clearly come for radical change. We rightly concluded that nothing erodes the human spirit more readily than dependence on handouts, and we instituted reforms based upon the principles of personal responsibility and hard work.

But in some cases, a helping hand is truly necessary, and sometimes so much help is needed that only the Federal government is capable of providing it. This is clearly the case with respect to certain classes of legal immigrants. The welfare law provisions restricting legal immigrant access to food stamps went too far.

Legal immigrants pay taxes and serve in our armed forces. They are not granted all the privileges of U.S. citizenship, but are expected to fulfill most of the responsibilities of citizenship. The ban on food stamps for elderly, disabled and other needy legal immigrants from food stamps was harsh and unfair.

While myself and others argued that point during debate on the welfare bill in 1996, the majority of us have learned it since then. In any case, we should all feel confident that we are doing the right thing today by voting for this bill.

Mr. President, my support for the food stamps restoration is particularly heart-felt due to my concern for the Hmong and other legal immigrants from Laos and their families. As my colleagues may know, the Hmong fought along side our American men and women in the Vietnam War. They risked their lives on behalf of all that we hold dear in this country—freedom from oppression, democracy and the pursuit of happiness—and fled to the United States following the War out of fear of persecution. To them, we truly owe a debt of gratitude.

There are 250,000 Hmong and Lao people living in the United States, approximately 40,000 of whom live in Wisconsin. Of those 40,000, roughly 7000 lost eligibility for food stamps under the welfare law. And 75 percent of those individuals who have lost food stamps in Wisconsin live in households with children.

The Hmong and highland people have enriched our country and enriched Wisconsin. They have worked hard to support their families and give back to their communities. Simply put, we are thankful for all they did and thankful for the contributions they continue to make.

Last year, we took steps to restore SSI benefits to the Hmong and other worthy immigrants, and today we are right to take this step with respect to food stamps.

I urge my colleagues to support the conference report.

The PRESIDING OFFICER. Is there further debate on the conference report?

The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise today to discuss the importance of passing the Conference Report on the Agricultural Research Bill, S. 1150.

This bill has the overwhelming support of over 70 Senators, yet we have continued to struggle here in the Senate to get this critically important legislation passed.

In recent years, American agriculture has greatly changed. Because of the 1996 Farm Bill, our producers rely greatly on the crop insurance program to protect them from production risk. The reforms in agricultural research programs included in S. 1150

provide a roadmap for the future of agriculture. As importantly, it includes a funding stream to fund important new investments in agricultural research and rural development by creating and funding The Initiative for Future Agriculture and Food Systems and by extending the Fund for Rural America.

And yes, to the chagrin of some, this legislation reinstates food stamp benefits for our most vulnerable legal immigrants. I would hasten to point out that these provisions are modeled on sections of last year's Balanced Budget Act that restored eligibility for Supplemental Security Income and Medicaid to some legal immigrants.

I applaud the Chairman of the Senate Agriculture Committee and Senator HARKIN for their leadership in crafting the balanced compromise inherent in this legislation. Attempts to derail this compromise put at risk the important investments in agriculture and the sound research and crop insurance reforms included in the bill.

Living in a state like South Dakota, I know first hand, and as most of you saw during last year's disaster, what continual flooding can do to our precious farm land. Again, this year, eight counties in northeastern South Dakota are again experiencing severe flooding conditions.

Without a strong safety net, crop insurance remains as the only safety net for producers to protect them from the vagaries of nature. This bill provides nearly $500 million for partial funding for this important risk management tool.

I have been informed by several crop insurance agents in South Dakota that the Agricultural Research Bill must be passed soon or many producers face the possible cancellation of their policies. Keep in mind, these policies, are in many cases, the only protection producers have from disasters which are not of their acts of mismanagement but as acts of nature.

The bill covers all facets of federally funded agricultural research, including: the Agriculture Research Service of USDA; the Cooperative Extension Service; Land Grant Universities such as South Dakota State University and competitive research and extension programs open to other entities.

S. 1150 includes comprehensive research provisions for our nation's land grant universities. For example, South Dakota State University (SDSU) and other small state schools are protected in this bill by allowing a great deal of flexibility in how SDSU will meet new requirements that direct a percentage of all research and extension funds toward multi-state, disciplinary, and integrated research and extension activities. For example, if SDSU is working on a project that may need expertise from the University of South Dakota, they will be able to include that toward meeting the multi-state research component.

I am also pleased that the conferees have agreed to authorize a competitive research program for tribal colleges, otherwise known as the 1994 institutions.

Unlike the significant research programs that have existed for decades for 1862 and 1890 land-grant institutions, the 1994 institutions currently do not have authorization for an agriculture research program, and thus are not full partners in the land-grant system.

This legislation mitigates this inequity by establishing a modest, competitive research program for the 1994 institutions. Funded research would address high priority concerns of local tribal, national, and multi-state significance and would be conducted through cooperative agreement with 1862 and 1890 land-grant institutions.

Although it is true that some tribal colleges are not yet ready to conduct research, many of them have the capability. Some current research includes:

(1) Water quality research: Conducted through contracts with Indian Tribes, which are required to meet certain standards under the federal Clean Water Act.

(2) Wildlife research: Conducted by a handful of tribal colleges to evaluate and find solutions for the adverse impact of pesticides on local wild bird and deer populations, and to research problems associated with amphibians and irrigation project lines.

(3) Native plant research: Conducted because new development on and near tribal lands is taking a serious toll on wetland areas. This impacts the niche environment of native plants, which are traditionally used for medicinal and other purposes. This is an example of the kind of research that most larger institutions would not focus on because it will not lead to large-scale production agriculture. Without the research currently being conducted at Salish Kootenai College in Pablo, Montana, the nation risks losing some of our native plants.

(4) Range cattle research: Currently underway at several tribal colleges, to address problems of range cattle traversing streams and impacting water quality (and possibly impacting native trout and other fish populations). In addition, one tribal college is conducting research and development on a new strain of more rigorous cattle.

This is just a sampling of the kind of research currently ongoing at the tribal colleges. The primary focus of this research is on the use of niche products to develop and expand reservation economies; the preservation and cultivation of land; and the strengthening of families and communities.

The tribal colleges have not asked for millions and millions of dollars to conduct costly basic research. Rather, they ask for research authority to protect and improve the earth on which they live and to ensure the viability of the plants and animals with which they co-exist.

Another provision of this legislation addresses an inequity in the 1994 land-grant extension program. Under the reauthorization, 1994 institutions would be permitted to enter into cooperative agreements with any 1862 or 1890 institution in the United States, rather than being limited to agreements with only the 1862 in their state.

This provision is important to the effort to create productive, cost-efficient extension programs in Indian Country. Under current law, to participate in extension programs, 1994 institutions are required to enter into cooperative agreements with the 1862 institution in their state, and funding for the program goes to the 1862 institutions rather than the 1994 institutions.

In the case of Sitting Bull College, which straddles the border of North and South Dakota, and Din College, which has campuses in Arizona and New Mexico, this restrictive language could seriously hamper efforts to create the most productive extension program possible for the relevant service area.

This clarification simply makes good business sense. Why should a 1994 or an 1862 institution be prohibited, for fiscal or bureaucratic reasons, from partnering with an institution that has the expertise and resources that are most beneficial to the students and communities the institution serves?

To correct this problem, the legislation states that 1994 institutions may enter into cooperative agreements with any 1862 or 1890 institution in the United States, rather than being limited to an agreement with only the 1862 in their state. Further, the bill directs the Secretary of Agriculture to fund the 1994 institutions directly, rather than passing the funding through mainstream institutions.

Again, Mr. President, passage of the Agricultural Research Bill is crucial to the future of American agriculture. Our Nation's farmers and ranchers work hard each and every day. Not only do they produce an abundant supply of food, they produce it at the most inexpensive price to consumers in the entire world.

With the support of over 70 Senators, this bill has enough support to pass with wide-ranging support. This bill enjoys the support of constituencies—both urban and rural, both—nutritional advocates and crop insurers. It would be a great travesty to allow this bill to fall victim to the philosophical ideologies of a very few.

If we do not act on this immediately, it will show our lack of leadership to help some of our most valuable as well as our most vulnerable members of our society.

I urge my colleagues to pass this bill.

Mr. LEAHY. Mr. President, I appreciate the efforts of the chairman of the Agriculture, Nutrition and Forestry Committee, Senator LUGAR and the Ranking Member, Senator HARKIN, on the research conference report.

I want to highlight that over 70 Senators—including myself—signed a letter to the majority leader urging him to give us an opportunity to vote on

this conference report as soon as possible.

The conference agreements we worked out represent a very good package with four major components: crop insurance funding, agricultural research funding, rural development initiatives and food stamp assistance for legal immigrants.

I know that farmers who need crop insurance are very worried—and with good reason—that crop insurance policies will be canceled if this report does not pass.

I know that the agricultural research community, with its Land Grant University system, very strongly supports this research funding so that America can be more competitive in world markets.

In addition to benefiting farmers and the agricultural research community, the report benefits all rural residents thorough its rural development programs.

Sometimes it is forgotten that most rural Americans are not farmers—this effort benefits both farmers and other rural Americans.

I also want to speak briefly on the food stamp changes. The food stamp changes simply restore benefits for certain level immigrants. The changes are modeled on last year's Balanced Budget Act that restored eligibility for SSI and Medicaid to some legal immigrants.

For example, the conference report would apply the provisions in the Balance Budget Act—that extended benefits from 5 years, to 7 years, for refugees and asylum seekers for SSI and Medicaid—to the food stamp program.

The 1996 welfare law made an exception for these types of refugees because they typically come to this country with very little after escaping persecution abroad. They often have no sponsors.

In the past many of them fought along with U.S. troops against our common enemies. Some may have escaped from enemy prisoner of war camps.

That 5-year limit proved unrealistic because of long backlogs at the INS. In a number of INS offices, these backlogs exceeded two years. If the eligibility of these refugees ended after five years in the country, they could be left without recourse while their applications to naturalize were in the INS ''pipeline.''

The extension of eligibility for SSI and Medicaid to allow them to receive benefits during their first seven years in this country was not controversial last year: it was included in all major Republican and Democratic proposals for legal immigrants.

It should not be controversial this year.

It should be noted that this provision does not assure that these refugees will receive benefits for two more years—they still have to be otherwise eligible for food stamps.

Refugees and asylum seekers still would have to meet the same criteria that all other people have to meet to qualify for benefits.

By conforming food stamp rules to those already adopted for Medicaid last summer, the Agricultural Research Conference Report would avoid imposing multiple inconsistent eligibility rules on state and local agencies that administer both programs.

I urge my colleagues to support Senator LUGAR and Senator HARKIN in their efforts to get the agricultural research conference report passed as quickly as possible. America's rural areas, its farmers and the research community are eagerly awaiting passage of this report.

Mr. HAGEL. Mr. President, I rise today in support of the Conference Agreement on S. 1150, the Agricultural Research, Extension, and Education Reform Act of 1998. This measure will solidify the financial foundation for crop insurance and agriculture research well into the next century. Agriculture research and crop insurance are vital to America's farming and ranching livelihood.

Research, crop insurance, regulatory relief, and expanded markets play a vital role in moving federal farm policy away from government intrusion and toward a free market through the Federal Agriculture Improvement and Reform Act of 1996. Farmers and ranchers now have greater flexibility in their crop and livestock production efforts. Crop insurance and research efforts are both tools that will help farm producers become more competitive as they move toward a greater reliance on the free market and less upon the federal treasury.

No country in the world can match America's efficiency in agricultural production. Not only is this a result of American ingenuity and hard work, it's also the result of our investment in cutting edge research. Our research efforts have led to more efficient production, better products, new uses for our products—all of which have led to new markets where we can sell our products. S. 1150 provides 600 million dollars for the Initiative for Future Agriculture and Food Systems.

The global demand for our agricultural goods will continue to grow as the world's population increases and as more nations achieve higher standards of living, resulting in a demand for better diets. Research allows American agriculture to meet the world's demand for food and fiber. Under S. 1150, research dollars will go toward new and alternative uses of agricultural commodities and products, agricultural biotechnology, agricultural genome research, natural resource management, precision agriculture, food safety, and food technology and human nutrition. These dollars will help our agriculture research facilities, such as the University of Nebraska, to continue to lead the world in crop and livestock production sciences.

Expanded markets and increased trade are a clear byproduct of agricultural research. Research will lead American agriculture into the next century and keep American farmers and ranchers at the forefront of global food and fiber production. Research, global food production, global trade and farming profits are all connected.

Crop insurance is also vital to the long-term health of American agriculture. Farming and ranching involves risk. That's a fact of life in American agriculture. Crop insurance provides a very important management tool for our agricultural producers to withstand fluctuations in the market and changes in weather and production conditions.

For example, in recent years, severe weather conditions have forced some Nebraska farmers to face the loss of their crops and livestock. Protecting farmers and the agri-businesses that depend on them from suffering major losses is what crop insurance alternatives do for America's producers. Comprehensive crop insurance plans will minimize losses for many agricultural producers so that the economic damage from diminished crop yields is not overwhelming for our rural towns and communities. This conference report provides 500 million dollars to partially fund crop insurance delivery expenses.

Research and crop insurance are interconnected with agricultural production and basic farm and ranch income. Research keeps American agriculture on the leading edge of production technology. Crop insurance minimizes the many risks involved with producing food and fiber for the world's growing population.

I strongly support S. 1150 and urge my colleagues to support its adoption.

Mr. KERREY. Mr. President, I rise today to voice my support for the Agriculture Research Reauthorization bill.

This bill reaffirms our commitment to American agriculture in a number of ways. It reauthorizes existing research programs at our land grant universities and goes one step further in creating a new, competitive research initiative to study some of the most cutting edge agricultural issues of the day: food safety, agricultural biotechnology, precision agriculture and the competitiveness of small and medium sized farms.

As well, it maintains our commitment to the federal crop insurance program, perhaps the most successful public-private partnership our government has to boast of.

And just as importantly, it restores our commitment to legal immigrants who are elderly, disabled, or children. Restoring food stamp benefits to these groups of people is simply the right thing to do.

But while I commend the conferees for their work in satisfying many parties with their work on this bill, I rise to say it does not go far enough.

We have perhaps no more important research need than that of agricultural research. It represents 2% of the total federal research budget. Yet, between

today and thirty years from now, we are going to add 5 billion people to the planet. And all those people are going to need to be fed. And they are likely to be fed on less acres, not more.

The caloric requirement to feed those additional 5 billion people will be more than the caloric consumption for the past 10,000 years. It is a huge increase in consumption requirements. And our research is the key to solving that problem. There is a tremendous amount at stake here for those who worry about peace and prosperity.

We take this agricultural research for granted. Indeed, we take all of agriculture too much for granted. But agricultural research has added so much value to our productive capacities, as well as to the quality of our lives, that it is ridiculous to be struggling to pay for it as we are right now.

At the same time, we are going to double the funding for the National Institute of Health, and double the funding for the National Science Foundation. I support both of those things. But it won't do us any good at all to live longer through NIH investments if we short agricultural research and we aren't able to feed ourselves. And that's precisely what will happen if we don't come up with some satisfactory way to guarantee a long-term funding of ag research at higher levels than we have provided in the past.

Mr. SMITH of Oregon. Mr. President, I rise today to speak in support of the Agricultural Research, Extension, and Education Reform Act of 1998. The conference report before us reauthorizes various agriculture research programs at land-grant colleges and universities through 2002. In addition, it provides for $600 million over five years for a new competitive grants program for research in key areas such as agricultural genome, food safety, nutrition, new and alternative uses of agricultural commodities and products, biotechnology, natural resource management, and farm efficiency. This bill also contains important provisions which authorize funding for crop insurance, rural development, and to restore food stamps to certain legal immigrants.

The critics of S. 1150 most often question the costs of the various provisions included in the conference report. However, it is important to note that our investment in agricultural research provides a tremendous return to our economy, generating economic growth and tax revenue through increased agricultural productivity. This return is estimated to be between 35% and 50% nationwide—and even greater in Oregon. Additionally, in terms of constant dollars, federal spending on agriculture research has declined over the last ten years while other non-defense research spending in such areas as health, space exploration, and the environment has increased. As an added assurance that these funds will be spent in the most efficient way possible, the conference report contains provisions which increase the accountability of these research projects, making them subject to competition, requiring more stakeholder input, peer and merit review, and greater collaboration amongst the research institutions involved. Further, the benefits of other important provisions contained in this bill, such as funding for crop insurance, rural development, and restoration of food stamps to certain legal immigrants, far outweigh the arguments against this legislation. I am especially pleased with the food stamp provision which allows the resources of private charitable groups, such as the Oregon Food Bank, to reach a wider spectrum of our communities. What better way to use these funds than to enhance our food production, feed our nation's hungry, and protect America's farmland?

Currently, some of the most important work in the area of agriculture research is being done in my state, where more than 140,000 jobs are tied to farm production, In just one example, research at Oregon State University facilities on wheat strains and diseases has resulted in an estimated $8 million in increased wheat productivity per year. Results of their studies are shared with other states like Idaho, Montana, Utah, Kansas, and Colorado, presented at national and international symposiums, published in scientific journals, and communicated through industry newsletters. Again, this is just one of the many valuable research projects undertaken in my state by OSU through this partnership of federal and state funds.

Agriculture in my state is diverse—reflecting the varied geography, soil, an climate types of Oregon's beautiful mountains, valleys, coastline, deserts, and forests. There really is no such thing as an average farmer in my state. He or she may be a large scale wheat grower, a small orchardist, a producer of high quality nursery plants, or a family farmer maintaining cranberry bogs. Despite the varied backgrounds of Oregon's farmers, all of them, and I think this would apply to farmers across the country as well, are working hard to maintain America's leadership in agricultural production despite unrelenting pressure from all sides—pressure to continue to produse the world's safest food supply while competing with imports that may be heavily subsidized, produced with pesticides illegal in the U.S., or even, as was widely reported in the media just yesterday, not even meeting our food safety standards.

For the small family farmer, who still exists in my state, this pressure is compounded by the struggle to maintain the way of life which fed our grandparents and their parents before them. Everyday they defend their farm, perhaps part of their family for generations, for encroaching development, inheritance taxes, and complicated and ever increasing governmental regulations. Breakthroughs brought about as a direct result of the research dollars we will be voting on today may mean that family farmers in Southern Oregon may be able to squeeze enough productivity out of their land to hold onto their farms for a few more seasons. Or it may mean that a grass seed farmer in the Willamette Valley can export more grass straw to Japan due to a quality assurance program. Or it may mean a farmer in the Columbia Basin can use fewer pesticides on pea plants due to new, more pest resistant strains or new growing techniques. For them, the components of this bill represent the American research and technological know-how that has kept them ahead of the curve—and hopefully, with your support today, will continue to do so into the future.

Let's give our farmers the tools they need to continue to produce a safe and bountiful food supply for our families. The conference report before us reaffirms the traditionally strong Congressional support for American agricultural leadership. This legislation enjoys overwhelming bipartisan support and I urge my colleagues to join me in casting a vote in favor of S. 1150.

Mr. KENNEDY. Mr. President, at long last, we are about to pass the Agricultural Research, Extension and Education Reform Act conference report. I support all its provisions, but I want to speak briefly about one of the most important—the restoration of food stamps for legal immigrants whose benefits were unfairly eliminated by the harsh 1996 welfare law. Although the amount in this conference report is less than half of the $2 billion proposed in the President's budget, it is at least a down-payment toward restoring food stamps to the nation's neediest legal immigrants.

The food stamp program was cut by $25 billion over 5 years in the 1996 law. That reduction was clearly unfair. According to the Department of Agriculture, at least 935,000 low-income legal immigrants lost their federal food stamps as a result of the 1996 welfare law. Nearly two-thirds are families with children. Two years later, we are finally remedying a significant part of this injustice.

This bill restores food stamps only to the most needy legal immigrants—refugees, the disabled, and some poor children. It helps only 250,000 out of the 935,000 immigrants cut off from the food stamp rolls. No one should think our work is done with the passage of this bill.

The effect of the food stamp terminations is not limited to immigrants. Their children born here are American citizens, but they too are facing sharp reductions in their food stamps. These children remain eligible for food stamps themselves, but the removal of their parents from the program means that, as a practical matter, the food stamp benefits for their families have been cut by 50 to 70 percent in many cases. 600,000 poor children who are American citizens live in families

where food stamp benefits have been unfairly lost. These children will not be helped by this bill.

Many elderly immigrants will also receive no assistance from this bill. We cannot forget about their plight. We can and must do more in the future. It is unconscionable that their benefits continue to be denied.

So I regard this legislation as an important step, but only a first step.

Mr. SPECTER. Mr. President, I am pleased to support the Agricultural Research, Extension, and Education Reform Act of 1998. This legislation provides funding for the federal crop insurance program, important agricultural research programs and the restoration of food stamp benefits to approximately 250,000 legal immigrants.

I have long been a strong supporter of federal nutrition programs that help to combat hunger. On November 24, 1997, Senator HARKIN and I sent a letter to Secretary of Agriculture Dan Glickman and Director of the Office of Management and Budget Franklin Raines, which was signed by forty-five of our Senate colleagues. Our letter urged the Administration to provide funding for food stamp benefits for some of the most vulnerable members of our society: legal immigrants who are children, elderly, or disabled.

As the Agricultural Research bill was sent to conference, I joined with four of my colleagues in a March 23, 1998 letter urging the conferees to provide relief to poor legal immigrants and refugees who previously were eligible but had lost federal food stamps under the 1996 welfare law. I am pleased that the final conference report restores these benefits. I also joined seventy of my colleagues in an April 24, 1998 letter urging that the conference report be brought to the floor for a vote as soon as possible.

Besides providing food stamp benefits to vulnerable legal immigrants, this bill also provides critical funding for the federal crop insurance program, which will allow affordable crop insurance to be offered to our nation's farmers. Agriculture is Pennsylvania's number one industry, and it is vital that we provide insurance to our farmers who work so hard to provide our country and the world with a stable food supply. The legislation will also provide $600 million over the next five years in funding for agricultural research programs, which are critical to our country's efforts to produce enough food for an ever-increasing world population.

The Agricultural Research, Extension, and Education Reform Act is an important piece of legislation, for legal immigrants, our nation's agricultural community, and the nation as a whole. I am therefore pleased to support this legislation.

Mr. BAUCUS. Mr. President, I rise today to join my colleagues in support of the Agricultural Research, Extension, and Education Reform Act of 1998. At long last, this important piece of legislation is before the Senate for consideration and passage of the Conference Report.

This Act is the result of more than a year of hard work and can boast broad bipartisan support. By providing $1.7 billion in agricultural research and extension activities at institutions of higher learning across the nation, this Act commits the U.S. government to supporting a strong future for agriculture in Montana and across the nation.

I would like to recognize four areas that affect Montana:

The Montana State University Agriculture Extension Service. We have one of the finest examples of an ag extension service in the country, centered at Montana State University in Bozeman, Montana. The College of Agriculture, led by Dean Tom McCoy, has produced numerous innovative projects worthy of recognition. Research at Montana State University has led to more pest-resistant, higher yielding varieties of barley and wheat. MSU scientists have improved the value of barley as a feedstock for cattle. And they are using the remarkable power of biotechnology to develop the answers to the ag challenges of the next century. The agriculture research bill provides the funding necessary for our scientists to carry out, continue and build upon their mission to serve our agriculture industry.

This bill will also continue funding for the good work demonstrated by our country extension agents. Their efforts on behalf of Montana's agricultural industry go above and beyond to provide resources that help our producers meet their bottom line, improve their yield, and enhance their competitiveness in the world marketplace.

Crop Insurance. Today, while we debate the passage of this bill, several counties in Montana are under severe drought and fire alert. Farmers have waited helplessly for rain while their crops wither and die. This is surely a make it or break it year due to low prices, a dry winter, and unfair grain dumping from our foreign competitors. The mere threat of crop insurers canceling policies is an obstacle that many producers simply cannot overcome. For that reason, I am pleased that this Act contains provisions to strengthen crop insurance—just when our producers need it most. Clearly, we must take the final step and pass this conference report.

Food Animal Residue Avoidance Database. I would like to thank Chairman LUGAR for including my bill, the Food Animal Residue Avoidance Database, more commonly known as FARAD, in this Act. I am pleased that the Conference report authorizes the Secretary of Agriculture to make three-year grants to colleges and universities to operate the FARAD program. FARAD is critical in our food-safety regime. Its database provides invaluable information about dangerous residues that affect our food supply. The FARAD program successfully links producers, veterinarians and the general public to an informational resource network that enables us to produce the safest food in the world.

Agricultural Research Service. I am most proud of the work conducted at the Agricultural Research Service stations in Sidney, Montana and Fort Keogh at Miles City. I strongly believe that their efforts are of tremendous importance to our food industry as well as our agricultural trade. The future of agriculture is in their very capable hands. They enjoy strong support from the agricultural community because they are a part of that community. Whenever I am in these towns, I stop by and visit these facilities because the people that work there, and the community that supports them, are very proud of the great work that they do for our ag industry. This bill will continue the critical work at these locations.

I would also like to recognize that this bill supports many other worthy projects, including the National Food Genome Strategy, an assistive technology program for farmers with disabilities, the important Fund for Rural America, Precision Agricultural research, and research of wheat and barley diseases caused by scab.

This Act is worthy of our immediate action. I urge my colleagues to pass the Agricultural Research, Extension, and Education Reform Act of 1998 and recommend that President Clinton sign it without hesitation.

Ms. SNOWE. Mr. President, I rise today in support of the Agricultural Research Conference Report. The bill, S. 1150 reauthorizes our agricultural research programs and provides $600 million in funding on a competitive grant basis for new and alternative uses of agricultural commodities and products, natural resources management, farm efficiency and profitability, agriculture biotechnology, and food safety, technology and nutrition.

This is good news for our scientists and the agriculture community in Maine. They know their chances of receiving more competitive research funding are excellent because they know they can compete head to head with agriculture researchers from all around the country. This bill gives them that opportunity.

As the Chairman of the Committee is aware, I do have some concerns with provisions in this conference report that were not part of either the House or Senate passed bills. In addition to the food stamp provisions, which have been widely discussed on the floor today, I am concerned with addition of the research title of the Northern Forest Stewardship Act that was included in conference. I voted to recommit the report to the conference committee in hopes that these two provisions, which are unrelated to the important agricultural research, would be removed from the report. Since the vote to recommit failed, I will vote for the report, and

will continue to work with Chairman LUGAR to address my concerns.

I have been working with the Chairman and Subcommittee Chairman SANTORUM to obtain a field hearing in Maine on the Northern Forest Stewardship Act (NFSA) before any action was taken by the full Senate. I requested this hearing because many people in Maine are both interested and concerned with the potential impact of this bill on the economies of their rural communities.

I was dismayed, therefore, when I learned that the research title from the NFSA bill was included in the Agriculture Research conference report. Also the language inserted in the report does not include the provision which requires that a governor's request is required before federal assistance can be made available to the state. This language is fundamental because it involves an elected state official in the process, ensuring that the state controls its land use decisions. I will be working to restore the role of the states in making the request for federal assistance, and I thank the Chairman of the Agriculture Committee for his offer of assistance in this matter.

Historically, our state has been defined by our agriculture—from the natural resources of its extensive forests, to the potatoes crops of Aroostook County and to the Wild blueberries of the Down East area of Maine. The Wild lowbush blueberry is unique to Maine, and one of only three berries native to the U.S. that are utilized commercially.

Virtually all of the commercial U.S. lowbush blueberries are produced in our state, with 99 percent of the blueberries being processed and used as a nutritious ingredient in many food products throughout the country. The industry is concentrated in the Down East region of Maine, which is an economically depressed region that relies heavily on natural resource based jobs, such as those in the Wild blueberry industry.

An increase in competitive research grants funding will help to continue a series of research projects that target critical aspects of lowbush blueberry culture and processing challenges, and transferring research solutions to the growers and processors. Much of the research completed to date provides techniques for a sustainable approach to production with environmental benefits.

Research objectives include implementation of a research program that is designed to ensure a consistently productive, high quality, low input crop that is successfully marketed in the U.S. and worldwide, with ongoing projects for such as pesticide reduction/efficacy, pollination alternatives, effects and reduction of low temperature injury, micro nutrient fertility requirements, and fruit quality improvements.

The bill also funds the federal crop insurance program that will give a healthy measure of peace of mind to Maine's wild blueberry industry, who, until recently, could not participate in the program. This report will allow the wild blueberry industry to renew their contracts for crop insurance, giving them protection against an economically devastating total crop loss caused by circumstances beyond their control.

Research for the potato industry is being conducted on new chemical-resistant strains of late blight, now detected in virtually every major potato growing state, and the last blight fungus is quickly developing into the most serious threat to potato production in the United States. History reminds of us the great potato famine in Ireland in the last century caused by late blight, and today's research helps us to never again realize such an devastating experience.

In Maine, late blight has already resulted in millions of dollars in crop losses since 1993, which is not only a concern for our largest agriculture industry, but for potato states throughout the eastern U.S. since Maine is the primary source of seed potatoes for these states.

Comprehensive late blight Integrated Pest Management research programs through current grants and future competitive research grants offered in the bill before us today will continue to prevent a full-scale epidemic from occurring in our region. Needless to say, this is one initiative in which a modest federal investment will help prevent a very costly crop disaster.

The Hatch Act and the McIntire-Stennis Act are the cornerstones of the cooperative/federal/state research effort that has made the U.S. agriculture and forestry industries the world's leaders. Under these programs, and under broad federal guidelines, states can continue to further identify their local research priorities.

Additional competitive research grants for the McIntire-Stennis Program will provide continued funding to 62 universities nationwide, including the University of Maine, that conduct research, teaching, and extension programs in forestry and related natural resource areas. The research focuses on the biology of forest organisms, forest ecosystem health, management of forests for wood, and forest product development. Each dollar of McIntire-Stennis funding is now matched with five dollars from nonfederal sources for these university programs.

Wood utilization research contributes to research at six land-grant Regional Research Centers, including Maine. The work conducted at these universities specializes in the efficient use of wood resources, developing new structural applications for wood, exploiting wood chemical extractives for safer and less expensive alternatives to current pesticides, preservatives, and adhesives, and exploring the pharmacological properties of trees. Wood utilization research is particularly important to forest-based economies in rural areas. In Maine, the annual total contribution in forest products manufacturing is over $5 billion.

Mr. President, our agricultural communities, some of the best stewards of our land, produce the safest, the most nutritious and reasonably priced food products in the entire world. Furthering the competitive grants research system through the Agricultural Research bill before us will go a long way towards the continued improvement of our nation's bountiful harvests and the continued health and productivity of our nation's forests.

Mr. GRAMS. Mr. President, I rise in support of the Conference Report to accompany S. 1150, the Agricultural, Research, Extension, and Education Act of 1998. For the purposes of this debate, I will focus on only the research and federal crop insurance provisions contained in this conference report. These are two of the primary issues important to farmers and those involved in agriculture.

Among the important research provisions provided for in this conference report is funding for Fusarium Head Blight, or Scab, research. This disease has had a devastating impact on producers in Minnesota and North Dakota and has caused severe economic losses over the past five years. The conference report now before us is an important step in continuing the public/private partnership that has evolved as we attempt to find a scab-resistant variety of wheat.

Also contained within this report is funding for genome research. This is important in mapping specific traits of corn and other commodities. Isolating those traits which are resistant to drought and other natural enemies could maximize yields and enhance producer efficiency. The flexibility it provides to research is reason enough to pass this legislation in a timely manner.

However, some of my colleagues have expressed concern over the federal crop insurance provisions contained in this conference agreement. While I certainly understand their point, it is important that we look at the ''big picture.'' Currently, there is a budget shortfall in the program which jeopardizes the ability of farmers and agriculture lenders to make management decisions for the upcoming year. I have spoken with hundreds of individuals involved in agriculture who have urged me to support this funding fix, and I am confident they will be just as forthcoming as we explore options to provide producers with greater risk-management tools. It is important to remember that the conference report does not contain any major program reforms. It allows for five years of mandatory funding while market-orientated reforms are phased-in. Once the crop insurance budget issue is resolved, we can begin the process of achieving substantive reform of the federal crop insurance program.

Mr. President, we must design alternatives that encourage innovation and

competition among insurers with an eye towards moving crop insurance in the direction of privately developed policies. I have already begun this process with agriculture leaders in Minnesota. I look forward to working with Senator LUGAR and my colleagues in crafting a program which benefits all taxpayers, while providing farmers the opportunity to craft a risk-management policy that fits their operation.

I urge my colleagues to join me in supporting this important legislation and I look forward to its immediate passage.

Mr. CRAIG. Mr. President, I rise today in support of the Agricultural Research, Extension, and Education Reform Act of 1998. As a member of the Senate Committee on Agriculture, Nutrition, and Forestry, I have worked with Chairman LUGAR and the Committee for two years to see this Act crafted and passed. I am pleased that the Leader has allowed it to come to the floor and encourage my colleagues to support its adoption.

Mr. President, the bill reforms and reauthorizes discretionary agricultural research programs that play an important role in keeping our nation's farmers competitive in the ever expanding world market. These programs and extension activities have experienced dramatic returns—in the form of better land management, environmentally sound farm practices, increased crop yield, improved crop varieties, and countless other ways—and represent a sound investment in the future. The bill's reforms will ensure more collaboration and efficiency in federally funded research and provide for greater accountability to the American taxpayers.

The bill also provides $600 million over the next five years in mandatory funding to the Initiative for Future Agriculture and Food Systems. This new mandatory spending will provide $120 million per year on a competitive grant basis for six high priority mission areas: agricultural genome research; food safety, food technology, and human nutrition; new and alternative uses of agricultural commodities and products; agricultural biotechnology; natural resource management, including precision agriculture; and farm efficiency and profitability.

In addition, the bill addresses the immediate concerns facing all those who rely on federal crop insurance, provides for the Fund for Rural America, and funds food stamps for the elderly, disabled, and children of the nation's poorest immigrants.

Mr. President, more than just a reauthorization bill, the legislation before the Senate today is an investment in the future and represents our commitment to America's farm families. By providing the technical research and extension activities that help expand farm income, improve resource management, and develop new crop varieties, federally funded agricultural research assures that our nation will continue to lead the world in farm production and help bolster the stability of our rural areas.

I encourage all my colleagues to support its adoption.

Mr. DASCHLE. Mr. President, I want to express my strong support for the Conference Report on S. 1150, the Agricultural Research, Extension, and Education Reform Act of 1998, and to thank Senator LUGAR and Senator HARKIN for the tremendous effort they have devoted to this important legislation.

Immediate passage of the conference report is critical for agriculture research funding, crop insurance, and nutrition funding for legal immigrants. The legislation represents desperately needed investment in agricultural research, essential to the continuing production of safe, plentiful, diverse, and affordable food and fiber. Furthermore, failure to pass this legislation will result in massive reductions in crop insurance delivery around the country, especially in high risk areas such as the Northern Great Plains.

Not only will terminated policies expose farmers to tremendous risk of crop loss due to events beyond their control, such as weather, but without crop insurance, producers will not be able to take out operating loans essential to planting crops. This will hit young, beginning farmers hardest, which is terrible for agriculture—losing these young producers truly threatens the future of the industry.

When the last farm bill was passed, farmers nationwide were promised increased access to risk management tools. This promise was made in exchange for the elimination of a wide range of commodity and disaster programs that had, until then, provided producers some protection against the potentially devastating shocks that occur in agriculture.

Last year, the Dakotas were devastated by extended below freezing temperatures, winter storms that dumped record levels of snow, and spring flooding worse than anyone living had ever seen. Even with the benefit of crop insurance we lost hundreds of producers and farms that had been in families for over 100 years. I cannot imagine what would be left of the agriculture industry in South Dakota today had we not at least had the benefit of crop insurance last year.

The northeast region of South Dakota is currently experiencing severe flooding that is not likely to subside for some time. This is in an area that has been characterized by good farm land for as long as anyone can remember. No one could have anticipated that the farms in these counties and so many of the roads that connect them would be under water today. A strong and affordable crop insurance program will be critical to producers in this area who are struggling to stay in business. Without it, there would be an exodus from this part of my state, which would destroy the economy of the entire region. It is in all of our interest to provide our nation's agriculture producers with the means to insulate their businesses and the local economies of which they are an essential part against conditions like those we experienced statewide last year, and that our northeast corner is fighting now.

I also want to stress the tremendous importance of the research reauthorization in this conference report. We owe much of the credit for this country's agricultural success to our network of land grant institutions, state agriculture experiment stations, USDA's Agricultural Research Service, and hundreds of county extension offices. These entities work together in a wide range of ways to produce cutting-edge research and then convert it into improved practices and technology meaningful to producers. This report places increased emphasis on collaboration among institutions and disciplines, and encourages pursuit of goals benefiting more than one region or state.

The land grant university in my state, South Dakota State University, currently has a highly regarded record of strong interdisciplinary and multistate cooperative work. I am extremely proud of the fine research and extension SDSU produces, and I am pleased that this legislation will foster their efforts. It helps level the playing field for small schools competing for limited research funds, and it is sensitive to the relative importance of formula funds for institutions in agrarian states with low populations.

I am pleased that this legislation preserves existing programs that target emerging and critical issues such as the Fund for Rural America. The Fund for Rural America was designed to provide immediate, flexible, and applied research and support to people in rural areas who are adjusting to rapid changes in the agricultural sector since the last farm bill.

The Fund also promotes value-added processing, which is vital to successful rural economic development. Our rural communities must capture more of the revenue their locally produced commodities ultimately generate. Value-added processing keeps that revenue local, which will be critical to the future of those communities.

In conclusion, I cannot overemphasize the importance of this legislation and its prompt passage. If we are to maintain our place in the world as a leader in agriculture production and technology, we absolutely must invest in agriculture research today. If we are to have a vital and diverse agriculture sector in the future, we also must ensure producers have access to reliable and affordable risk management tools like the federal crop insurance program.

The overwhelming bipartisan support for the agriculture conference report is a tribute to the commitment Senator LUGAR and Senator HARKIN have made

to assuring passage of this critical legislation. I urge my colleagues to approve the report in its current form.

Mr. MCCAIN. Mr. President, I intend to vote for this conference agreement.

For the most part, the bill provides funding to address legitimate needs of farmers and the agriculture industry for crop insurance, research, and extension and education programs. I applaud the conferees for including provisions throughout the bill which establish competitive, merit-based, or peer-reviewed selection procedures for awarding grants and contracts and allocating funds for various programs.

The bill also requires most recipients of funds to contribute matching amounts from non-federal sources. It also broadens the scope of many established programs to require a national, regional, or multi-state focus or benefit.

While the bill contains language regarding the establishment or continuation of several specific programs, it does not require the Secretary of Agriculture to comply with the direction in the bill, in most cases. For example, the bill authorizes, but does not require, the Secretary of Agriculture to acquire and operate the National Swine Research Center in Ames, Iowa—an institution which has received earmarked funds in appropriations bills for as long as I can remember. I would hope that the Secretary would exercise the discretion provided in this bill and resist the temptation to expand the federal bureaucracy to include this wholly unnecessary swine research facility.

Let me also take a moment to express my support for the provisions in Title V of the bill that make food stamps available to certain categories of legal immigrants who may fall on hard times. These provisions simply restore eligibility for food stamps to certain categories of immigrants who were eligible for assistance prior to August 22, 1996, when sweeping welfare reform legislation was enacted. Only refugees and asylees, disabled and elderly immigrants, children of legal immigrants, certain Indians, and certain Hmong and Highland Laotians, all of whom had to be lawfully residing in the United States on August 22, 1996, are again eligible for food stamps.

In these times of economic prosperity, Americans can certainly afford to be compassionate to our most vulnerable immigrants. Last year, the Congress restored to these same categories of immigrants eligibility for Supplemental Security Income and Medicaid. Finally, it should be noted that the cost of providing assistance to an estimated 250,000 individuals is offset in its entirety by reductions in the administrative expenses of the food stamp program and other programs.

Again, I thank the conferees for including these many excellent provisions in this bill.

However, as usual, there are a number of glaring exceptions to the otherwise good-government approach taken by the conferees.

Mr. President, most disturbing among the objectionable provisions in this bill is Section 401, which establishes a new entitlement program, called the Initiative for Future Agricultural and Food Systems, which is funded at $120 million per year for five years. Although the grants under this new program will be competitively awarded and recipients must provide matching funds, I am concerned that the conferees would find it advisable to establish a brand new mandatory spending program without regard to its effect on other high-priority agriculture programs.

Clearly, this new entitlement is intended to bypass the spending caps that limit how much is spent on agriculture program grants in the annual appropriations process. It violates the spirit and intent of the budget process that has resulted, finally, in a projected federal budget surplus for this year.

Mr. President, I intend to take a very careful look at the appropriations bill for agriculture programs this year. If, as in previous years, another $100 million or more is allocated for the same programs that are to be funded under this new entitlement program, I will be offering an amendment to remove that duplicative funding from the appropriations bill. I hope to have my colleagues' support to prevent this effort to circumvent the budget prioritization process and essentially double the funding for these types of programs.

Other objectionable provisions in the bill establish new bureaucracies and boards to coordinate activities which should be within the capabilities of the existing Department of Agriculture bureaucracy. One such provision establishes a Thomas Jefferson Initiative for Crop Diversification, a program coordinated by a nonprofit center to coordinate cooperative research by public and private entities on new and nontraditional crops. Another is the provision authorizing a grant program for precision agriculture programs and establishing precision agriculture partnerships. Other provisions include the establishment of an Office of Pest Management Policy and a Food Safety Research Information Office, and a mandate to continue the operation of the Food Animal Residue Avoidance Database program.

Funding for these new programs is subject to future appropriations and participants are required to provide non-federal matching funds. However, the parameters and criteria specified in the bill will require new regulations and bureaucracies for implementation. These efforts have both monetary costs and potentially negative effects on other agriculture priorities.

Mr. President, I ask unanimous consent that a list of objectionable provisions in the bill be printed in the RECORD.

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

OBJECTIONAL SPENDING PROVISIONS IN S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998

Section 241 requires the Secretary of Agriculture to establish an Agricultural Genome Initiative to study the genetic makeup of crops.

Section 242 directs the Secretary of Agriculture to study the control, management, and eradication of imported fire ants, and establishes high priority for 26 specific research and extension programs, including potato blight, ethanol, deer tick ecology, grain sorghum ergot, prickly pear, wood, wild pampas, sheep scrapie, and tomato spotted wilt.

Section 245 directs the Secretary of Agriculture to cede responsibility for awarding grants to develop an agriculture telecommunications network to a consortium called A*DEC, which is made up of private universities and land grant colleges and unspecified international members, with language specifying that grants are to be awarded competitively regardless of the grant seeker's membership in A*DEC.

Section 252 requires $60 million each year for five years to be transferred to the Fund for Rural America.

Section 401 establishes a new entitlement program, the Initiative for Future Agriculture and Food Systems, to provide agriculture research grants at a level of $120 million annually for five years.

Section 405 directs the Secretary of Agriculture to establish the Thomas Jefferson Initiative for Crop Diversification, to coordinate public and private research and promotion of new and non-traditional agricultural products.

Section 604 directs the Secretary of Agriculture to continue the operation of the Food Animal Residue Avoidance Database Program through a program of grants to colleges and universities.

Section 614 directs the Secretary of Agriculture to establish an Office of Pest Management Policy to coordinate pest research and use of management tools.

Section 615 orders the Secretary of Agriculture to establish a Food Safety Research Information Office at the National Agricultural Library, with the direction that the office sponsor a national conference on food safety research priorities within 120 days of enactment of the bill and every year thereafter for four years.

Mr. MCCAIN. Because of the inclusion of these low priority, unnecessary, and wasteful programs, I voted in favor of Senator GRAMM's motion to recommit the bill to conference so that these provisions could be addressed again and, hopefully, deleted from the bill or revised to prevent the waste of taxpayer dollars.

Unfortunately, the motion to recommit was defeated by a wide margin. However, since I believe the many positive aspects of this bill outweigh these onerous provisions, I intend to support the conference agreement.

The PRESIDING OFFICER. Is there further debate on the conference report?

The Senator from Iowa.

Mr. HARKIN. Mr. President, let me just wrap up by again thanking Senators for the overwhelming vote that we just had. I think that vote will send

a clear signal to the House to move very rapidly on the bill. We will get it down to the President and hopefully get this important conference report signed in very short order.

I can just tell you, there will be a giant sigh of relief among the agriculture community from coast to coast and border to border as soon as this bill gets signed, because then we can get on to the business of getting our crop insurance policies renewed around the country and we can get on with the business of revamping, revising, and strengthening agricultural research throughout America. But the most important and most vital aspect of the bill in the immediate future is the Crop Insurance Program. Farmers will be assured right away that they will be able to continue their protection against disaster losses.

Mr. President, let me again compliment and thank my chairman, Senator LUGAR, first for his leadership on the ag research provisions of the bill. He has said many times that, entering the new century, we need to have a new approach, and new ways of doing our research in agriculture. He is absolutely right. I was happy and proud to support him in those efforts. It took quite a while to get the bill worked through the hearing processes, through negotiations in conference, getting all the issues worked out on research, but it was done, and we had good, bipartisan support.

I believe the chairman has fashioned an Ag research bill that is really going to help us move ahead in the next century in producing new kinds of crops, new products from and uses for crops, in biotechnology, in improving agricultural productivity and natural resource protection. So I believe we will see a whole new focus and revitalization of our agricultural research. It is long overdue, but this bill will move us in that direction.

I thank the chairman also for his leadership on crop insurance, in making sure that we addressed this need to provide that critical element of a safety net for farmers, because, as we all know, they need this crop insurance, both to cover disasters over which they have no control and also to make sure they have the collateral they need for obtaining financing for their farming operations. Farmers rely on crop insurance, and agricultural lenders rely on it.

So, this provision is going to be very, very meaningful to make sure that farmers, and we here in Congress, do not have to be worrying every single year how we will find funding to continue crop insurance—and whether in fact farmers will have crop insurance. That is going to be a great relief to our farming community all over America.

Finally, on the food stamp provisions, again, I thank the chairman for his great leadership in making sure we produced a sound bill and held together our coalition encompassing agricultural and nutrition matters.

I also thank all the staff who worked very hard for a long time, for well over a year now, to get us to this point: Randy Green, our staff director; and Dave Johnson, chief counsel; Ms. Terri Nintemann on the majority side; on the minority side, Dan Smith, Mark Halverson, Phil Schwab and Richard Bender. There are a number of other staff. These are our leaders. They did a great job of pulling this bill together, keeping us on course and making sure we got to conference and got it all wrapped up. We are very blessed with a very good and very capable staff. I thank them for all the long hours and hard work they put in.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the ranking member, Senator HARKIN, was characteristically gracious and generous, and I appreciate his comments. I want to tell him how much I have appreciated working with him and with all of our colleagues on what I believe is a monumental advance for not only American agriculture, but for feeding the world in the next 50 years, as well as the assurance of our farmers immediately in crop insurance and humane measures with regard to nutrition programs.

I simply mention, Mr. President, that Dave Johnson and Terri Nintemann have been mentioned. Of course, our distinguished Randy Green, who does so much on the majority side in likewise guiding all of the committee staff efforts. But I also will mention Marcia Asquith, Beth Johnson, Andy Morton, Michael Knipe, Bob Sturm, Debbie Schwertner, Carol Dubard, Kate Wallem, Kathryn Boots, Chris Salisbury, Danny Spellacy, Terri Snow, Whitney Mueller, and Jennifer Cutshall, because this has been a 2-year effort on the part of all of these individuals and they have contributed highly.

I have consulted with the distinguished majority leader, TRENT LOTT, and with the distinguished ranking member, TOM HARKIN, and it will be our request that there be a final rollcall vote. I alert colleagues that that will be coming, hopefully soon.

I appreciate very much the leader working with us to make this time possible and this opportunity to debate. I mention specifically the importance of the contribution of Senator GRAMM, who is a member of our committee, who argued well a point of view that did not prevail but, at the same time, sharpened the focus of all of us on those things we believe are important in this legislation.

Finally, I mention Senator DOMENICI, who had only a very small speech but an important one with regard to caps and entitlements in the budget and overall considerations. We are mindful of what he had to say and grateful for his support ultimately of our effort.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Is there further debate?

Mr. LUGAR. I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the conference report? If not, the question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—92

Abraham	Durbin	Lott
Akaka	Enzi	Lugar
Allard	Faircloth	Mack
Ashcroft	Feingold	McCain
Baucus	Feinstein	McConnell
Bennett	Ford	Mikulski
Biden	Frist	Moseley-Braun
Bingaman	Glenn	Moynihan
Bond	Gorton	Murkowski
Boxer	Graham	Murray
Breaux	Grams	Reed
Brownback	Grassley	Reid
Bryan	Hagel	Robb
Bumpers	Harkin	Roberts
Burns	Hatch	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee	Hutchison	Sarbanes
Cleland	Inouye	Shelby
Coats	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kempthorne	Specter
Conrad	Kennedy	Stevens
Coverdell	Kerrey	Thomas
Craig	Kerry	Thompson
D'Amato	Kohl	Thurmond
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Warner
Dodd	Leahy	Wellstone
Domenici	Levin	Wyden
Dorgan	Lieberman	

NAYS—8

Gramm	Inhofe	Sessions
Gregg	Kyl	Smith (NH)
Helms	Nickles	

The conference report was agreed to.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, again I thank all Senators for their strong vote in support of this legislation. Hopefully now we can get it to the President, and get his signature, and again reassure farmers all over the country that they will be able to renew their crop insurance programs for next year.

INDIA'S NUCLEAR TESTS

Mr. HARKIN. Mr. President, I understand that the Senate is not on any legislation right now. I would like to take just a few minutes of the Senate's time to talk about the disturbing events that happened in South Asia yesterday.

Mr. President, to paraphrase a speech that President Roosevelt gave 57 years ago in the House Chamber, yesterday is a day that will live in infamy, for the Nation of India. At a time when world

tensions are being reduced, when the cold war is over, when nuclear arsenals are being reduced, at a time when we are on the threshold of signing a Comprehensive Test Ban Treaty, the Nation of India deliberately and provocatively, with total disregard for world opinion and total disregard for regional stability in South Asia, detonated three nuclear weapons. And to make matters even worse, they were detonated near the border with Pakistan.

These tests were conducted without advance warning to the international community. They clearly work against the goals of nonproliferation and international stability. Indian's Prime Minister's principal secretary said afterwards that with the test, ''India has a proven capability for a weaponized nuclear program.''

Mr. President, India's behavior is clearly unacceptable. These underground tests could well trigger a nuclear arms race in the region.

I believe that the United States should be prepared to exercise the full range and depth of sanctions available under law. For example, the Nuclear Proliferation Prevention Act of 1994 requires the President to cut off almost all U.S. Government aid to India, bar American banks from making loans to the Government, stop exports of American products with military uses such as machine tools and computers, and, most importantly, oppose aid to India by the World Bank and the International Monetary Fund.

An article that appeared this morning in the New York Times pointed out that, ''India is the world's largest borrower from the World Bank, with more than $44 billion in loans; it is expecting about $3 billion in loans and credits this year.''

Well, I think it is time for the United States to exercise its voice and vote in the World Bank, and let India know that no longer can it come and get that kind of money if all it is going to do is spend its money on developing and testing not only fission weapons but yesterday a thermonuclear weapon, a hydrogen bomb.

Further quoting from this article, Monday's tests ''came as a complete shock, a bolt out of the blue'' to the White House, one senior administration official said. ''It's a fork in the road.'' ''Will India and Pakistan be locked in a nuclear arms race? Will the Chinese resume nuclear testing now?''

What is also disturbing is that our intelligence agencies obviously did not pick up any signs that the tests were imminent and reported that activities at the test site appeared to be routine.

Let's see now. How much did we spend on our intelligence agencies last year? About thirty billion dollars? And they can't even tell us when one of the largest nations on Earth is going to explode nuclear weapons? You wonder what that $30 billion is going for. I think a thorough review needs to be made of our intelligence operation.

Back to the point, Senator JOHN GLENN, our colleague, who is the author of the law, is quoted as saying, ''Those sanctions are mandatory,'' and the only way to delay them is if the President tells Congress that their immediate imposition would harm national security. And that delay can only last 30 days. Congress can only remove the sanctions by passing a law or joint resolution.

''It would be hard to avoid the possibility of sanctions,'' a senior State Department official said. ''There is no wiggle room in the law.''

Further quoting our colleague, who is quoted again in the New York Times this morning, Senator GLENN called the tests ''the triumph of fear over prudence, a monumental setback for efforts to halt the global spread of nuclear weapons.''

Mr. President, the Nation of India is no longer the nation of Mohandas Gandhi, I am sorry to say. The Nation of India has embarked on a new and dangerous course in South Asia, one that I think has ominous foreboding for all of their neighbors in that area, and also for us here in the United States.

Of course, it is my fervent hope that India's neighbors will show restraint. It is my hope and my desire that Pakistan and China and other nations in that region will recognize the importance of caution despite this dangerous, inflammatory and provocative move by India. Again, they should not follow the lead of India but recognize the importance of restraining a nuclear arms race.

I believe that this Senate should also press for appropriate action by the international community. The international community should join with the United States in bringing to bear whatever sanctions it can, especially in the World Bank to cut off all loans to India.

Again, what India has done underscores the need for a nuclear test ban treaty. But now it becomes clear why, in August of 1996, after years of difficult negotiations, we finally got a final treaty supported by all countries for a comprehensive test ban, India refused to sign. Maybe now we know why.

The treaty was endorsed by a 158-to-3 margin at the United Nations. However, India walked out and said they weren't going to sign.

We cannot give up. We cannot let this action by the Government in India deter us from our goal of a comprehensive test ban.

I do not in any way mean my remarks today to implicate all of the wonderful people of India, many of whom I have counted as my friends, many of whom worked very hard on the issues of human rights, social justice, ending child labor. But I do wish by my remarks today to implicate and condemn in the strongest possible language permitted in this body the actions by the Government of India. This was its decision. This was its deliberate decision to conduct these tests in clear disregard for the opinion of the world.

So the Government of India bears a heavy responsibility for what follows. I hope they do not, although my hopes seem to be feint in light of what the Government of India said yesterday, intend to weaponize their nuclear program. Not only have they tested these weapons, they seem to have sent a clear signal that they are going to incorporate these weapons in their military arsenal both for short-range, medium- and obviously perhaps even for long-range purposes.

At a time when India needs to invest in education, when it needs to invest in its infrastructure, at a time when India really needs to reach peaceful agreements with its neighbor, Pakistan, on the issue of Kashmir, which is still a volatile issue. At a time when China and India need to get together to discuss their roles in South Asia in the future, India has thumbed its nose at its neighbors. When the Government of Pakistan came to power under the Prime Minister Nawaz Sharif, it reached out to India, to the previous government. Prime Minister Sharif held out the olive branch. He asked that talks be conducted, that they take steps to reduce the tensions in the region.

Those talks proceeded, tensions were reduced, and then elections were held in India and a new government was elected. The hopes and the dreams, the actions taken by the Prime Minister of Pakistan, Nawaz Sharif, and others in the region are now dashed and doomed if India doesn't make a quick U-turn in its policies. But India has already taken its actions, and its actions, I am afraid, will have very serious repercussions.

But, again, we cannot give up. I know that Pakistan several times called for restraint, to call for talks.

Well, I call on Pakistan and the other nations of the region not give up on their efforts to pursue a peaceful path, to again reach out to India to begin the long and arduous task of negotiations to reduce tensions and to reduce the nuclear arsenal in that area of the world.

I remain fearful not only because of Pakistan but because of China. What will China do now? Will China believe that it must now proceed to further test its nuclear weapons to show India that it is not going to be intimidated? No, Mr. President, what India did yesterday will live in infamy, and it is sad because India has made great progress in the last 50 years. I note at this time the President has recalled our ambassador to India. I compliment him for that action.

Quite frankly, I hope this sends another strong signal to India that it is not going to be business as usual with the U.S. Government because of what they did yesterday. It cannot be said too strongly that India took a terrible, terrible step yesterday and only India can undo it. I hope they will. But their words and their actions indicate to me they may and probably will not. I feel sorry for India. I feel sorry for the people of India. I feel sorry for the kids

that are working in the plants and the factories and the carpet looms who want a better future and a better education. I feel sorry for the millions of people in poverty who want a little bit better life in India but are now going to have to struggle because more and more of their money is going into their weapons and their nuclear arsenal. And I feel sorry for the people of Pakistan, too, again, who have made great strides in the last 50 years to build a nation, to build an infrastructure that will allow for a moderate Islamic State to exist in that area, and I feel sorry for the people of China. What is its Government going to do now?

Mr. President, we can only hope and pray that South Asia will now see this as a sign that they must get together and sign a comprehensive test ban treaty now, stop nuclear testing now, stop the arms race now; that India and China and Pakistan must get together and work out their problems through serious peaceful negotiations and not through the bluster of provocative actions taken by India yesterday to increase the arms race, especially the nuclear arms race.

Mr. President, I call on India to disavow what they did yesterday, to admit they made a mistake, to reach out to their neighbors in a serious attempt to sign the Comprehensive Test Ban Treaty, and to stop this madness once and for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent for 10 minutes in morning business.

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

THE BREAST CANCER STAMP

Mr. FAIRCLOTH. Mr. President, I would like to ask everyone to take a moment to look at the most important stamp ever issued in our history, and that is the one we have the painting of here on the easel. I joined the U.S. Postal Service in unveiling this stamp in Chapel Hill, NC, yesterday, the day after Mother's Day, as my colleague, Senator FEINSTEIN, did the day before in Los Angeles, CA.

For the first time in U.S. history, the public will be able to play a more direct role in funding medical research and setting research priorities because of this stamp.

This may look like a regular first-class postage stamp, but it is not. It is a semi-postal stamp, the first of its kind ever issued in this country. It took an Act of Congress to create it, and we did just that. It was done to raise money for breast cancer research.

Incidentally, the United States is the only Nation around the world that has not issued semi-postal stamps before, but this stamp is different because part of the proceeds of this stamp will go directly to the NIH and the Department of Defense to pay for breast cancer research.

My colleague from California, DIANNE FEINSTEIN, introduced this legislation here in the Senate as Congressman VIC FAZIO did in the House of Representatives. While popular, the bill needed a vehicle to get it passed. I decided that if the Post Office could sell a Bugs Bunny stamp, they could sell a stamp to raise money for breast cancer research. I was able to add the proposal to an appropriations bill, and, along with the support of the majority of my colleagues here in the Senate and the House, the stamp now is born and in existence.

The Postal Service was not excited about doing this stamp, and they were concerned that other groups sponsoring other diseases would be pushing for a similar stamp. I find no problem with that. I just cosponsored a bill introduced by Senator SNOWE and Senator BURNS that would create a semi-postal stamp to raise money for prostate cancer research. I think this is a great way to let the public play a much larger role in helping fund medical research, and the effort should be encouraged. In fact, the Postal Service Board of Governors met today and selected an old friend and fellow North Carolinian, Bill Henderson, to serve as the next Postmaster General. Let me be the first to congratulate an old friend.

I have asked each member of the Postal Service Board to contribute an additional amount to this effort by turning over what would normally be collected for administrative costs to the cancer research fund. In other words, all of the gross money would go to cancer research. This is especially important in light of the fact that the Postal Rate Commission has just recommended that we raise the price of a first-class stamp by 1 cent.

If only 20 percent of first-class stamp buyers decide to buy this postal stamp—only 20 percent, one-fifth—we will raise $120 million annually. That is the same amount of funding increase we fought for in last year's budget for the National Cancer Institute. The stamp will be sold for 40 cents when it goes on sale in August. The difference in price from 32 cents or 33 cents required to send a first-class letter, either the 7 cents or 8 cents, will go directly to the NIH and the Department of Defense for their breast cancer research studies.

If I could turn this into a ''Home Shopping Channel'' for a moment and address all the folks who may be watching: Please, I ask that they themselves buy and urge their friends to buy the stamp when it goes on sale this August. It is a wonderful gift, and when so giving it, when you make a gift, No. 1, you are sure the gift will be used, and you encourage the recipients of the gift to in turn buy the stamp themselves after the gift supply has been exhausted.

There may be some confusion because about a year ago the post office released a breast cancer awareness stamp. This was a nice gesture, but it provided no money. This stamp will raise money for all the women and families afflicted by this dread disease. Let's prove the post office wrong and make the sale of this stamp a record-setting event.

I thank all my colleagues, and especially Senator FEINSTEIN, for their help in making this semi-postal stamp a reality. I urge you to join with the Postal Service, corporate sponsors, and breast cancer groups to plan events to launch the sale of this stamp completely around the country and in all the States. It has to be a success.

I thank the Chair, and I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggested the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. 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. BROWNBACK. Mr. President, I ask to speak up to 3 minutes as in morning business.

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

THE U.S.-INDIAN RELATIONSHIP

Mr. BROWNBACK. Mr. President, Senator HARKIN from Iowa recently spoke on the floor about the terrible occurrence recently happening in India, the explosion of three nuclear devices, which has been roundly condemned around the world. It is very destabilizing in the Indian subcontinent and is going to trigger a set of automatic sanctions.

In the Foreign Relations Committee, at 2 p.m. tomorrow afternoon, we will be holding a hearing about the actions taken by the Indian Government, its consequences on the U.S.-Indian relationship, and its consequences throughout that subcontinent. I certainly invite all the Members of the U.S. Senate and others interested to watch these hearings and to follow those, because this is a significant event that has occurred. It has significant ramifications on U.S.-India relationships and is an action that is happening in one of the most volatile regions of the world.

I think we all advise and advocate strongly, for our allies and other friends of ours in the neighborhood, for there to be a calm, stable response to this and that there not be further testing to take place. We will explore these issues in the Foreign Relations Committee tomorrow at 2 o'clock.

I yield the floor.

HIGH-TECH WEEK

Mr. LOTT. Mr. President, I am pleased that the Senate will be considering a series of bills that truly impact

and shape our lives in this age of ever-changing technology.

Many of us in this chamber can remember a time when the words ''Internet'' and ''intellectual property'' had no meaning in our day-to-day activities. That is changing. Rapidly changing. New, competitive markets are emerging, and exploding, thanks to continuing technological advancements and innovations.

The potential benefits of such unprecedented growth is exciting. Besides transforming the structure of the communications industry, high technology is literally changing the way millions of us live and do business.

I would like to share a good Samaritan story about how wireless technology does impact, and possibly save, lives.

Mrs. Debbie Sanders, one of my constituents from the small town of Enid, Mississippi, is the 1998 recipient of the VITA Wireless Samaritan Award for her act of heroism. On her way home from a long day at work as a store's assistant manager, Debbie saw a car flipped upside down in a water-filled ditch. She used her wireless phone to call for help and pulled the victim from the vehicle. Not sure of her exact location on this lonely stretch of deserted, rural road, Debbie had to remain on the phone for over one hour with emergency personnel until she and the victim could be reached.

Mr. President, this is only one example of how high technology can enhance our world.

There will be boundless opportunity in the next century for new technological applications to evolve. With that opportunity will come an absolute necessity for a highly skilled labor work force to ensure America's competitive standing and high-technology leadership. Our vibrant economy is directly tied to this cutting-edge technology. Bills that advance our country's ability to compete will strengthen our future and our children's future.

Several measures will be considered, but I want to particularly mention the Consumer Anti-Slamming Protection Act. We need a public policy to crack down on slamming. We need to protect the telephone consumer. The world indeed is shrinking, and we all have come to depend upon long distance service, not as a luxury but as a necessity. We want to talk to those closest to our hearts, wherever they may be.

The practice of ''slamming''—unauthorized switching of long distance telephone service carriers by competing service providers—must stop. It is abusive to the consumer, and has become much too frequent and too disruptive. Our colleagues have told us horror stories in the past, and today we will hear even more illustrations of slamming abuses. With this statute, I join my colleagues in urging the FCC to strengthen its enforcement program to stop this unscrupulous practice. Tougher penalties against companies that intentionally slam will be an effective solution.

I want to thank my Senate colleagues for their diligent leadership and keen focus on tackling these legislative challenges. Their willingness and commitment to work in a bipartisan manner is the reason we are here today. Although some of the issues may be fundamentally noncontroversial, I know the issues are complex, and I appreciate their efforts.

Mr. President, I look forward to the debate. It is also my hope that progress will be continued, and consensus achieved, on other critical pieces of legislation to address a variety of high-technology related concerns shared by many in this Chamber.

CONSUMER ANTI-SCAMMING ACT OF 1998

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1618. I ask further consent there be 2 hours of general debate on the bill, equally divided in the usual form.

I further ask consent that the only first-degree amendments, other than committee amendments, be the following, and that the first-degree amendments be subject to relevant second-degree amendments: Manager's amendment; Collins-Durbin amendment—No. 1, liability, No. 2, penalties, No. 3, report slamming complaints; a Rockefeller amendment on Telecom; a Reed amendment on slamming; Levin amendment on billing information, surety bonds switchless; Feingold amendment on CB interference; Feinstein amendment on telephone privacy; McCain amendment that is relevant; a Harkin amendment on telemarketing fraud; and a Hollings amendment that is relevant.

The PRESIDING OFFICER. Is there objection? Without objection, it is ordered.

Mr. McCAIN. Upon disposition of all amendments, the bill be read a third time and the Senate then proceed to vote on passage of S. 1618 with no intervening action or debate; provided further that Senator BRYAN be recognized further to speak on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, did the Senator from Arizona note Senator MURRAY in his list of amendments?

Mr. McCAIN. I say to my friend that Senator MURRAY and Senator COATS both agreed to drop their amendments on the assurance that these respective pieces of legislation will be brought up at a later date.

Mr. DORGAN. I have no objection.

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

The clerk will report.

The bill clerk read as follows:

A bill (S. 1618) to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1618

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

SECTION 1. IMPROVED PROTECTION FOR [CONSUMERS AGAINST "SLAMMING" BY TELECOMMUNICATIONS CARRIERS.] *CONSUMERS.*

(a) VERIFICATION OF AUTHORIZATION.—Subsection (a) of section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended to read as follows:

''(a) PROHIBITION.—

''(1) IN GENERAL.—No telecommunications [carrier shall] *carrier or reseller of telecommunications services shall* submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with this section and such verification procedures as the Commission shall prescribe.

''(2) VERIFICATION.—

''(A) IN GENERAL.—In order to verify a subscriber's selection of a telephone exchange service or telephone toll service provider under this section, the telecommunications carrier *or reseller* shall, at a minimum, require the subscriber—

''(i) to acknowledge the type of service to be changed as a result of the selection;

''(ii) to affirm the subscriber's intent to select the provider as the provider of that service;

''(iii) to affirm that [the subscriber] *the consumer is the subscriber or* is authorized to select the provider of that service for the telephone number in question;

''(iv) to acknowledge that the selection of the provider will result in a change in providers of that service; *and*

[''(v) to acknowledge that the individual making the oral communication is the subscriber; and]

''[(vi)] *(v)* to provide such other information as the Commission considers appropriate for the protection of the subscriber.

''(B) ADDITIONAL REQUIREMENTS.—The procedures prescribed by the Commission to verify a subscriber's selection of a provider shall—

''(i) preclude the use of negative option marketing;

''(ii) provide for verification of a change in telephone exchange service or telephone toll service provider in oral, written, or electronic form; and

''(iii) require the retention of such verification in such manner and form and for such time as the Commission considers appropriate.

''(3) INTRASTATE SERVICES.—Nothing in this section shall preclude any State commission from enforcing such procedures with respect to intrastate services.

''(4) SECTION NOT TO APPLY TO WIRELESS.—This section does not apply to a provider of commercial mobile service, as that term is defined in section 332(d)(1) of this Act.''.

(b) RESOLUTION OF COMPLAINTS.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended by adding at the end thereof the following:

''(c) NOTICE TO SUBSCRIBER.—Whenever there is a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service, the telecommunications carrier *or reseller* selected shall notify the subscriber in writing, not more than

15 days after the change is [executed, of the change, the date on which the change was effected, and the name of the individual who authorized the change.] *processed by the telecommunications carrier or the reseller—*

(1) of the subscriber's new carrier; and

(2) that the subscriber may request information regarding the date on which the change was agreed to and the name of the individual who authorized the change.

''(d) RESOLUTION OF COMPLAINTS.—

''(1) PROMPT RESOLUTION.—

''(A) IN GENERAL.—The Commission shall prescribe a period of time, not in excess of 120 [days, for a] *days after a telecommunications carrier or reseller receives notice, for the* telecommunications carrier *or reseller* to resolve a complaint by a subscriber concerning an unauthorized change in the subscriber's selection of a provider of telephone exchange service or telephone toll service.

''(B) UNRESOLVED COMPLAINTS.—If a telecommunications carrier *or reseller* fails to resolve a complaint within the time period prescribed by the Commission, then, within 10 days after the end of that period, the telecommunications carrier *or reseller* shall—

''(i) notify the subscriber in writing of the subscriber's right to file a complaint with the Commission concerning the unresolved complaint, the subscriber's rights under this section, and all other remedies available to the subscriber concerning unauthorized changes;

''(ii) inform the subscriber in writing of the procedures prescribed by the Commission for filing such a complaint; and

''(iii) provide the subscriber a copy of any evidence in the carrier's *or reseller's* possession showing that the change in the subscriber's provider of telephone exchange service or telephone toll service was submitted or executed in accordance with the verification procedures prescribed under subsection (a).

''(2) RESOLUTION BY COMMISSION.—The Commission shall provide a simplified process for resolving complaints under paragraph (1)(B). The simplified procedure shall preclude the use of interrogatories, depositions, discovery, or other procedural techniques that might unduly increase the expense, formality, and time involved in the process. The Commission shall issue an order resolving any such complaint at the earliest date practicable, but in no event later than—

''(A) 150 days after the date on which it received the complaint, with respect to liability issues; and

''(B) 90 days after the date on which it resolves a complaint, with respect to damages issues, if such additional time is necessary.

''(3) DAMAGES AWARDED BY COMMISSION.—In resolving a complaint under paragraph (1)(B), the Commission may award damages equal to the greater of $500 or the amount of actual damages. The Commission may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under the preceding sentence.

''(e) PENALTY.—

''(1) IN GENERAL.—Unless the Commission determines that there are mitigating circumstances, violation of subsection (a) is punishable by a fine of not less than $40,000 for the first offense, and not less than $150,000 for each subsequent offense.

''(2) FAILURE TO NOTIFY TREATED AS VIOLATION OF SUBSECTION (a).—If a telecommunications carrier *or reseller* fails to comply with the requirements of subsection (d)(1)(B), then that failure shall be treated as a violation of subsection (a).

''(f) RECOVERY OF FINES.—The Commission may take such action as may be necessary—

''(1) to collect any fines it imposes under this section; and

''(2) on behalf of any subscriber, any damages awarded the subscriber under this [section.''.] *section.*

(g) CHANGE INCLUDES INITIAL SELECTION.—For purposes of this section, the initiation of service to a subscriber by a telecommunications carrier or a reseller shall be treated as a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service.

(c) STATE RIGHT-OF-ACTION.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258), as amended by subsection (b), is amended by adding at the end thereof the following:

''[(g)] *(h)* ACTIONS BY STATES.—

''(1) AUTHORITY OF STATES.—Whenever the attorney general of a State, or an official or agency designated by a State, has reason to believe that a telecommunications carrier *or reseller* has engaged or is engaging in a pattern or practice of changing telephone exchange service or telephone toll service provider without authority from subscribers in that State in violation of this section or the regulations prescribed under this section, the State may bring a civil action on behalf of its residents to enjoin such unauthorized changes, an action to recover for actual monetary loss or receive $500 in damages for each violation, or both such actions. If the court finds the defendant willfully or knowingly violated such regulations, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under the preceding sentence.

''(2) EXCLUSIVE JURISDICTION OF FEDERAL COURTS.—The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this subsection. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of this section or regulations prescribed under this section, including the requirement that the defendant take such action as is necessary to remove the danger of such violation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

''(3) RIGHTS OF COMMISSION.—The State shall serve prior written notice of any such civil action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission shall have the right—

''(A) to intervene in the action;

''(B) upon so intervening, to be heard on all matters arising therein; and

''(C) to file petitions for appeal.

''(4) VENUE; SERVICE OF PROCESS.—Any civil action brought under this subsection in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or where the defendant may be found.

''(5) INVESTIGATORY POWERS.—For purposes of bringing any civil action under this subsection, nothing in this section shall prevent the attorney general of a State, or an official or agency designated by a State, from exercising the powers conferred on the attorney general or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(6) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this subsection shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

''(7) LIMITATION.—Whenever the Commission has instituted a civil action for violation of regulations prescribed under this section, no State may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for any violation as alleged in the Commission's complaint.

''(8) DEFINITION.—As used in this subsection, the term 'attorney general' means the chief legal officer of a State.

''[(h)] *(i)* STATE LAW NOT PREEMPTED.—Nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes more restrictive intrastate requirements or regulations on, or which prohibits unauthorized changes in, a subscriber's selection of a provider of telephone exchange service or telephone toll service.''.

(d) REPORT ON CARRIERS EXECUTING UNAUTHORIZED CHANGES OF TELEPHONE SERVICE.—

(1) REPORT.—Not later than October 31, 1998, the Federal Communications Commission shall submit to Congress a report on unauthorized changes of subscribers' selections of providers of telephone exchange service or telephone toll service.

(2) ELEMENTS.—The report shall include the following:

(A) A list of the 10 telecommunications carriers that, during the 1-year period ending on the date of the report, were subject to the highest number of complaints of having executed unauthorized changes of subscribers from their selected providers of telephone exchange service or telephone toll service when compared with the total number of subscribers served by such carriers.

(B) The telecommunications carriers, if any, assessed fines under section 258(e) of the Communications Act of 1934 (as added by subsection (c)), during that period, including the amount of each such fine and whether the fine was assessed as a result of a court judgment or an order of the Commission or was secured pursuant to a consent decree.

SEC. 2. REPORT ON TELEMARKETING PRACTICES.

(a) IN GENERAL.—The Federal Communications Commission shall issue a report within 180 days after the date of enactment of this Act on the telemarketing practices used by telecommunications carriers *or resellers* or their agents or employees for the purpose of soliciting changes by subscribers of their telephone exchange service or telephone toll service provider.

(b) SPECIFIC ISSUES.—As part of the report required under subsection (a), the Commission shall include findings on—

(1) the extent to which imposing penalties on telemarketers would deter unauthorized changes in a subscriber's selection of a provider of telephone exchange service or telephone toll service;

(2) the need for rules requiring third-party verification of changes in a subscriber's selection of such a provider; and

(3) whether wireless carriers should continue to be exempt from the verification and retention requirements imposed by section 258(a)(2)(B)(iii) of the Communications Act of 1934 (47 U.S.C. 258(a)(2)(B)(iii)).

(c) RULEMAKING.—If the Commission determines that particular telemarketing practices are being used with the intention to mislead, deceive, or confuse subscribers and that they are likely to mislead, deceive, or confuse subscribers, then the Commission

shall initiate a rulemaking to prohibit the use of such practices within 120 days after the completion of its report.

Mr. MCCAIN addressed the chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, today the Senate begins consideration of a series of bills dealing with critical issues raised by the transformation and rapid growth of the telecommunications industry.

This transformation in telecommunications is being driven by constant changes in telecommunications technology. The small mass media universe of fifty years ago, occupied by a few large AM radio stations, has given way to an electronic marketplace teeming with alternative sources of information and entertainment. FM radio, TV, cable and satellite television, and the Internet have become sometimes competing, and sometimes complementary, mass media outlets. In the world of telecommunications, the days of Ma Bell were numbered by the advent of microwave radio and satellite technology. First there was competition for long-distance service; then wireless services appeared and exploded. Cellular radio, paging, and now personal communications services—all are now an indispensable part of everyday American life.

For those of you old enough to remember back twenty years—and I think the Presiding Officer can do that—think of how different your life is today than it was then. Most of these changes were due to the growth of telecommunications. For those of you too young to remember that far back, I can assure you that twenty years from now, you will look back on today and marvel at the changes you will have seen.

Today the driving force in telecommunications is digital technology. Digital technology has not only made some of today's new services possible—it is also causing formerly different services to converge, and it is promising Americans new and exciting services in the future. The convergence of your television and your computer is on the horizon. So also is a telephone that can simultaneously translate conversations held in different languages.

We need no longer talk about the Information Age in the future tense. It's here and now, and it's reshaping our world.

As telecommunications technology changes the way we live, our laws must change to keep pace. The growth of competition in the long-distance industry now gives consumers over 500 companies to choose from. Because of that competition, the consumer is better off. But the growth in long-distance competition has also given rise to cutthroat marketing practices.

The first bill we will consider and debate today is S. 1618, the Consumer Anti-Slamming Act of 1998. It is offered by myself and my good friend and distinguished colleague Senator FRITZ HOLLINGS of South Carolina, the distinguished Ranking Democrat on the Commerce Committee. Joining us as cosponsors are the distinguished Majority Leader, Senator LOTT, and Senators FRIST, BRYAN, JOHNSON, KERRY, ABRAHAM, SHELBY, SNOWE, FEINGOLD, and BOB SMITH.

The Consumer Anti-Slamming Act is designed to put a stop, once and for all, to inexcusable marketing tactics that lead to a consumers' long-distance telephone company being switched without consent. Right now two consumers are ''slammed'' every minute of every day, which makes slamming far and away the most pervasive consumer problem in telecommunications today.

We will then shift our focus to Internet-related issues. The information technology industry is estimated to account for one-third of our real economic growth. Currently, electronic commerce is in the neighborhood of several billion dollars per year, but that figure is expected to skyrocket into hundreds of billions in only a few years more.

The growth and continued expansion of the information technology industry has vastly increased the need for highly-skilled individuals to work in this industry. We need these workers, and their skills, to retain our nation's leadership in Information Age technology. Unfortunately, however, our country isn't producing them in the numbers needed. Therefore, temporary solutions must be found to enable our high-tech industries to remain competitive, while we address problems in the educational system that have led to our inability to produce the needed workforce in this country.

S. 1723, The American Competitiveness Act of 1998, will increase the yearly cap on H–1B immigration visas for skilled workers, while creating new educational opportunities for Americans to join the information technology workforce that is now so critically short of the skilled personnel we need.

Mr. President, I am proud to be a cosponsor of this measure. I commend my colleague, Senator ABRAHAM, for his leadership on this issue, and I am proud to be a cosponsor of this bill in company with Senators HATCH, DEWINE, SPECTER, GRAMS, BROWNBACK, ASHCROFT, HAGEL, BENNETT, MACK, COVERDELL, LIEBERMAN, BURNS, Senator BOB GRAHAM of Florida, and Senator GORDON SMITH of Oregon. I would also like to compliment Senator FEINSTEIN for her efforts at reaching a consensus on this issue with her fellow members of the Judiciary Committee.

Should we fail to pass this measure, our industry will not be able to access the wealth of talent not currently available here at home. This reality will have a quantifiable negative impact on American jobs and American industry. Without passage of this bill, we are forcing companies to shift jobs overseas.

A letter signed by the CEOs of fourteen leading companies, including Microsoft's Bill Gates, Netscape's James Barksdale, and Texas Instruments' Thomas Engibous, put this point well:

> Failure to increase the H–1B cap and the limits that will place on the ability of American companies to grow and innovate will also limit the growth of jobs available to American workers * * * Failure to raise the H–1B cap will aid our foreign competitors by limiting the growth and innovation potential of U.S. companies while pushing talented people away from our shores * * * [this] could mean a loss of America's high technology leadership in the world.

Mr. President, our competitors abroad are waiting for the opportunity to surpass us. They can only do this if we allow them to. We cannot allow our high-tech industries to be hamstrung by an arbitrary cap on immigration of skilled workers.

The Internet has provided widespread access to enormous quantities of information. This in turn has made it necessary to update our copyright laws to protect the rights of copyright holders in the Information Age.

S. 2037, The Digital Millennium Copyright Act, is aptly named. As digitization of commerce, education, entertainment, and a host of other online applications proceeds, international copyright agreements have to be maintained and updated. In addition, the rights of copyright owners need to be assured as technology progresses. That not only safeguards the copyright holder's rights, but also assures that new material will be freely produced and made available to all Internet users.

Finally, Mr. President, while information technology has opened up whole new avenues for commerce, learning, and education, it has also opened up whole new approaches to shady dealings and unfair business practices, and the public should be protected from these. And while we continue to work to prevent these occurrences, we must also work to ensure that existing consumer protection laws function as they were intended, and do not produce unintended or unfair results against either consumers or companies.

My colleague, Senator GRAMM, has taken a keen interest in these issues as they are embodied in the Private Security Litigation Reform Act signed into law during the 104th Congress. Senator GRAMM has led the Securities Subcommittee in reviewing the effectiveness of this law, and he and his fellow Subcommittee members have found it to be insufficient in some areas dealing with class-action suits, particularly those brought in state rather than federal courts, and those in which a valid cause of action has been fraudulently or inadequately presented.

Although frivolous security class actions are a particular problem for the high-tech industry, to the extent consumers have been harmed the industry must be held accountable. Therefore, the issue of securities reform is deserving of debate in the Senate.

Mr. President, these four bills, although apparently so different, do have a unifying thread just as old and new methods of communicating are united by a common concern. Whether we are talking about telephones or advanced computer technology, analog or digital, data or video, our laws must be sure that all segments of the telecommunications industry respond to the consumers' needs, respect consumers' rights, and provide the services America needs to take us into the unimaginably exciting and challenging future that lies before us.

These bills are the first of a series of legislative initiatives the Senate will consider this session that together are intended to achieve these goals.

Mr. President, with that, I conclude the overview of these four bills.

Mr. President, concerning S. 1618, the Consumer Anti-Slamming Act, consumers across the country are unfortunately all too familiar with a practice known as ''slamming.'' Slamming is the unauthorized changing of a consumer's long-distance telephone company. It is a problem that continues to harm consumers despite efforts at the Federal and State level to fight it. That is why we need to ensure the passage of the slamming legislation that I have introduced. The distinguished Senator from South Carolina, Senator HOLLINGS, who serves as the ranking member of the Senate Commerce Committee, joins me in cosponsoring this bill. I thank him for his invaluable assistance in developing this important piece of legislation to restore and safeguard consumer rights. I also thank the other cosponsors of this bill: Senators LOTT, SNOWE, REED, FRIST, BRYAN, DORGAN, JOHNSON, HARKIN, KERRY, INOUYE, ABRAHAM, BAUCUS, SMITH, and Bob SMITH, for joining me in this effort.

Mr. President, slamming isn't just persisting, it is increasing. Slamming complaints are the fastest growing category of complaints reported to the Federal Communications Commission, having more than tripled in numbers since 1994. Last year, 44,000 consumers filed slamming complaints with the FCC. That is a 175 percent increase from the 16,000 complaints the FCC received in 1996.

The extent of the slamming problem is even worse than indicated by the number of complaints filed at the FCC. According to the National Association of State Utility Consumer Advocates, slamming is now the most common consumer complaint received by many State consumer advocates. It has been estimated that as many as 1 million consumers are switched annually to a different long-distance telephone company without their consent. The severity of the slamming problem was exemplified just days ago by a new report that 4,800 residents of one small town in Washington State, about 70 percent of the town, were slammed at one time.

For several years, the FCC has attempted unsuccessfully to deter slamming, yet aggressive long-distance telemarketers continue to mislead consumers.

On April 21st, the Federal Communications Commission imposed a $5.7 million fine on a small long-distance company that had been slamming consumers for years. While this is by far the largest fine the FCC has ever levied for this offense, the FCC took action only after receiving over 1,400 complaints about this company over the course of 2 years, and by now the slammer has disappeared. This instance shows yet again that the FCC's current rules are completely ineffective in preventing slamming.

S. 1618 is a bill designed to stop slamming once and for all. This legislation establishes stringent antislamming safeguards as well as stringent civil and criminal penalties that will discourage this practice. It prescribes definitive procedures for carriers to follow when making carrier changes, provides a menu of remedies for consumers that have been slammed and gives Federal and State authorities the power to impose tough sanctions, including high fines and compensatory punitive damages.

Mr. President, these measures, in addition to those that the States may develop, will ensure that consumers are afforded adequate protection against slamming. In light of the seriousness and scope of the slamming problem, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that a letter from the AARP, along with a Monday, May 11 article in USA Today be printed in the RECORD.

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

AARP,
Washington, DC, May 11, 1998.

Hon. JOHN MCCAIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCAIN: The American Association of Retired Persons (AARP) commends you for introducing S. 1618, a bill to improve the protection of consumers against the unauthorized switching of long distance telephone service providers. According to the FCC, this practice known as ''slamming,'' is the fastest growing consumer complaint in telecommunications. We believe that the provisions in your bill to amend the Communications Act of 1934 to curtail ''slamming'' are good for consumers.

S. 1618 includes most of the elements necessary to close off loopholes in the existing law that make telephone subscribers vulnerable to fraudulent or deceptive practices. Key provisions would:

Define switching verification procedures—requiring the telecommunications carrier to receive a series of affirmations from the subscriber prior to verifying the switch;

Preclude the use of negative option marketing—ending this onerous practice of switching subscribers for failure to tell the carrier that they are not interested;

Require a detailed, written notice of change to subscriber—notify the subscriber in writing, within 15 days after the change, of the change, the date on which the change was effected and the name of the individual who authorized the change;

Award treble damages to wronged parties—providing the FCC with authority in resolving a complaint to increase the amount of the original award times three; and

Punish violating carriers with severe first and second offense fines—imposing fines of not less than $40,000 for the first offense and not less than $150,000 for each subsequent offense, a substantial deterrent to violating carriers.

AARP believes that, as competition develops throughout the telecommunications industry, all telephone carriers should be subject to provisions similar to these. We also believe that the issues attendant to the practice of ''cramming'' need to be addressed in the near future. We look forward to working with you toward that goal. In the meantime, the provisions of this bill move consumer protections in the right direction. The Association stands ready to work with you as you seek final passage of this important piece of legislation.

Sincerely,

HORACE B. DEETS,
Executive Director.

[From USA TODAY, May 11, 1998]

CALLERS FALL VICTIM TO TELCOM WAR

COMPLAINTS OF SLAMMING, PHONY CHARGES SKYROCKET

(By Steve Rosenbush)

NEW YORK.—Jean Franklin, a Salem, Ore., homemaker, was billed last year for several hundred dollars worth of adult-chat phone calls.

American Billing & Collection sent the invoices to her home, but the calls—which eventually totaled $1,100—were billed to a telephone number she and her husband, Kenneth, canceled years earlier when they moved.

She'd been ''crammed''—billed for a phone service she never bought.

''I was surprised, but I thought it was a mistake that could be easily corrected,'' Franklin says. Instead, American Billing, which declined to comment for this story, eventually turned the matter over to a collection agency.

Her credit report marred by reported bad debt, Franklin complained to the California attorney general's office and the Federal Trade Commission. Last month, regulators filed charges in U.S. District Court in Los Angeles accusing American Billing and two other phone companies of using deceptive and unfair practices to bill people for adult-chat services. But the bad debt is still on Franklin's record.

It's a tale from the trenches of the telecom wars, where millions of consumers like Franklin are suffering the collateral damage. Armies of companies have poured into the increasingly deregulated $200 billion U.S. market, overwhelming the limited resources of regulators with aggressive and sometimes illegal practices.

Desperate for a tactical advantage, other companies are rushing to market with innovative products and services that sometimes don't work. Make an evening phone call on a congested network, such as the one in Los Angeles, and seven times out of 100 it won't go through on the first attempt, says Bellcore, a telecommunications research company. AT&T says users of its directory assistance get the number they ask for only nine out of 10 times. Buy a prepaid calling card, and there's a good chance the call won't go through. Many of the basic services and products that people took for granted in the monopoly era simply don't work—or don't work well—today. Annual telephone-related complaints and inquiries have soared more than tenfold since 1990; the Federal Communications Commission logged 44,035 in 1997 alone.

''Here is the dark side of competition and choice,'' says FCC Chairman William Kennard. ''Sure, life was easier when they had no choice,'' Kennard says. ''But that is not what consumers want.''

Or is it?

Long-distance rates have fallen 60% since the 1984 dismantling of AT&T, and consumers can choose from hundreds of new carriers. ''But it was a lot easier to use the phone before they broke up AT&T. And I don't think you really save that much money now because companies charge you for other things,'' says Alan Kohn of Woodbridge, N.J., who was dismayed when he couldn't find a pay phone that accepted his calling card.

Statistics from phone companies, consumer advocates and state and federal regulators don't begin to capture the depth of consumer frustration with phone services.

HEADACHES EVERYWHERE

Directory assistance costs more, often requires a wait, and increasingly provides wrong numbers. The toll on callers is more than $50 million a year if just 5% of the 1.5 billion long-distance information calls are inaccurate. Not to mention the frustration of dealing with computer-generated voices instead of operators. Carriers like AT&T blame local phone companies that won't share their databases of names and phone numbers.

Prepaid calling cards, ''On the whole, they are worth it,'' says Dan Singhani, 45, a newsstand owner in Manhattan who uses them several times a week to call relatives in India and Hong Kong. ''But some cards don't work. . . . Or you are talking and the line is disconnected.''

Pay phone charges. Muriel Flore thought she was using her calling card when she stopped during an interstate trip to call her vet and check on her sick cat. She was stunned several weeks later when Oncor Communications billed her more than $12 for the five-minute call. Oncor agreed to cancel the bill after Flore complained to the FCC. The company did not return phone calls for this story.

Fragile phones. A micro-processor-driven telephone ruined by just a drop of water that seeps through the keypad.

''SLAMMED''

By far, the bulk of consumer complaints to the FCC are about slamming: switching a customer's long-distance service without permission. Last year, the FCC received more than 20,000 complaints. But the actual incidence of slamming is much higher. AT&T alone says 500,000 of its 80 million residential customers were slammed last year.

''I resented the fact that I had been changed without notice,'' says Jim Pringle of Pittsboro, N.C. ''But what I resented almost more was that somebody benefited from the lag between when it occurred and when I realized it.''

Ronald J. Carboni thinks a disgruntled neighbor, playing a prank, switched his phone service from Sprint to National Telephone & Communications. Carboni, 52, was charged $8.92, a fee National immediately dropped once notified of the problem. Records show someone had forged Carboni's name as ''Batboni.'' National never confirmed the order.

Lawmakers and regulators are cracking down, though slamming complaints represent only a fraction of the 50 million changes that consumers made in their long-distance service last year. Last month the FCC levied the biggest slamming fine in history, a $5.7 million penalty against the Fletcher Cos., run by a 30-year-old fugitive named Daniel Fletcher. The FCC has vowed to increase penalties and force companies to return money they collect from slamming victims. In California, a new law requires long-distance carriers to hire a third party to authenticate every request for service changes.

The phone companies are policing themselves, too. AT&T filed lawsuits in March against three independent sales agents it suspected of the problem. AT&T says agents who account for less than 5% of the company's consumer long-distance sales were responsible for about two-thirds of slamming complaints against AT&T.

BILLED AND BILKED

Scams are multiplying as deregulation spreads. Complaints of cramming—cases like that of Jean Franklin—are the newest twists, and they are soaring.

A host of small, independent companies are billing customers—sometimes on their local phone bills—for information services, such as horoscopes and sports scores, that they didn't order. Some people are billed at random; others are the victims of carelessness and error by carriers and billing companies.

The FCC has processed 1,123 complaints of cramming since it began tracking them last December. And last week, Bell Atlantic cracked down on cramming, in effect saying that it would no longer allow 20 smaller companies to place their charges on Bell Atlantic bills.

The company, which serves more than 41 million customers from Virginia to Maine, said it is receiving hundreds of complaints a day and that more than 80% are legitimate.

Floyd Brown's cramming case is typical. Brown, 76, of Carlsbad, Calif., said American billing charged his mother earlier this year for $44.55 worth of information services it said she had purchased over the phone. ''She had been dead for a year and a half,'' Brown says.

And Franklin and her husband are still struggling to resolve their dispute with the company. The bad debt remains on their credit reports, and shame has kept them from applying for loans to buy a new car and a new house. ''It's not going to be over until that item is removed from our credit report,'' Franklin says.

Mr. McCAIN. The AARP writes:

The American Association of Retired Persons (AARP) commends you for introducing S. 1618, a bill to improve the protection of consumers against the unauthorized switching of long distance telephone service providers. According to the FCC, this practice, known as ''slamming'' is the fastest growing consumer complaint in telecommunications. We believe that the provisions in your bill to amend the Communications Act of 1934 to curtail ''slamming'' are good for consumers.

* * * * *

AARP believes that, as competition develops throughout the telecommunications industry, all telephone carriers should be subject to provisions similar to these. We also believe that the issues attendant the practice of ''cramming'' need to be addressed in the near future. We look forward to working with you toward that goal. In the meantime, the provisions of this bill move consumer protections in the right direction. The Association stands ready to work with you as you seek final passage of this important piece of legislation.

Mr. President, yesterday there was an article in the USA Today which is included in the RECORD, and it says: ''Callers fall victim to telecom war, complaints of slamming, phony charges skyrocket.''

Jean Franklin, a Salem, Ore., homemaker, was billed last year for several hundred dollars worth of adult-chat phone calls.

American Billing & Collection sent the invoices to her home, but the calls—which eventually totaled $1,100—were billed to a telephone number she and her husband, Kenneth, canceled years earlier when they moved.

She'd been ''crammed''—billed for a phone service she never bought.

* * * * *

Long-distance rates have fallen 60% since the 1984 dismantling of AT&T, and consumers can choose from hundreds of new carriers. ''But it was a lot easier to use the phone before they broke up AT&T . . .,'' says Allan Kohn . . . who was dismayed when he couldn't find a pay phone that accepted his calling card.

Mr. President, by far the bulk of consumer complaints at the FCC are about slamming, switching consumers long-distance service without permission. And it goes on to talk about the 20,000 complaints.

AT&T alone says 500,000 of its 80 million residential customers were slammed last year.

''I resented the fact that I had been changed without notice,'' says Jim Pringle of Pittsboro, N.C. ''But what I resented almost more was that somebody benefited from the lag between when it occurred and when I realized it.''

Mr. President, I recognize on the floor Senator COLLINS who has been heavily involved in this issue. And after Senator DORGAN speaks, I think she will seek to address her amendment. But I want to thank her for her involvement in this issue, the hearings that she held in her subcommittee and the enormous contributions she has made in causing this bill to progress.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me add my congratulations to Senator COLLINS on the work that she has done, and certainly to the Senator from Arizona, Senator MCCAIN, and Senator HOLLINGS. Senator HOLLINGS has asked me to be present for him. He is tending to other Senate business at the moment.

This is an important piece of legislation. We appreciate very much the bipartisan work that was done to bring it to the floor of the Senate.

I would like to just, for a couple of moments, give an overview of where we are and then bring it to this piece of legislation—and I will be rather brief—after which I will be interested in hearing from the Senator from Maine as well.

The breathtaking changes in telecommunications and in the telecommunications industry in recent years have been quite remarkable. No one could have anticipated what we would see in technology and in opportunities that exist from the changing technology.

I, in a speech some while ago, held up a vacuum tube, a small vacuum tube that we are all familiar with, and then I held up next to it a little computer

chip that was about one-half the size of my little fingernail, and I said, ''The little computer chip equals 5 million vacuum tubes.'' Sometimes we forget to equate what is happening in these little chips and in their power and in their capability, but it is really quite remarkable what has happened to speed, storage density, memory and all the other things that relate to these breakthroughs.

The CEO of one of the large companies, IBM as a matter of fact, in a report to the annual meeting that I had read, I guess, about 6 or 8 months ago, talked about the research they are doing in the area of storage density, which kind of relates to all this technology. And I was struck by what he said. He said we were on the verge of a breakthrough with respect to storage density, such that the time was near, he thought, when we would be able to store all of the volumes of work at the Library of Congress, which represents the largest volume of recorded human history anywhere on Earth—we would be able to store all of that, 14 million volumes of work, on a wafer the size of a penny.

Think of that—carrying around in your pocket to slip into a laptop a wafer the size of a penny that contains 14 million volumes of work. Unthinkable? No. It is where technology is heading.

In my little high school, where I graduated in a class of nine, we had a library the size of a coat closet. That high school now has access to the largest libraries in the world through the Internet. All of this is made possible by the breakthroughs in technology and the telecommunications industry and the development of the information superhighway. Many of us are very concerned, as public policy develops in all of these areas, that we make certain that the benefits of all of this are available to all Americans, that the on-ramps and off-ramps for the information superhighway, yes, stop even in my hometown, in my small county.

So as we develop legislation such as the Telecommunications Act, which Congress passed a couple years ago, and try to evaluate what kinds of policy guidance we can give as this industry grows, it is very important that we do this right.

I might say, as I begin, that I am concerned about universal service, about the availability of universal service—especially in telephone service—in the years ahead, in the high-cost areas and rural areas of our country. I hope very much that the Federal Communications Commission will make a U-turn with respect to some of the policy decisions they have made which I think threaten universal service in the future. There is still time for them to make some recalculations and some different policy judgments. I have met with Chairman Kennard and others, and I hope very much that they will make some different judgments than what we saw from the previous Chairman of the FCC, which I think will implement the Telecommunications Act, which is very detrimental to high-cost areas and rural areas of the country. We are going to debate that more in the months and years ahead.

Let me talk specifically about the telecommunications area that does work and works well. One of the areas that works and provides the fruits and benefits of competition to virtually every American is the competition in long-distance telephone service. This is an area—long-distance telephone service—in which there is robust, aggressive competition. Anywhere you look, you will find a telephone company engaged in selling long-distance service. If you don't think so, just sit down for dinner some night, and somebody will give you a cold call from an office somewhere in a State far away, and they will be trying to sell you their long-distance service. They apparently only dial at mealtime—at least into our home. But I think every American is familiar with these telephone calls—''Won't you take our long-distance service?'' As I indicated, up to 500 companies are robustly competing for the consumer dollar. What has happened to the cost of long-distance service? It has gone down, down, down. That represents the fruit and the benefit of good competition.

But one other thing has happened with respect to this competition. As is the case where there is robust competition, there are also some bad actors. In this case, ''bad actors'' means that people get involved in this business of trying to sell a long-distance service to a customer that already has a long-distance provider but decides they are going to sell it the shortcut way—they are not even going to ask the consumer whether they want to change providers. Through sleight of hand, they are going to engage in a technological stealing of sorts; they are going to switch someone's long-distance service and not tell them about it. That is, in fact, stealing; that is, in fact, a criminal act. One might ask, is that happening a lot? Yes, it is happening a lot.

Here is a story about the king of slammers. I was trying to evaluate where this word ''slammer'' came from. Frankly, nobody knows where the word ''slammer'' came from. But the definition of ''slammer,'' as it is used in this context, is someone who goes in and changes someone else's long-distance carrier without telling them and without authorization. It is stealing. It is criminal.

The king of slammers is Daniel Fletcher. Let me cite him as an example. The head of the FCC, William Kennard, said, ''This is truly a bad actor. He is a felon who clearly had intent to violate the FCC's rules, and we're hitting him hard.'' But not too hard, because they haven't found him. He changed a half-million people's long-distance carrier, and he, apparently, made $20 million. Is that stealing? Yes. Is that petty cash? No; that is grand theft. The fact is, that goes on across the country all too often.

Yesterday, Mr. President, on the floor, I held a clipping from the newspaper in North Dakota. It just so happened that, coincidentally, the North Dakota papers had a story that said that the North Dakota Attorney General had been the victim of slamming. Someone had decided to change the attorney general's long-distance carrier without asking her.

Now, am I suggesting that slammers are stupid? Well, not always. They certainly seem to steal a lot of money. But is it a stupid slammer that decides they are going to change the long-distance service of an attorney general of a State without telling them? Yes, that is pretty stupid. But this is not about being stupid or funny, it is about stealing. The hearings that were held by Senator COLLINS, and others, and the work done has been to respond to a very real problem that is significant.

Now, the FCC complaints about this slamming—the unauthorized change of a long-distance service—increased from 2,000 five years ago, to 20,000 last year. The FCC indicates that there is a substantial amount of slamming going on, evidenced by the complaints to the FCC. The GAO did a report that, in fact, was rather critical of the FCC's enforcement on these slamming issues, saying that the antislamming measures ''do little to protect the consumers from slamming.''

We have a problem; yet, we are not able to solve that problem with the regulatory agency, either because it is not doing what it ought to do, it doesn't exert enough energy, or perhaps it doesn't have enough authority. But whatever the reason—and it might be a combination of all of those reasons—this problem is not going away; it is growing much, much worse.

In 1997, with 20,000 complaints, the FCC obtained only 9 consent decrees from companies nationwide that paid a total of $1.2 million in fines because of slamming. In the same year, California, by comparison, suspended one firm for 3 years because of slamming, and fined it $2 million, and ordered it to repay another $2 million to its customers. One State, the State of California, did far more than the FCC. I hope that this piece of legislation we will pass will give the FCC the authority, energy, and resources to join us and do what we must do to respond to this slamming.

Now, let me read what the legislation does. It strengthens the antislamming laws and requires the FCC to establish the following consumer protections:

One, it prohibits a carrier from changing a local subscriber's long-distance service, unless the carrier follows the minimum verification procedures prescribed by the FCC—sets up specific procedures that must be followed.

Two, it requires carriers to keep an oral, written, or electronic record of a subscriber authorizing a change in their carrier.

Three, it requires a carrier to send a written notification to the consumer informing them of the changed service within 15 days of the change in service.

Four, it requires carriers to provide consumers with the information and procedures necessary to file a complaint at the FCC.

Five, it requires carriers to provide slammed customers with any evidence that authorized that change.

It allows the complaint process to impose stiff penalties, up to $150,000, and a range of other important issues that I think will give us much more enforcement against this slamming process and the slamming practice across the country.

Once again, let me conclude by saying that this is not some minor nuisance issue; this is an issue in which some have taken advantage of consumers who are the victims. It is true that the company that has been changed is also a victim, a company that was serving a customer and is now not serving the customer.

But the ultimate victim here are the consumers who only understand later after they have taken a look at a bill somewhere and discover they are the ones that have been victimized.

This bill also, incidentally, would prohibit some other practices that are deceptive. There are a whole range of practices that have allowed people or persuaded people to sign a coupon in exchange for having an opportunity or a chance to get something, or get a free door prize, or get some sort of free gift. So you sign this little coupon. On the bottom in tiny little script it tells you that despite the fact that you have never read it, you have just signed away and changed your long-distance carrier. That is cheating. Where I come from, and I think where all of us come from, when you cheat and steal, somebody ought to be after you to get you.

That is exactly what we want to have happen with respect to the enforcement against this kind of behavior and practice that is making victims of millions of Americans all across the country.

This one fellow took one-half million households, changed their long-distance carrier, got $20 million into an income stream into shell corporations that he set up, and now he is gone. What does this mean? It means that one-half million Americans were cheated. This fellow stole from not only the companies but especially the Americans who expected to have a long-distance service they had contracted for and discovered someone else changed it.

Let me again, as I began, say thank you to Senator COLLINS to Senator MCCAIN, and to Senator HOLLINGS and so many other. I am a cosponsor of this, as are a good number of our colleagues in the Senate, because it is good legislation and will do the right thing for consumers in this country.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank Senator DORGAN for his kind remarks but also for his very clear and concise depiction of the issue that we are addressing. I think it is important that the record reflect the entirety of his remarks.

Mr. President, I ask unanimous consent that the pending committee amendments be agreed to and considered as original text for purpose of further amendments.

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

The committee amendments were agreed to.

Mr. MCCAIN. Mr. President, I yield the floor.

Mr. HOLLINGS. Mr. President, I rise today in support of legislation that is necessary to stem the tide of one of the most annoying anti-consumer practices, known as slamming. Slamming occurs when a preferred telecommunications service provider of the consumer is changed without the consent of the consumer. This legislation enhances the verification and other procedures that carriers must use to ensure that the consumer consents to the change in its service provider. It also enhances the enforcement authority of the FCC, the Department of Justice, and the State attorneys general and imposes greater penalties and fines to address the problem of slamming.

Slamming is not a new problem. Many consumers have been victims of slamming, suddenly discovering that their phone service is no longer being provided by their carrier of choice. Instead, it is being provided by an unauthorized carrier. We've all had the sales calls interrupt us at the dinner table. Regardless of what the FCC does, the problem persists.

In a recent USA TODAY article, the FCC said it received 12,000 consumer complaints about slamming during the first half of 1997. In 1996, it received more than 16,000 total slamming complaints. In its Fall 1996 Common Carrier Scorecard, the FCC stated that slamming was the top consumer complaint category handled by the Enforcement Division's Consumer Protection Branch. It also stated that slamming complaints were the fastest-growing category of complaints, increasing more than six-fold between 1993 and 1995. In its 1997 Common Carrier Scorecard, the FCC indicated that nine companies accused of slamming have entered into consent decrees and have agreed to make payments to the United States Treasury totaling $1,245,000. The FCC has also issued two Notices of Forfeitures with combined forfeiture penalties of $160,000. Nonetheless, slamming continues to be a significant problem.

The provisions we introduce today will hopefully stop this practice of slamming once and for all. The legislation places new responsibilities on carriers for the benefit of consumers. For example, often times, a consumer is slammed and does not know it until the next telephone bill arrives. Sometimes, unscrupulous carriers provide service to slammed customers for a considerable time before the customer becomes aware of the unauthorized switch. To prevent this, the legislation requires that whenever there is a change in the subscriber's carrier, the carrier must notify the subscriber of the change within 15 days. A carrier has 120 days to resolve a slamming complaint. If the carrier is unable to resolve the complaint within the required timeframe, then the carrier must notify the consumer of his or her right to file a complaint with the FCC. The FCC is required to resolve a slamming complaint it receives within 150 days.

The bill also requires a carrier to retain evidence of the consumer's authorization to switch carriers and to inform the consumer of their rights to pursue a resolution of the matter with the Federal Communications Commission and with State authorities. Requiring carriers to store information will make it easier to resolve slamming disputes that arise between the consumer and the carrier. Armed with information on how to resolve slamming disputes, we hope that consumers will pursue their available recourse and help us hold carriers accountable for their illegal actions.

In addition, the bill creates a variety of causes of actions and imposes still penalties on carriers. If a carrier violates FCC rules, the FCC can award the greater of actual damages or $500 and has the discretion to award treble damages. If there are no mitigating circumstances, the FCC is required to impose on the carrier a forfeiture of $40,000 or more for the first offense and not less than $150,000 for each subsequent offense. If a company fails to pay a forfeiture, the FCC can limit, deny, or revoke the company's operating authority. Where the slammer's actions have been willful, the Department of Justice can bring an action to impose fines in accordance with Title 18, United States Code and imprison the person who submits or executes a change in willful violation of Section 258. In addition, State attorneys general can bring actions in federal court to: impose criminal sanctions and penalties under Title 18 U.S. Code; recover actual damages or $500 in damages; and recover fines of $40,000 or more for first offenses and not less than $150,000 for subsequent offenses unless there are mitigating circumstances. Finally, this bill gives the FCC authority to pursue billing agents when they place charges on a consumers bill that they know the consumer has not authorized.

Slamming is a troublesome problem. Slamming eliminates a consumer's ability to chose his or her service provider. It distorts telecommunications markets by enabling companies engaged in misleading practices to increase their customer base, revenues,

and profitability through illegal means. Today hundreds of long distance carriers compete for a consumer's business. If slamming is not addressed effectively today, it could become much more worrisome. The changes in the telecommunications industry will probably result in a future in which local and long distance phone services are provided by an even greater number of carriers.

It is therefore important that we eliminate the practice of slamming. Consumers have the right to choose their own phone companies when they choose. A consumer's choice should not be curtailed by the illegal actions of bad industry actors and a consumer should not have to spend a significant amount of time addressing issues of slamming. I expect that requirements placed by this bill will help to eliminate slamming. My actions with respect to slamming reflect my continued efforts to protect consumers as I have in the past supported legislation which successfully addressed the problem of junk fax and ensure that companies engage in proper telemarketing practices.

I welcome my colleagues in joining Senator MCCAIN and I as we address the problem of slamming and ensure that no one is allowed to curtail a consumer's choice of phone service provider.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. I yield such time to the Senator from Maine as she may consume.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I want to start by complimenting the chairman of the Commerce Committee for his outstanding leadership in dealing with a very important consumer issue, and that is telephone slamming.

I also want to commend the Senator from North Dakota for his very eloquent explanation of the problem and the solutions.

Mr. President, I rise to express my strong support for S. 1618, legislation that will provide America's consumers with much needed protection against a fraudulent practice known as slamming—the unauthorized switching of a customer's telephone service provider. I want to commend Senator MCCAIN and HOLLINGS for taking steps to attack this rapidly growing problem.

Telephone slamming is spreading like wildfire. In Maine, complaints increased by 100 percent from 1996 to 1997. Nationwide, slamming is the number one telephone-related complaint. While the FCC received more than 20,000 slamming complaints in 1997, a significant increase over the previous year, estimates from phone companies indicate that as many as one million people were slammed during that 12-month period.

Last fall, the Permanent Subcommittee on Investigations, which I chair, undertook an extensive investigation of this problem. At a field hearing this past February in Portland, Maine, at which I was joined by Senator DURBIN, one of the leaders in the fight against slamming, we heard from several consumers who were victimized by this practice. Their words reflect the public attitude toward the intentional slammer, as they described what happened to them as ''stealing,'' ''criminal,'' and ''break-in.''

My Subcommittee recently held a second hearing, which revealed that a number of what are known as switchless resellers were responsible for a large percentage of the intentional slamming incidents. These operations use deceptive marketing practices and outright fraud to switch consumers' long distance service without their consent.

One recent victim was a hospital in western Maine. This demonstrates that no one is immune from this despicable practice.

Mr. President, our hearings presented a case that dramatically shows the need for tougher sanctions to deal with this problem. I refer to an individual by the name of Daniel Fletcher, who fraudulently operated as a long distance reseller under at least eight different company names, slamming thousands of consumers, and billing them for at least $20 million in long distance charges. While we were struck by the ease with which Mr. Fletcher carried out his activities and evaded detection, we were shocked to learn about the absence of adequate criminal sanctions to deal with his activities.

Mr. Fletcher bilked America's telephone customers out of millions of dollars by charging them for services they did not authorize and obtaining from them money to which he was not entitled. Yet, we lack a statute that expressly makes intentional slamming a crime, and unless that is corrected, we can expect many more Fletchers. Mr. President, the time has come for the United States Congress to disconnect the telephone slammers.

Given our concern about this problem, Senator DURBIN and I introduced slamming legislation, and I want to thank Senators MCCAIN and HOLLINGS for agreeing to incorporate its three main provisions into a Manager's Amendment to their bill. These additions will help make a good bill even better.

The first of these provisions will get tough with the outright scam artists by establishing new criminal penalties for intentional slamming. I should emphasize that these penalties will apply only to those who know that they are acting without the customer's authorization and not to those who make an honest mistake or even act carelessly. It's time we sent the deliberate slammer to the slammer. In addition, anyone convicted of intentional slamming will be disqualified from being a telecommunications service provider, thereby enabling us not only to punish past conduct but also to prevent future violations.

The second provision is designed to remove the financial incentive for companies to engage in slamming by giving slammed customers the option to pay their original carrier at their previous rate. Under current law, it appears that customers are obligated to pay the slammer even after they discover they have been switched without their consent. That hardly acts as a deterrent, something that must be changed.

The third provision will improve enforcement by requiring all telecommunications carriers to report slamming violations on a quarterly basis to the FCC. To avoid putting a burden on the carriers, the report need only be summary in nature, but it will enable the FCC to identify and move against the frequent slammer.

Deregulation of the telephone industry may produce many benefits for consumers but it also has given rise to fraud where it did not previously exist. It was Congress who decided to deregulate the industry, and it is Congress that must act to stop this fraud. Senate bill 1618 will move us in that direction by putting a big dent in telephone slamming and by protecting the right of the American people to choose with whom they wish to do business.

Again, I very much appreciate the cooperation of the distinguished chairman of the Commerce Committee and his willingness to accept the Collins-Durbin amendments.

I thank the Senator, and I yield the floor.

Mr. MCCAIN. Mr. President, I thank Senator COLLINS again. We look forward to working with her on other issues that are as noncontroversial as these, as opposed to campaign finance reform which generated much more concern. But I seriously want to note the hard work that Senator COLLINS devoted in her subcommittee to this issue. It was very important. I thank the Senator.

AMENDMENT NO. 2389

(Purpose: To provide a substitute that incorporates the Committee amendments and additional changes in the bill as reported by the committee)

Mr. MCCAIN. Mr. President, I ask for the incorporation at this time of the managers' amendment to S. 1618. I ask unanimous consent that it be adopted.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. HOLLINGS, proposes an amendment numbered 2389.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment (No. 2389) is printed in today's RECORD under ''Amendments Submitted.'')

Mr. MCCAIN. Mr President, this amendment defines ''subscriber'' in a way that allows the person named on the billing statement or account, or

those authorized by such a person, to consent to carrier changes.

It clarifies that the time period the FCC prescribes for a carrier to resolve a slamming complaint, which is not to exceed 120 days, applies when a carrier receives notice directly from the subscriber of the complaint.

It makes clear that if a carrier does not resolve a complaint within the period prescribed by the Commission, it must notify the subscriber in writing of the subscriber's rights and remedies only under Section 258 of the Communications Act, not under any other law.

It clarifies that the FCC may dispose of a slamming complaint within the 150-day period established in the bill by issuing a ''decision or ruling.'' The FCC will not be required to issue a formal ''order'' each time it resolves a complaint. It also clarifies that the 150-day period in the bill is intended to be used by the FCC to determine if slamming has occurred, and if slamming has occurred, the FCC has another 90 days, if such additional time is necessary, to determine what damages and penalties should be assessed.

In discussing the amount of damages that may be awarded by the FCC, the original bill referred to the FCC as ''resolving a complaint.'' This change removes that language and the implication that ''resolving a complaint'' requires a finding of a violation of the slamming rules. It states that the FCC may award damages only if slamming has occurred.

It allows state Attorneys General to bring an action for each alleged slamming violation to enjoin unauthorized changes and to recover damages, to bring an action to seek criminal sanctions for willful violations, and to bring an action to seek a penalty of not less than $40,000 for the first slamming offense and not less than $150,000 for each subsequent offense. A court may reduce the amount of these penalties if it determines that there are mitigating circumstances involved. The district courts shall have exclusive jurisdiction over all of these actions.

It clarifies that states are not preempted from imposing more restrictive requirements, regulations, damages, and penalties on unauthorized changes in a subscriber's telephone exchange service or telephone toll service provider than are imposed under Section 258 of the Communication Act, as amended by this bill.

It clarifies that when the FCC is resolving slamming complaints, it is not instituting a ''civil action.'' In addition, while a particular slamming compliant involving a particular carrier is pending before the FCC, no state may institute a civil action against the same carrier for the same alleged violation.

It allows the FCC to use the fact of a carrier's nonpayment of a forfeiture for a slamming or billing violation as a basis for revoking, denying or limiting that carrier's operating authority.

It imposes duties on all billing agents, both those that are telecommunications carriers that render bills to consumers and those that operate as billing clearinghouses for carriers. It requires any billing agent that issues telephone bills to follow a certain format for the bill. The bill must list telecommunications services separately from other services and must identify the names of each provider and the services they have provided. Billing agents also must provide information to enable a consumer to contact a service provider about a billing dispute. This provision also prohibits billing agents from submitting charges for a consumer's bill if they know or should know that the consumer did not authorize such charges or if the charges are otherwise improper.

It given the Commission jurisdiction over billing agents that are not telecommunications carriers but provide billing services for such carriers or for other companies whose charges appear on telephone bills.

It instructs the FCC to include in the report required by Section 6 of the bill an examination of telemarketing and other solicitation practices, such as contests and sweepstakes, used by carriers to obtain carrier changes. The FCC also is required to study whether a third party should verify carrier changes and whether an independent third party should administer carrier changes. This provision will address concerns about the possibility of anticompetitive behavior by the local phone companies once they start to provide long-distance service. Enforcement of slamming rules will remain the responsibility of the FCC.

Mr. MCCAIN. Mr. President, I send, on behalf of Senator FEINGOLD, an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is the amendment to the substitute amendment?

Mr. MCCAIN. Mr. President, before asking for the reading of the amendment, I ask unanimous consent that the managers' amendment be considered as original text.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 2389) was agreed to.

AMENDMENT NO. 2390

(Purpose: To authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment)

Mr. MCCAIN. I ask now for consideration of the amendment by Senator FEINGOLD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. FEINGOLD, proposes an amendment numbered 2390.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. ENFORCEMENT OF REGULATIONS REGARDING CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302) is amended by adding at the end the following:

''(f)(1) Except as provided in paragraph (2), a State or local government may enforce the following regulations of the Commission under this section:

''(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

''(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

''(2) Possession of a station license issued by the Commission pursuant to section 301 in any radio service for the operation at issue shall preclude action by a State or local government under this subsection.

''(3) The Commission shall provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

''(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government enforcing a regulation under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, acted outside the authority provided in this subsection.

''(B) A person shall submit an appeal on a decision of a State or local government to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government becomes final.

''(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

''(D) If the Commission determines under subparagraph (C) that a State or local government has acted outside its authority in enforcing a regulation, the Commission shall reverse the decision enforcing the regulation.

''(5) The enforcement of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

''(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.''.

Mr. MCCAIN. Mr. President, I have reviewed the amendment with Senator DORGAN, and it is acceptable on both sides. I encourage its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2390) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, as we take up this important anti-slamming bill, which of course deals with consumer problems with telephone service,

I am pleased that the Senate has agreed to this amendment to provide a practical solution to the all too common problem of interference with residential home electronic equipment caused by unlawful use of citizens band [CB] radios. I want to thank the Chairman of the Committee, Senator MCCAIN, and the ranking member, Senator HOLLINGS, for agreeing to include this amendment in the slamming bill.

The problem of CB radio interference can be extremely distressing for residents who cannot have a telephone conversation, watch television, or listen to the radio without being interrupted by a neighbor's illegal use of a CB radio. Unfortunately, under the current law, those residents have little recourse. The amendment I offered today will provide those residents with a practical solution to this problem.

Up until recently, the FCC has enforced its rules outlining what equipment may or may not be used for CB radio transmissions, how long transmissions may be broadcast, what channels may be used, as well as many other technical requirements. FCC also investigated complaints that a CB radio enthusiast's transmissions interfered with a neighbor's use of home electronic and telephone equipment. FCC receives thousands of such complaints annually.

For the past 3 years, I have worked with constituents who have been bothered by persistent interference of nearby CB radio transmissions in some cases caused by unlawful use of radio equipment. In each case, the constituents have sought my help in securing an FCC investigation of the complaint. And in each case, the FCC indicated that due to a lack of resources, the Commission no longer investigates radio frequency interference complaints. Instead of investigation and enforcement, the FCC is able to provide only self-help information which the consumer may use to limit the interference on their own.

I suppose this situation is understandable given the rising number of complaints for things like slamming. The resources of the FCC are limited, and there is only so much they can do to address complaints of radio interference.

Nonetheless, this problem is extremely annoying and frustrating to those who experience it. In many cases, residents implement the self-help measures recommended by FCC such as installing filtering devices to prevent the unwanted interference, working with their telephone company, or attempting to work with the neighbor they believe is causing the interference. In many cases these self-help measures are effective.

However, in some cases filters and other technical solutions fail to solve the problem because the interference is caused by unlawful use of CB radio equipment such as unauthorized linear amplifiers.

Municipal residents, after being denied investigative or enforcement assistance from the FCC, frequently contact their city or town government and ask them to police the interference. However, the Communications Act of 1934 provides exclusive authority to the Federal Government for the regulation of radio, preempting municipal ordinances or State laws to regulate radio frequency interference caused by unlawful use of CB radio equipment. This has created an interesting dilemma for municipal governments. They can neither pass their own ordinances to control CB radio interference, nor can they rely on the agency with exclusive jurisdiction over interference to enforce the very Federal law which preempts them.

Let me give an example of the kind of frustrations people have experienced in attempting to deal with these problems. Shannon Ladwig, a resident of Beloit, WI has been fighting to end CB interference with her home electronic equipment that has been plaguing her family for over a year. Shannon worked within the existing system, asking for an FCC investigation, installing filtering equipment on her telephone, attempting to work with the neighbor causing the interference, and so on. Nothing has been effective.

Here are some of the annoyances Shannon has experienced. Her answering machine picks up calls for which there is no audible ring, and at times records ghost messages. Often, she cannot get a dial tone when she or her family members wish to place an outgoing call. During telephone conversations, the content of the nearby CB transmission can frequently be heard and on occasion, her phone conversations are inexplicably cut off. Ms. Ladwig's TV transmits audio from the CB transmission rather than the television program her family is watching. Shannon never knows if the TV program she taped with her VCR will actually record the intended program or whether it will contain profanity from a nearby CB radio conversation.

Shannon did everything she could to solve the problem and a year later she still feels like a prisoner in her home, unable to escape the broadcasting whims of a CB operator using illegal equipment with impunity. Shannon even went to her city council to demand action. The Beloit City Council responded by passing an ordinance allowing local law enforcement to enforce FCC regulations—an ordinance the council knows is preempted by Federal law. Last year, the Beloit City Council passed a resolution supporting legislation I introduced, S. 608, on which my amendment is modeled, which will allow at least part of that ordinance to stand.

The problems experienced by Beloit residents are by no means isolated incidents. I have received very similar complaints from at least 10 other Wisconsin communities in the last several years in which whole neighborhoods are experiencing persistent radio frequency interference. Since I have begun working on this issue, my staff has also been contacted by a number of other congressional offices who are also looking for a solution to the problem of radio frequency interference in their States or districts caused by unlawful CB use. The city of Grand Rapids, MI, in particular, has contacted me about this legislation because they face a persistent interference problem very similar to that in Beloit. In all, FCC receives more than 30,000 radio frequency interference complaints annually—most of which are caused by CB radios. Unfortunately, FCC no longer has the staff, resources, or the field capability to investigate these complaints and localities are blocked from exercising any jurisdiction to provide relief to their residents.

My amendment attempts to resolve this Catch-22, by allowing States and localities to enforce existing FCC regulations regarding authorized CB equipment and frequencies while maintaining exclusive Federal jurisdiction over the regulation of radio services. It is a commonsense solution to a very frustrating and real problem which cannot be addressed under existing law. Residents should not be held hostage to a Federal law which purports to protect them but which cannot be enforced.

Now this amendment is by no means a panacea for the problem of radio frequency interference. It is intended only to help localities solve the most egregious and persistent problems of interference—those caused by unauthorized use of CB radio equipment and frequencies. In cases where interference is caused by the legal and licensed operation of any radio service, residents will need to resolve the interference using FCC self-help measures that I mentioned earlier.

In many cases, interference can result from inadequate home electronic equipment immunity from radio frequency interference. Those problems can only be resolved by installing filtering equipment and by improving the manufacturing standards of home telecommunications equipment.

The electronic equipment manufacturing industry, represented by the Telecommunications Industry Association and the Electronics Industry Association, working with the Federal Communications Commission, has adopted voluntary standards to improve the immunity of telephones from interference. Those standards were adopted by the American National Standards Institute last year. Manufacturers of electronic equipment should be encouraged to adopt these new ANSI standards. Consumers have a right to expect that the telephones they purchase will operate as expected without excessive levels of interference from legal radio transmissions. Of course, Mr. President, these standards assume legal operation of radio equipment and cannot protect residents from interference from illegal operation of CB equipment.

This amendment also does not address interference caused by other

radio services, such as commercial stations or amateur stations. Mr. President, last year, I introduced S. 2025, a bill with intent similar to that of the amendment I am offering today. The American Radio Relay League [ARRL], an organization representing amateur radio operators, frequently referred to as ''ham'' operators, raised a number of concerns about that legislation. ARRL was concerned that while the bill was intended to cover only illegal use of CB equipment, FCC-licensed amateur radio operators might inadvertently be targeted and prosecuted by local law enforcement. ARRL also expressed concern that local law enforcement might not have the technical abilities to distinguish between ham stations and CB stations and might not be able to determine what CB equipment was FCC-authorized and what equipment is illegal.

I have worked with the ARRL and amateur operators from Wisconsin to address these concerns. As a result of those discussions, this amendment incorporates a number of provisions suggested by the league. First, the amendment makes clear that the limited enforcement authority provided to localities in no way diminishes or affects FCC's exclusive jurisdiction over the regulation of radio. Second, the amendment clarifies that possession of an FCC license to operate a radio service for the operation at issue, such as an amateur station, is a complete protection against any local law enforcement action authorized by this amendment. Amateur radio enthusiasts are not only individually licensed by FCC, unlike CB operators, but they also self-regulate. The ARRL is very involved in resolving interference concerns both among their own members and between ham operators and residents experiencing problems.

Third, the amendment also provides for an FCC appeal process by any radio operator who is adversely affected by a local law enforcement action under this amendment. FCC will make determinations as to whether the locality acted properly within the limited jurisdiction this legislation provides. The FCC will have the power to reverse the action of the locality if local law enforcement acted improperly. And fourth, my legislation requires FCC to provide States and localities with technical guidance on how to determine whether a CB operator is acting within the law.

Again, Mr. President, my amendment is narrowly targeted to resolve persistent interference with home electronic equipment caused by illegal CB operation. Under my amendment, localities cannot establish their own regulations on CB use. They may only enforce existing FCC regulations on authorized CB equipment and frequencies. This amendment will not resolve all interference problems and it is not intended to do so. Some interference problems need to continue to be addressed by the FCC, the telecommunications manufacturing industry, and radio service operators. This amendment merely provides localities with the tools they need to protect their residents while preserving FCC's exclusive regulatory jurisdiction over the regulation of radio services.

I am very pleased that this amendment has been accepted, and I hope it will become law along with the anti-slamming bill.

Mr. MCCAIN. Mr. President, we have, according to my understanding, an amendment by Senator FEINSTEIN, that Senator DORGAN has not had a chance to look at but I will ask that he review, which is acceptable. And I understand we have an amendment by Senator ROCKEFELLER. I do not believe that there are any other amendments that we need to consider because we have dispensed with, according to the unanimous consent agreement, the Collins-Durbin amendment. We have dispensed with the Reed amendment, the Levin amendments, Feingold amendment, and McCain amendment, a Hollings amendment, a Harkin amendment, which leaves us with the Rockefeller amendment after we dispense with the Feinstein amendment.

So I yield the floor.

Mr. DORGAN. Mr. President, I yield 10 minutes to the Senator from Rhode Island, Mr. REED.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. I thank the Chair.

I rise in strong support of S. 1618, the Consumer Anti-Slamming Act of 1998, and I particularly commend Chairman MCCAIN and ranking member HOLLINGS for the bipartisan and professional manner in which they have considered this legislation. I am pleased to have been part of this process, and I thank them very much for considering my suggestions to improve this legislation.

Last July 24, again with the assistance of Senators MCCAIN and HOLLINGS, I offered a sense-of-the-Senate resolution which outlined the issue involving slamming and proposed several suggested solutions. That resolution passed unanimously. Today, I support S. 1681 because it goes forward from that resolution to incorporate very pragmatic resolutions to the problem of slamming that is confronting so many consumers across this country.

I would also like to thank the National Association of Attorneys General as well as the National Association of Regulatory Utilities Commissioners for their assistance. These organizations and their members are fighting this epidemic of slamming at the State level. They are doing a remarkable job, and they were very helpful to me in preparing my legislation and helping me understand the scope of this problem.

We have taken great strides in our economy by deregulating many of our formerly regulated utilities, particularly the telephone companies, but all of that deregulation is for naught if we cannot give consumers real valid choice. And the problem with slamming is it denies consumers real choice. In effect, it tricks them into making choices that are not beneficial to them or collectively to our society and our economy. We have to do something about it.

I am very pleased that this legislation takes very pragmatic and effective steps to stop this curse of slamming, the illegal switching of telephone services. And this is an enormous problem throughout our economy. It threatens to rob many, many consumers of the benefits of deregulation and of a free market for services like telephone service. The Federal Communications Commission indicates that slamming is their No. 1 reported fraud. In my home State of Rhode Island, it is the top consumer issue in terms of telephone service and other consumer issues.

Yet all of these very impressive statistics may be just the tip of the iceberg, because press reports indicate that many, many more people are victims of slamming, but they do not have either the knowledge or the inclination under present rules and regulations to report these cases of slamming. Indeed, one regional telephone carrier estimated that 1 in 20 changes of telephone service is a result of fraud. Slamming is a multimillion-dollar fraud problem, and today, under the leadership of Senator MCCAIN and Senator HOLLINGS, we are addressing this problem head on.

One of the aspects of the issue is that there are numerous consumers who are unaware of the fact that they are victims. Forty-one percent of these individuals, of those who have been affected by slamming, do not report the incidents to regulatory authorities or anyone. When a complaint is logged, it is usually logged with a local telephone carrier; in my case, in upper Rhode Island, it is Bell Atlantic. Now, these local carriers do try to resolve the problem, but often they do not have the tools or the ability to do so, and as a result, the consumer is left a victim of the slammer.

When consumers do report these problems and try to take action, under the present regime it is usually a long and frustrating process to get any relief, if you get any relief at all.

Now, State attorneys general and public utility commissions throughout this country are annually receiving hundreds of thousands of complaints. More than half the State attorneys general have tried to take steps to go to court to bring to justice these slammers using the fraud laws of their State. Unfortunately, these legal actions are cumbersome, lengthy, and often do not really reach the heart of the matter and bring the culprits to justice.

A smaller percentage of victims of slamming will seek relief not at the State level but they will go to the Federal Communications Commission. Last year, 44,000 individuals brought slamming complaints to the FCC. That is a 175 percent increase over complaints in 1996. You can see this is an

epidemic that needs to be dealt with decisively, and I am pleased that we are doing that.

Now, the FCC does investigate these complaints, but they are hampered by a lack of proof concerning slamming. They are hampered by not having the kind of record that is necessary to prove definitively that an individual has been a victim of slamming. This legislation goes a long way to ensure that all of our regulatory authorities at every level of Government have the tools to ensure that they can root out slamming in our economy.

First, this legislation places a more stringent requirement on phone companies before they can switch a consumer's service. The bill requires verification that the consumer, first, understands service will be changed; second, the consumer affirms his or her intent to change service and also indicates that he or she is authorized to switch service.

We have heard lots of evidence of phone companies—slammers, really—calling up, finding a 12- or 13-year-old child in the house, and talking to that child and using that as what they claim is appropriate authorization to switch service. Under this legislation, those types of practices will not be allowed. Also, the legislation requires that the entire verification process must be recorded and also provided to the consumer upon request, so that if it is a 12-year-old in the house that is giving the OK to switch, the parent can quickly determine that from the recorded record and make a correction.

Now, the other protection that is provided here is that the bill requires that carriers inform a consumer in clear and unambiguous language within 15 days that a switch has been authorized. Many times, consumers do not realize their phone service has been switched until they get, 30 days later, a bill from a company that they have never heard of claiming that they are now their primary telephone carrier.

Now, this whole verification process will go a very long way in preventing the abuses that we have seen. No longer can slammers use ambiguous or fraudulent verification scripts, essentially tricking consumers into agreeing. Additionally, slammers can't go ahead and conjure up and splice together different bits of pieces of an authorization or conversation to say, ''That is the proof you agreed to switch your service.'' Because of the requirement for a recorded record, that will not be possible.

This bill clearly says and makes as a clear standard that without proper verification, without a record, the carrier is in violation of law if they switch services and there cannot be any more assertions by these carriers that, ''Well, someone told us it was OK in the house, but we don't have the record. Someone authorized it, but we don't know who it was.'' They are now in a position where they have to show clearly that they have the verification.

Also, this legislation provides for avenues of redress for consumers. First, the consumer can take the issue up with the unauthorized carrier, and they are required to respond appropriately, within at least 4 months, in terms of justifying the switch or making some type of amends to the consumer. Second, a slamming victim can take their case to the Federal Communications Commission. Now, the FCC has additional authority to fine and to penalize slamming. Finally, a consumer who is frustrated can, once again, take his petition under State law to State commissions. Indeed, one aspect of the legislation that is very positive is, there is no preemption of State laws. We recognize that attorneys general and utility commissioners can and must have the ability to work hand and hand with the Federal Government to root out this problem of slamming.

Altogether, this is very important legislation that provides the necessary consumer protections, that makes the goal and objective of deregulation in a market where consumers choose a reality, and puts up strong barriers against those who would trick consumers and rob them of the choice that deregulation offers, the choice of the best service for them, their free choice.

Once again, let me commend Chairman MCCAIN and ranking member HOLLINGS for their work on this. I am hopeful that we can move expeditiously to passage and that this bill will shortly be law and we can protect the American consumer against slamming.

I yield my time.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I yield myself 1 minute.

Senator HOLLINGS and I incorporated an amendment in the managers' amendment on behalf of Senator SNOWE.

This amendment prevents the FCC from taking any actions that would jeopardize the current ability of consumers to ''freeze'' their long-distance carrier in place. Once the consumer elects to use a freeze, the long-distance carrier of choice can only be changed by the express authorization of the consumer to the local phone company.

Long-distance carriers are concerned about how this amendment might affect their marketing efforts. But reports now show that two consumers are slammed every minute. Given the severity of the slamming problem, the interest we have in preserving safeguards that will project consumers against any unauthorized carrier changes certainly overrides any concerns the industry may have about their marketing efforts.

I thank Senator SNOWE for her amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2391

(Purpose: To modify the exception to the prohibition on the interception of wire, oral or electronic communications to require that all parties to communications with health insurance providers consent to their interception)

Mr. DORGAN. Mr. President, on behalf of Senator FEINSTEIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mrs. FEINSTEIN proposes an amendment numbered 2391.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. MODIFICATION OF EXCEPTION TO PROHIBITION ON INTERCEPTION OF COMMUNICATIONS.

(a) MODIFICATION.—Section 2511(2)(d) of title 18, United States Code, is amended by adding at the end the following: ''Notwithstanding the previous sentence, it shall not be unlawful under this chapter for a person not acting under the color of law to intercept a wire, oral, or electronic communication between a health insurance issuer or health plan and a subscriber of such issuer or plan, or between a health care provider and a patient, only if all of the parties to the communication have given prior express consent to such interception. For purposes of the preceding sentence, the term 'health insurance issuer' has the meaning given that term in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b), the term 'health plan' means a group health plan, as defined in such section of such Act, an individual or self-insured health plan, the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.), the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.), and the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of title 10, and the term 'health care provider' means a physician or other health care professional.''.

(b) RECORDING AND MONITORING OF COMMUNICATIONS WITH HEALTH INSURERS.—

(1) COMMUNICATION WITHOUT RECORDING OR MONITORING.—Notwithstanding any other provision of law, a health insurance issuer, health plan, or health care provider that notifies any customer of its intent to record or monitor any communication with such customer shall provide the customer the option to conduct the communication without being recorded or monitored by the health insurance issuer, health plan, or health care provider.

(2) DEFINITIONS.—In this subsection:

(A) HEALTH CARE PROVIDER.—The term ''health care provider'' means a physician or other health care professional.

(B) HEALTH INSURANCE ISSUER.—The term ''health insurance issuer'' has the meaning given that term in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b).

(C) HEALTH PLAN.—The term ''health plan'' means—

(i) a group health plan, as defined in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b);

(ii) an individual or self-insured health plan;

(iii) the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(iv) the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(v) the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.); and

(vi) the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of title 10, United States Code.

Mrs. FEINSTEIN. Mr. President, I offer a very simple amendment to S. 1618 that will protect the critical area of consumer health care privacy. This amendment provides that in communications with health care insurers or providers, patients have the right not to have their confidential conversations recorded or monitored.

This amendment fills a loophole in existing law. Federal law currently provides that at least one party must consent to the taping or monitoring of a private conversation. The federal law allows states to provide even more stringent restrictions, and require that all parties to a conversation must consent to their taping or monitoring.

However, this law provides no protection to patients against unauthorized taping or monitoring. Even when, as in my State of California, the state law requires all parties to consent for taping or monitoring, the law fails to protect them. Patients are construed to consent to taping or monitoring, whether they expressly consent or not, if they are informed of the taping or monitoring. This is most often accomplished by a recording at the beginning of the telephone call. If patients refuse to have their calls monitored, they are told to simply take their business elsewhere. But there is nowhere else to go.

The confidentiality of details about our health is one of the most sensitive topics imaginable. Physician-patient confidentiality is a bedrock principle that goes back literally thousands of years.

Not only is this an ethical issue, it is a health imperative. In fact, it can be a matter of life and death. Anything less than full confidentiality compromises the willingness of patients to provide the full information that treating physicians need to treat them properly. It can literally jeopardize their health and their life.

We naturally assume that intimate details that we share with our doctor and health care professionals are strictly confidential. But they are not. Today, any communication we have with a health care professional may be taped and monitored.

This problem is exacerbated by the rising role of health insurance companies in treatment. Oftentimes, it is a health insurance company, rather than a trusted doctor, with whom the patient must share intimate personal health details. That health insurance company may not have the same ethical and legal confidentiality obligations as the patient's treating physician.

When my office contacted the top 100 health insurance providers in this country, we learned that most health insurance companies who responded tape or monitor calls from patients.

I want to share briefly some of the responses we received. Kaiser Permanente is a health insurance provider that operates in 19 states and the District of Columbia, and provides care to more than 9 million members. Its practices vary from state to state, depending on applicable state laws.

Among other things, Kaiser Permanente may: Monitor randomly selected calls, in which case it may or may not notify patients in advance; or tape record all or randomly selected calls, in which case it may or may not notify patients in advance.

United HealthCare wrote that they did not believe that recording or monitoring calls presented a privacy issue. Their rationale was that they only randomly record calls and only after advising the caller that the call may be recorded.

Great-West responded that a patient has the option of communicating in writing if the patient does not want to be recorded. Well, let me say simply—that's not good enough for me.

Despite the two-party consent rule in my own State of California, NYL Care Health Plans, Inc., responded that no violation of California law occurs in the absence of a ''confidential communication.'' Under California law, the definition of a ''confidential communication'' does not include communications where the parties may reasonably expect that the call may be recorded. NYL Care asserted that, since patients were told that their call could be monitored, their calls were not confidential calls.

In my view, NYL Care's interpretation of ''confidentiality'' turns its commonly understood meaning on its head. In fact, I doubt whether any of my colleagues would agree that communications about one's own health problems are not confidential.

Finger Lakes Blue Cross-Blue Shield of Upstate New York randomly tapes records calls from patients and is in the process of implementing a front-end message to patients.

In the case of Blue Cross Blue Shield of the National Capital Area, a patient receives no notice that the call may be monitored. Their Associate General Counsel stated that in both Maryland and the District of Columbia, no consent was required.

Not only is unauthorized taping or monitoring of telephone calls just plain wrong, it is simply unnecessary. None of the health insurers who responded to my office could provide a valid reason for monitoring or taping incoming calls from patients.

The standard response I received from health insurers was that they monitored or tape recorded calls for ''quality control.'' Yet no one could explain how the health insurer's record of the information discussed protects the patient. It's easy to see, I think, how the industry's practice leaves the patient disadvantaged.

My amendment is simple. First, it requires express consent from patients in order to be taped or monitored by health insurance companies or health care providers.

Second, it requires health insurance companies or health care providers to give patients the option not to be taped or monitored.

Third, it applies only to health insurance companies or health care providers. It does not affect the remaining companies that tape or monitor customer communications.

Mr. President, this amendment simply ensures a basic right that most patients believe they already enjoy. I urge its adoption.

Mr. DORGAN. Mr. President, my understanding is the amendment has been cleared on both sides. I urge the amendment be agreed to.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2391) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. I yield 5 minutes to the Senator from Illinois, Senator DURBIN.

Mr. DURBIN. I thank the Senator from North Dakota. I thank my colleague, the Senator from Arizona, for cosponsoring this bill with Senator HOLLINGS.

A little over a year ago, I received a letter in my Senatorial office in Illinois from a young woman who owned a business right outside the City of Chicago. She told a story of having her long-distance carrier changed without her permission, how it ended up costing her over $1,000, and she came to learn there was virtually nothing she could do about it. The recourse under the law currently available was not practical—that she would somehow hire an attorney and go to Federal court over $1,000. That wasn't going to happen. She asked me what could we do about it, so I prepared a piece of legislation, and a large part of it has been incorporated in this good bill, and I am happy to support this bill.

Since then, I have come to learn that hers was not an isolated example. Any group of people you talk to, regardless of their walk of life, who have a telephone at home, will generally tell you that they know somebody or they personally have been victims of slamming. How do they end up having their long-distance carrier changed? Some of them might have been unsuspecting. They went to a carnival or county fair or neighborhood picnic, and they had a little thing handed to them. It said, ''Win a free trip to Hawaii. Fill in your name and address and check the box in

the bottom.'' They didn't flip it over to see the other side that said, ''You just changed your long-distance carrier.''

It would happen time and time again. Folks would get these interminable telephone calls at night saying, ''Would you consider moving to this new service?'' They say, ''No, no, there is no way.'' It turns out they were being taped. People were splicing together the tapes. When it was all said and done, they took the spliced tapes, and said the person said ''yes'' when they asked about the long-distance service, but the person said ''yes'' when they asked about the name.

It turns out a lot of people were being defrauded, and it cost a lot of money, not just for the lady who came to see me and her business, but many others. This is theft. This is stealing. This is not gaming we are dealing with here; it is a situation where a lot of people are making money without the permission of those whose long-distance service is being changed.

I went up to the State of Maine with my colleague, Senator COLLINS, who spoke earlier on the floor, for a hearing on the subject and found it was literally a national problem. From the coast of Maine to California and everything in between, people were going through this and we didn't have the laws in place to protect the consumers. That is why this bill is so important—because this bill finally gives to the consumer an opportunity to say to the person who is slamming them, ''You are not going to get away with it.''

One of the amendments which Senator MCCAIN was nice enough to adopt and make part of the bill was offered by Senator COLLINS and myself. It said you will never be charged more than what your original long distance carrier would have charged you. So if somebody comes along and doubles your rate without your permission, you still don't have to pay anything more than what was in the original rate structure with your original long-distance carrier. I think that makes sense. I think it is only fair.

The other amendment which we pushed for, the second amendment, creates criminal penalties which are necessary for the most egregious slammers. These are not little companies with little ideas; these are devious groups with a network of information which are trying to set up a network of people across the United States who will be changed to their long-distance service just long enough for them to make some money.

You should have seen the hearing that Senator COLLINS had before the Government Affairs Committee, where she presented a bill from one of these companies to the Chairman of the Federal Communications Commission. She posted it up on the board, and she said to the Chairman: ''Take a look at this long-distance bill from a slamming company and tell me one thing. What is the name of the company?''

The Chairman took a look at it, and he said, ''I don't see any name of the company up there.'' You know what? The name of the company was Long Distance Charges. So, when you are going through your telephone bill and you are looking at your local carrier who sent it to you, and you get to a page which reads ''Long Distance Charges,'' it never dawns on you that you are no longer receiving long-distance service from your old carrier. You have a new carrier called Long Distance Charges, and you didn't notice that your long-distance bill just went up. That is the kind of chicanery and trickery these people are guilty of. They make millions of dollars at it. As a consequence, we have to treat them with the criminal penalty which is included in this bill.

I want to make an additional point about the criminal penalties amendment. Creating a criminal statute for slamming in no way lessens the applicability of existing laws such as wire fraud or mail fraud that can help combat slamming, too. Rather, this criminal statute for slamming will make it easier for prosecutors, because it applies specifically to this crime.

Finally, a third amendment agreed to by Senator MCCAIN will require telecommunications carriers to report the number of slamming complaints they receive about each company to the FCC. We know the incidence of slamming is on the rise. We have no way of tracking them. This will establish it. Slamming has already caused telephone customers to become angry and disillusioned with the entire telecommunications industry. These consumers have voiced their concerns to their local phone companies, to their State regulatory bodies, to the FCC. But they feel their complaints have not been heard.

With this legislation, we can begin to restore confidence in the industry and assure consumers that the deceptive practice of slamming will be stopped. Long-distance telephone consumers should be able to stand up for themselves and fight back against slammers, to let them know their actions will not pay.

You have heard, during the course of this debate, lengthy statistics about the nature of the problem. I will not repeat them, only to tell you that it is a serious problem addressed in a serious way by this legislation.

In closing, one small footnote: The outrage of slamming has now been replaced in complaints to my office by the outrage of cramming. It turns out in the lengthy telephone bill you received there may be an item which looks innocent enough for two or three dollars for something you never ordered. Who is going to go through the telephone bill and analyze every line? But unless you do, you may find yourself in a predicament where they are cramming in charges you never asked for.

You are paying three bucks a month every month of the year for something you didn't ask for. How are you going to find it? You have to take the time to read through it. We want to make sure we address that abuse as well.

Today, though, we are addressing in a responsible way a very serious problem that affects consumers across America. I salute Senator MCCAIN, as well as Senator HOLLINGS, who have joined me in this effort through investigations, as well as in preparation of amendments to this very good bill. I am happy to support it. I yield back the remainder of my time.

Mr. CAMPBELL. Mr. President, today I want to express my support for the Consumer Anti-Slamming Act, S. 1618, which addresses the unauthorized switching of telephone service carriers by competing service providers. This abusive practice has become an increasing problem in my home state of Colorado where slamming has grown at an alarming rate. Last October, Chairman BURNS of the Communications Subcommittee of the Commerce, Science, and Transportation Committee held a field hearing in Denver on this issue. In addition to this hearing, anti-slamming legislation has recently passed the Colorado State Legislature. With Colorado as one of the nation's top five states in complaints-per-million customers, I intend to vote for this anti-slamming legislation.

I also am pleased that S. 1618 incorporates provisions from my Anti-Slamming Bill, S. 1051 which I introduced on July 22, 1997. This language requires that the FCC annually report to Congress the ''Top Ten'' slammers for each year, as well as carriers assessed fines or penalties during the same period. The ''Top Ten'' list identifies those carriers subject to the highest number of subscriber slamming complaints compared to the total number of subscribers they serve. This ratio approach ensures that large companies are not automatically singled out by virtue of having a large customer base. The focus of my ''Top Ten'' amendment is on those companies with the highest percentage of slamming complaints relative to their total customer base.

This ''Top Ten'' list will give Congress an annual opportunity to review and publicly comment on this serious problem known as ''slamming''. I am convinced that this approach coupled with the language in S. 1618, will prove valuable in deterring carriers from engaging in illegal tactics.

Ms. SNOWE. Mr. President, I rise today to speak in favor of the legislation now before the Senate—S. 1618, the Consumer Anti-Slamming Act—and to urge for its adoption and enactment.

This legislation—which was crafted by the distinguished Chairman of the Commerce Committee, JOHN MCCAIN, and the Ranking Member of the Committee, ERNEST HOLLINGS—will help eliminate a reprehensible practice of unscrupulous telephone companies, and I congratulate them for their leadership on this issue. As a member of the Senate Commerce Committee, I am pleased that my friend and colleague,

Chairman MCCAIN, has moved rapidly to address the slamming epidemic that is occurring in Maine by bringing this legislation to the floor of the Senate.

In addition, I would also like to thank my colleague from Maine, Senator COLLINS, for highlighting this issue by holding oversight hearings in her capacity as Chair of the Governmental Affairs Subcommittee on Permanent Investigations, including a recent hearing in the State of Maine—and she has also offered legislation that is designed to combat slamming. In case there is any doubt about the importance of this issue in Maine, the involvement of both Senators should put that to rest!

Mr. President, as many of my colleagues are aware, ''slamming'' is a term that has been used to describe any practice that changes a consumer's long-distance carrier without the consumer's knowledge or consent. A variety of tactics and techniques can be used to accomplish this goal, including vague or inaccurate phone solicitations; unsolicited ''welcome packages'' that look like an advertisement but automatically lead to a consumer changing phone companies unless the individual returns a rejection card; and ''drawings'' for giveaways that also serve as a means of unwittingly changing services.

Regardless of the tactic used to slam a customer, the bottom line is that it's an unfair and illegal practice—and it's one that must be brought to a halt.

Mr. President, phone customers expect high-quality phone service for a fair price. If a phone company is going to ''reach out and touch someone,'' it must be done legally and with fairness to the customer. Consumers who are slammed often receive lower-quality service or higher rates, and sometimes they are not even aware that they have been slammed until they get their bills. This is an outrageous practice and I think we can all agree that its demise is long overdue.

Last year, in my home state of Maine, the number of slamming complaints doubled to a total of 1,000 between 1996 and 1997. Nationwide, more than 20,000 consumers filed slamming complaints with the FCC, the largest category of complaints the agency received. In 1996, it received more than 16,000 total slamming complaints. As a result of these complaints, the FCC has taken enforcement action against 15 companies for slamming violations over the past two years, while assessing more than $1 million in forfeitures and consent decrees with another $500,000 in additional penalties pending.

Mr. President, as these numbers clearly indicate, this is a serious problem that is only going to get worse. In particular, the threat exists that—as competition develops in other communications markets—slamming could extend into new services and become an even more onerous consumer problem if it is left unchecked.

As has been indicated, the Federal Communications Commission (FCC) already has the authority to combat this practice by assessing fines against telephone carriers that slam. But with a 25 percent increase in the number of slamming complaints that were filed in just the past year—and even with the level of fines and penalties that have already been imposed on companies—it is obvious that the FCC's current approach is not working. And it is for this reason that the legislation before this body is so critical.

Mr. President, S. 1618 will put this reprehensible practice to an end by providing definitive procedures for telephone companies to follow in changing a customers's telephone service; giving federal and non-federal authorities the power to impose tough sanctions on companies that are guilty of slamming; and providing measures to ensure that slamming victims are fully-compensated.

Specifically, to ensure that changes in phone service are made in a verifiable manner, the bill requires phone companies to obtain written, verbal, or electronic verification from a consumer who is changing providers.

To ensure that customer complaints are dealt with in a timely manner, carriers accused of slamming will be required to defend their actions in no more than 120 days, and the FCC will have no more than 150 days to resolve any outstanding disputes.

If slamming has occurred, the bill gives the FCC the authority to provide compensatory or punitive damages to consumers that companies would be required to pay within 90 days. In addition, provide a strong disincentive to potential slammers, the FCC would be required to impose fines on phone companies that are guilty of slamming of at least $40,000 for a first-time offense and $150,000 for repeat offenses. And If a company refuses to pay these fines, the bill provides that the FCC will also have the authority to prosecute slammers.

Finally, if a consumer wishes to pursue redress through means other than the FCC, this bill allows consumers to pursue their grievances in court through state class-action lawsuits instead of through the FCC. And in the event a specific state does not believe these penalties are strong enough, the bill specifically retains the rights of each state to impose stiffer sanctions.

This bill and the provisions it contains are based on common sense and good policy, and I urge my colleagues to join me in supporting it.

Mr. President, while this bill is a very sound approach to addressing the slamming epidemic, there is one additional technique that consumers already have at their disposal to prevent slamming from occurring, and I believe we should seek to fully-protect this consumer option in this bill.

Specifically, if customers are concerned that they will be unwittingly tricked—or unknowingly forced—into changing their phone company, they can now ''freeze'' into place the long distance carrier of their choice at the local phone company. As a result, no order to change phone companies can be completed without the express, direct authorization of the customer to the local phone company.

To ensure that this option is in no way impeded in the future, I have prepared an amendment that would ensure that no subsequent action by the FCC can be undertaken to restrict or impede the customer's ability to ''freeze'' in place the carrier of their choice. I understand that this amendment is acceptable to the manager's of the bill, and has now been included in the manager's amendment. Therefore, I would like to thank the Chairman and Ranking member for addressing this issue and accepting my provision.

Mr. President, the bottom line is, slamming is a serious crime, and this is a serious solution. Companies engaged in slamming will no longer be able to hide behind the anonymity of the phone lines. Phone companies and their customers should reach agreements on phone services, but slamming destroys that relationship. Therefore, this bill will restore an element of trust that has been lost through this abhorrent practice.

Mr. President, slamming is nothing less than high-tech extortion, and the law must be changed to deal with this new criminal threat, and I hope my colleagues will join me in supporting this important legislation.

Mr. HARKIN. Mr. President, every year thousands of Americans are victimized by fraudulent telemarketing promotions. And, unfortunately, these scam artists prey most often on our senior citizens. The losses every year are estimated to be in the billions of dollars. My amendment will help law enforcement to more effectively combat these abuses.

Today, its all too easy for telemarketing rip-off artists to profit from the current system. How do these rip-offs occur? Advertisements regarding sweepstakes, contests, loans, credit reports and other promotions appear in newspapers, magazines, and other direct mail and telephone solicitations. The operators of many of these phoney promotions set up a telephone boiler room for a few months in which a number of phones are operated to receive calls responding to their ads. They steal thousands—even millions—of dollars from innocent victims and then they simply disappear. They take the money and run—moving on to another location to start all over again.

Here's just one example. Not too long ago, 30,000 Iowans received postcards from an organization calling itself Sweepstakes International, Inc. The postcard enticed recipients to call a 900-number and they were charged $9.95 on their phone bill.

Based on a Postal Service investigation, civil action was initiated in U.S. District Court in Iowa. As a result, the promotion was halted and $1.7 million was frozen. This represented just one

and a half month's revenue from the scam!

My amendment will protect telemarketing victims by providing law enforcement the authority to more quickly obtain the name, address, and physical location of businesses suspected of telemarketing fraud. Phone companies would have to provide law enforcement officials only the name, address and physical location of a telemarketing business holding a phone number if the officials submitted a formal written request for this information relevant to a legitimate law enforcement investigation. It will make it easier for officers to identify and locate these operations. This is similar to the procedure that is already in place for post office box investigations.

Mr. President, it is necessary to crack down on serious consumer fraud. With this change, we will have many more successful efforts to shut down these rip-offs artists like several recent cases in my home state of Iowa.

Mr. FEINGOLD. Mr. President, today I rise to speak in support of the anti-slamming bill, S. 1618. I want to commend Senator MCCAIN, Senator HOLLINGS, and the rest of the Commerce Committee for bringing this bill to the floor, and I am proud to be a cosponsor of the bill.

Slamming is an important and widespread consumer problem, and it is high time that the Congress takes action to stop it. Slamming, as most people now know, is a practice carried out by some telecommunications companies to switch a consumer's long distance or local exchange carrier without the consumer's knowledge or consent. Only a few years ago this practice, while persistent and frustrating for some consumers, appeared limited in scope. However, in more recent years this type of consumer fraud appears to have grown into a common profit-making scheme of some telecommunications companies carried out at the consumer's expense.

The rise in slamming complaints has been absolutely astonishing. The Federal Communications Commission reports that the 11,000 slamming complaints they received in 1995 represented a sixfold increase in the number of complaints received in 1993. By 1996, slamming complaints rose by an additional 42 percent over 1995, with the FCC receiving more than 16,000 complaints. And in 1997, the FCC received 44,000 complaints from consumers, nearly triple the 1996 total.

But these numbers only begin to tell the story. In Wisconsin, slamming is the number one telecommunications complaint, and telecommunications is the single largest category of consumer complaints that the Wisconsin Department of Agriculture, Trade and Consumer Protection received last year. That agency reports that slamming complaints were up 400 percent in 1997. The National Association of State Utility Consumer Advocates estimates that as many as one million consumers each year have their long distance carrier or local provider switched without consent.

In September of 1997, the National Consumers League polled telecommunications consumers in Milwaukee, Wisconsin, Chicago, Illinois, and Detroit/Grand Rapids, Michigan. The poll showed that of the 1500 individuals surveyed, three out of 10 reported that they, or someone they know, had been slammed. In Milwaukee, of those who said they had experience with slamming, 41% said their own telephone carrier had been changed without their consent. Even more disturbing, the survey provided evidence that slammers appear to be targeting consumers who have high long distance bills, raising privacy concerns regarding billing information.

Mr. President, this is consumer fraud of monstrous proportions. It causes extra cost and inconvenience to consumers, and it also distorts telecommunications markets and discourages legitimate competitive practices. The prevalence of slamming and the lack of any strong disincentives against it rewards companies that use this fraudulent practice and penalizes those that seek new customers through legitimate and honest means.

The 1996 Telecommunications Act recognized the slamming problem and broadened the scope of FCC's regulatory authority over slamming to cover all telecommunications carriers rather than just long distance service providers. The Act also provided that a carrier that violates the FCC's verification requirements is liable to the customer's original carrier for all charges paid by the customer after he or she had been slammed.

The FCC now has rules prohibiting slamming and requires companies to verify the customer's authorization of any switch in carriers, but these rules obviously haven't done the trick. For one thing, the penalties for slamming just aren't tough enough. While the FCC has taken enforcement action against a number of telecommunications companies, the tremendous profit opportunities from slamming overwhelm the threat of FCC enforcement.

The Consumer Anti-Slamming Act should be an effective antidote to this problem. It establishes minimum verification requirements for submitting changes in local or long distance telephone service. The requirements apply when service is first requested as well. The bill also bans so-called ''negative option'' marketing—this is where a company sends you a letter that says your service will be switched unless you send back a reply card to say no. With all the junk mail that people now receive, this is a particularly reprehensible business practice, and I am pleased that this bill outlaws it.

The bill also addresses the problem that many people do not even know that when they have been slammed by requiring the new telecommunications company to notify a consumer within 15 days of a change in service. The notification must indicate the name of the person who requested the change and inform the consumer that he or she may request further information about when and how the change was authorized. It must also contain information about how to pursue a complaint if the customer believes he or she has been slammed.

Penalties are also significantly increased in this bill. The FCC may award damages of $500 or the actual damages incurred, whichever is greater, directly to the consumer. And the FCC can fine carriers who violate the anti-slamming regulations $40,000 for a first offence and $150,000 for additional offences. These significant penalties should eliminate the economic incentives to engage in these illegal practices.

Mr. President, the information age has now arrived. Technological advances hold out great promise for making our daily lives easier and more enjoyable. Competition is the driving force in bringing those advances to the consumer at ever more affordable prices. Allowing consumers to choose between competing long distance and local service providers should improve service and lower prices. But when irresponsible or even criminal elements seek to take advantage of unsuspecting consumers through activities like slamming, forceful regulation is necessary.

The unethical and illegal practices of companies who seek to victimize consumers to enhance their own profits must not be tolerated. Protecting consumers from those who engage in these practices is one of my most important responsibilities as a United States Senator. I believe that this bill gives the FCC the tools it needs to crack down on the slamming problem once and for all. I am proud to vote for it.

Ms. SNOWE. Mr. President, S. 1618 is a well-crafted bill that is designed to prevent the unauthorized transferring of a customer's phone carrier. This is accomplished through a variety of provisions, including the threat of strong penalties on telephone companies that engage in slamming.

While I strongly believe that the penalties established in this legislation should be fully-enforced, I would like to clarify the type of conduct that these penalties are being targeted to address. Specifically, is it the Chairman's intent that the significant financial penalties contained in Section 1(f) be imposed for all cases of unauthorized carrier changes, including changes that are accidental or innocent mistakes, such as when an order to change service providers in improperly keyed-in by a customer service agent? Or are these penalties designed to address cases of slamming that involve willful or intentional misconduct on the part of companies?

Mr. MCCAIN. I appreciate the questions of the Senator from Maine, and

believe it is important that the intent of this legislation be fully understood. This bill is designed to ensure that companies are deterred from the reprehensible practice of slamming, and that harsh penalties are imposed as a form of punishment if the practice is undertaken by an unscrupulous company. However, the penalties in this bill are not intended to be used for cases of innocent or accidental changes of carriers, such as the situation described by my colleague, Senator SNOWE—and the language of this bill has been crafted accordingly. Specifically, the bill provides that the Commission can waive the minimum penalties if they determine that there are mitigating circumstances, which would include cases of innocent or accidental changes of carriers.

Ms. SNOWE. I thank the Chairman for clarifying this important issue and for crafting language that reflects this intent. I am very appreciative for your leadership and efforts to curb the practice of slamming, and commend the Senator for crafting legislation that will forcefully attack this growing problem.

Mr. BURNS. Mr. President, I rise to support the Consumer Anti-Slamming Act, as it addresses a severe problem that has arisen as an unintended consequence of additional competition in the telecommunications marketplace: the unauthorized switching of customers' telephone service providers. I also understand that the managers' amendment of the bill includes language that addresses another serious, unintended problem posed by the growth of information technology: the explosion of junk e-mail, or ''spamming.''

I congratulate Senators MURKOWSKI and TORRICELLI for their hard work on dealing with the issue of spamming. S. 1618 as amended includes language that would require commercial e-mailers to identify themselves. This language is simply a ''Truth in Advertising Amendment.'' As any of us who use e-mail are finding out, millions of junk e-mails are sent out with fake e-mail addresses which prevent citizens from requesting that they not be sent any further clutter from the same sources. The amendment also requires that a junk e-mailer must honor requests from individuals to be deleted from mailing lists.

I should add that the problem of junk e-mail is particularly important to customers in rural areas such as Montana. Often, rural residents must pay long distance charges to receive these unwanted solicitations, many of which contain fraudulent messages. ''Spamming'' is truly the bane of the information age. This problem has become so pervasive that entire new networks have had to be constructed to deal with it, when resources would be far better spent on educational or commercial needs. I welcome the inclusion of this language as a much-needed step forward in dealing with this increasingly serious problem.

I would now like to speak on an issue involving more traditional communications, that of slamming. I have held two field hearings in the Communications Subcommittee on this important topic, one in Billings last August and one in Denver last October.

During the field hearing in Billings, I heard from consumers, industry representatives and regulators on a variety of slamming issues. I learned in Billings that slamming is not confined to big cities. It is reaching every part of our country. Consumers are falling prey every day to companies that intentionally mislead and deceive. Today, I look forward to building on the record we started in Montana.

I should also recognize that Senator BEN NIGHTHORSE CAMPBELL has shown real leadership on this issue through his introduction of an anti-slamming bill, particularly at the field hearing in Denver, which he attended. The bill before the Chamber today, S. 1618, incorporates language from S. 1051, Senator CAMPBELL's slamming bill. The amendment including Senator CAMPBELL's language was passed unanimously out of the Commerce Committee on March 12 of this year.

This language requires that the FCC will annually report to Congress the ''Top Ten'' slammers for that year, as well as carriers assessed fines or penalties during the same period. The ''Top Ten'' list would identify those carriers subject to the highest number of subscriber slamming complaints compared to the total number of subscribers they serve. This ratio approach ensures that large companies are not automatically singled out by virtue of having a large customer base. The focus is on those companies with the highest percentage of slamming complaints relative to their total customer base.

This ''Top Ten'' list represents the core of Senator CAMPBELL's anti-slamming bill. Having held two field hearings in the Communications Subcommittee on this important topic, I am convinced that Senator CAMPBELL's approach will prove very valuable in deterring carriers from engaging in illegal tactics.

As competition develops in new communications markets, we could see slamming migrate to new areas and become an even bigger problem. Clearly, something must be done soon to protect consumers and to protect good, clean competition.

I am confident that the Consumer Anti-Slamming Act as amended will accomplish this goal and I urge my colleagues to support it.

Mr. LEVIN. Mr. President, the mangers' amendment included two amendments to S. 1618 which I authored and which I appreciate the managers of the bill accepting. I am joined in offering these amendments by cosponsors Senator GLENN and Senator DURBIN.

These amendments are the product of hearings held on slamming in the Permanent Subcommittee on Investigations (PSI), chaired by Senator COLLINS. Slamming, the practice of changing a consumer's long distance carrier without the consumer's knowledge and express consent, is the number one complaint received by the Federal Communications Commission (FCC). And those FCC slamming complaints are on the rise—increasing almost 50% from 1995 through 1997. Slamming is also the number one complaint received by the Michigan Public Service Commission. And, Michigan has the unfortunate distinction of being in the top ten states, nationwide, for the number of consumers who have been slammed. A Louis Harris survey taken in September 1997 ranked Detroit and Grand Rapids among the hardest hit cities in the country. About 25% of telephone customers in Detroit and Grand Rapids have either had their telephone carrier switched without their permission or know someone who was illegally switched.

Slamming leaves consumers feeling vulnerable and angry. Consumers have the right to use any long distance carrier they choose and to change carriers whenever they wish. But they want to be in control. Slamming takes choices away from consumers without their knowledge, and rewards companies that engage in deceptive and misleading marketing practices.

Slammers use deceptive marketing practices such as getting subscribers to sign a misleading authorization form, falsifying tape recordings to make it appear that the consumer has verbally agreed to the change, or posing as the subscriber's currently authorized carrier. Unscrupulous carriers have been known to forge letters of authorization or even pull subscribers' numbers from a telephone book and submit them to the local exchange carrier for a long distance carrier change. Unscrupulous resellers generally bill higher rates once the subscriber is switched.

In one case in Michigan, the slammer used the device of a contest—the opportunity to win a trip or a car—to get consumers to sign a card that would then be used to change the long distance service. The Michigan consumer who filed a complaint with the Michigan Attorney General reported that her 14 year old daughter was approached several times in a shopping mall to sign the card under the auspices of participating in the contest. The daughter kept trying to resist—telling the slammer that she was underage for the contest. The slammer finally prevailed, and the 14 year old daughter entered what she thought to be a contest or drawing. However, a week or so later, this constituent was notified that her long distance carrier had been changed—unbeknownst to her. She wrote in her letter to the Attorney General: ''I am very upset that this is happening not only to me but to others as well. It's a scam and it needs to stop now!''

Although the large telecommunications companies, called facilities

based carriers because they own extensive telephone lines and equipment, have engaged in slamming, according to a recent GAO report, most intentional slamming is perpetrated by switchless resellers. Switchless resellers have no equipment; they purchase network facilities from large long distance companies at a bulk rate and resell the service either to consumers or to other resellers. Currently a switchless reseller can enter into the telecommunications business without any proof of financial capability. All a person has to do is strike a deal with a long distance carrier to use that carrier's lines and facilities, get a billing company to provide billing services and develop a customer base. The switchless reseller is then in business and can use unscrupulous practices to switch the long distance providers of innocent consumers from the carrier the consumer has been using to the switchless reseller. The reseller then charges higher long distance rates.

Many switchless resellers operate legitimately; but there are a surprising number who don't. Currently there is nothing in the law that screens out the scam artists from the legitimate resellers. S. 1618 increases civil penalties, creates new criminal penalties and includes disincentives to eliminate the profit for slammers. I am supportive of those provisions and ask unanimous consent that I be added as a cosponsor.

But, Mr. President, we also need to try to keep the scam artists out of the system—to keep consumers from being slammed in the first place. My amendment would require switchless resellers—those resellers who have no switching facilities under their ownership or control—to post a bond with the FCC before they can engage in the business of selling long distance service. The bond would be in an amount set by the FCC, and the amendment would prohibit a billing agent of a switchless reseller from billing subscribers of long distances services on behalf of the switchless reseller unless the billing agent has confirmed that the reseller has furnished the bond. In this way, a switchless reseller cannot get someone to bill on its behalf unless it has posted a bond with the FCC. The proceeds of that bond can be used to pay for any damages to a consumer awarded by the Commission to reimburse the consumer for excess charges incurred as a result of slamming. The requirement for a bond should keep the unscrupulous resellers out of the business. Take for example, David Fletcher, possibly the most notorious slammer. He started his slamming business, apparently, with no resources and managed to bill up to $20 million in long distance services. He couldn't start his business and no billing agent or phone company could have contracted with him to do his billing unless he had posted a bond with the FCC, under my amendment.

The other amendment which the Managers have incorporated in their substitute requires full disclosure of the long distance services and providers on the local phone bill. We learned, Mr. President, in the hearing on slamming that some switchless resellers go to great lengths to disguise the fact that they have taken over a consumer's long distance service. One reseller, for example, incorporated under the name ''Phone Calls.'' Another used the name, ''Long Distance Services.'' Those names, then, appeared on the consumers' phone bills, and no one would have paid attention to those names. Anyone looking at such a phone bill would have assumed those were not the names of the unexpectedly new long distance carriers, but the identification of the item being listed below —the phone calls. The consumer would continue to assume that his or her long distance carrier had not been switched.

To make it perfectly clear to consumers who their long distance provider is, the provision requires that the local telephone bill explicitly state the name, address and toll-free number of the long distance telephone provider and the specific services provided. This hopefully will address the problem of hidden or disguised switching—where a consumer gets a bill and can't tell that his or her long distance carrier has been switched. This provision gives the FCC the authority to make telephone bills absolutely clear so slammers can't hide behind vague or confusing phone bills.

Mr. President, I want to commend Senator MCCAIN and Senator HOLLINGS for their good work in getting this important piece of consumer legislation to the floor so quickly. I also want to commend Senator COLLINS and Senator DURBIN from the PSI subcommittee for their energy and commitment to publicizing and helping to solve this problem.

S. 1618, with my amendments, will provide important consumer safeguards, Mr. President, to help keep slammers out of the system. Legitimate resellers will be able to conduct their businesses without ruthless slammers tarnishing the reseller business.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

We have one amendment remaining of Senator ROCKEFELLER. We are awaiting his arrival on the floor. I hope that Senator ROCKEFELLER will arrive pretty quickly, because we have another bill to do tonight. In the meantime, 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. ABRAHAM. 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. ABRAHAM. Thank you, Mr. President. I rise today to address the antislamming legislation before us. I believe that this bill, S. 1618, is a bill that we must act on quickly and decisively. I am happy that when the Senate concludes its business today, we will have passed the legislation and for good reason. The problem which this legislation seeks to address described, I guess, by the euphemism ''slamming,'' is one that is a growing concern to people in my State and, I suspect, to almost all the other States represented in this body.

In Michigan, during the last year, complaints about this practice, which is the changing of an individual's or customer's long-distance service without their knowledge and approval, has risen from relative obscurity to becoming, next to billing problems, the second largest source of complaints received by Michigan's Public Service Commission.

The nature of the complaints are, of course, pretty obvious and have been depicted very well by Chairman MCCAIN and others in the discussion so far today. People find that through no act of their own, or certainly no intentional act of their own, they have had their long-distance service changed usually with negative consequences. In our State, the negative consequences usually fall into two categories, often both happen simultaneously: On the one hand, people find that their service level and quality is diminished; on the other hand, they find that their bills are getting higher.

The latter happens for a variety of reasons. First, because frequently the new company, in fact, just simply has higher bills and charges higher rates. In addition, they find it happens because they have found themselves the victim of slamming on several separate occasions during a billing period. They have moved from one company to a second and sometimes to even a third and fourth. Many of the current rate practices engaged in with respect to long-distance rates give people a reduced rate if they stay with a service a certain period of time.

However, as a result of slamming, people change from one to a second to a third to even a fourth company during a billing period or a period during which a rate is being determined based on continuity of service. Individuals discover that their long-distance calls that they expect to have been charged at a very low rate are, in fact, being billed at very high rates.

For all of these reasons, we need to take action now. I mentioned that in our State, the slamming practice has become the second most widely voiced complaint heard by our Public Service Commission. Our local telephone service carrier, Ameritech, the principal carrier in Michigan, reports that they are receiving complaints. People think somehow they are responsible. Last year alone they received 37,000 such complaints of slamming practices occurring.

In order to find out more about this, I went back to Michigan during a recent recess and began meeting with individuals who were themselves the victims of slamming. What I discovered was that, in fact, the practices used by these long-distance companies border on outright fraud, and in some cases, go over the line to actual fraud.

People have been called up and asked if they want ''direct billing'' for their long-distance service. They answer yes and find the ''Direct Billing'' is, in fact, the name of a new long-distance service company and that their answer is being used as a basis for the changing of their service.

In other cases, people engage in a conversation of someone calling over the telephone, an innocuous conversation, but find the information has been rescripted in such a fashion as to give a basis for changing the long-distance service.

The bottom line, Mr. President, is that this practice is wrong. It is hurting consumers across America, and we have an obligation to stop it. I believe the legislation before us now does so.

I am glad we were able to pass it so quickly and so overwhelmingly through the Commerce Committee, and I look forward to the vote today where I am confident we will, once again, send a signal that we are not going to tolerate these practices any longer. The additional penalties that are part of this legislation, in my judgment, set us in the right direction. Not only will they send a strong message, but I believe they dramatically deter anyone from engaging in these practices. The procedures in this legislation should hopefully provide those who are victims with a relatively quick resolution of their problems.

For these reasons, I rise in support of the legislation. I am a cosponsor and am pleased to be part of it. I thank Senator MCCAIN and his staff for working not only on this legislation but other technology bills that we will be addressing over the next day or so. I close by expressing my support, once again, for S. 1618. I look forward to its passage today and ultimately for its passage through the Congress in general and it being signed into law by the President.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, as I mentioned earlier, we are still waiting for the final amendment. I hope we can get it done very quickly. We have another bill to address tonight, and we are still working on that.

So I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. I ask unanimous consent that I may be allowed to speak for about 2½ minutes.

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

Mr. MURKOWSKI. I thank the chair.

JUNK E-MAIL

Mr. MURKOWSKI. Mr. President, I am pleased that the chairman is including in the manager's amendment language that I offered along with my colleague, Senator TORRICELLI.

Mr. President, one of the downsides of the technological revolution that is symbolized by communications today on the Internet is the growing multitude of junk e-mail. Junk e-mail has quickly become the scourge of the Internet. It clogs America's inboxes and raises costs to all Internet users. Among those who are regular e-mail users, junk e-mail is known as ''spam,'' which many suggest is an insult to the Hormel Corporation. I originally recognized spam as a spinoff of the Second World War where food was given to soldiers, commonly referred to as C rations, that implied a mixture of food products. In any event, it is the name that has been adopted for junk e-mail.

Rural residents of our Nation and my State of Alaska are forced to pay long-distance charges to receive these unwanted solicitations, the majority of which contain fraudulent or pornographic messages. Not only are these junk e-mails objectionable, but they so clog the transmission network that Internet service providers are forced to spend tens of millions of dollars to expand their networks to handle all of these messages.

America Online reports that up to 30 percent of daily incoming e-mail is junk e-mail. This volume has forced it and other Internet service providers, the ISPs, to buy more equipment and divert staff to handle users' complaints. These resources could be better spent by ISPs on improving service or even reducing monthly fees.

My provision, Mr. President, is a modified version of legislation that I introduced last year—S. 771. When I introduced the bill, I put it up on the Web and asked for e-mail comments on the bill. So far, I have received over 1,500—the vast majority of which have been supportive of my efforts.

So this provision is really a Truth in Advertising provision. It will simply require commercial e-mailers to identify who they are, their addresses, and their telephone numbers. The reason we have included this provision is that millions of junk e-mails are sent out with phony e-mail addresses which make it impossible for citizens to request that the sender stop cluttering their e-mail boxes. Under this provision, citizens will know exactly who the sender is and have the option of turning that sender away from their inbox.

The provision further requires that a junk e-mailer must honor the request of an individual who asks that his or her name be deleted from the mailing list permanently. It's as simple as that. I doubt if there is anyone among us here today who would argue against someone's wish to simply be left alone by junk e-mailers.

The amendment permits the Federal Trade Commission, the State Attorneys General, and Internet service providers to protect consumers from Internet junk e-mail by allowing them to sue those junk e-mailers who fail to identify themselves properly or refuse to remove a person's name from a mailing list.

Mr. President, junk e-mail has become so pervasive that some have suggested a complete ban on such unsolicited advertisements. I believe that Internet users should control what comes into their electronic mailboxes, not the government. And I wish to emphasize that. This debate should not be about the government controlling the content of individual electronic mailboxes, but about individual users taking control of their own mailboxes. I think my provision will sufficiently reduce the problems of junk e-mail, and thus show that banning is unnecessary.

Finally, I thank the floor managers for their attention to this issue, as well as the efforts of America Online and the Center for Democracy and Technology.

Mr. TORRICELLI. Mr. President, I want to thank Senator MCCAIN and Senator HOLLINGS for agreeing to include the Murkowski-Torricelli junk E-mail amendment to this bill. And I want to thank my distinguished colleague from Alaska for join with me in this effort.

Last year, Senator MURKOWSKI and I each recognized the growing threat to Internet commerce posed by the proliferation of unsolicited commercial e-mail, known by its Internet slang as ''Spam.'' Although we initially had somewhat different approaches to this problem, we recognized that something had to be done.

The amendment we have today is the product of a good faith effort involving privacy groups, marketers, online service providers, and others to achieve a result that will rein in these destructive e-mail practices, while protecting the first amendment rights of all who wish to send and receive legitimate e-mail. Before I address what our amendments does, I want to briefly discuss the problem of unsolicited commercial junk e-mail.

Junk E-mail, or so called spamming, is an unfortunate side effect of the burgeoning world of Internet communication and commerce. Like many other Americans, I have an account on America Online and am inundated with unsolicited messages, peddling every item

under the sun. Similarly, I receive junk e-mail daily at my official Senate e-mail address, as well as the complaints of dozens of constituents who forward me the Spam that they are sent.

The incentive to abuse the Internet is obvious, E-mailing ten million people can cost as little as a couple of hundred dollars. And because the senders of these e-mails are generally unknown, they avoid any possible retribution for consumers.

Today, unsolicited commerical e-mailers are hiding their identities, falsifying their return addresses and refusing to accept complaints or removal requests. Their actions approach fraud, but our current law doesn't seem strong enough to stop them.

I have long been concerned about excessive—indeed any—government regulation of the Internet. Many of the best qualities of American life are represented and enhanced by the Internet, and I fear government regulation has the possibility to stifle the creativity and development of cyberspace.

However, a failure to address this problem now poses a greater threat to the Internet than do these minimal requirements. Junk e-mail is estimated to take up 30 percent of all Internet traffic and is increasingly responsible for slowdowns, and even breakdowns, of Internet services. Let me be clear, this legislation is not a de facto regulation of the Internet. In fact, it does not go as far as some have suggested. It does not ban all unsolicited e-mail because we wanted to avoid any inference of government interference. However, it is a first and needed step in making cyberspace saner.

The Murkowski-Torricelli amendment takes some important and necessary steps. First, it requires senders of unsolicited commercial e-mail to identify themselves and provide a valid return e-mail address. Second, it requires senders to inform recipients that they have the right to reply and stop any future messages by typing ''remove'' on the subject line. Third, it requires junk e-mail to honor any request to remove someone from their mailing list. Fourth, it authorizes the FTC to enforce these requirements with civil fines and injunctive relief. And finally, it requires the FTC to establish a web site to accept consumer complaints and list its enforcement actions.

Put simply, our amendment strikes a balance that will help consumers prevent unwanted and unsolicited electronic mail, without creating a burdensome regulatory system or unnecessarily restricting free speech. It recognizes that the government should not hastily and haphazardly regulate pass legislation to regulate the Internet. However, it also recognizes that some practices are simply too destructive to ignore.

Mr. President, I urge my colleagues to support this amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2392

(Purpose: Require truth in billing procedures for telecommunications carriers)

Mr. DORGAN. Mr. President, on behalf of Senator ROCKEFELLER, Senator SNOWE, Senator KERREY, and myself, Senator DORGAN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. ROCKEFELLER, for himself, Ms. SNOWE, Mr. KERREY and himself, proposes an amendment numbered 2392.

Mr. MCCAIN. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . CONSUMER TRUTH IN BILLING DISCLOSURE ACT.

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

(1) Billing practices by telecommunications carriers may not reflect accurately the cost or basis of the additional telecommunications services and benefits that consumers receive as a result of the enactment the Telecommunications Act of 1996 (Public Law 104–104) and other Federal regulatory actions taken since the enactment of that Act.

(2) The Telecommunications Act of 1996 was not intended to allow providers of telecommunications services to misrepresent to customers the costs of providing services or the services provided.

(3) Certain providers of telecommunications services have established new, specific charges on customer bills commonly known as ''line-item charges''.

(4) Certain providers of telecommunications services have described such charges as ''Federal Universal Service Fees'' or similar fees.

(5) Such charges have generated significant confusion among customers regarding the nature of and scope of universal service and of the fees associated with universal service.

(6) The State of New York is considering action to protect consumers by requiring telecommunications carriers to disclose fully in the bills of all classes of customers the fee increases and fee reductions resulting from the enactment of the Telecommunications Act of 1996 and other regulatory actions taken since the enactment of that Act.

(7) The National Association of Regulatory Utility Commissioners adopted a resolution in February 1998 supporting action by the Federal Communications Commission and the Federal Trade Commission to protect consumers of telecommunications services by assuring accurate cost reporting and billing practices by telecommunications carriers nationwide.

(b) REQUIREMENTS.—Any telecommunications carrier that includes any change resulting from Federal regulatory action shall specify in such bill—

(1) the reduction in charges or fees for each class of customers (including customers of residential basic service, customers of other residential services, small business customers, and other business customers) resulting from any regulatory action of the Federal Communications Commission;

(2) total monthly charges, usage charges, percentage charges, and premiums for each class of customers (including customers of residential basic service, customers of other residential services, small business customers, and other business customers);

(3) notify consumers one billing cycle in advance of any charges in existing charges or imposition of new charges; and

(4) disclose, upon subscription, total monthly charges, usage charges, percentage charges, and premiums for each class of customers (including residential basic service, customers of other residential service, small business customers, and other business customers).

Ms. SNOWE. Mr. President, I rise today to join my good friend and colleague from West Virginia JAY ROCKEFELLER, in offering the Consumer Protection Act as an amendment to the Consumer Anti-Slamming bill.

Just as the slamming bill is designed to protect consumers from unscrupulous phone companies that change a customer's phone service without consent, this amendment will protect consumers from misleading or inaccurate billing practices by phone companies. Therefore, I urge that my colleges support this pro-consumer amendment that complements the underlying pro-consumer Anti-Slamming Act.

Mr. President, our nation's $260 billion telecommunications industry is undergoing a period of rapid growth and change. This change is being driven by the enactment and progressive implementation of the Telecommunications Act of 1996—a law that is gradually shifting the industry from being one that is heavily-regulated to one that is open and competitive.

As would be expected for an industry of this size, the transition from a regulated environment to a competitive environment has not been entirely smooth, nor has it been as rapid as many of us would prefer.

To date, there have been countless proceeding at the FCC to restructure the way that services are delivered to consumers and the way that telecommunications companies pay each other for these services. In response to these restructuring efforts, there have been a variety lawsuits filed in court by telecommunications companies, and members of Congress have weighed-in when they believe the new rules do not accurately reflect the intent of the law.

And—as would be expected in an emerging competitive market—there is non-stop haggling between the telecommunications companies that are now able to tread on each other's turf after years of being statutorily limited to their own market niche. But don't get me wrong . . . that's not a bad thing—that's what competition is all about.

Mr. President, during this time of rapid transition and daunting change,

it is critical that we not forget the individuals for whom the Telecommunications Act of 1996 was crafted in the first place: the American consumers. Afterall, this landmark law was not passed because Congress simply wanted to deregulate an industry—rather, it was passed because competition will bring consumers a wide array of new and advanced telecommunications services at lower prices.

The amendment we are offering today is specifically designed to protect consumers during this time of transition in the telecommunications industry. Specifically, the Consumer Protection Act will require ''truth-in-billing''—a guarantee to consumers that what they see on their phone bills is thorough and accurate.

Mr. President, as my colleagues have undoubtedly heard from their constituents—and may be experiencing themselves—there is a great deal of confusion being generated by new line-item charges that have been added to phone bills in recent months. Since January, many telephone companies have started to place new line-item charges on customer phone bills for a variety of purposes and under a variety of names, including ''national access charges,'' ''universal service charges,'' or both. While the descriptions for these charges vary, the central theme is that these new fees are being imposed because of recent federal actions stemming from the Telecommunications Act of 1996.

In response to these new charges, telephone customers are understandably confused and angry, and want to know why Congress would pass a law—and the President would sign a law—that imposed a host of new costs on them with no apparent benefits. They were told that this legislation would bring competition and lower prices, but all they see is new charges on their phone bills. They want to know what happened to the benefits of deregulation!

Mr. President, customers deserve an answer to these questions and they deserve to know that what they see on their phone bills is accurate. And the simple fact is that the implementation of the Telecommunications Act has brought—and will continue to bring—countless benefits to consumers, and they deserve to know about them.

For instance, in July 1997, access charges—which are the fees paid by long distance companies to local phone companies for use of their networks—were reduced by $1.7 billion. The long distance companies state that these reductions have been passed on to consumers in the form of reduced rates, and I won't dispute their contention. The problem is that their customers don't know the first thing about this federal action to benefit customers—all they know is that new line-items for various charges prescribed to the federal government have been added to their bills!

By the same token, consumers have no idea that the phone companies stand to reap substantial benefits as new markets are opened for competition. As companies are allowed to enter the markets that were previously closed to them, those that are competitive will reap substantial profits that can greatly benefit their customers—but you'd never know this from reading a company's bill.

To remove the confusion that these line-items have generated—and to ensure that companies exercise full disclosure on the impact of deregulation—the amendment we are offering does three things.

First, it directs the Federal Trade Commission (FTC) and the Federal Communications Commission (FCC) to investigate the billing practices of the telecommunications industry to ensure that all fees are being fairly described on bills. If any company is found to be using misleading billing practices, these agencies would be directed to consider disciplinary actions against that company.

Second, the bill ensures that if a company puts a new line-item charge on a phone bill that are attributed to federal actions, it must also include line-items that delineate the benefits of federal actions as well. Customers deserve to know the whole story when it comes to federal regulatory actions—not just the side of the story that is in the company's best interests.

Third, to ensure that the federal regulator of telephone service has all relevant documents available for review, the bill requires that companies submit the same financial disclosure forms to the FCC that they now submit to the Securities and Exchange Commission (SEC). This requirement won't impose a new, excessive burden on phone companies—rather, it simply requires that they make a photocopy of the forms that are already being sent to the SEC and mail them to the FCC.

Overall, this bill ensures that accurate information is being depicted on phone bills—and that customers are told the whole story about federal actions, not just the side that companies would like to tell.

The bottom line is that changes are occurring as part of the transition to a more competitive telecommunications market that will bring substantial benefits to consumers and phone companies alike—but some companies would only like to tell their customers half of the story. That's simply not fair.

The amendment that we are offering is fair. It is a fair for companies, and fair for consumers.

Of critical importance, our amendment does not re-regulate the telecommunications industry—the companies will still decide for themselves if they want to use line items. Our amendment simply ensures that if a company does want to use a line-item for costs, it also will include line-items for benefits. In addition, it ensures that the billing practices of companies are properly examined and improper practices are eliminated.

I would like to thank my friend from West Virginia for offering this amendment today, and urge that my colleagues support this bipartisan, pro-consumer amendment.

Mr. KERREY. Mr. President, the Telecommunications Act of 1996 was clear; competition and consumer choice are to be the hallmarks of the new telecommunication's market. However, the transition to competition has been anything but clear to consumers. The growing pains of the telecommunications industry have proved to be very confusing to customers who lack full information about the various costs associated with telecommunications services.

This lack of information is very troublesome for customers who are trying to make sense of the telecommunications market. In order to help consumers through this confusing morass of information, I recently joined Senators ROCKEFELLER and SNOWE to introduce S. 1897 the Consumer Protection Act. Today, Senator DORGAN joins us as cosponsor of this legislation in the form of an amendment to S. 1618 the Consumer Anti-Slamming Protection Act.

Under the provisions of this amendment, if a company chooses to depict charges that are linked to federal policy on their bills, then the company will be required to depict the benefits of that action on the same bill. This requirement allows customers to see what they are paying for so that they can gain a better understanding of the costs associated with a national telecommunications network.

As we transition from the rigid world of monopoly to a competitive market where consumers have choice, we must make sure that customers have all of the facts. Competition depends upon free flowing information and the Consumer Protection Act gives consumers the facts they need to make good choices in a competitive market.

I strongly urge my colleagues to support this amendment.

Mr. MCCAIN. Mr. President, I must respectfully oppose the amendment offered by my good friend and colleague, Senator ROCKEFELLER.

Let me explain why I am opposed. I take no issue with the Senator's commitment to the principles of universal telephone service. And I most certainly take no issue with the principle that consumers have a right to clear and correct information about material adjustments to their bills. I also believe that companies have an absolute right to inform consumers about increases to their bills that companies have made in response to federal and nonfederal requirements.

But, with all due respect, that's not what's really at issue here.

Mr. President, what's really at issue here is an attempt to rationalize the rate adjustments imposed by the Telecommunications Act of 1996. Unlike Senator ROCKEFELLER, I didn't vote for that act, in part because I thought it

would produce precisely the result it is producing—little competition, lots of consolidation, and lots of bill adjustments—mostly increases.

If my colleague's amendment wants to give consumers facts, let's talk about those facts. The telephone industry is built on a very complex system of implicit internal subsidies. Making them explicit, while at the same time adjusting them for the advent of competition, makes adjustments in consumer bills inevitable. Now add these further facts: the Telecom Act creates a whole new multibillion-dollar subsidy, and it requires local telephone companies and interexchange companies to expend billions of dollars to implement the Act's supposedly pro-competitive provisions.

So here are the bottom-line facts. First of all, given this hideously convoluted situation, complete ''truthful'' disclosure of all the adjustments inherent in a consumer's monthly phone bill would add pages and pages to a bill without necessarily doing much to enlighten the consumer. For example, if a requirement like this were currently in effect, a consumer might today be reading something like this:

> Your long-distance bill might have been lower if your long-distance carrier's reduction in access charge payments to your local carrier had been reflected in your long-distance bill instead of being used to help pay for the schools' and libraries' wiring subsidy. Then again, of course, the FCC, your long-distance carrier, and your local carrier disagree on whether your long-distance carrier is really lowering your bills as much as it might, and maybe someday we'll know the answer—or maybe not. In the meantime, you're being assessed a per-subscriber line charge which may or may not reflect the real cost of your service, but the FCC's working on it. Of course, if you live in the suburbs you should also know that a portion of your bill goes to subsidize rural areas and another portion subsidizes low-income subscribers. And be aware that starting next year there's going to be another substantial increase in some local phone bills as local phone companies start passing along the costs of implementing local number portability, which may or may not accurately reflect all their true costs, which will otherwise be recovered by * * *.

And on and on and on.

I would also note that the Senator's bill would require the FCC to examine the bills of all telecommunications carriers. This would not only require the FCC to investigate the bills of the over 500 long-distance telephone companies that currently exist; it would also require them to investigate the bills rendered by the thousands upon thousands of wireless paging, cellular telephone, and PCS companies too. This would require an enormous expansion of the current FCC bureaucracy.

Mr. President, you get the picture: given the complexities of pricing offsets in changing telephone industry economics, this attempt at so-called truthful disclosure won't work. It will only confuse the consumer to no useful purpose and wind up involving the FCC and the FTC in neverending regulatory micromanagement in an effort to ascertain the unascertainable.

If those who voted for the 1996 Telecom Act are now concerned that the act is unexpectedly driving prices upward, the way to solve the problem is to change the Act—not to present attempted excuses in the form of confusing additions to consumers' bills.

Having said why it's unrealistic to try and explain every single thing that has an impact on every single consumer telecom bill, I emphatically endorse the proposition that consumers have a right to be told why their bills have gone up—especially when an increase is results from a federal or State levy. I would like to offer my own amendment to assure consumers have access to that information.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2392) was agreed to.

Mr. ROCKEFELLER. Mr. President, first of all, I want to thank the chairman of the Commerce Committee for accepting this amendment which I was rushing to the floor to eloquently and brilliantly explain, and it has been accepted. That is really what one prays for in this institution. I hope it survives the conference. I am sure that it will.

Basically, the theory of it was—and I think that the chairman understood it as well as the Senator from North Dakota—that we should be honest with consumers. A lot of people don't know what a lot of the prices are on the telephone long-distance bill. Charges have gone down from an average of 34 cents per minute since deregulation of AT&T to about 16 cents per minute now. We should tell them when we bill them, if the prices go up on certain items, they also go down on others.

As an example, recently there was a $1.5 billion access charge reduction, so actually the cost to the consumer on their residential rate bill was going to go down, but the companies only wanted to show the part that had a $675 million increase—$675 million increase, $1.5 billion decrease; obviously, the net of the decrease wins big time, but they are not going to be told that.

I think this is a very useful amendment that the chairman of the Commerce Committee has accepted. It isn't about reregulation, it is about treating consumers fairly. It is also, frankly, about something which is very complicated that consumers don't understand, nor should they be expected to understand, nor do many of us understand as we should—things like prescribed interchange carrier charge, called PICC. That is a very big thing in all of this.

Even where universal service protects high-cost areas, the whole concept of universal service is not understood by most voters or many in the Congress itself.

We have to be fair. We have to level with them. We have to be straight and honest. That is what this amendment attempts to do. That is one of the reasons I am so glad this amendment has been accepted.

I thank, once again, the chairman of the Commerce Committee, the Senator from Arizona, and also my friend from North Dakota, Senator DORGAN.

I yield the floor.

Mr. McCAIN. That completes our amendments. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question, the yeas and nays have been ordered.

The clerk will call the roll.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Breaux	Grassley	Murray
Brownback	Gregg	Nickles
Bryan	Hagel	Reed
Bumpers	Harkin	Reid
Burns	Hatch	Robb
Byrd	Helms	Roberts
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wellstone
Faircloth	Lieberman	Wyden

NOT VOTING—1

Biden

The bill (S. 1618), as amended, was passed, as follows:

S. 1618

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 ''Anti-slamming Amendments Act''.

TITLE I—SLAMMING

SEC. 101. IMPROVED PROTECTION FOR CONSUMERS.

(a) VERIFICATION OF AUTHORIZATION.—Subsection (a) of section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended to read as follows:

''(a) PROHIBITION.—

''(1) IN GENERAL.—No telecommunications carrier or reseller of telecommunications services shall submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with this section and such verification procedures as the Commission shall prescribe.

''(2) VERIFICATION.—

''(A) IN GENERAL.—In order to verify a subscriber's selection of a telephone exchange service or telephone toll service provider under this section, the telecommunications carrier or reseller shall, at a minimum, require the subscriber—

''(i) to affirm that the subscriber is authorized to select the provider of that service for the telephone number in question;

''(ii) to acknowledge the type of service to be changed as a result of the selection;

''(iii) to affirm the subscriber's intent to select the provider as the provider of that service;

''(iv) to acknowledge that the selection of the provider will result in a change in providers of that service; and

''(v) to provide such other information as the Commission considers appropriate for the protection of the subscriber.

''(B) ADDITIONAL REQUIREMENTS.—The procedures prescribed by the Commission to verify a subscriber's selection of a provider shall—

''(i) preclude the use of negative option marketing;

''(ii) provide for a complete copy of verification of a change in telephone exchange service or telephone toll service provider in oral, written, or electronic form;

''(iii) require the retention of such verification in such manner and form and for such time as the Commission considers appropriate;

''(iv) mandate that verification occur in the same language as that in which the change was solicited; and

''(v) provide for verification to be made available to a subscriber on request.

''(3) ACTION BY UNAFFILIATED RESELLER NOT IMPUTED TO CARRIER.—No telecommunications carrier may be found to be in violation of this section solely on the basis of a violation of this section by an unaffiliated reseller of that carrier's services or facilities.

''(4) FREEZE OPTION PROTECTED.—The Commission may not take action under this section to limit or inhibit a subscriber's ability to require that any change in the subscriber's choice of a provider of interexchange service not be effected unless the change is expressly and directly communicated by the subscriber to the subscriber's existing telephone exchange service provider.

''(5) APPLICATION TO WIRELESS.—This section does not apply to a provider of commercial mobile service.''.

(b) LIABILITY FOR CHARGES.—Subsection (b) of such section is amended—

(1) by striking ''(b) LIABILITY FOR CHARGES.—Any telecommunications carrier'' and inserting the following:

''(b) LIABILITY FOR CHARGES.—

''(1) IN GENERAL.—Any telecommunications carrier or reseller of telecommunications services'';

(2) by designating the second sentence as paragraph (3) and inserting at the beginning of such paragraph, as so designated, the following:

''(3) CONSTRUCTION OF REMEDIES.—''; and

(3) by inserting after paragraph (1), as designated by paragraph (1) of this subsection, the following:

''(2) SUBSCRIBER PAYMENT OPTION.—

''(A) IN GENERAL.—A subscriber whose telephone exchange service or telephone toll service is changed in violation of the provisions of this section, or the procedures prescribed under subsection (a), may elect to pay the carrier or reseller previously selected by the subscriber for any such service received after the change in full satisfaction of amounts due from the subscriber to the carrier or reseller providing such service after the change.

''(B) PAYMENT RATE.—Payment for service under subparagraph (A) shall be at the rate for such service charged by the carrier or reseller previously selected by the subscriber concerned.''.

(c) RESOLUTION OF COMPLAINTS.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended by adding at the end thereof the following:

''(c) NOTICE TO SUBSCRIBER.—Whenever there is a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service, the telecommunications carrier or reseller selected shall notify the subscriber in a specific and unambiguous writing, not more than 15 days after the change is processed by the telecommunications carrier or the reseller—

''(1) of the subscriber's new carrier or reseller; and

''(2) that the subscriber may request information regarding the date on which the change was agreed to and the name of the individual who authorized the change.

''(d) RESOLUTION OF COMPLAINTS.—

''(1) PROMPT RESOLUTION.—

''(A) IN GENERAL.—The Commission shall prescribe a period of time for a telecommunications carrier or reseller to resolve a complaint by a subscriber concerning an unauthorized change in the subscriber's selection of a provider of telephone exchange service or telephone toll service not in excess of 120 days after the telecommunications carrier or reseller receives notice from the subscriber of the complaint. A subscriber may at any time pursue such a complaint with the Commission, in a State or local administrative or judicial body, or elsewhere.

''(B) UNRESOLVED COMPLAINTS.—If a telecommunications carrier or reseller fails to resolve a complaint within the time period prescribed by the Commission, then, within 10 days after the end of that period, the telecommunications carrier or reseller shall—

''(i) notify the subscriber in writing of the subscriber's right to file a complaint with the Commission and of the subscriber's rights and remedies under this section;

''(ii) inform the subscriber in writing of the procedures prescribed by the Commission for filing such a complaint; and

''(iii) provide the subscriber a copy of any evidence in the carrier's or reseller's possession showing that the change in the subscriber's provider of telephone exchange service or telephone toll service was submitted or executed in accordance with the verification procedures prescribed under subsection (a).

''(2) RESOLUTION BY COMMISSION.—

''(A) DETERMINATION OF VIOLATION.—The Commission shall provide a simplified process for resolving complaints under paragraph (1)(B). The simplified procedure shall preclude the use of interrogatories, depositions, discovery, or other procedural techniques that might unduly increase the expense, formality, and time involved in the process. The Commission shall determine whether there has been a violation of subsection (a) and shall issue a decision or ruling at the earliest date practicable, but in no event later than 150 days after the date on which it received the complaint.

''(B) DETERMINATION OF DAMAGES AND PENALTIES.—If the Commission determines that there has been a violation of subsection (a), it shall issue a decision or ruling determining the amount of the damages and penalties at the earliest practicable date, but in no event later than 90 days after the date on which it issued its decision or ruling under subparagraph (A).

''(3) DAMAGES AWARDED BY COMMISSION.—If a violation of subsection (a) is found by the Commission, the Commission may award damages equal to the greater of $500 or the amount of actual damages for each violation. The Commission may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under the preceding sentence.

''(e) DISQUALIFICATION AND REINSTATEMENT.—

''(1) DISQUALIFICATION FROM CERTAIN ACTIVITIES BASED ON CONVICTION.—

''(A) DISQUALIFICATION OF PERSONS.—Subject to subparagraph (C), any person convicted under section 2328 of title 18, United States Code, in addition to any fines or imprisonment under that section, may not carry out any activities covered by section 214.

''(B) DISQUALIFICATION OF COMPANIES.—Subject to subparagraph (C), any company substantially controlled by a person convicted under section 2328 of title 18, United States Code, in addition to any fines or imprisonment under that section, may not carry out any activities covered by section 214.

''(C) REINSTATEMENT.—

''(i) IN GENERAL.—The Commission may terminate the application of subparagraph (A) to a person, or subparagraph (B) to a company, if the Commission determines that the termination would be in the public interest.

''(ii) EFFECTIVE DATE.—The termination of the applicability of subparagraph (A) to a person, or subparagraph (B) to a company, under clause (i) may not take effect earlier than 5 years after the date on which the applicable subparagraph applied to the person or company concerned.

''(2) CERTIFICATION REQUIREMENT.—Any person described in subparagraph (A) of paragraph (1), or company described in subparagraph (B) of that paragraph, not reinstated under subparagraph (C) of that paragraph shall include with any application to the Commission under section 214 a certification that the person or company, as the case may be, is described in paragraph (1)(A) or (B), as the case may be.

''(f) CIVIL PENALTIES.—

''(1) IN GENERAL.—Unless the Commission determines that there are mitigating circumstances, violation of subsection (a) is punishable by a forfeiture of not less than $40,000 for the first offense, and not less than $150,000 for each subsequent offense.

''(2) FAILURE TO NOTIFY TREATED AS VIOLATION OF SUBSECTION (a).—If a telecommunications carrier or reseller fails to comply with the requirements of subsection (d)(1)(B), then that failure shall be treated as a violation of subsection (a).

''(g) RECOVERY OF FORFEITURES.—The Commission may take such action as may be necessary—

''(1) to collect any forfeitures it imposes under this section; and

''(2) on behalf of any subscriber, to collect any damages awarded the subscriber under this section.

''(h) CHANGE INCLUDES INITIAL SELECTION.—For purposes of this section, the initiation of service to a subscriber by a telecommunications carrier or a reseller shall be treated as a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service.''.

(d) CRIMINAL PENALTY.—

(1) IN GENERAL.—Chapter 113A of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 2328. Slamming

''Any person who submits or executes a change in a provider of telephone exchange service or telephone toll service not authorized by the subscriber in willful violation of the provisions of section 258 of the Communications Act of 1934 (47 U.S.C. 258), or the procedures prescribed under section 258(a) of that Act—

''(A) shall be fined in accordance with this title, imprisoned not more than 1 year, or both; but

''(B) if previously convicted under this paragraph at the time of a subsequent offense, shall be fined in accordance with this title, imprisoned not more than 5 years, or both, for such subsequent offense.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, is amended by adding at the end thereof the following:

''2328. Slamming''.

(e) STATE RIGHT-OF-ACTION.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258), as amended by subsection (c), is amended by adding at the end thereof the following:

''(i) ACTIONS BY STATES.—

''(1) IN GENERAL.—The attorney general of a State, or an official or agency designated by a State—

''(A) may bring an action on behalf of its residents to recover damages on their behalf under subsection (d)(3);

''(B) may bring a criminal action to enforce this section under section 2328 of title 18, United States Code; and

''(C) may bring an action for the assessment of civil penalties under subsection (f), and for purposes of such an action, subsections (d)(3) and (f)(1) shall be applied by substituting 'the court' for 'the Commission'.

''(2) EXCLUSIVE JURISDICTION OF FEDERAL COURTS.—The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all actions brought under this section. When a State brings an action under this section, the court in which the action is brought has pendant jurisdiction of any claim brought under the law of that State. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of this section or regulations prescribed under this section, including the requirement that the defendant take such action as is necessary to remove the danger of such violation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

''(3) RIGHTS OF COMMISSION.—The State shall serve prior written notice of any such civil action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission shall have the right—

''(A) to intervene in the action;

''(B) upon so intervening, to be heard on all matters arising therein; and

''(C) to file petitions for appeal.

''(4) VENUE; SERVICE OF PROCESS.—Any civil action brought under this subsection in a district court of the United States may be brought in the district wherein the subscriber or defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or where the defendant may be found.

''(5) INVESTIGATORY POWERS.—For purposes of bringing any civil action under this subsection, nothing in this section shall prevent the attorney general of a State, or an official or agency designated by a State, from exercising the powers conferred on the attorney general or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(j) STATE LAW NOT PREEMPTED.—

''(1) IN GENERAL.—Nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes more restrictive requirements, regulations, damages, costs, or penalties on changes in a subscriber's service or selection of a provider of telephone exchange service or telephone toll services than are imposed under this section.

''(2) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State or any specific civil or criminal statute of such State not preempted by this section.

''(3) LIMITATIONS.—Whenever a complaint is pending before the Commission involving a violation of regulations prescribed under this section, no State may, during the pendency of such complaint, institute a civil action against any defendant party to the complaint for any violation affecting the same subscriber alleged in the complaint.

''(k) REPORTS ON COMPLAINTS.—

''(1) REPORTS REQUIRED.—Each telecommunications carrier or reseller shall submit to the Commission, quarterly, a report on the number of complaints of unauthorized changes in providers of telephone exchange service or telephone toll service that are submitted to the carrier or reseller by its subscribers. Each report shall specify each provider of service complained of and the number of complaints relating to such provider.

''(2) LIMITATION ON SCOPE.—The Commission may not require any information in a report under paragraph (1) other than the information specified in the second sentence of that paragraph.

''(3) UTILIZATION.—The Commission shall use the information submitted in reports under paragraph (1) to identify telecommunications carriers or resellers that engage in patterns and practices of unauthorized changes in providers of telephone exchange service or telephone toll service.

''(l) DEFINITIONS.—For purposes of this section:

''(1) ATTORNEY GENERAL.—The term 'attorney general' means the chief legal officer of a State.

''(2) SUBSCRIBER.—The term 'subscriber' means the person named on the billing statement or account, or any other person authorized to make changes in the providers of telephone exchange service or telephone toll service.''.

(f) REPORT ON CARRIERS EXECUTING UNAUTHORIZED CHANGES OF TELEPHONE SERVICE.—

(1) REPORT.—Not later than October 31, 1998, the Federal Communications Commission shall submit to Congress a report on unauthorized changes of subscribers' selections of providers of telephone exchange service or telephone toll service.

(2) ELEMENTS.—The report shall include the following:

(A) A list of the 10 telecommunications carriers or resellers that, during the 1-year period ending on the date of the report, were subject to the highest number of complaints of having executed unauthorized changes of subscribers from their selected providers of telephone exchange service or telephone toll service when compared with the total number of subscribers served by such carriers or resellers.

(B) The telecommunications carriers or resellers, if any, assessed forfeitures under section 258(f) of the Communications Act of 1934 (as added by subsection (d)), during that period, including the amount of each such forfeiture and whether the forfeiture was assessed as a result of a court judgment or an order of the Commission or was secured pursuant to a consent decree.

SEC. 102. ADDITIONAL ENFORCEMENT AUTHORITY.

Section 504 of the Communications Act of 1934 (47 U.S.C. 504) is amended by adding at the end thereof the following: ''Notwithstanding the preceding sentence, the failure of a person to pay a forfeiture imposed for violation of section 258(a) may be used as a basis for revoking, denying, or limiting that person's operating authority under section 214 or 312.''.

SEC. 103. OBLIGATIONS OF BILLING AGENTS.

(a) IN GENERAL.—Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end thereof the following:

"SEC. 231. OBLIGATIONS OF TELEPHONE BILLING AGENTS.

''(a) IN GENERAL.—A billing agent, including a telecommunications carrier or reseller, who issues a bill for telephone exchange service or telephone toll service to a subscriber shall—

''(1) state on the bill—

''(A) the name and toll-free telephone number of any telecommunications carrier or reseller for the subscriber's telephone exchange service and telephone toll service;

''(B) the identity of the presubscribed carrier or reseller; and

''(C) the charges associated with each carrier's or reseller's provision of telecommunications service during the billing period;

''(2) for services other than those described in paragraph (1), state on a separate page—

''(A) the name of any company whose charges are reflected on the subscriber's bill;

''(B) the services for which the subscriber is being charged by that company;

''(C) the charges associated with that company's provision of service during the billing period;

''(D) the toll-free telephone number that the subscriber may call to dispute that company's charges; and

''(E) that disputes about that company's charges will not result in disruption of telephone exchange service or telephone toll service; and

''(3) show the mailing address of any telecommunications carrier or reseller or other company whose charges are reflected on the bill.

''(b) KNOWING INCLUSION OF UNAUTHORIZED OR IMPROPER CHARGES PROHIBITED.—A billing agent may not submit charges for telecommunications services or other services to a subscriber if the billing agent knows, or should know, that the subscriber did not authorize the charges or that the charges are otherwise improper.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to bills to subscribers for telecommunications services sent to subscribers more than 60 days after the date of enactment of this Act.

SEC. 104. FCC JURISDICTION OVER BILLING SERVICE PROVIDERS.

Part III of title II of the Communications Act of 1934 (47 U.S.C. 271 et seq.) is amended by adding at the end thereof the following:

"SEC. 277. JURISDICTION OVER BILLING SERVICE PROVIDERS.

''The Commission has jurisdiction to assess and recover any penalty imposed under title V of this Act against an entity not a telecommunications carrier or reseller to the extent that entity provides billing services for the provision of telecommunications services, or for services other than telecommunications services that appear on a subscriber's telephone bill for telecommunications services, but the Commission may assess and recover such penalties only if that entity knowingly or willfully violates the provisions of this Act or any rule or order of the Commission.''.

SEC. 105. REPORT; STUDY.

(a) IN GENERAL.—The Federal Communications Commission shall issue a report within 180 days after the date of enactment of this Act on the telemarketing and other solicitation practices used by telecommunications carriers or resellers or their agents or employees for the purpose of changing the telephone exchange service or telephone toll service provider of a subscriber.

(b) SPECIFIC ISSUES.—As part of the report required under subsection (a), the Commission shall include findings on—

(1) the extent to which imposing penalties on telemarketers would deter unauthorized changes in a subscriber's selection of a provider of telephone exchange service or telephone toll service;

(2) the need for rules requiring third-party verification of changes in a subscriber's selection of such a provider and independent third party administration of presubscribed interexchange carrier changes; and

(3) whether wireless carriers should continue to be exempt from the requirements imposed by section 258 of the Communications Act of 1934 (47 U.S.C. 258).

(c) RULEMAKING.—If the Commission determines that particular telemarketing or other solicitation practices are being used with the intention to mislead, deceive, or confuse subscribers and that they are likely to mislead, deceive, or confuse subscribers, then the Commission shall initiate a rulemaking to prohibit the use of such practices within 120 days after the completion of its report.

SEC. 106. DISCLOSURE OF CERTAIN RECORDS FOR INVESTIGATIONS OF TELEMARKETING FRAUD.

Section 2703(c)(1)(B) of title 18, United States Code, is amended by—

(1) striking ''or'' at the end of clause (ii);

(2) striking the period at the end of clause (iii) and inserting ''; or''; and

(3) adding at the end the following:

''(iv) submits a formal written request relevant to a law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is in section 2325 of this title).''.

TITLE II—SWITCHLESS RESELLERS

SEC. 201. REQUIREMENT FOR SURETY BONDS FROM TELECOMMUNICATIONS CARRIERS OPERATING AS SWITCHLESS RESELLERS.

Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by section 103 of this Act, is amended by adding at the end the following:

"SEC. 232. SURETY BONDS FROM TELECOMMUNICATIONS CARRIERS OPERATING AS SWITCHLESS RESELLERS.

''(a) REQUIREMENT.—Under such regulations as the Commission shall prescribe, any telecommunications carrier operating or seeking to operate as a switchless reseller shall furnish to the Commission a surety bond in a form and an amount determined by the Commission to be satisfactory for purposes of this section.

''(b) SURETY.—A surety bond furnished pursuant to this section shall be issued by a surety corporation that meets the requirements of section 9304 of title 31, United States Code.

''(c) CLAIMS AGAINST BOND.—A surety bond furnished under this section shall be available to pay the following:

''(1) Any fine or penalty imposed against the carrier concerned while operating as a switchless reseller as a result of a violation of the provisions of section 258 (relating to unauthorized changes in subscriber selections to telecommunications carriers).

''(2) Any penalty imposed against the carrier under this section.

''(3) Any other fine or penalty, including a forfeiture penalty, imposed against the carrier under this Act.

''(d) RESIDENT AGENT.—A telecommunications carrier operating as a switchless reseller that is not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.

''(e) PENALTIES.—

''(1) SUSPENSION.—The Commission may suspend the right of any telecommunications carrier to operate as a switchless reseller—

''(A) for failure to furnish or maintain the surety bond required by subsection (a);

''(B) for failure to designate an agent as required by subsection (d); or

''(C) for a violation of section 258 while operating as a switchless reseller.

''(2) ADDITIONAL PENALTIES.—In addition to suspension under paragraph (1), any telecommunications carrier operating as a switchless reseller that fails to furnish or maintain a surety bond under this section shall be subject to any forfeiture provided for under sections 503 and 504.

''(f) BILLING SERVICES FOR UNBONDED SWITCHLESS RESELLERS.—

''(1) PROHIBITION.—No common carrier or billing agent may provide billing services for any services provided by a switchless reseller unless the switchless reseller—

''(A) has furnished the bond required by subsection (a); and

''(B) in the case of a switchless reseller not domiciled in the United States, has designated an agent under subsection (d).

''(2) PENALTY.—

''(A) PENALTY.—Any common carrier or billing agent that knowingly and willfully provides billing services to a switchless reseller in violation of paragraph (1) shall be liable to the United States for a civil penalty not to exceed $50,000.

''(B) APPLICABILITY.—For purposes of subparagraph (A), the provision of services to any particular reseller in violation of paragraph (1) shall constitute a separate violation of that paragraph.

''(3) COMMISSION AUTHORITY TO ASSESS AND COLLECT PENALTIES.—The Commission shall have the authority to assess and collect any penalty provided for under this subsection upon a finding by the Commission of a violation of paragraph (1).

''(g) RETURN OF BONDS.—

''(1) REVIEW.—

''(A) IN GENERAL.—The Commission may from time to time review the activities of a telecommunications carrier that has furnished a surety bond under this section for purposes of determining whether or not to retain the bond under this section.

''(B) STANDARDS OF REVIEW.—The Commission shall prescribe any standards applicable to its review of activities under this paragraph.

''(C) FIRST REVIEW.—The Commission may not first review the activities of a carrier under subparagraph (A) before the date that is 3 years after the date on which the carrier furnishes the bond concerned under this section.

''(2) RETURN.—The Commission may return a surety bond as a result of a review under this subsection.

''(h) DEFINITIONS.—In this section:

''(1) BILLING AGENT.—The term 'billing agent' means any entity (other than a telecommunications carrier) that provides billing services for services provided by a telecommunications carrier, or other services, if charges for such services appear on the bill of a subscriber for telecommunications services.

''(2) SWITCHLESS RESELLER.—The term 'switchless reseller' means a telecommunications carrier that resells the switched telecommunications service of another telecommunications carrier without the use of any switching facilities under its own ownership or control.

''(i) DETARIFFING AUTHORITY NOT IMPAIRED.—Nothing in this section is intended to prohibit the Commission from adopting rules providing for the permissive detariffing of long-distance telephone companies, if the Commission determines that such permissive detariffing would otherwise serve the public interest, convenience, and necessity.''.

TITLE III—SPAMMING

SEC. 301. REQUIREMENTS RELATING TO TRANSMISSIONS OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) INFORMATION TO BE INCLUDED IN TRANSMISSIONS.—

(1) IN GENERAL.—A person who transmits an unsolicited commercial electronic mail message shall cause to appear in each such electronic mail message the information specified in paragraph (2).

(2) COVERED INFORMATION.—The following information shall appear at the beginning of the body of an unsolicited commercial electronic mail message under paragraph (1):

(A) The name, physical address, electronic mail address, and telephone number of the person who initiates transmission of the message.

(B) The name, physical address, electronic mail address, and telephone number of the person who created the content of the message, if different from the information under subparagraph (A).

(C) A statement that further transmissions of unsolicited commercial electronic mail to the recipient by the person who initiates transmission of the message may be stopped at no cost to the recipient by sending a reply to the originating electronic mail address with the word ''remove'' in the subject line.

(b) ROUTING INFORMATION.—All Internet routing information contained within or accompanying an electronic mail message described in subsection (a) must be accurate, valid according to the prevailing standards for Internet protocols, and accurately reflect message routing.

(c) EFFECTIVE DATE.—The requirements in this section shall take effect 30 days after the date of enactment of this Act.

SEC. 302. FEDERAL OVERSIGHT OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) TRANSMISSIONS.—

(1) IN GENERAL.—Upon notice from a person of the person's receipt of electronic mail in violation of a provision of section 301 or 305, the Commission—

(A) may conduct an investigation to determine whether or not the electronic mail was transmitted in violation of such provision; and

(B) if the Commission determines that the electronic mail was transmitted in violation of such provision, may—

(i) impose upon the person initiating the transmission a civil fine in an amount not to exceed $15,000;

(ii) commence in a district court of the United States a civil action to recover a civil penalty in an amount not to exceed $15,000 against the person initiating the transmission;

(iii) commence an action in a district court of the United States a civil action to seek injunctive relief; or

(iv) proceed under any combination of the authorities set forth in clauses (i), (ii), and (iii).

(2) DEADLINE.—The Commission may not take action under paragraph (1)(B) with respect to a transmission of electronic mail more than 2 years after the date of the transmission.

(b) ADMINISTRATION.—

(1) NOTICE BY ELECTRONIC MEANS.—The Commission shall establish an Internet web site with an electronic mail address for the receipt of notices under subsection (a).

(2) INFORMATION ON ENFORCEMENT.—The Commission shall make available through the Internet web site established under paragraph (1) information on the actions taken by the Commission under subsection (a)(1)(B).

(3) ASSISTANCE OF OTHER FEDERAL AGENCIES.—Other Federal agencies may assist the Commission in carrying out its duties under this section.

SEC. 303. ACTIONS BY STATES.

(a) IN GENERAL.—Whenever the attorney general of a State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected because any person is engaging in a pattern or practice of the transmission of electronic mail in violation of a provision of section 301 or 305, the State, as parens patriae, may bring a civil action on behalf of its residents to enjoin such transmission, to enforce compliance with such provision, to obtain damages or other compensation on behalf of its residents, or to obtain such further and other relief as the court considers appropriate.

(b) NOTICE TO COMMISSION.—

(1) NOTICE.—The State shall serve prior written notice of any civil action under this section on the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve written notice immediately on instituting such action.

(2) RIGHTS OF COMMISSION.—On receiving a notice with respect to a civil action under paragraph (1), the Commission shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard in all matters arising therein; and

(C) to file petitions for appeal.

(c) ACTIONS BY COMMISSION.—Whenever a civil action has been instituted by or on behalf of the Commission for violation of a provision of section 301 or 305, no State may, during the pendency of such action, institute a civil action under this section against any defendant named in the complaint in such action for violation of any provision as alleged in the complaint.

(d) CONSTRUCTION.—For purposes of bringing a civil action under subsection (a), nothing in this section shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of the State concerned to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary or other evidence.

(e) VENUE; SERVICE OF PROCESS.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

(f) ACTIONS BY OTHER STATE OFFICIALS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of the State concerned.

(g) DEFINITIONS.—In this section:

(1) ATTORNEY GENERAL.—The term ''attorney general'' means the chief legal officer of a State.

(2) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and any possession of the United States.

SEC. 304. INTERACTIVE COMPUTER SERVICE PROVIDERS.

(a) EXEMPTION FOR CERTAIN TRANSMISSIONS.—

(1) EXEMPTION.—Section 301 or 305 shall not apply to a transmission of electronic mail by an interactive computer service provider unless—

(A) the provider initiates the transmission; or

(B) the transmission is not made to its own customers.

(2) CONSTRUCTION.—Nothing in this subsection may be construed to require an interactive computer service provider to transmit or otherwise deliver any electronic mail message.

(b) ACTIONS BY INTERACTIVE COMPUTER SERVICE PROVIDERS.—

(1) IN GENERAL.—In addition to any other remedies available under any other provision of law, any interactive computer service provider adversely affected by a violation of a provision of section 301 or 305 may, within 1 year after discovery of the violation, bring a civil action in a district court of the United States against a person who violates such provision. Such an action may be brought to enjoin the violation, to enforce compliance with such provision, to obtain damages, or to obtain such further and other relief as the court considers appropriate.

(2) DAMAGES.—

(A) IN GENERAL.—The amount of damages in an action under this subsection for a violation specified in paragraph (1) may not exceed $15,000 per violation.

(B) RELATIONSHIP TO OTHER DAMAGES.—Damages awarded for a violation under this subsection are in addition to any other damages awardable for the violation under any other provision of law.

(C) COST AND FEES.—The court may, in issuing any final order in any action brought under paragraph (1), award costs of suit, reasonable costs of obtaining service of process, reasonable attorney fees, and expert witness fees for the prevailing party.

(3) VENUE; SERVICE OF PROCESS.—Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant or in which the interactive computer service provider is located, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

(c) INTERACTIVE COMPUTER SERVICE PROVIDER DEFINED.—In this section, the term ''interactive computer service provider'' has the meaning given the term ''interactive computer service'' in section 230(e)(2) of the Communications Act of 1934 (47 U.S.C. 230(e)(2)).

SEC. 305. RECEIPT OF TRANSMISSIONS BY PRIVATE PERSONS.

(a) TERMINATION OF TRANSMISSIONS.—A person who receives from any other person an electronic mail message requesting the termination of further transmission of commercial electronic mail shall cease the initiation of further transmissions of such mail to the person making the request.

(b) AFFIRMATIVE AUTHORIZATION OF TRANSMISSIONS.—

(1) IN GENERAL.—Subject to paragraph (2), a person may authorize another person to initiate transmissions of unsolicited commercial electronic mail to the person.

(2) AVAILABILITY OF TERMINATION.—A person initiating transmissions of electronic mail under paragraph (1) shall include, with each transmission of such mail to a person authorizing the transmission under that paragraph, the information specified in section 301(a)(2)(C).

(c) CONSTRUCTIVE AUTHORIZATION OF TRANSMISSIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a person who secures a good or service from, or otherwise responds electronically to, an offer in a transmission of unsolicited commercial electronic mail shall be deemed to have authorized the initiation of transmissions of unsolicited commercial electronic mail from the person who initiated the transmission.

(2) NO AUTHORIZATION FOR REQUESTS FOR TERMINATION.—An electronic mail request to cease the initiation of further transmissions of electronic mail under subsection (a) shall not constitute authorization for the initiation of further electronic mail under this subsection.

(3) AVAILABILITY OF TERMINATION.—A person initiating transmissions of electronic mail under paragraph (1) shall include, with each transmission of such mail to a person deemed to have authorized the transmission under that paragraph, the information specified in section 301(a)(2)(C).

(d) EFFECTIVE DATE OF TERMINATION REQUIREMENTS.—Subsections (a), (b)(2), and (c)(3) shall take effect 30 days after the date of enactment of this Act.

SEC. 306. DEFINITIONS.

In this title:

(1) COMMERCIAL ELECTRONIC MAIL.—The term ''commercial electronic mail'' means any electronic mail that—

(A) contains an advertisement for the sale of a product or service;

(B) contains a solicitation for the use of a telephone number, the use of which connects the user to a person or service that advertises the sale of or sells a product or service; or

(C) promotes the use of or contains a list of one or more Internet sites that contain an advertisement referred to in subparagraph (A) or a solicitation referred to in subparagraph (B).

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) the term ''initiate the transmission'' in the case of an electronic mail message means to originate the electronic mail message, and does not encompass any intervening interactive computer service whose facilities may have been used to relay, handle, or otherwise retransmit the electronic mail message, unless the intervening interactive computer service provider knowingly and intentionally retransmits any electronic mail in violation of section 301 or 305.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. ENFORCEMENT OF REGULATIONS REGARDING CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302) is amended by adding at the end the following:

''(f)(1) Except as provided in paragraph (2), a State or local government may enforce the following regulations of the Commission under this section:

''(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

''(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

''(2) Possession of a station license issued by the Commission pursuant to section 301 in any radio service for the operation at issue shall preclude action by a State or local government under this subsection.

''(3) The Commission shall provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

''(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government enforcing a regulation under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, acted outside the authority provided in this subsection.

''(B) A person shall submit an appeal on a decision of a State or local government to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government becomes final.

''(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

''(D) If the Commission determines under subparagraph (C) that a State or local government has acted outside its authority in enforcing a regulation, the Commission shall reverse the decision enforcing the regulation.

''(5) The enforcement of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

''(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.''.

SEC. 402. MODIFICATION OF EXCEPTION TO PROHIBITION ON INTERCEPTION OF COMMUNICATIONS.

(a) MODIFICATION.—Section 2511(2)(d) of title 18, United States Code, is amended by adding at the end the following: ''Notwithstanding the previous sentence, it shall not be unlawful under this chapter for a person not acting under the color of law to intercept a wire, oral, or electronic communication between a health insurance issuer or health plan and a subscriber of such issuer or plan, or between a health care provider and a patient, only if all of the parties to the communication have given prior express consent to such interception. For purposes of the preceding sentence, the term 'health insurance issuer' has the meaning given that term in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b), the term 'health plan' means a group health plan, as defined in such section of such Act, an individual or self-insured health plan, the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.), the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.), and the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of title 10, and the term 'health care provider' means a physician or other health care professional.''.

(b) RECORDING AND MONITORING OF COMMUNICATIONS WITH HEALTH INSURERS.—

(1) COMMUNICATION WITHOUT RECORDING OR MONITORING.—Notwithstanding any other provision of law, a health insurance issuer, health plan, or health care provider that notifies any customer of its intent to record or monitor any communication with such customer shall provide the customer the option to conduct the communication without being recorded or monitored by the health insurance issuer, health plan, or health care provider.

(2) DEFINITIONS.—In this subsection:

(A) HEALTH CARE PROVIDER.—The term ''health care provider'' means a physician or other health care professional.

(B) HEALTH INSURANCE ISSUER.—The term ''health insurance issuer'' has the meaning given that term in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b).

(C) HEALTH PLAN.—The term ''health plan'' means—

(i) a group health plan, as defined in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b);

(ii) an individual or self-insured health plan;

(iii) the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(iv) the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(v) the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.); and

(vi) the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of title 10, United States Code.

SEC. 403. CONSUMER TRUTH IN BILLING DISCLOSURE ACT.

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

(1) Billing practices by telecommunications carriers may not reflect accurately the cost or basis of the additional telecommunications services and benefits that consumers receive as a result of the enactment of the Telecommunications Act of 1996 (Public Law 104–104) and other Federal regulatory actions taken since the enactment of that Act.

(2) The Telecommunications Act of 1996 was not intended to allow providers of telecommunications services to misrepresent to customers the costs of providing services or the services provided.

(3) Certain providers of telecommunications services have established new, specific charges on customer bills commonly known as ''line-item charges''.

(4) Certain providers of telecommunications services have described such charges as ''Federal Universal Service Fees'' or similar fees.

(5) Such charges have generated significant confusion among customers regarding the nature of and scope of universal service and of the fees associated with universal service.

(6) The State of New York is considering action to protect consumers by requiring telecommunications carriers to disclose fully in the bills of all classes of customers the fee increases and fee reductions resulting from the enactment of the Telecommunications Act of 1996 and other regulatory actions taken since the enactment of that Act.

(7) The National Association of Regulatory Utility Commissioners adopted a resolution in February 1998 supporting action by the Federal Communications Commission and the Federal Trade Commission to protect consumers of telecommunications services by assuring accurate cost reporting and billing practices by telecommunications carriers nationwide.

(b) REQUIREMENTS.—Any telecommunications carrier that includes any change resulting from Federal regulatory action shall specify in such bill—

(1) the reduction in charges or fees for each class of customers (including customers of residential basic service, customers of other residential services, small business customers, and other business customers) resulting from any regulatory action of the Federal Communications Commission;

(2) total monthly charges, usage charges, percentage charges, and premiums for each class of customers (including customers of residential basic service, customers of other residential services, small business customers, and other business customers);

(3) notify consumers one billing cycle in advance of any changes in existing charges or imposition of new charges; and

(4) disclose, upon subscription, total monthly charges, usage charges, percentage charges, and premiums for each class of customers (including residential basic service, customers of other residential service, small business customers, and other business customers).

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

THE EXECUTIVE CALENDAR

Mr. LEAHY. Mr. President, I was just thinking, while we are all here, I know we continue to have a number of names on the Executive Calendar on nominations, and we have, let's see, nine judges, all of whom have been voted out of the Judiciary Committee, I think in most cases unanimously. We have close to 100 vacancies in the Federal judiciary. Among those who are on here is Sonia Sotomayor of the second circuit. This has been out for some time now. She has been before the Senate for a couple of years now, I believe. This is a circuit where the Chief Judge has declared a judicial emergency. I believe it is the first time a circuit court has declared a judicial emergency, I think maybe the first time in history that they have done that.

But what that means is that if you go before the second circuit, you don't even have a panel made up of second circuit judges. You have one second circuit court of appeals judge and two visiting judges. And yet we have two nominees for the second circuit on the Executive Calendar, both of whom could be voted on in the next 5 minutes—they went out of the Judiciary Committee very easily—and it would stop this judicial emergency.

The reason I mention this, Mr. President, is that with 100 vacancies in the Federal judiciary, nearly 100 vacancies, we are finding around the country that prosecutors have to lower charges; they have to nol-pros cases; they have

to plea bargain because they cannot give a speedy trial. So the police go through all the work, the Federal agencies and everybody, to apprehend somebody, and then because we can't guarantee a speedy trial because there are so many vacancies in the Federal court, somebody who has been charged with a crime suddenly sees their charge lowered. If you are a taxpayer and you pay the bill, as we all are for these courts, and you have a case, a civil case, you cannot get it heard for sometimes 2, 3, 4, 5 years. Justice delayed is justice denied. I mention this, Mr. President; I certainly, and I understand everybody on this side of the aisle, would be ready to go ahead and vote up or down every one of these nine judges right now and clear this up.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. LEAHY. I yield without losing my right to the floor. Of course, I yield to the distinguished Senator from Kentucky.

Mr. FORD. When the Senator said we had other nominees, and he only listed the judicial, there are other nominees on the Executive Calendar who have no reason to be held. For instance, we have a woman who has been serving for 4 years on the Uranium Enrichment Corporation. She came before the Energy Committee on February 11. She was given the greatest of accolades for the tremendous job she had done, and she is caught up in the holds on everything else. And now 90 days have passed since she was unanimously reported out of the Energy Committee.

The Uranium Enrichment Corporation is about to privatize. There is $2 billion, approximately, in this budget that will have to be voted on by that particular individual. They said—the ''they'' being the majority—let her have a contract, just a consultant's contract. And that means she can sit there and listen but cannot say a word or cast a vote. We are about ready to close the deal.

So not only do we have the judicial problem, we have other nominations that are vitally important to my State and the State of Ohio of which we have a vital interest. I want to encourage the Senator. I am about to make a unanimous consent request that we bring Margaret Greene up so we might try to do something here to get her moving and on the board so she can continue to make decisions and do the good work she has been complimented for by the Energy Committee. So I thank the Senator.

Mr. LEAHY. If I might say to my friend from Kentucky, the irony is that Margaret Hornbeck Greene, if there was to be a vote on her, would get every vote in this place. So instead, what you have is somebody in the back recesses of a cloakroom somewhere holding this woman up, as are a whole lot of other women on this list being held up by people who say, ''We won't vote on these women. We just won't let them come to a vote.''

Nobody is going to vote them down. They are all going to be confirmed, if we have a vote. But these women are all being held up by somebody who will not come in the Chamber and say who it is holding them up. But just do it. Frankly, I would like to see all of these people—the committees have passed on them. The committees have given them, in most cases, unanimous recommendations and some overwhelming recommendations.

Let the Senate work its will. I think it is wrong to hold them up but especially in the courts. The courts now face an enormous problem. People are declining appointments to the Federal judiciary because they say they are not going to sit around for 2 or 3 years while their law practices fall apart waiting for the Senate to do what we are paid to do.

We have, as I said earlier, in the second circuit, my own circuit, a judicial emergency, the first time ever, and yet we have two second circuit court of appeals judges voted out of the committee sitting on the calendar and cannot be voted upon. It is wrong, Mr. President, for the Senate to try to diminish the Federal bench.

One of the most important parts of our democracy is the fact that we have an independent judiciary. No other nation on Earth has the ability to appoint to a judiciary, handling as complex and varied items as ours does, and still retain its independence. Some, I am afraid to say, on the other side of the aisle and in the other body feel that we must start intimidating these judges—their words, that we must start holding up these judges—their words.

That is wrong. This democracy is maintained and is able to remain a democracy, even though it is the most powerful nation on Earth, because of an independent judiciary. We hurt all Americans. We hurt the criminal justice system; we allow people to escape for their misdeeds if we do not have the judges there to try the cases. And if you are a private litigant, you cannot be heard. Even though you pay the taxes, you pay the bills, you cannot be heard because the judges are not there.

I see the distinguished senior Senator from Arizona in the Chamber. I know he is seeking recognition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I would like to thank the Senator from Vermont for his courtesy. I know he is addressing a very important issue and I appreciate his forbearance while I propound a unanimous consent request.

UNANIMOUS CONSENT AGREEMENT—S. 1260

Mr. McCAIN. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of S. 1260. I further ask consent there be 2 hours of general debate on the bill equally divided in the usual form. I further ask that the only first-degree amendments, other than the committee-reported substitute, be the following: That first-degree amendments be subject to relevant second-degree amendments—Sarbanes-Bryan, securities market; Sarbanes-Bryan, securities market—three Sarbanes-Bryan, securities market; two Bryan-Sarbanes, securities market; Cleland, class-action lawsuits; Biden, relevant amendment; Wellstone, State laws; Feingold, dispute resolution; D'Amato, relevant; and Dodd, relevant; that upon the disposition of the listed amendments, the committee substitute be agreed to, the bill be read a third time, and the Senate then vote on passage of S. 1260, with no intervening action or debate, provided that Senator REID of Nevada be recognized to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2037

Mr. McCAIN. Mr. President, I ask unanimous consent the majority leader, after consultation with the Democratic leader, may proceed to the consideration of S. 2037. I further ask that there be 60 minutes for debate equally divided between Senator HATCH and Senator LEAHY, with 15 minutes of Senator HATCH's time controlled by Senator ASHCROFT. I further ask that the only amendment in order be the managers' technical amendment. I finally ask consent that following the expiration or yielding back of time, the bill be read a third time and the Senate then proceed to a vote on passage of S. 2037, with no intervening action or debate.

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

Mr. McCAIN. Mr. President, I would like to say now we have also only one remaining concern about the H–1 B bill of Senator ABRAHAM. We would like to move to it tonight. I understand that on the Democratic side of the aisle there is no objection. We are working on it now.

So I would like to inform my colleagues that we may move to the Abraham bill, which has been cleared on the Democratic side, if we can clear it on the Republican side, and, if so, then there will be amendments considered tonight.

MORNING BUSINESS

Mr. McCAIN. While that is being worked out, I now ask unanimous consent that there be a period for the transaction of routine morning business until 7:15 p.m., with Senators permitted to speak for up to 10 minutes.

Mr. LEAHY. Reserving the right to object, and I shall not object, does that statement by the distinguished acting leader mean there will be no more rollcall votes tonight?

Mr. MCCAIN. In light of these agreements, I now announce there will be no further rollcall votes this evening.

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

MONTANA POLE VAULTERS

Mr. BAUCUS. Mr. President, I rise to take a moment to share with the Senate the remarkable accomplishments of some truly ''high fliers.''

All of us in this body travel to schools and encourage tomorrow's leaders to ''aim high.'' Last week, three Montana pole vaulters did just that and the result was that collegiate and high school records fell.

Three extraordinary women, all from my hometown of Helena, made a bit of history.

On the collegiate level, Helena High Graduate and University of Montana freshman Nicole Zeller twice set new Big Sky Conference records in the pole vault, first by clearing 11 feet 10 inches, and then, improving her own record with a vault of 12 feet, ½ inch.

Meanwhile, two Helena high school students—one from my and Senator ROTH's alma mater, Helena High, the other from Capital High—were registering the two best vaults in the nation this year. One of them set a new national record for high school pole vaulters.

Not only did Shannon Agee of Helena High set a new national record. She beat the old one by a mile. She vaulted 13 feet and eclipsed the old record by a full incredible five inches.

On the same day, Capital High senior Suzanne Krings cleared 12 feet 6 inches, giving her the second-best vault in the nation this year.

So today, Mr. President, I extend my congratulations to Shannon, Suzanne and Nicole for showing all of us how to soar.

THE VERY BAD DEBT BOXSCORE

MR. HELMS. Mr. President, at the close of business yesterday, Monday, May 11, 1998, the federal debt stood at $5,487,765,423,650.36 (Five trillion, four hundred eighty-seven billion, seven hundred sixty-five million, four hundred twenty-three thousand, six hundred fifty dollars and thirty-six cents).

Five years ago, May 11, 1993, the federal debt stood at $4,241,563,000,000 (Four trillion, two hundred forty-one billion, five hundred sixty-three million).

Ten years ago, May 11, 1988, the federal debt stood at $2,511,066,000,000 (Two trillion, five hundred eleven billion, sixty-six million).

Fifteen years ago, May 11, 1983, the federal debt stood at $1,257,970,000,000 (One trillion, two hundred fifty-seven billion, nine hundred seventy million).

Twenty-five years ago, May 11, 1973, the federal debt stood at $453,530,000,000 (Four hundred fifty-three billion, five hundred thirty million) which reflects a debt increase of more than $5 trillion—$5,034,235,423,650.36 (Five trillion, thirty-four billion, two hundred thirty-five million, four hundred twenty-three thousand, six hundred fifty dollars and thirty-six cents) during the past 25 years.

THE AGRICULTURAL RESEARCH, EXTENSION AND EDUCATION REFORM ACT OF 1998

Mr. FEINGOLD. Mr. President, today, the Senate passed the conference agreement on S. 1150, the Agricultural Research, Extension, and Education Reform Act of 1998. I am pleased that this important legislation, containing several amendments I authored, has seen its way to the Senate floor for proper and overdue consideration and passage.

Mr. President, the agricultural provisions of this bill are important for all farmers but I am especially proud of the provisions targeted to support our endangered small farmers.

Mr. President, this country is facing a national farming crisis. Day after day, season after season, we are losing small farms at an alarming rate. In 1980, there were 45,000 dairy farms in Wisconsin. In 1997, there are only 24,000 dairy farms. That is a loss of more than 3 dairy farms a day-everyday for 17 years. And it does not begin to measure the human cost to families driven from the land. As small farms disappear, we are witnessing the emergence of larger agricultural operations. This trend toward fewer but larger dairy operations is mirrored in most States throughout the Nation.

Mr. President, the economic losses associated with the reduction in the number of small farms go well beyond the impact on the individual farm families who must wrench themselves from the land. The reduction in farm numbers has hurt their neighbors as well and deprived the merchants on the main streets of their towns of many lifelong customers. For many of the rural communities of Wisconsin, small family-owned farms are the key component of the community. They provide economic and sound stability. They are good people and we need a system in which their farms are viable and their work can be fairly rewarded.

Many feel that basic research is a necessary and underutilized tool that can help to save this dying breed of farmers. There have been plenty of Federal investments in agricultural research, past and present, focusing almost solely on the needs of larger scale agricultural producers-neglecting the specific research needs of small producers. This research bias has hamstrung small farmers, depriving them of the tools they need to adapt to changes in farming and the marketplace and accelerating the trend toward increased concentration.

To address this concern, I worked with the conference committee to include a provision which authorizes a coordinated program of research, extension, and education to improve the viability of small- and medium-size dairy and livestock operations. Among the research projects the Secretary is authorized to conduct are: Research, development, and on-farm education, low-cost production facilities, management systems and genetics appropriate for these small and medium operations, research and extension on management intensive grazing systems which reduce feed costs and improve farm profitability, research and extension on integrated crop and livestock systems that strengthen the competitive position of small- and medium-size operations, economic analyses and feasibility studies to identify new marketing opportunities for small- and medium-size producers, technology assessment that compares the technological resources of large specialized producers with the technological needs of small- and medium-size dairy and livestock operations, and research to identify the specific research and education needs of these small operations.

The provision allows the Secretary to carry out this new program using existing USDA funds, facilities and technical expertise. Dairy and livestock producers should not be forced to become larger in order to remain competitive. Bigger is not necessarily better. And in fact, M. President, expansion is often counterproductive for small operations, requiring them to take on even greater debt. Farmers need more help in determining other methods of maintaining long-term profitability. For example, small dairy farmers may find adoption of management-intensive grazing systems, combined with a diversified cropping operation a profitable alternative to expansion. But there has been far too little federally funded research devoted to alternative livestock production systems. Small producers need more Federal research and extension activity devoted to the development of these alternatives. This amendment is a good first step in establishing the Federal research commitment to help develop and promote production and marketing systems that specifically address the needs of small producers.

Using research dollars to help maintain the economic viability of small- and medium-size dairy and livestock operations has benefits beyond those gained by farmers and the communities in which they reside. Keeping a large number of small operations in production can provide environmental benefits as well. As livestock operations expand their herd size without a corresponding increase in cropping acreage, manure storage and management practices become more costly and more burdensome for the operator and raise additional regulatory concerns associated with runoff and water quality among State and Federal regulators. Research that helps dairy and livestock operators remain competitive and profitable without dramatic expansion will help minimize these concerns.

Mr. President, also incorporated into the bill is language requiring the Secretary to fund research on the competitiveness and viability of small- and medium-size farms under the Initiative for Future Agriculture and Food Systems—a new research program authorized by S. 1150 and funded at a total of $600 million for fiscal years 1999 through 2002. With the inclusion of my amendment, the Secretary is directed to make grants for research projects addressing the viability of small- and medium-size farming operations with funding made available under the Initiative in fiscal years 1999–2002. This amendment ensures that the research needs of small dairy, livestock, and cropping operations will be addressed under the substantial new funding provided for agricultural research in this bill.

Finally, Mr. President, the conference committee also accepted important language regarding precision agriculture. Precision agriculture is a system of farming that uses very site-specific information on soil nutrient needs and presence of plant pests, often gathered using advanced technologies such as global positioning systems, high performance image processing, and software systems to determine the specific fertilizer, pesticide and other input needs of a farmer's cropland. This technology may have the benefit of lowering farm production costs and increase profitability by helping the producer reduce agricultural inputs by applying them only where needed. In addition, reducing agricultural inputs may minimize the impact of crop production on wildlife and the environment. While precision agriculture, generally defined, encompasses a broad range of techniques from high-technology satellite imaging systems to manual soil sampling, it is most frequently discussed in terms of the use of capital intensive advanced technologies.

Precision agriculture may result in production efficiencies and improved profitability for some farms, yet many in agriculture are concerned that, because of the capital intensive nature of precision agriculture systems, this new technology will not be applicable or accessible to small or highly diversified farms. It is unclear whether precision agriculture services, even if provided by input suppliers, will be available at affordable rates to small farms. Furthermore, some observers are concerned that private firms may find that marketing efforts directed at small farms are not lucrative enough and thus may avoid efforts to apply the technology to small operations.

In addition to concerns about the applicability and accessibility of precision agriculture to small farms, many are concerned that precision agriculture may not be the most appropriate production system for small farms given the costs of acquiring new technology or contracting for additional services. There may be other production systems, such as integrated whole farm crop, livestock, and resource management systems, that allow small farmers to reduce input costs, improve profitability, and minimize environmental impacts of agricultural production that are more appropriate for smaller operations.

To address this concern, accepted language allows USDA to fund studies evaluating whether precision agriculture technologies are applicable or accessible to small- and medium-sized farms. The amendment also allows USDA to conduct research on methods to improve the applicability of precision agriculture to these operations. It is critical that USDA's research investment in this new technology not exclude the needs of small farmers. If it does, this new research program could ultimately affect the structure of agriculture, potentially providing disproportionate advantages to large scale farming operations, accelerating the trend to fewer and larger farms. My amendment will allow USDA to conduct research on low cost precision agriculture systems that do not require significant financial investments by farmers and that may be more appropriate to small or highly diversified farming operations.

Mr. President, I appreciate the cooperation of the chairman, Mr. LUGAR, and the ranking member, Mr. HARKIN, of the Agriculture Committee and their staff in addressing the important research needs of small- and medium-size farms by maintaining these amendments during conference committee consideration of this bill.

These amendments will ensure that research money is directed at the interests of the small farmer providing the tools to make these operations viable to survive the riggers of farming in the next century.

SHANNEL QUARLES—KANSAS YOUTH OF THE YEAR

Mr. BROWNBACK. Mr. President, today, I rise to recognize an outstanding high school student from Wichita, KS. Shannel Quarles won the Kansas Youth of the Year award for 1998–1999. Along with this award, Shannel will receive a four-year scholarship to the college of her choice, sponsored by Oprah Winfrey's Angel Network.

Mr. President, I am proud to recognize the outstanding accomplishment of this high school sophomore. She is an exemplary role model for young people in our nation. I congratulate Shannel and her family and wish her continued success.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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. WARNER:

S. 2062. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions; to the Committee on Environment and Public Works.

By Mr. HOLLINGS (by request):

S. 2063. A bill to authorize activities under the Federal railroad safety laws for fiscal years 1999 through 2002, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself, Mr. GLENN, and Mr. SARBANES):

S. 2064. A bill to prohibit the sale of naval vessels and Maritime Administration vessels for purposes of scrapping abroad, to establish a demonstration program relating to the breaking up of such vessels in United States shipyards, and for other purposes; to the Committee on Armed Services.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2065. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of Settlement Trusts established pursuant to the Alaska Native Claims Settlement Act; to the Committee on Finance.

By Mr. CHAFEE:

S. 2066. A bill to reduce exposure to environmental tobacco smoke; to the Committee on Environment and Public Works.

By Mr. ASHCROFT (for himself, Mr. LEAHY, Mr. BURNS, Mr. CRAIG, Mrs. BOXER, Mr. FAIRCLOTH, Mr. WYDEN, Mr. KEMPTHORNE, Mrs. MURRAY, and Mrs. HUTCHISON):

S. 2067. A bill to protect the privacy and constitutional rights of Americans, to establish standards and procedures regarding law enforcement access to decryption assistance for encrypted communications and stored electronic information, to affirm the rights of Americans to use and sell encryption products, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON (for himself and Mr. GLENN):

S. 2068. A bill to clarify the application of the Unfunded Mandates Reform Act of 1995, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 2069. A bill to permit the leasing of mineral rights, in any case in which the Indian owners of an allotment that is located within the boundaries of the Fort Berthold Indian Reservation and held in trust by the United States have executed leases to more than 50 percent of the mineral estate of that allotment; to the Committee on Indian Affairs.

By Mr. DEWINE:

S. 2070. A bill to provide for an Underground Railroad Educational and Cultural

Program; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. BROWNBACK, and Mr. GLENN):

S. Res. 227. A resolution to express the sense of the Senate regarding the May 11, 1998 Indian nuclear tests; to the Committee on Foreign Relations.

By Mr. WARNER (for himself and Mr. FORD):

S. Res. 228. A resolution to authorize the printing of a document entitled ''Washington's Farewell Address''; considered and agreed to.

By Ms. MOSELEY-BRAUN (for herself and Mr. DURBIN):

S. Res. 229. A resolution commemorating the 150th anniversary of the establishment of the Chicago Board of Trade; considered and agreed to.

By Mr. DODD (for himself and Mr. GRASSLEY):

S. Con. Res. 95. A concurrent resolution expressing the sense of Congress with respect to promoting coverage of individuals under long-term care insurance; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself, Mr. GLENN, and Mr. SARBANES):

S. 2064. A bill to prohibit the sale of naval vessels and Maritime Administration vessels for purposes of scrapping abroad, to establish a demonstration program relating to the breaking up of such vessels in United States shipyards, and for other purposes; to the Committee on Armed Services.

NAVAL VESSELS LEGISLATION

Ms. MIKULSKI. Mr. President, I wish to bring to the attention of the Senate that today I am introducing legislation to change the way we dispose of Navy ships that are no longer needed. I am proud to say that this bill is being cosponsored by my senior Senator, PAUL SARBANES, as well as the distinguished Senator from Ohio, Senator JOHN GLENN.

With the end of the cold war, the number of ships to be disposed of in the military arsenal is growing. There are 180 Navy and Maritime Administration ships waiting to be scrapped. These ships are difficult and dangerous to dismantle. They usually contain asbestos, PCBs, and lead paint. They were built long before we understood all of the environmental hazards associated with these materials.

I am prompted to offer this legislation because an issue was brought to my attention by a Pulitzer Prize-winning series of articles that appeared in the Baltimore Sun written by reporters Gary Cohn and Will Englund. They conducted a very thorough and rigorous investigation into the way we dispose of our Navy and maritime ships. They traveled around the country and around the world to see firsthand how our ships are dismantled.

I must advise the Senate that the way we do this is not being done in an honorable, environmentally sensitive, efficient way. I believe that when we have ships that have defended the United States of America, that were floating military bases, they should be retired with honor. When I unfold to you the horror stories that the Sun paper found, you will be shocked, and I hope you will join in the cosponsorship of my bill.

Let me recite from the Sun paper:

As the Navy sells off obsolete warships at the end of the cold war, a little known industry has grown up in America's depressed ports, and where the shipbreaking industry goes, pollution and injured workers are left in its wake.

Headline No. 1. No. 2:

The Pentagon repeatedly deals with shipbreakers with dismal records, then fails to keep watch as they leave health, environmental and legal problems in America's ports.

In terms of our own communities on the border in Brownsville, TX:

In this U.S. shipbreaking capital on the Mexican border, where labor and life are cheap, scrapping thrives amid official indifference.

And, I might say, danger.

Also, even more horrendous is the way we use the Third World to dump American ships: In India, the Sun paper found:

On a fetid beach, 35,000 men scrap the world's ships with little more than their bare hands. Despite wretched conditions—

And dangerous environmental situations.

I point out what this means close to home. Let me tell you some stories. In Baltimore:

Workers have been toiling in air thick with asbestos dust. In Baltimore, laborers scrapping the USS Coral Sea ripped asbestos insulation from the aircraft carrier with their bare hands. At times they had no respirators, standard equipment for asbestos work. [As we all know,] inhaling asbestos fibers can have . . . lethal consequences.

It was not limited to Baltimore. At Terminal Island, CA, 20 laborers were fired when they told Federal investigators how asbestos was being improperly stripped from Navy ships. In Baltimore, workers were ordered to stuff asbestos into a leaky barge to hide it from inspectors.

Dangerous substances from scrapped ships have polluted harbors, rivers and shorelines.

The Sun paper goes on to say:

A scrapyard along the Northeast Cape Fear River in Wilmington, NC, was contaminated by asbestos, oil and lead. ''That site looked like one of Dante's levels of hell,'' said David Heeter, a North Carolina assistant attorney general.

Ship scrappers frustrate regulators by constructing a maze of corporate names and moving frequently. The Defense Department has repeatedly sent ships to scrappers who have records of bankruptcies, fraud [and] payoffs. . . .

Because of downsizing, the Navy promised that this would be a bonanza, for amounts ranging from $15,000 to dismantle a destroyer—15 grand to dismantle a destroyer—to $1 million for an aircraft carrier.

They buy the rights to Navy ships, then sell the salvaged metal. . . .

Because of environmental violations and other issues, the Navy has had to take back 20 ships in yards in North Carolina, Rhode Island and California. . . . Of the 58 ships sold for scrapping since 1991, only 28 have been finished.

And, oh, my God, how they have been finished.

I would like to turn to my hometown of Baltimore. Mr. President, this is what the *Coral Sea* looked like while it was being dismantled in the Baltimore harbor. It looks like it was ravaged, like it was cannibalized. It looks like a tenement in a Third World area.

The Sun paper continues:

In Baltimore, torch handlers worked without other men on fire watch and without fire hoses. . . .

Picture yourself going out there trying to do that in the early morning.

The *Coral Sea*'s dismal end has been marked by stubborn fires and dumping of oil in the harbor, by lawsuits and repeated delays—but most of all, by the mishandling of asbestos.

Let me tell you that it was so bad that even a Navy inspector who came to look at what they were doing was scared to death to go on that ship because he was afraid it was too dangerous.

I am quoting the Sun paper.

On September 16, 1993, [the military] sent its lone inspector——

One inspector for the United States——

On his first visit to the Seawitch Salvage yard in Baltimore. . . . But Evans didn't inspect [it because]. . . . He thought it was too dangerous.

The next day, a 23-year-old worker named Alfio Leonardi Jr. found out how unsafe it would be.

He walked on a flight deck up in that situation and dropped 30 feet from the hangar.

I felt a burning feeling inside. . . . There was blood coming out of my month. I didn't think I was going to live.

He suffered a ruptured spleen, fractured pelvis, fractured vertebrae, and he broke his arms in several places.

The inspector was new to the job when the accident occurred. He had only 20 hours of training on environmental issues. He was not appropriately trained, and he didn't even know what shipbreaking was. At the same time, we had repeated fires breaking out.

In November of 1996, a fire broke out in the *Coral Sea* engine room. There was no one standing fire watch, no hose nearby. The blaze burned quickly out of control, and for the sixth time, Baltimore City's fire department had to come in and rescue the shipyard. At the same time, the owner of this shipyard had a record of environmental violations for which he ultimately went to jail.

We cannot tolerate this in the Baltimore harbor. If you look there, that is

where it is, right across from Ft. McHenry that defended the United States of America and won the second battle in the war of 1812. And look at it. That is what it looks like. It is a national disgrace that that was in the harbor as well as a national environment danger.

Right down the road was the Baltimore City Shipyard, the Bethlehem Steel Shipyard that was foraging for work. Another fighting lady from Maryland, Helen Bentley, our former Congresswoman—she and I and Senator PAUL SARBANES worked for Baltimore to be a home port. We were desperate for work in our shipyard—desperate. But no; do you think the Navy turned to shipyards like Bethlehem Steel? They turned to the rogues, the crooks, the scum, the scams, to dismantle our Navy ships.

I think the ships deserve more. I think the Baltimore harbor deserves more. And I think the United States of America deserves more. That is why I am introducing legislation to create a pilot project on how we can dispose of these ships, and in a way that is efficient, is orderly, and environmentally safe, and keeps the work in American shipyards, because while this was so terrible in my own home of Baltimore, MD, let me show you what was going on in the Third World.

This is the U.S. Navy ships being dismantled in India. Thirty-five thousand people work on a beach, often with no shoes, dismantling ships with their bare hands. This is so dangerous, in terms of what they are doing, that I believe it is an international disgrace. I was appalled we were also exporting our environmental problems overseas.

Mr. President, I called upon Secretary Cohen, when I read this series, to immediately stop what we were doing and to take a look. He did it. I want to thank him for his prompt response. He analyzed what they should do, and they made recommendations. But the recommendation was more enforcement of the same old way of doing business. Well, more enforcement of the same old way of doing business will still end up with the same old way of doing business—occupational safety dangers, environmental catastrophes, and a national disgrace.

So that is why I am introducing my own legislation. The first section of the legislation will absolutely ban the shipping, the sending of our 180 Navy ships overseas to be dismantled in such despicable situations. The other part establishes a pilot project for the U.S. Navy to look at how it could put our ships out for dismantling bids in American shipyards that meet environmental and occupational standards. Those shipyards, like the ones in my own hometown of Baltimore, that are fit for duty. They know how to build a ship. They know how to convert a ship. They know how to dismantle a ship.

I think the Navy can do better. The Navy has an outstanding record of dismantling nuclear submarines. They do it in a particular and unique way. They have the ingenuity and the technical competence, but they lack the will and the resources. What I hope my legislation will do is give them both the will and the resources to dismantle this in a way that retires our ships with honor. I knew that when the Senate saw those pictures they would be as taken aback as I have been.

I thank the Sun paper for their outstanding series in bringing this to not only my attention but to America's attention. They won the Pulitzer Prize. But I want the United States of America to be sure that we win an environmental victory here.

So, Mr. President, I am going to be introducing my legislation today as we speak. In fact, I send my legislation to the desk and ask that it be referred to the appropriate committees. I just want to close by saying that when we close military bases, we do it the right way, we pay to clean them up, we close them down and find other basic ways of recycling their use.

Every weekend I am around veterans who wear the ships on which they sailed. They have the U.S.S. Coral Sea; they have a variety of the ships that they sailed on. They are proud of those ships, and I am proud of those ships. And I am proud of the military. I conclude by saying, I thank Secretary Cohen for his leadership as well as Secretary Perry. They have done more environmentally positive things for the military than we have ever had done. But this is the next step.

I yield the floor, and I thank the Senate for its kind attention.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The Democratic leader.

Mr. DASCHLE. Mr. President, let me thank the distinguished Senator from Maryland for her eloquent statement. I appreciate her leadership. Her statement this morning is one that I wish the whole country could hear. Her leadership and her willingness to be involved in this issue is critical to all of us. And I appreciate so much her eloquence and the studious way in which she has pursued this matter.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2065. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of Settlement Trusts established pursuant to the Alaska Native Claims Settlement Act; to the Committee on Finance.

ALASKA NATIVE SETTLEMENT TRUST TAX LEGISLATION

Mr. MURKOWSKI. Mr. President, I am pleased to be joined by Senator STEVENS in introducing legislation that will allow Alaska Native Corporations to establish settlement trusts designed to promote the health, education, welfare and cultural heritage of Alaska Natives.

Mr. President, in 1987, the Alaska Native Claims Settlement Act was amended to permit Native Corporations to establish settlement trusts to hold lands and investments for the benefit of current and future generations of Alaska Natives. Assets in these trusts are insulated from business exposure and risks and can be invested to provide distributions of income to Native shareholders and their future generations.

Although the 1987 amendments were designed to facilitate the development of settlement trusts, many Native Corporations have been stymied in their efforts because the tax law, in many cases, imposes onerous penalties on the Native shareholders when the trusts are created. For example, when assets are transferred to the trust, they are treated as a *de facto* distribution of assets directly to the shareholders themselves to the extent of the corporation's earnings and profits.

Even though the current shareholders receive no actual income at the time of the transfer into the trust, they are liable for income taxes as if they received an actual distribution. This not only requires the shareholder to come up with money to pay taxes on a distribution he or she never received, but also can result in a situation where a trust fund beneficiary is required to prepay taxes on his share of the entire trust corpus, which may be substantially more in taxes than the amount of cash benefits he or she will actually receive in the future.

Our legislation remedies this inequity by requiring that a beneficiary of a settlement trust will be subject to taxation with respect to assets conveyed to the trust only when the actual distribution is received by the beneficiary. Moreover, the legislation provides that distributions from the trust will be taxable as ordinary income even if the distribution represents a return of capital. In addition, to ensure that these trusts do not accumulate excessive levels of the corporation's earnings, the legislation requires that the trust must annually distribute at least 55 percent of their taxable income.

Mr. President, Alaska Native Corporations are unique entities. Unlike Native American tribes in the lower 48, Alaska Native corporations are subject to income tax. But unlike ordinary C corporations, Alaska Native corporations have diverse purposes, one of which is to preserve and protect the heritage of the Native shareholders. The settlement trust concept is well suited to the special needs of Alaska's Natives. As the Conference Committee Report to ANSCA amendments of 1987 stated:

> Trust distributions may be used to fight poverty, provide food, shelter and clothing and served comparable economic welfare purposes. Additionally, cash distributions of trust income may be made on an across-the-board basis to the beneficiary population as part of the economic welfare function.

Settlement trusts will ensure that for generations to come, Native Alaskans will have a steady stream of income on which to continue building an economic base. The current tax rules discourage the creation of such trusts with the result that Native corporations are under extreme pressure to distribute all current earnings rather than prudently reinvesting for the future.

Mr. President, it is my hope that we will be able to see this legislation adopted into law this year. For the long-term benefit of Alaska Natives, this tax law change is fundamentally necessary.

By Mr. CHAFEE:

S. 2066. A bill to reduce exposure to environmental tobacco smoke; to the Committee on Environment and Public Works.

ENVIRONMENTAL TOBACCO SMOKE LEGISLATION

Mr. CHAFEE. Mr. President, today I am introducing legislation regarding one small aspect of the national tobacco debate. This bill addresses the problem of second-hand smoke, also known as Environmental Tobacco Smoke, or ETS for short. It is my hope that the ideas contained in this bill can be incorporated into any tobacco legislation acted on by the Senate.

The Committee on Environment and Public Works recently held a hearing on ETS at which we learned that the principal victims of second-hand smoke are children who live with smokers. Tobacco smoke has devastating consequences for children under 18 months of age. Annually, up to 15,000 infants are hospitalized for lung infections caused by ETS such as bronchitis and pneumonia. These severe lung infections claim the lives of hundreds of children each year.

Second-hand smoke is also responsible for less severe lung infections in 300,000 infants, 26,000 new cases of asthma among children, millions of middle ear infections, and roughly half the cases of Sudden Infant Death Syndrome (SIDS). These preventable illnesses, but 40 percent of children in one multi-State study were found to be routinely exposed to tobacco smoke.

The bill I am introducing today would assign some of the funds collected under any national tobacco settlement approved by Congress to a state grant program to educate parents about the dangers of smoking in the home. The statistics I just recited are not widely known by parents. Once aware of the profound risk ETS poses for their child, most parents will go to great lengths to protect their child, and I believe that even includes parents who smoke.

With the grant funds from this bill, States could provide information about ETS to pediatricians and other child care professionals for distribution to parents. States also could develop advertising aimed at parents. We only need to arm parents with information. They will do the rest.

This bill has a few other provisions. It affirmatively states that there is no federal preemption of State or local efforts to address ETS. It would ban smoking on international flights that originate or terminate in the United States. It also would extend and codify the President's Executive Order banning smoking in federal buildings. My good friend, Senator WARNER, in his capacity as Chairman of the Senate Rules Committee, is working to ban smoking from the public areas of the Senate. I applaud this effort and encourage my colleagues to support it. My legislation would complement his efforts in other federal buildings.

This bill does not address the question of smoking in private workplaces. Up to 3,000 adults die each year from lung cancer caused by ETS. Because of this statistic, some have argued that the federal government should ban smoking in nearly every building in the nation. Most legislative proposals on this issue would subject every dress shop and church hall in the nation to federal smoking regulations.

Ironically, most of those bills exempt bars and restaurants and other places where smoking can be common. That means they ignore the few places where employees faced a substantial threat from ETS while regulating every other workplace. I believe that there is a more efficient way to address workplaces with dangerous levels of ETS.

We should allow State and local governments to take the lead on this matter, but we also should help them to solve the problem. Some towns and States have taken action already. We can encourage more of them to do so by expanding the grant program described in my bill to reward States that reduce dangerous levels of ETS in the workplace. Incentive grants would allow States to tailor their solutions to address local concerns. Some States could seek a gradual ban while others may establish protective ventilation standards.

Any rule that requires changing a habit as deeply ingrained as smoking will be met with resistance. In contrast to a federal one-size-fits-all approach, State and local efforts can be tailored more easily to local concerns, and will, therefore, be more effective.

I did not address smoking in the workplace in my bill because I hope to work with other interested members to develop language that will be supportable on both sides of the aisle. Such a provision must both avoid rigid federal mandates and provide real incentives for States to address those workplaces with dangerous levels of ETS. I will continue to work with interested parties in an effort to devise such a provision. In the meantime, I wanted to offer the balance of my proposal for the Senate's consideration.

By Mr. ASHCROFT (for himself, Mr. LEAHY, Mr. BURNS, Mr. CRAIG, Mrs. BOXER, Mr. FAIRCLOTH, Mr. WYDEN, Mr. KEMPTHORNE, Mrs. MURRAY, and Mrs. HUTCHISON):

S. 2067. A bill to protect the privacy and constitutional rights of Americans, to establish standards and procedures regarding law enforcement access to decryption assistance for encrypted communications and stored electronic information, to affirm the rights of Americans to use and sell encryption products, and for other purposes; to the Committee on the Judiciary.

THE E-PRIVACY ACT

Mr. ASHCROFT. Mr. President, I rise to speak today on an issue that I find very important to the future of this country's leading position in the technology, and that is encryption. This issue has been under consideration since I first came to Capitol Hill, and for more than three years nothing has been accomplished by way of assistance to law enforcement, or to industry, or most importantly to the users of encryption in this country.

My first involvement in this entire discussion came about as a result of the need for protection and privacy. If we are to operate at our highest and best in the information age, instead of settling for something very far below our potential, we are going to need privacy and protection, and we are going to need the ability to operate with integrity on the Internet. The Internet has to be something more than speaking on the public square, it has to have the ability to allow individuals to communicate with each other. It has to have the same kind of rights and protections that are accorded to other aspects of communication. Without this privacy, the potential of the Internet is destroyed. In my judgment, the Internet would be destined to become just a sort of international bull session, nothing more than an international party line of commentary, or an international broadcast device. I do not believe it will fulfill its potential as a communication, entertainment, commercial and educational opportunity unless Internet communications are secure and the right of privacy is respected.

The Internet allows for the most participatory form of communications ever. In order for us to be able to both invite participation by everyone, and to be able to take advantage of it, we have to be able to exclude some parties from a particular communication. I do not know of any more successful exclusion technique in the electronic world than encryption, especially when so much information is going to be transmitted digitally, much of it through space as well as over hard lines of communication.

We have a tremendous potential for commerce on the Internet: everything from selling clothes, to real estate, to software itself. Electronic commerce has not reached its full potential, but it can. I think we've got a big agenda there, not just encryption but we've got to have legally binding signature legislation and therefore solid encryption.

Resisting efforts for mandatory domestic key recovery is also crucial. We have to remind ourselves that the Internet is like so much of the rest of the culture—government can't solve all the problems. At least we have to plead for restraint by those who would harm this technology. As I have said before, now is the time to draw a bright line against federal regulation of the computer industry. Washington must not start down the road of dreaming up regulations to fix problems that may or may not exist. Two things can be predicted with confidence about congressional meddling in this sector of the economy. First, legislation will be obsolete on the day it is passed. Second, it will hurt consumers, workers, shareholders, and the economy. If Congress had helped set up the transportation industry, there still might be a livery stable in every town, and buggy whip factories in large cities.

The irrationality of limiting the United States to levels of encryption which are far below what the world market is demanding and supplying in other settings, has been mind boggling. This legislation declares that American companies will be full and active participants in the encryption industry. Today, numerous editions of leading American designed and manufactured software bears the stamp, ''Not for sale outside the United States,'' because the software features robust encryption. That stamp does nothing to make Americans more secure, but it does provide aid and comfort to foreign competitors of American business. This legislation would eliminate that stamp once and for all.

Encryption, of course, is the most important issue to the future of electronic commerce and if we are to foster the integrity of the Internet we must have the means of communication domestically and international. I have to reaffirm that we must allow the software industry to compete in an international market where robust encryption already takes place. Months ago I went to a Commerce Committee meeting and took with me an ad from the Internet, which was from Seimens company in Germany advertising robust 128 bit encryption, saying that you can't get this from a U.S. manufacturer. The advertisement also indicated, however, that if you buy this you can use it in the United States and you can use it overseas as well, and, so if you want to have robust encryption buy it from Seimens. The Administration has decided to tie the hands of the U.S. encryption industry. To me that's a disaster, but it is also compounded by people beginning to develop relationships with foreign software providers as a result of the unavailability of 128 bit or robust encryption on the part of U.S. providers.

To see the Germans eagerly promoting this potential, and to have people from my own jurisdiction, from the state of Missouri, say, ''John, we have an office in Singapore, we have to be able to speak with them confidentially and communicate with them, and the government is making it impossible for us to send the encryption that we can use domestically. We can't send it to our office in Singapore because we are ineligible to export it.'' I don't want the situation to be such that I have to say, ''Well, go to Seimens in Germany.'' From Seimens you can buy the encryption that can be sent into the United States and from Seimens in Germany it can be sent to Singapore and so you can have your cake and eat it too by dealing with a non-domestic firm. For us to have a policy which provides for the slitting of our own throats, in a technology arena, where we have held the lead and must continue to hold the lead, I think is foolhardy to say the least. If we are to mark the next century as an ''American Century,'' or even to celebrate this week as high technology week in the Senate, we must be forward thinking and acting. This bill moves us away from antiquated export laws to a future in which American companies will be able to compete in the international marketplace without having one hand tied behind their back by the federal government.

This bill also clarifies the proper approach for encryption domestically as we move ahead in the digital age. The Administration and the FBI first indicated support for language that would mandate key recovery for all domestic encryption and now support several suggested approaches that would make using domestic key escrow a practical—though not legal—necessity. Director Freeh has gone so far as to mention the need for a new Fourth Amendment that considers the realities of the digital age. I think we need a new and improved approach to domestic encryption, not a new updated version of the Fourth Amendment. I, for one, am not eagerly awaiting the FBI's new release of Fourth Amendment 2.0 or First Amendment '98.

I think we have to work together to find a reasonable alternative to the current Administration policy and I think we have to ensure secure transactions. That's a clear responsibility. We can't have a situation where we don't have security and integrity in our business transactions. We have to be able to compete effectively in a worldwide marketplace. For us to limit our own potential in terms of competition makes no sense. We have to make sure that we don't allow those who would use information improperly or illegally to have access to it. That has to do with securing the transactions, and the integrity of the Internet as well.

This legislation is the solution to the problem. It is well thought out and attempts to address the legitimate concerns of all affected parties. I will seek passage of this legislation in this Congress and will commit the resources of my office that may be needed to achieve this end.

Business Week has recently reported that 61 percent of adults responded that they would be more likely to go on-line if the privacy of their information and communications would be protected. Mr. President, simply put, strong encryption means a strong economy. Mandatory access, by contrast, means weaker encryption and a less secure, and therefore less valuable, network.

I ask for unanimous consent that the entire bill be printed in the RECORD.

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

S. 2067

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 ''Encryption Protects the Rights of Individuals from Violation and Abuse in Cyberspace (E–PRIVACY) Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Findings.
Sec. 4. Definitions.

TITLE I—PRIVACY PROTECTION FOR COMMUNICATIONS AND ELECTRONIC INFORMATION

Sec. 101. Freedom to use encryption.
Sec. 102. Purchase and use of encryption products by the Federal Government.
Sec. 103. Enhanced privacy protection for information on computer networks.
Sec. 104. Government access to location information.
Sec. 105. Enhanced privacy protection for transactional information obtained from pen registers or trap and trace devices.

TITLE II—LAW ENFORCEMENT ASSISTANCE

Sec. 201. Encrypted wire or electronic communications and stored electronic communications.

TITLE III—EXPORTS OF ENCRYPTION PRODUCTS

Sec. 301. Commercial encryption products.
Sec. 302. License exception for mass market products.
Sec. 303. License exception for products without encryption capable of working with encryption products.
Sec. 304. License exception for product support and consulting services.
Sec. 305. License exception when comparable foreign products available.
Sec. 306. No export controls on encryption products used for nonconfidentiality purposes.
Sec. 307. Applicability of general export controls.
Sec. 308. Foreign trade barriers to United States products.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to ensure that Americans have the maximum possible choice in encryption methods to protect the security, confidentiality, and privacy of their lawful wire and electronic communications and stored electronic information;

(2) to promote the privacy and constitutional rights of individuals and organizations in networked computer systems and other

digital environments, protect the confidentiality of information and security of critical infrastructure systems relied on by individuals, businesses and government agencies, and properly balance the needs of law enforcement to have the same access to electronic communications and information as under current law; and

(3) to establish privacy standards and procedures by which investigative or law enforcement officers may obtain decryption assistance for encrypted communications and stored electronic information.

SEC. 3. FINDINGS.

Congress finds that—

(1) the digitization of information and the explosion in the growth of computing and electronic networking offers tremendous potential benefits to the way Americans live, work, and are entertained, but also raises new threats to the privacy of American citizens and the competitiveness of American businesses;

(2) a secure, private, and trusted national and global information infrastructure is essential to promote economic growth, protect privacy, and meet the needs of American citizens and businesses;

(3) the rights of Americans to the privacy and security of their communications and in the conducting of personal and business affairs should be promoted and protected;

(4) the authority and ability of investigative and law enforcement officers to access and decipher, in a timely manner and as provided by law, wire and electronic communications, and stored electronic information necessary to provide for public safety and national security should also be preserved;

(5) individuals will not entrust their sensitive personal, medical, financial, and other information to computers and computer networks unless the security and privacy of that information is assured;

(6) businesses will not entrust their proprietary and sensitive corporate information, including information about products, processes, customers, finances, and employees, to computers and computer networks unless the security and privacy of that information is assured;

(7) America's critical infrastructures, including its telecommunications system, banking and financial infrastructure, and power and transportation infrastructure, increasingly rely on vulnerable information systems, and will represent a growing risk to national security and public safety unless the security and privacy of those information systems is assured;

(8) encryption technology is an essential tool to promote and protect the privacy, security, confidentiality, integrity, and authenticity of wire and electronic communications and stored electronic information;

(9) encryption techniques, technology, programs, and products are widely available worldwide;

(10) Americans should be free to use lawfully whatever particular encryption techniques, technologies, programs, or products developed in the marketplace that best suits their needs in order to interact electronically with the government and others worldwide in a secure, private, and confidential manner;

(11) government mandates for, or otherwise compelled use of, third-party key recovery systems or other systems that provide surreptitious access to encrypted data threatens the security and privacy of information systems;

(12) American companies should be free to compete and sell encryption technology, programs, and products, and to exchange encryption technology, programs, and products through the use of the Internet, which is rapidly emerging as the preferred method of distribution of computer software and related information;

(13) a national encryption policy is needed to advance the development of the national and global information infrastructure, and preserve the right to privacy of Americans and the public safety and national security of the United States;

(14) Congress and the American people have recognized the need to balance the right to privacy and the protection of the public safety with national security;

(15) the Constitution of the United States permits lawful electronic surveillance by investigative or law enforcement officers and the seizure of stored electronic information only upon compliance with stringent standards and procedures; and

(16) there is a need to clarify the standards and procedures by which investigative or law enforcement officers obtain decryption assistance from persons—

(A) who are voluntarily entrusted with the means to decrypt wire and electronic communications and stored electronic information; or

(B) have information that enables the decryption of such communications and information.

SEC. 4. DEFINITIONS.

In this Act:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 6 of title 18, United States Code.

(2) COMPUTER HARDWARE.—The term ''computer hardware'' includes computer systems, equipment, application-specific assemblies, smart cards, modules, and integrated circuits.

(3) COMPUTING DEVICE.—The term ''computing device'' means a device that incorporates 1 or more microprocessor-based central processing units that are capable of accepting, storing, processing, or providing output of data.

(4) ENCRYPT AND ENCRYPTION.—The terms ''encrypt'' and ''encryption'' refer to the scrambling (and descrambling) of wire communications, electronic communications, or electronically stored information, using mathematical formulas or algorithms in order to preserve the confidentiality, integrity, or authenticity of, and prevent unauthorized recipients from accessing or altering, such communications or information.

(5) ENCRYPTION PRODUCT.—The term ''encryption product''—

(A) means a computing device, computer hardware, computer software, or technology, with encryption capabilities; and

(B) includes any subsequent version of or update to an encryption product, if the encryption capabilities are not changed.

(6) EXPORTABLE.—The term ''exportable'' means the ability to transfer, ship, or transmit to foreign users.

(7) KEY.—The term ''key'' means the variable information used in or produced by a mathematical formula, code, or algorithm, or any component thereof, used to encrypt or decrypt wire communications, electronic communications, or electronically stored information.

(8) PERSON.—The term ''person'' has the meaning given the term in section 2510(6) of title 18, United States Code.

(9) REMOTE COMPUTING SERVICE.—The term ''remote computing service'' has the meaning given the term in section 2711(2) of title 18, United States Code.

(10) STATE.—The term ''State'' has the meaning given the term in section 3156(a)(5) of title 18, United States Code.

(11) TECHNICAL REVIEW.—The term ''technical review'' means a review by the Secretary, based on information about a product's encryption capabilities supplied by the manufacturer, that an encryption product works as represented.

(12) UNITED STATES PERSON.—The term ''United States person'' means any—

(A) United States citizen; or

(B) any legal entity that—

(i) is organized under the laws of the United States, or any State, the District of Columbia, or any commonwealth, territory, or possession of the United States; and

(ii) has its principal place of business in the United States.

TITLE I—PRIVACY PROTECTION FOR COMMUNICATIONS AND ELECTRONIC INFORMATION

SEC. 101. FREEDOM TO USE ENCRYPTION.

(a) IN GENERAL.—Except as otherwise provided by this Act and the amendments made by this Act, it shall be lawful for any person within the United States, and for any United States person in a foreign country, to use, develop, manufacture, sell, distribute, or import any encryption product, regardless of the encryption algorithm selected, encryption key length chosen, existence of key recovery or other plaintext access capability, or implementation or medium used.

(b) PROHIBITION ON GOVERNMENT-COMPELLED KEY ESCROW OR KEY RECOVERY ENCRYPTION.—

(1) IN GENERAL.—Except as provided in paragraph (3), no agency of the United States nor any State may require, compel, set standards for, condition any approval on, or condition the receipt of any benefit on, a requirement that a decryption key, access to a decryption key, key recovery information, or other plaintext access capability be—

(A) given to any other person, including any agency of the United States or a State, or any entity in the private sector; or

(B) retained by any person using encryption.

(2) USE OF PARTICULAR PRODUCTS.—No agency of the United States may require any person who is not an employee or agent of the United States or a State to use any key recovery or other plaintext access features for communicating or transacting business with any agency of the United States.

(3) EXCEPTION.—The prohibition in paragraph (1) does not apply to encryption used by an agency of the United States or a State, or the employees or agents of such an agency, solely for the internal operations and telecommunications systems of the United States or the State.

(c) USE OF ENCRYPTION FOR AUTHENTICATION OR INTEGRITY PURPOSES.—

(1) IN GENERAL.—The use, development, manufacture, sale, distribution and import of encryption products, standards, and services for purposes of assuring the confidentiality, authenticity, or integrity or access control of electronic information shall be voluntary and market driven.

(2) CONDITIONS.—No agency of the United States or a State shall establish any condition, tie, or link between encryption products, standards, and services used for confidentiality, and those used for authentication, integrity, or access control purposes.

SEC. 102. PURCHASE AND USE OF ENCRYPTION PRODUCTS BY THE FEDERAL GOVERNMENT.

(a) PURCHASES.—An agency of the United States may purchase encryption products for—

(1) the internal operations and telecommunications systems of the agency; or

(2) use by, among, and between that agency and any other agency of the United States, the employees of the agency, or persons operating under contract with the agency.

(b) INTEROPERABILITY.—To ensure that secure electronic access to the Government is

available to persons outside of and not operating under contract with agencies of the United States, the United States shall purchase no encryption product with a key recovery or other plaintext access feature if such key recovery or plaintext access feature would interfere with use of the product's full encryption capabilities when interoperating with other commercial encryption products.

SEC. 103. ENHANCED PRIVACY PROTECTION FOR INFORMATION ON COMPUTER NETWORKS.

Section 2703 of title 18, United States Code, is amended by adding at the end the following:

''(g) ACCESS TO STORED ELECTRONIC INFORMATION.—

''(1) DISCLOSURE.—

''(A) IN GENERAL.—Subject to subparagraph (B), a governmental entity may require the disclosure by a provider of a remote computing service of the contents of an electronic record in networked electronic storage only if the person who created the record is accorded the same protections that would be available if the record had remained in that person's possession.

''(B) NETWORKED ELECTRONIC STORAGE.—In addition to the requirements of subparagraph (A) and subject to paragraph (2), a governmental entity may require the disclosure of the contents of an electronic record in networked electronic storage only—

''(i) pursuant to a warrant issued under the Federal Rules of Criminal Procedure or equivalent State warrant, a copy of which warrant shall be served on the person who created the record prior to or at the same time the warrant is served on the provider of the remote computing service;

''(ii) pursuant to a subpoena issued under the Federal Rules of Criminal Procedure or equivalent State warrant, a copy of which subpoena shall be served on the person who created the record, under circumstances allowing that person a meaningful opportunity to challenge the subpoena; or

''(iii) upon the consent of the person who created the record.

''(2) DEFINITION.—In this subsection, an electronic record is in 'networked electronic storage' if—

''(A) it is not covered by subsection (a) of this section;

''(B) the person holding the record is not authorized to access the contents of such record for any purposes other than in connection with providing the service of storage; and

''(C) the person who created the record is able to access and modify it remotely through electronic means.''.

SEC. 104. GOVERNMENT ACCESS TO LOCATION INFORMATION.

(a) COURT ORDER REQUIRED.—Section 2703 of title 18, United States Code, is amended by adding at the end the following:

''(h) REQUIREMENTS FOR DISCLOSURE OF LOCATION INFORMATION.—A provider of mobile electronic communication service shall provide to a governmental entity information generated by and disclosing, on a real time basis, the physical location of a subscriber's equipment only if the governmental entity obtains a court order issued upon a finding that there is probable cause to believe that an individual using or possessing the subscriber equipment is committing, has committed, or is about to commit a felony offense.''.

(b) CONFORMING AMENDMENT.—Section 2703(c)(1)(B) of title 18, United States Code, is amended by inserting ''or wireless location information covered by subsection (g) of this section'' after ''(b) of this section''.

SEC. 105. ENHANCED PRIVACY PROTECTION FOR TRANSACTIONAL INFORMATION OBTAINED FROM PEN REGISTERS OR TRAP AND TRACE DEVICES.

Subsection 3123(a) of title 18, United States Code, is amended to read as follows:

''(a) IN GENERAL.—Upon an application made under section 3122, the court may enter an ex parte order—

''(1) authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court if the court finds, based on the certification by the attorney for the Government or the State law enforcement or investigative officer, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation; and

''(2) directing that the use of the pen register or trap and trace device be conducted in such a way as to minimize the recording or decoding of any electronic or other impulses that are not related to the dialing and signaling information utilized in call processing.''.

TITLE II—LAW ENFORCEMENT ASSISTANCE

SEC. 201. ENCRYPTED WIRE OR ELECTRONIC COMMUNICATIONS AND STORED ELECTRONIC COMMUNICATIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 123 the following:

''CHAPTER 124—ENCRYPTED WIRE OR ELECTRONIC COMMUNICATIONS AND STORED ELECTRONIC INFORMATION

''Sec.
''2801. Definitions.
''2802. Unlawful use of encryption.
''2803. Access to decryption assistance for communications.
''2804. Access to decryption assistance for stored electronic communications or records.
''2805. Foreign government access to decryption assistance.
''2806. Establishment and operations of National Electronic Technologies Center.

''§ 2801. Definitions

''In this chapter:

''(1) DECRYPTION ASSISTANCE.—The term 'decryption assistance' means assistance that provides or facilitates access to the plaintext of an encrypted wire or electronic communication or stored electronic information, including the disclosure of a decryption key or the use of a decryption key to produce plaintext.

''(2) DECRYPTION KEY.—The term 'decryption key' means the variable information used in or produced by a mathematical formula, code, or algorithm, or any component thereof, used to decrypt a wire communication or electronic communication or stored electronic information that has been encrypted.

''(3) ENCRYPT; ENCRYPTION.—The terms 'encrypt' and 'encryption' refer to the scrambling (and descrambling) of wire communications, electronic communications, or electronically stored information, using mathematical formulas or algorithms in order to preserve the confidentiality, integrity, or authenticity of, and prevent unauthorized recipients from accessing or altering, such communications or information.

''(4) FOREIGN GOVERNMENT.—The term 'foreign government' has the meaning given the term in section 1116.

''(5) OFFICIAL REQUEST.—The term 'official request' has the meaning given the term in section 3506(c).

''(6) INCORPORATED DEFINITIONS.—Any term used in this chapter that is not defined in this chapter and that is defined in section 2510, has the meaning given the term in section 2510.

''§ 2802. Unlawful use of encryption

''Any person who, during the commission of a felony under Federal law, knowingly and willfully encrypts any incriminating communication or information relating to that felony, with the intent to conceal that communication or information for the purpose of avoiding detection by a law enforcement agency or prosecutor—

''(1) in the case of a first offense under this section, shall be imprisoned not more than 5 years, fined under this title, or both; and

''(2) in the case of a second or subsequent offense under this section, shall be imprisoned not more than 10 years, fined under this title, or both.

''§ 2803. Access to decryption assistance for communications

''(a) CRIMINAL INVESTIGATIONS.—

''(1) IN GENERAL.—An order authorizing the interception of a wire or electronic communication under section 2518 shall, upon request of the applicant, direct that a provider of wire or electronic communication service, or any other person possessing information capable of decrypting that communication, other than a person whose communications are the subject of the interception, shall promptly furnish the applicant with the necessary decryption assistance, if the court finds that the decryption assistance sought is necessary for the decryption of a communication intercepted pursuant to the order.

''(2) LIMITATIONS.—Each order described in paragraph (1), and any extension of such an order, shall—

''(A) contain a provision that the decryption assistance provided shall involve disclosure of a private key only if no other form of decryption assistance is available and otherwise shall be limited to the minimum necessary to decrypt the communications intercepted pursuant to this chapter; and

''(B) terminate on the earlier of—

''(i) the date on which the authorized objective is attained; or

''(ii) 30 days after the date on which the order or extension, as applicable, is issued.

''(3) NOTICE.—If decryption assistance is provided pursuant to an order under this subsection, the court issuing the order described in paragraph (1)—

''(A) shall cause to be served on the person whose communications are the subject of such decryption assistance, as part of the inventory required to be served pursuant to section 2518(8), notice of the receipt of the decryption assistance and a specific description of the keys or other assistance disclosed; and

''(B) upon the filing of a motion and for good cause shown, shall make available to such person, or to counsel for that person, for inspection, the intercepted communications to which the decryption assistance related, except that on an ex parte showing of good cause, the serving of the inventory required by section 2518(8) may be postponed.

''(b) FOREIGN INTELLIGENCE INVESTIGATIONS.—

''(1) IN GENERAL.—An order authorizing the interception of a wire or electronic communication under section 105(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(b)(2)) shall, upon request of the applicant, direct that a provider of wire or electronic communication service or any other person possessing information capable of decrypting such communications, other than a person whose communications are the subject of the interception, shall promptly furnish the applicant with the necessary decryption assistance, if the court finds that

the decryption assistance sought is necessary for the decryption of a communication intercepted pursuant to the order.

''(2) LIMITATIONS.—Each order described in paragraph (1), and any extension of such an order, shall—

''(A) contain a provision that the decryption assistance provided shall be limited to the minimum necessary to decrypt the communications intercepted pursuant to this chapter; and

''(B) terminate on the earlier of—

''(i) the date on which the authorized objective is attained; or

''(ii) 30 days after the date on which the order or extension, as applicable, is issued.

''(c) GENERAL PROHIBITION ON DISCLOSURE.—Other than pursuant to an order under subsection (a) or (b) of this section, no person possessing information capable of decrypting a wire or electronic communication of another person shall disclose that information or provide decryption assistance to an investigative or law enforcement officer (as defined in section 2510(7)).

''§ 2804. Access to decryption assistance for stored electronic communications or records

''(a) DECRYPTION ASSISTANCE.—No person may disclose a decryption key or provide decryption assistance pertaining to the contents of stored electronic communications or records, including those disclosed pursuant to section 2703, to a governmental entity, except—

''(1) pursuant to a warrant issued under the Federal Rules of Criminal Procedure or an equivalent State warrant, a copy of which warrant shall be served on the person who created the electronic communication prior to or at the same time service is made on the keyholder;

''(2) pursuant to a subpoena, a copy of which subpoena shall be served on the person who created the electronic communication or record, under circumstances allowing the person meaningful opportunity to challenge the subpoena; or

''(3) upon the consent of the person who created the electronic communication or record.

''(b) DELAY OF NOTIFICATION.—In the case of communications disclosed pursuant to section 2703(a), service of the copy of the warrant or subpoena on the person who created the electronic communication under subsection (a) may be delayed for a period of not to exceed 90 days upon request to the court by the governmental entity requiring the decryption assistance, if the court determines that there is reason to believe that notification of the existence of the court order or subpoena may have an adverse result described in section 2705(a)(2).

''§ 2805. Foreign government access to decryption assistance

''(a) IN GENERAL.—No investigative or law enforcement officer may—

''(1) release a decryption key to a foreign government or to a law enforcement agency of a foreign government; or

''(2) except as provided in subsection (b), provide decryption assistance to a foreign government or to a law enforcement agency of a foreign government.

''(b) CONDITIONS FOR COOPERATION WITH FOREIGN GOVERNMENT.—

''(1) APPLICATION FOR AN ORDER.—In any case in which the United States has entered into a treaty or convention with a foreign government to provide mutual assistance with respect to providing decryption assistance, the Attorney General (or the designee of the Attorney General) may, upon an official request to the United States from the foreign government, apply for an order described in paragraph (2) from the district court in which the person possessing information capable of decrypting the communication or information at issue resides—

''(A) directing that person to release a decryption key or provide decryption assistance to the Attorney General (or the designee of the Attorney General); and

''(B) authorizing the Attorney General (or the designee of the Attorney General) to furnish the foreign government with the plaintext of the encrypted communication or stored electronic information at issue.

''(2) CONTENTS OF ORDER.—An order is described in this paragraph if it is an order directing the person possessing information capable of decrypting the communication or information at issue to

''(A) release a decryption key to the Attorney General (or the designee of the Attorney General) so that the plaintext of the communication or information may be furnished to the foreign government; or

''(B) provide decryption assistance to the Attorney General (or the designee of the Attorney General) so that the plaintext of the communication or information may be furnished to the foreign government.

''(3) REQUIREMENTS FOR ORDER.—The court described in paragraph (1) may issue an order described in paragraph (2) if the court finds, on the basis of an application made by the Attorney General under this subsection, that—

''(A) the decryption key or decryption assistance sought is necessary for the decryption of a communication or information that the foreign government is authorized to intercept or seize pursuant to the law of that foreign country;

''(B) the law of the foreign country provides for adequate protection against arbitrary interference with respect to privacy rights; and

''(C) the decryption key or decryption assistance is being sought in connection with a criminal investigation for conduct that would constitute a violation of a criminal law of the United States if committed within the jurisdiction of the United States.

''§ 2806. Establishment and operations of National Electronic Technologies Center

''(a) NATIONAL ELECTRONIC TECHNOLOGIES CENTER.—

''(1) ESTABLISHMENT.—There is established in the Department of Justice a National Electronic Technologies Center (referred to in this section as the 'NET Center').

''(2) DIRECTOR.—The NET Center shall be administered by a Director (referred to in this section as the 'Director'), who shall be appointed by the Attorney General.

''(3) DUTIES.—The NET Center shall—

''(A) serve as a center for Federal, State, and local law enforcement authorities for information and assistance regarding decryption and other access requirements;

''(B) serve as a center for industry and government entities to exchange information and methodology regarding information security techniques and technologies;

''(C) support and share information and methodology regarding information security techniques and technologies with the Computer Investigations and Infrastructure Threat Assessment Center (CITAC) and Field Computer Investigations and Infrastructure Threat Assessment (CITA) Squads of the Federal Bureau of Investigation;

''(D) examine encryption techniques and methods to facilitate the ability of law enforcement to gain efficient access to plaintext of communications and electronic information;

''(E) conduct research to develop efficient methods, and improve the efficiency of existing methods, of accessing plaintext of communications and electronic information;

''(F) investigate and research new and emerging techniques and technologies to facilitate access to communications and electronic information, including—

''(i) reverse-stenography;

''(ii) decompression of information that previously has been compressed for transmission; and

''(iii) demultiplexing;

''(G) investigate and research interception and access techniques that preserve the privacy and security of information not authorized to be intercepted; and

''(H) obtain information regarding the most current hardware, software, telecommunications, and other capabilities to understand how to access digitized information transmitted across networks.

''(4) EQUAL ACCESS.—State and local law enforcement agencies and authorities shall have access to information, services, resources, and assistance provided by the NET Center to the same extent that Federal law enforcement agencies and authorities have such access.

''(5) PERSONNEL.—The Director may appoint such personnel as the Director considers appropriate to carry out the duties of the NET Center.

''(6) ASSISTANCE OF OTHER FEDERAL AGENCIES.—Upon the request of the Director of the NET Center, the head of any department or agency of the Federal Government may, to assist the NET Center in carrying out its duties under this subsection—

''(A) detail, on a reimbursable basis, any of the personnel of such department or agency to the NET Center; and

''(B) provide to the NET Center facilities, information, and other nonpersonnel resources.

''(7) PRIVATE INDUSTRY ASSISTANCE.—The NET Center may accept, use, and dispose of gifts, bequests, or devises of money, services, or property, both real and personal, for the purpose of aiding or facilitating the work of the Center. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Director of the NET Center.

''(8) ADVISORY BOARD.—

''(A) ESTABLISHMENT.—There is established in the NET Center an Advisory Board for Excellence in Information Security (in this paragraph referred to as the 'Advisory Board'), which shall be comprised of members who have the qualifications described in subparagraph (B) and who are appointed by the Attorney General. The Attorney General shall appoint a chairman of the Advisory Board.

''(B) QUALIFICATIONS.—Each member of the Advisory Board shall have experience or expertise in the field of encryption, decryption, electronic communication, information security, electronic commerce, privacy protection, or law enforcement.

''(C) DUTIES.—The duty of the Advisory Board shall be to advise the NET Center and the Federal Government regarding new and emerging technologies relating to encryption and decryption of communications and electronic information.

''(9) IMPLEMENTATION PLAN.—

''(A) IN GENERAL.—Not later than 2 months after the date of enactment of this chapter, the Attorney General shall, in consultation and cooperation with other appropriate Federal agencies and appropriate industry participants, develop and cause to be published in the Federal Register a plan for establishing the NET Center.

''(B) CONTENTS OF PLAN.—The plan published under subparagraph (A) shall—

''(i) specify the physical location of the NET Center and the equipment, software,

and personnel resources necessary to carry out the duties of the NET Center under this subsection;

''(ii) assess the amount of funding necessary to establish and operate the NET Center; and

''(iii) identify sources of probable funding for the NET Center, including any sources of in-kind contributions from private industry.

''(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for the establishment and operation of the NET Center.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for part I of title 18, United States Code, is amended by adding at the end the following:

''124. Encrypted wire or electronic communications and stored electronic information ..... 2801''.

TITLE III—EXPORTS OF ENCRYPTION PRODUCTS

SEC. 301. COMMERCIAL ENCRYPTION PRODUCTS.

(a) PROVISIONS APPLICABLE TO COMMERCIAL PRODUCTS.—The provisions of this title apply to all encryption products, regardless of the encryption algorithm selected, encryption key length chosen, exclusion of key recovery or other plaintext access capability, or implementation or medium used, except those specifically designed or modified for military use, including command, control, and intelligence applications.

(b) CONTROL BY SECRETARY OF COMMERCE.—Subject to the provisions of this title, and notwithstanding any other provision of law, the Secretary of Commerce shall have exclusive authority to control exports of encryption products covered under subsection (a).

SEC. 302. LICENSE EXCEPTION FOR MASS MARKET PRODUCTS.

(a) EXPORT CONTROL RELIEF.—Subject to section 307, an encryption product that is generally available, or incorporates or employs in any form, implementation, or medium, an encryption product that is generally available, shall be exportable without the need for an export license, and without restrictions other than those permitted under this Act, after a 1-time 15-day technical review by the Secretary of Commerce.

(b) DEFINITIONS.—In this section, the term ''generally available'' means an encryption product that is—

(1) offered for sale, license, or transfer to any person without restriction, whether or not for consideration, including, but not limited to, over-the-counter retail sales, mail order transactions, phone order transactions, electronic distribution, or sale on approval; and

(2) not designed, developed, or customized by the manufacturer for specific purchasers except for user or purchaser selection among installation or configuration parameters.

(c) COMMERCE DEPARTMENT ASSURANCE.—

(1) IN GENERAL.—The manufacturer or exporter of an encryption product may request written assurance from the Secretary of Commerce that an encryption product is considered generally available for purposes of this section.

(2) RESPONSE.—Not later than 30 days after receiving a request under paragraph (1), the Secretary shall make a determination regarding whether to issue a written assurance under that paragraph, and shall notify the person making the request, in writing, of that determination.

(3) EFFECT ON MANUFACTURERS AND EXPORTERS.—A manufacturer or exporter who obtains a written assurance under this subsection shall not be held liable, responsible, or subject to sanctions for failing to obtain an export license for the encryption product at issue.

SEC. 303. LICENSE EXCEPTION FOR PRODUCTS WITHOUT ENCRYPTION CAPABLE OF WORKING WITH ENCRYPTION PRODUCTS.

Subject to section 307, any product that does not itself provide encryption capabilities, but that incorporates or employs in any form cryptographic application programming interfaces or other interface mechanisms for interaction with other encryption products covered by section 301(a), shall be exportable without the need for an export license, and without restrictions other than those permitted under this Act, after a 1-time, 15-day technical review by the Secretary of Commerce.

SEC. 304. LICENSE EXCEPTION FOR PRODUCT SUPPORT AND CONSULTING SERVICES.

(a) NO ADDITIONAL EXPORT CONTROLS IMPOSED IF UNDERLYING PRODUCT COVERED BY LICENSE EXCEPTION.—Technical assistance and technical data associated with the installation and maintenance of encryption products covered by sections 302 and 303 shall be exportable without the need for an export license, and without restrictions other than those permitted under this Act.

(b) DEFINITIONS.—In this section:

(1) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means services, including instruction, skills training, working knowledge, and consulting services, and the transfer of technical data.

(2) TECHNICAL DATA.—The term ''technical data'' means information including blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, or read-only memories.

SEC. 305. LICENSE EXCEPTION WHEN COMPARABLE FOREIGN PRODUCTS AVAILABLE.

(a) FOREIGN AVAILABILITY STANDARD.—An encryption product not qualifying under section 302 shall be exportable without the need for an export license, and without restrictions other than those permitted under this Act, after a 1-time 15-day technical review by the Secretary of Commerce, if an encryption product utilizing the same or greater key length or otherwise providing comparable security to such encryption product is, or will be within the next 18 months, commercially available outside the United States from a foreign supplier.

(b) DETERMINATION OF FOREIGN AVAILABILITY.—

(1) ENCRYPTION EXPORT ADVISORY BOARD ESTABLISHED.—There is hereby established a board to be known as the ''Encryption Export Advisory Board'' (in this section referred to as the ''Board'').

(2) MEMBERSHIP.—The Board shall be comprised of—

(A) the Under Secretary of Commerce for Export Administration, who shall be Chairman;

(B) seven individuals appointed by the President, of whom—

(i) one shall be a representative from each of—

(I) the National Security Agency;

(II) the Central Intelligence Agency; and

(III) the Office of the President; and

(ii) four shall be individuals from the private sector who have expertise in the development, operation, or marketing of information technology products; and

(C) four individuals appointed by Congress from among individuals in the private sector who have expertise in the development, operation, or marketing of information technology products, of whom—

(i) one shall be appointed by the Majority Leader of the Senate;

(ii) one shall be appointed by the Minority Leader of the Senate;

(iii) one shall be appointed by the Speaker of the House of Representatives; and

(iv) one shall be appointed by the Minority Leader of the House of Representatives.

(3) MEETINGS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Board shall meet at the call of the Under Secretary of Commerce for Export Administration.

(B) MEETINGS WHEN APPLICATIONS PENDING.—If any application referred to in paragraph (4)(A) is pending, the Board shall meet not less than once every 30 days.

(4) DUTIES.—

(A) IN GENERAL.—Whenever an application for a license exception for an encryption product under this section is submitted to the Secretary of Commerce, the Board shall determine whether a comparable encryption product is commercially available outside the United States from a foreign supplier as specified in subsection (a).

(B) MAJORITY VOTE REQUIRED.—The Board shall make a determination under this paragraph upon a vote of the majority of the members of the Board.

(C) DEADLINE.—The Board shall make a determination with respect to an encryption product under this paragraph not later than 30 days after receipt by the Secretary of an application for a license exception under this subsection based on the encryption product.

(D) NOTICE OF DETERMINATIONS.—The Board shall notify the Secretary of Commerce of each determination under this paragraph.

(E) REPORTS TO PRESIDENT.—Not later than 30 days after a meeting under this paragraph, the Board shall submit to the President a report on the meeting.

(F) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or to meetings held by the Board under this paragraph.

(5) ACTION BY SECRETARY OF COMMERCE.—

(A) APPROVAL OR DISAPPROVAL.—The Secretary of Commerce shall specifically approve or disapprove each determination of the Board under paragraph (5) not later than 30 days of the submittal of such determination to the Secretary under that paragraph.

(B) NOTIFICATION AND PUBLICATION OF DECISION.—The Secretary of Commerce shall—

(i) notify the Board of each approval or disapproval under this paragraph; and

(ii) publish a notice of the approval or disapproval in the Federal Register.

(C) CONTENTS OF NOTICE.—Each notice of a decision of disapproval by the Secretary of Commerce under subparagraph (B) of a determination of the Board under paragraph (4) that an encryption product is commercially available outside the United States from a foreign supplier shall set forth an explanation in detail of the reasons for the decision, including why and how continued export control of the encryption product which the determination concerned will be effective in achieving its purpose and the amount of lost sales and loss in market share of United States encryption products as a result of the decision.

(6) JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision of disapproval by the Secretary of Commerce under paragraph (5) of a determination of the Board under paragraph (4) that an encryption product is commercially available outside the United States from a foreign supplier shall be subject to judicial review under the provisions of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the ''Administrative Procedures Act'').

(c) INCLUSION OF COMPARABLE FOREIGN ENCRYPTION PRODUCT IN A UNITED STATES PRODUCT NOT BASIS FOR EXPORT CONTROLS.—A product that incorporates or employs a

foreign encryption product, in the way it was intended to be used and that the Board has determined to be commercially available outside the United States, shall be exportable without the need for an export license and without restrictions other than those permitted under this Act, after a 1-time 15-day technical review by the Secretary of Commerce.

SEC. 306. NO EXPORT CONTROLS ON ENCRYPTION PRODUCTS USED FOR NONCONFIDENTIALITY PURPOSES.

(a) PROHIBITION ON NEW CONTROLS.—The Federal Government shall not restrict the export of encryption products used for nonconfidentiality purposes such as authentication, integrity, digital signatures, nonrepudiation, and copy protection.

(b) NO REINSTATEMENT OF CONTROLS ON PREVIOUSLY DECONTROLLED PRODUCTS.—Those encryption products previously decontrolled and not requiring an export license as of January 1, 1998, as a result of administrative decision or rulemaking shall not require an export license.

SEC. 307. APPLICABILITY OF GENERAL EXPORT CONTROLS.

(a) SUBJECT TO TERRORIST AND EMBARGO CONTROLS.—Nothing in this Act shall be construed to limit the authority of the President under the International Emergency Economic Powers Act, the Trading with the Enemy Act, or the Export Administration Act, to—

(1) prohibit the export of encryption products to countries that have been determined to repeatedly provide support for acts of international terrorism; or

(2) impose an embargo on exports to, and imports from, a specific country.

(b) SUBJECT TO SPECIFIC DENIALS FOR SPECIFIC REASONS.—The Secretary of Commerce shall prohibit the export of particular encryption products to an individual or organization in a specific foreign country identified by the Secretary if the Secretary determines that there is substantial evidence that such encryption products will be used for military or terrorist end-use, including acts against the national security, public safety, or the integrity of the transportation, communications, or other essential systems of interstate commerce in the United States.

(c) OTHER EXPORT CONTROLS REMAIN APPLICABLE.—(1) Encryption products shall remain subject to all export controls imposed on such products for reasons other than the existence of encryption capabilities.

(2) Nothing in this Act alters the Secretary's ability to control exports of products for reasons other than encryption.

SEC. 308. FOREIGN TRADE BARRIERS TO UNITED STATES PRODUCTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the United States Trade Representative, shall—

(1) identify foreign barriers to exports of United States encryption products;

(2) initiate appropriate actions to address such barriers; and

(3) submit to Congress a report on the actions taken under this section.

Mr. LEAHY. Mr. President, I am pleased to join Senator ASHCROFT, and others, in introducing today the ''Encryption Protects the Rights of Individuals from Violation and Abuse in Cyberspace,'' or E-PRIVACY Act, to reform our nation's cryptography policy in a constructive and positive manner. It is time the Administration woke up to the critical need for a common sense encryption policy in this country.

I have been sounding the alarm bells about this issue for several years now, and have introduced encryption legislation, with bipartisan support, in the last Congress and again in this one, to balance the important privacy, economic, national security and law enforcement interests at stake. The volume of those alarm bells should be raised to emergency sirens.

Hardly a month goes by without press reports of serious breaches of computer security that threaten our critical infrastructures, including Defense Department computer systems, the telephone network, or computer systems for airport control towers. The lesson of these computer breaches—often committed by computer savvy teenagers—is that all the physical barriers we might put in place can be circumvented using the wires that run into every building to support the computers and computer networks that are the mainstay of how we do business. A well-focused cyber-attack on the computer networks that support telecommunications, transportation, water supply, banking, electrical power and other critical infrastructure systems could wreak havoc on our national economy or even jeopardize our national defense or public safety.

We have been aware of the vulnerabilities of our computer networks for some time. It became clear to me almost a decade ago, during hearings I chaired of the Judiciary Subcommittee on Technology and the Law on the risks of high-tech terrorism, that merely ''hardening'' our physical space from potential attack is not enough. We must also ''harden'' our critical infrastructures to ensure our security and our safety.

That is where encryption technology comes in. Encryption can protect the security of our computer information and networks. Indeed, both former Senator Sam Nunn and former Deputy Attorney General Jamie Gorelick, who serve as co-chairs of the Advisory Committee to the President's Commission on Critical Infrastructure Protection, have testified that ''encryption is essential for infrastructure protection.''

Yet U.S. encryption policy has acted as a deterrent to better security. As long ago as 1988, at the High-Tech Terrorism hearings I chaired, Jim Woolsey, who later became the director of the Central Intelligence Agency, testified about the need to do a better job of using encryption to protect our computer networks. Of particular concern is the recent testimony of former Senator Sam Nunn that the ''continuing federal government-private sector deadlock over encryption and export policies'' may pose an obstacle to the cooperation needed to protect our country's critical infrastructures.

I have long advocated the use of strong encryption by individuals, government agencies and private companies to protect their valuable and confidential computer information. Moreover, as more Americans every year use the Internet and other computer networks to obtain critical medical services, and conduct their personal and business affairs, maintaining the privacy and confidentiality of our computer communications both here and abroad has only grown in importance. As an avid computer user and Internet surfer myself, I care deeply about protecting individual privacy and encouraging the development of the Internet as a secure and trusted communications medium.

Encryption is the key to protecting the privacy of our online communications and electronic records by ensuring that only the people we choose can read those communications and records. That is why the primary thrust of the encryption legislation I have introduced is to encourage—and not stand in the way of—the widespread use of strong encryption.

Strong encryption serves as a crime prevention shield to stop hackers, industrial spies and thieves from snooping into private computer files and stealing valuable proprietary information. Unfortunately, we still have a long away to go to reform our country's encryption policy to reflect that this technology is a significant crime and terrorism prevention tool.

Even as our law enforcement and intelligence agencies try to slow down the widespread use of strong encryption, technology continues to move forward. Ironically, foot-dragging by the Administration on export controls is driving encryption technology, expertise and manufacturing overseas where we will lose even more control over its proliferation.

Indeed, due to the sorry state of our export controls on encryption, we are seeing rising numbers of our high-tech companies turning to overseas firms as suppliers of the strong encryption demanded by their customers. For example, Network Associates recently announced that it will make strong encryption software developed in the United States available through a Swiss company. Other companies, including Sun Microsystems, are cooperating with foreign firms to manufacture and distribute overseas strong encryption software originally developed here at home.

Encryption technology, invented with American ingenuity, will now be manufactured and distributed in Europe, and imported back into this country.

Driving encryption expertise overseas is extremely short-sighted and poses a real threat to our national security. Driving high-tech jobs overseas is a threat to our economic security, and stifling the widespread, integrated use of strong encryption is a threat to our public safety. The E-PRIVACY Act would reverse the incentives for American companies to look abroad for strong encryption by relaxing our export controls.

Specifically, the bill would grant export license exceptions, after a one-time technical review, for mass market products with encryption capabilities,

products which do not themselves provide encryption but are capable of interoperating with encryption products, and customized hardware and software with encryption capabilities so long as foreign products with comparable encryption are available.

At the same time, the bill retains important restrictions on encryption exports for military end-uses or to terrorist-designated or embargoed countries, such as Cuba and North Korea. It also affirms the continued authority of the Secretary of Commerce over encryption exports and assures that before export, the Secretary is able to conduct a one-time technical review of all encryption products to ensure that the product works as represented.

The E-PRIVACY Act puts to rest the specter of domestic controls on encryption. This legislation bars government-mandated key recovery (or key escrow encryption) and ensures that all computer users are free to choose any encryption method to protect the privacy of their online communications and computer files.

At the heart of the encryption debate is the power this technology gives computer users to choose who may access their communications and stored records, to the exclusion of all others. For the same reason that encryption is a powerful privacy enhancing tool, it also poses challenges for law enforcement. Law enforcement agencies want access even when we do not choose to give it. We are mindful of these national security and law enforcement concerns that have dictated the Administration's policy choices on encryption.

With the appropriate procedural safeguards in place, law enforcement agencies should be able to get access to decryption assistance. The E-PRIVACY Act contains a number of provisions designed to address these concerns, including a new criminal offense for willful use of encryption to hide incriminating evidence from law enforcement detection, establishment of a NET Center to help federal, state and local law enforcement stay abreast of advanced technologies, and explicit procedures for law enforcement to obtain decryption assistance from third parties for encrypted communications or records to which law enforcement has lawful access.

One of the starkest deficiencies in the Administration's key recovery proposals has always been the question of foreign government access. The Administration has sought reciprocal relationships with foreign governments as a critical part of an effective global key recovery system. Yet many Americans and American companies are rightfully concerned about the terms under which foreign governments would get access to decryption assistance. The E-PRIVACY Act makes clear what those terms will be and ensures that foreign governments will not get access to private decryption keys, but only, at most, plaintext.

This is not just an important issue for the privacy and security of Americans; it also is a significant human rights issue. Today, human rights organizations worldwide are using encryption to protect their work and the lives of investigators, witnesses and victims overseas. Amnesty International uses it. Human Rights Watch uses it. The human rights program in the American Association for the Advancement of Science uses it. It is used to protect witnesses who report human rights abuses in the Balkans, in Burma, in Guatemala, in Tibet. I have been told about a number of other instances in which strong encryption has been used to further the causes of democracy and human rights.

For example, in the ongoing trial of Argentinean military officers in Spain, on charges of genocide and terrorism arising out of the ''dirty war,'' the human rights group Derechos uses the encryption program Pretty Good Privacy (PGP)—which the United States government tried to keep out of the hands of foreigners—to encrypt particularly confidential messages that go between Spain and Argentina, to stop the Argentinean intelligence forces from being able to read them and so try to jeopardize the trial.

A group in Guatemala is using a computer database to track the names of witnesses to military massacres. A South African organization keeps the names of applicants for amnesty for political crimes carried out in South Africa during the apartheid regime. Workers at both groups could be subject to intimidation, harassment, or murder by those intent on preventing the public discussion and analysis of the claims. Both systems are protected by strong cryptography.

A not-for-profit agency working for human rights in the Balkans uses PGP to protect all sensitive files. Its offices have been raided by various police forces looking for evidence of ''subversive activities.'' Last year in Zagreb, security police raided its office and confiscated its computers in the hope of retrieving information about the identity of people who had complained about human rights abuses by the authorities. PGP allowed the group to communicate and protect its files from any attempt to gain access. The director of the organization spent 13 days in prison for not opening his encrypted files but has said ''it was a very small price to pay for protecting our clients.''

The Iraqi National Congress, a group opposing Saddam Hussein with offices in London and supporters inside Iraq, uses encrypted e-mail to communicate with its supporters inside Iraq. (Nongovernmental Internet connections are banned in Iraq, but the dissidents within Iraq access e-mail by dialing outside the country with satellite telephones).

Burmese human rights activists working in the relative safe haven of Thailand use encryption when communicating on-line, because the Thai government maintains diplomatic relations with the Burmese government and is expected to turn over information to the Burmese authorities.

The FBI has argued that lives may be lost in sensitive terrorist and other investigations if government agencies do not have access to private encryption keys. However, the reverse is equally true: weak encryption or easy government access to decryption assistance could jeopardize lives as well.

Finally, the E-PRIVACY Act contains provisions to enhance the privacy protections for communications, even when encryption is not employed. Specifically, the bill would require law enforcement to obtain a court order based on probable cause before using a cellular telephone as a tracking device. In addition, the bill would require law enforcement agencies to obtain a court order or provide notice when seizing electronic records that a person stores on a computer network rather than on the hard drive of his or her own personal computer. Finally, the bill grants Federal judges authority to evaluate the reasons proffered by a prosecutor for issuance of an ex parte pen register or trap and trace device order, by contrast to their mere ministerial authority under current law.

In sum, the E-PRIVACY Act accomplishes the eight goals that Senator ASHCROFT and I set out during our April 2, 1998, colloquy on the floor. Specifically, we sought to craft legislation that promotes the following principles:

First, ensure the right of Americans to choose how to protect the privacy and security of their communications and information;

Second, bar a government-mandated key escrow encryption system;

Third, establish both procedures and standards for access by law enforcement to decryption keys or decryption assistance for both encrypted communications and stored electronic information and only permit such access upon court order authorization, with appropriate notice and other procedural safeguards;

Fourth, establish both procedures and standards for access by foreign governments and foreign law enforcement agencies to the plaintext of encrypted communications and stored electronic information of United States persons;

Fifth, modify the current export regime for encryption to promote the global competitiveness of American companies;

Sixth, avoid linking the use of certificate authorities with key recovery agents or, in other words, not link the use of encryption for confidentiality purposes with use of encryption for authenticity and integrity purposes;

Seventh, consistent with these goals of promoting privacy and the global competitiveness of our high-tech industries, help our law enforcement agencies and national security agencies deal with the challenges posed by the use of encryption; and

Eighth, protect the security and privacy of information provided by Americans to the government by ensuring that encryption products used by the government interoperate with commercial encryption products.

Resolving the encryption debate is critical for our economy, our national security and our privacy. This is not a partisan issue. This is not a black-and-white issue of being either for law enforcement and national security or for Internet freedom. Characterizing the debate in these simplistic terms is neither productive nor accurate.

Delays in resolving the encryption debate hurt most the very public safety and national security interests that are posed as obstacles to resolving this issue. We need sensible solutions in legislation that will not be subject to change at the whim of agency bureaucrats.

Every American, not just those in the software and high-tech industries and not just those in law enforcement agencies, has a stake in the outcome of this debate. We have a legislative stalemate right now that needs to be resolved, and I hope to work closely with my colleagues and the Administration on a solution.

I ask unanimous consent that the sectional summary for the ''E-PRIVACY Act'' be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS OF E-PRIVACY ACT

SEC. 1. SHORT TITLE.—The Act may be cited as the ''Encryption Protects the Rights of Individuals from Violation and Abuse in CYberspace (E-PRIVACY) Act.''

SEC. 2 Purposes.—The Act would ensure that Americans have the maximum possible choice in encryption methods to protect the security, confidentiality and privacy of their lawful wire and electronic communications and stored electronic information. The Act would also promote the privacy and constitutional rights of individuals and organizations and the security of critical information infrastructures. Finally, the Act would establish privacy standards and procedures for law enforcement officers to follow to obtain decryption assistance for encrypted communications and information.

SEC. 3 FINDINGS.—The Act enumerates sixteen congressional findings, including that a secure, private and trusted national and global information infrastructure is essential to promote citizens' privacy, economic growth and meet the needs of both American citizens and businesses, that encryption technology widely available worldwide can help meet those needs, that Americans should be free to use, and American businesses free to compete and sell, encryption technology, programs and products, and that there is a need to develop a national encryption policy to advance the global information infrastructure and preserve Americans' right to privacy and the Nation's public safety and national security.

SEC. 4 DEFINITIONS.—The terms ''agency'', ''person'', ''remote computing service'' and ''state'' have the same meaning given those terms in specified sections of title 18, United States Code.

Additional definitions are provided for the following terms:

The terms ''encrypt'' and ''encryption'' mean the use of mathematical formulas or algorithms to scramble or descramble electronic data or communications for purposes of confidentiality, integrity, or authenticity. As defined, the terms cover a broad range of scrambling techniques and applications including cryptographic applications such as PGP or RSA's encryption algorithms; stegonagraphy; authentication; and winnowing and chafing.

The term ''encryption product'' includes any hardware, software, devices, or other technology with encryption capabilities, whether or not offered for sale or distribution. A particular encryption product includes subsequent versions of the product, if the encryption capabilities remain the same.

The term ''exportable'' means the ability to transfer, ship, or transmit to foreign users. The term includes the ability to electronically transmit via the Internet.

The term ''key'' means the variable information used in or produced by a mathematical formula to encrypt or decrypt wire or electronic communications, or electronically stored information.

The term ''technical review'' means a review by the Secretary of Commerce based on information about a product's encryption capabilities supplied by the manufacturer that an encryption product works as represented.

TITLE I—PRIVACY PROTECTION FOR COMMUNICATIONS AND ELECTRONIC INFORMATION

SEC. 101. Freedom to use Encryption.

(a) IN GENERAL.—The Act legislatively confirms current practice in the United States that any person in this country may lawfully use any encryption method, regardless of encryption algorithm, key length, existence of key recovery or other plaintext access capability, or implementation selected. Specifically, the Act states the freedom of any person in the U.S., as well as U.S. persons in a foreign country, to make, use, import, and distribute any encryption product without regard to its strength or the use of key recovery, subject to the other provisions of the Act.

(b) PROHIBITION ON GOVERNMENT-COMPELLED KEY ESCROW OR KEY RECOVERY ENCRYPTION.—The Act prohibits any federal or state agency from compelling the use of key recovery systems or other plaintext access systems. Agencies may not set standards, or condition approval or benefits, to compel use of these systems. U.S. agencies may not require persons to use particular key recovery products for interaction with the government. These prohibitions do not apply to systems for use solely for the internal operations and telecommunications systems of a U.S. or a State government agency.

(c) USE OF ENCRYPTION FOR AUTHENTICATION OR INTEGRITY PURPOSES.—The Act requires that the use of encryption products shall be voluntary and market-driven, and no federal or state agency may link the use of encryption for authentication or identity (such as through certificate authority and digital signature systems) to the use of encryption for confidentiality purposes. For example, some Administration proposals would condition receipt of a digital certificate from a licensed certificate authority on the use of key recovery. Such conditions would be prohibited.

SEC. 102. Purchase and Use of Encryption Products by the Federal Government.—The Act authorizes agencies of the United States to purchase encryption products for internal governmental operations and telecommunications systems. To ensure that secure electronic access to the Government is available to persons outside of and not operating under contract with Federal agencies, the Act requires that any key recovery features in encryption products used by the Government interoperate with commercial encryption products.

SEC. 103. Enhanced Privacy Protection For Electronic Records on Computer Networks.—The Act adds a new subsection (g) to section 2703 of title 18, United States Code, to extend privacy protections to electronic information stored on computer networks.

Under *United States* v. *Miller*, 425 U.S. 435 (1976) (customer has no standing to object to bank disclosure of customer records) and its progeny, records in the possession of third parties do not receive Fourth Amendment protection. When held in a person's home, such records can only be seized pursuant to a warrant based upon probable cause, or compelled under a subpoena which can be challenged and quashed. In both these instances, the record owner has notice of the search and an opportunity to challenge it. By contrast, production of records held by third parties can be compelled by a governmental agent with a subpoena to the third party holding the information, without notice to the person to whom the records belong or pertain. The record owner may never receive notice or any meaningful opportunity to challenge the production.

This lack of protection for records held by third parties presents new privacy problems in the information age. With the rise of network computing, electronic information that was previously held on a person's own computer is increasingly stored elsewhere, such as on a network server or an ISP's computers. In many cases the location of such information is not even known to the record's owner.

The Act amends section 2703 to extend the same privacy protections to a person's records whether storage takes place on that person's personal computer in their possession or in networked electronic storage. The term ''networked electronic storage'' applies to electronic records held by a third party, who is not authorized to access the contents of the record except in connection with providing storage services, and where the person who created the record is able to access and modify the record remotely through electronic means. Electronic data stored incident to transmission (such as e-mail) and covered under 2703(a) is not included.

The new section 2703(g) requires that a governmental entity may only require disclosure of electronic records in ''networked electronic storage'' pursuant to (i) a state or federal warrant (based upon probable cause), with a copy to be served on the record owner at the same time the warrant is served on the record holder; (ii) a subpoena that must also be served on the record owner with a meaningful opportunity to challenge the subpoena; or (iii) the consent of the record owner.

SEC. 104. GOVERNMENT ACCESS TO LOCATION INFORMATION.—The Act adds a new subsection (h) to section 2703 of title 18, United States Code, to extend privacy protections for physical location information generated on a real time basis by mobile electronic communications services, such as cellular telephones. This section requires that when cellular telephones are used as contemporaneous tracking devices, the physical location information generated by the service provider may only be released to a governmental entity pursuant to a court order based upon probable cause.

SEC. 105. ENHANCED PRIVACY PROTECTION FOR TRANSACTIONAL INFORMATION OBTAINED FROM PEN REGISTERS OR TRAP AND TRACE DEVICES.—The Act enhances privacy protections for information obtained from pen register and trap and trace devices by amending section 3123(a) of title 18, United States

Code. This amendment would not change the standard for issuance of an ex parte order authorizing use of a pen register or trap and trace device, but would grant a court authority to review the information presented in a certification by the prosecuting attorney to determine whether the information likely to be obtained is relevant to an ongoing criminal investigation. Under current law, the court is relegated to a mere ministerial function and must issue the order upon presentation of a certification.

In addition, the amendment requires law enforcement to minimize the information obtained from the pen register or trap and trace device that is not related to the dialing and signaling information utilized in call processing. Currently, such devices capture not just such dialing information but also any other dialed digits after a call has been completed.

TITLE II—LAW ENFORCEMENT ASSISTANCE

SEC. 201. ENCRYPTED WIRE OR ELECTRONIC COMMUNICATIONS AND STORED ELECTRONIC COMMUNICATIONS.—The Act adds a new chapter 124 to Title 18, Part I, governing the unlawful use of encryption, protections and standards for governmental access, including foreign governments, to decryption assistance from third parties, and establishment of a ''Net Center'' to assist law enforcement in dealing with advanced technologies, such as encryption.

(a) IN GENERAL.—New chapter 124 has six sections. This chapter applies to wire or electronic communications and communications in electronic storage, as defined in 18 U.S.C. §2510, and to stored electronic data. Thus, this chapter describes procedures for law enforcement to obtain assistance in decrypting encrypted electronic mail messages, encrypted telephone conversations, encrypted facsimile transmissions, encrypted computer transmissions and encrypted file transfers over the Internet that are lawfully intercepted pursuant to a wiretap order, under 18 U.S.C. §2518, or obtained pursuant to lawful process, under 18 U.S.C. §2703, and encrypted information stored on computers that are seized pursuant to a search warrant or other lawful process.

§2801. Definitions.—Generally, the terms used in the new chapter have the same meanings as in the federal wiretap statute, 18 U.S.C. §2510. Definitions are provided for ''decryption assistance'', ''decryption key'', ''encrypt; encryption'', ''foreign government'' and ''official request''.

§2802. Unlawful use of encryption.—This section creates a new federal crime for knowingly and willfully using encryption during the commission of a Federal felony offense, with the intent to conceal that information for the purpose of avoiding detection by law enforcement. This new offense would be subject to a fine and up to 5 years' imprisonment for a first offense, and up to 10 years' imprisonment for a second or subsequent offense.

§2803. Access to decryption assistance for communications.—In the United States today, decryption keys and other decryption assistance held by third parties constitute third party records and may be disclosed to a governmental entity with a subpoena or an administrative request, and without any notice to the owner of the encrypted data. Such a low standard of access creates new problems in the information age because encryption users rely heavily on the integrity of keys to protect personal information or sensitive trade secrets, even when those keys are placed in the hands of trusted agents for recovery purposes.

Under new section 2803, in criminal investigations a third party holding decryption keys or other decryption assistance for wire or electronic communications may be required to release such assistance pursuant to a court order, if the court issuing the order finds that such assistance is needed for the decryption of communications covered by the order. Specifically, such an order for decryption assistance may be issued upon a finding that the key or assistance is necessary to decrypt communications or stored data lawfully intercepted or seized. The standard for release of the key or provision of decryption assistance is tied directly to the problem at hand: the need to decrypt a message or information that the government is otherwise authorized to intercept or obtain.

This will ensure that third parties holding decryption keys or decryption information need respond to only one type of compulsory process—a court order. Moreover, this Act will set a single standard for law enforcement, removing any extra burden on law enforcement to demonstrate, for example, probable cause for two separate orders (i.e., for the encrypted communications or information and for decryption assistance) and possibly before two different judges (i.e., the judge issuing the order for the encrypted communications or information and the judge issuing the order to the third party able to provide decryption assistance).

The Act reinforces the principle of minimization. The decryption assistance provided is limited to the minimum necessary to access the particular communications or information specified by court order. Under some key recovery schemes, release of a key holder's private key—rather than an individual session key—might provide the ability to decrypt every communication or stored file ever encrypted by a particular key owner, or by every user in an entire corporation, or by every user who was ever a customer of the key holder. The Act protects against such over broad releases of keys by requiring the court issuing the order to find that the decryption assistance being sought is necessary. Private keys may only be released if no other form of decryption assistance is available.

Notice of the assistance given will be included as part of the inventory provided to subjects of the interception pursuant to current wiretap law standards.

For foreign intelligence investigations, new section 2803 allows FISA orders to direct third-party holders to release decryption assistance if the court finds the assistance is needed to decrypt covered communications. Minimization is also required, though no notice is provided to the target of the investigation.

Under new section 2803, decryption assistance is only required under third-parties (i.e., other than those whose communications are the subject of interception), thereby avoiding self-incrimination problems.

Finally, new section 2803 generally prohibits any person from providing decryption assistance for another person's communications to a governmental entity, except pursuant to the orders described.

§2804. Access to decryption assistance for stored electronic communications or records.—New section 2804 governs access to decryption assistance for stored electronic communications and records.

As noted above, under current law third party decryption assistance may be disclosed to a governmental entity with a subpoena or even a mere request and without notice. This standard is particularly problematic for stored encrypted data, which may exist in insecure media but rely on encryption to maintain security; in such cases easy access to keys destroys the encryption security so heavily relied upon.

Under new section 2804, third parties holding decryption keys or other decryption assistance for stored electronic communications may only release such assistance to a governmental entity pursuant to (1) a state or federal warrant (based upon probable cause), with a copy to be served on the record owner at the same time the warrant is served on the record holder; (2) a subpoena that must also be served on the record owner with a meaningful opportunity to challenge the subpoena; or (3) the consent of the record owner. This standard closely mirrors the protection that would be afforded to encryption keys that are actually kept in the possession of those whose records were encrypted. In the specific case of decryption assistance for communications stored incident to transit (such as e-mail), notice may be delayed under the standards laid out for delayed notice under current law in section 2705(a)(2) of title 18, United States Code.

§2805. Foreign government access to decryption assistance.—New section 2805 creates standards for the U.S. government to provide decryption assistance to foreign governments. No law enforcement officer would be permitted to release decryption keys to a foreign government, but only to provide decryption assistance in the form of producing plaintext. No officer would be permitted to provide decryption assistance except upon an order requested by the Attorney General or designee. Such an order could require the production of decryption keys or assistance to the Attorney General only if the court finds that (1) the assistance is necessary to decrypt data the foreign government is authorized to intercept under foreign law; (2) the foreign country's laws provide ''adequate protection against arbitrary interference with respect to privacy rights''; and (3) the assistance is sought for a criminal investigation of conduct that would violate U.S. criminal law if committed in the United States.

§2806. Establishment and operations of National Electronic Technologies Center.—This section establishes a National Electronic Technologies Center (''NET Center'') to serve as a focal point for information and assistance to federal, state, and local law enforcement authorities to address the technical difficulties of obtaining plaintext of communications and electronic information through the use of encryption, steganography, compression, multiplexing, and other techniques.

TITLE III—EXPORTS OF ENCRYPTION PRODUCTS

SEC. 301. Commercial Encryption Products.

(a) PROVISIONS APPLICABLE TO COMMERCIAL PRODUCTS.—This title applies to *all* encryption products other than those specifically designed or modified for military use.

(b) CONTROL BY SECRETARY OF COMMERCE.—This section grants exclusive authority to the Secretary of Commerce (the ''Secretary'') to control commercial encryption product exports.

SEC. 302. License Exception for Mass Market Products.

(a) EXPORT CONTROL RELIEF.—The Act permits export under a license exception of generally available, mass market, encryption products, which by their nature are uncontrollable given the volume sold and ease of distribution, without a license or restrictions, other than those permitted under this Act, after a 1-time 15-day technical review by the Secretary.

(b) DEFINITIONS.—This section defines ''generally available'' as a product offered for sale, license, or transfer, including over-the-counter sales, mail or phone order transactions, electronic distribution, or sale on approval and not designed, developed or customized by the manufacturer for specific purchasers (except for installation or configuration parameters).

(c) COMMERCE DEPARTMENT ASSURANCE.—This section permits requests from manufacturers or exporters to the Secretary for written assurance that a product is ''generally available,'' and requires that the Secretary notify the petitioner of a decision within 30 days. This section prohibits imposition of liability or sanctions on petitioners who receive such a written assurance for failing to obtain an export license.

SEC. 303. License Exception for Products Without Encryption Capable of Working With Encryption Products.

This section permits export under a license exception of products, which do not provide any encryption themselves, but that are capable of working with encryption products, without restriction other than those permitted under this Act, after a 1-time, 15 day technical review by the Secretary.

SEC. 304. License Exception For Product Support and Consulting Services.

(a) NO ADDITIONAL EXPORT CONTROLS IMPOSED IF UNDERLYING PRODUCT COVERED BY LICENSE EXCEPTION.—This section permits export of product support and consulting services, including technical assistance and technical data associated with the installation and maintenance of mass market encryption products or products capable of working with encryption products without an export license and without restrictions other than those permitted under this Act.

(b) DEFINITIONS.—This section defines technical assistance as services, such as instruction, skills training, working knowledge, consulting services and transfer of technical data. ''Technical data'' is defined as information, including blueprints, plans, diagrams, models, formulae, table, engineering designs and specifications, manuals and instructions.

SEC. 304. License Exception When Comparable Foreign Products Available.

(a) FOREIGN AVAILABILITY STANDARD.—This section permits unrestricted export of customized encryption hardware and software products (i.e., not generally available mass market products) if a foreign encryption product using the same or greater key length or providing comparable security is, or will within 18 months, be commercially available outside the United States.

(b) DETERMINATION OF FOREIGN AVAILABILITY.—This section establishes an Encryption Export Advisory Board (the ''Board''), which is chaired by the Under Secretary of Commerce for Export Administration, with seven Presidential appointees (3 government and 4 private sector representatives); and four Congressional appointees from the private sector. The Board is required to meet at the call of the Chairman, or if there are any pending applications for a license exception, the Board shall meet at least once every 30 days.

The primary duties of the Board shall be to determine whether comparable foreign encryption products are commercially available outside the United States. The decision is by majority vote, and must be made within 30 days of receipt of application for a license exception. The Board must notify the Secretary of its determination, and submit a report to the President within 30 days. Board meetings are exempt from the Federal Advisory Committee Act.

The Secretary is required to approve or disapprove each Board determination within 30 days of receipt of that determination, notify the Board of the approval or disapproval, and publish notice of the approval or disapproval in the Federal Register. The notice shall include an explanation in detail of the reasons for the decision, including why and how continued export controls will be effective and the amount of lost sales and market share of U.S. encryption product which resulted. Judicial review of the Secretary's decision to disapprove a Board decision that a product is commercially available is permitted.

(c) INCLUSION OF COMPARABLE FOREIGN ENCRYPTION PRODUCTS IN A UNITED STATES PRODUCT NOT BAISS FOR EXPORT CONTROLS.—This section permits export under a license exception of products incorporating or employing a foreign encryption product in the way it was intended to be used and that the Board has determined to be commercially available outside the United States, without an export license and without restrictions other than those under the Act, after a 1-time 15 day review by the Secretary.

SEC. 306. No Export Controls on Encryption Products Used For Nonconfidentiality Purposes.

(a) PROHIBITION ON NEW CONTROLS.—This section prohibits restrictions on encryption exports used for nonconfidentiality purposes such as authentication, integrity, digital signatures, nonrepudiation and copy protection.

(b) NO REINSTATEMENT OF CONTROLS ON PREVIOUSLY DECONTROLLED PRODUCTS.—This section prohibits administratively imposed encryption controls on previously decontrolled products not requiring an export license as of January 1, 1998.

SEC. 307. Applicability of General Export Controls.

(a) SUBJECT TO TERRORISTS AND EMBARGO CONTROLS.—Nothing in the Act shall limit the President's authority under the International Emergency Economic Powers Act, the Trading With the Enemy Act, or the Export Administration Act to prohibit export of encryption products to countries that have repeatedly provided support for international terrorism, or impose an embargo on exports or imports from a specific country.

(b) SUBJECT TO SPECIFIC DENIALS FOR SPECIFIC REASONS.—The Secretary is required to prohibit export of encryption products to an individual or organization in a specific foreign country identified by the Secretary, if the Secretary determines that there is substantial evidence that such encryption product will be used for military or terrorist end-use, including acts against the critical infrastructure of the United States.

(c) OTHER EXPORT CONTROLS REMAIN APPLICABLE.—Encryption products remain subject to all export controls imposed for reasons other than the existence of encryption capabilities, and the Secretary retains the authority to control exports of products for reasons other than encryption.

SEC. 308. Foreign Trade Barriers to United States Products.

The Secretary, in consultation with the United States Trade Representative, is required within 180 days of enactment of the Act to: (1) identify foreign barriers to the export of U.S. encryption products; (2) initiate appropriate actions to address such barriers; and (3) submit to Congress a report on the actions taken under this section.

Mr. BURNS. Mr. President, I stand before the chamber today in support of the e-Privacy Act because the very future of electronic commerce on the Internet is being held hostage to cold-war era export controls. These outdated regulations tie the hands of the U.S. high technology industry and pose a threat to privacy and security of all Americans who use the Internet. Despite some small concessions by the Administration, the competitive advantage of the U.S. high technology industries and the privacy and security of our citizens remain trapped by the Clinton Administration's outdated policy.

The e-Privacy Act will relax current export controls on encryption technologies so that U.S. companies can effectively compete in the global marketplace. The bill will also prevent the government from mandating risky and expensive ''key-recovery'' or ''key-escrow'' encryption systems domestically. It's a good bill, it has broad support from the computer and communications industry, Internet users, and privacy advocates from both the left and right of the political spectrum.

The Clinton Administration has expressed concerns about the impact the e-Privacy Act would have on the legitimate needs of law enforcement and national security. My colleagues and I do not take their concerns lightly. Several provisions in the e-Privacy Act address the Administration's valid concerns while at the same time freeing U.S. companies to effectively compete in the global marketplace, and ensuring that the American people can trust the Internet as a secure means of commerce, education, and free expression of ideas.

The e-Privacy Act would create a National Electronic Technology Center (''NET Center'') to serve as a central point for information and assistance to federal, state, and local law enforcement authorities to address the technical difficulties of obtaining electronic information because of encryption. National security and law enforcement would be given seats at the table in making these determinations. Once again, I am very sensitive to the legitimate needs of national security and law enforcement, and I think the provisions made in the e-Privacy Act address them.

The e-Privacy Act also extends to citizens that same privacy rights that they have in their homes to their digital property in cyberspace. The bill would require a court order or subpoena to obtain either the plaintext or decryption key from their parties. I believe that this is the correct approach.

Citizens are also specifically given the right to use whatever kind of encryption software at whatever strength they choose. The bill recognizes the folly of requiring the government to create procedures to license ''key certificate authorities'' and ''key-recovery agents,'' as well as require the development of a massive and complicated infrastructure to ensure that the government could recover the right key out of the hundreds of millions of keys in real time.

On many occasions, the world's leading cryptographers concluded that building such a key recovery infrastructure would be prohibitively expensive and would create a less secure network. The bill recognizes that mandatory key escrow will never work, no one will use it and certainly no criminals or other bad actors will use a system that is immediately accessible by the government.

I urge my colleagues to support the e-Privacy Act, which I feel is the true compromise package. We all have the same goals in mind—allowing for the

continued growth of high tech industries while not harming national security. If we move forward with the compromise bill being offered today, I am confident we can do both.

By Mr. THOMPSON (for himself and Mr. GLENN):

S. 2068. A bill to clarify the application of the Unfunded Mandates Reform Act of 1995, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other committee have 30 days to report or be discharged.

UNFUNDED MANDATES LEGISLATION

Mr. THOMPSON. Mr. President, I rise today to introduce a bill to clarify the application of the Unfunded Mandates Reform Act of 1995. On its face, this legislation is necessary to correct the Congressional Budget Office's interpretation of the law as it applies to large entitlement programs. But more fundamentally, it is a bill to force Congress to abide by the spirit of the law we passed in 1995 to discourage Congress from imposing costly new mandates on States and local governments.

CBO's performance in fulfilling its responsibilities under the Unfunded Mandates Reform Act has been commendable. CBO cost estimates have been timely and sound, and analysts have been responsive. However, I have serious concern that CBO is misinterpreting the definition of ''Federal intergovernmental mandate'' as provided in the law. The result is a loophole that makes the Unfunded Mandates Reform Act inoperative for two-thirds of all federal aid to all governments for all purposes. Every State, every municipality is justifiably concerned; indeed, it is with the strong backing of the National Governors' Association that I introduce this bill today.

The Unfunded Mandates Reform Act defined ''federal intergovernmental mandate'' with the intent to cover new requirements or a cap on the federal share of costs under Medicaid or other large entitlement programs—unless the legislation imposing the new mandates also provides new flexibility in the program to offset the cost. However, CBO has taken the position that existing flexibility is sufficient to offset the cost of new mandates. For example, CBO has determined that the current ability of States to reduce ''optional'' Medicaid services is, in effect, the flexibility called for in the law. If this had been the intent of the drafters, there would have been no reason for them to cover Medicaid under the Act in the first place. CBO's interpretation of the law largely removes the point of order as a tool to discourage new mandates or cost-shifts to States under the large entitlement programs where mandates tend to be the most burdensome and expensive.

Let's stop for a moment and consider why it is so important that we act to correct this problem. Congress passed the Unfunded Mandates Reform Act in 1995 with the recognition that State and local governments are not wayward subordinates who cannot be trusted to run their own affairs, nor are they just more entities for the Federal Government to regulate. They are our partners in government. The Unfunded Mandates Reform Act was intended to force Congress to stop and think twice before violating this partnership. It does not preclude new mandates, but it does give any member the right to raise a point of order against new mandates which would cost States or localities more than fifty million dollars.

To avoid the point of order, the House and Senate intended that the flexibility required under the Act be new flexibility, concomitant with the mandate-imposing legislation, for States to amend their responsibilities to provide ''required services''—not optional services. CBO is not reading the law as Congress intended. The bill I am introducing today amends the Unfunded Mandates Reform Act to clarify that new flexibility is required to offset any new federally-imposed costs that States or localities will incur under large entitlement programs.

I am pleased that Senator GLENN, an original cosponsor and conferee on the Unfunded Mandates Reform Act of 1995, has joined me in cosponsoring this bill to clarify its application.

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. 2068

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

SECTION 1. FEDERAL INTERGOVERNMENTAL MANDATE.

Section 421(5)(B) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658(5)(B)) is amended—

(1) by striking ''the provision'' after ''if'';

(2) in clause (i)(I) by inserting ''the provision'' before ''would'';

(3) in clause (i)(II) by inserting ''the provision'' before ''would''; and

(4) in clause (ii)—

(A) by inserting ''that legislation, statute, or regulation does not provide'' before ''the State''; and

(B) by striking ''lack'' and inserting ''new or expanded''.

By Mr. DEWINE:

S. 2070. A bill to provide for an Underground Railroad Educational and Cultural Program; to the Committee on Labor and Human Resources.

THE UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL ACT

Mr. DEWINE. Mr. President, today I am introducing the Underground Railroad Educational and Cultural Act. This legislation will provide for the establishment of programs to research, display, interpret, and collect artifacts relating to the history of the Underground Railroad.

Let me tell you how important the Underground Railroad is to Ohio—and to me personally. In the 20 years prior to the Civil War, more than 40,000 slaves escaped bondage and made their way to free soil on the trails of the Underground Railroad. More than 150 key Underground Railroad sites have been identified in Ohio—sites that symbolized freedom for thousands of enslaved Americans.

When I visit these places, it gives me some real cause for hope about the future of America. When we talk about race relations in this country, we would do well to remind ourselves that at one of the darkest times in our nation's history—the period of slavery—some blacks and whites took immense personal risks to work together to liberate slaves.

That is the part of the American story that we should be proud of—and build on. In Ohio, we are very proud of the part our ancestors played in this great story—and why I think this legislation is so important.

Mr. President, I ask my colleagues to support this legislation. It is very important to recognize this period in our history.

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. 2070

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

SECTION 1. UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Underground Railroad Educational and Cultural Act''.

(b) PROGRAM ESTABLISHED.—The Secretary of Education, in consultation and cooperation with the Secretary of the Interior, is authorized to make grants to 1 or more nonprofit educational organizations that are established to research, display, interpret, and collect artifacts relating to the history of the Underground Railroad.

(c) GRANT AGREEMENT.—Each nonprofit educational organization awarded a grant under this section shall enter into an agreement with the Secretary of Education. Each such agreement shall require the organization—

(1) to establish a facility to house, display, and interpret the artifacts related to the history of the Underground Railroad;

(2) to demonstrate substantial private support for the facility through the implementation of a public-private partnership between a State or local public entity and a private entity for the support of the facility, which private entity shall provide matching funds for the support of the facility in an amount equal to 4 times the amount of the contribution of the State or local public entity, except that not more than 20 percent of the matching funds may be provided by the Federal Government;

(3) to create an endowment to fund any and all shortfalls in the costs of the on-going operations of the facility;

(4) to establish a network of satellite centers throughout the United States to help disseminate information regarding the Underground Railroad throughout the United States, if such satellite centers raise 80 percent of the funds required to establish the

satellite centers from non-Federal public and private sources;

(5) to establish the capability to electronically link the facility with other local and regional facilities that have collections and programs which interpret the history of the Underground Railroad; and

(6) to submit, for each fiscal year for which the organization receives funding under this section, a report to the Secretary of Education that contains—

(A) a description of the programs and activities supported by the funding;

(B) the audited financial statement of the organization for the preceding fiscal year;

(C) a plan for the programs and activities to be supported by the funding as the Secretary may require; and

(D) an evaluation of the programs and activities supported by the funding as the Secretary may require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for fiscal year 1999, $6,000,000 for fiscal year 2000, $6,000,000 for fiscal year 2001, $3,000,000 for fiscal year 2002, and $3,000,000 for fiscal year 2003.

ADDITIONAL COSPONSORS

S. 249

At the request of Mr. D'AMATO, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 249, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.

S. 632

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes.

S. 719

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 719, a bill to expedite the naturalization of aliens who served with special guerrilla units in Laos.

S. 852

At the request of Mr. LOTT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1089

At the request of Mr. SPECTER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1089, a bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes.

S. 1220

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

S. 1244

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1244, a bill to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1321

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1344

At the request of Mr. BROWNBACK, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1344, a bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of South Caucasus and Central Asia.

S. 1464

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1464, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 1529

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1609

At the request of Mr. FRIST, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1609, a bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress in its activities, and for other purposes.

S. 1645

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1645, a bill to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

S. 1723

At the request of Mr. ABRAHAM, the names of the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Idaho (Mr. CRAIG), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1981

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1981, a bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 2017

At the request of Mr. D'AMATO, the names of the Senator from Iowa (Mr. HARKIN), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 2017, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program.

S. 2053

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2053, a bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of Articles of the Constitution on the reverse side of such currency.

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. D'AMATO, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Nevada (Mr. REID) were added as cosponsors of Senate Concurrent Resolution 88, A concurrent resolution calling on Japan to establish and maintain an open, competitive market for consumer photographic film and paper and

other sectors facing market access barriers in Japan.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Minnesota (Mr. WELLSTONE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Georgia (Mr. COVERDELL), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as ''National Character Counts Week.''

SENATE CONCURRENT RESOLUTION 95—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO PROMOTING COVERAGE OF INDIVIDUALS UNDER LONG-TERM CARE INSURANCE

Mr. DODD (for himself and Mr. GRASSLEY) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 95

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. PROMOTION OF COVERAGE OF INDIVIDUALS UNDER LONG-TERM CARE INSURANCE.

(a) FINDINGS.—The Congress finds the following:

(1) As the baby boom generation begins to retire, funding Social Security and Medicare will put a strain on the financial resources of younger Americans.

(2) Medicaid was designed as a program for the poor, but in many States Medicaid is being used for middle income elderly people to fund long-term care expenses.

(3) In the coming decade, people over age 65 will represent up to 20 percent or more of the population, and the proportion of the population composed of individuals who are over age 85, who are most likely to be in need of long-term care, may double or triple.

(4) With nursing home care now costing $40,000 to $50,000 on average per year, long-term care expenses can have a catastrophic effect on families, wiping out a lifetime of savings before a spouse, parent, or grandparent becomes eligible for Medicaid.

(5) Many people are unaware that most long-term care costs are not covered by Medicare and that Medicaid covers long-term care only after the person's assets have been exhausted.

(6) Widespread use of private long-term care insurance has the potential to protect families from the catastrophic costs of long-term care services while, at the same time, easing the burden on Medicaid as the baby boom generation ages.

(7) The Federal Government has endorsed the concept of private long-term care insurance by establishing Federal tax rules for tax-qualified policies in the Health Insurance Portability and Accountability Act of 1996.

(8) The Federal Government has ensured the availability of quality long-term care insurance products and sales practices by adopting strict consumer protections in the Health Insurance Portability and Accountability Act of 1996.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Federal Government should take all appropriate steps to inform the public about the financial risks posed by rapidly increasing long-term care costs and about the need for families to plan for their long-term care needs;

(2) the Federal Government should take all appropriate steps to inform the public that Medicare does not cover most long-term care costs and that Medicaid covers long-term care costs only when the beneficiary has exhausted his or her assets;

(3) the Federal Government should take all appropriate steps not only to encourage employers to offer private long-term care insurance coverage to employees, but also to encourage both working-aged people and older citizens to obtain long-term care insurance either through their employees or on their own;

(4) appropriate committees of Congress, together with the Department of Health and Human Services and other appropriate Executive Branch agencies, should develop specific ideas for encouraging Americans to plan for their own long-term care needs;

(5) the congressional tax-writing committees, together with the Department of the Treasury should determine whether the tax rules for long-term care insurance need to be modified to ensure that the rules adequately facilitate the affordability of long-term care insurance; and

(6) the National Summit on Retirement Income Savings should consider the importance of planning for long-term care in its discussion of retirement security.

Mr. DODD. Mr. President, I am pleased to submit, with my colleague Senator GRASSLEY, a Senate resolution that will focus attention on an extremely important health care issue for American families—long-term care needs.

Rapidly increasing long-term care costs pose huge financial risks to families. With the average cost of nursing home care at $40,000 per year, early planning is required to ensure that long-term care needs don't leave the spouses or children of the elderly and disabled destitute.

What most Americans do not realize is that Medicare is very limited in the type of long-term costs it covers. Medicare only provides coverage for ''acute'' health care costs, such as short-term stays in certain kinds of nursing homes, or short-term nursing care in the home following a hospitalization. Medicare was never meant to cover chronic long-term health needs.

Medicaid does offer assistance with long-term costs, but only after an individual has totally exhausted his or her assets. This means that families must become completely impoverished in order to get Medicaid coverage for nursing home care.

What fills in the gaps? We know that sixty-five percent of many elderly who live at home and need help rely exclusively on unpaid sources, such as family and friends. But this help is not without a price—it takes a huge toll on families. Caregiving frequently competes with the demand of employment and requires caregivers to reduce work hours, take time off without pay, or quit their jobs. Families whose members must be in institutional settings often exhaust all of their resources paying privately for nursing home care.

As a country, we need to have better alternatives so that our Golden Years can be lived out with dignity. Our job as policy makers is to inform the public of the importance of planning ahead. Employers need to be encouraged to make private long-term care insurance coverage available to their employees. In turn, families should be encouraged to prepare themselves financially well in advance for this potential expense.

A similar proposal by my fellow Connecticut colleague in the House of Representatives, Congressman CHRIS SHAYS, has received strong bi-partisan support. My hope is that this common-sense, forward-looking proposal will receive the same kind of support by my colleagues here in the Senate. This Senate resolution truly represents an investment in our future.

Mr. GRASSLEY. Mr. President, today I am pleased to join Senator DODD in submitting a common-sense Senate resolution to raise public awareness of the need for all Americans to plan ahead for their long-term care needs.

Earlier this year, the Special Committee on Aging, which I chair, held a hearing to explore the challenges of providing long-term care for the baby boomer generation. A key message from that hearing was that policy makers need to encourage personal responsibility for financing long-term care.

It is difficult to pay for long-term care even when one has worked hard and saved for retirement. It's impossible when a family is not prepared. Unfortunately, many seniors and their families find out too late that they have not saved enough. Today's average cost of nursing home care is about $40,000 a year. When individuals are faced with a chronic or disabling condition in retirement, they often quickly exhaust their resources. As a result, these individuals turn to Medicaid for help. In fact, the care for nearly 2 out of every 3 nursing home residents is paid for by Medicaid.

As policy makers, our job is to develop policies for public programs that can deliver efficient and cost-effective services. Yet, equally important is the role of private long-term care financing. We must inform everyone about the importance of planning for potential long-term care needs. And, we must provide incentives now for the baby boomer generation to prepare financially for their retirement.

As Congress works to prepare for a growing demand for long-term care services, the role of private long-term care insurance must not be ignored. Over the past ten years, the long-term care insurance market has grown significantly. The products that are available today are affordable and of high quality.

This common-sense proposal has also been introduced in the House of Representatives by Congress SHAYS where it has received strong bi-partisan support. I encourage my colleagues in the

Senate to so-sponsor this worthwhile proposal. And, I look forward to the passage of this resolution this year.

SENATE RESOLUTION 227—EXPRESSING THE SENSE OF THE SENATE REGARDING THE MAY 11, 1998 INDIAN NUCLEAR TESTS

Mrs. FEINSTEIN (for herself, Mr. BROWNBACK, and Mr. GLENN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 227

Whereas the Government of India conducted an underground nuclear explosion on May 15, 1974;

Whereas since the 1974 nuclear test by the Government of India, the United States and its allies have worked extensively to prevent the further proliferation of nuclear weapons in South Asia;

Whereas on May 11, 1998, the Government of India conducted underground tests of three separate nuclear explosive devices, including a fission device, a low-yield device, and a thermo-nuclear device;

Whereas this decision by the Government of India has needlessly raised tension in the South Asia region and threatens to exacerbate the nuclear arms race in that region;

Whereas the five declared nuclear weapons states and 144 other nations have signed the Comprehensive Test Ban Treaty in hopes of putting a permanent end to nuclear testing;

Whereas the Government of India has refused to sign the Comprehensive Test Ban Treaty;

Whereas the Government of India has refused to sign the Nuclear Non-Proliferation Treaty;

Whereas India has refused to enter into a safeguards agreement with the International Atomic Energy Agency covering any of its nuclear research facilities;

Whereas the Nuclear Proliferation Prevention Act of 1994 requires the President to impose a variety of aid and trade sanctions against any non-nuclear weapons state that detonates a nuclear explosive device; Therefore, be it

Resolved, That the Senate

(1) Condemns in the strongest possible terms the decision of the Government of India to conduct three nuclear tests on May 11, 1998;

(2) Calls upon the President to carry out the provisions of the Nuclear Proliferation Prevention Act of 1994 with respect to India and invoke all sanctions therein;

(3) Calls upon the Government of India to take immediate steps to reduce tensions that this unilateral and unnecessary step has caused;

(4) Expresses its regret that this decision by the Government of India will, of necessity, negatively affect relations between the United States and India;

(5) Urges the Government of Pakistan, the Government of the People's Republic of China, and all governments to exercise restraint in response to the Indian nuclear tests, in order to avoid further exacerbating the nuclear arms race in South Asia;

(6) Calls upon all governments in the region to take steps to prevent further proliferation of nuclear weapons and ballistic missiles; and

(7) Urges the Government of India to enter into a safeguards agreement with the International Atomic energy Agency which would cover all Indian nuclear research facilities at the earliest possible time.

Mrs. FEINSTEIN. Mr. President, at this time, on behalf of Senator BROWNBACK, Senator GLENN, and myself, I send to the desk for reference to committee a sense-of-the-Senate resolution which, in essence, deals with the explosion of three nuclear devices by the Government of India yesterday. As this body well knows, the Government of India conducted underground tests on three separate nuclear explosive devices, including a fission device, a low-yield device, and a thermonuclear device. They did this also very close to the border of Pakistan, thereby raising tensions between the two countries and in the entire south Asia region.

This sense of the Senate will condemn that explosion in the strongest possible terms and will call upon the President of the United States to carry out the provisions of the Nuclear Proliferation Prevention Act of 1994 with respect to India and invoke all sanctions therein.

It will also call upon the Government of India to take immediate steps to reduce tensions that this unilateral and unnecessary step has caused.

I am aware that Senator BROWNBACK's subcommittee, of which I am a member, will be meeting tomorrow, and will be discussing this issue, and, hopefully, will be able to agree to this resolution.

I am delighted to work with the Senator, and I note that he is present on the floor at this time, so I will say no more but simply send this to the desk.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would like to note my support for the resolution of my colleague from California. I think this is an important, quick statement for us to be making to the Government of India and to the nations in the region, both Pakistan and China in particular. The nuclear test that took place yesterday will have a tremendously destabilizing impact in the region. It was a bad move on the part of the Government of India. I think this is something the U.S. Senate needs to speak out on clearly and quickly, to state our displeasure, and that this will have consequences to it. I urge the administration to put forward the sanctions that are called for in the Glenn amendment. I don't think we can stand by and tolerate the sort of actions that have taken place. I urge my colleagues to look at this resolution, to sign on. Hopefully, we can pass this in an expedited fashion.

AMENDMENTS SUBMITTED

THE NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1998

MCCAIN (AND OTHERS) AMENDMENT NO. 2386

Mr. JEFFORDS (for Mr. MCCAIN, for himself, Mr. HOLLINGS, Mr. JEFFORDS, Mr. KENNEDY, Mr. FRIST, Mr. ROCKEFELLER, and Ms. COLLINS) proposed an amendment to the bill (S. 1046) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Science Foundation Authorization Act of 1998''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(2) FOUNDATION.—The term ''Foundation'' means the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(d) BOARD.—The term ''Board'' means the National Science Board established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(4) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(5) NATIONAL RESEARCH FACILITY.—The term ''national research facility'' means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States.

TITLE I—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

SEC. 101. FINDINGS; CORE STRATEGIES.

(a) FINDINGS.—Congress finds the following:

(1) The United States depends upon its scientific and technological capabilities to preserve the military and economic security of the United States.

(2) America's leadership in the global marketplace is dependent upon a strong commitment to education, basic research, and development.

(3) A nation that is not technologically literate cannot compete in the emerging global economy.

(4) A coordinated commitment to mathematics and science instruction at all levels of education is a necessary component of successful efforts to produce technologically literate citizens.

(5) Professional development is a necessary component of efforts to produce system wide improvements in mathematics, engineering, and science education in secondary, elementary, and postsecondary settings.

(6)(A) The mission of the National Science Foundation is to provide Federal support for basic scientific and engineering research, and to be a primary contributor to mathematics, science, and engineering education at academic institutions in the United States.

(B) In accordance with such mission, the long-term goals of the National Science Foundation include providing leadership to—

(i) enable the United States to maintain a position of world leadership in all aspects of science, mathematics, engineering, and technology;

(ii) promote the discovery, integration, dissemination, and application of new knowledge in service to society; and

(iii) achieve excellence in United States science, mathematics, engineering, and technology education at all levels.

(b) CORE STRATEGIES.—In carrying out activities designed to achieve the goals described in subsection (a), the Foundation shall use the following core strategies:

(1) Develop intellectual capital, both people and ideas, with particular emphasis on groups and regions that traditionally have not participated fully in science, mathematics, and engineering.

(2) Strengthen the scientific infrastructure by investing in facilities planning and modernization, instrument acquisition, instrument design and development, and shared-use research platforms.

(3) Integrate research and education through activities that emphasize and strengthen the natural connections between learning and inquiry.

(4) Promote partnerships with industry, elementary and secondary schools, community colleges, colleges and universities, other agencies, State and local governments, and other institutions involved in science, mathematics, and engineering to enhance the delivery of math and science education and improve the technological literacy of the citizens of the United States.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1998.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $3,505,630,000 for fiscal year 1998.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $2,576,200,000 shall be made available to carry out Research and Related Activities, of which—

(i) $370,820,000 shall be made available for Biological Sciences;

(ii) $289,170,000 shall be made available for Computer and Information Science and Engineering;

(iii) $360,470,000 shall be made available for Engineering;

(iv) $455,110,000 shall be made available for Geosciences;

(v) $715,710,000 shall be made available for Mathematical and Physical Sciences;

(vi) $130,660,000 shall be made available for Social, Behavioral, and Economic Sciences, of which up to $1,000,000 may be made available for the U.S.-Mexico Foundation for Science;

(vii) $165,930,000 shall be made available for United States Polar Research Programs;

(viii) $62,600,000 shall be made available for United States Antarctic Logistical Support Activities;

(ix) $2,730,000 shall be made available for the Critical Technologies Institute; and

(x) $23,000,000 shall be made available for the Next Generation Internet program;

(B) $632,500,000 shall be made available to carry out Education and Human Resources Activities;

(C) $155,130,000 shall be made available for Major Research Equipment;

(D) $136,950,000 shall be made available for Salaries and Expenses; and

(E) $4,850,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 1999.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $3,773,000,000 for fiscal year 1999.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $2,846,800,000 shall be made available to carry out Research and Related Activities, of which—

(i) $417,820,000 shall be made available for Biological Sciences;

(ii) $331,140,000 shall be made available for Computer and Information Science and Engineering, including $25,000,000 for the Next Generation Internet program;

(iii) $400,550,000 shall be made available for Engineering;

(iv) $507,310,000 shall be made available for Geosciences;

(v) $792,030,000 shall be made available for Mathematical and Physical Sciences;

(vi) $150,260,000 shall be made available for Social, Behavioral, and Economic Sciences, of which up to $2,000,000 may be made available for the U.S.-Mexico Foundation for Science;

(vii) $182,360,000 shall be made available for United States Polar Research Programs;

(viii) $62,600,000 shall be made available for United States Antarctic Logistical Support Activities;

(ix) $2,730,000 shall be made available for the Critical Technologies Institute; and

(B) $683,000,000 shall be made available to carry out Education and Human Resources Activities;

(C) $94,000,000 shall be made available for Major Research Equipment;

(D) $144,000,000 shall be made available for Salaries and Expenses; and

(E) $5,200,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2000.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $3,886,190,000 for fiscal year 2000.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $2,935,024,000 shall be made available to carry out Research and Related Activities, of which up to—

(i) $2,000,000 may be made available for the U.S.-Mexico Foundation for Science;

(ii) $25,000,000 may be made available for the Next Generation Internet program;

(B) $703,490,000 shall be made available to carry out Education and Human Resources Activities;

(C) $94,000,000 shall be made available for Major Research Equipment;

(D) $148,320,000 shall be made available for Salaries and Expenses; and

(E) $5,356,000 shall be made available for the Office of Inspector General.

SEC. 103. PROPORTIONAL REDUCTION OF RESEARCH AND RELATED ACTIVITIES AMOUNTS.

If the amount appropriated pursuant to section 102(a)(2)(A) or (b)(2)(A) is less than the amount authorized under that paragraph, the amount available for each scientific directorate under that paragraph shall be reduced by the same proportion.

SEC. 104. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this Act, not more than $10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses. The Director shall have the discretion to determine the expenses (as described in this section) for which the funds described in this section shall be used. Such a determination by the Director shall be final and binding on the accounting officers of the Federal Government.

SEC. 105. UNITED STATES MAN AND THE BIOSPHERE PROGRAM LIMITATION.

No funds appropriated pursuant to this Act shall be used for the United States Man and the Biosphere Program, or related projects.

TITLE II—GENERAL PROVISIONS

SEC. 201. NATIONAL RESEARCH FACILITIES.

(a) FACILITIES PLAN.—

(1) IN GENERAL.—Not later than December 1, of each year, the Director shall, as part of the annual budget request, prepare and submit to Congress a plan for the proposed construction of, and repair and upgrades to, national research facilities.

(2) CONTENTS OF THE PLAN.—The plan shall include—

(A) estimates of the costs for the construction, repairs, and upgrades described in paragraph (1);

(B) estimates of the costs for the operation and maintenance of existing and proposed new facilities; and

(C) in the case of proposed new construction and for major upgrades to existing facilities, funding profiles, by fiscal year, and milestones for major phases of the construction.

(3) SPECIAL RULE.—The plan shall include cost estimates in the categories of construction, repair, and upgrades—

(A) for the year in which the plan is submitted to Congress; and

(B) for not fewer than the succeeding 4 years.

(b) STATUS OF FACILITIES UNDER CONSTRUCTION.—The plan required under subsection (a) shall include a status report for each uncompleted construction project included in current and previous plans. The status report shall include data on cumulative construction costs by project compared with estimated costs, and shall compare the current and original schedules for achievement of milestones for the major phases of the construction.

SEC. 202. ADMINISTRATIVE AMENDMENTS.

(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950 AMENDMENTS.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) in section 4(g) (42 U.S.C. 1863(g))—

(A) by striking ''the appropriate rate provided for individuals in grade GS–18 of the General Schedule under section 5332'' and inserting ''the maximum rate payable under section 5376''; and

(B) by redesignating the second subsection (k) as subsection (l);

(2) in section 5(e) (42 U.S.C. 1854(e)) by striking paragraph (2), and inserting the following:

''(2) Any delegation of authority or imposition of conditions under paragraph (1) shall be promptly published in the Federal Register and reported to the Committee on Labor and Human Resources, and the Committee on Commerce, Science, and Transportation, of the Senate and the Committee on Science of the House of Representatives.'';

(3) in section 14(c) (42 U.S.C. 1873(c))—

(A) by striking ''shall receive'' and inserting ''shall be entitled to receive'';

(B) by striking ''the rate specified for the daily rate for GS–18 of the General Schedule under section 5332'' and inserting ''the maximum rate payable under section 5376''; and

(C) by adding at the end the following ''For the purpose of determining the payment of compensation under this subsection, the time spent in travel by any member of the Board or any member of a special commission shall be deemed as time engaged in the business of the Foundation. Members of the Board and members of special commissions may waive compensation and reimbursement for traveling expenses.''; and

(4) in section 15(a) (42 U.S.C. 1874(a)), by striking ''Atomic Energy Commission'' and inserting ''Secretary of Energy''.

(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1976 AMENDMENTS.—Section 6(a) of the National Science Foundation Authorization Act, 1976 (42 U.S.C. 1881a(a)) is amended by striking ''social,'' the first place it appears.

(c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1988 AMENDMENTS.—Section 117(a) of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1881b(a)) is amended—

(1) by striking paragraph (1)(B)(v) and inserting the following:

''(v) from schools established outside the several States and the District of Columbia by any agency of the Federal Government for dependents of the employees of such agency.''; and

(2) in paragraph (3)(A) by striking ''Science and Engineering Education'' and inserting ''Education and Human Resources''.

(d) SCIENCE AND ENGINEERING EQUAL OPPORTUNITIES ACT AMENDMENTS.—The Science and Engineering Equal Opportunities Act (42 U.S.C. 1885 et seq.) is amended—

(1) in section 34 (42 U.S.C. 1885b)—

(A) by striking the section heading and inserting the following:

''PARTICIPATION IN SCIENCE AND ENGINEERING OF MINORITIES AND PERSONS WITH DISABILITIES'';

and

(B) by striking subsection (b) and inserting the following:

''(b) The Foundation is authorized to undertake or support programs and activities to encourage the participation of persons with disabilities in the science and engineering professions.''; and

(2) in section 36 (42 U.S.C. 1885c)—

(A) in subsection (a), by striking ''minorities,'' and all that follows through ''in scientific'' and inserting ''minorities, and persons with disabilities in scientific'';

(B) in subsection (b)—

(i) by striking ''with the concurrence of the National Science Board''; and

(ii) by striking the second sentence and inserting the following: ''In addition, the Chairman of the National Science Board may designate a member of the Board as a member of the Committee.''; (C) by striking subsection (c) and (d); (D) by inserting after subsection (b) the following:

''(c) The Committee shall be responsible for reviewing and evaluating all Foundation matters relating to opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education, training, and science and engineering research programs.'';

(E) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(F) in subsection (d), as so redesignated by subparagraph (E), by striking ''additional''.

(e) TECHNICAL AMENDMENT.—The second subsection (g) of section 3 of the National Science Foundation Act of 1950 is repealed.

SEC. 203. INDIRECT COSTS.

(a) MATCHING FUNDS.—Matching funds required pursuant to section 204(a)(2)(C) of the Academic Research Facilities Modernization Act of 1988 (42 U.S.C. 1862c(a)(2)(C)) shall not be considered facilities costs for purposes of determining indirect cost rates under Office of Management and Budget Circular A–21.

(b) REPORT.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy, in consultation with other Federal agencies the Director deems appropriate, shall prepare a report—

(A) analyzing the Federal indirect cost reimbursement rates (as the term is defined in Office of Management and Budget Circular A–21) paid to universities in comparison with Federal indirect cost reimbursement rates paid to other entities, such as industry, government laboratories, research hospitals, and non-profit institutions;

(B)(i) analyzing the distribution of the Federal indirect cost reimbursement rates by category (such as administration, facilities, utilities, and libraries), and by the type of entity; and

(ii) determining what factors, including the type of research, influence the distribution;

(C) analyzing the impact, if any, that changes in Office of Management and Budget Circular A–21 have had on—

(i) the Federal indirect cost reimbursement rates, the rate of change of the Federal indirect cost reimbursement rates, the distribution by category of the Federal indirect cost reimbursement rates, and the distribution by type of entity of the Federal indirect cost reimbursement rates; and

(ii) the Federal indirect cost reimbursement (as calculated in accordance with Office of Management and Budget Circular A–21), the rate of change of the Federal indirect cost reimbursement, the distribution by category of the Federal indirect cost reimbursement, and the distribution by type of entity of the Federal indirect cost reimbursement;

(D) analyzing the impact, if any, of Federal and State law on the Federal indirect cost reimbursement rates;

(E)(i) analyzing options to reduce or control the rate of growth of the Federal indirect cost reimbursement rates, including options such as benchmarking of facilities and equipment cost, elimination of cost studies, mandated percentage reductions in the Federal indirect cost reimbursement; and

(ii) assessing the benefits and burdens of the options to the Federal Government, research institutions, and researchers; and

(F) analyzing options for creating a database—

(i) for tracking the Federal indirect cost reimbursement rates and the Federal indirect cost reimbursement; and

(ii) for analyzing the impact that changes in policies with respect to Federal indirect cost reimbursement will have on the Federal Government, researchers, and research institutions.

(2) REPORT TO CONGRESS.—The report prepared under paragraph (1) shall be submitted to Congress not later than 1 year after the date of enactment of this Act.

SEC. 204. FINANCIAL DISCLOSURE.

Persons temporarily employed by or at the Foundation shall be subject to the same financial disclosure requirements and related sanctions under the Ethics in Government Act of 1978 (5 U.S.C. App) as are permanent employees of the Foundation in equivalent positions.

SEC. 205. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds appropriated pursuant to the amendments made by this act are subject to a reprogramming action that requires notice to be provided to the committees on appropriations of the Senate and the House of Representatives, notice of that action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Labor and Human Resources of the Senate, and the Committee on Science of the House of Representatives.

(b) NOTICE OF REORGANIZATION.—Not later than 15 days before any major reorganization of any program, project, or activity of the National Science Foundation, the Director of the National Science Foundation shall provide notice to the Committees on Science and Appropriations of the House of Representatives and the Committees on Commerce, Science and Transportation, Labor and Human Resources of the Senate, and Appropriations of the Senate.

SEC. 206. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term ''educationally useful federal equipment'' means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) SCHOOL.—The term ''school'' means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of the Congress that the Director should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director shall prepare and submit to the President a report that meets the requirements of this paragraph. The President shall submit that report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Director under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 207. REPORT ON RESERVIST EDUCATION ISSUES.

(a) CONVENING APPROPRIATE REPRESENTATIVES.—The Director of the National Science Foundation, with the assistance of the Office of Science and Technology Policy, shall convene appropriate officials of the Federal Government and appropriate representatives of the postsecondary education community and of members of reserve components of the Armed Forces for the purpose of discussing and seeking a consensus on the appropriate resolution to problems relating to the academic standing and financial responsibilities of postsecondary students called or ordered to active duty in the Armed Forces.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Science Foundation shall transmit to the Congress a report summarizing the results of the convening individuals under subsection (a), including any consensus recommendations resulting therefrom as well as any significant opinions expressed by each participant that are not incorporated in such a consensus recommendation.

SEC. 208. SCIENCE AND TECHNOLOGY POLICY INSTITUTE.

(a) AMENDMENT.—Section 822 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686) is amended—

(1) by striking ''Critical Technologies Institute'' in the section heading and in subsection (a), and inserting in lieu thereof ''Science and Technology Policy Institute'';

(2) in subsection (b) by striking ''As determined by the chairman of the committee referred to in subsection (c), the'' and inserting in lieu thereof ''The'';

(3) by striking subsection (c), and redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively;

(4) in subsection (c), as so redesignated by paragraph (3) of this subsection—

(A) by inserting ''science and'' after ''developments and trends in'' in paragraph (1);

(B) by striking ''with particular emphasis on'' in paragraph (1) and inserting ''including'';

(C) by inserting ''and developing and maintaining relevant information and analytical tools'' before the period at the end of the paragraph (1);

(D) by striking ''to determine'' and all that follows through ''technology policies'' in paragraph (2) and inserting ''with particular attention to the scope and content of the Federal science and technology research and develop portfolio as it affects interagency and national issues'';

(E) by amending paragraph (3) to read as follows:

''(3) Initiation of studies and analysis of alternatives available for ensuring the long-term strength of the United States in the development and application of science and

technology, including appropriate roles for the Federal Government, State governments, private industry, and institutions of higher education in the development and application of science and technology.'';

(F) by inserting ''science and'' after ''Executive branch on'' in paragraph (4)(A); and

(G) by amending paragraph (4)(B) to read as follows:

''(B) to the interagency committees and panels of the Federal Government concerned with science and technology.'';

(5) by striking ''subsection (d)'' in subsection (d), as redesignated by paragraph (3) of this subsection, and inserting in lieu thereof ''subsection (c)'';

(6) by striking ''Committee'' in each place it appears in subsection (e), as redesignated by paragraph (3) of this subsection, and inserting ''Institute'';

(7) by striking ''subsection (d)'' in subsection (f), as redesignated by paragraph (3) of this subsection, and inserting in lieu thereof ''subsection (c)''; and

(8) by striking ''Chairman of Committee'' each place it appears in subsection (f), as designated by paragraph (3) of this subsection, and inserting ''Director of Office of Science and Technology Policy''.

(b) CONFORMING USAGE.—All references in Federal law or regulations to the Critical Technologies Institute shall be considered to be references to the Science and Technology Policy Institute.

SEC. 209. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the Foundation should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Foundation posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Foundation is unable to correct in time.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

HUTCHINSON AMENDMENTS NOS. 2387–2388

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted two amendments intended to be proposed by him to the bill (S. 2057) to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

AMENDMENT NO. 2387

Add at the end the following new title:

TITLE ____—COMMERCIAL ACTIVITIES OF PEOPLE'S LIBERATION ARMY

SEC. ___. FINDINGS.

Congress makes the following findings:

(1) The People's Liberation Army is the principal instrument of repression within the People's Republic of China, responsible for occupying Tibet since 1950, massacring hundreds of students and demonstrators for democracy in Tiananmen Square on June 4, 1989, and running the Laogai (''reform through labor'') slave labor camps.

(2) The People's Liberation Army is engaged in a massive military buildup, which has involved a doubling since 1992 of announced official figures for military spending by the People's Republic of China.

(3) The People's Liberation Army is engaging in a major ballistic missile modernization program which could undermine peace and stability in East Asia, including 2 new intercontinental missile programs, 1 submarine-launched missile program, a new class of compact but long-range cruise missiles, and an upgrading of medium- and short-range ballistic missiles.

(4) The People's Liberation Army is working to coproduce the SU–27 fighter with Russia, and is in the process of purchasing several substantial weapons systems from Russia, including the 633 model of the Kilo-class submarine and the SS–N–22 Sunburn missile system specifically designed to incapacitate United States aircraft carriers and Aegis cruisers.

(5) The People's Liberation Army has carried out acts of aggression in the South China Sea, including the February 1995 seizure of the Mischief Reef in the Spratley Islands, which is claimed by the Philippines.

(6) In July 1995 and in March 1996, the People's Liberation Army conducted missile tests to intimidate Taiwan when Taiwan held historic free elections, and those tests effectively blockaded Taiwan's 2 principal ports of Keelung and Kaohsiung.

(7) The People's Liberation Army has contributed to the proliferation of technologies relevant to the refinement of weapons-grade nuclear material, including transferring ring magnets to Pakistan.

(8) The People's Liberation Army and associated defense companies have provided ballistic missile components, cruise missiles, and chemical weapons ingredients to Iran, a country that the executive branch has repeatedly reported to Congress is the greatest sponsor of terrorism in the world.

(9) In May 1996, United States authorities caught the People's Liberation Army enterprise Poly Technologies and the civilian defense industrial company Norinco attempting to smuggle 2,000 AK–47s into Oakland, California, and offering to sell urban gangs shoulder-held missile launchers capable of ''taking out a 747'' (which the affidavit of the United States Customs Service of May 21, 1996, indicated that the representative of Poly Technologies and Norinco claimed), and Communist Chinese authorities punished only 4 low-level arms merchants by sentencing them on May 17, 1997, to brief prison terms.

(10) The People's Liberation Army contributes to the People's Republic of China's failure to meet the standards of the 1995 Memorandum of Understanding with the United States on intellectual property rights by running factories which pirate videos, compact discs, and computer software that are products of the United States.

(11) The People's Liberation Army contributes to the People's Republic of China's failing to meet the standards of the February 1997 Memorandum of Understanding with the United States on textiles by operating enterprises engaged in the transshipment of textile products to the United States through third countries.

(12) The estimated $2,000,0000,000 to $3,000,000,000 in annual earnings of People's Liberation Army enterprises subsidize the expansion and activities of the People's Liberation Army described in this subsection.

(13) The commercial activities of the People's Liberation Army are frequently conducted on noncommercial terms, or for noncommercial purposes such as military or foreign policy considerations.

SEC. ___. APPLICATION OF AUTHORITIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT TO CHINESE MILITARY COMPANIES.

(a) DETERMINATION OF COMMUNIST CHINESE MILITARY COMPANIES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation, shall compile a list of persons who are Communist Chinese military companies and who are operating directly or indirectly in the United States or any of its territories and possessions, and shall publish the list of such persons in the Federal Register. On an ongoing basis, the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation, shall make additions or deletions to the list based on the latest information available.

(2) COMMUNIST CHINESE MILITARY COMPANY.—For purposes of making the determination required by paragraph (1), the term ''Communist Chinese military company''—

(A) means a person that is—

(i) engaged in providing commercial services, manufacturing, producing, or exporting, and

(ii) owned or controlled by the People's Liberation Army, and

(B) includes, but is not limited to, any person identified in the United States Defense Intelligence Agency publication numbered VP–1920–271–90, dated September 1990, or PC–1921–57–95, dated October 1995, and any update of such reports for the purposes of this title.

(b) PRESIDENTIAL AUTHORITY.—

(1) AUTHORITY.—The President may exercise the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)) with respect to any commercial activity in the United States by a Communist Chinese military company (except with respect to authorities relating to importation), without regard to section 202 of that Act.

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to violations of any license, order, or regulation issued under paragraph (1).

SEC. ___. DEFINITION.

For purposes of this title, the term ''People's Liberation Army'' means the land, naval, and air military services, the police, and the intelligence services of the Communist Government of the People's Republic of China, and any member of any such service or of such police.

AMENDMENT NO. 2388

Add at the end the following new sections:

SEC. ___. FINDINGS.

Congress makes the following findings:

(1) The United States Customs Service has identified goods, wares, articles, and merchandise mined, produced, or manufactured under conditions of convict labor, forced labor, and indentured labor in several countries.

(2) The United States Customs Service has actively pursued attempts to import products made with forced labor, resulting in seizures, detention orders, fines, and criminal prosecutions.

(3) The United States Customs Service has taken 21 formal administrative actions in

the form of detention orders against different products destined for the United States market, found to have been made with forced labor, including products from the People's Republic of China.

(4) The United States Customs Service does not currently have the tools to obtain the timely and in-depth verification necessary to identify and interdict products made with forced labor that are destined for the United States market.

SEC. ___. AUTHORIZATION FOR ADDITIONAL CUSTOMS PERSONNEL TO MONITOR THE IMPORTATION OF PRODUCTS MADE WITH FORCED LABOR.

There are authorized to be appropriated for monitoring by the United States Customs Service of the importation into the United States of products made with forced labor, the importation of which violates section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code, $2,000,000 for fiscal year 1999.

SEC. ___. REPORTING REQUIREMENT ON FORCED LABOR PRODUCTS DESTINED FOR THE UNITED STATES MARKET.

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall prepare and transmit to Congress a report on products made with forced labor that are destined for the United States market.

(b) CONTENTS OF REPORT.—The report under subsection (a) shall include information concerning the following:

(1) The extent of the use of forced labor in manufacturing products destined for the United States market.

(2) The volume of products made with forced labor, destined for the United States market, that is in violation of section 307 of the Tariff Act of 1930 or section 1761 of the title 18, United States Code, and is seized by the United States Customs Service.

(3) The progress of the United States Customs Service in identifying and interdicting products made with forced labor that are destined for the United States market.

SEC. ___. RENEGOTIATING MEMORANDA OF UNDERSTANDING ON FORCED LABOR.

It is the sense of Congress that the President should determine whether any country with which the United States has a memorandum of understanding with respect to reciprocal trade which involves goods made with forced labor is frustrating implementation of the memorandum. Should an affirmative determination be made, the President should immediately commence negotiations to replace the current memorandum of understanding with one providing for effective procedures for the monitoring of forced labor, including improved procedures to request investigations of suspected prison labor facilities by international monitors.

SEC. ___. DEFINITION OF FORCED LABOR.

As used in sections ___ through ___ of this Act, the term ''forced labor'' means convict labor, forced labor, or indentured labor, as such terms are used in section 307 of the Tariff Act of 1930.

COMMUNICATIONS ACT AMENDMENTS

McCAIN (AND HOLLINGS) AMENDMENT NO. 2389

Mr. McCAIN (for himself and Mr. HOLLINGS) proposed an amendment to the bill (S. 1618) to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Anti-slamming Amendment Act''.

TITLE I—SLAMMING

SEC. 101. IMPROVED PROTECTION FOR CONSUMERS.

(a) VERIFICATION OF AUTHORIZATION.—Subsection (a) of section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended to read as follows:

''(a) PROHIBITION.—

''(1) IN GENERAL.—No telecommunications carrier or reseller of telecommunications services shall submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with this section and such verification procedures as the Commission shall prescribe.

''(2) VERIFICATION.—

''(A) IN GENERAL.—In order to verify a subscriber's selection of a telephone exchange service or telephone toll service provider under this section, the telecommunications carrier or reseller shall, at a minimum, require the subscriber—

''(i) to affirm that the subscriber is authorized to select the provider of that service for the telephone number in question;

''(ii) to acknowledge the type of service to be changed as a result of the selection;

''(iii) to affirm the subscriber's intent to select the provider as the provider of that service;

''(iv) to acknowledge that the selection of the provider will result in a change in providers of that service; and

''(v) to provide such other information as the Commission considers appropriate for the protection of the subscriber.

''(B) ADDITIONAL REQUIREMENTS.—The procedures prescribed by the Commission to verify a subscriber's selection of a provider shall—

''(i) preclude the use of negative option marketing;

''(ii) provide for a complete copy of verification of a change in telephone exchange service or telephone toll service provider in oral, written, or electronic form;

''(iii) require the retention of such verification in such manner and form and for such time as the Commission considers appropriate;

''(iv) mandate that verification occur in the same language as that in which the change was solicited; and

''(v) provide for verification to be made available to a subscriber on request.

''(3) ACTION BY UNAFFILIATED RESELLER NOT IMPUTED TO CARRIER.—No telecommunications carrier may be found to be in violation of this section solely on the basis of a violation of this section by an unaffiliated reseller of that carrier's services or facilities.

''(4) FREEZE OPTION PROTECTED.—The Commission may not take action under this section to limit or inhibit a subscriber's ability to require that any change in the subscriber's choice of a provider of interexchange service not be effected unless the change is expressly and directly communicated by the subscriber to the subscriber's existing telephone exchange service provider.

''(5) APPLICATION TO WIRELESS.—This section does not apply to a provider of commercial mobile service.''.

(b) LIABILITY FOR CHARGES.—Subsection (b) of such section is amended—

(1) by striking ''(b) LIABILITY FOR CHARGES.—Any telecommunications carrier'' and inserting the following:

''(b) LIABILITY FOR CHARGES.—

''(1) IN GENERAL.—Any telecommunications carrier or reseller of telecommunications services'';

(2) by designating the second sentence as paragraph (3) and inserting at the beginning of such paragraph, as so designated, the following:

''(3) CONSTRUCTION OF REMEDIES.—''; and

(3) by inserting after paragraph (1), as designated by paragraph (1) of this subsection, the following:

''(2) SUBSCRIBER PAYMENT OPTION.—

''(A) IN GENERAL.—A subscriber whose telephone exchange service or telephone toll service is changed in violation of the provisions of this section, or the procedures prescribed under subsection (a), may elect to pay the carrier or reseller previously selected by the subscriber for any such service received after the change in full satisfaction of amounts due from the subscriber to the carrier or reseller providing such service after the change.

''(B) PAYMENT RATE.—Payment for service under subparagraph (A) shall be at the rate for such service charged by the carrier or reseller previously selected by the subscriber concerned.''.

(c) RESOLUTION OF COMPLAINTS.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended by adding at the end thereof the following:

''(c) NOTICE TO SUBSCRIBER.—Whenever there is a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service, the telecommunications carrier or reseller shall notify the subscriber in a specific and unambiguous writing, not more than 15 days after the change is processed by the telecommunications carrier or the reseller—

''(1) of the subscriber's new carrier or reseller; and

''(2) that the subscriber may request information regarding the date on which the change was agreed to and the name of the individual who authorized the change.

''(d) RESOLUTION OF COMPLAINTS.—

''(1) PROMPT RESOLUTION.—

''(A) IN GENERAL.—The Commission shall prescribe a period of time for a telecommunications carrier or reseller to resolve a complaint by a subscriber concerning an unauthorized change in the subscriber's selection of a provider of telephone exchange service or telephone toll service not in excess of 120 days after the telecommunications carrier or reseller receives notice from the subscriber of the complaint. A subscriber may at any time pursue such a complaint with the Commission, in a State or local administrative or judicial body, or elsewhere.

''(B) UNRESOLVED COMPLAINTS.—If a telecommunication carrier or reseller fails to resolve a complaint within the time period prescribed by the Commission, then, within 10 days after the end of that period, the telecommunication carrier or reseller shall—

''(i) notify the subscriber in writing of the subscriber's right to file a complaint with the Commission and of the subscriber's rights and remedies under this section;

''(ii) inform the subscriber in writing of the procedures prescribed by the Commission for filing such a complaint; and

''(iii) provide the subscriber a copy of any evidence in the carrier's or reseller's possession showing that the change in the subscriber's provider of telephone exchange service or telephone toll service was submitted or executed in accordance with the verification procedures prescribed under subsection (a).

''(2) RESOLUTION BY COMMISSION.—

''(A) DETERMINATION OF VIOLATION.—The Commission shall provide a simplified process for resolving complaints under paragraph (1)(B). The simplified procedure shall preclude the use of interrogatories, depositions, discovery, or other procedural techniques that might unduly increase the expense, formality, and time involved in the process.

The Commission shall determine whether there has been a violation of subsection (a) and shall issue a decision or ruling at the earliest date practicable, but in no event later than 150 days after the date on which it received the complaint.

''(B) DETERMINATION OF DAMAGES AND PENALTIES.—If the Commission determines that there has been a violation of subsection (a), it shall issue a decision or ruling determining the amount of the damages and penalties at the earliest practicable date, but in no event later than 90 days after the date on which it issued its decision or ruling under subparagraph (A).

''(3) DAMAGES AWARDED BY COMMISSION.—If a violation of subsection (a) is found by the Commission, the Commission may award damages equal to the greater of $500 or the amount of actual damages for each violation. The Commission may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under the preceding sentence.

''(e) DISQUALIFICATION AND REINSTATEMENT.—

''(1) DISQUALIFICATION FROM CERTAIN ACTIVITIES BASED ON CONVICTION.—

''(A) DISQUALIFICATION OF PERSONS.—Subject to subparagraph (C), any person convicted under section 2328 of title 18, United States Code, in addition to any fines or imprisonment under that section, may not carry out any activities covered by section 214.

''(B) DISQUALIFICATION OF COMPANIES.—Subject to subparagraph (C), any company substantially controlled by a person convicted under section 2328 of title 18, United States Code, in addition to any fines or imprisonment under that section, may not carry out any activities covered by section 214.

''(C) REINSTATEMENT.—

''(i) IN GENERAL.—The Commission may terminate the application of subparagraph (A) to a person, or subparagraph (B) to a company, if the Commission determines that the termination would be in the public interest.

''(ii) EFFECTIVE DATE.—The termination of the applicability of subparagraph (A) to a person, or subparagraph (B) to a company, under clause (i) may not take effect earlier than 5 years after the date on which the applicable subparagraph applied to the person or company concerned.

''(2) CERTIFICATION REQUIREMENT.—Any person described in subparagraph (A) of paragraph (1), or company described in subparagraph (B) of that paragraph, not reinstated under subparagraph (C) of that paragraph shall include with any application to the Commission under section 214 a certification that the person or company, as the case may be, is described in paragraph (1)(A) or (B), as the case may be.

''(f) CIVIL PENALTIES.—

''(1) IN GENERAL.—Unless the Commission determines that there are mitigating circumstances, violation of subsection (a) is punishable by a forfeiture of not less than $40,000 for the first offense, and not less than $150,000 for each subsequent offense.

''(2) FAILURE TO NOTIFY TREATED AS VIOLATION OF SUBSECTION (A).—If a telecommunications carrier or reseller fails to comply with the requirements of subsection (d)(1)(B), then that failure shall be treated as a violation of subsection (a).

''(g) RECOVERY OF FORFEITURES.—The Commission may take such action as may be necessary—

''(1) to collect any forfeitures it imposes under this section; and

''(2) on behalf of any subscriber, to collect any damages awarded the subscriber under this section.

''(h) CHANGE INCLUDES INITIAL SELECTION.—For purposes of this section, the initiation of service to a subscriber by a telecommunications carrier or a reseller shall be treated as a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service.''.

(d) CRIMINAL PENALTY.—

(1) IN GENERAL.—Chapter 113A of title 18, United States Code, is amended by adding at the end thereof the following:

§ 2328. Slamming

''Any person who submits or executes a change in a provider of telephone exchange service or telephone toll service not authorized by the subscriber in willful violation of the provisions of section 258 of the Communications Act of 1934 (47 U.S.C. 258), or the procedures prescribed under section 258(a) of that Act—

''(A) shall be fined in accordance with this title, imprisoned not more than 1 year, or both; but

''(B) if previously convicted under this paragraph at the time of a subsequent offense, shall be fined in accordance with this title, imprisoned not more than 5 years, or both, for such subsequent offense.''.

''(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, is amended by adding at the end thereof the following:

''2328. Slamming''.

''(e) STATE RIGHT-OF-ACTION.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258), as amended by subsection (c), is amended by adding at the end thereof the following:

''(i) ACTION BY STATES.—

''(1) IN GENERAL.—The attorney general of a State, or an official or agency designated by a State—

''(A) may bring an action on behalf of its residents to recover damages on their behalf under subsection (d)(3);

''(B) may bring a criminal action to enforce this section under section 2328 of title 18, United States Code; and

''(C) may bring an action for the assessment of civil penalties under subsection (f), and for purposes of such an action, subsections (d)(3) and (f)(1) shall be applied by substituting ''the court'' for ''the Commission''.

''(2) EXCLUSIVE JURISDICTION OF FEDERAL COURTS.—The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all actions brought under this section. When a State brings an action under this section, the court in which the action is brought has pendant jurisdiction of any claim brought under the law of that State. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of this section or regulations prescribed under this section, including the requirement that the defendant take such action as is necessary to remove the danger of such violation. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

''(3) RIGHTS OF COMMISSION.—The State shall serve prior written notice of any such civil action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission shall have the right—

''(A) to intervene in the action;

''(B) upon so intervening, to be heard on all matters arising therein; and

''(C) to file petitions for appeal.

''(4) VENUE; SERVICE OF PROCESS.—Any civil action brought under this subsection in a district court of the United States may be brought in the district wherein the subscriber or defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in which the defendant is an inhabitant or where the defendant may be found.

''(5) INVESTIGATORY POWERS.—For purposes of bringing any civil action under this subsection, nothing in this section shall prevent the attorney general of a State, or an official or agency designated by a State, from exercising the powers conferred on the attorney general or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(j) STATE LAW NOT PREEMPTED.—

''(1) IN GENERAL.—Nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes more restrictive requirements, regulations, damages, costs, or penalties on changes in a subscriber's service or selection of a provider of telephone exchange service or telephone toll services than are imposed under this section.

''(2) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State or any specific civil or criminal statute of such State not preempted by this section.

''(3) LIMITATIONS.—Whenever a complaint is pending before the Commission involving a violation of regulations prescribed under this section, no State may, during the pendency of such complaint, institute a civil action against any defendant party to the complaint for any violation affecting the same subscriber alleged in the complaint.

''(k) REPORTS ON COMPLAINTS.—

''(1) REPORTS REQUIRED.—Each telecommunications carrier or reseller shall submit to the Commission, quarterly, a report on the number of complaints of unauthorized changes in providers of telephone exchange service or telephone toll service that are submitted to the carrier or reseller by its subscribers. Each report shall specify each provider of service complained of and the number of complaints relating to such provider.

''(2) LIMITATION ON SCOPE.—The Commission may not require any information in a report under paragraph (1) other than the information specified in the second sentence of that paragraph.

''(3) UTILIZATION.—The Commission shall use the information submitted in reports under paragraph (1) to identify telecommunications carriers or resellers that engage in patterns and practices of unauthorized changes in providers of telephone exchange service or telephone toll service.

''(l) DEFINITIONS.—For purposes of this section—

''(1) ATTORNEY GENERAL.—The term 'attorney general' means the chief legal officer of a State.

''(2) SUBSCRIBER.—The term 'subscriber' means the person named on the billing statement or account, or any other person authorized to make changes in the providers of telephone exchange service or telephone toll service.''.

(f) REPORT ON CARRIERS EXECUTING UNAUTHORIZED CHANGES OR TELEPHONE SERVICE.—

(1) REPORT.—Not later than October 31, 1998, the Federal Communications Commission shall submit to Congress a report on unauthorized changes of subscribers' selections

of providers of telephone exchange service or telephone toll service.

(2) ELEMENTS.—The report shall include the following:

(A) A list of the 10 telecommunications carriers or resellers that, during the 1-year period ending on the date of the report, were subject to the highest number of complaints of having executed unauthorized changes of subscribers from their selected providers of telephone exchange service or telephone toll service when compared with the total number of subscribers served by such carriers or resellers.

(B) The telecommunications carriers or resellers, if any, assessed forfeitures under section 258(f) of the Communications Act of 1934 (as added by subsection (d)), during that period, including the amount of each such forfeiture and whether the forfeiture was assessed as a result of a court judgment or an order of the Commission or was secured pursuant to a consent decree.

SEC. 102. ADDITIONAL ENFORCEMENT AUTHORITY.

Section 504 of the Communications Act of 1934 (47 U.S.C. 504) is amended by adding at the end thereof the following: ''Notwithstanding the preceding sentence, the failure of a person to pay a forfeiture imposed for violation of section 258(a) may be used as a basis for revoking, denying, or limiting that person's operating authority under section 214 or 312.''.

SEC. 103. OBLIGATIONS OF BILLING AGENTS.

(a) IN GENERAL.—Part I of title II of the Communications Act 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end thereof the following:

''SEC. 231. OBLIGATIONS OF TELEPHONE BILLING AGENTS.

''(a) IN GENERAL.—A billing agent, including a telecommunications carrier or reseller, who issues a bill for telephone exchange service or telephone toll service to a subscriber shall

''(1) state on the bill—

''(A) the name and toll-free telephone number of any telecommunications carrier or reseller for the subscriber's telephone exchange service and telephone toll service;

''(B) the identity of the presubscribed carrier or reseller; and

''(C) the charges associated with each carrier's or reseller's provision of telecommunications service during the billing period;

''(2) for services other than those described in paragraph (1), state on a separate page—

''(A) the name of any company whose charges are reflected on the subscriber's bill;

''(B) the services for which the subscriber is being charged by that company;

''(C) the charges associated with that company's provision of service during the billing period;

''(D) the toll-free telephone number that the subscriber may call to dispute that company's charges; and

''(E) that disputes about that company's charges will not result in disruption of telephone exchange service or telephone toll service; and

''(3) show the mailing address of any telecommunications carrier or reseller or other company whose charges are reflected on the bill.

''(b) KNOWING INCLUSION OF UNAUTHORIZED OR IMPROPER CHARGES PROHIBITED.—A billing agent may not submit charges for telecommunications services or other services to a subscriber if the billing agent knows, or should know, that the subscriber did not authorize the charges or that the charges are otherwise improper.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to bills to subscribers for telecommunications services sent to subscribers more than 60 days after the date of enactment of this Act.

SEC. 104. FCC JURISDICTION OVER BILLING SERVICE PROVIDERS.

Part III of title II of the Communications Act of 1934 (47 U.S.C. 271 et seq.) is amended by adding at the end thereof the following:

''SEC. 277. JURISDICTION OVER BILLING SERVICE PROVIDERS.

''The Commission has jurisdiction to assess and recover any penalty imposed under title V of this Act against an entity not a telecommunications carrier or reseller to the extent that entity provides billing services for the provision of telecommunications services, or for services other than telecommunications services that appear on a subscriber's telephone bill for telecommunications services, but the Commission may assess and recover such penalties only if that entity knowingly or willfully violates the provisions of this Act or any rule or order of the Commission.''.

SEC. 105. REPORT; STUDY.

(a) IN GENERAL.—The Federal Communications Commission shall issue a report within 180 days after the date of enactment of this Act on the telemarketing and other solicitation practices used by telecommunications carriers or resellers or their agents or employees for the purpose of changing the telephone exchange service or telephone toll service provider of a subscriber.

(b) SPECIFIC ISSUES.—As part of the report required under subsection (a), the Commission shall include findings on—

(1) the extent to which imposing penalties on telemarketers would deter unauthorized changes in a subscriber's selection of a provider of telephone exchange service or telephone toll service;

(2) the need for rules requiring third-party verification of changes in a subscriber's selection of such a provider and independent third party administration of presubscribed interexchange carrier changes; and

(3) whether wireless carriers should continue to be exempt from the requirements imposed by section 258 of the Communications Act of 1934 (47 U.S.C. 258).

(c) RULEMAKING.—If the Commission determines that particular telemarketing or other solicitation practices are being used with the intention to mislead, deceive, or confuse subscribers and that they are likely to mislead, deceive, or confuse subscribers, then the Commission shall initiate a rulemaking to prohibit the use of such practices within 120 days after the completion of its report.

SEC. 106. DISCLOSURE OF CERTAIN RECORDS FOR INVESTIGATIONS OF TELEMARKETING FRAUD.

Section 2703 (c)(1)(B) of title 18, United States Code, is amended by—

(1) by striking ''or'' at the end of clause (ii);

(2) striking the period at the end of clause (iii) and inserting ''; or''; and

(3) adding at the end the following:

''(iv) submits a formal written request relevant to a law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is in section 2325 of this title).''.

TITLE II—SWITCHLESS RESELLERS

SEC. 201. REQUIREMENT FOR SURETY BONDS FROM TELECOMMUNICATIONS CARRIERS OPERATING AS SWITCHLESS RESELLERS.

Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following: , as amended by section 103 of this Act,

''SEC. 232. SURETY BONDS FROM TELECOMMUNICATIONS CARRIERS OPERATING AS SWITCHLESS RESELLERS.

''(a) REQUIREMENT.—Under such regulations as the Commission shall prescribe, any telecommunications carrier operating or seeking to operate as a switchless reseller shall furnish to the Commission a surety bond in a form and an amount determined by the Commission to be satisfactory for purposes of this section.

''(b) SURETY.—A surety bond furnished pursuant to this section shall be issued by a surety corporation that meets the requirements of section 9304 of title 31, United States Code.

''(c) CLAIMS AGAINST BOND.—A surety bond furnished under this section shall be available to pay the following:

''(1) Any fine or penalty imposed against the carrier concerned while operating as a switchless reseller as a result of a violation of the provisions of section 258 (relating to unauthorized changes in subscriber selections to telecommunications carriers).

''(2) Any penalty imposed against the carrier under this section.

''(3) Any other fine or penalty, including a forfeiture penalty, imposed against the carrier under this Act.

''(d) RESIDENT AGENT.—A telecommunications carrier operating as a switchless reseller that is not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.

''(e) PENALTIES.—

''(1) SUSPENSION.—The Commission may suspend the right of any telecommunications carrier to operate as a switchless reseller—

''(A) for failure to furnish or maintain the surety bond required by subsection (a);

''(B) for failure to designate an agent as required by subsection (d); or

''(C) for a violation of section 258 while operating as a switchless reseller.

''(2) ADDITIONAL PENALTIES.—In addition to suspension under paragraph (1), any telecommunications carrier operating as a switchless reseller that fails to furnish or maintain a surety body under this section shall be subject to any forfeiture provided for under sections 503 and 504.

''(f) BILLING SERVICES FOR UNBONDED SWITCHLESS RESELLERS.—

''(1) PROHIBITION.—No common carrier or billing agent may provide billing services for any services provided by a switchless reseller unless the switchless reseller—

''(A) has furnished the bond required by subsection (a); and

''(B) in the case of a switchless reseller not domiciled in the United States, has designated an agent under section (d).

''(2) PENALTY.—

''(A) PENALTY.—Any common carrier or billing agent that knowingly and willfully provides billing services to a switchless reseller in violation of paragraph (1) shall be liable to the United States for a civil penalty not to exceed $50,000.

''(B) APPLICABILITY.—For purposes of subparagraph (A), the provision of services to any particular reseller in violation of paragraph (1) shall constitute a separate violation of that paragraph.

''(3) COMMISSION AUTHORITY TO ASSESS AND COLLECT PENALTIES.—The Commission shall have the authority to assess and collect any penalty provided for under this subsection upon a finding by the Commission of a violation of paragraph (1).

''(g) RETURN OF BONDS.—

''(1) REVIEW.—

''(A) IN GENERAL.—The Commission may from time to time review the activities of a telecommunications carrier that has furnished a surety bond under this section for

purposes of determining whether or not to retain the bond under this section.

''(B) STANDARDS OF REVIEW.—The Commission shall prescribe any standards applicable to its review of activities under this paragraph.

''(C) FIRST REVIEW.—The Commission may not first review the activities of a carrier under subparagraph (A) before the date that is 3 years after the date on which the carrier furnishes the bond concerned under this section.

''(2) RETURN.—The Commission may return a surety bond as a result of a review under this subsection.

''(h) DEFINITIONS.—In this section:

''(1) BILLING AGENT.—The term 'billing agent' means any entity (other than a telecommunications carrier) that provides billing services for services provided by a telecommunications carrier, or other services, if charges for such services appear on the bill of a subscriber for telecommunications services.

''(2) SWITCHLESS RESELLER.—The term 'switchless reseller' means a telecommunications carrier that resells the switched telecommunications service of another telecommunications carrier without the use of any switching facilities under its own ownership or control.

''(i) DETARIFFING AUTHORITY NOT IMPAIRED.—Nothing in this section is intended to prohibit the Commission from adopting rules providing for the permissive detariffing of long-distance telephone companies, if the Commission determines that such permissive detariffing would otherwise serve the public interest, convenience, and necessity.''.

TITLE III—SPAMMING

SEC. 301. REQUIREMENTS RELATING TO TRANSMISSIONS OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) INFORMATION TO BE INCLUDED IN TRANSMISSIONS.—

(1) IN GENERAL.—A person who transmits an unsolicited commercial electronic mail message shall cause to appear in each such electronic mail message the information specified in paragraph (2).

(2) COVERED INFORMATION.—The following information shall appear at the beginning of the body of an unsolicited commercial electronic mail message under paragraph (1):

(A) The name, physical address, electronic mail address, and telephone number of the person who initiates transmission of the message.

(B) The name, physical address, electronic mail address, and telephone number of the person who created the content of the message, if different from the information under subparagraph (A).

(C) A statement that further transmissions of unsolicited commercial electronic mail to the recipient by the person who initiates transmission of the message may be stopped at no cost to the recipient by sending a reply to the originating electronic mail address with the word ''remove'' in the subject line.

(b) ROUTING INFORMATION.—All Internet routing information contained within or accompanying an electronic mail message described in subsection (a) must be accurate, valid according to the prevailing standards for Internet protocols, and accurately reflect message routing.

(c) EFFECTIVE DATE.—The requirements in this section shall take effect 30 days after the date of enactment of this Act.

SEC. 302. FEDERAL OVERSIGHT OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) TRANSMISSIONS.—

(1) IN GENERAL.—Upon notice from a person of the person's receipt of electronic mail in violation of a provision of section 301 or 305, the Commission—

(A) may conduct an investigation to determine whether or not the electronic mail was transmitted in violation of such provision; and

(B) if the Commission determines that the electronic mail was transmitted in violation of such provision, may—

(i) impose upon the person initiating the transmission a civil fine in an amount not to exceed $15,000;

(ii) commence in a district court of the United States a civil action to recover a civil penalty in an amount not to exceed $15,000 against the person initiating the transmission;

(iii) commence an action in a district court of the United States a civil action to seek injunctive relief; or

(iv) proceed under any combination of the authorities set forth in clauses (i), (ii), and (iii).

(2) DEADLINE.—The Commission may not take action under paragraph (1)(B) with respect to a transmission of electronic mail more than 2 years after the date of the transmission.

(b) ADMINISTRATION.—

(1) NOTICE BY ELECTRONIC MEANS.—The Commission shall establish an Internet web site with an electronic mail address for the receipt of notices under subsection (a).

(2) INFORMATION ON ENFORCEMENT.—The Commission shall make available through the Internet web site established under paragraph (1) information on the actions taken by the Commission under subsection (a)(1)(B).

(3) ASSISTANCE OF OTHER FEDERAL AGENCIES.—Other Federal agencies may assist the Commission in carrying out its duties under this section.

SEC. 303. ACTIONS BY STATES.

(a) IN GENERAL.—Whenever the attorney general of a State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected because any person is engaging in a pattern or practice of the transmission of electronic mail in violation of a provision of section 301 or 305, the State, as parens patriae, may bring a civil action on behalf of its residents to enjoin such transmission, to enforce compliance with such provision, to obtain damages or other compensation on behalf of its residents, or to obtain such further and other relief as the court considers appropriate.

(b) NOTICE TO COMMISSION.—

(1) NOTICE.—The State shall serve prior written notice of any civil action under this section on the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve written notice immediately on instituting such action.

(2) RIGHTS OF COMMISSION.—On receiving a notice with respect to a civil action under paragraph (1), the Commission shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard in all matters arising therein; and

(C) to file petitions for appeal.

(c) ACTIONS BY COMMISSION.—Whenever a civil action has been instituted by or on behalf of the Commission for violation of a provision of section 301 or 305, no State may, during the pendency of such action, institute a civil action under this section against any defendant named in the complaint in such action for violation of any provision as alleged in the complaint.

(d) CONSTRUCTION.—For purposes of bringing a civil action under subsection (a), nothing in this section shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of the State concerned to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary or other evidence.

(e) VENUE; SERVICE OF PROCESS.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

(f) ACTIONS BY OTHER STATE OFFICIALS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of the State concerned.

(g) DEFINITIONS.—In this section:

(1) ATTORNEY GENERAL.—The term ''attorney general'' means the chief legal officer of a State.

(2) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marina Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and any possession of the United States.

SEC. 304. INTERACTIVE COMPUTER SERVICE PROVIDERS

(a) EXEMPTION FOR CERTAIN TRANSMISSIONS.—

(1) EXEMPTION.—Sections 301 or 305 shall not apply to a transmission of electronic mail by an interactive computer service provider unless—

(A) the provider initiates the transmission; or

(B) the transmission is not made to its own customers.

(2) CONSTRUCTION.—Nothing in this subsection may be construed to require an interactive computer service provider to transmit or otherwise deliver any electronic mail message.

(b) ACTIONS BY INTERACTIVE COMPUTER SERVICE PROVIDERS.—

(1) IN GENERAL.—In addition to any other remedies available under any other provision of law, any interactive computer service provider adversely affected by a violation of a provision of section 301 or 305 may, within 1 year after discovery of the violation, bring a civil action in a district court of the United States against a person who violates such provision. Such an action may be brought to enjoin the violation, to enforce compliance with such provision, to obtain damages, or to obtain such further and other relief as the court considers appropriate.

(2) DAMAGES.—

(A) IN GENERAL.—The amount of damages in an action under this subsection for a violation specified in paragraph (1) may not exceed $15,000 per violation.

(B) RELATIONSHIP TO OTHER DAMAGES.—Damages awarded for a violation under this subsection are in addition to any other damages awardable for the violation under any other provision of law.

(C) COST AND FEES.—The court may, in issuing any final order in any action brought under paragraph (1), award costs of suit, reasonable costs of obtaining services of process, reasonable attorney fees, and expert witness fees for the prevailing party.

(3) VENUE; SERVICE OF PROCESS.—Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant or in which the interactive computer

service provider is located, is an inhabitant, or transacts business or wherever venue is proper under section 1391 or title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

(c) INTERACTIVE COMPUTER SERVICE PROVIDER DEFINED.—In this section, the term ''interactive computer service provider'' has the meaning given the term ''interactive computer service'' in section 230(e)(2) of the Communications Act of 1934 (47 U.S.C. 230(e)(2)).

SEC. 305. RECEIPT OF TRANSMISSIONS BY PRIVATE PERSONS.

(a) TERMINATION OF TRANSMISSIONS.—A person who receives from any other person an electronic mail message requesting the termination of further transmission of commercial electronic mail shall cease the initiation of further transmissions of such mail to the person making the request.

(b) AFFIRMATIVE AUTHORIZATION OF TRANSMISSION.—

(1) IN GENERAL.—Subject to paragraph (2), a person may authorize another person to initiate transmissions of unsolicited commercial electronic mail to the person.

(2) AVAILABILITY OF TERMINATION.—A person initiating transmissions of electronic mail under paragraph (1) shall include, with each transmission of such mail to a person authorizing the transmission under that paragraph, the information specified in section 301(a)(2)(C).

(c) CONSTRUCTIVE AUTHORIZATION OF TRANSMISSIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a person who secures a good or service from, or otherwise responds electronically to, an offer in a transmission of unsolicited commercial electronic mail shall be deemed to have authorized the initiation of transmissions of unsolicited commercial electronic mail from the person who initiated the transmission.

(2) NO AUTHORIZATION FOR REQUESTS FOR TERMINATION.—An electronic mail request to cease the initiation of further transmissions of electronic mail under subsection (a) shall not constitute authorization for the initiation of further electronic mail under this subsection.

(3) AVAILABILITY OF TERMINATION.—A person initiating transmissions of electronic mail under paragraph (1) shall include, with each transmission of such mail to a person deemed to have authorized the transmission under that paragraph, the information specified in section 301(a)(2)(C).

(d) EFFECTIVE DATE OF TERMINATION REQUIREMENTS.—Subsections (a), (b)(2), and (c)(3) shall take effect 30 days after the date of enactment of this Act.

SEC. 306. DEFINITIONS.

In this title.

(1) COMMERCIAL ELECTRONIC MAIL.—The term ''commercial electronic mail'' means any electronic mail that—

(A) contains an advertisement for the sale of a product or service;

(B) contains a solicitation for the use of a telephone number, the use of which connects the user to a person or service that advertises the sale of or sells a product or service; or

(C) promotes the use of or contains a list of one or more Internet sites that contain an advertisement referred to in subparagraph (A) or a solicitation referred to in subparagraph (B).

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) The term ''initiate the transmission'' in the case of an electronic mail message means to originate the electronic mail message, and does not encompass any intervening interactive computer service whose facilities may have been used to relay, handle, or otherwise retransmit the electronic mail message, unless the intervening interactive computer service provider knowingly and intentionally retransmits, any electronic mail in violation of section 301 or 305.

FEINGOLD AMENDMENT NO. 2390

Mr. MCCAIN (for Mr. FEINGOLD) proposed an amendment to the bill, S. 1618, supar; as follows:

At the appropriate place, insert the following:

SEC. ___. ENFORCEMENT OF REGULATIONS REGARDING CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302) is amended by adding at the end the following:

''(f)(1) Except as provided in paragraph (2), a State or local government may enforce the following regulations of the Commission under this section:

''(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

''(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

''(2) Possession of a station license issued by the Commission pursuant to section 301 in any radio service for the operation at issue shall preclude action by a State or local government under this subsection.

''(3) The Commission shall provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

''(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government enforcing a regulation under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, acted outside the authority provided in this subsection.

''(B) A person shall submit an appeal on a decision of a State or local government to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government becomes final.

''(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

''(D) If the Commission determines under subparagraph (C) that a State or local government has acted outside its authority in enforcing a regulation, the Commission shall reverse the decision enforcing the regulation.

''(5) The enforcement of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

''(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.''.

FEINSTEIN AMENDMENT NO. 2391

Mr. DORGAN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1618, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. MODIFICATION OF EXCEPTION TO PROHIBITION ON INTERCEPTION OF COMMUNICATIONS.

(a) MODIFICATION.—Section 2511(2)(d) of title 18, United States Code, is amended by adding at the end the following: ''Notwithstanding the previous sentence, it shall not be unlawful under this chapter for a person not acting under the color of law to intercept a wire, oral, or electronic communication between a health insurance issuer or health plan and a subscriber of such issuer or plan, or between a health care provider and a patient, only if all of the parties to the communication have given prior express consent to such interception. For purposes of the preceding sentence, the term 'health insurance issuer' has the meaning given that term in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b), the term 'health plan' means a group health plan, as defined in such section of such Act, an individual or self-insured health plan, the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.), the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.), and the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of title 10, and the term 'health care provider' means a physician or other health care professional.''.

(b) RECORDING AND MONITORING OF COMMUNICATIONS WITH HEALTH INSURERS.—

(1) COMMUNICATION WITHOUT RECORDING OR MONITORING.—Notwithstanding any other provision of law, a health insurance issuer, health plan, or health care provider that notifies any customer of its intent to record or monitor any communication with such customer shall provide the customer the option to conduct the communication without being recorded or monitored by the health insurance issuer, health plan, or health care provider.

(2) DEFINITIONS.—In this subsection:

(A) HEALTH CARE PROVIDER.—The term ''health care provider'' means a physician or other health care professional.

(B) HEALTH INSURANCE ISSUER.—The term ''health insurance issuer'' has the meaning given that term in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b).

(C) HEALTH PLAN.—The term ''health plan'' means—

(i) a group health plan, as defined in section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b);

(ii) an individual or self-insured health plan;

(iii) the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(iv) the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(v) the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.); and

(vi) the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of title 10, United States Code.

ROCKEFELLER AMENDMENT NO. 2392

Mr. DORGAN (for Mr. ROCKEFELLER) proposed an amendment to the bill, S. 1618, supra; as follows:

At the appropriate place, insert the following:

SEC. . CONSUMER TRUTH IN BILLING DISCLOSURE ACT.

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

(1) Billing practices by telecommunications carriers may not reflect accurately the cost or basis of the additional telecommunications services and benefits that consumers receive as a result of the enactment the Telecommunications Act of 1996 (Public Law 104–104) and other Federal regulatory actions taken since the enactment of that Act.

(2) The Telecommunications Act of 1996 was not intended to allow providers of telecommunications services to misrepresent to customers the costs of providing services or the services provided.

(3) Certain providers of telecommunications services have established new, specific charges on customer bills commonly known as ''line-item charges''.

(4) Certain providers of telecommunications services have described such charges as ''Federal Universal Service Fees'' or similar fees.

(5) Such charges have generated significant confusion among customers regarding the nature of and scope of universal service and of the fees associated with universal service.

(6) The State of New York is considering action to protect consumers by requiring telecommunications carriers to disclose fully in the bills of all classes of customers the fee increases and fee reductions resulting from the enactment of the Telecommunications Act of 1996 and other regulatory actions taken since the enactment of that Act.

(7) The National Association of Regulatory Utility Commissioners adopted a resolution in February 1998 supporting action by the Federal Communications Commission and the Federal Trade Commission to protect consumers of telecommunications services by assuring accurate cost reporting and billing practices by telecommunications carriers nationwide.

(b) REQUIREMENTS.—Any telecommunications carrier that includes any change resulting from Federal regulatory action shall specify in such bill—

(1) the reduction in charges or fees for each class of customers (including customers of residential basic service, customers of other residential services, small business customers, and other business customers) resulting from any regulatory action of the Federal Communications Commission;

(2) total monthly charges, usage charges, percentage charges, and premiums for each class of customers (including customers of residential basic service, customers of other residential services, small business customers, and other business customers);

(3) notify consumers one billing cycle in advance of any charges in existing charges or imposition of new charges; and

(4) disclose, upon subscription, total monthly charges, usage charges, percentage charges, and premiums for each class of customers (including residential basic service, customers of other residential service, small business customers, and other business customers).

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

BROWNBACK AMENDMENT NO. 2393

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

Strike out section 527, and insert in lieu thereof the following:

SEC. 527. REQUIREMENTS RELATING TO RECRUIT BASIC TRAINING.

(a) ARMY.—(1) Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4319. Recruit basic training: separate housing and privacy for male and female recruits

''(a) SEPARATE HOUSING FACILITIES.—The Secretary of the Army shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(b) HOUSING PRIVACY.—The Secretary of the Army shall require that access by drill sergeants and other training personnel to a barracks floor on which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are of the same sex as the recruits housed on that floor.

''(c) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Army that constitutes the basic training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4319. Recruit basic training: separate housing and privacy for male and female recruits.''.

(b) NAVY AND MARINE CORPS.—(1) Part III of subtitle C of title 10, United States Code, is amended by inserting after chapter 601 the following new chapter:

''CHAPTER 602—TRAINING GENERALLY

''Sec.

''6931. Recruit basic training: separate housing and privacy for male and female recruits.

''§ 6931. Recruit basic training: separate housing and privacy for male and female recruits

''(a) SEPARATE HOUSING.—The Secretary of the Navy shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(b) HOUSING PRIVACY.—The Secretary of the Navy shall require that access by recruit division commanders and other training personnel to a barracks floor on which Navy recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to recruit division commanders and other training personnel who are of the same sex as the recruits housed on that floor.

''(c) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training programs of the Navy and Marine Corps that constitute the basic training of new recruits.''.

(2) The tables of chapters at the beginning of subtitle C, and at the beginning of part III of subtitle C, of such title are amended by inserting after the item relating to chapter 601 the following new item:

''602. Training Generally ..... 6931''.

(c) AIR FORCE.—(1) Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9319. Recruit basic training: separate housing and privacy for male and female recruits

''(a) SEPARATE HOUSING.—The Secretary of the Air Force shall require that during basic training male and female recruits be housed in separate dormitories or other troop housing facilities.

''(b) HOUSING PRIVACY.—The Secretary of the Air Force shall require that access by drill sergeants and other training personnel to a dormitory floor on which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are of the same sex as the recruits housed on that floor.

''(c) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Air Force that constitutes the basic training of new recruits.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''9319. Recruit basic training: separate housing and privacy for male and female recruits.''.

(d) IMPLEMENTATION.—(1) The Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force shall implement section 4319, 6931, or 9319, respectively, of title 10, United States Code (as added by this section), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

(2)(A) If the Secretary of the military department concerned determines that it is not feasible, during some or all of the period beginning on April 15, 1999, and ending on October 1, 2001, to comply with the requirement for separate housing at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of the requirement with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with the requirement for separate housing.

(B) If the Secretary of a military department grants a waiver under subparagraph (A) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

(3) In this subsection:

(A) The term ''requirement for separate housing'' means—

(i) with respect to the Army, the requirement set forth in section 4319(a) of title 10, United States Code, as added by subsection (a);

(ii) with respect to the Navy and the Marine Corps, the requirement set forth in section 6931(a) of such title, as added by subsection (b); and

(iii) with respect to the Air Force, the requirement set forth in section 9319(a) of such title, as added by subsection (c).

(B) The term ''basic training'' means the initial entry training program of an armed force that constitutes the basic training of new recruits.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Thursday, May 14, 1998 at 9:00 a.m. in SR–328A. The purpose of this meeting will be to examine the year 2000 computer problem compliance of the U.S. Department of

Agriculture, Commodity Futures Trading Commission and Farm Credit Administration.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 12, 11998, at 2:00 p.m. to hold a hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, May 12, 1998 at 9:30 a.m. on Indian gaming, focusing on lands taken into trust for purposes of gaming. The hearing will be held in room 106 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 12, 1998 at 10:30 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on ''Raising Tobacco Prices: the Consequences.''

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

ADDITIONAL STATEMENTS

A CRITICAL TIME IN THE MIDDLE EAST PEACE PROCESS

• Mr. WELLSTONE. Mr. President, as a long-time strong supporter of Israel and her security, and a fierce advocate of the Middle East peace process, I want to commend President Clinton, Secretary Albright, Ambassador Ross and Assistant Secretary Indyk for their ongoing efforts to preserve, and even reinvigorate, the stalled peace process. I was encouraged to read this morning that President Clinton has asked Secretary Albright to forgo the G–7 meeting in Germany in order to meet with Prime Minister Netanyahu while he is here this week in the United States.

While they have come under fire recently, as a Member of the Foreign Relations Committee who has for years followed closely the peace process, I believe they should be supported in their efforts to help forge a just and lasting peace for the region by helping the parties to move forward urgently on the Israeli-Palestinian track.

About a month ago 81 Senators joined in a letter to President Clinton expressing concern about the Administration's ideas for the next phase of redeployment being made public, about certain of Israel's security concerns, and about final status talks. I did not sign that letter, in part because I believe the Administration should be commended, not criticized, for sticking with this process at a critical time, and for its willingness to press for Israel's legitimate security concerns while recognizing the legitimate claims of the Palestinians.

I have watched with growing concern over the past week or so as some critics of the Administration's policy toward Israel here in Congress have launched fierce, often partisan, attacks on that policy. The Speaker, late last week, was even quoted as saying, in a press conference in which he criticized the Administration's recent handling of the peace process, that ''America's strong-arm tactics would send a clear signal to the supporters of terrorism that their murderous actions are an effective tool in forcing concessions from Israel.''

That is, simply put, Mr. President, a scandalous and demagogic accusation to level at the President, who has been engaged for over a year, along with his senior foreign policy advisors, in a vigorous effort to bring the two sides together at a critical time in the peace process, and to help bridge the gaps that exist between them by offering constructive, creative ideas for each to consider. I understand that this proposal was crafted over many months, and was designed to address many of the Israeli government's most pressing security concerns and to meet many of its criteria for evaluating real progress on these issues.

The President has repeatedly made clear that he is not trying to impose a solution on the parties, nor could he. And that he is not issuing ultimatums to anyone—as further evidenced by his willingness to have Secretary Albright reach out again to Mr. Netanyahu this week. After months of on-and-off negotiations, with U.S. envoys shuttling back and forth among the parties, the major points of disagreement have become clear, and President Clinton is now simply offering ideas for them to consider—an approach consistent with America's role at virtually every other critical point in the Middle East peace process over the years. At Camp David, in Madrid, and at subsequent major negotiations, American attempts to bridge the gaps between the parties have played a critical role in reaching final agreement. I have talked with senior American officials involved in the discussions, and remain hopeful that a final agreement will soon be reached. The parties must not miss this key opportunity to move forward in the peace process.

Over the weekend Mr. Netanyahu rejected the Administration's offer, which Mr. Arafat had accepted, to come to Washington this week for a summit to agree on terms for a further withdrawal from the West Bank, and to agree to accelerate final status talks provided for in the Oslo Agreement. I understand from news reports that alternative proposals are now being considered by the Israeli government for a 13 percent withdrawal which could happen in two stages—a substantial withdrawal immediately, followed by an additional 2–4 percent withdrawal once Mr. Arafat makes good on certain tough new security commitments he has reportedly agreed to make as a part of the overall agreement.

I understand these new arrangements include the kind of strong new Palestinian commitments to fight terrorism which the Israeli government has long been seeking, strengthening the terms of the Memorandum of Understanding negotiated at the end of last year, and providing for a test period before this phase of withdrawal is completed. That is a major victory for Israel, and should help to address legitimate Israeli concerns about the Palestinian Authority's commitment to fighting terrorism.

Now I am not an expert, and I acknowledge that I do not know all the details of the various land parcels that are being discussed. But it is clear that on the issue of land, some progress is possible. Let us not forget that the Palestinians had originally sought a 30 percent withdrawal from the West Bank, as the first in a 3-phase withdrawal to which Israel agreed—though the timing and extent of each withdrawal were not explicitly established. So the Palestinians had sought a 30 percent withdrawal, the Israelis offered just under ten percent, and the Administration has been pressing for a compromise of 13 percent. Mr. Netanyahu has reportedly now privately agreed to a withdrawal of about 11 percent.

I understand that Mr. Arafat has also agreed, as a condition for attending a Washington summit meeting with President Clinton and Mr. Arafat, to allow the next redeployment to be considered alongside final status talks, by a joint Palestinian-Israeli Committee, operating on a parallel track. The American proposal also reportedly contemplates greater flexibility on the Oslo timetable, which had been set to conclude by May 4, 1999. Each of these changes would be significant achievements for Israeli negotiators.

Let me make four points about this situation, Mr. President. First, despite all of the recent (frequently partisan) criticism of the Administration, recent polls both here and in Israel show substantial support for further progress in the peace process. And this includes polls of Jewish Americans, of which I am proud to be one. Indeed, I read about a poll last week which noted that a substantial majority of Jewish Americans polled agreed that the U.S. in this process was doing just what we should be doing—offering ideas, facilitating discussions, working with the parties on alternative formulations which could meet all of their legitimate security and other interests.

Second, let me remind my colleagues, especially those who have offered such fierce criticism of the Administration's efforts in recent days, of the need for a sense of proportion. Let me point out that the Administration is not threatening, as the Bush Administration did with settlement assistance, to cut off any kind of aid to Israel in this dispute. It is simply playing the role mediators should play in offering creative ideas, and allowing the parties to make their own decision about whether those ideas are acceptable to them.

Third, let me commend the Administration on remaining engaged in the peace process, a process for which many Israelis—including most recently Prime Minister Rabin—have given their lives. President Clinton has been a strong friend of Israel, and the Administration is right to press the parties to come to a final agreement, to offer solutions which can bridge gaps, to ensure that proposals are on the table from a neutral mediator which one side could perhaps not accept from their adversary, but could accept from a third party.

The administration has done so, I believe, because it knows that the success of these efforts is crucial to fulfilling longstanding American commitments to preserve the peace process, ensure Israel's security, enhance regional stability, and protect U.S. interests in the Middle East. Most urgently, the President recognizes that without a peaceful permanent resolution of the Israeli-Palestinian conflict, Israel's security—clearly a vital U.S. interest—can never be guaranteed. Let us not forget one thing in all of this, Mr. President: peace is the ultimate guarantor of Israel's security.

Finally, let me ask my colleagues to contemplate what could happen if the Administration did not press to preserve this process, and it collapsed—as it almost surely would without such intervention. An alternative scenario, with the peace process in a shambles—an escalation in terrorist attacks, Israel facing newly hostile Arab neighbors on all sides, and increased pressure from the Arab street for violent action against her—is frightening to consider.

Some here in Washington act as if the Israeli-Palestinian stalemate of the past fifteen months does not pose dangers for all sides. I think they are wrong. It poses very grave dangers to Israel, to the Palestinians, and to the whole region. That's why the President's approach of urging the parties to uphold their commitments, facilitating ongoing contacts and negotiations, helping each side understand the other's legitimate security and other needs, and presenting creative ideas intended to help bridge gaps between the parties, makes sense.

Senator FEINSTEIN observed on the floor last week that the Administration's attempts to facilitate an agreement between the parties efforts were ''principled, worthy efforts . . . grounded in a deep commitment to Israel's security.'' I agree with that assessment, and join her, Senator LAUTENBERG, and others in calling for restraint by my colleagues who have unfairly criticized the Administration during this difficult and sensitive time in the peace process. Of course, offering principled, thoughtful critiques of Administration foreign policy-making is a legitimate role of Congress, an important aspect of our system of checks and balances. But it is a right accompanied by a responsibility to be fair and informed.

Mr. President, the recent crisis in the peace negotiations coincides with Israel's celebration of her 50-year jubilee, an occasion of great joy for all of us who love Israel. With the founding of modern Israel, the Children of Abraham and Sara, survivors of over 2000 years of persecution and exile, were home at last and free at last. But Israel's founder David Ben-Gurion's dream, and that of his allies, was not simply to provide a safe haven from centuries of Jewish suffering. It was also about fulfilling Isaiah's prophecy of making Israel ''a light unto the nations,'' a powerful sign and symbol of justice and compassion to all peoples of the world.

Although it's fitting that we pause this year to celebrate all that the people of Israel have accomplished over these past 50 years, we must also look forward to the tasks which face her in the next millennium, chief among them the task of building a just, secure and lasting peace. It is my deepest prayer that our children and grandchildren, fifty years from this year, will be able to say with gratitude that we were the generation which overcame ancient hatreds, and enabled them to achieve a just and lasting peace which has by then embraced the entire region and all its peoples. That is a vision worthy of Israel's founder, and of all those who come after. It is a vision for which we should and must be willing to struggle, to fight for, for which all must continue to take risks.

Prime Minister Netanyahu is coming to the U.S. this week, and will be meeting with Secretary Albright. I have heard from sources both in the Administration and in Israel that the Israeli government is actually close to reaching internal agreement on a variation of the Administration's proposed plan. I hope that is true, and that all the parties will reassess their positions in light of recent developments, and agree this week to take one more important step toward resolving this longstanding and bitter dispute, thereby helping to forge a just and lasting peace for the region worthy of Israel's founders' dream.●

CREDIT UNION MEMBERSHIP

● Mr. ABRAHAM. Mr. President, I rise to support legislation protecting the 70 million Americans who belong to credit unions from being stripped of their financial security and to allow tens of millions of others, who currently are denied access to a credit union, to become members.

One of the most important financial assets our country has, Mr. President, is our extensive system of not-for-profit, community-based credit unions. Credit unions provide unique and valuable services to members, most of whom work for small businesses. Credit unions offer their members lower costs, higher returns, lower loan rates and greater convenience. They nonetheless provide important benefits to their members and crucial competition in the financial services marketplace.

But credit unions have been put in significant danger by a recent Supreme Court decision. That Court ruled that attempts by the National Credit Union Administration during the Reagan Administration to more broadly interpret the 1982 ''common bond'' requirement for membership are beyond the scope of original intent.

The Court's interpretation of this requirement could result in over 10 million Americans being forced out of their credit unions. It also means that small businesses with fewer than 500 employees—the engine of economic growth in this country—are barred from offering credit union memberships to their employees.

Clearly, in the wake of the Court's ruling, the laws pertaining to credit union membership must be modified. Credit Unions have a proud history of providing important benefits without cost to either businesses or taxpayers. In Michigan alone 4 million people avail themselves of these benefits, and they should be protected against unfair limitations on credit union membership. What is more, the growth of credit unions in America has coincided with a significant expansion of earnings for community bankers, another crucial financial services asset for our people and our economy. As reported by the ABA Banking Journal's Annual Community Banking Earnings Report, the vast majority of community bankers believe that earnings will continue expanding, seeing no threat from credit union expansion.

There is no reason, in my view, to see credit union expansion as anything but a significant benefit for our people and our economy. That is why I am supporting legislation authored by Senator D'AMATO, modelled after H.R. 1151, legislation that already has passed the House. This legislation will grant credit unions authority to add Select Employee Groups of 3,000 or less to their membership.

This legislation also sets a moderate cap on commercial loans in the interest of fairness and consensus. In my opinion, such a requirement was necessary to respond to some of the concerns raised in response to extended membership.

The critical issue, Mr. President, is whether we are going to allow credit unions to continue to provide important services at reasonable cost to a

vast and growing number of Americans, or impose new regulatory burdens on one of our economy's most important assets. I believe it is crucial that we save credit unions from undue limitations, and that this legislation will achieve that goal without harming any other industry. I urge my colleagues to support this legislation.●

FIFTH CLASS OF INDUCTEES INTO THE CONNECTICUT WOMEN'S HALL OF FAME

● Mr. DODD. Mr. President, I rise today to congratulate the fifth class of inductees into the Connecticut Women's Hall of Fame. These five women gained recognition in fields of nature, justice, the arts, and finance and represent the best of my state and of our nation.

I want to take this opportunity to speak about each of this year's inductees.

Dorrit Hoffleit, a resident of New Haven, Connecticut, has established herself as a premiere astronomer through her work as senior researcher at Yale University. For over seventy years she has studied astronomy and has received an undergraduate degree from Radcliffe in mathematics and a doctorate from Harvard. Her interest in stars began early in her childhood when she saw two stars collide.

During World War II, Professor Hoffleit worked as a mathematician at the Ballistic Research Laboratories at the Aberdeen Proving Ground in Maryland. It is here that she felt the effects of being a female in a male-dominated field. She was paid less for doing the same work as her male colleagues. In fact, despite her doctorate she still received a sub-professional ranking. However, she protested this treatment and as a result was given her due rank and ultimately transferred to Washington.

In 1956, she went on to direct the Maria Mitchell Observatory in Nantucket, Mass. Her work there helped to provide women with more substantial opportunities in astronomy. An indication of her success is that twenty-five percent of the students who worked with Professor Hoffleit have gone on to become professional astronomers.

As a member of the Yale research faculty, Professor Hoffleit has made immense academic contributions to her field. She is most renowned for her two star catalogs. Her most well known catalog, The Bright Star Catalogue, has been defined as ''the bible of virtually every stellar astronomer.''

Despite retiring from Yale over twenty years ago, Professor Hoffleit continues to go to work every day. In these past twenty years, she has not drawn a salary. She is dedicated to educating her colleagues and future astronomers, rather than promoting herself and her career. As a result of her profound selflessness and service, the effects of her efforts will be as limitless as the stars she has spent a lifetime studying.

A second inductee is Judge Constance Baker Motley. Born in New Haven, Connecticut, Judge Motley first became interested in civil rights after being denied admission into a local public beach and skating rink.

After graduating from high school, she was unable to afford college, so she worked for $50 a month refinishing furniture. She continued to be active and to voice her beliefs, despite her inability to further her education. A local philanthropist, Clarence Blakeslee, heard her speak at the Youth Council in 1939, and he was so impressed with her that he offered to pay for her education. She graduated from New York University in 1943, and three years later received her law degree from Columbia University.

After graduating from Columbia, she worked full time for the Legal Defense and Educational Fund of the NAACP, under then chief counsel Thurgood Marshall. She worked there for twenty years as a staff member and associate counsel and she was known for her impressive skill as an oral advocate. During her time at the Legal Defense and Educational Fund she argued before the Supreme Court ten times, winning nine appeals. She is renowned for her work with Thurgood Marshall and others on the landmark Brown versus Board of Education case.

Judge Motley entered politics in 1964, serving in the New York State Senate. In 1965 she became the first woman to serve as a City Borough President. During this time, she worked on ways to improve the inner-city through better housing and schools. In 1966, she became the first African-American woman to be appointed to a federal judgeship in the U.S. District Court for the Southern District of New York. As a federal judge she continued to break new ground. In 1982 she was made chief judge and in 1986 was appointed senior judge. Neither position had ever been held by a woman before her.

Judge Motley's work for justice over five decades has been responsible for some of the most extraordinary changes in American culture during our history. She has received many awards and honorary degrees for her immense contributions to civil rights and the legal profession.

A third inductee is Rosa Ponselle. Born Rosa Melba Ponzillo, she was a first generation American, the daughter of Italian immigrants who settled in Meriden, Connecticut. She began studying music and singing at age ten. Her musical break came at eighteen when she auditioned for the great opera legend, Enrico Caruso. Immediately after auditioning, she was cast in the role of Leonora in the Metropolitan Opera's staging of Verdi's ''La Forza del Destino.'' She remained loyal to the Metropolitan throughout her career, and she spent all but four seasons of her nineteen-year career performing there. In fact, she was the first American-trained singer to star at the Metropolitan.

Ms. Ponselle shocked the opera world when she retired in 1937. She dedicated the remaining forty-four years of her life to helping train and teach aspiring young operatic youths. One of her most notable students was Placido Domingo. She also served as the artistic director of the Baltimore Civic Opera Company. She died in Baltimore in May 1991.

Her voice was said to exude a blend of youthfulness and maturity and she remains an inspiration to opera students and audiences worldwide.

Lillian Vernon, another inductee, is a resident of Greenwich, Connecticut. She is the founder and CEO of Lillian Vernon Corporation. She entered the industry of mail order catalogues in the 1950's when it was dominated by industry moguls such as Richard Sears and A. Montgomery Ward. The company, which began in 1951, was one of the first to offer personalized merchandise by mail. The corporation was the first company founded by a woman to be publicly traded on the American Stock Exchange.

Ms. Vernon also does a great deal of charity work. She serves on the boards of various non-profit organizations, including the Kennedy Center, Lincoln Center, New York University's College of Arts and Science, and the Children's Museum. She has been honored for her work as a business leader and community activist. She received the Ellis Island Medal of Honor, the Big Brothers-Big Sisters National Hero Award, and the Direct Marketing Hall of Fame Award. Ms. Vernon is a remarkable entrepreneur, businesswomen, and role model.

The final inductee is Mabel Osgood Wright. She was a resident of Fairfield, Connecticut and was the founder and President of the Connecticut Audubon Society. Wright established the first bird sanctuary in the United States, naming it Birdcraft. She founded the sanctuary around the turn of the century, fearing that bird life was being gradually eradicated.

Wright saw conservation education as a key element to sustaining wildlife. She wrote many books in an effort to introduce children to nature appreciation and conservation. She published a field guide to New England birds in 1895. During this time, the Audubon movement was still young and was lacking public support. Through her involvement she helped to revive the organization on the state level. Aside from serving as President of the Connecticut Audubon Society, she served as an officer of the national group and as an editor and writer for Bird Lore magazine.

It is said that Wright was unique in the environmental movement. This is because she was a nature writer as well as a community leader and her message focused not on the protection of our national parks but the preservation of our backyards, our gardens, and our bird sanctuaries. She believed the best way to preserve nature was through teaching children how to do it.

Although she died in 1935, her message lives on at the Birdcraft Bird Sanctuary which remains a museum containing exhibits of Connecticut wildlife and providing frequent tours for school children.

All five of these inductees are richly deserving of this award. I am pleased, indeed, that their remarkable lives will now become better known to the people of Connecticut and the United States for generations to come.●

VETERANS' EQUALITY FOR TREATMENT AND SERVICES ACT OF 1998

● Mr. SPECTER. Mr. President, as Chairman of the Veterans' Affairs Committee, I have sought recognition to express my support for the Medicare subvention demonstration project legislation which has been introduced by Senator JEFFORDS. This important legislation was approved by the Senate last year as part of the Balanced Budget Act, but the measure was stricken from the final version of that legislation in conference. I hope that this year, the House will recede from its objections, and we can send this legislation, which is supported by the Administration, to the President for his signature.

This bill would begin the process of opening a new—and vitally needed—source of funding for the provision of health care services by the Department of Veterans Affairs (VA). It would grant to VA, on a demonstration project basis, the authority to collect and retain funds from Medicare—just as VA collects reimbursement funds from veterans' private insurance carriers—for the costs associated with treating Medicare-eligible veterans' non-service-connected illnesses and injuries.

The Balanced Budget Act specifies that appropriated funding for the provision of health care services by VA will be flat over the next five fiscal years. At the same time, 7.7 million World War II veterans and 4.5 million Korean War veterans—veterans who are eligible for Medicare benefits—will require extensive heath care assistance as they age. It is critical that these veterans be allowed to bring their Medicare benefits to VA so that VA might be better able to meet their needs.

This legislation will surely assist VA by providing a new revenue stream. But it will also benefit Medicare. Under the plan set out in this legislation, VA would be reimbursed at a level not to exceed 95% of the rate Medicare would otherwise pay a private hospital for care supplied to a Medicare-eligible veterans. In summary, under this legislation Medicare would receive care for its veteran beneficiaries at a discount, and VA would receive a vitally needed new source of funding.

Medicare subvention legislation is supported by all of the members of the Veterans Affairs Committee. It is supported by the Administration. All of the major veterans' service organizations have urged enactment of this legislation. And, as I previously noted, the Senate approved this legislation last year as part of the Senate-approved Balanced Budget Act.

I am pleased to add my name to this bill as a cosponsor, and I urge my colleagues to support this legislation.●

RECOGNITION OF DR. LOUIS AVIOLI

● Mr. BOND. Mr. President, on May 19, an endowed lectureship, at Washington University in my home State of Missouri, will be named in honor of Louis Avioli, M.D., for his contribution to the field of bone and mineral metabolism. Washington University and St. Louis University employ the largest group of bone research scientists in the world. Dr. Avioli is known as a legend in this field and for good reason.

Dr. Avioli is the founder of the American Society for Bone and Mineral Research (ASBMR), and is responsible for individually combining the growing research interests beginning from a large range of disciplines into what is now the top scientific society devoted to bone and mineral research. The membership of ASBMR has grown to more than 3,000 scientists and more than 5,000 attend the annual convention. Dr. Avioli has been appointed to numerous positions, been published countless times and has several honorary degrees.

With so many impressive accomplishments, it is no wonder an endowed lectureship is named in his honor. Commending Dr. Avioli for his many years of service to the field of bone and mineral metabolism, I am glad to say that the State of Missouri is enriched with his wisdom and leadership. I join the many who congratulate and thank him for his hard work and wish him continued success in future years.●

VETERANS' EQUALITY FOR TREATMENT AND SERVICES (VETS) ACT OF 1998

● Mr. HOLLINGS. Mr. President, as a supporter of the Veterans' Equality for Treatment and Services Act of 1998, introduced last Friday by Senator JEFFORDS on behalf of myself, Senator ROCKEFELLER, Senator SPECTER, and Senator MURKOWSKI, I am committed to ensuring that our aging veterans have access to quality, affordable, reliable, and convenient health services.

However, as budgets decrease so, unfortunately, do services provided. The demonstration project outlined in the VETS Act of 1998 will allow Medicare to reimburse the VA for its services without putting a strain on the Medicare trust, and will provide an additional funding source for the VA. The project authorized by this legislation will be conducted over a three-year period, at up to 12 sites across the nation, and annual Medicare spending will be capped. Safeguards will also be imposed to ensure the cap is not exceeded. This bill may even save Medicare dollars by imposing a mandatory five percent discount on its reimbursement for services provided to veterans.

Those targeted by this legislation are lower- and middle-income veterans who are no longer eligible for treatment at the VA because of its constrained resources. People like Mr. John C. Elkins, of Columbia, South Carolina, who is in his late seventies and who served over 28 years in the military. Recently, Mr. Elkins wrote this in a letter to me: ''Oh, I know some think we hang on to life and drain government resources that are being paid for by the younger workers. But I must ask you and those who question us: isn't three wars in a lifetime worth something?''

The veterans of our nation have served honorably and faithfully, often under perilous conditions, and they have sacrificed both with the loss of their lives and with their livelihoods. Thousands of veterans have experienced any number of health care problems. These veterans should have the same access to health care as all other Americans and, quite frankly, Mr. President, they deserve more for the sacrifices they have made.

Mr. President, you will remember what my good friend, the late President John F. Kennedy said in his inaugural address: ''Ask not what your country can do for you. Ask what you can do for your country.'' The men and women of the armed services, our veterans, did just that. They answered their country's call to duty, and in response they were often put in harm's way. They served 24 hours a day, seven days a week, all around the world. They continue to support and defend our nation's interests, and I believe it is time our nation supported their interests.

I urge my distinguished colleagues to join Senators JEFFORDS, ROCKEFELLER, SPECTER, MURKOWSKI, and me in supporting the VETS Act of 1998. It is among the very least that we in Congress can do to continue our support for these veterans, like Mr. Elkins, who have given so much to this country, while at the same time helping to preserve the VA medical system and the Medicare trust.●

RECOGNITION OF CFIDS AWARENESS DAY

● Mr. SANTORUM. Mr. President, I rise today to reaffirm my support for the tireless efforts of the Chronic Fatigue Syndrome Association of Lehigh Valley to fight Chronic Fatigue and Immune Dysfunction Syndrome (CFIDS), or Chronic Fatigue Syndrome (CFS).

For six years, the CFS Association of Lehigh Valley has been dedicated to finding a cure for CFIDS, increasing public awareness, and supporting victims of this disease. The Lehigh Valley organization is actively involved in

CFS-related research. In addition, they regularly participate in seminars to train health care professionals. Public education is an essential aspect of the association's mission. Likewise, the Lehigh Valley organization raises public awareness through the International CFIDS Awareness Day, which is held on May 12 each year. I would also note that the CFS Association of Lehigh Valley received the CFIDS Support Network Action Award in both 1995 and 1996 for their initiatives in public advocacy.

Although researchers have made some advances in the study of this condition, CFIDS remains a mysterious illness. Presently, there is no known cause or cure. Victims experience a wide range of symptoms including extreme fatigue, fever, muscle and joint pain, cognitive and neurological problems, tender lymph nodes, nausea, and vertigo. Recently, the Centers for Disease Control gave CFIDS ''Priority 1'' status in the new infectious disease category, which also includes cholera, malaria, hepatitis C and tuberculosis. Until this disease is obliterated, the CFS Association of Lehigh Valley will continue its research and education campaigns.

Mr. President, I urge my colleagues to join me in commending the Lehigh Valley organization and in supporting the following proclamation:

PROCLAMATION

Whereas, the Chronic Fatigue Syndrome (CFS) Association of the Lehigh Valley joined the Chronic Fatigue and Immune Dysfunction Syndrome (CFIDS) Association of America, the world's largest organization dedicated to conquering CFIDS, in observing May 12, 1998 as International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day; and

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley, a member of the Support Network of the CFIDS Association of America, is celebrating their sixth year of service to the community; and

Whereas, CFIDS is a complex illness which is characterized by neurological, rheumatological and immunological problems, incapacitating fatigue, and numerous other symptoms that can persist for months or years and can be severely debilitating; and

Whereas, estimates suggest that hundreds of thousands of American adults already have CFIDS; and

Whereas, the medical community and the general public should receive more information and develop a greater awareness of the problems associated with CFIDS. While much has been done at the national, state, and local levels, more must be done to support patients and their families; and

Whereas, research has been strengthened by the efforts of the Centers for Disease Control, the National Institutes of Health, and other private institutions, the CFS Association of the Lehigh Valley recognizes that much more must be done to encourage further research so that the mission of conquering CFIDS and related disorders can be achieved;

Therefore, the United States Senate commends the designation of May 12, 1998 as CFIDS Awareness Day and applauds the efforts of those battling the illness.

I appreciate the Senate's consideration of this issue, and I thank my colleagues for their attention.●

TRIBUTE TO DEBORAH MILLER

● Mr. LAUTENBERG. Mr. President, I am pleased to extend my congratulations to Deborah Miller on her 14 years of outstanding service to the Solomon Schecter Day School of Raritan Valley in East Brunswick, NJ, where she currently serves as Director. Deborah has decided to leave the school to pursue her own education, and I want to wish her continued success in her future endeavors.

While I'm sure that everyone at Solomon Schecter is saddened by Deborah's departure, her eagerness to earn a Ph.D. in Jewish Education at the Jewish Theological Seminary is a fitting next step in Deborah's already distinguished academic career. After finishing her undergraduate work at Barnard College, Deborah went on to earn a Masters in Jewish Education and a Day School Principals Certificate from the Jewish Theological Seminary of America.

Deborah has been a devoted educator and administrator during her many years teaching. Since her arrival at Solomon Schecter Day School 14 years ago, Deborah has done everything to develop the school and make it a complete success.

While Deborah has served as Director, the school has been nationally recognized for its excellence in education. It is particularly well known for its integration of Jewish and General Studies curricula and its ''immersion'' Jewish Studies courses in Hebrew. The school has also grown in size during Deborah's tenure. It originally taught students in pre-kindergarten through 6th grade. Now the school teaches 7th and 8th graders as well. When Deborah started, there were 180 students enrolled. Now there are 315.

As if Deborah didn't have enough to keep her busy, her extracurricular activities are equally impressive. Outside of Solomon Schecter, Deborah teaches Jewish Studies to adults in neighboring educational facilities and synagogues. She also happens to be a well-known author of children's fiction. She currently has written five books for children about Judaism. Her style is clever and fun-loving, and her books are enjoyed by all ages as a result.

Deborah's departure from Solomon Schecter Day School may be bittersweet, but she has a great deal to look forward to as she continues to learn about Jewish literature, history and the Torah. The lucky ones are not only those who have known her at Solomon Schecter, but those students who will have the privilege of being in Deborah's classroom when she returns to teaching full time.●

RECOGNITION OF DR. INEZ KAISER

● Mr. BOND. Mr. President, I rise to pay tribute to Dr. Inez Kaiser for being named 1997 National Minority Advocate of the Year. She received this prestigious award from the United States Department of Commerce's Minority in Business Development Agency (MBDA). Dr. Kaiser is president of Inez Kaiser & Associates, Inc., the oldest African-American female-owned public relations firm in the United States.

Dr. Kaiser was chosen for the award based on her forty+ years of advocacy on behalf of minority business development. In addition to her untiring efforts to expand minority roles in the business industry, she was a consultant and advisor to former Presidents Nixon and Ford on minority women's business issues and organized the first nationwide conference of Women in Business for the United States Department of Commerce. Over the years she has strived to help other minority businesses by identifying their problems and offering advice on how to address those problems. Being the only African-American female in the National Hall of Fame of Women in Public Relations, she is also the president of the National Association of Minority Women in Business.

Dr. Kaiser has set a positive example for minority business people everywhere and it is a pleasure to see her impressive accomplishments receive the recognition they deserve. My home State of Missouri is extremely fortunate to have such a shining example of success and hard work. I wish her continued prosperity and achievement in the coming years.●

PRESIDENT OF SUNY FARMINGDALE CELEBRATES TWENTY YEARS

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to Dr. Frank A. Cipriani, whose long and outstanding career as president of SUNY Farmingdale will be celebrated with much pomp on Wednesday, May 20, 1998.

Dr. Cipriani's outstanding qualities of enlightened leadership and innovation brought unprecedented success to SUNY Farmingdale. Dr. Cipriani took the school from a two year agrarian institution to a four-year college, one of the largest of the nine Colleges of Technology in the New York State University system.

His great success is readily visible on the SUNY Farmingdale Campus. Mr. Cipriani's other associations and affiliations are not as well known but are worthy of commendation. They include: Team Chairman for the Middle States Association of Colleges and Schools Evaluation; Chairman of the Board, Regional Industrial Technical Education; Member, New York Statewide Job Training Partnership Council; Member, New York State Education Department's Advisory Council on Postsecondary Education; just to name a few of the associations and affiliations that demonstrate the special concern that Dr. Cipriani has for education.

Born in New York of immigrant parents, Dr. Cipriani has been a New Yorker all of his life, with the exception of

a stint in the United States Air Force. He attended PS 14 in Corona, Queens, and Brooklyn Technical High School, and holds the A.B. degree from Queens College and the M.A. and Ph.D. Degrees from New York University.

Dr. Cipriani was an officer in the United States Air Force who achieved the rank of Captain and the rating of Navigator-Flight Instructor before receiving an honorable discharge. As a member of the American Society of Safety Engineers, he pursued his graduate studies while employed in the Engineering Department of an international insurance company. He speaks Italian and French fluently, and has been a strong advocate of international education and a strong supporter of a humanities component in technical education curricula.

Dr. Cipriani is married to Judith M. Pellathy and has four children—Maria, Frank, Michael and Dominique.

His accomplishments are varied and great and we might say that Dr. Frank A. Cipriani is the salt of the earth. He has done much for SUNY Farmingdale and for the state of New York. It is no wonder that such a fine celebration is being prepared to commemorate his twenty years of service to such a fine institution. Frank, I salute you and wish you much health and happiness in the days to come.●

''WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION''

● Mr. McCONNELL. Mr. President, last week, more than 1200 students from across the nation came to Washington, D.C. to compete in the national finals of the ''We the People . . . The Citizen and the Constitution'' program. I am proud to announce that the competing class for Kentucky represented Louisville Male High School. These young scholars worked diligently to reach the national finals by winning local competitions in the Commonwealth.

The distinguished members of the class who represented Kentucky were: Angela Adams, Perry Bacon, Katherine Breeding, Will Carle, Eric Coatley, Courtney Coffee, Brian Davis, Mary Fleming, Matt Gilbert, Amanda Holloway, Holly Jessie, Heath Lambert, Gwen Malone, Kristy Martin, Brian Palmer, Lauren Reynolds, Shane Skoner, LaVonda Willis, Bryan Wilson, Darreshia Wilson, Beth Wilson, Janelle Winfree, Treva Winlock, Jodie Zeller.

I would also like to recognize their teacher, Sandy Hoover, who deserves much of the credit for the success of the class. The state coordinators, Deborah Williamson and Jennifer Van Hoose, and the district coordinator, Dianne Meredith, also contributed a significant amount of time and effort to help the class reach the national finals.

The ''We the People . . . the Citizen and the Constitution'' program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition simulates a congressional hearing whereby students are given the opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary constitutional issues. The simulated congressional hearing consists of oral presentations by the students before panels of adult judges.

Administered by the Center for Civic Education, the ''We the People . . .'' program has provided curricular materials at upper elementary, middle, and high school levels for more than 75,000 teachers and 24 million students nationwide. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

The ''We the People . . .'' program is designed to help students achieve a reasoned commitment to the fundamental values and principles that bind Americans together as a people. The program also fosters civic dispositions or traits of public and private character conducive to effective and responsible participation in politics and government.

I want to commend these constitutional experts on their academic achievements as participants in the ''We the People . . .'' program and commend them for their great achievement in reaching the national finals.●

NEXT GENERATION INTERNET

● Mr. FRIST. Mr. President, I rise today in support of S. 1609, the ''Next Generation Internet Research Act of 1998.'' This legislation funds six agencies that are involved in creating advanced computer networking technology that will make tomorrow's Internet faster, more versatile, more affordable, and more accessible than today. The Next Generation Internet (NGI) is an advanced research program which fosters partnerships among academia, industry, and Federal laboratories to develop and experiment with technologies that will enable more powerful, flexible information networks in the 21st century. The overall objective of the program is to perform fundamental research in technologies that will accelerate the development of a high-speed, high-quality network infrastructure to support revolutionary applications.

The Internet is a prototypical success story. There are in fact, multiple dimensions to its success. It was a successful public-private collaboration. It demonstrated successful commercial application of technology developed as part of a mission-directed research program. It exhibited a successful transition of an operational system from the public to the private sector. And most importantly, it is a prime example of a successful Federal investment.

In some respects the Internet is now ''suffering'' from too much success. We are currently constrained by the capacity and capabilities of today's Internet technologies, which were not designed for either the scale or mode of its current use. Even though new applications and dramatic private investment have increased the Internet's abilities, technological bottlenecks have sprung up throughout the system.

The Next Generation Internet comes at a crucial juncture in the development of the nation's information infrastructure. During the period of NGI-sponsored research, the telecommunications backbone of the US will likely undergo a dramatic transition in which the levels of packet-based traffic will surpass that of conventional telephone traffic. The speed and degree of the impending transition is indicative of the urgency with which the NGI goals must be pursued and the results of that research transition to the commercial sector.

Recently, I had a first-hand look at some of these advanced applications. Highway 1, a non-profit organization established to educate Members of Congress and their staffs about the Internet and associated technical developments, showcased several remarkable projects. As a physician, I was intrigued by the virtual reality ''Immersion Desk'' collaboration demonstration. Using special glasses, I was able to take a guided tour of the human ear, observing its structure in three dimensions, and able to interact with the guided and the structure in ''real time''. It was immediately obvious to me the educational benefits that will evolve from putting similar devices into the hands of our nation's teachers and students. Sophisticated applications, such as the ones I witnessed at Highway 1, place heavy technical demands upon the network. However, until the Internet's infrastructure limitations have been overcome, these applications will remain outside the reach of those who benefit the most.

Some of the limitations that now impede advanced applications can be mastered through a straightforward application of the existing technology, but there is an entire class of problems that requires new approaches. I believe that our nation's research and development enterprise hold the key. The Next Generation Internet program will provide grants to our universities and national laboratories to perform the research that will surmount these technical challenges and create the technology that will energize the Internet of tomorrow.

Mr. President, I believe that passage of this legislation will continue the tradition of prudent and successful investment in science and technology. The Next Generation Internet Research Act will help ensure that the Internet reaches its maximum potential to provide greater education and economic benefits to the country.●

ORDER OF BUSINESS

Mr. McCAIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN and Mr. BROWNBACK pertaining to the submission of S. Res. 227 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

Mr. BROWNBACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

SKILLED WORKERS IMMIGRATION BILL

Mr. MCCAIN. Mr. President, I had intended to propound a unanimous consent agreement concerning S. 1723, the skilled workers immigration bill, which Senator ABRAHAM has worked on for at least a year and a half that I know of, and worked very hard. There are still some objections. I do not think those objections are major on the other side of the aisle. And since those objections would be voiced, I will not propound that unanimous consent request at this time.

I hope we can work with the other side of the aisle so that there can be an agreement on relevant amendments and we can move forward on this issue. It is a very, very important issue, as Senator ABRAHAM pointed out earlier today. We have now reached our quota of H–1B workers for the year. Our high-tech industries need workers. And this modest proposal, although an important one, would simply raise that limit by at least enough to get these high-tech industries through this year.

I understand the concerns on the other side of the aisle about this bill, and yet I believe that we could address those through the amending process. So it would be our intention tomorrow to try and work out any concerns there might be and move forward tomorrow with the legislation.

Mr. President, as soon as the staff is ready, it will be my intention to move to adjourn.

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. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AUTHORIZING THE PRINTING OF A DOCUMENT ENTITLED ''WASHINGTON'S FAREWELL ADDRESS''

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 228, submitted earlier today by Senators WARNER and FORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 228) to authorize the printing of a document entitled ''Washington's Farewell Address.''

The Senate proceeded to consider the resolution.

Mr. MCCAIN. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The resolution (S. Res. 228) was agreed to as follows:

S. RES. 228

Resolved, That the booklet entitled, ''Washington's Farewell Address'', prepared by the Senate Historical Office under the direction of the Secretary of the Senate, be printed as a Senate document.

SEC. 2. The Senate document described in Section 1 shall include illustrations and shall be in the style, form, manner, and printing as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed 600 additional copies of the document specified in Sec. 1 for the use of the Secretary of the Senate.

COMMEMORATING THE 150TH ANNIVERSARY OF THE ESTABLISHMENT OF THE CHICAGO BOARD OF TRADE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 229 introduced earlier today by Senators MOSELEY-BRAUN and DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 229) commemorating the 150th anniversary of the establishment of the Chicago Board of Trade.

The Senate proceeded to consider the resolution.

Ms. MOSELEY-BRAUN. Mr. President, this year, the Chicago Board of Trade is celebrating its 150th anniversary. Its an anniversary well worth celebrating, and not just in Chicago, but all across our country, because the vibrant, creative marketplace the Chicago Board of Trade created has meant a lot to all of us.

Whether we are in the food production and distribution system, or not; whether we participate in our nation's financial markets or not, we have all benefitted from the agricultural and financial marketplace the Chicago Board of Trade first established 150 years ago. Food prices in the United States are lower than they otherwise would be because of the Board of Trade. Interest rates on federal securities—and, therefore, all interest rates that are related to rates on Treasury securities—are lower than they otherwise would be because of the Chicago Board of Trade. The existence of this extremely efficient, vital marketplace has saved us all money, whether we have ever purchased a futures contract or not.

It is not by accident that this market is located in Chicago. Due to its central location, access to waterways and proximity to farmland, Chicago is the natural crossroads of commerce in the United States. Before the Board was created, however, problems of supply and demand, transportation, and storage created chaos in the agricultural marketplace. The solution was simple but ingenious. Eighty-two Chicago merchants came together to establish a price discovery mechanism to insure against volatile grains prices. The exchange began modestly—even giving a free lunch to guarantee the attendance of traders—but the concept caught on rapidly and spawned the global multi-billion dollar futures industry we know today.

Belying its age, the Chicago Board of Trade remains energetic and eternally innovative. In the past ten years, the Board has introduced over 100 new products. Four years ago, the Board launched Project A, their global overnight electronic trading system, that has enjoyed tremendous success and will soon be expanded. This year, the Board of Trade will launch the Chicago Board Brokerage, a new electronic trading system for the trading of cash US Treasury securities.

The success of the Board of Trade has not only created huge benefits for our nation generally, it has also contributed enormously to the economy of Chicago. Chicago's two future exchanges have created over 150,000 jobs, and put over $10 billion each night in the city's banks.

Moreover, the Board has also made major aesthetic contributions to Chicago. In a city world-renowned for its architecture, the beautiful Board of Trade structure stands out as a major example of late Art Deco style—and one of Chicago's treasured landmarks.

The Chicago Board of Trade is a shining example of what a little ingenuity and Midwest common sense can accomplish. The resolution my good friend from Illinois, Senator DURBIN, and I are today introducing, congratulates the Board for 150 years of real accomplishment, and salutes the Board for demonstrating the kind of leadership that will ensure that their markets are as dynamic and useful to everyone involved in agricultural and our financial system—and to our economy generally—over the next 150 years. The Chicago Board of Trade richly deserves to be celebrated, and I urge all of my Colleagues to work with Senator DURBIN and I to ensure that this resolution

receives prompt and favorable consideration by the Senate.

Mr. President, I ask unanimous consent that the editorials from the Chicago Tribune and Chicago Sun-Times be printed in the RECORD.

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

[From the Chicago Tribune, Apr. 3, 1998]

CBOT LOOKS BACK AND FORWARD AT 150

As the City of Chicago grew up out of the prairie grasses and farmlands of the American Midwest in the latter half of the 19th Century, the Chicago Board of Trade grew with it. Some would say it was the other way around: The city grew as its status as a trade center grew. They wouldn't be wrong.

The first ''skyscrapers'' to dominate this particular landscape were giant grain silos, erected to hold the millions of bushels of grain pouring into the city from the west and south. The silos are long gone, but the Board of Trade, which celebrates its 150th anniversary this year, remains a vibrant center of commerce linking the buyers and sellers of the world.

Founded by 82 Chicago merchants in 1848, CBOT made its mark by revolutionizing how grain was stored and sold. It standardized a method of weighing and grading grains so that all grain of a particular grade could be stored together. The seller was given a receipt for the grain he brought in, and that receipt was sold to the buyer, who redeemed it for the stated amount and grade of grain.

Of course, it didn't take long for traders to figure out they could make a bundle if they contracted at this month's wheat prices to deliver a load of wheat next month—if the price of wheat were to drop next month. Then they could buy it at next month's low price and sell it for this month's higher price.

Thus was born the futures market, a centralized marketplace for sellers and buyers of grain that replaced the cumbersome method of exchanging specific loads of grain. From those origins have sprouted the world's largest futures exchange, now making markets in everything from soybeans to U.S. Treasury bonds to the Dow Jones industrial average.

Just as in the last century development of the railroads and telegraph helped CBOT reach beyond the Midwest, the modern Board of Trade is using cutting-edge technology to forge links with trading partners worldwide. In 1995, it became the first futures exchange to open a commercial service on the Internet, and since then it has established an electronic system for overnight trades.

This year CBOT has entered into a cooperative agreement with Eurex, its Swiss-German counterpart, and plans are in the works to add a partner in Asia. Eventually, traders on the after-hours electronic system will be able to access those international markets from a single screen.

That's a long way from a bunch of grain merchants exchanging slips of paper and shouting prices in a cloud of wheat dust. But a remnant of that history lives on even at the board's new multimillion-dollar trading floor, where ''open outcry'' trading still rules during normal trading hours.

It's a charming, chaotic anachronism—a link to the last century that cannot long endure into the next if the Chicago Board of Trade is to maintain its pre-eminent place in global commerce.

[From the Chicago Sun-Times, Apr. 3, 1998]

150 YEARS OF SUCCESS

What has been here as long as Chicago's first railroad? What arrived here with the first telegraph line and the digging of the Illinois and Michigan Canal?

What, despite its age, is so healthy and vital that it is one of the city's biggest economic engines, generating 150,000 jobs and producing $35 billion in bank deposits? And what is so uniquely successful that cities around the world are trying to copy it?

Obviously we are not talking about the Cubs or the White Sox. Not even the world famous Michael Jordan can claim this kind of impact. The answer is the Chicago Board of Trade, which today celebrates the 150th anniversary of its founding.

A far cry from the striking and historic edifice it now occupies at the foot of La Salle Street, the exchange began in 1848 when 83 grain merchants met in rooms over a Water Street flour shop to discuss a creative idea: How to protect themselves against the risks of ever-changing grain prices.

Their idea caught on as Chicago rapidly became an agricultural and shipping hub. Simply put, the exchange offered traders a chance to buy or sell grain for a certain price at a later date. For some, it offered the security of a hedge against troublesome price fluctuations; for others it offered a chance for lucrative profits.

It was pure Chicago—innovative, risky, boisterous, expansive, entrepreneurial and gritty. And it grew with the city, from a handful of corn, soybean and other grain contracts to imaginative trading in everything from precious metals, stock options and interest rate futures to pollution emission allowances and, most recently, the Dow Jones Industrial Average index. That growth and its impact on Chicago and the world are detailed in today's Business section on Page 58.

Its growth has not been without problems. The city's leadership in this form of ''risk management'' is threatened by copycats, such as markets in Britain and other countries where the freewheeling spirit that gave Chicago its start is alive and well and functioning without some questionable U.S. regulations. A 1995 London Business School study, for example, found that the cost of U.S. regulation is 57 percent higher than in Britain. Furthermore, the Chicago exchanges find themselves forever fending off proposals for new taxes and restrictions on futures and options.

No one should fool himself into thinking such restrictions would affect only a single, high-flying industry. Consider: While banking employment was declining nationally from 1986 to 1994, it grew 10 percent in Chicago. Thank Chicago's exchanges, such as the Board of Trade, whose huge volumes created the need for nearby banks, outfits from New York, Europe and Asia—72 foreign banks in all—with their high-paying jobs.

The Sun-Times, this year celebrating its 50th anniversary, can admire this kind of longevity, especially when it has meant for this community continuing prosperity and opportunity for so many. Congratulations, CBOT.

Mr. DURBIN. Mr. President, I rise today to pay tribute to the Chicago Board of Trade, the most influential marketplace for futures trading in the world, on the 150th anniversary of its establishment. I am pleased to join my colleague, Senator CAROL MOSELEY-BRAUN, in introducing a resolution commemorating this momentous occasion.

On April 3, 1848, 83 merchants who realized that the grain trade was growing rapidly, came together to form a marketplace for grains and livestock. Thus, the world's largest futures and options trading facility was born, bringing buyers and sellers from all walks of life together under one roof for the first time.

With the birth of the Chicago Board of Trade came a financial industry which has spread around the world over the last 150 years. The Chicago Board of Trade has been a vital part of Chicago since the first railroad, telegraph lines, and the digging of the Illinois and Michigan Canal. The Board has weathered through a Civil War, the great Chicago fire, The Great Depression, World War I and II, and countless other struggles.

The Chicago Board of Trade is a powerful economic engine that generates 150,000 jobs throughout the Chicagoland area and also produces $35 billion in bank deposits each year. Over the years, the Chicago Board of Trade has grown beyond grain and livestock, and has branched out into soybean futures, corn options, and wheat options. Last year, the Chicago Board of Trade set the record for the trading of soybean futures traded. The Chicago Board of Trade also established records for the trading soybean meal, and soybean oil.

Mr. President, it has been a long time since the days when prices were shouted through a cloud of dust on the floor of the Chicago Board of Trade. The Board has relocated several times throughout its 150 years. Currently, the Board is located in downtown Chicago. The base of the building spans an entire city block, and is a Chicago landmark.

Mr. President, I would like to take this opportunity to congratulate the Chicago Board of Trade on 150 years of bringing economic vitality to Chicago, the State of Illinois, and the world.

Mr. McCAIN. I ask unanimous consent that the resolution and preamble be agreed to, en bloc, and the motion to reconsider be laid upon the table, and any statements relating thereto be placed in the RECORD at the appropriate place as if read.

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

The resolution (S. Res. 229) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 229

Whereas the Chicago Board of Trade, which celebrates in April 1998 the 150th anniversary of its establishment, has been an essential contributor to financial growth in Chicago, Illinois, and our Nation;

Whereas futures markets were developed by finance pioneers in Chicago and today Chicago remains the commercial crossroads of the world;

Whereas the Chicago Board of Trade, the oldest and largest futures and options exchange, continues its tradition of innovation, functioning as a global financial leader;

Whereas the Chicago Board of Trade's 150 years of accomplishments include such major achievements as inventing grain futures, founding the world's premier trade clearing system, launching the first stock

options exchange, developing the first interest rate futures, advancing the use of technology with its electronic trading system, and constructing the largest and most technologically advanced trading floor in the world;

Whereas the Chicago Board of Trade and its members have achieved success while adhering to the highest standards of uncompromising integrity; and

Whereas the Chicago Board of Trade will continue as a world-leading financial institution into the next millennium: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Chicago Board of Trade and the city of Chicago, Illinois, on the 150th anniversary of the establishment of the exchange; and

(2) expresses its wishes for continued years of innovation, service, and leadership by the Chicago Board of Trade into the next millennium.

HONORING THE SESQUICENTENNIAL OF WISCONSIN STATEHOOD

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 360, S. Con. Res. 75.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 75) honoring the sesquicentennial of Wisconsin statehood.

The Senate proceeded to consider the concurrent resolution.

Mr. McCAIN. I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place as if read.

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

The concurrent resolution (S. Con. Res. 75) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 75

Whereas the land that comprises the State of Wisconsin has been home to numerous Native American tribes for many years;

Whereas Jean Nicolet, who was the first known European to land in what was to become Wisconsin, arrived on the shores of Green Bay in 1634;

Whereas Father Jacques Marquette and Louis Joliet discovered the Mississippi River, one of the principal waterways of North America, at Prairie du Chien on June 17, 1673;

Whereas Charles de Langlade founded at Green Bay the first permanent European settlement in Wisconsin in 1764;

Whereas, before becoming a State, Wisconsin existed under 3 flags, becoming part of the British colonial territory under the Treaty of Paris in 1763, part of the Province of Quebec under the Quebec Act of 1774, and a territory of the United States under the Second Treaty of Paris in 1783;

Whereas on July 3, 1836, the Wisconsin Territory was created from part of the Northwest Territory with Henry Dodge as its first governor and Belmont as its first capital;

Whereas the city of Madison was chosen as the Wisconsin Territory's permanent capital in the fall of 1836 and construction on the Capitol Building began in 1837;

Whereas, pursuant to legislation signed by President James K. Polk, Wisconsin joined the United States as the 30th state on May 29, 1848;

Whereas members of Native American tribes have greatly contributed to the unique culture and identity of Wisconsin by lending words from their languages to the names of many places in the State and by sharing their customs and beliefs with others who chose to make Wisconsin their home;

Whereas the Wisconsin State Motto of ''Forward'' was adopted in 1851;

Whereas Chester Hazen built Wisconsin's first cheese factory in the town of Ladoga in 1864, laying the groundwork for one of the State's biggest industries;

Whereas Wisconsin established itself as a leader in recognizing the contributions of African Americans by being the only State in the union to openly defy the Fugitive Slave Law;

Whereas the first recognized Flag Day celebration in the United States took place at Stony Hill School in Waubeka, Wisconsin, on June 14, 1885;

Whereas Wisconsin has sent 859,489 of its sons and daughters to serve the United States in the Civil War, the Spanish-American War, World War I, World War II, Korea, Vietnam, the Persian Gulf, and Somalia;

Whereas 26,653 Wisconsinites have lost their lives serving in the Armed Forces of the United States;

Whereas Wisconsin allowed African Americans the right to vote as early as 1866 and adopted a public accommodation law as early as 1895;

Whereas on June 20, 1920, Wisconsin became the first State to adopt the 19th Amendment, granting women the right to vote;

Whereas in 1921 Wisconsin adopted a law establishing equal rights for women;

Whereas Wisconsin celebrated the centennial of its statehood on May 29, 1948;

Whereas many Wisconsinites have served the people of Wisconsin and the people of the United States and have contributed to the common good in a variety of capacities, from inventor to architect, from furniture maker to Cabinet member, from brewer to Nobel Prize winner;

Whereas the State of Wisconsin enjoys a diverse cultural, racial, and ethnic heritage that mirrors that of the United States;

Whereas May 29, 1998, marks the 150th anniversary of Wisconsin statehood; and

Whereas a stamp commemorating Wisconsin's sesquicentennial will be issued by the United States Postal Service on May 29, 1998: Now, therefore, be it

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

(1) honors the proud history of Wisconsin statehood; and

(2) encourages all Wisconsinites to reflect on the State's distinguished past and look forward to the State's promising future.

SEC. 2. TRANSMITTAL OF CONCURRENT RESOLUTION.

Congress directs the Secretary of the Senate to transmit an enrolled copy of this concurrent resolution to each member of the Wisconsin Congressional Delegation, the Governor of Wisconsin, the National Archives, the State Historical Society of Wisconsin, and the members of the Wisconsin Sesquicentennial Commission.

NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 336, S. Res. 201.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 201) to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

The Senate proceeded to consider the resolution.

Mr. McCAIN. I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place as if read.

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

The resolution (S. Res. 201) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 201

Whereas the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas peace officers are the front line in preserving our childrens' right to receive an education in a crime-free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 159 peace officers lost their lives in the performance of their duty in 1997, and a total of 13,734 men and women have now made that supreme sacrifice;

Whereas every year 1 in 9 officers is assaulted, 1 in 25 is injured, and 1 in 4,400 is killed in the line of duty; and

Whereas, on May 15, 1998, more than 15,000 peace officers are expected to gather in our nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved, That May 15, 1998, is hereby designated as ''National Peace Officers Memorial Day'' for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

ORDERS FOR WEDNESDAY, MAY 13, 1998

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 13th. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate resume

consideration of the motion to proceed to S. 1873, the missile defense bill.

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

Mr. McCAIN. I further ask unanimous consent that the time between 9:30 a.m. and 11:30 a.m. be equally divided for debate on the motion to proceed. Further, I ask unanimous consent that following the debate, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to the missile defense bill.

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

Mr. McCAIN. 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. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCAIN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Wednesday, May 13, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 12, 1998:

DEPARTMENT OF STATE

PAUL L. CEJAS, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

CYNTHIA PERRIN SCHNEIDER, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CHARLES T. ROBERTSON, JR., 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WALTER S. HOGLE, JR., 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN L. WOODWARD, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GREGORY S. MARTIN, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN B. SAMS, JR., 0000.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be Vice Admiral

REAR ADM. CHARLES W. MOORE, JR., 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ROBERT J. NATTER, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. THOMAS B. FARGO, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WALTER F. DORAN, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ARTHUR K. CEBROWSKI, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DENNIS V. MCGINN, 0000.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MICHAEL E. FINLEY, 0000.
CAPT. GWILYM H. JENKINS, JR., 0000.
CAPT. JAMES A. JOHNSON, 0000.

EXTENSIONS OF REMARKS

INTERNATIONAL CHRONIC FATIGUE AND IMMUNE DYSFUNCTION SYNDROME AWARENESS DAY

HON. PAUL McHALE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. McHALE. Mr. Speaker, I would like to take this opportunity to honor and recognize May 12, as International Chronic Fatigue and Immune Dysfunction Syndrome (CFIDS) Awareness Day. The following proclamation was presented to the Chronic Fatigue Syndrome Association of the Lehigh Valley, Pennsylvania:

PROCLAMATION—INTERNATIONAL CHRONIC FATIGUE AND IMMUNE DYSFUNCTION SYNDROME AWARENESS DAY

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley joins The CFIDS Association of America, the world's largest organization dedicated to conquering CFIDS, in observing May 12, 1998 as International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day; and

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley is celebrating its sixth year of service to the CFIDS community; and

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley recently received CFIDS Support Network Action Awards for excellence in service in the area of CFIDS Awareness Day in 1996 and for excellence in commitment and service to the CFIDS Community in the area of public policy in 1995; and,

Whereas, chronic fatigue and immune dysfunction syndrome (CFIDS), also known as chronic fatigue syndrome, is a complex illness which affects many different body systems and is characterized by neurological, rheumatological and immunological problems, incapacitating fatigue and numerous other symptoms that can be severely debilitating; and,

Whereas, conservative estimates suggest that hundreds of thousands of American adults and children have CFIDS; and

Whereas, it is imperative that education and training of health professionals regarding CFIDS be expanded, that further research be encouraged, and that public awareness of this serious health problem be increased.

Now, Therefore, Congressman PAUL MCHALE does recognize May 12, 1998 as International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day, commends the Chronic Fatigue Syndrome Association of the Lehigh Valley on its Sixth Anniversary and pays tribute to its efforts to conquer CFIDS on behalf of those battling this disabling illness.

Signed and Sealed this Twelfth Day of May, One Thousand Nine Hundred and Ninety-eight.

IN HONOR OF JOHN GANGONE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to honor John Gangone, who has been chosen as an honoree for the School Settlement Testimonial Dinner, in Brooklyn, New York, along with his brother, Vincent.

John Gangone, the co-owner of a surgical supply store, has lived for over thirty years in the Greenpoint/Williamsburg section of Brooklyn. After graduating from St. John's University with a degree in business, Mr. Gangone worked briefly for a local industrial real estate firm as an associate broker, and then went on to work for the New York City Division of Housing Preservation and Redevelopment. Although he enjoyed these positions, neither provided the interaction with his own neighborhood that John treasured.

It was at this point that John Gangone, along with his brother, Vincent, pursued his dream and established Salerno Surgical Supplies. The name Salerno was borrowed from the Italian hometown of their parents, Nicola and Anna Gangone.

Mr. Gangone, a successful business and family man, also devotes much of his time to the Greenpoint community. He serves on the board of directors of the St. Nicholas Preservation Corporation, an organization within the community that promotes and manages housing and special programs for the neighborhood's youth and elderly. He is also an active member of the St. Cono Di Teggiano Catholic Association, where he has served as treasurer, advisor, and, currently, as committee chairman for the organization's 25th anniversary.

Mr. Gangone is also a member of the New York State Fraternal Order of Police and the New York City Police Athletic League. In addition, he holds a New York State license as a real estate broker, insurance broker, and a certified real estate appraiser.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Mr. John Gangone of Brooklyn, New York. He is a dedicated member of the Greenpoint/Williamsburg community, which he has selflessly served for many years in a variety of capacities. I am proud to count him among my constituents.

HONORING BROOKLYN UNION GAS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. TOWNS. Mr. Speaker, I rise today in joining the National Energy Resources Organization in commending the exciting efforts of Brooklyn Union Gas in fostering national energy activities.

The National Energy Resources Organization, NERO, was formed as a non-profit organization whose purpose is to bring together representatives of U.S. industry and government officials so that information can be disseminated and new applications of energy resources may be created. Specifically, NERO has also been committed to educating the public about the advances made in energy technology and its application for modern energy technology for the benefit of mankind. NERO recently recognized Brooklyn Union for its effort in achieving all of these goals with its Research and Development Award.

Brooklyn Union has worked diligently to make fuel cells a clean and efficient means of generating electricity for industrial and commercial customers. While working with International Fuel Cells, Brooklyn Union has been actively involved with fuel cell development for more than 25 years. Its program has centered around demonstrating the environmental benefits and energy-efficiency of fuel cells for industrial and commercial applications, particularly in facilities that need reliable, continuous sources of power.

Mr. Speaker, please join me in honoring Brooklyn Union for all of its achievements and hard work in fuel cell units.

NATIONAL COMMUNITY ACTION WEEK, MAY 3, 1998 TO MAY 9, 1998

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the Paterson Task Force for Community Action, Inc.

The Paterson Task Force is one of 27 Community Action Agencies in the State of New Jersey. From Sunday, May 3, 1998 to Saturday, May 9, 1998 the Paterson Task Force will be observing National Community Action Week with a series of activities designed to help lower income people in the City of Paterson.

The Paterson Task Force has increasingly assumed duties connected to maintaining the self-sufficiency of those who are unable to maintain themselves without public assistance. Members of the Paterson Task Force are also increasingly devoting themselves to helping move those already on public assistance to self-sufficiency and other non-welfare means of support.

The Paterson Task Force has served the Paterson community since 1964 in providing child care, housing, employment and training, and emergency assistance services. The task Force will continue to expand and improve these services to all low-income residents of the Paterson community.

Mr. Speaker, I ask that you join me, our colleagues, members of the Paterson Task Force for Community Action, the City of Paterson, and the State of New Jersey in recognizing

the momentous occasion that is ''National Community Action Week,'' from Sunday, May 3, 1998 to Saturday, May 9, 1998. This proclamation is truly benefitting of the dedication and accomplishments of the members of the Paterson Task Force.

IN HONOR OF THE 15TH ANNIVERSARY OF THE GEORGE FEDOR MANOR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 15th anniversary of one of the focal points in southeast Lakewood, Ohio, the George Fedor Manor.

This eleven-story apartment complex for the elderly provides residents with low-cost Section 8 housing and a breathtaking view of Lake Erie, the Gold Coast and downtown Cleveland. After attending the 75th anniversary of the founding of S.S. Cyril and Methodius Church, a group of parishioners decided that the large number of elderly people living in southeast Lakewood needed conveniently located, low-cost housing. The building's namesake, George Fedor, wanted to give something back to his community and was instrumental in arranging support for the project. He is a lifelong resident of Lakewood and a dedicated parishioner of S.S. Cyril and Methodius Catholic Church, and he understood the needs of this area of Lakewood.

Under the sponsorship of S.S. Cyril and Methodius Church and the leadership of George Fedor, and with funds from the Department of Housing and Urban Development and the City of Lakewood, the complex was finished in May, 1983. Fifteen years later, the building continues to provide senior citizens and handicapped individuals with comfortable and affordable housing in a prime Lakewood location.

My fellow colleagues, please join me in honoring the perseverance of those who recognized a community's need for low-cost housing for senior citizens and have worked tirelessly to see that The George Fedor Manor has filled that need for fifteen years.

IN HONOR OF ANTHONY SUMMA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to honor Anthony Summa of Williamsburg, Brooklyn, who has been chosen as an honoree for the School Settlement Testimonial Dinner.

Anthony Summa graduated from Stuyvesant High School and earned a B.S. from New York University in 1953. Shortly after graduation he was drafted into the Army and carried out a twenty-month tour in Europe. Upon his discharge and return to New York, Anthony was employed by Alexander's Department Stores as a manager.

Mr. Summa then became involved in banking, first at Citibank as a senior examiner and at the largest bank in New Jersey, First National State Bank. He then joined Irving Trust Company where he rose to the honorable position of vice president and deputy auditor. Mr. Summa is now chairman of Cross County Federal Savings Bank.

Mr. Summa remains active in his parish. Our Lady of Mt. Carmel Church, where he has served as usher, lecturer, trustee, member of the Parish Finance Committee, past president of the Parish Council, and as chairman of the Mt. Carmel Parish Centennial.

Mr. Summa is also a past president of the Holy Name Society, a Fourth Degree member of the Knights of Columbus where he is a council recorder and community committee chairman. In addition, Mr. Summa is president of the Daughters & Sons of Italian Heritage Lodge of the Order Sons of Italy in America, as well as treasurer of the New York State Commission for Social Justice, which is an anti-defamation branch of the order.

Mr. Speaker, I ask my colleagues to rise with me in this tribute to Anthony Summa of Brooklyn, New York as he receives this award for his dedication to his community. I am proud to have Mr. Summa as an active member of my district.

THE AMERICAN GI FORUM FEDERAL CHARTER ACT OF 1998

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. RODRIGUEZ. Mr. Speaker, I rise today, on behalf of myself and a number of my colleagues to introduce a bill to grant a federal charter to the American GI Forum (AGIF), a National Veterans Family Organization. I am proud to join an effort which is being advanced by the distinguished Chairman of the Senate Judiciary Committee and his colleagues who have filed identical legislation, S. 1759.

The American GI Forum was founded on March 26, 1948, in Corpus Christi, Texas by the late Dr. Hector P. Garcia, a medical doctor and Army veteran of World War II. This year, the AGIF celebrates its 50th year of service to our Nation's veterans and their families. Today, the AGIF has over 100,000 members in 500 chapters across 32 states and Puerto Rico. Though predominately Hispanic the AGIF is an inter-racial organization open to all veterans and their families.

This is not the first time the AGIF has sought a federal charter. At least as early as the 1960's, in an era when Hispanic veterans were facing exclusion and discrimination, AGIF approached Congress for a federal charter. At that time, as now, the AGIF had the broad-based national and patriotic characteristics which would have entitled it to a federal charter. While numerous groups with similar stature as the AGIF were almost routinely given charters, the American GI Forum was effectively left out.

As the American GI Forum enters its 50th year, we believe it is fitting to secure passage of this important legislation which would finally grant the American GI Forum a federal charter. A federal charter is an honorary recognition that does not convey any special rights or authority. However, within the veteran community, a federal charter is deemed to be recognition of a national veteran organization's commitment and service to our nation's veterans. Other entities sometimes distinguish between Veterans Service Organizations (VSOs) which are congressionally-chartered and those which are not. For example, the Department of Veterans Affairs publishes a directory of VSOs, in which it separately lists groups based upon whether or not they are chartered.

The Hispanic community is among the most patriotic in America, historically ready to answer the call to service. Having earned the highest number of medals of honor per capita, Hispanic Americans have a distinguished record of valor and patriotism. There are over 1,000,000 Hispanic veterans alive today. On behalf of my colleagues and myself, I urge you to join us in sponsoring this legislation to grant a federal charter to this deserving organization.

TRIBUTE TO LAWRENCE R. CODEY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Lawrence R. Codey of Spring Lake, New Jersey. Larry is President and Chief Operating Officer of Public Service Electric & Gas Company.

Larry was born and raised in Montclair. After graduating from St. Peter's College in Jersey City in 1966, he attended Seton Hall University's School of Law and was awarded his J.D. degree in 1969. Following admission to the New Jersey Bar, Larry entered military service, attained the rank of Captain, and spent one year of service in Vietnam.

Larry joined Public Service Electric & Gas (PSE&G) in 1973 and was named Corporate Rate Counsel two years later. In 1983 he was elected Vice-President. In 1987 he was elected Senior Vice President, Electric and in September 1991, was elected President and Chief Operating Officer of PSE&G and Director of the Public Service Enterprise Group, Inc. He was also appointed that year to the U.S. Environmental Protection Agency's Clean Air Act Advisory Committee. Recently, Larry became a spokesman on the environmental impact of energy deregulation and, in 1997, he spoke before the National Governors Association on the subject.

Larry serves as Director on the Boards of the Trust Company of New Jersey; United Water Resources, Inc.; Blue Cross and Blue Shield of New Jersey; Sealed Air Corporation; the Regional Business Partnership; the Chamber of Commerce of the Metro Newark Region, Inc.; the New Jersey Utilities Association; and the Edison Electric Institute. He is also a member of the Board of Trustees of St. Peter's College and the New Jersey Commission on Higher Education.

Mr. Speaker, I ask that you join me, our colleagues, Larry's family and friends, the ARC of Essex County, and the County of Essex in recognizing the many outstanding and invaluable contributions Lawrence R. Codey has made to our community throughout the years.

IN HONOR OF THE 75TH ANNIVERSARY OF ST. ANGELA MERICI CATHOLIC CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 75th anniversary of the first mass held at St. Angela Merici Catholic Church in Fairview Park, Ohio. The parishioners of St. Angela Merici and all the citizens of Fairview Park will join to celebrate the church's anniversary. Mayor Karl Kubb has dedicated May 17 as Diamond Jubilee Celebration Day for St. Angela Merici Parish.

The parish has come a long way from meeting in the basement of the old Fairview Village Town Hall in 1923. The early parishioners were dedicated to outreach programs in the community and to the education of their children. With the continued faith and dedication of the over 3,500 families in the church community today, the parish has carried on these original goals and grown rapidly. The parishioners believe that the young people in the community are their future and invest their time and talents to provide sports and scouting programs, day school and religious education as well as a teen ministry for the youth in the parish.

An extensive schedule of jubilee events includes a one-mile and five-mile run, a consecration of families, a family picnic, a clambake, and a choral concert. Special masses, a school reunion, a golf outing, and the first annual Founders Day celebration are also planned for the following years. The jubilee celebration will close with an outdoor mass.

My fellow colleagues, please join me in recognizing the dedication and faith of the parishioners of St. Angela Merici Catholic Church as they celebrate 75 years of serving the Fairview Park community.

CONGRATULATIONS TO THE 20 GRADUATING SENIORS OF CALIFORNIA STATE UNIVERSITY, HAYWARD'S UPWARD BOUND PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. STARK. Mr. Speaker, I would like to take this opportunity to recognize the achievements of the Upward Bound Program at California State University, Hayward (CSUH), in the 13th Congressional District of California. On Saturday, May 16, 1998, twenty high school seniors will be honored for graduating from the program at the Eighth Annual Awards Recognition Banquet.

In 1965, the Upward Bound Program was established at universities and colleges throughout the country. Upward Bound prepares low-income students who will be the first in their families to obtain a degree from a four year college or university. The program provides tutoring, instruction, counseling, career orientation, and an opportunity to experience educational development and personal growth within a college setting while students are still in high school. In 1990, the Program at CSUH became one of the over 550 Upward Bound Programs nationwide. At present there are 72 participants from Southern Alameda County in the Program.

In order to be eligible for the Program a student must have the potential to succeed at the college level, even though his or her test scores and grades may not reflect it. The student must also come from a low income background as established by the U.S. Department of Education, or from a family whose parents or guardians have not graduated from a four year college.

The Program at CSUH consists of an academic year component and a summer session component. During the academic year students attend Saturday instructional sessions at CSUH, tutorial sessions during the week, and field trips to educational, cultural, and recreational sites. The Program provides assistance in preparing applications for college admission and financial aid, and makes a coordinated effort to maximize students' educational development by maintaining close communication with the students' teachers, counselors, and parents.

During the summer students spend an intensive 4 to 6 weeks living and studying on the CSUH campus. The students take high school level development and enrichment courses, and receive career, academic, and personal counseling. They also have access to all facilities, and sports, cultural, and recreational events, with the goal of giving them an opportunity to see what life will be like as a college student.

This year there will be twenty seniors graduating from the program, and I would like to congratulate them by name. They are: Sonia Abrego, Noemi Arrieta, Michael Barrett, Gabriela Bressler, Ricshell Bunton Jr., Damali Burton, Oliver Chang, Eujenia Garcia, Ana Gutierrez, Darryl Hampton, Anthony James, Joshue Jones, Peng Lim, Bogdana Marchis, Feliza Montes de Oca, Reyna Nava, Phuong Nguyen, Vanessa Perez, Marion Thurmond, and Andrea Williams.

Mr. Speaker, I ask that you and all my colleagues join me in congratulating these students on their achievements. CSUH's Upward Bound Program continues to be an effective vehicle for educational equity and opportunity through its efforts to help students progress along the path of academic success.

HONORING COLUMBIA UNIVERSITY SCHOOL OF SOCIAL WORK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. TOWNS. Mr. Speaker, on the occasion of the Centennial of the oldest social work training program in the nation, I hereby offer congratulations to the Columbia University School of Social Work. Evolving from a summer program organized by the Charity Organization Society in New York, the School of Social Work has a long and distinguished history of pioneering research, informed advocacy and exceptional professional training.

It is a remarkable accomplishment that social workers have played key roles in every major social reform movement, from settlement houses to labor reform, to the New Deal, to civil rights and voter registration. Many of the things we take for granted today—Social Security, child labor laws, the minimum wage, the 40-hour work week, Medicare—came about because social workers saw injustice, acted, and inspired others.

Throughout this century Columbia's faculty, students and alumni have worked tirelessly to address both the causes and symptoms of our most pressing social problems. National movements, such as the White House Conference on Children and the National Urban League, have emerged from projects undertaken by the School's faculty and administrators in cooperation with professional and community organizations. The entire nation has benefited from the work of people like Eveline Burns (Social Security); Mitchell I. Ginsberg (Head Start); Richard Cloward (welfare rights and voter registration); Alfred Kahn and Sheila B. Kamerman (cross-national studies of social services), and David Fanshel (children in foster care).

As your School, and indeed the social work profession, moves into its second century, they will be both challenged to respond to social change, new social problems, family change, and evolving societal commitments. Now more than ever, we will need well-trained and dedicated social workers to work with troubled children and families, organize communities for change, conduct cutting-edge research, administer social programs, and alleviate society's most intractable problems.

Mr. Speaker, it is with appreciation and admiration that I extend my best wishes to the Columbia University School of Social Work on its Centennial and look forward to its future activity and achievement.

IN HONOR OF VINCENT GANGONE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to honor Vincent Gangone, who has been chosen as an honoree for the School Settlement Testimonial Dinner, in Brooklyn, New York, along with his brother, John.

Vincent Gangone, the co-owner of a surgical supply store, was born at St. Catherine's Hospital in the Greenpoint/Williamsburg section of Brooklyn over thirty years ago. He attended the Grover Cleveland High School in Ridgewood, Queens, and the School of Pharmacy at St. John's University in Jamaica, Queens. Later, Mr. Gangone graduated from the Police Cadet Corps. Mr. Gangone then became a fixture in the Greenpoint community while working in a neighborhood pharmacy.

In 1990 Mr. Gangone came to a crossroad in his life and decided to open Salerno Surgical Supply with his brother. The Gangones' business, named after the Italian hometown of his parents, Nicola and Anna Gangone, has become a successful surgical supply store and a necessary addition to the Greenpoint/Williamsburg community.

It has been eight years since Salerno Surgical Supplies opened, and Vincent Gangone believes it was one of the best decisions he and his brother have made. The store allows

Mr. Gangone to serve and interact with the community, an element of the job that he cherishes.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Mr. Vincent Gangone of Greenpoint, Brooklyn. He deserves sincere congratulations for receiving such a fine honor from the School Settlement Association. I'm proud to have him as a constituent.

TRIBUTE TO THE GREAT GEORGE FESTIVAL

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the momentous occasion of the opening of the Great George Festival in the City of Paterson, in memory of the late Grace George.

Grace was born in 1918. Her wealth of knowledge regarding the history of Paterson and dedication to promoting the historic district eventually led to a request from the Mayor that she leave her teaching job of 37 years at Eastside High School in August 1976. She then began directing and operating the Visitor's Center in the Historic District.

At the Visitor's Center, Grace conducted walking tours of Paterson's Historic District for groups of all ages. She also conducted and led educational workshops, presented slide shows and lectures to classes and organizations, and developed teachers' guides for teaching Paterson's history.

In 1994 Grace was presented with the Historic Preservation Committee Heritage Citizenship Award. She passed away in February of 1996. The legacy she leaves behind is one of pride and passion for the great historical past and the uniqueness of the City of Paterson.

Mr. Speaker, I ask that you join me, our colleagues, the family and friends of Grace, and the City of Paterson in recognizing the many outstanding and invaluable contributions Grace George has made to the City of Paterson. It is fitting that we honor a true pioneer such as Grace on this occasion of the opening of the Great George Festival.

IN HONOR OF THE 13TH ANNUAL SENIOR OLYMPICS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Senior Citizen Resources for sponsoring the 13th annual Senior Olympics in Cleveland, Ohio.

Senior Citizen Resources, Inc. has been serving the 60+ population in the Cleveland area for 27 years. The organization provides much needed services such as transportation, nutrition programs, volunteer opportunities, and health programs to the senior citizens in the community. Thousands of senior citizens take advantage of the outreach programs and services offered by Senior Citizen Resources each year.

The seven-day Senior Olympics is one of the most unique and most popular activities sponsored by Senior Citizen Resources. Some of the events held this week include bowling, miniature golf, darts, swimming, water walking, horseshoes, table tennis, basketball toss, softball throw, lawn toss, ballroom dance, golf, bean bag toss, volleyball, and shuffleboard. There are also special events for the physically challenged. The Olympics will conclude with a Victory Luncheon and an Olympic Parade featuring all the athletes.

My fellow colleagues, please join me in saluting the spirited participants of the Senior Olympics and the leadership of Senior Citizen Resources.

CONGRATULATIONS TO ROBERT LITTLE AND NASA'S SSIP COMPETITION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. McKEON. Mr. Speaker, today I rise to recognize a wonderful achievement of a constituent of mine, Robert Little of Saugus, California. Earlier this week, I had the opportunity to personally meet Mr. Little, but felt that I should share his recognition with the rest of my colleagues. This week, Mr. Little was honored by NASA as a High School National Champion in the 18th Annual Space Science Student Involvement Program (SSIP) competition.

The SSIP competition is an interdisciplinary program designed to address the need for greater literacy in the areas of science, critical and creative thinking, mathematics and technology. Nearly 10,000 students from Elementary through High School have competed in five categories including mathematics, science, technology, art, and creative writing. 29 national winners, along with their teachers, came together this week at the National Space Science Symposium to honor their achievements to date.

Robert Little, a student from Saugus High School, was entered in the Intergalactic Art Competition of the Symposium. All this week, his art work, depicting a scene from intergalactic space, as well as an essay describing the picture was displayed in the Ballroom of the Hotel Washington. His ability earned him the championship in the High School division of this competition.

I am proud to congratulate Robert as well as his teacher, Ken Jeffries, on their hard work in receiving this honor. I know that I join my entire community in expressing how proud we are of Robert's success. His hard work is an inspiration to us all.

Mr. Speaker, I would like to conclude by adding Robert's essay to the record depicting his championship scene for this competition.

SCULPTURE IN THE COSMOS

(By Robert Little)

Nebulae give our universe beauty. They are the cloudy sculptures of the cosmos. They are really quite simple. Consisting only of gases, debris, and stars, they are enormous star factories. In my illustration, the Eagle Nebula is portrayed with a star cluster nearly formed into a galaxy in the background. The Eagle Nebula has a very dramatic appearance with its three large columns. The column shown on the left of this illustration is three light years in length. My illustration of the Eagle Nebula and its star cluster shows not only the beauty of nebulae, which inspires me, but also the relationship between nebulae and galaxies. Most of the mass in nebulae is made up of the debris from supernovas. A supernova is an exploding star. Stars explode when they are very old. They run out of the fuel needed to resist their gravity. The star collapses, explodes, and debris is scattered in all directions. In many cases, gas will drift until it clusters with other gases, and gravity holds them together. Inside the newly formed nebula there are usually a multitude of stars being produced.

If nebulae did not exist, we would have a very black empty sky at night. All stars are born from a nebula in a three-step process. First, ultraviolet radiation is emitted from a previous generation of stars onto the nebula. In the Eagle Nebula, the periphery of the columns becomes very hot and begins eroding. The gases near this area have been frequently clumping together. These clumps produce more gravity and grow dense. Next, the radiation erodes the gas from around the denser and stronger area. This creates a tadpole shape coming from the edge of the nebula. It is now an EGG (Evaporating Gaseous Globules), and is known as a protostar. Lastly, the protostar is separated from the nebula due to continuous erosion, and drifts into space. . . .

In the background of my illustration, a star cluster is nearly a galaxy. It lacks the great spiraling motion and contains more stars than gas. The forming of a galaxy is the result of star clustering. The star cluster gains gravity and forms a large spherical heap of stars with enormous gravity. This is a globular cluster. It pulls gas and other matter such as asteroids into the churning disk. Open clusters will not form a large mass but instead will eventually drift apart.

There is a continuous pattern related with stars and nebulae. Stars explode and the dust forms a nebula. The nebula gives birth to stars. Those stars once again explode and the dust adds to the nebula. It is all a cycle of birth, death, and recycling.

TAIWAN CELEBRATES PRESIDENT LEE'S SECOND ANNIVERSARY IN OFFICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. SOLOMON. Mr. Speaker, I join my colleagues in extending my best wishes and congratulations to President Lee Teng-hui of the Republic of China on Taiwan.

Two years ago, the people in Taiwan democratically elected a head of state for the first time in China's history. Incumbent President Lee Teng-hui took a resounding 54 percent of the vote on a platform of democracy and Taiwan's greater international assertiveness.

Two years later, Taiwan's astonishing economic progress and political progress have enabled it to survive the latest Asian financial crisis. Taiwan has been an exemplary nation in the world—reaching out to the Chinese mainland seeking peace and reconciliation and extending financial assistance to all needy neighbors in southeast Asia.

As we congratulate President Lee Teng-hui and the people of Taiwan, I wish to reassure them that many of us in the U.S. Congress

and elsewhere believe in a free and democratic Taiwan. Decades of American constancy have helped draw Taiwan into free-market democracy, and it is squarely in the American interest to keep Taiwan democratic and free.

We will make sure that the provisions in the Taiwan Relations Act shall be adhered to and that the United States will not make arrangements for Taiwan's future without full consultation with Taiwan.

CELEBRATION OF WAYNESFIELD SESQUICENTENNIAL

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. OXLEY. Mr. Speaker, today I rise to highlight an especially important milestone for the State of Ohio. From May 15th to the 17th, the Village of Waynesfield will be celebrating its sesquicentennial birthday. Festivities include opening ceremonies, village tours, old time movies and a parade. I would like to recognize this profound civic event. Wayne Township and Waynesfield were named for General Anthony Wayne. General Wayne was a leader and hero in the Revolutionary War. His victories against the Indians in the Northwest Territory helped end this crisis. His soldiers won the second battle of Ft. Recovery, as well as the Battles of Ft. Defiance, Ft. Miami and Fallen Timbers. In 1948, Waynesfield was also home to John R. Bennett, the second to last surviving Civil War veteran in Ohio. Harriet Beecher Stowe's sister, Lucinda, married and lived in Waynesfield. As you can see, Mr. Speaker, Waynesfield has a long and patriotic past that all Americans can view with pride. As the Member of Congress representing the citizens of Waynesfield, I appreciate all their hard work which continues to make theirs a vibrant community. Waynesfield's spirit of family and responsibility serves as a model for other towns to follow. From its family farms to its small-town churches, this town exemplifies all that is good in our great land. I commend all the villagers as they celebrate their 150th birthday, and I look forward to many more to come.

TRIBUTE TO JOHN J. DINAPOLI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention John J. DiNapoli who is being honored this evening as the Orange/West Orange UNICO ''Man of the Year.''

The eldest of Angelo and Antoinette's three sons, John showed his intelligence at an early age by skipping kindergarten. During the remainder of his school years at Immaculate Conception Grammar School and later Montclair High School, he developed a penchant for numbers and mathematics which would serve him well in his chosen field at work. It was also during this time that John developed his underlying loyalty to the New York Yankees and the New York Giants while idolizing a man named DiMaggio.

Upon graduation, John took advantage of an opportunity offered to him by Montclair National Bank, while continuing his education with courses at Seton Hall University. He later attended the Stonier School of Banking at Rutgers University in New Brunswick where he also earned his degree. His banking career took him from an entry-level teller at Montclair National all the way to Vice-President at Chemical Bank, where he has served for 30 years.

In the late 1950's, John made a long standing commitment to one of his loves that remains intact today. He became a season ticket holder to the New York Giants. Eight Autumn Sunday afternoons were spent with family and friends at Giants Stadium cheering on ''Big Blue.'' Saturdays can find John supporting the Mounties of Montclair High School with another group of family and friends.

During the 1960's, John discovered another love, Angela Pomarico. John and Angela dated, and developed a strong mutual love for each other that resulted in marriage. Together, they raised a family of four: John Jr., Diane, Patti, and Carol.

John and his family eventually settled in West Orange, and along with Angela, raised the children and guided them through the school years. A 25th Wedding Anniversary present from their children sent John and Angela to the birthplace of the DiNapoli Family: Calitri, Italy. It was a moving experience that made John appreciate his roots. Soon thereafter, on the recommendation of friends, he became a member of the Orange/West Orange Chapter of UNICO where he has held a variety of positions with the organization including President and District Governor.

Now in his 36th year of marriage to Angela, John's family has grown to include a daughter-in-law Mary Lynn, and sons-in-law Anthony, Robert, and Peter. Much of John's free time is spent with his eight grandchildren: Diana, John III, Danielle, Samantha, Thomas, Brianna, Anthony, and Alexa.

Mr. Speaker, I ask that you join me, our colleagues, John's family, friends, and colleagues, and the members of the Orange/West Orange UNICO as John J. DiNapoli is honored this evening as the organization's ''Man of the Year.''

PART 3: JOBS WITH JUSTICE—FIRST NATIONAL WORKERS' RIGHTS BOARD HEARING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. KUCINICH. Mr. Speaker, Jobs With Justice convened its ''First National Workers' Rights Board Hearing on Welfare/Workfare Issues'' in Chicago in 1997. This hearing featured a number of community, labor and political leaders. I include their remarks for the CONGRESSIONAL RECORD.

Part 3 of this statement includes: Laurie Barretto of Catholic Charities; Ilana Berger of People Organized to Win Employment Rights (POWER); Wardell Yotaghan of the Coalition to Protect Public Housing; and Peggy Haack, a Child Care Provider from Madison, Wisconsin.

LAURIE BARRETTO, CATHOLIC CHARITIES

My name is Laurie Barretto and I am the Director of Governmental Relations at Catholic Charities of the Archdiocese of Chicago. I also chair the Catholic Charities USA Social Policy Committee for our national membership organization.

As a political junkie, I have advocated for and against numerous pieces of enabling legislation followed by implementing rules and regulations followed by government designed and funded initiatives. Some have had enormous positive impact on the way people are cared for and assisted; some, like Workfare, have been gravely flawed with far reaching and unintended consequences.

At Catholic Charities agencies here and across the country we participate in initiatives that are consistent with our mission and when we believe we have the skills and capacity to produce successful outcomes for the people we serve.

Therefore in October, 1992 when Illinois dismantled the General Assistance Program we struggled to determine the best course. Frankly we had been suspect of such programs. We were concerned about unfair treatment, a lack of safety standards, discrimination, and churning of people with low skills and lower self-esteem.

However, it became apparent that participating in the Earnfare Program was consistent with our mission, rooted in Catholic Social Teaching. In addition to the dignity of each individual human being, Catholic Social Teaching talks about the dignity of work. Society is urged to encourage and reward work, to recognize that people have a right to be productive, to earn fair wages, to labor in decent conditions.

Because of our tradition of service, we also know something about work with the poor, and we believed that we could address our justice concerns while making a difference in peoples' lives.

It is now five years later and we continue to operate our Earnfare contract.

And we have learned much. And we have accomplished much.

But now social service agencies and our faith-based communities across the country are seeing and serving people impacted by the overhaul of the welfare system that provided for poor families with children. People who are working come to us because they can't afford to buy food for the whole month; families are living in homeless shelters because their paychecks can't stretch to cover rent.

And so we have urged our colleague agencies to join us and provide meaningful work opportunities to people struggling to transition from welfare to work. We have urged them to provide written job descriptions, with appropriate job titles; we issue employee identification badges, include them in employee orientations and training. We insure that safety measures are in place to protect people in their work assignments. We have encouraged supervisors to establish mutually agreed upon performance expectations.

Because many participants will lack basic job skills, we urge that as employers we must be prepared to provide extensive mentoring and support.

And because many are overcoming enormous barriers to employment—substance abuse, domestic violence, limited skills and education—supportive social services must be available.

We know that, done well, the people whose lives we touch in Workfare Programs are better off for the experience. Because of our participation in Workfare and our relationship with businesses throughout the metropolitan area we have the capacity to move people into the workforce. Workfare Participants have begun to build a resume and job references. They have begun to see, and perhaps believe, that they can be successful.

At Catholic Charities we look upon this endeavor seriously because they are better able to find and perform and keep a real job in the open marketplace.

Earlier I referred to the guiding principles of Catholic Social Training; in addition we believe in a preferential option for the poor and standing in solidarity with the poor. I mention these because even if we create an environment where people leaving welfare can participate in meaningful work in a dignified manner, we are not done.

Catholic Charities USA has conducted a parish impact survey to determine the impact of welfare reform on the parish. Some early anecdotal responses;

St. Mary's Cathedral in Austin Texas: ''We are receiving calls from all over Austin from people needing food. Most of these are working but can't feed their families on what they earn. Also many have lost food Stamps or have been refused for them for having a car.''

The Oahu, Hawaii Social Ministry reported that because the state cut welfare benefits by 20%, many are unable to pay rent or utilities. ''Because we can not provide for the level of need some people . . . have taken up residence in caves in the mountains.''

In the Archdiocese of Newark, NJ there has been an increase in the demand for food 20% accompanied by a decrease in food donations.

In Beaumont TX 560 children are on a waiting list for child care so their parents can work.

Catholic Charities of Youngstown OH reported that they received 177 more requests for housing in the second quarter of this year than they did in the first quarter.

And here in Chicago we are working with a family—mother, father, and twin boys. The father cannot find work. Their credit is lousy so apartment hunting is difficult. They have exhausted their resources and their friends so this family is living in one of our shelters.

In closing I would say the panel title is fitting—''First let me work . . . And just as important, Let me live in dignity and with justice.''

ILANA BERGER, POWER

POWER, People Organized to Win Employment Rights, is a project of San Francisco's General Assistance Rights union, and is an organization of workfare workers who have come together to fight the City's fifteen year-old workfare program. In the City there are 2,500 workfare workers, with an additional 11,000 men and women who will be required to do some sort of work in exchange for their TANF and Food Stamps benefits in the next two years.

Here's a story to illustrate how workfare workers are treated with no dignity or respect, and are subject to conditions which endanger their health and safety. On Wednesday, October 8 San Francisco workfare worker RG Goudy came to the POWER office feeling dizzy, nauseous and groggy. That day, at his workfare job cleaning buses at the Presidio Muni Yard, he was told by his supervisor to remove graffiti from the inside of buses using ''So-Safe'' Graffiti remover. When the worker asked to see the Manufacturer's Material Safety Data Sheet (MS-DS) as is his right under Cal-OSHA regulations, the supervisor responded, ''I've read it you don't need to.''

So-Safe is a cleanser that contains highly toxic chemicals and, according to the MS-DS, should only be used with sufficient ventilation, or with an ''appropriate air-supplied respirator (e.g. SCBA or airline with escape pack.)'' On May 15, 1997 Arlene Eisen, Acting Health and Safety Director at Muni, sent a memo to all Muni supervisors stating that ''GA workers should not be assigned the tasks of interior graffiti removal.''

When the worker reported that he felt sick, he was ridiculed, but his supervisor eventually agreed to send him home from work for the day. He came to the POWER office to report the incident, and find out where to receive medical treatment because his on-site supervisor had not provided him with workers' compensation forms. I went with him to the Presidio Yard to obtain workers' compensation forms to enable him to go to SF General Hospital's Occupational Health Office.

The immediate response from the Assistant Superintendent at the Muni yard when we asked for workers' compensation forms was, ''Why? He's a GA worker.'' He continued to refuse to fill out the forms even when we presented official City documents detailing workfare workers' rights to workers' compensation.

For the next six hours, we went back and forth between Muni administrative offices and the yard, being refused from everyone from Emilio Cruz, director of Muni on down. We were locked out of four ''private conversations'' in offices, ignored, yelled at and ordered to leave. The worker, still suffering from dizziness and nausea was denied treatment for over six hours. He finally decided to go to the hospital without the Workers' Compensation papers.

The next day, the worker returned to the Presidio yard to do his workfare, and was told by the superior that he was to report to his caseworker to be reassigned to another worksite. The Assistant Superintendent at Presidio Yard, Larry Resnick, told the Department of Human Services (which administers and coordinates the workfare program) that Mr. Goudy was being fired for attending a protest at Muni Administrative offices—on his day off. DHS refused to intervene to demand that Muni allow the worker to return to reinforce the GA regulation, stating that, ''this thing has become too big, too messy, and the worker must go to a different worksite—if he tries to return, he will be discontinued.''

This incident illustrates two major problems with workfare. First, workfare workers do the exact same work as City workers, but are not given the benefits or protections that City workers receive because workfare workers are not considered to be workers—officially they are ''volunteers.'' Second, workfare workers are exposed to hazardous work conditions every day on the job. Our members include men and women who sweep the streets for the Department of Public Works and are exposed to used hypodermic needles, human waste and broken glass without any training or protective gear. When it rains, workers often are not given rain gear or boots. Workers have no access to restrooms during their 7-hour work day. Our members include men and women who clean buses for Municipal Railways, who use toxic chemicals with no training or protective gear. Because at many Muni yards workfare workers are not allowed to use the restrooms that other workers use, they have no access to water to wash their hands, and no access to eye wash for chemical exposure. Workers are often not allowed access to the areas where health and safety information is posted. At San Francisco General Hospital, workers handle linen soaked with human blood and feces, without blood-borne pathogens trainings or Hepatitis-B vaccines.

Part of our work at POWER has been to win health and safety protection for workfare workers: We have been organizing and representing workers in workplace grievances as a union; we have filed complaints with Cal-OSHA, establishing OSHA's recognition of workfare workers as workers and setting an historical precedent; we are demanding that the Department of Human Services implement a systematic enforcement policy of health and safety regulations for any agency employing workfare workers; we have written a Pledge for Fair Work, outlining a policy for non-profit and non-City agencies to employ workfare workers in a manner that will be safe and healthy; we are holding workers' rights trainings with lawyers, representatives from Cal-OSHA, and rank-and-file union members; we are fighting and continuously pushing the envelope to win workfare workers the right to organize and advocate on their own behalf; and finally, we understand that workfare workers' rights will be abused while they are considered volunteers, so we continue to fight for workfare workers to be recognized as workers and for POWER to be recognized as a legitimate union.

The work to win protections for workfare workers is an integral part of our campaign to win equal pay for equal work, equal protection under the law, and equal access to full time job opportunity for workfare workers. The health and safety campaign has won us unprecedented recognition of workfare workers as workers, has provided a forum for introducing the campaign to other workfare workers and the general public, and offers essential personal stories and concrete examples of the abuses in the workfare program which serve as a reference point for people to understand our overall goals and vision.

While POWER continues to fight the hazardous work conditions faced by workfare workers each day on the job, we understand that workfare workers' rights will be abused while they are considered ''volunteers.'' Men and women who do workfare are workers who deserve real jobs, real benefits, respect and dignity. We reject the notion that poor people have no rights, and we're working to let everyone in San Francisco and the country know that slavery is dead and we're not letting anybody bring it back!

COALITION TO PROTECT
PUBLIC HOUSING,
Chicago, IL, October 24, 1997.

Testimony before The Board.

Jobs with Justice Workers' Right's.

MR. CHAIRMAN, PANEL MEMBERS AND LADIES AND GENTLEMAN PRESENT: Good morning, I would like to start by saying in this county we have a housing crisis, congressmen in this country, is making and passing legislation that ill effect low-income people. An example of that legislation, is that the congress passed legislation to demolish 100,000 units of public housing nationally and 18,000 units right here in Chicago. That puzzle me since there is 6,000,000 homeless people in this country and 80,000 right in Chicago.

This new legislation will effect or make homeless 300,000 to 600,000 nationally and 34,000 to 50,000 here in Chicago.

It seems to me that the politicians no longer work for the health, interest, rights, and needs of the people, it seems they only work for the rich and the powerful corporations.

If this government is truly formed, of the people, and by the people, for the people, then something is wrong, because low-income people are really getting KICKED IN THE BUTT.

Thank you,

WARDELL YOTAGHAN.

TESTIMONIAL

(By Peggy Haack, Child Care Provider, Madison, Wisconsin)

I am a family child care provider, one of many providing care and education for

young children on a shoestring budget. As a family child care provider, I represent on one hand all the myths one has ever heard about the job of caring for children—myths like these:

Myth 1: Anyone can do this work because training and skills are irrelevant.

Myth 2: Our income doesn't support a family, so it's OK that we only earn on average $9,528 a year after expenses, working 50 hours a week.

Myth 3: Our work is so ''cute,'' certainly not serious business, so we don't need vacations, health insurance, retirement plans and other benefits that some workers take for granted.

Myth 4: We are all just ''motherly types'' doing what we do best.

At the same time these outrageous myths are dished out, we are being asked to be the bedrock of welfare reform by caring for a few extra children so the mothers of America's poorest children can enter the labor force. Plus we are being asked to continue to be the cornerstone of a healthy U.S. economy by providing care for America's currently working families. And, we are asked to do all this on a shoestring, of course!

Well, I am one grossly misunderstood, undervalued, hard-working, skillful, well-educated and angry family child care professional who is saying NO. And there are thousands of others like me. United with our colleagues in child care centers, nursery schools, Head Start programs, and school-age care programs, we wish to send this simple message to policy makers at all levels of government: We need more money to do this job, and you need us to do it right! We need more money not only to meet an ever-increasing need for child care as a result of welfare reform, but also to do it better!

There is not a parent in the world—whether he or she is a U.S. senator, the president of a corporation, a factory line worker, or a welfare mom—who is able to give the best to their job, any job, when they're worried about their kids and the care they are receiving.

We have tried to cope with this child care system where availability and affordability for parents determine what the system looks like . . . and it isn't working for us or for the families we serve. We have created a system that is mediocre at best, a system that exploits its work force by paying meager wages, does not guarantee healthy development for children, and cannot sustain a society in the long run. It is time for us to focus on quality child care as our top criteria for the provision of child care, because in the long run it is the best investment in our future. Young children do not define their own potential in life based on how much or how little their family earns and how much they can pay for child care . . . even though that is exactly what our current public policies do. Welfare reform as it is now is simply about trimming the federal deficit, not about reforming a system and making this country one that dignifies the worth of all people.

And about welfare recipients doing family child care in order to receive their benefits . . . I personally welcome moms on welfare, as I welcome U.S. congressmen seeking a career change, into my profession. I welcome anyone who shares with me the gift of intimately relating to young children and shares with me a knowledge and understanding of their development. The gift I am referring to is the ability to use your eyes, your touch, and your voice to soothe a needy baby, even when you cannot discern the exact need; to give up some of your big person power to a toddler struggling to discover her own; to see past the anger of an impulsive preschooler to discover the frustration, fear, desperation or repentance that is surely there; to accord the school age children the respect that their insights of life deserve . . . Anyone who has that gift and is provided the opportunity and is willing to be educated in the important aspects of children's growth and tutored in skills that promote their learning, while at the same time able to manage a small business, please do join us. Family child care is a wonderfully challenging place to be. Oh, but be prepared to fight for your self-respect and for your economic survival, because the policy makers of this country demand it of you!

IN HONOR OF YORK COLLEGE ALUMNI INC.

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. SCHUMER. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing York College Alumni Inc. for the services which it and its participants have provided for York College of Jamaica, Queens in New York City.

York College Alumni Inc. was started in September 1978 by Jeremy D. Smith, Esq., David J. Thompson, and Elizabeth Williams '77 to promote the well-being of York College, its alumni, and the surrounding community. It has fulfilled this role for the past twenty years, and is run today by Camille T. Allen, Esq., '90.

York College Alumni Inc. has served York College and the surrounding community in a myriad of ways. It has established four scholarships for York College students in addition to awards for distinguished members of the graduating class, outstanding alumni, and in recognition of outstanding service to the Queens community. It has published a quarterly newspaper, the York College Alumni News since March 1980 in addition to holding a number of annual fundraisers, seminars, and receptions. York College Alumni Inc. also organizes community literacy programs, Toys-For-Tots drives, financial planning workshops, and voter education and registration drives.

Strong alumni serve as the symbol of a vigorous college by putting their education to use in the community. In this sense, York College is honored to be represented by an organization like York College Alumni Inc.

I hope that all of my colleagues will join me in commending the fine work that York College Alumni Inc. has accomplished and in wishing it a long and productive future.

HONORING DR. JULIUS S. SCOTT, JR., FOURTEENTH PRESIDENT OF WILEY COLLEGE

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. SANDLIN. Mr. Speaker, I rise today to honor Dr. Julius Scott, Jr. for his inspired leadership as the President and Chief Executive Officer of Wiley College, one of the country's greatest Historically Black Colleges, in my hometown, Marshall, Texas. Dr. Scott's example of time-honored values, scholarship, integrity and professionalism significantly impacted Wiley College and the community throughout the college's historic 125th anniversary year.

A native Texan, Dr. Scott followed in the footsteps of his father, who was also a minister and college president. Julius Scott has earned degrees from Wiley College (with honors), Garrett Evangelical Theological Seminary, Brown University, and Boston University, in addition to the fourteen honorary degrees bestowed upon him.

Dr. Scott's impressive career includes teaching at Wiley College, Boston University, Atlanta University and Spelman College; chaplaincy at the Massachusetts Institute of Technology, Texas Southern University and Brown University; and administration at Spelman College, Paine College, Albany State University and Wiley College. His current directorates include the Carnegie Council on Ethics in International Affairs, the Martin Luther King, Jr. Center for Nonviolent Social Change and the Boards of Trustees of Andrew College, the Atlanta University Center, North Central College and Wofford College. Dr. Scott is also a prominent and influential member of the community of Marshall, serving on the Civic Center Advisory Board and the Board of the Chamber of Commerce.

Dr. Scott has shown an unwavering dedication to education and the centrality of the academic program, teaching students the importance of developing ''tough minds and tender hearts.'' Dr. Scott's optimism, enthusiasm and commitment to a vision of a great institution bolstered the credibility and visibility of Wiley College, cultivating many friends and supporters for the institution.

Mr. Speaker, I congratulate Dr. Julius Scott, Jr. for his extraordinary leadership of Wiley College. His legacy of faith, service and good works will endure at Wiley College for years to come.

INTRODUCTION OF LEGISLATION GRANTING A FEDERAL CHARTER TO THE AMERICAN GI FORUM

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. BONILLA. Mr. Speaker, it is with great pleasure that I am introducing legislation, along with my San Antonio colleague Representative Ciro Rodriguez, to grant a federal charter to the American GI Forum (AGIF). The American GI Forum is an institution in Texas and has more than 500 chapters across our great nation. It is the largest national veterans service organization without a federal charter. AGIF members, through their commitment and sacrifice have earned this honorary status for their organization through their military service. It is long past time to grant this honor.

I am fortunate to represent one of the most patriotic congressional districts in America. There are seven military bases in and around my district. There are two veterans cemeteries and three veterans hospitals in my area. It is not surprising that this patriotic area has many chapters of the American GI Forum. The patriotism of the region makes it a natural home for the GI Forum and makes me all the more committed to granting this organization a federal charter.

The American GI Forum celebrates its 50th anniversary this year as our nation's largest

predominantly Hispanic veterans organization. It is only fitting that we commemorate this occasion by granting a federal charter. This bipartisan bill provides a means for this Congress to recognize the sacrifices of the one million Hispanic veterans. I urge my colleagues to join this bipartisan effort to provide a federal charter to the American GI Forum.

IN MEMORY OF WILLIAM ''HENRY'' ALSTON

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention William ''Henry'' Alston of Passaic, New Jersey who has recently passed away. Henry was born in Warrenton, North Carolina on July 23, 1923. He was the son of the late Wiley P. Alston, Sr. and Maggie Stamper Alston.

A lifelong resident of Passaic, Henry attended Passaic public schools and graduated from Passaic High School. He served in World War II and was very active in the community. He was the former President of both the former President of both the Passaic Democratic Club and the Passaic Alcohol Beverage Board. Henry worked and retired from the Manhattan Rubber Company of Passaic.

On October 7, 1951 Henry married the late Lulu Cornell Alston. From this union, two children were born: Elaine Everett of West Orange and Wayne Alston of Passaic.

Henry is survived by a brother, Irving Alston of Dover, New Hampshire and three sisters, Emma Moody of Passaic, Vernette Cole of Port Charlotte, Florida, and Mary Coleman of Montclair as well as son-in-law Richard Everett, daughter-in-law Dawn Alston, brothers-in-law Robert Cole and Andy Coleman, and grandchildren Brian and Kelly Everett, Branden and Avery Alston, and Derek Hardy.

Mr. Speaker, I ask that you join me, our colleagues, the family, friends and colleagues of Henry, and the City of Passaic in paying tribute to the memory of William ''Henry'' Alston.

THE WESTCHESTER JEWISH COMMUNITY SERVICES DEDICATION EVENT

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mrs. KELLY. Mr. Speaker, I rise today in recognition of the Westchester Jewish Community Services' (WJCS) Dedication Celebration. This May 17th, 1998, on the 55th year anniversary of the WJCS, the organization's members will celebrate the opening of their brand new headquarters in North White Plains, New York with a WJCS Dedication Celebration at the new headquarters. I am thrilled to offer my congratulations for these milestone events.

WJCS began in 1943 in a three-story walk-up in White Plains, New York. Undergoing an enormous expansion since its inception in 1943, the WJCS is currently operating 29 program sites throughout Westchester. This spring, as the center celebrates its 55th anniversary, it will open its doors to their own three-story headquarters at 845 North Broadway, North White Plains, New York.

The Westchester Jewish Community Services is a unique and invaluable resource to our community, offering a comprehensive, coordinated, continuum of quality care for the entire family. Over the past half a century it has educated, counseled, guided and supported countless numbers of Westchester citizens.

I am proud to welcome the Westchester Jewish, Community Services' new headquarters to North White Plains, and I look forward to working with the members WJCS as they continue to offer vital services for the people of Westchester.

HONORING THE PASADENA STRAWBERRY FESTIVAL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Pasadena Strawberry Festival as it celebrates its 25th anniversary, kicking off this year's festival with an opening ceremony at the Pasadena Fairgrounds on May 15, 1998. The multi-cultural event draws a crowd of more than 30,000 to enjoy the strawberries, entertainment, food, activities and fun.

The Strawberry Festival began in 1974 when Helen Alexander, better known as Miss Helen, ''planted a seed'' to promote the grand opening of the new Pasadena Historical Museum. The Museum project was close to her heart and she wanted the opening to be a memorable success. She sought a way to capture the imagination and attention of all the people of Pasadena and thus was born Miss Helen's Magic Festival Seed.

The seed Miss Helen planted grew into today's Pasadena Strawberry Festival, named to honor Pasadena's heritage as the Strawberry Capitol of the World. Rosalie Kuntz was the first chairman and Sterling Loomis, vice-chairman. Miss Helen asked the San Jacinto Day Foundation for help, but otherwise recruited volunteers and donations whenever possible: A.C. Czigan at Houston Lighting and Power provided free electrical hook up; Don Nichols of the Pasadena Citizen arranged for a special section featuring the event and the museum; Oaks TV and C.A. Spears donated the sound system; Bob Jones' Vending Company donated beverages; and Jimmy Harris from the Parks Department pitched in to help. Principal Lonnie Keller agreed to allow the use of the football practice field at Pasadena High School as the festival site.

It was a modest, but highly successful beginning with approximately 30 booths, each decorated with pride and enthusiasm. In the long tradition of festivals, there was a Beauty Pageant. In an interesting twist, however, only redheads and strawberry blondes could enter. It was a hit from the beginning.

When the museum opened on Festival day, the American Legion donated a flag and presided over flag ceremonies and the mayor cut the ribbon. From the large turnout, it was obvious that the Festival could be a very successful annual event for the community. Miss Helen and her associate Beverly Jackson realized the economic benefits and historical significance this event could have for the entire area so they registered the San Jacinto Day Foundation as a nonprofit historical organization. The Foundation fosters the observance of San Jacinto Day and the Strawberry Festival and continues to grow and help the city of Pasadena.

Today the Pasadena Strawberry Festival is a two-and-a-half day multi-cultural event produced by hundreds of volunteers on the Pasadena Fairgrounds. Continuous live entertainment, arts and crafts, children's games, carnival rides, a fabulous variety of foods, special acts and demonstrations, and of course, ''Texas' Largest Strawberry Shortcake,'' are just a few of the Festival's features. Income from the festival funds scholarships, books for college libraries, and community projects that preserve and promote the study of Texas history.

The Pasadena Strawberry Festival is big and exciting, but still maintains the warm, country charm of the original Festival. Most of all, the Festival remains true to its roots, reflecting the history and rich heritage of Pasadena.

INDIAN NUCLEAR TEST IS A THREAT TO PEACE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. TOWNS. Mr. Speaker, I was very distressed to hear of the recent Indian nuclear test. This test moves the subcontinent closer than it has ever been to a devastating nuclear war and threatens the peace of South Asia and the world.

Recently, the Rand Corporation, a widely-respected think tank, predicted a war between India and Pakistan. The Rand study predicted that this war could go nuclear. Unfortunately, this explosion in the Rajasthan desert brings that prediction dangerously close to materializing.

No one can be sanguine in the face of such a grave threat, especially since India refuses to join the other nuclear states of the world in accepting the restraints of the Comprehensive Test Ban Treaty (CTBT). Pakistan has said that it will sign the treaty when India does; it is the Indian government that refuses to let South Asia escape from the threat of nuclear war.

It appears that even many supporters of India are worried about this dangerous test. The Center for Strategic and International Studies, a pro-India think tank, reportedly said that this test would backfire on India. I am encouraged that a prominent organization that supports India has spoken out about the danger this test poses.

America provides significant support for this nuclear campaign. India is one of the five largest recipients of aid from the hardworking taxpayers of the United States. We should end this aid immediately and impose tough sanctions on India to put the brakes on its aggressive nuclear effort. This will put pressure on

India to focus its resources on development at home, where half the people live below the international poverty line, instead of trying to intimidate its neighbors to extend its empire.

The Council of Khalistan recently issued a press release on this issue which speaks strongly and responsibly about measures America can take to make it clear to India that we will not allow it to turn the subcontinent into a theater of nuclear combat. I support the measures outlined in this release and I would like to place this release in the RECORD.

SANCTION INDIA FOR NUCLEAR WEAPONS TEST—PRESIDENT CLINTON SHOULD CANCEL VISIT TO INDIA

WASHINGTON, D.C., May 11—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today strongly condemned India for its test of three nuclear devices and called on the Administration and Congress to impose sanctions on India for that test. He also urged President Clinton to cancel his scheduled visit to India.

''India has been pursuing nuclear domination in South Asia for quite a while,'' Dr. Aulakh said, ''even though it is under no military threat.'' According to a British documentary entitled ''Nuclear India,'' India uses only 2 percent of its development budget on health and 2 percent on education, but 25 percent of its development budget goes to nuclear development. India is one of the five largest recipients of U.S. aid. ''It is time for the U.S. government to place sanctions on this imperialist state,'' he said.

India has refused to sign the Comprehensive Test Ban Treaty (CTBT), Dr. Aulakh pointed out. ''Without India's agreement to this treaty, how do we know that India won't spread its nuclear-weapons technology around to hostile countries like Iran?,'' he asked. India has provided heavy water and nuclear submarines to the Iranian regime, according to newspaper reports.

''This nuclear test poses a serious danger to the world,'' Dr. Aulakh said. ''India has ballistic missiles currently aimed at Pakistan and it shows signs of a country preparing for a military attack,'' he added. ''India can no longer deny its ambition to achieve hegemony in the subcontinent, backed by nuclear weapons,'' he said. He pointed out that two leaders of the ruling BJD recently called for Pakistan and Bangladesh to become part of India. ''I view this nuclear test as an effort to scare India's neighbors into submission to its dreams of hegemony,'' he said.

''Sanctions against South Africa led to the end of apartheid,'' he said. ''Sanctions against India will bring about an end to its aggressive nuclear weapons development.''

Dr. Aulakh called on President Clinton to cancel his visit to India. ''Why should the President of the United States grant his symbolic blessing to this aggressive action against all the countries of South Asia?,'' he asked. ''We all want to have good relations with India, but it must pay the price for its destabilizing test,'' he said. ''By cancelling this visit, the President can make it clear that America will not support Indian military aggression or Indian hegemony in the subcontinent.''

''The best way to keep India from using its military resources to achieve dominance in South Asia to support Punjab, Khalistan and all of the subcontinent in their struggle for freedom.,'' Dr. Aulakh said. ''Punjab, Khalistan is a natural buffer between India and Pakistan. Sikhs are committed to make Punjab a nuclear-free zone now and in the future. We will not and cannot tolerate nuclear weapons in our homeland and the Sikh Nation will do all in its power to make all of South Asia nuclear-free.''

A BILL TO AMEND THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to make a technical correction to the Federal Election Campaign Act of 1971. The bill clarifies the right of non-citizen nationals of the United States to make contributions in connection with federal elections.

Mr. Speaker, I represent the territory of American Samoa, the only U.S. soil in the Southern hemisphere. Persons born in American Samoa of non-citizen U.S. parents are given the status of U.S. national. These individuals are nationals of the United States, but not U.S. citizens. They owe their allegiance to the United States, serve in the U.S. military, carry U.S. passports, and have the same access to the United States as do U.S. citizens. They are not foreign nationals or aliens. Approximately 90% of the residents of American Samoa are non-citizen U.S. nationals. This status can be acquired only by birth in American Samoa or by birth in a foreign country from parents, one or both of whom are U.S. nationals.

Federal law currently specifies that U.S. citizens and permanent resident aliens may make contributions to candidates for federal office. If federal law were interpreted to prohibit non-citizen U.S. nationals from contributing to federal elections, the vast majority of the residents of my Congressional district would be prohibited from contributing to candidates running for the office of delegate to the U.S. House of Representatives from American Samoa. Additionally, the non-citizen U.S. nationals residing in the states of the United States, estimated to be between 35,000 and 100,000, would also be prohibited from contributing. I do not believe this was the intent of Congress when it passed the Federal Election Campaign Act. At that time, there were many fewer U.S. nationals in the United States, and the position of delegate to the U.S. House of Representatives from American Samoa did not exist.

Several years ago, out of concern that then current law could be interpreted to prohibit non-citizen nationals from making political contributions, I requested and received an opinion from the Federal Elections Commission indicating that political contributions could be accepted from non-citizen nationals. This administrative clarification of an ambiguous law has been the basis upon which I have relied in accepting funds in my Congressional district.

Federal court opinions in recent years have led to increased flexibility in the use of some campaign funds, and publicized violations of federal election law in the 1996 presidential campaign have prompted efforts in Congress to change the current system.

H.R. 34, a bill to prohibit individuals who are not citizens of the United States from making contributions or expenditures to candidates for federal office passed the House by a vote of 369–43, with one member voting present, on March 30, 1998. If H.R. 34 were to become law, the delegate from American Samoa would be prohibited from receiving political contributions from the vast majority of the residents of his or her Congressional district. This is a consequence which I consider unfavorable and which would move the campaign finance system further from the voters in American Samoa. Additionally, I believe that if H.R. 34 were to become law, it would favor the incumbent delegate from American Samoa and work to the detriment of any challengers.

As it now appears that campaign finance legislation will be considered by the House this spring, I wish to bring the issue of non-citizen U.S. nationals to the attention of my colleagues and offer a legislative remedy.

The number of U.S. nationals in the United States and its territories is comparatively small, but this is no reason to ignore this technical problem which could have a significant impact on future elections for the delegate from American Samoa, and which could also, should H.R. 34 or similar language be enacted into law, ensnare candidates for other federal office who unknowingly accept contributions from U.S. nationals.

I urge my colleagues to support this technical change to the Federal Election Campaign Act.

H.R. —

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

SECTION 1. CLARIFICATION OF RIGHT OF NATIONALS OF THE UNITED STATES TO MAKE POLITICAL CONTRIBUTIONS.

Section 319(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)(2)) is amended by inserting after ''United States'' the following: ''or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act)''.

TRIBUTE TO WALTER HOFFMAN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Walter Hoffman of Wayne, New Jersey, who is being honored this evening by the Wayne Democratic Organization.

Walt was born in Newark, New Jersey on December 21, 1924. He was raised in Glen Ridge and East Orange, and was active in scouting activities, including Assistant Scout Master and Explorer Adviser, Walt was also co-captain of his high school's track team.

Walt is a Marine Corps veteran, having served his country during World War II in the Pacific Theater of Operations from 1943 to 1946. Upon leaving Marines, Walt attended the University of Michigan where he earned a Bachelor of Arts degree in Political Science in 1948. Pursuing a career in law, he attended the University of Chicago Law School and earned his J.D. in 1950. He was also Associate Editor of the law school's Law Review.

Walt has an accomplished and distinguished career in both law and public service. He was a trial attorney for the National Labor Relations Board in 1951 and a staff attorney for the House Ways and Means Subcommittee Investigating Administration of Internal Revenue Laws from 1951–52. From 1955 to 1985, Walt sought out the private practice of law and was a senior partner in his own firm for 26 of those years. During this time, however, he still remained active in public matters. Walt served

as Chair of the Arms Control and Disarmament Committee and Vice-Chair of the International Courts Committee from 1974–78. He was founder and Executive Vice-President of the Campaign for United Nations reform from 1975–91 and Executive Director and Executive Vice-President of the World Federalist Association from 1985–93. Walt also was appointed by House Speaker Thomas Foley to the United States commission on Improving the Effectiveness of the United Nations, serving from 1992–93, Chair of the International Organizations Interest Group from 1995–96, and President of the Center for U.N. Reform Education from 1993–96.

In addition to his vast experience in governmental affairs, Walt also has a strong teaching background. He has taught courses on Political Science, American Government, Political Theory, and Law at such institutions as William Paterson College and Ramapo College. Currently he is an Adjunct Professor of American and International Studies at both Ramapo College and William Paterson University. Walt is also serving as Legal Counsel to the World Federalist Association and Treasurer of the Center for U.N. Reform Education.

Walt has also been active politically, having served as Councilman for the Township of Wayne from 1964–71. He was also a Democratic candidate for mayor in Wayne as well as the State Assembly, and served in numerous capacities for Presidential candidates Eugene McCarthy and Norman Cousins.

Walt is married to the former Lois Johnson, and together they will celebrate their 50th Wedding Anniversary this June. They have three adult children: Anne Ferruggio, who is Minister of St. Paul's United Church of Christ in Allentown, PA; Laura Calixte, who is the Chief Window Clerk at the Pequannock Post Office; and Charles Hoffman, who is a mortgage banker with Northwest Mortgage Company. Walt and Lois also have three grandchildren: Sylvianne Calixte, who is a student at William Paterson and Raymond and Gregory Hoffman, who are in the 4th and 1st grades respectively, in Havertown, PA.

Mr. Speaker, I ask that you join me, our colleagues, Walt's family and friends, and the Township of Wayne in recognizing Walter Hoffman's many outstanding and invaluable contributions to our society as he is being honored this evening by the Wayne Democratic Organization.

PRAISING THE NATIONAL CHURCH OF THE NAZARENE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Ms. NORTON. Mr. Speaker, I rise to pay tribute to the National Church of the Nazarene on the occasion of its 80th anniversary celebration.

A little more than eighty years ago, in the shadow of the Nation's Capitol in Northeast D.C., a small group of dedicated Christians, who believed in and had experienced ''the blessing of entire sanctification'' attended a series of tent meetings where they heard this doctrine preached. This ''Holiness Movement'' was not generally accepted by the established churches of that day and, in many cases, these people were resented for this belief and met with opposition in their own churches and were often dismissed from them.

Out of these tent meetings, and the desire of this group to serve the Lord in ''Holiness'' in the Nation's Capital, a church was born. This church was the forerunner of the First Church of the Nazarene, which is now known as the National Church of the Nazarene, Washington, D.C. The name was changed in 1996 since ''National'' more appropriately described the true nature and mission of the church since its beginning in Washington. Its ministry and impact have been not only citywide, but nationwide and worldwide.

From its humble beginnings at the tent meetings, the original group was determined to establish a Holiness Church in Washington. It first organized as the Wesleyan Pentecostal Church. As a result of differences, a portion of the group withdrew and formed the Pentecostal Church of the Nazarene. Several other attempts were made to establish the church but, for a number of reasons this did not materialize. Five years later, through the efforts of an ordained Nazarene minister, Reverend Leewin B. Williams and a converted layman, Mr. F.F. Sweeney, the group reformed. The deep desire of this group to become a permanent organization caused the General Superintendent to appoint Rev. W.E. Suber as the first pastor. In the fall of 1917, with 22 charter members the church was formed and was incorporated as the First Church of the Nazarene, Washington, D.C. in July 1920.

Following the resignation of the first pastor, Rev. Williams, once again assumed leadership of the church. One of his first actions was to start a building fund. With $3,500 in the building fund and $450.00 in Liberty Bonds, the church purchased the Epworth Methodist Church building at 7th and A Streets, NE which had been significantly damaged by fire. After extensive renovation, singing ''We're Marching to Zion,'' the entire congregation marched the four blocks to the new church. The mortgage on that property was burned in 1942. This building now houses the Unity of Washington, D.C.

In 1944, a building fund drive was initiated for a ''National Church of the Nazarene in Washington, D.C. and a lot was purchased a few blocks from the church home. The members saved dimes, which were placed in a large bucket, to be used for furnishing the new church. In December 1950 a $10,000 pipe organ was purchased from a radio station in Hagerstown, MD for the sum of $3,000—the same amount that was in the bucket at the time. Today, this organ stands in the National Church of the Nazarene at 16th and Webster Streets.

In the 1940's, World War II brought many changes to the churches in Washington. Government workers and military personnel attended Sunday Schools and worship services. Some of them remained in the area after the War and made their homes here.

In the late 1940's, Rev. Roy Stevens became the pastor. It became obvious that the lot purchased for the new church would not be adequate and it was sold. A lot was purchased at 16th and Webster Streets, NW for $22,000. However, because of the Korean War and the shortage of steel, the project was threatened with delay. After an extended period of prayer by the church and personal contacts Rev. Stevens made with government officials, sufficient steel was released for construction to proceed. On March 15, 1953, the new facilities, on 16th Street, representing a total investment of $430,000, were dedicated. Fifteen years later the mortgage was paid in full.

During the early 1980's there was some thought that the future of the church would be best served by moving to the suburbs. After prayerful, careful analysis the church Board decided, unanimously, that this congregation should become a metropolitan church serving people of every race and culture and remain in Washington, D.C. A Hispanic Congregation began through a Portuguese Sunday School class taught by the wife of the Ambassador of Cape Verde. This congregation now totals 90–100 members. In 1993, a Haitian ministry was formed with 13 members. They now have 50–60 members in attendance on Sunday mornings. The African Christian Fellowship, which ministered to students who had come to Washington, D.C. from their homes in Africa, outgrew their facilities at National Church and now have their own in nearby Maryland. The church has sponsored refugees from several countries including Viet Nam, Hungary and the Philippines. At present, 30 different nationalities are represented in the church.

In 1995, under the leadership of the present pastor, Rev. Michael T. Burns, an extensive repair and renovation program was undertaken in the main sanctuary. Membership now stands at 463—14 of whom have been members for more than 50 years. One person has been a member for 69 years. An important undertaking, at present, is the development of the National Church of the Nazarene Foundation whose purpose is to maintain and perpetuate the ministry of the Church of the Nazarene in Washington, D.C. This will enable the church to develop more ministries that will create additional ports of entry into the church and to assist in its continuing commitment to reach the ever-changing and broadly diverse residents of the greater metropolitan Washington, D.C. area.

Mr. Speaker, over the years the National Church of the Nazarene has been a ''sending'' Church—where people have come for a period of time and prepared to become active lenders in other areas. Many have gone from its altars as ministers, evangelists, missionaries and laymen. I ask this body to join me in sending a special ovation and salute to the National Church of the Nazarene on the occasion of its 80th anniversary celebration.

HONORING THE RONALD MCDONALD HOUSE OF HOUSTON

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the Ronald McDonald House of Houston as it prepares to celebrate its first family reunion on the weekend of May 15th and 16th at the newly opened Ronald McDonald House in the Texas Medical Center.

The Ronald McDonald House gives a home away from home to the families of seriously ill children being treated at the Texas Medical Center. It is rightly known as ''The House that Love Built.'' More than one hundred past Ronald McDonald House families from all over the

world are coming home this weekend to celebrate the new House and to visit old friends, doctors, nurses, and all those who have become a part of their family over the years.

The idea for the Ronald McDonald House was launched in 1978 by a group of parents and friends, most of whom had experienced the trauma of serious childhood illness in their own families. They were supported by contributions from the Houston McDonald's Operators Association, the Houston Oilers, and area foundations, corporations, community organizations, and individuals. In May 1981, the first family moved into the original Ronald McDonald House.

Because of its many outstanding medical facilities, thousands of children travel to Houston each year to be treated for serious illnesses. The Ronald McDonald House provides a place where the whole family can stay in a homelike environment and find support as they share with other families who are also experiencing the trauma of childhood illness. The Ronald McDonald House strives to relieve the stress and pain of illness by offering these families a warm, caring environment where they can share their concerns.

In the fall of 1994, a $10 million capital campaign was launched to secure funds for the construction of a new, larger Ronald McDonald House of Houston in the Texas Medical Center. With the successful completion of this campaign in September 1997, the doors to the current House were opened.

The new House is a three-story brick atrium building including 50 private bedrooms, an eight-station kitchen, special needs kitchen, dining room, meeting areas, business offices, resident manager quarters, playrooms, laundry, outside play area, and even a schoolroom. The House now averages 32 families a night and is well on its way to a full House of 50 families.

The reunion weekend will consist of an old fashioned Texas Round-up Barbecue hosted by the employees of Southwest Airlines, as well as a breakfast with special guests from the Texas Medical Center, The Spring Fling Children's Party, and a commemorative Closing Ceremony. During the ceremony, the children will plant a garden honoring those children who were unable to attend the reunion.

Mr. Speaker, the Ronald McDonald House of Houston, its staff, volunteers and especially its families over the years are a great inspiration to all Americans and I congratulate them on this special occasion.

SENSE OF CONGRESS ON 50TH ANNIVERSARY OF FOUNDING OF MODERN STATE OF ISRAEL

SPEECH OF

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to honor Israel's 50th birthday and celebrate a half century of freedom, democracy, and independence.

In 1948, a Jewish homeland was created after 2,000 years in which its people knew only exile and, far too often, persecution. For thousands of years, the Jewish people would say, ''Next year in Jerusalem,'' but their cry would go unrealized. But the suffering and wandering ended fifty years ago when the world community fulfilled the dreams of the Zionists, and gave men and women around the globe a place in the holy land to call their own.

It has been a remarkable fifty years. As the Psalmist tells us, ''He that keepeth Israel shall neither slumber nor sleep.'' We have certainly seen this message bear truth. Israel's entire history has been a race of hope versus conflict. Though its people have known tragedy and war, Israel has always triumphed. This tiny nation has persevered and thrived, building an island of democracy in a troubled region and a haven of faith in an uncertain time.

As a representative of all the people of Northeast Wisconsin, it is my great pleasure to congratulate Israel on an extraordinary half century and extend my hope and confidence for its continued strength in the years to come.

In the last fifty years, we have turned the plea of ''Next year in Jerusalem'' into a promise. Long may that promise flourish.

SALUTING THE STATE OF ISRAEL ON THEIR 50TH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to congratulate the State of Israel on the 50th Anniversary of its establishment. It is an honor to salute Israel, our long-standing ally and to remember that the United States of America was the first nation to recognize officially the State of Israel fifty years ago.

Recently, I had the opportunity to attend several events in the 11th Congressional District of great significance. One event to commemorate the 50th Anniversary of Israel was a joint celebration held by three synagogues in Morristown, New Jersey. The Congregation Ahavath Israel, the Morristown Jewish Center and Temple B'nai Or held a remarkable celebration on the grounds of the Vail Mansion which was both cultural and educational, and it highlighted the ''modern miracle that is Israel.''

What was of special significance were the number of children present from Conservative, Orthodox and Reform congregations. It was a remarkable event that reinforced the need to remember and to never forget the Holocaust and that the struggle for true peace is never over.

Another special event was the dedication of the Holocaust Memorial Garden and Study Center at Temple Beth Shalom in Livingston.

Mr. Speaker, the garden is a remarkable place. For some it will be a place for recollection, for others medication. Most importantly, the study center and garden is a place to teach the young. Like the Holocaust Museum in Washington, my hope is that this special Memorial Garden and Study Center will attract people of all faiths.

Mr. Speaker, on Tuesday, April 21, the House of Representatives passed a resolution expressing the sense of Congress on the 50th Anniversary of the State of Israel and reaffirming the bonds of friendship between our two nations. I was pleased to both cosponsor and vote for this resolution, which recognized the accomplishments of the Jewish people who helped forge the modern state of Israel, and who make it the vibrant and dynamic country it is today. Mr. Speaker, I am including a copy of that important legislation at the end of my remarks today.

The modern state of Israel is still tied to the ancient Kingdom of Israel, first established over three thousand years ago. The recognition of their history, and respect of tradition, has helped guide Israel's leaders for the past fifty years. David Ben-Gurion, the founding father and first prime minister of Israel, said in an broadcast to the Israelis on May 15, 1948, the day after Independence:

> Whatever we have achieved is the result of the efforts of earlier generations no less than our own. It is also the result of unwavering fidelity to our precious heritage, the heritage of a small nation that has suffered much, but at the same time has won for itself a special place in the history of mankind because of its spirit, faith and vision.

Mr. Speaker, my hope for the future of Israel, for the next fifty years and beyond, was best stated by Chaim Herzog, the fifth president of Israel, in his farewell address to the Knesset. To paraphrase him, I hope that Israel, as a flourishing, cohesive and progressive society, can continue to climb to the summits and reach the height from which they may be a beacon to the nations.

Joint Resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern state of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel.

Whereas on November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine, and through that vote, to create the State of Israel;

Whereas on May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel and the United States Government established full diplomatic relations with Israel;

Whereas the desire of the Jewish people to establish an independent modern State of Israel is the outgrowth of the existence of the historic Kingdom of Israel established three thousand years ago in the city of Jerusalem and in the land of Israel;

Whereas one century ago at the First Zionist Congress on August 29 to 31, 1897, in Basel, Switzerland, participants under the leadership of Theodore Herzl affirmed the desire to reestablish a Jewish homeland in the historic land of Israel;

Whereas the establishment of the modern State of Israel as a homeland for the Jews followed the slaughter of more than six million European Jews during the Holocaust;

Whereas since its establishment 50 years ago, the modern State of Israel has rebuilt a nation, forged a new and dynamic society, and created a unique and vital economic, political, cultural, and intellectual life despite the heavy cost of six wars, terrorism, international ostracism, and economic boycotts;

Whereas the people of Israel have established a vibrant and functioning pluralistic democratic political system including freedom of speech, a free press, free and fair and open elections, the rule of law, and other democratic principles and practices;

Whereas, at great social and financial costs, Israel has absorbed hundreds of thousands of Jews from countries throughout the World, many of them refugees from Arab countries, and fully integrated them into Israeli society;

Whereas for half a century the United States and Israel have maintained a special

relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect; and

Whereas the American people have shared an affinity with the people of Israel and regard Israel as a strong and trusted ally and an important strategic partner: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States—

(1) recognizes the historic significance of the 50th anniversary of the reestablishment of the sovereign and independent modern State of Israel;

(2) commends the people of Israel for their remarkable achievements in building a new state and a pluralistic democratic society in the Middle East in the face of terrorism, hostility and belligerence by many of her neighbors;

(3) reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel for the past half-century and which have been significant for both countries; and

(4) extends the warmest congratulations and best wishes to the State of Israel and her people for a peaceful and prosperous and successful future.

AKIN BIRDAL—VOICE FOR HUMAN RIGHTS IN TURKEY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. SMITH of New Jersey. Mr. Speaker, many in the human rights community were horrified to learn of the shooting of Akin Birdal, President of Turkey's Human Rights Foundation, by unidentified armed gunmen at his offices in Ankara. Mr. Birdal, a widely recognized and respected human rights advocate, appeared before the Helsinki Commission in the early 1990s and most recently met with members of a Commission delegation that visited Turkey in January. Today's attack occurred against the backdrop of an ongoing campaign of harassment against human rights NGOs in Turkey. The Human Rights Foundation, Turkey's largest human rights monitoring group, has had numerous offices closed down by the Turkish authorities. The Foundation's leadership, including Mr. Birdal, has been repeatedly targeted for prosecution.

The attack against Akin Birdal in a very real sense is an assault on Turkey's fledgling civil society. The development of a genuine civil society is essential if Turkey hopes to develop into a true democracy. Mr. Speaker, instead of viewing human rights advocates like Mr. Birdal as adversaries, Turkey's leaders should embrace these courageous individuals as allies and form a partnership with those dedicated to democracy, human rights, and the rule of law. Our prayers go out to Mr. Birdal and his family in the aftermath of this senseless act.

CONGRATULATIONS TO DR. MAN J. CHA, DR. WALTER FUNG, DR. TOYOKO MAE TAKAHASHI, MR. SUTEE VATANATHAM, AND MS. IA V. XIONG

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Dr. Man J. Cha, Walter Fung, M.D., Toyoko Mae Takahashi, Pharm. D., Sutee Vatanatham, and Ia V. Xiong, for being selected the 1998 Portraits of Success Program Honorees by KSEE 24 and Companies that Care. In recognition of Asian American Heritage Month, these five leaders were honored for their unique contribution to the betterment of the community.

Dr. Man J. Cha has served as Professor of political science and public administration at California State University, Fresno since 1969. He earned his masters and doctoral degrees from the School of Public Administration at the University of Southern California. He also earned his baccalaureate degree in International Relations and Economics from this acclaimed University. Since 1965, Dr. Cha has made significant contributions as an instructor in higher education. He has taught public management, organizational theory and behavior, and many other courses related to American government and public policy issues. He has also conducted extensive research related to environmental issues, economic development and the political and social culture of South Korea. In 1988, he was awarded a Rotary Foundation International Ambassadorial Scholarship to give lectures in Korea and the United States. In 1992 he was awarded a major grant from the Korea Research Foundation to study Korean bureaucracy and public policy. More recently, Dr. Cha was on sabbatical leave conducting policy research in China and Korea. Dr. Cha has published numerous scholarly works on a broad range of social and environmental issues related to Korea, Asian-American politics and America's economic foreign policy. On the local front, Dr. Cha served as a member of Fresno City Review Committee which recommended Fresno's strong mayor form of government in 1992. He also conducts training workshops to introduce city, county, and state employees to an advanced systems approach to public management methodology and processes.

Dr. Walter Fung was born and raised in Fresno, California. He graduated from Edison High School in 1950 and later from California State University, Fresno. He received his degree in medicine from the University of California at Irvine specializing in gastroenterology. From 1971 until 1974, Dr. Fung served as the Medical Director for the Fresno County Economic Opportunities Commission, providing clinical care, immunization, and health screenings to low-income individuals and children. In 1974 Dr. Fung was confronted with a life-changing experience, which he says brought him a renewed focus on life. He was diagnosed with cancer and given two years to live. He credits this frightening experience with adding a deeper dimension to his physician-patient relationships. His own illness prompted him to serve others as much as possible. His caring and sensitivity has earned him public recognition for providing ''extraordinary patient care.'' More recently, Dr. Fung coordinated the building of the new First Chinese Baptist church in Fresno. The facility has become the hub of activities for the Chinese community. Dr. Fung personally was responsible for raising $700,000 of the $1.5 million needed to complete this project. His past community involvement also includes working with the Boy Scouts, the March of Dimes, and the Boys and Girls Club of Fresno. Today Dr. Fung says he will continue promoting ''filial piety'' among the Asian community. His future plans include helping to build a skilled nursing and retirement home for Asian seniors to best meet their dietary and cultural needs. Dr. Fung and his wife Barbara have been blessed with three children and two grandchildren.

Dr. Toyoko Mae Takahashi is described by her friends and professional colleagues as a ''perennial volunteer'' who has been active for many years helping to improve the Fresno and Clovis communities. Dr. Takahashi completed her undergraduate studies at the University of California, Berkeley. She attained a doctoral degree from the School of Pharmacy at the University of California, San Francisco. In 1959, she completed a three-year pharmacy internship at Valley Medical Center in Fresno. In 1960, Dr. Takahashi established Valley Medical Pharmacy, Inc. (Manor drugs) acting as its corporate President. From 1969 until 1987, she served as a consultant for Hope Manor and Clovis Community Hospital. She later became a Partner at Hope Manor Convalescent Hospital, and more recently founded the Professional Pharmacy Alliance, Inc. and currently serves as the corporate President. In addition to her exemplary professional career, Dr. Takahashi is recognized for her extensive community service. She has been active for many years with Central California Asian Pacific Woman, an organization that helps to raise scholarships for deserving Asian Students. As well, she is active in the Soroptomist International of Fresno's Youth Forum. The Youth Forum is organized for students in Fresno and Clovis to provide young people with unique opportunities to discuss ways in which they can help to build a better society. Dr. Takahashi also served for five years as a member of the Board of Directors of the Fresno Private Industry Council, which provides employment and training programs to local residents. She has also been very active with the Central California District Council, Japanese American Citizens League, the Central California Nikkei Foundation, and the Woodward Park Shin Zen Gardens. Additionally, she has served on numerous committees designed to promote small business development, higher education and civil rights protection of Japanese-Americans. In 1990, Dr. Toyoko Mae Takahashi was Appointed by President George Bush to the U.S. Department of Agriculture Citizen Advisory Committee in Equal Opportunity. That same year she was recognized by the U.S. Department of Justice for her support and dedication to the Japanese American Redress Program.

Mr. Sutee Vatanatham was born in Thailand in 1951. He and his family immigrated to Los Angeles, California, in the early 1970's where he attended public schools. In the mid 1970's, Mr. Vatanatham moved to Visalia, California, where he received a two-year degree in Engineering from College of the Sequoias. In

1980, he received a baccalaureate degree in Electrical Engineering from California State University, Fresno. In 1981, he opened the Thai House, the First Thai restaurant in Fresno. The restaurant has been rated the Best Thai Restaurant for four consecutive years, and three times the ''Best Asian Restaurant in the Valley'' by the ''Fresno Bee''. The Thai House employs more than 40 employees. In addition to becoming a successful restaurateur, Mr. Vatanatham has also made a significant contribution to our nation's defense. In 1988, he joined the U.S. Naval Reserve. In 1989, he was assigned to six month's active duty in Subic Bay, the Philippines, where he served in Operation Desert Shield. He later served in Bahrain, Saudi Arabia in Desert Storm. Mr. Vatanatham earned the National Defense Medal, the Achievement Commendation Medal, the South West Asian Medal, and the Kuwait Liberation Medal for his military service. On the local front, Mr. Vatanatham has distinguished himself through his charitable work and contributions. He makes year-round contributions to school activities, the Salvation Army, the Cancer Society, AMVETS, the March of Dimes, and the American Heart Association. Now, he volunteers to help build homes for Habitat for Humanity.

Ms. Ia V. Xiong was born in Highland Laos. She is the third daughter of seven children. Her family immigrated to the United States in 1980 when she was 12 years old. Despite the great number of obstacles that confront Southeast Asian immigrants, Ms. Xiong has distinguished herself by becoming a highly successful role model for the Hmong community and society. In 1992, she became the first Hmong-American woman to become a teacher in the Fresno-Clovis Area. Currently, Ms. Xiong works for Fresno Unified School District as a bilingual advisor. Previously, she worked six years with Clovis Unified School District as an elementary bilingual teacher. At Clovis Unified School District she designed unique bilingual reading materials and developed primary language support programs for first and third-grade Hmong students. Ms. Xiong is credited with developing unique multi cultural learning activities, such as her popular ''Story Night'' program. In 1987 Ia V. Xiong published ''The Gift: A Hmong New Year.'' This book has become a popular resource for people wanting to learn more about Hmong culture. Her translation of ''How The Farmer Tricked The Evil Demon,'' has become another favorite among bilingual teachers who work with Hmong students. Ia V. Xiong is active in community service. She currently serves as a board member for the Fresno Center for New Americans. She is also past President of the Association of California School Administrators, Region IX, and is an active participant of the Hmong Language Institute. Ms. Xiong is married to Chalee Xiong. They are blessed with two young boys, Kien and Vincent.

Mr. Speaker, it is with great honor that I congratulate Dr. Man J. Cha, Dr. Walter Fung, Dr. Toyoko Mae Takahashi, Mr. Sutee Vatanatham, and Ms. Ia V. Xiong for being recognized as the KSEE 24 and Companies that Care 1998 Portraits of Success Honorees in celebration of Asian-American Heritage Month. I applaud the contributions, ideals, and leadership they have exhibited in our community. I ask my colleagues to join me in wishing these fine individuals many more years of success.

VETO PROMISE NOT WARRANTED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. BEREUTER. Mr. Speaker, it seems that the ''Mexico City'' policy will continue to be an item of contention between the House of Representatives and the Clinton Administration. This Member hopes the President will reconsider his hard-line opposition to the ''Mexico City'' policy, but that appears unlikely. As demonstrated during the Reagan years, there are family planning organizations which do not perform abortions that can implement the international family planning programs.

Accordingly, this Member commends to his colleagues an excellent editorial which appeared in the Norfolk (Nebraska) Daily News, on May 12, 1998.

VETO PROMISE NOT WARRANTED

ON ABORTION MATTER, UNITED NATIONS POLICY CONSISTENT WITH REPUBLICANS

Most Americans are accustomed to meeting their obligations, even those made on their behalf by politicians and statesmen with whom they may disagree. The dues payment that the United States provides (or has refused to pay in full in the past) to the United Nations is one of those obligations. The arrears should be paid.

A long battle to reduce the size of that annual assessment, to get the U.N. to be less wasteful and more accountable, was won last year. A compromise was reached, the payment of nearly $1 billion in back dues has been approved by Congress.

President Clinton, who favors the payment, threatens to veto the bill, however. It is because the Republican majority in Congress succeeded in aiding language to the appropriations bill that would preclude any of the federal funds from being used by international family planning organizations which advocate abortion.

Judging by the slim margin of victory for the measure in the Senate a few days ago (51–49), President Clinton could expect to be sustained in his veto action. That would leave the dues unpaid, of course.

Undesirable as it may be to attach special conditions to this sort of appropriations measure, the president needs to back down. Any one of these three reasons is enough.

1. The United Nations itself has adopted a policy consistent with that which the GOP majority is attempting to emphasize. In 1984, at an international conference related to population control, it affirmed this policy: ''Abortion is never to be promoted as a means of family planning.''

2. Planned Parenthood and other organizations which are involved in this field have adequate means to promote their own policies without tapping either the resources of the American government or the United Nations.

3. The bitter and unreconcilable divisions in America about when, or if ever, abortion is acceptable, should mean that no money obtained from mandatory tax levies should be used for such procedures unless there is virtually unanimous approval.

That the procedure is legal in America, under a variety of conditions approved by the Supreme Court and set forth in law, does not mean that public funds must follow. Private funding for those who choose abortion should be demanded.

President Clinton should not be allowed to claim that his congressional opponents on the abortion issue are voting, in effect, to penalize the U.N. by refusing to give him a spending bill without any strings attached. The conditions imposed are not only a valid expression of the congressional majority's views on an important issue related to international affairs, but also consistent with U.N. policy.

U.S. POLICY ON KOSOVO

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. HAMILTON. Mr. Speaker, the situation in the province of Kosovo in the Federal Republic of Yugoslavia is tense and volatile. It is getting worse by the day.

The United States and its allies and partners in the contact group are attempting to achieve the right combination of incentives, pressures and sanctions to induce Yugoslav President Milosevic to abandon the use of military force and repression and start a negotiation without preconditions with the leaders of the Kosovo Albanians. The goal of these talks would be a return of the region's former autonomy and a clarification of the future status of the region within Serbia and the Federal Republic of Yugoslavia.

At the same time, it is also necessary to make clear to the leaders of the Kosovo Albanians and to the Albanian people of Kosovo in general that the United States and its partners in the contact group do not support independence of Kosovo as a realistic solution to this crisis. It is not at all clear that the people of Kosovo are getting this message as loudly and clearly as they should. This is the emphatic message that visiting Italian Prime Minister Prodi conveyed to the Administration and the Congress during his state visit here last week.

In late March I sent a letter to National Security Advisor Sandy Berger setting forth my policy concerns and suggestions for adjusting U.S. policy in the Kosovo crisis. These suggestions included the need for the Administration to continue to work closely with our allies in the contact group and to state unequivocally and clearly that the United States does not support independence for Kosovo—that a solution for Kosovo must be found consistent with the territorial integrity of Serbia and the Federal Republic of Yugoslavia.

Mr. Berger's response to this letter is very helpful in clarifying U.S. policy on this and other key issues involved in the Kosovo problem. Specifically, in the letter Mr. Berger confirms that ''. . . the difficulties in Kosovo cannot be solved through the use of force. We have made it clear that we do not support secession or independence for Kosovo, and that Kosovar Albanians must pursue their legitimate human rights grievances peacefully.''

Mr. Speaker, I believe my colleagues will find my exchange of letters with National Security Advisor Berger to be helpful in clarifying Administration policy on Kosovo and in formulating their own views on the continuing crisis in that region. For this reason I am inserting both in the Record at this time. The text follows:

THE WHITE HOUSE,
Washington, May 4, 1998.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, DC.

DEAR LEE: Thanks for your ideas regarding our policy on Kosovo. Your thoughts broadly reflect our own approach.

As you suggested, we are working to maintain Contact Group unity and thereby sustain effective pressure on Milosevic. In two meetings in March, Contact Group Ministers outlined the specific steps needed to resolve the situation and agreed on a set of measures, including a UN arms embargo, to apply pressure on Milosevic. We demanded an urgent start to authoritative talks between Belgrade and Kosovar Albanians, and pledged to consider further measures, if needed.

We can only avert continued deterioration in Kosovo and serious risk to regional stability through unified, focused, sustained pressure on the parties, especially Belgrade. Strobe Talbott recently visited key European capitals to build support for further Contact Group action at the April 29 meeting in Rome, and beyond. Our proposed approach includes a balanced mix of incentives and disincentives that deserves the support of all Contact Group nations.

As you also advocate, we have been firm with both parties that the difficulties in Kosovo cannot be solved through the use of force. We have made clear that we do not support secession or independence for Kosovo, and that Kosovar Albanians must pursue their legitimate human rights grievances peacefully. We also have made clear to Milosevic that further acts of repression or disproportionate violence by Serbian security forces will only deepen Belgrade's isolation and strengthen international resolve to take further measures.

I appreciate your thoughts on this important issue, and will count on your advice and assistance on this difficult problem in the weeks ahead.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President
for National Security Affairs.

MARCH *31, 1998.*

Hon. SAMUEL R. BERGER,
Assistant to the President for National Security Affairs, The White House; Washington, DC.

DEAR SANDY: At a recent breakfast Secretary Cohen had with several Members, the subject of Kosovo came up. Following the meeting, I did some thinking on the issue, and I wanted to share with you some policy suggestions concerning the U.S. approach to the crisis in the Kosovo province of Serbia.

The basic policy problem for the United States, working with the Contact Group, has been getting Yugoslav President Milosevic to compromise on Kosovo. We want him to remove his special police units and initiate a serious negotiating process, without pre-conditions, with leaders of the ethnic Albanian majority in Kosovo to find a mutually acceptable compromise on the future status of the province.

I understand and support the basic goals of the Administration's policy in Kosovo—a peaceful resolution of the crisis through negotiation resulting in a return of full autonomy for the province. However, it is my impression that the Administration's tactics in support of this policy—pushing for sustained pressure on Milosevic by advocating renewed economic and diplomatic sanctions, and making implied or even direct public threats of possible military action if the Serb crackdown in the province gets harsher—is not a policy that our NATO allies in the Contact Group support. They are urging a cautious and more even-handed approach as the best way to get Milosevic to compromise.

I would suggest that U.S. policy on Kosovo be adjusted to give Milosevic both the incentive and the confidence to compromise:

First, the Administration should not make implied or direct public threats of military action in Kosovo. The use of military force against Serbia has no support among our allies. We are already committed in Bosnia with 8,000 troops on the ground. We need Serbia's cooperation to make Dayton work. Threats to use force lack credibility, and air strikes alone are unlikely to change Serbia's policies on an issue as crucial to it as Kosovo.

U.S. threats to use force will also encourage the Kosovo Liberation Army and others to provoke Serbia, thereby enlisting the U.S. on the side of their separatist agenda.

Second, the Administration should stop comparing the situation in Kosovo to wartime Bosnia. Kosovo, unlike Bosnia, is an integral part of Serbia and the Federal Republic of Yugoslavia. We could cite international responsibility to help the independent state of Bosnia, but Kosovo is not an independent state, and has no recognition as such. Continued comparisons of Kosovo to Bosnia will only harden Mikosevic's resolve to defy the international community and circle the wagons in his country.

Third, the Administration must state unequivocally and often that we do not support independence for Kosovo, and that a solution for Kosovo must be found consistent with the territorial integrity of Serbia and the Federal Republic of Yugoslavia. The future of Kosovo must be decided between the Serbian government and representatives of the ethnic Albanian residents of Kosovo, and the international community should do what it can to facilitate those negotiations.

Fourth, we can threaten Milosevic with sanctions, as the Contact Group has done very recently, if he does not start negotiations without preconditions with the ethnic Albanians within the next month. But threats of sanctions must have the support of the Contact Group if they are to be effective—otherwise Milosevic will play off governments against each other. To be consistent and even-handed, we should also tell ethnic Albanian leaders that they must also come to the table without preconditions on independence of the presence of a third-party mediator.

Fifth, the Administration should not blame Milosevic alone for the current crisis in Kosovo. Clearly, he bears heavy responsibility. But to be an effective intermediary, we must also highlight the unacceptable use of violence by armed ethnic-Albanian separatist groups, which is part of the reason for Serbia's recent crack-down in the first place. We must make clear to both sides that we will not accept violence as a means of resolving the conflict.

If we want to get Milosevic to demonstrate compromise on Kosovo, I do not believe the current U.S. policy of threatening sanctions—beyond what the Contact Group supports—and threatening unilateral U.S. military force will achieve such compromise.

Such a policy antagonizes our allies and Russia, and will not result in a lasting political settlement. Such a policy could very well embroil us in a military conflict in Kosovo at a time when the U.S. public and the Congress grudgingly tolerate our continuing involvement in Bosnia, and could harm U.S. interests throughout former Yugoslavia.

I appreciate the opportunity to give you some of my thinking on the Kosovo problem. I intend to follow up with you on the phone on this matter as well, and I am available if you have any questions.

With best regards,
Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

SPECIAL TRIBUTE HONORING KATIE ROCCHIO, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Katie Rocchio, winner of the 1998 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Katie is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Katie Rocchio is an exceptional student at Coldwater High School and possesses an impressive high school record. President of the Student Council, Katie is also a member of the National Honor Society, and is the photo editor for her school newspaper. Outside of school, Katie is involved with the Community theater and various other community activities.

In special tribute, therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Katie Rocchio for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

100TH ANNIVERSARY OF THE BOROUGH OF HOPATCONG, SUSSEX, COUNTY, NJ

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 100th Anniversary of the Borough of Hopatcong, Sussex County, NJ.

The Borough of Hopatcong, known originally as the Borough of Brooklyn, was founded on April 2, 1898 off the western shore of Lake Hopatcong, the largest public recreational lake in New Jersey. Although the land surrounding the lake was originally settled by the Lenni Lenape Indians, by 1715, English colonists attracted by the growing fur trade had purchased over 1,000 acres of the lake area.

The discovery of iron ore in the middle 1700's led to the development of a thriving mining industry in the Hopatcong area. The inhabitants of Hopatcong at that time, which numbered no greater than 20 families, stayed in small communities that were close to the local iron forges. The Brookland Forge, one of the most productive in the area, comprised four hearths which produced 300 tons of iron per year. While most iron was transported east, to be used by various companies in creating metal products, high shipping costs

eventually led to a decline in the industry by the early 19th century.

As the iron industry in the area waned, a decision in the last 1800's, to dam and merge the two lakes constituting Lake Hopatcong led to a rapid increase in tourism within the vicinity of Hopatcong. Due to the pleasant climate and proximity to New York City, the lake area soon became a major northeastern resort and began to experience high levels of prosperity. By the late 1800's Hopatcong was still part of Byram Township, one of three municipalities bordering the lake at that time. As many summer cottages were built in the surrounding towns, Hopatcong residents became increasingly dissatisfied with the pace of development in their own community.

After some debate, Hopatcong residents decided that officially separating from Byram would allow them to build new roads and make other necessary improvements near the Lake to attract tourists. In 1898, Hopatcong residents were finally granted the right to incorporate as an independent municipality, and the Borough soon developed into a popular resort community. Today, Hopatcong remains a vibrant residential area with a growing business community and a population of over 15,000 persons.

Mr. Speaker, for the past 100 years, the Borough of Hopatcong has prospered as a community and continues to flourish today. By all accounts, it will continue to prosper in the future, and I ask you, Mr. Speaker, and my colleagues to congratulate all residents of Hopatcong on this special anniversary year.

THE PASSING OF A DISTINGUISHED LEADER, PHILIP ROTELLA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. GILMAN. Mr. Speaker, it is with a great deal of regret that I inform our colleagues of the passing of one of the most remarkable public servants my 20th Congressional District of New York has ever produced, Philip Rotella of Haverstraw, N.Y.

Phil Rotella first sought public office in 1946, being elected that year to the Board of Trustees of the Village of West Haverstraw. Two years later, in 1948, he sought election to the position of Town Justice of the Peace, and the then-President of the United States, Harry Truman, came to Haverstraw to campaign for Phil. He was successful in that 1948 contest and went on to serve as Justice of the Peace for 15 years.

On election day 1963, when John F. Kennedy was President, Phil Rotella was promoted by his voters to the office of Town Supervisor of the Town of Haverstraw. Phil was re-elected by the voters every two years continually until he voluntarily retired in 1997. During his tenure of 34 years as Town Supervisor, Phil Rotella was known for his skill in saving the taxpayer's dollars while providing superb town services.

Instead of issuing bonds which had to be repaid by future taxpayers, Phil Rotella squirreled money away, financing a new police and courthouse building in 1974, a new Town Hall and public library in 1981, and a new highway garage in 1992 by his frugal fiscal policy.

Supervisor Rotella, throughout his 34 year tenure, earned a reputation for preserving parkland for future generations. He convinced our local utility company to donate a park to the townspeople in exchange for allowing them to construct a second power plant. He spearheaded the construction of one of the superb marinas on the entire Hudson River, and his town makes about $250,000 a year from marina concession fees. In 1981, Phil successfully negotiated the purchase of Cheesecote Mountain Park from the State of New York for one dollar.

During most of his tenure as Town Supervisor, Phil Rotella also served in the additional capacity as a Rockland County Legislator, as is permissible in that county. In that position, he also fought to make certain that his Town received its due from the county government.

The closest Phil came to facing political defeat during his entire elective career of over 50 years was when, in 1983, the opposition was successful in removing Phil's entire political party from the November ballot due to a legal technicality. It is a remarkable tribute to Phil Rotella's incredible popularity that he was re-elected that year by receiving over 5,000 valid write in votes which in New York State are extremely difficult to validly cast.

Our region has truly lost a giant public servant in the passing of Phil Rotella. To his widow Marilyn, to his daughters Carolyn and Diane, to his sons John and Philip Jr., his three stepsons Jack, Edward and Arthur, his stepdaughter Esther, his 13 grandchildren and 12 great-grandchildren we extend our sincere condolences. Although mere words cannot assuage the grief of losing this remarkable man, it is hoped that his many loved ones will have the consolation that he was an outstanding public servant who will long be missed by so many of us.

IN HONOR OF HAROLD ''BUD'' LOVELL

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Ms. DELAURO. Mr. Speaker, I rise today to recognize Harold Lovell of Stratford, Connecticut on the occasion of tonight's testimonial dinner being held in his honor. As Harold, or ''Bud'' as he is affectionately known to his friends, is honored this evening, I would like to join his many well-wishers in paying tribute to a man who has spent his life enriching his community and serving others. Bud was born in 1910, raised in Stratford, and educated in Stratford schools. He then continued his studies at DePauw University and graduated in 1934. Bud began his career at the Bridgeport Post Publishing Company soon after graduating from DePauw. It was there that he honed his skills in writing and editing—skills he has used with great success ever since.

Bud left the Post Publishing Company and began his distinguished tenure as editor of the Stratford News. After a prestigious career with the News, Bud left journalism to run his family's business, the H.C. Lovell Hardware and Equipment Company—a Stratford institution since 1783.

Throughout his life, Bud has never strayed from his commitment to his community. He has dedicated countless hours to organizations such as the Stratford YMCA and the American Shakespeare Festival Theater, but his greatest pastime has been his membership in the Lions Club of Stratford. The most senior member of the club, Bud epitomizes the selfless commitment that is the very basis for the Lions. A member since 1956, Bud has served as President and Zone Chairman. He has won several awards in recognition of his good works, including the Melvin Jones Fellow award for his exceptional service to the blind.

A dedicated family man, Bud has been married to his wife Lulu Klein for almost half a century. It has been said that ''the good that men do, lives after them,'' and the many good works of Bud Lovell will echo for generations in his home of Stratford, and beyond.

SPECIAL TRIBUTE HONORING KIMBERLY SECKINGER, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Kimberly Seckinger, winner of the 1998 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in out Nation's future.

As a winner of the LeGrand Smith Scholarship, Kimberly is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Kimberly is an exceptional student at Hillsdale High School and possesses an impressive high school record. Kimberly is a board member of the National Honor Society and Senior Class Secretary. Kimberly is also a member of the Varsity Golf Team. Outside of school Kimberly is involved with the PAC Camp as a Counselor and various other community activities.

In special tribute, therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Kimberly Seckinger for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

TRIBUTE TO AMBASSADOR FENG SHAN HO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to

Mr. Feng Shan Ho, an outstanding San Francisco resident who rescued thousands from Nazi destruction during World War II. Mr. Ho died in September 1997 at his home in San Francisco.

Mr. Speaker, Feng Shan Ho left an indelible imprint on the people whose lives he saved. Like the Swedish diplomat and humanitarian, Raoul Wallenberg, and the American diplomat and humanitarian rescuer, Varian Fry, Mr. Ho has shown what an individual can achieve when he has the courage to oppose repression and racism despite seemingly impossible odds.

Feng Shan Ho was the Consul General of China in Vienna in 1938. Following the annexation of Austria by Germany that year, he saw increasing persecution of Jews and others at the hands of the Nazis. Jewish-owned businesses were vandalized and their owners arrested. Jews and other so-called ''enemies of the Reich'' were sent to concentration camps within weeks of the annexation. Austrian Nazi authorities informed Jews that if they obtained visas for other countries and emigrated, they would be allowed to leave unharmed. Many tried to emigrate, but most found that few countries were willing to permit them entry.

Consul General Ho was appalled at the increasingly desperate situation that he observed. In an act of courage and compassion, he sought to help the refugees. On his own authority as Consul General—and without the permission of his superiors in China—he issued visas for admission to China to any person who requested one. With these visas as proof of destination, Jews could obtain permission from Nazi officials to leave Austria and Germany.

In 1939 Nazi officials confiscated the building in which the Chinese consulate was located because of its Jewish ownership. The Chinese consulate was forced to operate in other, smaller facilities. In 1940 Consul General Ho was transferred to the United States. In 1941, the government of China broke off diplomatic relations with Germany and the Consulate General in Vienna was closed.

After leaving Vienna, Mr. Ho spent the remainder of the war involved in China's struggle against Japan. His first assignment after Vienna was to Washington, DC, and he later served at the Foreign Ministry in China's wartime capital, Chungking. In 1947, Mr. Ho began a nine-year term as Ambassador to Egypt and several other Middle Eastern countries. At the conclusion of the Chinese Civil War, Mr. Ho remained loyal to the Chinese Nationalist government which fled to Taiwan in 1949. Following his term in the Middle East, Ambassador Ho served as China's ambassador to Mexico, Bolivia, and Columbia.

In 1973 after a distinguished career in the diplomatic service of the Republic of China that spanned four decades, Ambassador Ho retired and settled in San Francisco. On September 28, 1997, at the age of 96, he died at his home there, attended by his wife and daughter.

The story of Feng Shan Ho's courageous actions in Vienna is currently being told in a traveling exhibit organized by Mr. Eric Saul that is being shown in American and foreign cities. The exhibit was on display at the Yad Vashem Holocaust memorial in Israel in April, and earlier it was on display at my district office of California.

Mr. Speaker, I invite my colleagues to join me in paying well-deserved tribute to Ambassador Feng Shan Ho—a great man, a dedicated public servant, and a courageous humanitarian.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. KIND. Mr. Speaker, I read with interest an article in today's Los Angeles Times about media coverage of the U.S. Senate primary in California. In the race to win the Republican nomination for the U.S. Senate the news media has provided almost no coverage to the two major candidates. One news station executive said ''I can't afford to have a reporter spend two hours for a story that is low-impact, low-merit.'' It appears that our democratic process has lost out in the ratings game to sex, violence and scandal. This lack of ''earned media'' coverage has forced candidates to rely solely on paid media advertisements to get out their message. Of course this development is one more benefit for the candidate who has the most money from personal wealth or from special interest contributions.

This is yet one more example of the need to reform our campaign finance system. Money and paid media have come to dominate political campaigns more than ever before. Yet, the Republican leadership has continued to delay a debate on campaign finance reform. It is time to allow a vote on campaign finance reform in the House of Representatives. The people of this country are tired of waiting.

ANNUAL CONGRESSIONAL ARTS COMPETITION PARTICIPANTS HONORED

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

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. I rise today to congratulate and honor 45 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,'' sponsored by Schering-Plough Corporation. They were recently honored at a reception and exhibit, and their works were exceptional.

Mr. Speaker, I would like to list each of them, their high schools, and their contest entries, for the official record:

Leandro Flaherty, Bayley-Ellard, ''Interior'';
Lisa Johnson, Bayley-Ellard, ''Interior'';
Michelle Mechanic, Bayley-Ellard, ''Full Circle'';
Jonathan Wagner, Bayley-Ellard, ''Self Portrait'';
Kelli Coghlan, Boonton, ''Untitled'';
Larissa Schaffnit, Boonton, ''Onions'';
Lara Victoria Zakk, Boonton, ''Foot-Loose'';
Matthew Zugale, Boonton, ''Untitled'';
Mark DeLotto, Delbarton, ''Mom and Dad'';
Mike Giaccio, Delbarton, ''Deconstructing Directions'';
Tom Harrison, Delbarton, ''Coat'';
Eric Joyce, Delbarton, ''Untitled'';
Vanessa Batters, Kinnelon, ''Moonshine'';
Deborah J. Link, Kinnelon, ''Skyscape'';
Cristina Murphy, Kinnelon, ''The Two Faces'';
Sunnie Kim, Livingston, ''Still Life'';
Adam Sacks, Madison, ''No Title'';
Paula Salerno, Madison, ''Floral Still Life'';
Eliza Jane Thomas, Madison, ''Andrew'';
Marlene Toledo, Madison, ''Egyptian Profile'';
Melissa Davis, Millburn, ''Pink Walls'';
Lauren Doto, Millburn, ''Wandering Eyes'';
Amy Goldfeder, Millburn, ''Whimsical'';
Stieg Retlin, Millburn, ''White Oak and Hobart'';
Greg Espersen, Montville, ''Panorama'';
Sook-Kyung Lee, Montville, ''Shoveling Snow'';
Renee Snelson, Montville, ''Secret Gatherings'';
Tony Yang, Montville, ''Speed Check'';
Nicholas Black, Morris Knolls, ''Self Portrait'';
Amy Broadwell, Morris Knolls, ''I'm Not Sarah'';
Peter Harris, Morris Knolls, ''Ascend Into * * * !'';
Seth Ruggles Hiler, Morris Knolls, ''Fall Memory'';
Kate Lovering, Mount Olive, ''Time Worn'';
Janet Swan, Mount Olive, ''Drowned in Anger'';
Kimberly Hill, Pequannock, ''Tranquillity'';
Daniel Muzzio, Pequannock, ''Nick My Love'';
Steve Su, Pequannock, ''Dark Thoughts'';
Alyssa Tierney, Pequannock, ''Blossoms on a Warm Spring Day'';
Erika Mathison, Ridge, ''Retrospect'';
Emily Schulenburg, Ridge, ''Deaconry Livestock'';
Glen Wiley, Ridge, ''The Core of Wiley'';
Peter Wonsowski, Ridge, ''Unity Through Music'';
Carolina Coppi, West Essex Regional, ''Mood Descends'';
Keri Moran, West Essex Regional, ''Different Shades of Grey''; and
Kathleen Peng, West Essex Regional, ''Exotic Amazon''.

As you know, Mr. Speaker, each year the winner of the competition will have an opportunity to travel to Washington, D.C., to meet Congressional leaders and to mount his or her artwork in a special corridor of the U.S. Capitol with winners from across the country. This year, first place went to Emily Schulenburg of Ridge High School, for her outstanding acrylic painting, ''Deaconry Livestock.'' In addition, ten other submissions received honorable mention by the judges. As usual, the judges had an extremely hard time with the awards process, and 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.

SPECIAL TRIBUTE HONORING RACHELLE TELLER, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record

of excellence she has compiled in academics, leadership and community service, that I am proud to salute Rachelle Teller, winner of the 1998 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Rachelle is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Rachelle is an exceptional student at Napoleon High School and possesses an impressive high school record. Rachelle is a Class Representative in the Student Government and a member of the schools S.A.D.D. program. Rachelle is also the Editor-in-Chief of the school newspaper. Outside of school, Rachelle is involved with the International Order of Rainbow for Girls and various other community activities.

In special tribute, therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Rachelle Teller for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

MEMORIAL DAY 1998—OUR THANKS AND GRATITUDE TO ALL WHO SACRIFICED FOR OUR NATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. GILMAN. Mr. Speaker, it is an honor for all of us on this Memorial Day to commemorate all those who made the ultimate sacrifice on the battlefield, on the seas, and in the air, so that we in our nation may enjoy the liberty for which they gave their lives.

Our Memorial Day services which date back to our country's tragic conflict, the Civil War period, which tore apart our nation and in which brother fought brother, have taught us how fragile our liberty is.

The first National Memorial Day was held on May 30, 1868 in honor of those who had given their lives during the Civil War. It was Arlington National Cemetery, in the presence of General Ulysses S. Grant, where future President James A. Garfield touched upon the solemnness and reverence of honoring the dead stating:

> If silence is ever golden, it must be here beside the graves of fifteen thousand men whose lives were more significant than speech and whose death was a poem the music of which can never be sung. * * * they summed up and perfect, by one supreme act, the highest virtues of men and citizens. For love of country they accepted death, and thus resolved all doubts, and made immortal their patriotism and virtue.

In the subsequent Spanish American War, the two World Wars, in Korea, in Vietnam, in Somalia, Grenada, Panama, and the Persian Gulf, and in countless other skirmishes, on lawless frontiers, and in peacekeeping efforts throughout the world, our brothers and sisters, our sons and daughters, our parents, our friends and loved ones, our fellow Americans, have given their lives for a greater cause.

Franklin Delano Roosevelt summed up the American Spirit when he said: ''We, too, born to freedom, are willing to fight to maintain freedom. We, and all others who believe as deeply as we do, would rather die on our feet than live on our knees.'' We are a proud peace loving nation, but when alternatives fail, we will fight to maintain liberty and freedom. Memorial Day is a solemn day where we honor those who had the courage to die on their feet.

We honor our fallen heroes of those conflicts, not only because they are worthy of our honor, but also by recalling their sacrifice, we make certain that we keep the peace for our future generations. By honoring our tragic heroes, our nation is reminded to avoid the mistakes and errors that could lead to any future conflict.

As we pause today, remembering our loved ones who died in service, let us take a moment to also recall all those Americans whose fates are still unknown, our POWs and MIAs. There are over two thousand from Vietnam, and countless others from other conflicts. Let us remember those thousands of service men and women who still remain unaccounted for.

We also honor the millions of other Americans who sacrificed to defeat tyranny here and abroad, the women and civilians who worked in our defense plants and who served in the auxiliary during both World Wars, our workers in business and industry who helped to make our nation the ''Arsenal of Democracy'', the Boy and Girl Scouts who conducted metal and paper drives, the housewives who learned to make do with ration stamps, the workers who learned to car pool, and the senior citizens who served as civil defense officers, those who wrote letters and spent packages to our troops in Korea, Vietnam, The Persian Gulf and Bosnia. All of these Americans have helped make the world safe for democracy.

Mr. Speaker, on this Memorial Day, let us give thanks and praise to all the men and the women, who worked together and in many cases died together, so that we may remain free.

Let us also pause today to pray for the safekeeping and safe return of our thousands of American service men and women serving in distant lands in peacekeeping missions.

Thank you and God bless.

IN HONOR OF VARICK MEMORIAL A.M.E. ZION CHURCH

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Ms. DELAURO. Mr. Speaker, I rise today to recognize Varick Memorial A.M.E. Zion Church of New Haven, Connecticut on the occasion on its 180th anniversary. Blessed with a vibrant and thriving congregation, Varick's history reflects the words of its motto, ''Each One Reach One, Each One Teach One, Each One Save One''

Established in 1818 by 35 former slaves, Varick's philosophy reflects the history of this great church. These newly freed men and women first sought to worship at the First Methodist Church. However, Bishop James Varick of the A.M.E. Church of New York soon convinced the group to join with his movement. From its very inception, this parish family has reached out in fellowship to the Dixwell and Greater New Haven Community. In its earliest days the parsonage of the church served on the Underground Railroad, which was led by an A.M.E. Zion Church member named Harriet Tubman.

The church's mission of outreach brought countless distinguished men and women to its pulpit, including educator Booker T. Washington and Civil War hero E. George Biddle. The distinguished ranks of the pastors of Varick Church include six men who went on to enlighten even more people by becoming A.M.E. Zion Bishops.

This year, Varick has the honor of hosting the 1998 New England A.M.E. Zion Church Annual Conference. As their members gather in fellowship, I rise to salute their tireless ministry. Varick Memorial A.M.E. Zion Church has changed the face of New Haven through its moral guidance and unwavering commitment to improving our community. I join with Varick in celebrating their first 180 years, and thank them for their continued faithful service to the many families whose lives have been changed by the good works of Varick Memorial A.M.E. Zion Church.

50TH ANNIVERSARY OF THE BERLIN AIRLIFT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. LANTOS. Mr. Speaker, in just a few days President Clinton will be in Berlin to mark the 50th anniversary of the Berlin Airlift. Just last week, I joined a number of my colleagues in preparing a CARE package to mark this anniversary. These CARE packages will be sent to Berlin for the 50th anniversary celebrations of the airlift, and then they will be shipped on to Afghanistan to provide assistance to the Afghani people who have been devastated by twenty years of war and turmoil.

Mr. Speaker, it is particularly appropriate that we remember and reflect upon the Berlin Airlift and the significance of that event in United States foreign policy as we mark the half century anniversary of this event. It was one of the most critical steps in defining the American response to the Soviet Union and in establishing the parameters of United States policy in the Cold War.

All of us are familiar with the story of the Berlin Airlift. In the spring of 1948, Soviet dictator Josef Stalin began a campaign to force the Western Allies from the occupied city of Berlin, which was isolated inside East Germany, some 150 miles behind the Iron Curtain. In a concerted effort to consolidate his hold over all of Central and Eastern Europe, he pressed to eliminate this island of democracy inside the Soviet occupation zone.

Mr. Speaker, as the occupation of Germany began at the end of World War II, the United States, Britain and France had negotiated air corridors to fly over the Soviet zone in order

to reach their sectors of occupied Berlin. Negotiations on land access via autobahn, railroad, and barge were begun but never completed because of the deterioration of relations with the Soviet Union.

On June 11, 1948, Soviet military authorities halted Allied and German freight traffic to Berlin for two days. This was the beginning of a campaign of harassment and bullying that continued for the next two weeks. On June 18, the three Western Allies—the United States, Britain, and France—announced the establishment of a critically important currency reform that paved the way for Germany's post-war economic recovery. Soviet authorities protested the currency reform and announced that they would not participate. On June 22, following a meeting of the four occupying powers, Soviet authorities announced that they would proceed with a separate currency reform in their own zone of occupation. The Western Allies reaffirmed their intention to proceed with their planned reform.

On June 24, 1948, Soviet military authorities enforced a complete prohibition of all ground transportation to and from the western sectors of Berlin—freight and passenger by highway, railroad, and water. The following day, June 25, Soviet authorities served notice that they would not supply food to the Western occupation zones of the city. That very day, the first eight British Royal Air Force aircraft arrived in the British sector of Berlin to commence airlift operations. The Berlin airlift formally began on June 26 with 22 flights of United States C–47 aircraft carrying 80 tons of supplies from Wiesbaden in the U.S. occupation zone to Berlin's Tempelhof airfield.

Mr. Speaker, over the next 320 days—until May 12, 1949, when Soviet authorities reopened ground routes to Berlin—the United States and Great Britain carried out a massive airlift bringing in all of the food and other supplies necessary to maintain the 2.1 million people living in the Western Allied occupation zones of Berlin.

The effort was truly remarkable. By February of 1949 the U.S. Air Force and the Royal Air Force were delivering nearly 8,000 tons daily—the equivalent of 530 German rail carloads of supplies. All kinds of commodities were transported to the city in order to maintain the health and well-being of its citizens. Two-thirds of the material carried to Berlin was coal—the fuel necessary to maintain the western zones of the city. Less than one-third of the material carried to Berlin was food—slightly more than one pound per person per day, which provided the West Berliners with a nourishing, though monotonous, diet. Some 7 percent of the total goods transported were industrial raw materials, in order to maintain the economy of the city, liquid fuel, and other items.

Mr. Speaker, the cost of operating the airlift was high for all involved. West Berliners suffered to maintain their freedom. Their privation was real. Despite the airlift, food and fuel was scarce. Unemployment rose steadily throughout the period of the airlift because industries did not have sufficient fuel and raw materials to maintain their operations. The American and the British people paid an estimated $200 million to operate the airlift over the 320 days that it functioned. Considering the massive scale of the operation, it was remarkably safe. Nevertheless, 76 people died in airlift operations, including 31 American servicemen.

The airlift was an example of one of the finest efforts of the United States military forces. The logistics requirements were extraordinary. Aircraft had to be gathered from American bases around the world, pilots had to be trained, ground crews coordinated. The Tempelhof airfield in Berlin was inadequate to the task, and it had to be expanded and rebuilt at the same time that aircraft were using the runways around the clock. Throughout this massive effort American and British military forces worked side by side.

General George C. Marshall served as our Secretary of State at the time of the Berlin Airlift, and he played a critical role in the decision to establish the airlift. Robert H. Ferrell, in his biography of General Marshall, put the importance of the Berlin Airlift in context:

> The City [of Berlin] was a symbol of the division of Germany. Its continued independence . . . gave evidence of the will power of the Western nations on the whole German question and even more: if Berlin went completely to the Russians, all Germany could follow, and such a procession of calamities might collapse Western Europe.

Mr. Speaker, the Berlin Airlift was a critical event that helped to cement the friendship of the American and the German people following World War II. In 1994, then Secretary of State Warren Christopher told a German audience at the Berlin Airlift memorial at Tempelhof Airport:

> Americans remember the airlift as the bridge that joined us as kindred nations, prepared to stand firm in defiance of tyranny, prepared to endure hardship in defense of liberty. This legacy outlasted the airlift, the division of Germany and, ultimately, the Cold War itself.

The Berlin Airlift was a critical step in establishing the United States response to the Soviet Union at the critical opening stage of the Cold War. President Harry S. Truman, who directed that the airlift be established when Soviet forces attempted to isolate and engulf Berlin, established the fundamental U.S. posture—a firm but measured response to efforts to extend Soviet authority.

As we look back from the perspective of half a century, Mr. Speaker, President Truman and his outstanding Secretary of State, General George C. Marshall, were responsible for setting United States policy toward the Soviet Union. That policy was followed by every President and Secretary of State—both Republican and Democratic—for the next forty years.

When we applaud the fall of the Berlin Wall and the opening of the iron curtain, Mr. Speaker, it is Harry Truman whom we must thank. He did not live to see the triumph of the wise policies that he set in place, but we as Americans are now living in a new and safer world that was shaped and largely brought about through the genius and foresight of Harry Truman and George C. Marshall.

Mr. Speaker, I invite my colleagues to join me in commemorating one of the critical events of this century—the 50th anniversary of the Berlin Airlift.

SPECIAL TRIBUTE HONORING HEATHER ROGERS, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Heather Rogers, winner of the 1998 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Heather is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Heather is an exceptional student at Deerfield High School and possesses an impressive high school record. Heather is President of the National Honor Society and Treasurer of the school yearbook. Heather also is involved with Varsity basketball, volleyball and cheerleading. Outside of school, Heather is involved with various community activities.

In special tribute, therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Heather Rogers for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

CARNEGIE RECOGNIZES THE HEROISM OF MARC MEUNIER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased to receive last week a notification from the Carnegie Commission Hero Fund word that they had awarded a medal to Marc Meunier of New Bedford, Massachusetts. On March 18, 1997, Marc Meunier saved two people from drowning. Many of us Mr. Speaker, would be very proud if we were able to give assistance to fellow human beings in trouble. To not simply give assistance but save the lives of two people who were about to drown is obviously an accomplishment of enormous significance. I am very pleased that the Hero Fund extended this extremely well deserved recognition to Mr. Meunier and I ask that the description of his heroics be printed here as an example of how we human beings can act at our best.

JODI C. RODERICK

R. STEPHEN MORRISON

Plymouth, Massachusetts

MARC M. MEUNIER

New Bedford, Massachusetts

Jodi C. Roderick, Marc M. Meunier, and R. Stephen Morrison saved Leslie L. and Helene

E. Faulkner from drowning, Carver, Massachusetts, March 18, 1997. Faulkner, 62, and his wife, 71, were traveling in their automobile on a roadway atop an earthen dam when that section of the dam collapsed beneath them. Their car dropped into the deep, 10-foot-wide gap that was created initially and was pinned against debris by turbulent breach waters from East Head Pond, the adjacent reservoir. Faulkner and his wife were trapped in the car, which began to fill with water. Among the first motorists on the scene were Roderick, 37, heating and air conditioning technician; Meunier, 40, correction officer, and Morrison, 47, sales representative. Roderick obtained a hammer, then jumped onto the submerging car's exposed trunk and broke out the rear window before returning to the roadway. At the edge of the breach, he, Meunier, and Morrison pulled Faulkner, then his wife, from the car to the roadway, with Meunier, held by Roderick and Morrison, extended into the breach to reach the victims. The turbulent rush of water continued to widen the breach, undermining the pavement from which the men acted. Faulkner and his wife required hospitalization for treatment of their injuries.

REHABILITATION BENEFITS REINSTATEMENT

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. ENSIGN. Mr. Speaker, today I rise to introduce the ''Reinstatement of the Medicare Rehabilitation Act (RMRA) of 1998.'' RMRA repeals the $1,500 annual limits on physical and occupational rehabilitation services established by the Balanced Budget Act of 1997 (BBA) which are set to go into effect on January 1, 1999 and requires the Health Care Financing Administration to implement a budget neutral alternative payment system no later than January 1, 2000.

In a rush to find savings in the Medicare program last year, Congress imposed an arbitrary $1,500 annual limitation on most outpatient rehabilitation services. Unlike other BBA provisions, the $1,500 limits were adopted without the benefit of committee hearings or a detailed analysis by HCFA of their likely effects on beneficiaries' ability to obtain medically necessary services.

In fact, analyses undertaken since the enactment of the BBA indicate that implementation of the limits will have a disproportionate effect on the most vulnerable Medicare beneficiaries, including victims of stroke and other debilitating conditions which require concentrated therapy services. A $1,500 annual payment may be sufficient to address the ''average'' case, but it will not be adequate for beneficiaries who require more intensive services. The option of transporting non-ambulatory resident of a skilled nursing facility or other rehabilitation setting to an outpatient hospital department will be disruptive to patients and ultimately more costly to the Medicare program. Savings will be achieved only if this inconvenience and disruption cause patients to forgo medically necessary services to which they are entitled under the Medicare program.

More importantly, American seniors have been encouraged to expect Medicare to cover the cost of medically necessary treatment, subject to reasonable copayments and deductibles. The existence of an arbitrary coverage limitation on otherwise medically necessary services will likely come as a shock to affected beneficiaries and their relatives, often at a time of great stress. Surely, a less disruptive approach can be found to achieve program savings.

VSPA will prevent the $1,500 annual limitations from taking effect on January 1, 1999 and will require HCFA to develop and implement an alternative payment system for outpatient physical therapy, occupational therapy, and speech-language pathology services. Rather than limiting the availability of medically necessary services by imposing an arbitrary annual dollar limitation, the new system would be based on patient need. Payments would be based on patient classification by diagnostic category and would take into account prior use of services in both inpatient and outpatient setting. Payment rates would be established in a budget neutral manner. Mr. Speaker, I acknowledge that I did not oppose the inclusion of this provision in the Balanced Budget Act. Frankly, we did not understand how unfairly it could affect the most vulnerable of Medicare beneficiaries. Now that we have that information, we should not be reluctant to correct a policy which we now know will cause great hardship and unfairness.

For these reasons, I urge my colleagues to join me in support of the Reinstatement of the Medicare Rehabilitation Benefit Act of 1998.

ADOLESCENT COUNCIL WORKSHOPS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. GILMAN. Mr. Speaker, I would like to commend the initiative of two young people who are residents of the Children's Village in Dobbs Ferry, New York who have courageously and creatively confronted a problem within their community.

Tamari Valentine and Nicholas Mercado, ages 14 and 13, have established Adolescent Council Workshops—Sensitivity Workshops with a difference—in response to an ugly incident that had occurred at the Children's Village. Instead of confronting the situation, which arose after some derogatory epithets had been sprayed on some of the residential buildings of the Village, with a response in kind, these young men stood back and thought about the circumstances that had probably motivated this misguided act they believed had been committed by other young people.

The solution Tamari and Nicholas came up with was to create a forum where residents from the Village and other young people from the surrounding community could come together and talk out whatever differences they felt they had between themselves. These meetings soon grew into workshops where the youth of Dobbs Ferry learned that stereotyping a person because of where he lives or his appearance is a barrier to appreciating individuals for who they are and what they have to offer.

The Children's Village Adolescent Council has now conducted more than 40 workshops, including programs for schools, senior citizens groups, corporations, conferences and local groups. As a recognition of their courage and their creativity, Tamari and Nicholas were recently selected by the Walt Disney Company to participate in the U.S. delegation to the 1998 Children's Summit in Paris. I am proud that they are young constituents of mine and I hope my colleagues in the Congress will join in recognizing their outstanding initiative that promises to build a better future.

SPECIAL TRIBUTE HONORING MAUREEN PETERS, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Maureen Peters, winner of the 1998 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Maureen is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Maureen is an exceptional student at Jackson High School and possesses an impressive high school record. Maureen is actively involved in the Student Government and National Honor Society. Maureen is also involved with Varsity soccer, tennis and volleyball. Outside of school, Maureen is involved with her Church Youth Group.

In special tribute, therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Maureen Peters for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

HONORING SENECA S. FOOTE, PRESIDENT OF THE UNITED METHODIST RETIREMENT COMMUNITIES, INC. ON HIS RETIREMENT

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Ms. STABENOW. Mr. Speaker, I am pleased to acknowledge the work of Seneca S. Foote, president of the United Methodist Retirement Communities, Inc.

Mr. Foote has been associated with the church-affiliated retirement communities since his ordination as a United Methodist Church minister 18 years ago. During his tenure, he has overseen major fund-raising, building, and

service projects at retirement communities in Chelsea, Detroit, and Ann Arbor, all of which have made a true difference in the lives of many families around Michigan.

Specifically, there are projects across mid and Southern Michigan, such as the Alzheimer's/memory loss unit at St. Joseph Mercy Hospital or the soon to open 120-bed Alzheimer's and memory loss facility in Chelsea, that would not have been completed without the work, leadership, and commitment of Mr. Foote. These projects have made and will continue to make a positive difference in our community and to our families.

Mr. Foote leaves his post as a nationally recognized leader in the field of long-term care. But most importantly, he ends his tenure after serving the people of Chelsea on the highest level. I thank Mr. Foote for his service and dedication and I wish him and his family the very best in the future.

CELEBRATING THE 50TH CITIZENSHIP ANNIVERSARY OF EMERY GROSINGER

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Ms. LOFGREN. Mr. Speaker, I am honored to make a special tribute to a proud American who is celebrating the 50th anniversary of his U.S. citizenship.

Emery Grosinger came to our country more than 50 years ago as a young boy who had already endured a lifetime of hardship. Born in a part of eastern Europe that has passed back and forth between Romania and Hungary, Emery at the age of 10 was deported, separated from his family, and sent to concentration camps, including Auschwitz. He survived and came to the United States after World War II. He served in the Army, started a business, and raised a family.

Mr. Grosinger is having a celebration for being an American for 50 years. But all of us in America also need to celebrate his 50 years as our fellow American. His life and his passion for freedom and for justice are part of what makes our country great. How fortunate we are to live in a country that stands as a beacon of freedom for the world. How fortunate we are that America looks not to where you are from, but to what is in your heart and where you are going. People like Emery—whose hearts led them to America and whose love for our country enlightens us all—give our country hope and a bright future.

Mr. Grosinger loves America, and I am proud to extend to him my most heartfelt good wishes in honor of the 50th anniversary of his U.S. citizenship.

REORGANIZING GARY BRYAN FILLETTE'S WINNING ESSAY

HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. COOKSEY. Mr. Speaker, The Veterans of Foreign Wars sponsor a yearly scriptwriting contest and I am proud to represent the winner from the State of Louisiana, Mr. Gary Bryan Fillette of Alexandria. Gary wrote an excellent script on "My Voice in our Democracy" and I submit it to be made part of the permanent record. I hope that my colleagues will take a moment to read Gary's words and that we all remember what a great privilege and responsibility we have in representing the ideals that he expresses.

"MY VOICE IN OUR DEMOCRACY"—1997–98 VFW VOICE OF DEMOCRACY SCHOLARSHIP COMPETITION

(Gary Fillette, Louisiana Winner)

When a baby wants something done, he has a way of letting everyone around him know. No matter if he's in his crib or at a crowded mall, he catches the attention of everybody with his distinctive cry, and keeps crying out until someone does something to satisfy him.

I learned from a baby. In a democracy I must freely and adamantly express my ideas until others listen to what I say. With my voice, I help fulfill my ever-present duty to improve America for both present and future generations.

I have a privilege that not all humans have. As an American, I have a voice in a democracy, and I have to use that voice if democracy is to mean something to me. For over 200 years, Americans have risked their lives for our nation. To show respect for these men and women, the least I can do is take what they have given me—a democracy—and support it vocally with my ideas.

Not everyone has the privilege to voice their opinions. In China, the government silences any utterance that opposes the government. In the Tiananmen Square demonstrations, the Chinese government muted the cries for more democracy and less government corruption by murdering 500 to 1,000 innocent Chinese citizens, leaving the democracy movement in ruins. Unlike China's citizens, I can speak about my government whoever and wherever I desire. I did not just get lucky, though. The lives of dedicated men and women in the Armed Services had to be sacrificed so that I could have my voice in our democracy.

Unfortunately, many young Americans often feel as though their opinions are too inferior to mention. Contrary to this belief, as an American citizen from birth, I have always had the responsibility to contribute my ideas to our nation. As a baby I cried at the top of my lungs for something, probably not patriotism; but then, as I became a young child, I learned what was important in my life as an American. I learned to say "The Pledge of Allegiance" and sing "The Star Spangled Banner." I did not just recite these familiar patriotic words. I respected what they stood for—freedom, democracy, and liberty, all made possible by the men and women whose blood was shed so that mine could flow. As I grew older and taller and my voice began to crack, I contributed my ideas as a Boy Scout. With an even deeper voice, I have spoken in mock governments and voted in mock elections as I learned more about the government at Boys State. I speak to others about our democracy in patriotic speech programs. As an adult, my voice will carry even farther, as I run for office or speak in favor of new ideas at election time. And most importantly, my voice will be heard with my vote: the single, most important characteristic of our democracy.

Without my voice and yours, the word democracy means nothing to us. Consider what a government of the people and by the people, would be if all the people were silent. It would be an idea that everyone thought was great, but it would remain just that: an idea. Fortunately, colonists, like Josiah Quincy, spoke out against oppression in favor of independence. Quincy stated, "Under God, we are determined that wheresoever, whensoever, or howsoever we shall be called to make our exit, we will die free men." These words helped inspire the fight for an independent nation. The formation of our democracy was not, however, a stopping point. We must continue to support our government with out voices. In the First Amendment of the Bill of Rights I am guaranteed the all-important freedom of speech. By freely voicing my opinions alongside other Americans, our democracy can thrive "for the people."

Although the audible characteristics of my voice have changed during my lifetime, what my voice has said, has always been loud and clear. Just as a baby's voice catches the attention of everyone, my voice is an intercom to spread the word to others of the importance of each individual in our democracy. Experiencing gradual pitch changes, my voice is also an instrument to show respect for those who sacrificed their lives for mine. In the future, my voice will continue to be a tool to repair and strengthen our democracy for future generations. The next time I hear a baby cry, I'll appreciate his expressions of his ideas, however loud they may be, and follow his example as I cry out for democracy.

SPECIAL TRIBUTE HONORING KRISTIN WARNER, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Kristin Warner, winner of the 1998 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Kristin is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Kristin is an exceptional student at Jonesville High School and possesses an impressive high school record. Kristin is the team captain for the school Quiz Bowl and a member of the schools S.A.D.D. program. Kristin is also involved with varsity track, cheerleading and cross country. Outside the school, Kristin is involved with various community activities.

In special tribute, therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Kristin Warner for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To his remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

CHELTENHAM UNITED METHODIST CHURCH CELEBRATES ITS 125TH ANNIVERSARY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. HOYER. Mr. Speaker, on September 27, 1998, Cheltenham United Methodist Church will celebrate its 125th anniversary. This white-framed country church in Cheltenham, Maryland has been serving the religious and secular needs of its community since 1873 when its founders met under the chestnut trees that grew where the church now stands.

Although small in size, Cheltenham Church is very active and has a number of ministries that reach out to the local community and beyond. A few of their many activities include serving meals at the Hughesville Shelter for Battered Women, making 1000-plus sandwiches for the homeless for Martha's Table in Washington, D.C., contributing to the Upper Marlboro Food Bank, assisting patients at St. Elizabeth's Hospital at their Sunday church services, and sponsoring several needy families in the area.

Cheltenham Church is an excellent example of late 19th century rural church architecture. Among its other features, the original doorknob and chandeliers remain. The pulpit, still in use today, was made from a cherry tree that fell on church property before the church was built. The bricks for the foundation were hauled from nearby Nottingham by horse and wagon and had been used during the 18th century as ballast in English ships.

Although the church stands a short distance from a major highway, it retains much of its historic setting, buffered by its historic graveyard. It is a noticeable landmark in a still rural area of Prince George's County.

To the members of Cheltenham United Methodist Church, and to their members who have gone on before, we congratulate you on your 125 years of service to your church and to your community!

INTRODUCTION OF TAX LEGISLATION TO CLARIFY TAX TREATMENT OF REAL PROPERTY TAX REDUCTION VOUCHERS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, today I have introduced legislation along with several of my colleagues of the Massachusetts Delegation to correct the tax treatment of real property tax reduction vouchers received in exchange for volunteer work.

The House of Representatives in the Commonwealth of Massachusetts has passed legislation that would exempt real property tax vouchers received in exchange for volunteer work from income for state tax purposes. Similar legislation is pending in the State Senate. Many towns in Massachusetts have implemented a program which allows senior citizens to volunteer in exchange for a voucher of $500 to be used towards their property taxes. Seniors can volunteer to work in libraries, recreational centers, parks, and senior centers in exchange for a voucher to be applied to their property tax.

This program benefits both the community and the individuals volunteering. My legislation would allow vouchers received in exchange for volunteer work to not be included in gross income. The legislation also exempts these voucher from employment taxes. Senior citizens who are age 65 are eligible for this legislation. The effective date is for payments made after January 1, 1999.

This legislation enhances an important program that is currently taking place in many towns in Massachusetts. I hope that we can address this issue this year and that there will be an appropriate legislative vehicle.

IN HONOR OF THE ISRAEL CENTER OF HILLCREST MANOR'S 50TH ANNIVERSAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the members of the Israel Center of Hillcrest Manor as they join together to celebrate the fiftieth anniversary of the synagogue. Through the insight of such dedicated and talented community members as Joe Goldstein, Eric Gerstel and Sydney Abrahams, the synagogue's first president, the Israel Center of Hillcrest Manor came into being in 1948, the same year the State of Israel was created. Through unique determination and a indefatigable spirit, these men went from door to door throughout the Flushing, Queens neighborhood building up both spiritual and financial support to establish this synagogue.

Since its inception, the Israel Center of Hillcrest Manor has brought to the community a sense of dedicated service and a foundation of stability that has allowed its membership to raise their families and incorporate all age groups into an environment sensitive to their needs.

The Israel Center of Hillcrest Manor, under the leadership of Rabbi Michael Strasberg, its spiritual leader for more than two decades, and its current president, Leo Lederer, has continued the record of service and caring that is the hallmark of this great house of worship. Having provided the Flushing community for half a century with a vibrant Hebrew School, youth program and a highly effective Men's Club and Sisterhood, the Israel Center of Hillcrest Manor is now prepared to lead its members into the second half century of fulfillment.

There are few organizations that have emerged with a continuous record of compassionate achievement as has the Israel Center of Hillcrest Manor. I ask all my colleagues to rise with me in congratulating the synagogue, its members and officers on this wonderful achievement and extending our warmest support for another fifty years of service.

SPECIAL TRIBUTE HONORING ANNETTE LEAZENBY, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Annette Leazenby, winner of the 1998 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Annette is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Annette Leazenby is an exceptional student at Waldron High School and possesses an impressive high school record. She has been involved with the National Honor Society. Annette is also involved with the high school band and the drama club. She is a member of the varsity basketball, volleyball, softball and track teams. Outside of school, Annette has been involved in volunteer work at her local church, and is taking college classes.

In special tribute, therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Annette Leazenby for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

IN COMMEMORATION ON THE FOURTH ANNIVERSARY OF VIETNAM HUMAN RIGHTS DAY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Ms. SANCHEZ. Mr. Speaker, today I rise to commemorate the Fourth Anniversary of Vietnam Human Rights Day. I would also like to congratulate the International Committee for Freedom for organizing this important event and I commend the participants who have come together to promote human rights for Vietnam.

I would like to take this opportunity to call on the Government of Vietnam to respect fundamental human rights and release their religious and political prisoners. The people of Vietnam have waited too long for these basic changes to take place.

By commemorating Vietnam Human Rights Day, we confirm the necessity of placing human rights at the center of United States policy toward Vietnam.

We, as a nation, and as a people, need to be steadfastly committed to human rights, democracy, economic liberty and religious freedom for all the people of Vietnam.

I strongly agree that democracy would not only contribute to regional stability and increased economic development of Vietnam, but also grant sorely-lacking civil liberties and basic freedoms to Vietnamese citizens.

I have the privilege of representing Central Orange County, home to the largest Vietnamese-American population in the United States. Last year, I joined over 2,000 of my constituents to rally in support of human rights and democracy in Vietnam. We marched in protest of the human rights abuses and religious oppression by the current government in Thai Binh and Xuan Loc.

I joined my constituents in sending a strong message to Hanoi—a message that these injustices will not be tolerated—a message that the Vietnamese Government must obey, respect and honor human and religious rights in Vietnam. We must remain strong, vocal, and active on our efforts to bring these human rights abuses to the attention of the international community.

I applaud the efforts of the International Committee for Freedom, and members of the international community, who have come together today to commemorate this important day.

INTERNATIONAL CHRONIC FATIGUE IMMUNE DYSFUNCTION SYNDROME AWARENESS DAY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. FORBES. Mr. Speaker, I rise today in recognition of May 12, 1998, as ''International Chronic Fatigue Immune Dysfunction Syndrome (CFIDS) Awareness Day.'' In doing so, I would like to put a human face to and share the story of an individual in my district who suffers from this illness.

I have met with numerous constituents in my district who are afflicted with CFIDS. Many of these people are waging a valiant battle to bring more public attention and resources to bear on the search for a cure. I would like to recognize in particular the efforts of David Samelman, Marcella Feinsod and the Long Island CFIDS Association, and even Marcella's son, Brandon, who is working in his school to raise public awareness of CFIDS.

Medical professionals have not been able to cure this mysterious ailment. Others do not understand and have often misinterpreted CFIDS as a form of depression. The National Institutes of Health (NIH) and the Centers for Disease Control (CDC) have been investigating CFIDS for years and unfortunately have yet to find an effective treatment. Numerous studies show that biochemically, endocrinologically, neurologically, neuropsychiatrically, and immunologically CFIDS is a separate and distinct disorder from normal depression. It is heartbreaking to see our parents, neighbors, spouses and children, or anyone suffer through the enduring pain and pervasive weakness of CFIDS, with no remedy currently in sight.

One CFIDS sufferer is George Raisglid of East Setauket, NY. George is a retiree and a Holocaust survivor who in 1987 suddenly took ill during a trip to Israel. After months of tests and experiencing clogged ears, sore throat, insomnia, poor tolerance to extreme temperatures and loss of short-term memory, he finally found a doctor who was able to provide treatment for the individual symptoms but knew of no remedy for his general malaise.

George later saw an article in the local newspaper for a support group for CFIDS sufferers, and at the meeting learned that most local physicians, not being familiar with the disease, were unsympathetic to patients' problems. In fact, they often refused to acknowledge that the disease existed. Ten years and thousands of dollars later, George was still ill and had to retire early because of his condition. Today George has good and bad days, and he has expressed to me his sincere desire to increase awareness and funding for CFIDS research to help others like him.

There are an estimated two to three million people in the United States like George Raisglid suffering from CFIDS. In my home area of Eastern Long Island, this cruel disease has stricken a disproportionately high number of people. Experts say an estimated 2,000 cases of CFIDS have been diagnosed throughout Suffolk County. Unfortunately this number may be understated because this disease is often mistaken for a variety of other afflictions.

I am committed to supporting every effort to eradicate this horrible malady, and helping those who suffer its disabling effects. The reality is that doctors and scientists have few answers to this mysterious disease. Though still often treated as depression, researchers have unearthed evidence of subtle abnormalities in the immune systems of CFIDS sufferers. This has led to widely held consensus that Chronic Fatigue is the manifestation of an immune system that has turned on the body that it is supposed to protect.

The National Institute of Allergy and Infectious Diseases has assured me that it is also committed to supporting research that will lead to the discovery of the cause of CFIDS. Just as importantly, we must emphasize the need to develop effective methods for diagnosing, treating and preventing this crippling disorder. In Fiscal Year 1987 research for the disease was funded at $780,000. In FY 1997, CFIDS funding was $7 million, a ten-fold increase over ten years. While this increase is admirable, it still does not compare with $26 million spent annually on Parkinson's disease research or $1 billion spent annually on both cancer and heart disease.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in recognizing today as ''International Chronic Fatigue Immune Dysfunction Syndrome Awareness Day.'' Only through raising recognition of this mysterious ailment can we hope to discover a cure and attain some measure of relief for those who are caught in its exhausting grip.

SPECIAL TRIBUTE HONORING CHRISTIN JURY, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. SMITH. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Christin Jury, winner of the 1998 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Christin is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Christin Jury is an exceptional student at Union City High School and possesses an impressive high school record. She has been involved with the National Honor Society. Christin is also involved with the high school band and the student council, S.A.D.D., and is a peer monitor. She is a member of the varsity basketball, volleyball, softball and track teams. Outside of school, Christin has been involved as a community service director, volunteers at a soup kitchen, and plays the piano.

In special tribute, therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Christin Jury for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

SAINT AUGUSTINE CATHOLIC CHURCH 1858–1998

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

''The future historian of the Colored Race in America will find interesting and edifying materials for his work in the lives and actions of the important element of Colored Catholics in the Nation's Capital.''

Edmond Mallet, 1882.

Ms. NORTON. Mr. Speaker, I rise to pay tribute to Saint Augustine Catholic Church which is celebrating 140 years in the District of Columbia.

Saint Augustine Parish had its origins in the efforts of free blacks to obtain dignity and education. The founding of the church resulted from the efforts of a number of African-American freed men and women who worked with Father Charles I. White to build a school for black children. From 1858 until 1863, fund raising and hard work among a number of black families contributed the essential elements to found a school by 1863.

A fair held on the grounds of the White House during July, 1865, resulted in additional funds and a lot was purchased on 15th Street between L and M Streets, NW where a school and chapel were constructed. Building efforts continued and with the assistance of every element within the rapidly growing ''colored Catholic'' community, vigorous efforts were pursued to erect the grand edifice that would be the first Saint Augustine's.

In 1874, materials and labor were donated to build a new church. To raise the estimated $75,000, members of the church choir gave

''operatic representations . . . in the principle cities of the Union'' [Thus], ''to the Catholic colored people of Washington belongs the honor of having raised the first opera troupe of their race in the country, perhaps, in the world.''

The church was completed and dedicated in 1876. The ceremony was attended by many dignitaries including prominent African Americans such as Congressmen J.R. Lynch, J.H. Rainey and Robert Smalls. The church was considered one of the finest Christian monuments in the Nation's Capital. It was admired for its architectural style, its grandeur and for its significance as the ''Mother Church for Colored Catholics in the Nation's Capital.''

The church continued expansion and its population grew steadily. By 1905, its membership was numbered at more than 3,000. The parish boundaries were described as covering more than one-half of the city since Saint Augustine was the premiere church for the African-American Catholic population. Growth was also experienced in the organizations and agencies within the church that carried out its religious mission, such as Sodality of the Blessed Virgin Mary, Knights of Saint Augustine, Catholic Beneficial Society (men), Saint Augustine Relief Society (women), Juvenile Benefit Society (children 2–20).

The societies and organizations of the church have changed over the years. The location of the church has shifted as growth patterns in the city have undergone transition and a number of pastors worked in the parish before the arrival of the current pastor, Father John J. Mudd in 1977. In its 140 years, changes in Saint Augustine Parish have been deeply embedded in the traditions and heritage which inspired the first ''colored Catholics.'' This tradition has been rooted in Christian values and social activism. The church and its individual members have maintained a strong commitment to assist the needy and oppose injustices.

Mr. Speaker, I ask that this body join me in saluting the Saint Augustine Catholic Church and celebrating its role in the city's history, its present and its future.

RELIGIOUS LIBERTY AND CHARITABLE DONATION PROTECTION ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. PACKARD. Mr. Speaker, this week the Senate will consider the Religious Liberty and Charitable Donation Protection Act, legislation which was introduced by Senator CHARLES GRASSLEY (R–IA). As you may know, the Senate bill mirrors H.R. 2604, which I introduced here in the House of Representatives last year. This bill plays an integral role in protecting organizations that are very important to me–our churches and charities.

Senator GRASSLEY and I introduced the legislation after hearing reports that churches and charities were being subjected to damaging lawsuits by creditors and bankruptcy trustees. A 1992 Minnesota court decision allowed a creditor to recapture thousands in past tithes from congregation members. As a result, lawyers across the nation have sued churches and charities, demanding that they repay debtors' past contributions.

Churches and charities should not be regarded as ''cash-cows'' for greedy attorneys. Mr. Speaker, this is having an absolutely devastating effect on religious and charitable organizations across the nation. Lawyers are well aware that most churches and charities don't have the resources to fight a creditor in court. Without protection, every collection plate in America is a risk.

I applaud Senator GRASSLEY for his leadership in the progression of the Religious Liberty and Charitable Donation Protection Act through the Senate. H.R. 2604 is being considered by the House Judiciary Committee today, and I am hopeful that it will pass and be presented before the full House. Mr. Speaker, I urge you to expedite the movement of this legislation so that it might return to the floor for a vote and take effect for the sake of our churches and charities.

FINANCIAL STATEMENTS

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1998, a matter of public record. I have filed similar statements for each of the eighteen preceding years I have served in the Congress.

ASSETS

Real property:	
Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at $600,000). Ratio of assessed to market value: 100% (Encumbered)	$600,000.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value: (Unencumbered)	94,200.00
Undivided 25/44th interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin at 25/44th of assessor's estimated market value of $614,700	349,261.35
Total real property	1,043,461.35

1998 DISCLOSURE: SECTION 2

Common and preferred stock	No. of shares	$ per share	Value
A.C. Nielsen Co	833	26.44	$22,022.44
Abbott Laboratories, Inc	6100	75.31	459,406.25
Airtouch Communications	148	48.94	7,242.75
Allstate Corporation	185	91.94	17,008.44
American Telephone & Telegraph	566.468	65.75	37,245.27
Ameritech	798.82	49.44	39,491.66
Amoco Corp	1362	86.38	117,642.75
Bank One Corp	3438	63.25	217,453.50
Bell Atlantic Corp	493.318	102.25	50,441.77
Bell South Corp	595.3272	67.44	40,147.38
Benton County Mining Company	333	0.00	0.00
Chenequa Country Club Realty Co	1	0.00	0.00
Cognizant Corp	2500	57.38	143,437.50
Darden Restaurants, Inc	1440	15.56	22,410.00
Dunn & Bradsheet, Inc	2500	33.19	82,968.75
E.I. DuPont de Nemours Corp	1200	68.00	81,600.00
Eastman Chemical Co	270	67.44	18,208.13
Eastman Kodak	1080	64.88	70,065.00
El Paso Natural Gas	75	70.63	5,296.88
Exxon Corp	4864	67.63	328,928.00
Firstar Corp	1352	39.50	53,404.00
General Electric Co	5200	86.19	448,175.00
General Mills, Inc	1440	76.00	109,440.00
General Motors Corp	304	67.75	20,596.00
Halliburton Company	2000	50.13	100,250.00
Highlands Insurance Group, Inc	100	26.88	2,687.50
Houston Industries	300	28.75	8,625.00
Imation Corp	99	18.50	1,831.50
Kellogg Corp	3200	43.13	138,000.00
Kimberly-Clark Corp	38868	50.13	1,948,258.50
Lucent Technologies	174	127.88	22,250.25
Merck & Co., Inc	15639	128.19	2,004,724.31
Minnesota Mining & Manufacturing	1000	91.00	91,000.00
Monsanto Corporation	8360	52.00	434,720.00
Morgan Stanley/Dean Whitter	156	72.88	11,368.50

1998 DISCLOSURE: SECTION 2—Continued

Common and preferred stock	No. of shares	$ per share	Value
NCR Corp	68	33.06	2,248.25
Newell Corp	1676	48.44	81,181.25
Newport News Shipbuilding	163.356	26.69	4,359.56
Ogden Corp	910	28.75	26,162.50
PG&E Corp	175	33.00	5,775.00
Raytheon Co	19	56.88	1,080.63
Sandusky Voting Trust	26	85.25	2,216.50
SBC Communications	1007.958	43.37	43,716.25
Sears Roebuck & Co	200	57.44	11,487.50
Solutia	1672	29.75	49,742.00
Tenneco Corp	836.115	42.69	35,691.66
U.S. West, Inc	297.923	54.63	16,274.04
Unisys, Inc. Preferred	100	47.25	4,725.00
Warner Lambert Co	2268	170.31	386,268.75
Wisconsin Energy Corp	1022	30.69	31,362.63
Total common and preferred stocks and bonds			7,836,616.09

1998 DISCLOSURE: SECTION 3

Life insurance policies	Face $	Surrender $
Northwestern Mutual #4378000	12,000.00	$37,268.76
Northwestern Mutual #4574061	30,000.00	89,268.24
Massachusetts Mutual #4116575	10,000.00	7,065.13
Massachusetts Mutual #4228344	100,000.00	156,162.13
Old Line Life Ins. #5–1607059L	175,000.00	27,937.93
Total Life Insurance Policies		317,702.19

1998 DISCLOSURE: SECTION 4

Bank and savings and loan accounts	Balance
Bank One, Milwaukee, N.A., checking account	$1,114.19
Bank One, Milwaukee, N.A., preferred savings	144,531.02
Bank One, Milwaukee, N.A., regular savings	791.27
M&I Lake Country Bank, Hartland, WI, checking account	3,672.34
M&I Lake Country Bank, Hartland, WI, savings	327.85
Burke & Herbert Bank, Alexandria, VA, checking account	2,078.51
Firstar, FSB, Butler, WI, IRA accounts	64,352.87
Total bank and savings and loan accounts	216,868.05

1998 DISCLOSURE: SECTION 5

Miscellaneous	Value
1985 Pontiac 6000 automobile—blue book retail value	$1,600.00
1991 Buick Century automobile—blue book retail value	5,100.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	145,000.00
Stamp collection (estimated)	48,000.00
Interest in Wisconsin retirement fund	91,110.67
Deposits in Congressional Retirement Fund	110,730.26
Deposits in Federal Thrift Savings Plan	95,906.46
Traveller's checks	7,418.96
20 ft Manitou pontoon boat & 35 hp Force outboard motor (estimated)	5,000.00
17 ft Boston Whaler boat & 70 hp Johnson outboard motor (estimated)	7,000.00
1994 Melges X Boat with sails	5,000.00
Total miscellaneous	522,866.35
Total Assets	9,937,514.03

1998 DISCLOSURE: SECTION 6

Liabilities:	
Nations Bank Mortgage Company, Louisville, KY on Alexandria, VA residence, Loan #39758–77	$109,443.77
Miscellaneous charge accounts (estimated)	0.00
Total liabilities	109,443.77
Net worth	9,828,070.26

1998 DISCLOSURE: SECTION 7

Statement of 1997 taxes paid:	
Federal income tax	$236,981.00
Wisconsin income tax	45,090.00
Menomonee Falls, WI property tax	2,062.00
Chenequa, WI property tax	14,463.000
Alexandria, VA property tax	6,783.00

I further declare that I am trustee of a trust established under the will on my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner,

and I are trustees of separate trusts established for the benefit of each son under the Uniform Gifts to Minors Act. Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

INDIAN NUCLEAR TEST NO SURPRISE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1998

Mr. BURTON of Indiana. Mr. Speaker, although our intelligence community was apparently surprised by India's recent nuclear test, it was no surprise to anyone who has been following the situation there.

On February 13, 1994, CBS' ''60 Minutes'' produced an exposé of India's nuclear program. Reporter Steve Kroft reported that to India, ''nothing seems as important as its membership in the nuclear club.'' He interviewed a retired university professor named Direndra Sharma who said, the ''Nuclear power program is to feed our nuclear-weapons program. I have no doubt about it. Nuclear power and nuclear weapons—two are Siamese twins. They cannot be separated.''

This report makes it clear that even then, India's nuclear program was working to develop the weapons that India exploded Monday. It is a very distressing report.

I would like to place the transcript of this disturbing report in the RECORD in the wake of this destabilizing test, and I strongly urge my colleagues to read it carefully.

ANOTHER CHERNOBYL?

STEVE KROFT: Nothing frightens the world like a nuclear bomb falling into the wrong hands or a nuclear accident like the one that occurred at Chernobyl, which is why the international community has paid a lot of attention to countries like North Korea, Iran and Iraq, and to the aging, decrepit nuclear reactors of the former Soviet Union. But one country has largely escaped scrutiny—India—where nothing seems as important as its membership in the nuclear club. Over the years, it has steadfastly kept international safety inspectors out of its facilities, while pursuing one of the most ambitious, secret and potentially dangerous nuclear programs in the world.

(Footage of Indian rain forest; of Indian people in common settings)

KROFT: (Voiceover) Deep in the heart of the Indian rain forest, the Indian government is building two brand-new nuclear power plants of outmoded design, surrounded by the kind of secrecy and security that you'd expect to find at a military installation. The Indian government says the reactors are needed to help lift more than 800 million people out of poverty and into the 20th century—that nuclear power is vital to India's future prosperity.

(Footage of meeting)

Unidentified Man #1: Mr. Sharma from India.

Dr. DHIRENDRA SHARMA (Indian Activist): Thank you.

KROFT: (Voiceover) But Dr. Dhirendra Sharma, a retired university professor and one of the few people in India willing to take on the government-controlled nuclear establishment, says there's a reason why the country's nuclear power plants are treated like military installations.

Dr. SHARMA: Nuclear power program is to feed our nuclear-weapons program. I have no doubt about it. Nuclear energy and nuclear weapons—the two are Siamese twins. They cannot be separated.

(Footage of weapons plant; of Indira Gandhi; of Indian nuclear power plants)

KROFT: (Voiceover) They can't be separated, Dr. Sharma says, because the spent fuel from those nuclear power plants is needed to make nuclear bombs for the Indian military.

When the government of Prime Minister Indira Gandhi exploded a nuclear device 20 years ago, the United States and Canada stopped helping India build reactors. And to this day, the sale to India of nuclear fuel, vital spare parts and critical safety systems for its nuclear plants is forbidden by most Western governments. But that hasn't stopped India from making more nuclear bombs and building more nuclear plants, even though Sharma says India probably can't maintain the safety standards that the high-risk technology demands.

Today, the Indian nuclear program is a dangerous failure. Its power plants are all operating at less than 50 percent of capacity, and some are even suspected of using more electricity than they generate. There's little oversight, no independent regulation, and for the most part, Indian reactors are off-limits to international inspectors.

(Footage of nuclear plant control room)

KROFT: (Voiceover) The most recent trouble was in March at Narora, a nuclear power plant built in an earthquake zone, barely 155 miles from the capital of New Delhi. A major fire broke out at the plant, knocking out all of the power in the control room.

How serious was it?

Dr. SHARMA: I would say that it was touch and go.

(Footage of regulatory report)

KROFT: (Voiceover) And he isn't the only one who says so. A US Nuclear Regulatory Commission report called the incident a ''close call.'' Just how close may never be known, Sharma says, because Indian law gives the government the power to operate in almost total secrecy when it comes to nuclear matters.

Dr. SHARMA: It is forbidden to talk, plan, write, investigate about past, present or future nuclear power programs. All this is under the law as forbidden.

KROFT: Aside from the emergency at Narora, the Indian government has admitted to 146 other nuclear mishaps—and that's just last year. Five of them ended up killing people. There was an explosion at the country's main fuel fabrication plant; a jet fire at a heavy water facility that sent flames shooting 130 feet into the air; and an underground leak of radioactive water at a research facility.

(Footage of government building)

KROFT: (Voiceover) That information, but very few details, was provided by India's Atomic Energy Regulatory Board, the government-controlled watchdog group that's responsible for nuclear safety. It's chairman, Dr. A. Gopalakrishnann, makes no apologies for the fact that India is one of the only nuclear power-producing countries in the world to resist safety reviews by the International Atomic Energy Agency in Vienna.

Why don't you allow safety inspectors from the . . .

Dr. A. GOPALAKRISHNANN: (Chairman, Indian Atomic Energy Regulatory Board): Why should we—why—why . . . .

KROFT: . . . international agency to come in and in—and inspect?

Dr. A. GOPALAKRISHNANN: Why should we do it? What is the need for it?

KROFT: Almost every other country in the world does.

Dr. A. GOPALAKRISHNANN: I don't know. What—for—they're coming to look whether the reactors are safe? Or coming to see what—what they are doing there?

(Footage of Rawatbhala facility)

KROFT: (Voiceover) Whatever they're doing here at the Rawatbhala nuclear facility in the state of Rajasthan, they're not doing it very well. The plant has one of the worst operating records in the country. Unit number one was shut down for three years because of a crack in the reactor's endshield.

Dr. A. GOPALAKRISHNANN: Yes, there was a crack in the reactor endshield. That doesn't mean . . .

KROFT: And you shut the plant down for three years.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1999

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise to express my support for H.R. 3694, the Intelligence Authorization for FY 1999. However, my support is not without serious reservations, for I remain deeply concerned about allegations that have been raised regarding CIA involvement in drug trafficking in South Central Los Angeles and elsewhere. While I applaud Chairman PORTER GOSS, Ranking Member NORM DICKS, and the rest of the House Permanent Select Committee for convening a public hearing following release of Volume One of the Central Intelligence Agency Inspector General's report in response to the *San Jose Mercury News'* series ''Dark Alliance'', I have made my views about the shortcomings in this report known to the Committee and to the Agency. I am aware that Volume Two of the Inspector General's report, which deals with the more substantive issues regarding the extent of the relationship between the intelligence community and the Nicaraguan *Contra* resistance, has been provided to the Select Committee in classified form. I understand that it is being reviewed by the Central Intelligence Agency to determine whether any or all of it may be declassified. And, we are still awaiting release of Inspector General Michael Bromwich's report on the allegations of wrong doing that may have occurred within branches of the U.S. Department of Justice.

However, I would like to take this opportunity to strongly urge C.I.A. Director George Tenet and Chairman GOSS to do everything possible to declassify as much information in the report as possible as its subject matter goes to the heart of the issues raised by my constituents in the public meetings I convened following publication of the *San Jose Mercury News* series. I also urge Attorney General Janet Reno to release the I.G.'s report at the earliest possible opportunity. Failure to make

this information public feeds the skepticism of the hundreds of consitutents in my District and throughout the nation who still want answers and who are encouraged by the Committee's expressed commitment to make public as much information as possible.

Furthermore, to fully appreciate our government's efforts to fight the scourge of narcotics, the public must understand its intricacies, including the role of interdiction and intelligence. Public release of the reports, followed by public hearings, and ultimately the conduct by the Committee of its own inquiry, will assist my constituents to evaluate the role the Central Intelligence Agency played in balancing competing nations priorities. Such a process will also give Members of Congress, as policy makers, the information necessary to make informed decisions about handling such issues in the future.

Consequently, I and my constituents continue to eagerly await the public release of the reports by the Inspectors General of Justice and CIA. I reiterate my hope that the Select Committee will give their content, methodologies and findings the scrutiny they deserve and in a similar spirit of openness, make themselves available to my constituents to respond to any questions these reports generate. I believe such openness is critical to restoration of the credibility and public trust necessary to allow intelligence gathering activities, which by their nature are secretive, to coexist with democracy

Daily Digest

HIGHLIGHTS

Senate agreed to Agriculture Research, Extension, and Education Reform Conference Report.

Senate passed National Science Foundation Reauthorization/Anti-Slamming Legislation.

Senate

Chamber Action

Routine Proceedings, pages S4639–S4748

Measures Introduced: Nine bills and four resolutions were introduced, as follows: S. 2062–2070, S. Con. Res. 95, and S. Res. 227–229. **Pages S4712–13**

Measures Passed:

National Science Foundation Authorization: Committee on Labor and Human Resources was discharged from further consideration of H.R. 1273, to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and by a unanimous vote of 99 yeas (Vote No. 127), the bill was then passed, after striking all after the enacting clause and inserting the text of S. 1046, Senate companion measure, and agreeing to the following amendment proposed thereto, as follows: **Pages S4659–64**

Jeffords (for McCain) Amendment No. 2386, in the nature of a substitute. **Pages S4659–64**

Subsequently, S. 1046 was returned to the Senate calendar.

Anti-Slamming: By a unanimous vote of 99 yeas (Vote No. 130). Senate passed S. 1618, to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, after agreeing to committee amendments, and taking action on amendments proposed thereto, as follows: **Pages S4638–S4709**

Adopted:

McCain/Hollings Amendment No. 2389, in the nature of a substitute. **Pages S4690–91**

McCain (for Feingold) Amendment No. 2390, to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment. **Page S4691**

Dorgan (for Feinstein) Amendment No. 2391, to modify the exception to the prohibition on the interception of wire, oral, or electronic communications to require that all parties to communications with health insurance providers consent to their interception. **Pages S4694–95**

Dorgan (for Rockefeller) Amendment No. 2392, to require truth in billing procedures for telecommunications carriers. **Pages S4702–04**

Printing Authority: Senate agreed to S. Res. 228, to authorize the printing of a document entitled ''Washington's Farewell Address''. **Page S4745**

Commemorating the 150th Anniversary of the Chicago Board of Trade: Senate agreed to S. Res. 229, commemorating the 150th anniversary of the establishment of the Chicago Board of Trade. **Pages S4745–47**

Wisconsin Statehood: Senate agreed to S. Con. Res. 75, honoring the sesquicentennial of Wisconsin Statehood. **Page S4747**

Commemorating Law Enforcement Officers: Senate agreed to S. Res. 201, to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers. **Page S4747**

Agriculture Research, Extension, and Education Reform Act—Conference Report: By 92 yeas to 8 nays (Vote No. 129), Senate agreed to the conference report on S. 1150, to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, and to reform, extend, and eliminate certain agricultural research programs. **Pages S4651–59, S4664–80**

During consideration of this measure today, Senate also took the following action:

By 23 yeas to 77 nays (Vote No. 128), Senate rejected a motion to recommit the conference report, with instructions. **Pages S4665–72**

Securities Litigation Uniform Standards Act—Agreement: A further unanimous-consent time-agreement was reached providing for the consideration of S. 1260, to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, with a committee amendment in the nature of a substitute, and certain amendments to be proposed thereto. **Page S4710**

WIPO Copyright Treaty Implementation—Agreement: A further unanimous-consent time-agreement was reached providing for the consideration of S. 2037, to amend title 17, United States Code, to implement the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, and to provide limitations on copyright liability relating to material online, and an amendment to be proposed thereto. **Page S4710**

Nominations Received: Senate received the following nominations:

Paul L. Cejas, of Florida, to be Ambassador to Belgium.

Cynthia Perrin Schneider, of Maryland, to be Ambassador to the Kingdom of the Netherlands.

5 Air Force nominations in the rank of general.

9 Navy nominations in the rank of admiral.

Page S4748

Statements on Introduced Bills: **Pages S4713–27**

Additional Cosponsors: **Pages S4727–28**

Amendments Submitted: **Pages S4729–38**

Notices of Hearings: **Pages S4738–39**

Authority for Committees: **Page S4739**

Additional Statements: **Pages S4739–44**

Record Votes: Four record votes were taken today. (Total—130) **Pages S4664, S4672, S4680, S4704**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:39 p.m., until 9:30 a.m., on Wednesday, May 13, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S4747–48.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—MILITARY CONSTRUCTION

Committee on Appropriations: Subcommittee on Military Construction concluded hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense Base Realignment and Closure (BRAC) environmental programs, after receiving testimony from Robert Pirie, Jr., Assistant Secretary of the Navy for Installation and Environment; Paul Johnson, Deputy Assistant Secretary of the Army for Installation and Housing; and Jimmy G. Dishner, Deputy Assistant Secretary of the Air Force for Installations.

INTERNATIONAL RELIGIOUS FREEDOM ACT

Committee on Foreign Relations: Committee concluded hearings on S. 1868, to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; and to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council, after receiving testimony from Senators Nickles and Lieberman; and John H.F. Shattuck, Assistant Secretary of State for Democracy, Human Rights and Labor.

TOBACCO PRICE INCREASE

Committee on the Judiciary: Committee held hearings to examine the consequences of raising the price of certain tobacco products as contained in the proposed comprehensive anti-tobacco legislation, including the impact on the consumption of tobacco products and the potential for increasing black market sales of tobacco products, receiving testimony from Gary Black, Sanford C. Bernstein & Co., Inc., and Martin Feldman, Salomon Smith Barney, both of New York, New York; and Matthew L. Myers, National Center for Tobacco-Free Kids, Washington, D.C.

Committee will meet again tomorrow.

INDIAN GAMING REGULATORY IMPROVEMENT ACT

Committee on Indian Affairs: Committee concluded hearings on S. 1870, to provide the National Indian Gaming Commission with resources to monitor and regulate certain Indian gaming operations, focusing on provisions relating to tribal acquisition of off-reservation lands for gaming purposes, and the Department of the Interior's role in this process, after receiving testimony from Senator Lieberman; Kevin Gover, Assistant Secretary of the Interior for Indian Affairs; Tanja Kozicky, on behalf of the Governor of Minnesota, St. Paul; gaiashkibos, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Hayward,

Wisconsin; and Richard G. Hill and Timothy Wapato, both of the National Indian Gaming Association, Raymond C. Scheppach, National Governors' Association, and Franklin Ducheneaux, Ducheneaux, Taylor & Associates, all of Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: 22 public bills, H.R. 3828–3849; and 1 resolution, H. Con. Res. 275, were introduced. **Pages H3104–05**

Reports Filed: Reports were filed as follows:

H.R. 375, private bill for the relief of Margarito Domantay, amended (H. Doc. 105–523);

H.R. 1949, private bill for the relief of Nuratu Olarewaju Abeke Kadiri. (H. Doc. 105–524);

H.R. 2652, to amend title 17, United States Code, to prevent the misappropriation of collections of information, amended (H. Doc. 105–525);

H.R. 3303, authorize appropriations for the Department of Justice for fiscal years 1999, 2000, and 2001; to authorize appropriations for fiscal years 1999 and 2000 to carry out certain programs administered by the Department of Justice; to amend title 28 of the United States Code with respect to the use of funds available to the Department of Justice, amended (H. Doc. 105–526);

H. R. 2886, to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System, amended (H. Doc. 105–527);

H.R. 3723, to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, amended (H. Doc. 105–528);

H. Res. 426, providing for consideration of H.R. 3534, to improve congressional deliberation on proposed Federal private sector mandates, (H. Doc. 105–529);

H. Res. 427, providing for consideration of H.R. 512, to prohibit the expenditure of funds from the Land and Water Conservation Fund for the creation of new National Wildlife Refuges without specific authorization from Congress pursuant to a recommendation from the United States Fish and Wildlife Service to create the refuge. (H. Doc. 105–530);

H. Res. 428, providing for consideration of H.R. 10, to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers (H. Doc. 105–531); and

H.R. 3616, to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, amended (H. Rept. 105–532). **Page H3104**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Petri to act as Speaker pro tempore for today. **Page H3025**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rabbi Mark S. Miller of Newport Beach, California. **Page H3029**

Recess: The House recessed at 1:04 p.m. and reconvened at 2:00 p.m. **Page H3029**

Presidential Message—Building Sciences: Read a message from the President, received on Monday, May 11, wherein he transmitted his annual report of the National Institute of Building Sciences for fiscal year 1996—referred to the Committee on Banking and Financial Services. **Page H3032**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Granite Watershed Enhancement and Protection Act of 1997: H.R. 2886, amended, to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System; **Pages H3032–33**

Miles Land Exchange Act of 1997: H.R. 1021, to provide for a land exchange involving certain National Forest System lands within the Routt National Forest in the State of Colorado; **Pages H3033–34**

Colorado FERC Project Deadline Extension: H.R. 2217, to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado; **Pages H3034–35**

Kentucky Hydroelectric Project Construction Deadline Extension: H.R. 2841, amended, to extend the time required for the construction of a hydroelectric project; **Pages H3035–36**

Winning the War on Drugs to Protect our Children: H. Res. 423, expressing the sense of the

House with respect to winning the war on drugs to protect our children (agreed to by yea and nay vote of 412 yeas to 2 nays, Roll No. 138);

Pages H3036–40, H3065

U.S. Patent and Trademark Office Reauthorization Act: H.R. 3723, amended, to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office; **Pages H3040–42**

Felony Violations for Failure to Pay Child Support Obligations: H.R. 3811, to establish felony violations for the failure to pay legal child support obligations (passed by yea and nay vote of 402 yeas to 16 nays, Roll No. 139); **Pages H3042–46, H3065–66**

Bulletproof Vest Partnership Grant Act of 1997: H.R. 2829, to establish a matching grant program to help State and local jurisdictions purchase armor vests for use by law enforcement departments (passed by yea and nay vote of 412 yeas to 4 nays, Roll No. 140). The House subsequently passed S. 1605, to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers, after amending it to contain the test of H.R. 2829, as passed the House. Agreed to amend the title; and H.R. 2829 was laid on the table;

Pages H3046–54, H3066–68

Honoring Law Enforcement Officers who have Died in the Line of Duty: H. Res. 422, expressing the sense of the House of Representatives that law enforcement officers who have died in the line of duty should be honored, recognized, and remembered for their great sacrifice (agreed to by yea and nay vote of 416 yeas with none voting ''nay'', Roll No. 141); **Pages H3059–62, H3067**

District of Columbia Special Olympics Law Enforcement Torch Run: H. Con. Res. 262, amended, authorizing the 1998 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; **Page H3062**

Seventeenth Annual National Peace Officers' Memorial Service: H. Con. Res. 263, amended, authorizing the use of the Capitol Grounds for the seventeenth annual National Peace Officers' Memorial Service; and **Pages H3062–63**

Greater Washington Soap Box Derby: H. Con. Res. 255, amended, authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby. **Pages H3063–64**

Personal Privilege: Representative Burton of Indiana rose to a point of personal privilege and was recognized for one hour. **Pages H3054–58**

Texas Low-Level Radioactive Waste Disposal Compact Consent Act: The House disagreed with the Senate amendment to H.R. 629, to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact; insisted on the House bill, and requested a conference. Appointed as conferees: Chairman Bliley, and Representatives Dan Schaefer of Colorado, Barton of Texas, Dingell, and Hall of Texas. **Pages H3068–74**

Canada-U.S. Interparliamentary Group: The Chair announced the Speaker's appointment of the following Members to the Canada-United States Interparliamentary Group, in addition to Representative Houghton, Chairman, appointed on April 27: Representatives Gilman, Hamilton, Crane, LaFalce, Oberstar, Shaw, Lipinski, Upton, Stearns, Peterson of Minnesota, and Danner. **Page H3074**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H3106–07.

Quorum Calls—Votes: Four yea and nay votes developed during the proceedings of the House today and appear on pages H3065, H3065–66, H3066–67, and H3067. There were no quorum calls.

Adjournment: Met at 12:30 p.m. and adjourned at 11:22 p.m.

Committee Meetings

AGRICULTURAL TRADE—MULTILATERAL NEGOTIATIONS—ASIA AND THE PACIFIC

Committee on Agriculture: Held a hearing to review the 1999 Multilateral Negotiations on Agricultural Trade—Asia and the Pacific. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Commerce: Subcommittee on Health and Environment approved for full Committee action the following measures: H.R. 2202, amended, National Marrow Donor Program Reauthorization Act of 1997; and H. Con. Res. 171, declaring the memorial service sponsored by the National Emergency Medical Services (EMS) Memorial Service Board of Directors to honor emergency medical services personnel to be the ''National Emergency Medical Services Memorial Service''.

HANFORD SPENT NUCLEAR FUEL PROJECT—MANAGEMENT PROBLEMS

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on Management Problems with the Department of Energy's Hanford Spent Nuclear Fuel Project. Testimony was heard from Representative Hastings of Washington; Gary L. Jones, Associate Director, Energy, Resources and Science Issues, Resources, Community and Economic

Development Division, GAO; John T. Conway, Chairman, Defense Nuclear Facilities Safety Board; the following officials of the Department of Energy: Ernest J. Montz, Under Secretary; and John Wagner, Manager, Richland Operations Office; and public witnesses.

OVERSIGHT—CREATING AN OFFICE OF FEDERAL MANAGEMENT

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information and Technology held an oversight hearing on Creating an Office of Federal Management. Testimony was heard from the following officials of the GAO: J. Christopher Mihm, Associate Director, Federal Management and Workforce Issues; and Paul L. Posner, Director, Budget Issues, Accounting and Information Management; the following officials of the Congressional Research Service, Library of Congress: Harold C. Relyea, Specialist and Virginia McMurray, Specialist, both with the American National Government Division; and Ronald C. Moe, Specialist, Government Organization and Management Division; and public witnesses.

BANKRUPTCY REFORM ACT

Committee on the Judiciary: Began consideration of H.R. 3150, Bankruptcy Reform Act of 1998.

Will continue tomorrow.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 3109, Thomas Cole National Site Act; and H.R. 1390, to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia. Testimony was heard from Representatives Solomon, Pallone, Regula and McCollum; Bill Shaddox, Acting Associate Director, Professional Services, National Park Service, Department of the Interior.

OVERSIGHT—CALFED

Committee on Resources: Subcommittee on Water and Power held an oversight hearing on California Federal Bay Delta Program (CALFED). Testimony was heard from David Potter, Chief Deputy Director, Department of Water Resources, State of California; and public witnesses.

MANDATES INFORMATION ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 3534, Mandates Information Act of 1998. The rule waives points of order against consideration of the bill for failure to comply with section 306 of the Budget Act (prohibiting consideration of legislation within the Budget Committee's jurisdiction, unless reported by the Budget Committee). The rule considers the amendment recommended by the Committee on Rules now printed in the bill as adopted and the bill, as amended, as original text for the purpose of further amendment which is considered as read. The rule allows the chairman of the Committee of the Whole to accord priority in recognition to those members who have preprinted their amendments in the Congressional Record prior to their consideration. The rule allows the Chairman of the Committee of the Whole to postpone recorded votes and reduce to five minutes the voting time on any postponed question, provided that the voting time on the first in any series of questions is not less than fifteen minutes. Finally, the rule provides one motion to recommit with or without instructions.

FINANCIAL SERVICES ACT

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of debate on H.R. 10, Financial Services Act of 1998. The rule provides that the amendment in the nature of a substitute printed in part 1 of the Rules Committee report shall be considered as an original bill for the purpose of amendment and that it shall be considered as read. The rule waives all points of order against that amendment in the nature of a substitute. The rule provides that no amendment to that amendment in the nature of a substitute shall be in order except those printed in part 2 of the Rules Committee report, which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent and shall not be subject to amendment except as specified in the report. The rule waives all points of order against the amendments printed in the report. The rule allows the Chairman of the Committee of the Whole to postpone recorded votes and reduce to five minutes the minimum time for electronic voting on any postponed votes provided that the voting time on the first in any series of questions shall be not less than fifteen minutes. Finally, the rule provides one motion to recommit with or without instructions.

NEW WILDLIFE REFUGE AUTHORIZATION ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 512, New Wildlife Refuge Authorization Act. The rule provides that the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 shall be considered as an original bill for amendment purposes, and provides that the

amendment shall be considered as read. The rule waives clause 7 of rule XVI (prohibiting nongermane amendments) against the amendment in the nature of a substitute. The rule permits the Chair to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. The rule allows the Chairman of the Committee of the Whole to postpone recorded votes and reduce to five minutes the minimum time for electronic voting on any postponed votes provided that the voting time on the first in any series of questions shall be not less than fifteen minutes. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Young.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on H.R. 3689, The Land Between the Lakes Protection Act of 1998 and on two Small Watershed Projects. Testimony was heard from Representatives Whitfield, Tanner, Bryant and Ryun; Ann W. Wright, General Manager, Land Between the Lakes, Golden Pond, Kentucky, TVA; and Lawrence E. Clark, Deputy Chief, Programs, Natural Resources Conservation Service, USDA.

VETERANS MEDICARE ACCESS IMPROVEMENT ACT

Committee on Ways and Means: Subcommittee on Health approved for full Committee action amended H.R. 3828, Veterans Medicare Access Improvement Act of 1998.

MISCELLANEOUS MEASURES

Committee on Ways and Means: Subcommittee on Trade approved for full Committee action amended the following bills; H.R. 3644, to amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to provide for the use of customs user fees for additional preclearance activities of the Customs Services; and H.R. 3809, Drug Free Borders Act of 1998.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 13, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, 10 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs, Subcommittee on Financial Institutions and Regulatory Relief, to hold hearings on proposed legislation to authorize funds for the Community Development Financial Institutions Fund (CDFI) program, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation, Subcommittee on Communications, to hold hearings to examine the Federal Communication Commission's oversight of the Wireless Bureau, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources, business meeting, to consider pending calendar business, 9:30 a.m., SD–366.

Committee on Foreign Relations, to hold hearings on the Montreal Protocol No. 4 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air (Ex. B, 95th Cong., 1st Sess.), the International Convention for the Protection of New Varieties of Plants (Treaty Doc. 104–17), the Grains Trade Convention and Food Aid Convention (Treaty Doc. 105–4), the Convention on the International Maritime Organization (Treaty Doc. 104–36), and the Trademark Law Treaty (Treaty Doc. 105–35), 10 a.m., SD–419.

Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine the economic and political situation in India, 2 p.m., SH–216.

Committee on Governmental Affairs, Subcommittee on International Security, Proliferation and Federal Services, to hold hearings on S. 1710, to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code, 2 p.m., SD–342.

Committee on the Judiciary, to hold hearings to examine whether tobacco legislation is constitutional, 10:30 a.m., SD–226.

Committee on Labor and Human Resources, business meeting, to consider H.R. 2614, to improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, and to ensure that children can read well and independently not later than third grade, and pending nominations, 9:30 a.m., SD–430.

House

Committee on Agriculture, Subcommittee on Forestry, Resource Conservation, and Research and the Subcommittee on Livestock, Dairy, and Poultry, joint oversight hearing on EPA activities related to concentrated animal feeding operations, 10 a.m., 1300 Longworth.

Committee on Banking and Financial Services, Subcommittee on Housing and Community Development, oversight hearing on Is FHA Limiting Choices for Home Finance? An Examination of Fair Housing Compliance, 10 a.m., 2128 Rayburn.

Committee on Education and the Workforce, hearing on First Things First: Review of the Federal Government's Commitment to Funding Special Education, 10 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, to grant Congressional immunity to four witnesses, 11 a.m., 2154 Rayburn.

Committee on International Relations, hearing on the Kyoto Protocol: Problems with U.S. Sovereignty and the

Lack of Developing Country Participation, 10 a.m., 2172 Rayburn.

Subcommittee on Western Hemisphere, to mark up the following resolutions: H. Con. Res. 254, calling on the Government of Cuba to extradite to the United States convicted felon Joanne Chesimard and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba; and H. Res. 421, expressing the sense of the House of Representatives deploring the tragic and senseless murder of Bishop Juan Jose Gerardi, calling on the Government of Guatemala to expeditiously bring those responsible for the crime to justice, and calling on the people of Guatemala to reaffirm their commitment to continue to implement the peace accords without interruption, 1:30 p.m., 2255 Rayburn.

Committee on the Judiciary, to continue consideration of H.R. 3150, Bankruptcy Reform Act of 1998; and to begin consideration of the following bills: H.R. 2604, Religious Liberty and Charitable Donation Protection Act of 1997; and H.R. 3736, Workforce Improvement and Protection Act of 1998, 10 a.m., 2141 Rayburn.

Committee on Resources, oversight hearing on the National Forest Foundation, 11 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 2431, Freedom From Religious Persecution Act, 2 p.m., H–313 Capitol.

Committee on Science, to mark up the following: H.R. 2544, Technology Transfer Commercialization Act of 1997; H.R. 3007, Commission on the Advancement of Women in Science, Engineering, and Technology Development Act; H.R. 3332, Next Generation Internet Research Act of 1998; and the Anti-Duplicative Regulations Act (Amendments to Fastener Quality Legislation); and pending Committee business, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, hearing on Surface Transportation Board Reauthorization: Rates, Access and Remedies, 10 a.m., 2167 Rayburn.

Joint Meetings

Commission on Security and Cooperation in Europe, to hold an open briefing on democratic development in Croatia, 10 a.m., 340 Cannon Building.

Next Meeting of the SENATE

9:30 a.m., Wednesday, May 13

Senate Chamber

Program for Wednesday: Senate will resume consideration of the motion to proceed to consideration of S. 1873, Missile Defense System, with a cloture vote on the motion to close further debate on the motion to proceed to consideration of the bill to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Wednesday, May 13

House Chamber

Program for Wednesday: Consideration of H.R. 3534, Mandates Information Act of 1998 (Open Rule, 1 hour of general debate); and

Consideration of H.R. 10, Financial Services Competition Act of 1997 (Structured Rule, 1 hour of general debate).

NOTE: The House will meet at 9 a.m. and recess immediately for the Former Members' Association Annual Meeting.

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